



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'EGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



Petition for Declaratory Decision

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (§ 2610.1)
- any act or legislation of a General Conference (§ 2610.1)
- any proposed legislation (§ 2609.2)

Name of body authorized to make a Petition (§ 2610.2): COUNCIL OF BISHOPS
 Date of session: 12/21/22 (month/day/year) Location: ZOOM MEETING
 Name of Secretary: BISHOP JONATHAN HOLSTON
 Address: 100 MARYLAND AVE. NE, SUITE 320 City: WASHINGTON D.C.
 State/Province: _____ ZIP/Postal Code 20002 Country: USA
 Phone: 202-547-6270 Fax: _____ E-mail: jholston@umcsc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):

Book of Discipline: 413.3d(ii)
 Legislation: _____
 Act of General Conference: _____

Signature: 
Secretary of the Conference/Body

Date: December 21, 2022
 (month/day/year)

The following must be attached:

- Text of the written Petition for Declaratory Decision as originally presented
- Minutes of proceedings
- List of names and addresses of interested parties, including eu mail
- Other relevant materials (e.g. conference rules, resolutions, policies, reports)

➤ Send electronic copy of this form and all materials in PDF and Microsoft Word format to: **secretary@umcjudicialcouncil.org**

➤ Mail thirteen (13) sets of hard copies to:
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,
 1215 Shady Lane, Durham, NC 27712**

IN THE JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH

IN THE MATTER OF QUESTIONS RELATED TO
PARAGRAPH 413 OF THE 2016 BOOK OF DISCIPLINE

REQUEST FOR DECLARATORY DECISION

The Council of Bishops of the United Methodist Church ("COB") submits this request for declaratory decision on the following questions related to the 2016 Book of Discipline of The United Methodist Church ("the Discipline"):

Question 1: Are the provisions of ¶ 413.3d(ii) & (iv) constitutional since they do not prescribe actual processes to be followed that can be evaluated in light of the fair process provisions of ¶¶ 20, 58 and 361.2 and the constitutional issues discussed in Decisions 1366 and 1383 and Memorandum 1408?

Question 2: Are the provisions of ¶ 413.3d(ii) & (iv) consistent with the guarantees of fair process in ¶ 361.2?

Question 3: Are members of the Council of Bishops who are in retired relation and have no vote allowed to participate in the process of ¶ 413.3d(ii) & (iv)?

Question 4: ¶ 413.3d(ii) provides that if within 180 days of the receipt of a complaint against a bishop "the supervisory response does not result in the resolution of the matter, and the president or secretary of the College of Bishops has not referred the matter as either an administrative or judicial complaint, then the matter will *move to*" a panel of bishops selected by the Council of Bishops as provided therein. (a) Does moving the matter to a panel selected by the Council of Bishops mean that the supervisory response starts anew? (b) Since ¶ 413.3d(ii)(2) indicates that the panel of bishops from the jurisdictional conferences "shall then continue the supervisory response process and, within 180 days, either dismiss or refer the complaint, as required above," (i) does that language define and limit the role and authority of the panel to determining whether to dismiss the complaint or refer the complaint as an administrative or judicial matter; (ii) does that language preclude the panel from negotiating and agreeing to a just resolution of the complaint; (iii) does that language give final authority for dismissing or referring the complaint and possibly negotiating a just resolution to the panel or must the panel recommend action to the Council of Bishops as a whole for a final decision; and (iv) does the absence of that language in ¶ 413.3d(ii)(1) regarding the

REQUEST FOR DECLARATORY DECISION
OF THE COUNCIL OF BISHOPS
REGARDING PARAGRAPH 413
OF THE 2016 BOOK OF DISCIPLINE

corresponding panels in central conferences mean that such central conferences do not have the same authority or limitations on authority that apply to ¶ 413.3d(ii) panels in jurisdictional conferences?

Question 5: Regarding the panels provided for in ¶ 413.3d(ii): (a) may the panels include additional persons such as bishops and laypersons who were already a part of the supervisory response team under ¶ 413.3d or are the panels limited to bishops who were not members of the supervisory response team before the matter was moved to the Council of Bishops panel; (b) if not, may the panel include such persons from the previous supervisory team or others, including laypersons, in the panel's work; (c) may the panels of bishops referred to in ¶ 413.3d(ii)(1) & (2) include bishops who are in the retired relation; (d) may the bishops serving on the panels be members of the same College of Bishops as the respondent bishop; (e) if the entire College of Bishops in which the respondent bishop is a member are also named in the same complaint or a related complaint based on conduct of members of the college involving the respondent bishop, does the requirement of a bishop "from each jurisdictional conference" preclude the use of ¶ 413.3d(ii)(2) since there is no bishop in the respondent bishop's jurisdiction who does not have a conflict of interest; and (f) if subpart (e) above precludes there being a bishop from one jurisdictional conference represented on the panel, does that violate the constitutional guarantees of ¶¶20 and 58?

