

Chapter 3

DISCIPLINE AND RESTORATION OF MINISTERS, OFFICERS AND SPECIAL CASES

A. Those Subject to Districts

1. Identification

5200. Those ordinarily subject to district jurisdiction include the following persons:

- (1) An ordained, commissioned or licensed minister.
- (2) A ministerial student.
- (3) A commissioned or licensed special worker.
- (4) A supply pastor.
- (5) A district officer.
- (6) A lay covenant member whose case has been assumed by the district (5125:3).

2. Discipline Without a Trial

5203. District officials and official bodies dealing with one of the above persons suspected of an offense as set forth in 5004 are bound to follow as much as is appropriate the provisions of 5008-5018 before taking the matter to trial.

3. Discipline Involving a Trial

5206. Jurisdiction. Original jurisdiction over the persons listed in 5200 ordinarily belongs to the district in which their ministerial membership, or for laypersons, their covenant membership, is held. The exceptions would be for those who serve as general officers or members of the General Board or who are otherwise employed by the General Board, and district superintendents. These are subject to the jurisdiction of the general Church (323:1; 1180:12; 5270).

(1) Jurisdiction shall be exercised on behalf of the district by the district board of administration for any and all charges brought against such persons.

(2) Accusations alleging an offense (5004) against one of the persons in 5200 shall be submitted to the district superintendent (1310:27; 5022). The

accusation shall then be presented to the district board of administration. Inquiry shall be made, and the district board of administration shall have charge of ordering an investigation (5012; 5024) and trial if necessary. Any charge must be sustained by two or more responsible covenant members or ministers of The Wesleyan Church.

(3) If an accusation alleges an offense committed by a person under the jurisdiction of the district in a district other than that in which the accused holds membership, the district superintendent and the district board of administration of the district in which the offense was allegedly committed shall have jurisdiction over the official investigation (5012). If a bill of charges is to be drawn up, it shall be submitted through the General Superintendent(s) to the district in which the accused holds membership.

5209. District Judicial Committee. Charges against a person under district jurisdiction shall be heard and determined by a district judicial committee. A district judicial committee is not a standing committee elected annually by the district conference or by the district board of administration. Each district judicial committee is created for a particular case. District judicial committees also are appointed for cases involving a local church or other unit (see 5310).

(1) A district judicial committee shall consist of four ordained ministers and three lay covenant members, selected by the district board of administration (1233:39), as the occasion may arise, from among its own members or the members of the district, and the district board of administration may request the area General Superintendent to appoint a general official as one member. In any case, the General Superintendent shall be notified of the trial. No one may serve as a member of a district judicial committee who is a member of the district board of review. The committee shall serve from the time of its appointment until it shall hear and determine the case.

(2) The district board of administration shall appoint the chair or may request the General Superintendent to do so. The chair of the district judicial committee shall preside over the trial and shall conduct it according to this Judiciary (5020-5068) and *The Discipline*.

(3) It shall be the duty of the district judicial committee to hear and determine the charges, to render a verdict concerning the guilt or innocence of the accused, and to recommend the penalty (cf. 5115; 5212; 5215), if any, to be imposed by the district board of administration. A two-thirds majority vote of all members of the district judicial committee shall be required for a verdict of guilty. The penalty may take the form of admonition, rebuke,

suspension, deposition or dismissal, and said board may also require repentance, apology or restitution as deemed necessary.

(4) An appeal may be taken by the accused concerning the verdict and/or penalty to the district board of review within thirty days (5062-5068; 5221).

4. Special Regulations

5212. The administration of discipline and penalties to credentialed persons under the jurisdiction of the district (5200:1-3) shall be in accord with the following regulations:

(1) **Indiscreet Conduct.** Whenever a minister, ministerial student, or special worker has been charged with an offense alleging immorality or crime and is not found guilty of such actions but rather of “high imprudence or indiscreet conduct,” the offender shall be subject to admonition, rebuke, suspension or deposition, according to the seriousness of the offense. (See 1 Tim. 5:19-20.)

