

### **RATIONALE FOR CHANGE**

Our process of investigation and trial for charges against clergy needs to be changed to include significant lay involvement. Even though this may be a long-term process the petitions are offered as a starting point.

Laity deserve to have significant voice in the investigation of charges against clergy and in the Trial Court where chargeable offenses are referred to trial. From the church perspective, the impact on a local church by a pastor's misconduct is borne by the laity of that church while the clergy person involved generally moves away from the impact upon the local church. That is to say, laity have to live with the mistakes in the environment affected. Laity also represent the vast majority of membership as well as financial support of the UMC. The empowerment of the laity has been developing as a strong tenant of the United Methodist Church for several decades.

The Church can no longer afford to tolerate the exclusion of laity from the process of accountability in clergy investigation, charge, trial and appeal. The same reasoning applies here as did for the inclusion of laity on the Board of Ordained Ministry. Additionally:

- 1 Until laity are significantly involved in the process, clergy of the United Methodist Church are subject to the same criticisms as are being leveled against Roman Catholic clergy dominance, self-investigation and self-protection. There is a serious conflict of interest to expect a clergy in full connection to charge, find reasonable cause, convict or deny appeal of an Episcopal leader.
- 2 Many clergy naturally want to make the Trial Court more church like, focusing exclusively on reconciliation and redemption. This tendency is in and of itself a conflict of interest for the upholding of church law.
- 3 There are also serious concerns as to the independence of decision making for persons in an order of ministry having sole responsibility to find reasonable cause, convict, punish or deny appeal for fellow members of the brother/sisterhood. For any review to be creditable there must be a significant compelling independent voice present in the deliberations and process. Usually this voice should comprise a majority of the vote.
- 4 The implication and perception of a lack of accountability within the church in these situations is enormous and compelling in the day in which we live where clergy misconduct is reported on a regular basis.
- 5 The perception that clergy will not referred to trial, convict, uphold the verdict and punish persons of the same order of ministry for anything other than the most grievous offense simply will not "fly" in today's world.
- 6 The current cloud of doubt must be removed for clergy's benefit as well as the Church's integrity. Today's atmosphere of suspicion and reoccurring misconduct by clergy must be overcome by clear and convincing impartial, independent accountability.
- 7 Progressive change has been made for including laity in the Committee on Appeals. The inclusion of laity needs to be extended to the investigation and trial court phases of "Fair Process".