Question 6: To whom do the panels provided for in ¶ 413.3d(ii) refer the complaints and does the Council of Bishops have any role in approving or ratifying the panel's decision? May the Council of Bishops override a decision of the panel?

Question 7: Does the authority given to the Council of Bishops in ¶ 413.3d(iv) have any limitation on when that authority may be exercised? What procedures are applicable under ¶ 413.3d(iv) if a case is removed by the Council of Bishops? What limitations, if any, are there on the Council of Bishops if the authority under ¶ 413.3d(iv) is exercised? Are the provisions of ¶ 413.3d(ii) applicable if the matter is removed by the Council of Bishops pursuant to ¶ 413.3d(iv)?

Question 8: Does the holding in Memorandum 1450 preclude any appeal by the respondent bishop from any action taken by the Council of Bishops or a panel of the council under the authority provided for in ¶ 413.3d(ii) & (iv)? Does ¶523's statement that "[a]ny bishop shall have the right of appeal to the Judicial Council" provide a respondent bishop with a right of appeal from any action taken by the Council of Bishops or a panel of the council under the authority in ¶ 413.3d(ii) & (iv)? Does ¶2718.3 & .4 give the respondent bishop a right of appeal from any action taken by the Council of Bishops or a panel of the council under the authority in ¶ 413.3d(ii) & (iv)?

The Council of Bishops authorized the filing of this request for declaratory decision by a vote of 42 in favor and 10 against on December 21, 2022. A copy of the minutes are attached to this request as Exhibit A.

Jurisdiction

The Judicial Council has jurisdiction in this matter pursuant to ¶ 2610.2b.

Rationale

Paragraph 413.3d(ii) & (iv) of the 2016 Book of Discipline provides as follows in relevant part:

(ii) If within 180 days of the receipt of the complaint by the president or secretary of the College of Bishops (as specified in ¶ 413.2), the supervisory response does not result in the resolution of the matter, and the president or secretary of the College of Bishops has not referred the matter as either an administrative or judicial complaint, then the matter will move to:

(1) In the case of a bishop from one of the central conferences, a panel of three bishops, one from each continent, as selected by the Council of Bishops, or

(2) In the case of a bishop from one of the jurisdictional conferences, a panel of five bishops, one from each jurisdictional conference, as selected by the Council of Bishops, who shall then continue the supervisory response process and, within 180 days, either dismiss or refer the complaint as required above.

...

(iv) The Council of Bishops may, at any time in the process, after a complaint is filed, including after a just resolution, remove the complaint from the College of Bishops to the Council of Bishops with a two-thirds vote by the Council.

This paragraph of the Discipline was adopted by the General Conference in 2016:

Complaints Against Bishops Moved From College to Council of Bishops

KIMBERLY REISMAN: Our second item is found on DCA p. 2215, Item No. 453. It can also be found on ADCA p. 1154. We're dealing with Petition No. 60130,

**REQUEST FOR DECLARATORY DECISION
OF THE COUNCIL OF BISHOPS
REGARDING PARAGRAPH 413
OF THE 2016 BOOK OF DISCIPLINE**

which takes up paragraph 413.3. The committee is recommending that you adopt the petition as it has been amended. There were 49 members voting with 36 in favor and 13 opposed. The committee amended the petition by adding a Roman numeral number four (IV), which reads, “The Council of Bishops may, at any time in the process, after a complaint is filed, including after a just resolution, remove the complaint from the College of Bishops to the Council of Bishops with a 2/3 vote by the council.” The rationale for this is that the change ensures the petition ensures the timely processing of complaints against bishops in a manner that is consistent with established review processes and that minimizes extra costs. Additionally, the amendment provides continuity between the College and the Council of Bishops in the complaint process.

BISHOP BICKERTON: Calendar Item 453 is properly before you. Anyone wish to speak? You ready to vote? If you would support Calendar Item 453, press one (1) on your key pad; if not press two (2). Please vote now.

(vote in progress)

BISHOP BICKERTON: And you have approved it. Thank you. Thank you, Kim.