(2) **Suspension.** Whenever a minister shall be suspended from the ministry, or a ministerial student or special worker shall be suspended from such office, all credentials shall be surrendered to the custody of the district superintendent (cf. 1310:27). Whenever such a person shall furnish the district superintendent a written apology acknowledging guilt and pledging to correct the matter, and gives evidence that the offense has ceased and that the person is repentant, the district board of administration may end the suspension, reinstate the person, and authorize the return of all credentials. If the written apology and assurance are not forthcoming, and the accused does not exercise the right of appeal, the district board of administration shall declare that the said person has withdrawn from the district, and said person’s credentials shall be forwarded to the General Secretary (cf. 1233:39; 1310:28; 5230).

(3) **Immorality and Crime.** Whenever a minister, ministerial student or special worker shall have been convicted by a judicatory of such immoral acts as fornication, adultery or homosexual behavior, or has confessed to such acts to the official body having jurisdiction, the individual shall be deposed from the ministry or from the office of a ministerial student or special worker, as the case may be (see 1 Cor. 5:1-13; 6:9-11). This shall not prohibit membership in a Wesleyan church when the guilty person repents and demonstrates a Christian life according to the standards of The Wesleyan Church. Anyone who has been deposed for such an offense may be considered for restoration as provided for in 5230-5251.

(4) **Deposition** (5115:4). A minister who has been deposed from the ministry, or a ministerial student or special worker who has been deposed from such office, shall immediately surrender all credentials to the district superintendent (cf. 1310:27; 3085:4; 5230), shall cease to exercise any of the functions of the ministry, or of a commission or license, as the case may be, and shall not occupy any pulpit in The Wesleyan Church. Such a person's compensation and benefits, or a comparable family living allowance, shall cease after 30 days, and, if the deposed person is a pastor, the parsonage shall be vacated within 30 days; any further compensation and/or benefits, or family allowance, or rights to occupy the parsonage, may be granted upon approval by the local board of administration, the district superintendent, and the area General Superintendent. Whenever anyone who has been expelled from the ministry or a commission or license shall appeal, the penalty may be deferred with the exception that such a person shall be suspended from the exercise of any office or of any particular service while the appeal is pending (cf. 5066).

(5) **Dismissal** (5115:5). In cases where the actions or the attitude of the deposed person is especially grievous, the district board of administration has full power to dismiss the person from covenant membership in The Wesleyan Church, and the involved local church, when officially informed of this action, shall so indicate in its membership records. If the district board of administration deposes the person but does not choose to dismiss from covenant membership, the district secretary shall notify the local church of the accusations, findings, and penalty and leave the matter of local church membership to the local church.

5215. The administration of discipline and penalties to other persons under the jurisdiction of the district (5200:4-6) shall be in accord with the following regulations:

(1) A supply pastor who is a minister or a member of another denomination or who is a minister in process of transfer from another denomination is not subject to trial or appeal by The Wesleyan Church. Such a person may simply be removed from appointment by the district board of administration (3104:4; 3260:5); the results of the district's investigation may be shared with officials of the other denomination. If the supply pastor is a minister or a lay covenant member in another Wesleyan district, the results of the district's investigation should be shared through the General Superintendent(s) with the district in which the accused holds membership (cf. 5206:3). If the supply pastor is a lay covenant member of the district where serving, the case would be handled in the same way as that of a lay covenant member whose case has been assumed by the district (5215:2).

(2) A lay district officer or a lay covenant member whose case has been assumed by the district shall be subject to the judicial jurisdiction of the district. Such cases would be tried by a district judicial committee (5209). The district board of administration can assign any penalty (5115), including dismissal from local church membership. Appeals (5062-5068) would be to the district board of review (5221:1).

