

SUBJECT TO FINAL EDITING

JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

DECISION NO. 1481

[Docket No. 0423-04]

IN RE: Review of a Bishop’s Ruling on Questions of Law Raised During the October Special Session of the Northeast Jurisdictional Conference Regarding Whether Said October Session Is a Legitimate Jurisdictional Conference that Is in Compliance and in Keeping with ¶¶ 27, 518 and 521 of the 2016 Book of Discipline Including the Open Meeting Mandates of ¶ 722 and Whether the Special Session violates the Northeast Jurisdictional Conference Rules, Given that the Body Did Not Adopt a Format to Govern Electronic Meetings, as Required by Roberts Rules of Order?

DIGEST

Annual, central, and jurisdictional conferences may use electronic means such as Zoom and other online platforms to conduct their sessions, provided the conference and voting process are conducted in an open and fair manner and all requirements of the *Discipline* are met. The decision of Bishop John R. Schol is affirmed.

STATEMENT OF FACTS

On September 8, 2022, the College of Bishops of the Northeast Jurisdiction, called a virtual Special Session of the Northeastern Jurisdictional [hereinafter NEJ] Conference for October 15, 2022, for the specific purpose to hear reports from the NEJ Episcopacy Committee and the NEJ College of Bishops regarding episcopal elections and to conduct a vote by the delegates on the number of bishops to elect during the regularly scheduled Jurisdictional Conference set for November 2-4, 2022.

The call letter and all the materials, procedures, reports, and rules for the special called session were sent to all participants in advance of the session. The need for such a special session was to clarify the number of Bishops to be elected. The virtual Special Session lasted four and a half hours and the Conference voted to elect two bishops. During the session, the Jurisdictional Conference Rules were adopted; reports were given; different motions and amendments were made, with speeches for and against; and points of order were raised and responded to.

Moreover, the delegates participated in small group conversations about the reports and recommendations, and multiple questions were asked by the delegates via the chat feature and responded to in open session by the chairperson of the NEJ Episcopacy Committee and a representative of the College of Bishops. In addition to the Zoom participation by the delegates, a YouTube link was provided to allow for wide, real-time viewing of the Special Session by non-delegates. A total of 894 people viewed the entire session or parts of it.

Toward the end of the Zoom conference session, a clergy delegate [hereinafter Movant] posed the following Question of Law:

Is the special 10/15 session — held virtually using Zoom webinar with chat function regularly disabled and without the capacity for delegates to see and speak to one another and confer — a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521 and in accordance with the mandate for open meetings prescribed by par 722? And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?

On November 14, 2022, Bishop John R. Schol issued the following Decision of Law, which states (in relevant parts):

Analysis and Rationale

The virtual Special Session of the Northeastern Jurisdictional Conference was conducted under 1) The 2016 Book of Discipline as amended, 2) relevant Pennsylvania statutes, the state of its incorporation, 3) the Jurisdiction's own rules, and 4) Roberts Rules of Order insofar as any issues are not covered by any of the forgoing [*sic.*] authorities. The governance for such a meeting would follow in the above order as well.

Rev. Dr. Jay Williams' question' while seemingly interrelated is actually three distinct questions. The first is disciplinary related to three specific paragraphs of The Book of Discipline and in accordance with "holy conference," a non-disciplinary term. The second is a question related to ¶ 722 and was the Conference an open meeting. The third question is a parliamentary question, did the Conference follow its rules. [*sic.*]

1. "Is the special 10/15 session — held virtually using Zoom webinar with chat function regularly disabled and without the capacity to see and speak to one another and confer — a legitimate jurisdictional conference that is in order and keeping with the mandate to holy conference, according to paragraphs 27, 518, 521, and
2. [Is the special 10/15 session] in accordance with the mandate for open meetings prescribed by ¶ 722?
3. And is the special session also in violation of the NEJ Rules, given that the body did not adopt a format to govern electronic meetings, as required by Roberts Rules of Order?"

Regarding the first question, while the Special Session followed paragraphs 27, 518 and 521, the question asks for a ruling if the Special Session was in keeping with the mandate “to holy conference.” A thorough search of The Book of Discipline reveals that there is no phrase “holy conference” or “holy conferencing” upon which to base a ruling of law. Paragraphs 27, 518 and 521 do not include the phrase, nor any other guidance on such conferencing other than to recite the duties and responsibilities of a Jurisdictional Conference all of which were followed.

The second question, which references ¶ 722 addresses the recommendation that church meeting/conference be open. The virtual Jurisdictional Conference was open to non-voting people along with the delegates and the Jurisdictional Conference had 894 visitors through YouTube. Furthermore, just as none of the identified paragraphs in the request for a ruling of law preclude the voting delegates from meeting electronically, nothing in The Book of Discipline suggests that a virtual Jurisdictional Conference or any other virtual meeting cannot qualify as “open” within the meaning of ¶ 722.

The third question raises a parliamentary issue related to the NEJ rules of order and Roberts Rules of Order. A parliamentary matter is the business of the session (Judicial Council Decisions 898, 1117, 1131, and 1252). Such parliamentary questions do not qualify as questions of church law within the meaning of Discipline ¶¶ 51 and 2609.6.

Rulings

1. Ruling — the Special Session followed paragraphs 27, 518 and 521 and was a legitimate jurisdictional conference but a ruling regarding if the conference was in keeping with “to holy conference” cannot be ruled on because The Book of Discipline does not use or interpret the term “holy conference.”
2. Ruling — The Special Session of Northeastern Jurisdictional Conference was an open meeting within the meaning of ¶ 722, in that all non-members were free to attend and observe the meeting in real-time via live-streaming on YouTube.
3. Ruling — This is a parliamentary question, not a question of law, and therefore cannot be ruled on.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2609.6 of *The 2016 Book of Discipline* [hereinafter the *Discipline*].

ANALYSIS AND RATIONALE

None of the disciplinary provisions cited by the Movant in his request prescribe a particular form of conferencing. Notably, the *Discipline* does not prohibit the use of electronic means such as Zoom or other digital platforms to conduct a session of annual, central, or

jurisdictional conference. In the exigence of a global pandemic, holding a virtual conference session is permissible, provided all other requirements of the *Discipline* are met. In the instant matter, the record shows that the special called session of the NEJ Conference held virtually on October 15, 2022, satisfied all applicable disciplinary and procedural requirements.

We also concur with the bishop that the third part of the question is improper because it concerns a parliamentary matter and cannot be adjudicated. *See* JCD 1187, 1205, 1356, 1339, 1458, 1460, 1463, 1474, 1475.

DECISION

Annual, central, and jurisdictional conferences may use electronic means such as Zoom and other online platforms to conduct their sessions, provided the conference and voting process are conducted in an open and fair manner and all requirements of the *Discipline* are met. The decision of Bishop John R. Schol is affirmed.

April 25, 2023