[Yes, 693; No, 111]

Daily Christian Advocate (“DCA”), p. 2465 (May 16, 2016). The adoption of this legislation adding subparagraph (ii) to ¶ 413.3d immediately followed the adoption of the proposed amendment to ¶ 50 that added this sentence to that paragraph pending ratification by the annual conferences:

These provisions shall not preclude the adoption by the General Conference of provisions for the Council of Bishops to hold its individual members accountable for their work, both as general superintendents and as presidents and residents in episcopal areas.

DCA, p. 2464. The amendment to ¶ 50 was ratified by the requisite number of annual conferences and the votes were canvassed by the Council of Bishops at its May 2018 meeting and results announced at that time.

Following the adoption of the amendment to ¶ 50, the Judicial Council issued Decision 1366 in which it addressed constitutional issues related to proposed petitions of the Traditional

**REQUEST FOR DECLARATORY DECISION
OF THE COUNCIL OF BISHOPS
REGARDING PARAGRAPH 413
OF THE 2016 BOOK OF DISCIPLINE**

Plan related to accountability of bishops. That decision contained a number of statements that impact the questions set forth in this request for declaratory decision:¹

Under this provision, the Council Relations Committee [hereinafter CRC], composed of three members of the COB, receives complaints referred to it by the COB or by seven active members, conducts administrative hearings, and reports its decision to the COB, which may affirm or reverse the decision. Although it may be warranted by ¶ 50 under a broad construction of the phrase “hold its individual members accountable for their work,” this process runs afoul of other provisions in the Constitution. There is no separation of prosecutorial and adjudicative functions because they are combined in one and the same body. The same body that refers the complaint to the CRC is also the final arbiter in administrative matters. This is underscored by the provisional nature of the CRC’s decision as shown in the sentence: “The Council of Bishops may affirm or reverse the decision of the committee.” [emphasis added]. It does not make any difference that the language is permissive (i.e. “may” as opposed to “shall”), for the committee’s “decision” (¶ 422.5(a)) or “recommendation” (¶¶ 408.3(c), 410.5) is subject to affirmation or reversal by the COB. In any event, the COB has complete control over the outcome of the administrative process, which it initiates. The COB was not designed to function like an inquisitorial court tasked with enforcing doctrinal purity within its ranks.

This arrangement poses significant dangers to a person’s right to a fair and unbiased determination of her or his case. There are no safeguards put in place to guarantee an impartial process carried out by an independent body. Not only is the CRC elected by and composed of members of the COB, but also the legislation does not explicitly bar a CRC member from voting on a COB motion to refer a complaint or from joining six other active members to recommend involuntary leave of absence or involuntary retirement; nor does the provisions contain any regulations regarding conflict of interests and recusal of CRC members. The equivalent would be to allow bishops to send cabinet members to bring administrative matters before the conference relations committee and, simultaneously, appoint district superintendents to serve on that body contrary to ¶ 635.1(d). Petition 4 adds a sub-paragraph (b), which establishes fair process rights of bishops in administrative proceedings: the right to be heard, to be notified of any hearing, to be accompanied by a clergyperson, to have access to records as well as the prohibition of ex parte communication. However, these procedural guarantees are ineffective without structural protections to ensure the right to have one’s case heard and decided by an impartial and independent body. The closeness of the CRC

¹ The complete discussion of this issue in December 1366 at pages 31-34 of the decision is attached as Appendix A.

to the COB, and vice-versa, makes them practically indistinguishable and inseparable.

There are similar concerns with the Administrative Review Committee [hereinafter ARC], created under amended ¶ 422.6, whose “only purpose shall be to ensure that the disciplinary procedure for any involuntary action recommended by the council relations committee are properly followed.” [underlines omitted]. Although ARC members are expressly prohibited from serving on the CRC and Executive Committee, they are still voting members of the COB, the body responsible for initiating *and* resolving complaints.⁵⁸ Absent provisions barring ARC members from voting on COB referral motions or at the least requiring them to recuse on account of conflict of interests, the neutrality of the ARC is questionable at best and compromised at worst.