5. District Board of Review

5218. Each established district shall have a district board of review consisting of four ordained ministers and three lay covenant members, elected annually by the district board of administration (1233:25; 1370). They shall be members within the district and shall not, at the same time, be members of the district board of administration. The district board of administration shall also elect two ordained ministers and two lay covenant members as alternates who shall serve in the order of their election whenever a member is disqualified for a particular case (5054) and shall also fill any vacancies in the order of their election. The district board of review shall organize itself and elect its own officers, and shall see that complete records of all proceedings and cases are kept (cf. 5056). The organizational meeting may be conducted by conference telephone call. The board shall meet as it deems necessary or as requested by the district board of administration. The chair shall see that proceedings are conducted in keeping with the rules of procedure (5020-5068) and other provisions of *The Discipline*. The board shall also be authorized to cite any member(s), minister(s) or local church(es) through their officials to appear and to testify concerning matters brought before the district board of review (5036-5038). The records of the district board of review shall be placed in the custody of the officer designated by the district board of administration.

5219. A member of the district board of review shall be disqualified for a particular case, when the member is personally interested or involved in the case, closely related to any parties involved, or has been active for or against either party in the matter to be heard and determined by the district board of review. Any member of the district board of review may be challenged for such reasons or for other reasons, and the allowance of such challenges shall be decided by the remaining members of the district board of review. Whenever a member is disqualified, the chair shall appoint an alternate for the hearing of that particular case (5218) in such a manner as to maintain the minister/lay ratio. Any other type of vacancy shall be filled by election by the district board of administration.

5221. The duties and powers of the district board of review are:

(1) To hear and determine the appeal of a lay covenant member or of a local board of administration concerning the results of a local church trial or the appeal of a lay covenant member concerning the results of a district trial held in lieu of a local church trial (5110:3-4; cf. 5125:3; 5209:4; 5215:2); to sustain, modify or revoke, in whole or in part, the verdict and/or the penalty as set forth in 5062-5068, by a majority of all members of the district board of review (302:4), provided that if the accused has been previously found innocent, it shall require a two-thirds majority of all members of the district board of review to find the accused guilty.

(2) To hear and determine the appeal of a minister or other person under the jurisdiction of the district (5200) or of the district board of administration concerning the results of a trial before a district judicial committee; to sustain, modify, or revoke, in whole or in part, the verdict and/or the penalty as set forth in 5062-5068, by a majority of all members of the district board of review (313:7), provided that if the accused has been previously found innocent, it shall require a two-thirds majority of all members of the district board of review to find the accused guilty.

(3) To hear and determine the appeal of a lay covenant member or minister or a local board of administration when the grievance of the lay covenant member or minister against the local church has been heard and decided by a district judicial committee; to sustain, modify, or revoke, in whole or in part, the verdict and/or the penalty as set forth in 5062-5068, by a majority of all members of the district board of review, provided that if the accused has been previously found innocent, it shall require a two-thirds majority of all members of the district board of review to find the accused guilty.

(4) To hear and determine the appeal of either local church when one has defended itself against the complaint of the other before a district judicial committee; to sustain, modify, or revoke, in whole or in part, the verdict and/or the penalty as set forth in 5062-5068, by a majority of all members of the district board of review, provided that if the accused has been previously found innocent, it shall require a two-thirds majority of all members of the district board of review to find the accused guilty.

(5) To hear and determine the appeal of a local church or other unit or of the district board of administration concerning the results of charges against and trial of the local church before a district judicial committee; to sustain, modify, or revoke, in whole or in part, the verdict and/or the penalty as set forth in 5062-5068, by a majority of all members of the district board of review, provided that if the accused has been previously found innocent, it

shall require a two-thirds majority of all members of the district board of review to find the accused guilty.

(6) To hear and decide any other cases as shall be referred to it by the district conference (1180:44) or the district board of administration (1233:35).

6. Exceptions in Jurisdiction

5227. There are situations as provided for in 365 in which jurisdiction over a minister or other credentialed person or a district officer may be assumed by the General Church.

(1) If such a person is also a general officer, a member of the General Board or otherwise employed by the General Church, or is a district superintendent, full jurisdiction over all offenses passes to the General Church, with full authority to fix the penalty, if any, including deposition from office, deposition from the ministry and dismissal from covenant membership.

