

**CHAPTER 9**  
**CHURCH DISCIPLINE**

- ¶ 900            Accountability to Covenant Commitments**
- ¶ 905            Purpose**
- ¶ 910            Guiding Principles**
- ¶ 915            Discipline and Restoration of Lay Members**
- ¶ 920            Trial of a Lay Member**
- ¶ 925            Discipline and Restoration of Ministers**
- ¶ 930            Trial of a Minister**
- ¶ 935            Discipline and Restoration of Non-Members**
- ¶ 940            Discipline and Restoration of a Church**
- Appendix 1    Order for Conducting Trials**
- Appendix 2    Order for Conducting Appeals**
- Appendix 3    Rules of Admissibility of Witnesses and Evidence**
- Appendix 4    Paralleling the Disciplinary Processes Chart**

## ¶ 900 ACCOUNTABILITY TO COVENANT COMMITMENTS

Believers bind themselves to Christ and the church by way of covenant commitments. In addition to a commitment to Jesus Christ, members of the church also make commitments by way of the Membership Covenant (¶156-161).

The highest standards of life and conduct are placed upon those who serve in ministerial capacities in the church. Individuals make additional covenant commitments when becoming Ministerial Candidates (¶815), becoming Commissioned Ministers (¶820) or upon ordination (¶825). Covenant commitments require accountability (¶155). If any of these covenant commitments are disregarded or violated, personal integrity and the integrity and witness of the church are dishonored. Relationships with God and others are damaged and broken. Therefore, accountability to these covenant commitments must be maintained.

## ¶ 905 PURPOSE

Discipline is an exercise of scriptural and spiritual authority for which the church is responsible in giving healthy formation and, when needed, healing to the body of Christ. The process for correction and discipline of members and ministers who ignore or violate covenant commitments is designed to lead to repentance and forgiveness. Objectives are a return to fellowship with God and the church, and restoration to effective service in the life of the church.

Prompt admonition and counsel that will promote holiness of heart and life and sustain the integrity and witness of the church are to be administered with mature Christian love and discernment.

Discipline is to be redemptive and corrective in nature and is to be exercised as under a dispensation of grace, mercy and justice. The purpose of discipline is not punitive or retributive; it is to serve the body by bringing believers and churches back to established standards of wholesome conduct. Determination of standing and continued relationship to the church is also a function of the disciplinary process.

Disciplinary action is only to be taken after Christian counsel and admonition have been unsuccessful or where the nature of the violation necessitates immediate action.

## ¶ 910 GUIDING PRINCIPLES

The discipline process seeks to honor the principles taught by our Lord and others in the Scriptures in bringing restoration to believers who have ignored or violated covenant commitments. These underlying principles are also in keeping with commonly established ecclesiastical law and in accordance with the principles of natural justice. These principles include:

- A Christ-like and prayerful spirit will be maintained at all times by all parties.
- Reasonable effort will be made to clear up an accusation or to deal with an offending person without the formality of a church trial.
- The accused person will be presumed innocent until found guilty.
- All accusations and proceedings will receive prompt and careful attention by the proper authorities. In all cases, if the alleged offence is criminal or involving the abuse of children, the matter is to be reported to the police, or in the case of child abuse, to the appropriate child welfare authorities as outlined in the denomination's child abuse policy.
- Any accusation must be submitted in a written and signed disclosure of evidence. Any confession(s) by the accused must be in writing and signed.

- The form of discipline (private admonition and counsel, public reproof, censure) is to be commensurate with the offence and will be conducted in accordance with accepted principles of confidentiality.

The process of admonition and counsel will seek to:

- give a clear explanation (with evidence) of the offending conduct;
- advise of the impact of the offending conduct on personal and corporate spiritual life and witness;
- set out to the accused the available options which will lead to restoration or censure;
- obtain signed acknowledgement and confession of the wrong doing by the accused, leading to sincere repentance;
- reconcile and restore broken relationships through forgiveness.