Impartiality and independence of decision-making bodies are the hallmarks of due process and bedrock principles of procedural justice in our constitutional polity. No process can be fair and equitable if the body bringing the complaint is also empowered to determine its merits. “The United Methodist Church has a heritage of concern with the rights of persons. That concern has repeatedly made provision for the protection of the rights of its members and of its ministers.” JCD 351, *aff’d*, JCD 459, 462, 522, 524, 852, 1226. “The separation of authority and decision making is integral to the United Methodist Constitution and law. While the boundaries can become hazy in any particular situation, the preservation of the separation of powers must be observed.” JCD 689, *aff’d*, JCD 917. The fundamental right to fair and due process of an accused bishop enshrined in ¶¶ 20 and 58 is denied when the complainants are also among those tasked with reviewing and making the final decision. “Fair process is a constitutional, as well as a disciplinary, right and is protected by the judicial process. Fair process applies to administrative action as well as judicial process.” JCD 830.

We also note the conspicuous lack of any provision granting a bishop the right to appeal the findings of the COB. The finality of the COB’s decision is a clear violation of the constitutional guarantee of “a right to trial by a committee and an appeal.” Constitution, ¶ 58. “It is a long-standing policy in The United Methodist Church to handle any administrative and judicial process within the guidelines of fair and due process. Fair process can never be presumed, but it must be clearly demonstrated at all times. The concept of fair process is one that has been engrafted upon the constitutional standards of our Church.” JCD 1230. “At all times, a bishop’s constitutional right to fair and due process must be protected.” JCD 1341. We find Petition 4, particularly proposed ¶¶ 422.5(a) and 422.6, to be in conflict with ¶¶ 20 and 58, and, therefore unconstitutional.

The COB created as task force to review ¶ 413.3d(ii)'s provisions and to develop guidelines for implementing those provisions. The task force raised the questions stated above in this request for declaratory decision and indicated to the COB that answers to the questions is necessary before guidelines can be proposed. Further, because the General Conference has not adopted the actual procedures necessary to implement the provisions of ¶ 413.3d(ii) and the General Conference may consider petitions that set forth such procedures, the task force and the COB agree that the questions contained in this request for declaratory decision also need to be answered to guide the General Conference's consideration of legislation on this subject.

THEREFORE, the Council of Bishops requests a declaratory decision on the questions set forth hereinabove.



BISHOP JONATHAN HOLSTON
SECRETARY
COUNCIL OF BISHOPS

**REQUEST FOR DECLARATORY DECISION
OF THE COUNCIL OF BISHOPS
REGARDING PARAGRAPH 413
OF THE 2016 BOOK OF DISCIPLINE**

the legislative branch of the Church is constitutionally free to set the standards for entrance into the ministry *wherever* and *whenever* it sees fit. This proposed legislation falls within General Conference's full legislative power over distinctively connectional matters and is, therefore, constitutional.

TP Petitions 2, 3, and 4

These legislative petitions propose to amend ¶¶ 408, 410, and 422 by establishing “a process by which the Council of Bishops may hold one another accountable, based on the constitutional amendment to ¶ 50 that was ratified in 2017.”⁵⁵ The centerpiece of this new process are the proposed changes to ¶ 422, particularly, the new additional § 5, which reads in relevant part:

¶ 422.5. The Council of Bishops shall establish from its membership a Council Relations Committee of at least three persons to hear requests for involuntary leave of absence, involuntary retirement, as may be referred to it by the Council of Bishops or any seven active bishops.

- a) When there is a recommendation for an involuntary status change to be referred to the Council Relations Committee, the Council Relations Committee shall conduct an administrative hearing following the provisions of fair process. The Council of Bishops shall designate the person to present the recommendation to the committee. The respondent shall be given an opportunity to address the recommendation in person, in writing, and with the assistance of a clergyperson in full connection, who shall have voice. Once the committee has heard the person designated to represent the recommendation, the respondent, and others as determined by the chairperson of the committee, it shall report its decision to the Council of Bishops. The Council of Bishops may affirm or reverse the decision of the committee. The Council of Bishops shall refer to the Council Relations Committee any bishop who is unwilling to certify that he or she is willing to uphold, enforce and maintain *The Book of Discipline* relative to self-avowed practicing homosexuals. When the Council Relations Committee reaches a positive finding of fact that the bishop has not so certified, the Council Relations Committee shall recommend either involuntary leave or involuntary retirement to the Council of Bishops after conducting a Fair Process Hearing.