(2) If a minister or other credentialed person or a district official is alleged to have committed offense(s) which affect The Wesleyan Church beyond the district where membership is held, and/or the district is unable or unwilling to deal appropriately with the matter, the Board of General Superintendents may recommend and the Executive Board by a two-thirds vote may authorize assumption of jurisdiction in the case by the General Church. Investigation, trial and appeal would be in accord with General Church procedure.

7. Restoration of Ministers

5230. If an ordained minister or commissioned minister, because of guilt in an offense which disqualifies the minister from being an ordained minister or commissioned minister, has either voluntarily surrendered ministerial credentials (3059:3d; 3085:4) or been required to surrender them, the credentials shall be forwarded to the General Secretary, to be filed and preserved.

5233. The district in which the disqualified person is a member shall take initiative to express its desire for and commitment to the restoration of that person, with God's help, to a holy life and relationship. If the disqualified person expresses a repentant spirit and a desire to reestablish ministerial calling, practice and credentials with The Wesleyan Church, the district may initiate a process which potentially could lead to ministerial restoration.

5236. An ordained, commissioned or licensed minister, or ministerial student, who has been expelled from the ministry of The Wesleyan Church, either through voluntary surrender of credentials

because of guilt (3059d; 3085:4) or through judicial process and disciplinary action, other than that considered in 3124, may be restored to the previous level of credentialing in The Wesleyan Church, provided that the disqualified person shall have shown evidence of repentance and amendment of life, and provided that such is approved by the district board of administration of the district from which withdrawn or expelled, and if such is recommended by the district board of ministerial development of the district in which ministerial standing is sought and if such restoration is voted by the district board of administration of the district in which standing is sought. In the case of immorality or crime, to which the minister has confessed guilt or for which guilt was declared by judicial process, such restoration may be accomplished only with the additional approval of the General Board (5245).

5239. The district and the involved person, under the direction of and subject to the approval of the area General Superintendent, shall develop a specific plan and process of restoration, communication and assessment. The plan shall follow guidelines established by the General Board. The plan shall not be initiated until the involved person has fully conformed with the requirements of 5212:4. Once the plan is initiated, a record of progress shall be maintained by the district superintendent and the district board of ministerial development, with regular reports to the area General Superintendent, and reports to the district board of administration.

5242. If adequate progress is observed and restoration criteria are met, and if a mutual desire of ministerial restoration is expressed by the person, the district officials and the area General Superintendent, then steps may be taken for restoration of credentials and, subsequently, opportunity for ministerial assignment. Based on such an approved program of spiritual restoration, the restoration of ministerial credentials could be effected after a minimum of three years from the time the plan of restoration was agreed upon, signed and implemented.

5245. When a request for restoration of a minister in a case such as that described in 5236 has received the approval of the appropriate local and district bodies, it shall be processed as follows:

(1) The request shall be directed to the area General Superintendent who shall ascertain if indeed all required district actions have been taken.

(2) The area General Superintendent shall review the entire matter and make recommendation for or against restoration to the Board of General Superintendents.

(3) The Board of General Superintendents shall then either recommend for or against restoration in presenting the matter to the General Board.

5248. In no case shall a minister who has been restored and then falls again be considered for restoration.

5251. An ordained, commissioned or licensed minister, or ministerial student who has been disqualified for the ministry through a remarriage following a divorce for reasons other than the sexual sin of the spouse contrary to the Scriptures and the Covenant Membership Commitments (265:5; cf. 3108), may be restored to former credentials if such person has manifested repentance and has been approved, recommended, and voted restoration by the various bodies designated in 5236 (cf. 410:6b).

B. Those Subject to the General Church

1. Identification

5270. Those subject to General Church jurisdiction include the following persons:

(1) A general official (1800; cf. 360:2; 1655:36).

(2) An area representative of the General Board (cf. 1655:36).

(3) A district superintendent (cf. 323:1; 360:2; 1655:36).

(4) A member or minister of The Wesleyan Church who is serving under the jurisdiction of the General Board, including any who are elected or employed by the General Board for full-time service for the General Church (cf. 323:1; 1655:26), missionaries or workers under the General Department of World Missions or the General Department of Evangelism and Church Growth (cf. 323:1; 1655:26), members of boards elected by the General Board (cf. 1655:18), and any others amenable to the General Board.