During the process of correction or discipline, members and ministers will be held accountable for their relationships. This includes:

- submitting to the counsel and discipline of those in authority;
- maintaining fellowship with peers;
- refraining from irresponsible talk;
- demonstrating a consistent Christian life before family and community.

In all cases, those giving admonition and counsel will not neglect the care of offended parties or their participation, where appropriate, in the restoration process. The administration of these disciplinary provisions must always be motivated by love, rooted in prayer, and undertaken in a spirit of humility.

In order for a matter of church discipline to proceed in good faith, all persons involved in any way must agree to be bound by the decisions made as a result of proper disciplinary process. All participants are to be advised and agree in writing that recourse to a civil court is waived once a disciplinary proceeding begins.

## **¶ 915 DISCIPLINE AND RESTORATION OF LAY MEMBERS OF LOCAL CHURCHES**

### **1. Private Admonition and Counsel**

Allegations of criminal behaviour (including allegations of child abuse) will be reported to the appropriate civil authorities. Otherwise, when a lay member has concerns about the behavior of another lay member, it is assumed that the instructions of Matthew 18:15-16 to speak to the other person privately will be followed. If the accused person denies the alleged misconduct or acknowledges the misconduct but refuses to repent, and if the alleged misconduct is such that it will bring public reproach upon Christ and his church, the matter must be brought to the attention of the pastor.

Accusations of unchristian conduct or of a violation(s) of membership vows which are made against lay members must be in writing, dated, signed by the accuser(s) and given to the pastor before any official action can be taken. After receiving a signed accusation, the pastor will then consult with a member of the membership care committee (or of the body charged with this responsibility. See ¶373.2.3). (The committee member must not have a conflict of interest with respect to the matter.) They will together evaluate the substance of the accusation(s) and discreetly interview the accused. Based on the response of the accused, they will decide if private admonition and counsel is sufficient or if the matter needs to go further and be reported to the membership care committee because the member refuses ongoing accountability or is unrepentant.

If it is decided that the matter needs to be reported to the entire membership care committee, a meeting of the membership care committee will be called. The committee will evaluate the admonition already given and may offer additional counsel. Likewise, if the accusation is unsubstantiated, the matter of the false accusation will be brought to the attention of the entire membership care committee who will interview the accuser(s) and give them counsel.

When the member (in either case) is repentant and the conduct or false accusation has not and will not become the cause of public reproach to Christ and the church, confession will be heard by the membership committee, remedial counsel planned and ongoing accountability established.

## **2. Public Reproof**

In cases where the member is repentant and responsive to private admonition and counsel, but when the conduct has or will likely cause reproach to Christ and the church, the membership care committee will make such recommendation to the official board as it considers appropriate in the circumstances and in accordance with the purposes and goals of the disciplinary process. Possible recommendations could include actions to:

- Implement a remedial plan of restoration containing provisions such as:
  - removal from offices and responsibilities in the church
  - public confession
  - apology and restitution to the offended parties
  - submission to a spiritual director
  - ongoing accountability
- Suspend membership privileges for a specified period of time, not to exceed one year
- In response to a written request, grant a voluntary withdrawal from membership.

When the member is repentant and when the conduct causes public reproach but is not serious enough to require termination of membership, the member may be required to meet with the official board where the member will make confession, request forgiveness, receive reproof and forgiveness and submit to whatever discipline and remedial counsel the official board considers appropriate.

## **3. Censure (Termination of Membership)**

In cases where the member is unrepentant and unresponsive to private admonition and counsel, and when the conduct has or will likely cause reproach to Christ and the church, the membership care committee will make such recommendation to the official board as it considers appropriate in the circumstances and in accordance with the purposes and goals of the disciplinary process.