Under this provision, the Council Relations Committee [hereinafter CRC], composed of three members of the COB, receives complaints referred to it by the COB or by seven active members, conducts administrative hearings, and reports its decision to the COB, which may affirm or reverse the decision. Although it may be warranted by ¶ 50 under a broad construction

⁵⁵ COWF Report, Exhibit C, p. 3.

of the phrase “hold its individual members accountable for their work,”⁵⁶ this process runs afoul of other provisions in the Constitution. There is no separation of prosecutorial and adjudicative functions because they are combined in one and the same body. The same body that refers the complaint to the CRC is also the final arbiter in administrative matters. This is underscored by the provisional nature of the CRC’s decision as shown in the sentence: “The Council of Bishops may affirm or reverse the decision of the committee.” [emphasis added]. It does not make any difference that the language is permissive (i.e. “may” as opposed to “shall”), for the committee’s “decision” (¶ 422.5(a)) or “recommendation” (¶¶ 408.3(c), 410.5) is subject to affirmation or reversal by the COB. In any event, the COB has complete control over the outcome of the administrative process, which *it* initiates. The COB was not designed to function like an inquisitorial court tasked with enforcing doctrinal purity within its ranks.

This arrangement poses significant dangers to a person’s right to a fair and unbiased determination of her or his case. There are no safeguards put in place to guarantee an impartial process carried out by an independent body. Not only is the CRC elected *by* and composed *of* members of the COB, but also the legislation does not explicitly bar a CRC member from voting on a COB motion to refer a complaint or from joining six other active members to recommend involuntary leave of absence or involuntary retirement; nor does the provisions contain any regulations regarding conflict of interests and recusal of CRC members. The equivalent would be to allow bishops to send cabinet members to bring administrative matters before the conference relations committee and, simultaneously, appoint district superintendents to serve on that body contrary to ¶ 635.1(d).⁵⁷ Petition 4 adds a sub-paragraph (b), which establishes fair process rights of bishops in administrative proceedings: the right to be heard, to be notified of any hearing, to be accompanied by a clergyperson, to have access to records as well as the prohibition of *ex parte* communication. However, these procedural guarantees are ineffective without structural protections to ensure the right to have one’s case heard and decided by an impartial and

⁵⁶ In 2016, the following language was added to ¶ 50 of the Constitution:

These provisions shall not preclude the adoption by the General Conference of provisions for the Council of Bishops to hold its individual members accountable for their work, both as general superintendents and as presidents and residents in episcopal areas.

Section 2 of amended ¶ 422 seeks to mirror the constitutional language with the following addition: “The Council of Bishops is also a body in which its individual members are held accountable for their work, both as general superintendents and as presidents and residents in episcopal areas.” [underlines omitted] However, this declaration is not sufficient to resolve the constitutional problems identified below.

⁵⁷ See JCD 917:

The doctrine of separation of powers and the provisions of fair process in administrative hearings prohibit the district superintendent named by the bishop as a representative of the cabinet from participating in the deliberations of the board of ordained ministry, and its committees, and voting in such bodies, on the administrative processes under ¶ 318.6 (involuntary discontinuation of probationary membership), ¶ 356.3 (involuntary retirement), and ¶ 359.3 (administrative complaint). In any such matter, the district superintendent shall not be present for the deliberations and the vote, and shall not discuss with the board of ordained ministry and its committees substantive issues in the absence of the responding clergyperson.

independent body. The closeness of the CRC to the COB, and *vice-versa*, makes them practically indistinguishable and inseparable.

There are similar concerns with the Administrative Review Committee [hereinafter ARC], created under amended ¶ 422.6, whose “only purpose shall be to ensure that the disciplinary procedure for any involuntary action recommended by the council relations committee are properly followed.” [underlines omitted]. Although ARC members are expressly prohibited from serving on the CRC and Executive Committee, they are still voting members of the COB, the body responsible for initiating *and* resolving complaints.⁵⁸ Absent provisions barring ARC members from voting on COB referral motions or at the least requiring them to recuse on account of conflict of interests, the neutrality of the ARC is questionable at best and compromised at worst.

Impartiality and independence of decision-making bodies are the hallmarks of due process and bedrock principles of procedural justice in our constitutional polity. No process can be fair and equitable if the body bringing the complaint is also empowered to determine its merits. “The United Methodist Church has a heritage of concern with the rights of persons. That concern has repeatedly made provision for the protection of the rights of its members and of its ministers.” JCD 351, *aff’d*, JCD 459, 462, 522, 524, 852, 1226. “The separation of authority and decision making is integral to the United Methodist Constitution and law. While the boundaries can become hazy in any particular situation, the preservation of the separation of powers must be observed.” JCD 689, *aff’d*, JCD 917. The fundamental right to fair and due process of an accused bishop enshrined in ¶¶ 20 and 58 is denied when the complainants are also among those tasked with reviewing and making the final decision. “Fair process is a constitutional, as well as a disciplinary, right and is protected by the judicial process. Fair process applies to administrative action as well as judicial process.” JCD 830.