(5) A district officer or a minister or other credentialed person the assumption of whose case by the General Board has been authorized by the Executive Board (5227).

2. Discipline Without a Trial

5273. General officials and official bodies dealing with one of the above persons suspected of an offense are bound to follow as much as is appropriate the provisions of 5008-5018 before taking the matter to trial.

3. Discipline Involving a Trial

5276. Jurisdiction over the persons listed in 5270 belongs to the General Board and its Executive Board. Ordinarily members of boards elected by the General Board would first be subject to the jurisdiction of the board to which they are elected. But if such matters are not dealt with appropriately, the Board of General Superintendents may recommend and the Executive Board by a two-thirds vote may authorize assumption of immediate jurisdiction in the case by the General Board.

5279. If the accused is a general official, an area representative of the General Board, or a district superintendent, any accusation alleging an offense set forth in 5004 shall be submitted in writing (5022) to the chair of the General Board and must be sustained by at least three responsible lay covenant members or ministers of The Wesleyan Church. The General Superintendents shall make inquiry as required in 5012. If a trial is necessary, the General Board may appoint or authorize its Executive Board to appoint a general judicial committee, with the chair appointed by the Board of General Superintendents. A two-thirds majority vote of all members of the general judicial committee shall be required for a verdict of guilty. The General Board shall determine the penalty (5115; 5212), which may take the form of admonition, rebuke, suspension, deposition or dismissal, and said board may also require repentance, apology or restitution as deemed necessary. Whenever it is deemed necessary, the General Board may remove a general official elected by the General Conference, an area representative of the General Board or a district superintendent from office by a two-thirds majority vote of all its members (1655:39a), and by a similar two-thirds majority vote of all its members may depose such a person from the ministry and/or dismiss such a person from covenant membership. In the case of a general official elected by the General Board, a majority of all the members of the General Board would be required to remove such a person from office (1830), but a two-thirds majority vote of all members of the General Board would be required to depose such a person from the ministry and/or dismiss such a person from covenant membership. An appeal on the deposition from the ministry or dismissal from covenant membership can be taken to the General Board of Review (5445:5).

5282. If the accused is a member or minister under the jurisdiction of the General Board (5270:4), an accusation or complaint shall be submitted to the general official to which the accused is amenable or to a General Superintendent. The General Board or its Executive Board shall decide on the disposition of such accusations or charges (5004) in a manner parallel to

that of 5279. If it is deemed necessary, the General Board may remove such a person from office by a majority of all members of the General Board (1655:39b), and by a two-thirds majority vote of those present and voting may depose such a person from the ministry and/or dismiss such a person from covenant membership. An appeal (5062-5068) on the deposition from the ministry and/or dismissal from covenant membership can be taken to the General Board of Review (5445:5).

5285. If the accused is one described in 5270:5, removal from office would be by majority vote of General Board members' present and voting, deposition from the ministry or removal from covenant membership would require a two-thirds majority vote of those present and voting. An appeal (5062-5068) on the deposition from the ministry and/or dismissal from covenant membership would be taken to the General Board of Review (5445:5).

4. Power of Removal

5288. The General Board, the Board of Pensions, the Board of Directors of the Wesleyan Investment Foundation, the board of trustees of an educational or benevolent institution, and other such governing boards shall have full power and authority to discharge at their discretion any officer or employee thereof (with the exception of those in 5270:1-4 which shall be limited to the General Board) who shall be guilty of any immoral conduct or breach of trust, or who for any reason is unable, or who fails to perform the duties of their office, or for other misconduct which any of said boards may deem sufficient to warrant discharge. The action of such board in removing such officer or employee in the circumstances above set forth shall be final. Any governing board of a subsidiary corporation, or of any educational or benevolent institution, shall have the right to recommend the removal of any of its members to the General Board, which shall have power to sustain or reject such a recommendation (cf. 1655:17,39b). There is no appeal for removal from office.