We also note the conspicuous lack of any provision granting a bishop the right to appeal the findings of the COB. The finality of the COB’s decision is a clear violation of the constitutional guarantee of “a right to trial by a committee and an appeal.” Constitution, ¶ 58. “It is a long-standing policy in The United Methodist Church to handle any administrative and judicial process within the guidelines of fair and due process. Fair process can never be presumed, but it must be clearly demonstrated at all times. The concept of fair process is one that has been engrafted upon the constitutional standards of our Church.” JCD 1230. “At all times, a bishop’s constitutional right to fair and due process must be protected.” JCD 1341. We find Petition 4, particularly proposed ¶¶ 422.5(a) and 422.6, to be in conflict with ¶¶ 20 and 58, and, therefore unconstitutional.

We must now determine whether Petitions 2 and 3 can be upheld if the main part of Petition 4 is declared invalid. In other words, the question is whether Petitions 2 and 3 can be

⁵⁸ Its counterpart in the annual conference does not suffer from this problem. Although elected from the clergy of the annual conference, the members and alternates of the conference ARC “are not members of the cabinet, the Board of Ordained Ministry, or immediate members of the above.” *The Discipline*, ¶ 636.

separated from and enacted without the invalid part. As said above, separation is inappropriate when the remaining part is so inextricably connected to the part declared invalid that what remains cannot independently survive. In such event, it may be presumed that the author of the legislation would not have proposed the remaining part by itself. The rationale of the proposals in those petitions states: “Additions to ¶¶ 408, 410, and 422 go together and create a process by which the Council of Bishops may hold one another accountable.”⁵⁹ Amended ¶ 408.3(c) authorizes the COB upon majority vote to place any bishop in the retired relation if such a relation is recommended by the CRC. Likewise, amended ¶ 410.5 provides that the COB by majority vote may place any bishop in an involuntary leave status if such a relation is recommended by the CRC, and approve annually after review and recommendation of the CRC. For all intents and purposes, these provisions relate to the administrative process proposed in ¶ 422.5(a), without which they would lose their meaning. Establishing a comprehensive procedural scheme, they build a coherent unit and cannot be separated from the constitutionally defective part. Since they are inextricably connected to Petition 4, Petitions 2 and 3 are unconstitutional.

TP Petition 5

This Petition proposes to amend ¶ 415.6 by stating that bishops are prohibited (1) from consecrating bishops who are self-avowed practicing homosexuals, even if they have been duly elected by the jurisdictional or central conference, and (2) from commissioning or ordaining deacons and elders determined by the board of ordained ministry to be self-avowed practicing homosexuals, even if they have been recommended by the board and approved by the clergy session of the annual conference.

The *Rationale* reads:

Rationale: Clarifies that bishops are not allowed to consecrate, ordain, or commission persons who are not qualified under ¶304.3, even if they are elected or approved by the relevant jurisdictional conference or clergy session. This enhances the bishop’s role in upholding the Discipline and makes him/her individually responsible to do so. Resolves a tension identified by Judicial Council Decision 1341 holding such acts illegal.”⁶⁰

Under ¶ 16.5, the General Conference has the full legislative power to “define and fix the powers, duties, and privileges of the episcopacy.” We find that this Petition is authorized by that constitutional grant of power.

TP Petition 6

This Petition seeks to amend ¶ 635.1(a) by addition:

Members shall be nominated by the presiding bishop after consultation with the chairperson of the board, the executive committee, or a committee elected by the

⁵⁹ COWF Report, Exhibit C at 3, 5, and 9. [emphasis added]

⁶⁰ TP Petition 5, Exhibit C at 11.



**Council of Bishops
December 21, 2022
Zoom Meeting**

**MINUTES
(Relevant portions)**

After extended conversation a motion was made by and seconded to approve the request for a declaratory decision on ¶ 413.3d(ii).

ACTION ITEM: The Council of Bishops approved that the COB request a declaratory decision from the Judicial Council on Paragraph 413.3d(ii) by a vote of 42 in favor, 10 against, and no abstentions.

CERTIFIED THIS 21 DAY OF DECEMBER 2022.

A handwritten signature in black ink, appearing to read 'Jonathan Holston', is written over a horizontal line.

BISHOP JONATHAN HOLSTON
SECRETARY, COUNCIL OF BISHOPS