The official board will meet within 30 days to consider and take action on any recommendation received from the membership care committee concerning disciplinary matters. The official board is not required to accept the recommendations of the committee but may take such action as it considers appropriate. It will take into consideration the circumstances, including the seriousness of the conduct and the actual and potential impact on the life and witness of the accused and the church. For the purposes of disciplinary proceedings, the board is empowered, after considering the case fully to take any of the following actions in addition to any other powers they may hold:

- Exonerate the member from all misconduct
- Suspend membership privileges for a specified period of time, not to exceed one year and establish a program of counseling
- In response to a written request, grant a voluntary withdrawal of membership

- Terminate membership and inform the member of the action by registered mail. Membership may only be terminated by a ballot vote of the official board. A two-thirds majority of those casting votes is required.

If a member wishes to request to meet with the official board for a hearing to show cause why the official board should reconsider its decision to terminate the membership, the request must be delivered or sent by registered mail to the secretary of the official board within 30 days of the decision passed by the official board. The official board shall meet with the member whose membership has been terminated within 30 days of receiving the request for a hearing, to hear and consider the member's reasons for requesting reconsideration of the official board's decision to terminate membership. If the official board reverses its decision, the member shall be re-instated. If the official board maintains its decision to terminate the membership, the member may request a trial according to the provisions of ¶920 and the Official Board will appoint a person who is responsible to prepare the charges in final form, to present them at the proper time and place to the trial and to represent the church during the trial.

### **¶ 920 Trial of a Lay Member**

In order for lay members whose memberships have been terminated by the official board to be entitled to make requests of the next level of jurisdiction (the Board of Administration of the Canadian General Conference) for trials, they must have first requested a hearing before the official board to show cause why their memberships should not be terminated within 30 days of the decision of the official board to terminate the memberships. If, after the hearing, the official board maintains as its final decision to terminate the memberships, notice of intent to request a trial must be provided in writing and sent by registered mail to the secretary of the Board of Administration of the Canadian General Conference within 30 days of the official board's final decision.

The Board of Administration will elect a presiding officer and a trial committee of six persons plus one lay and one ministerial reserve within 30 days of receiving the request for a trial. The committee will be composed of 3 ministers and 3 lay persons who are members of a local society or of the Canadian General Conference. No person will be allowed to serve on the committee who has previously been involved in the case or is in a position of conflict of interest.

The secretary of the Board of Administration will, by registered mail, inform the accused and the prosecutor of the names of the presiding officer and of the members elected to the committee and shall negotiate a mutually agreeable date for the trial at least 30 days in advance of the trial.

The trial committee, by a majority vote, may affirm, modify or reverse the action(s) of the official board in whole or in part. The decision will be delivered within 30 days of the conclusion of the trial.

### **Rules of Procedure for a Trial**

- **Presiding Officer** – The Board of Administration will appoint a presiding officer who will ensure that the trial proceeds in an orderly manner. The presiding officer is to act impartially. The presiding officer may request the presence of legal counsel who may provide advice to the presiding officer only in matters related to the trial proceedings.

The presiding officer has authority to impose limits on the number of pages of written material submitted to the trial and on the length of time used for presentations and cross examinations. Objections may not be raised during presentations. The presiding officer may allow the trial

committee to ask questions after each presentation by either the prosecution or the accused. An *Order for Conducting Trials* is found in *Appendix 1*.

- **Grounds for Challenge** –Thirty days prior to the beginning of the trial, both the prosecutor and the accused will receive a list of the trial committee members. Up to 21 days prior to the trial, each shall have the right to challenge, for cause, the selection of any member of the trial committee. The presiding officer will rule on the validity of the challenge.
- **Evidence** – The presiding officer of the trial will rule on the admissibility of witnesses and evidence. *Rules of Admissibility of Witnesses and Evidence* are found in *Appendix 3*.
- **Testimony** – No one will be barred as a witness on the grounds that they are not a member of a local society or the Canadian General Conference. If circumstances make it impossible for a witness to appear, a proper affidavit from the individual may be presented, provided that both the accused and the prosecutor have had an opportunity to review the affidavit and to question the person signing the affidavit about its contents, with witnesses listening.
- **Charges** – It is not required that the charges be written in any particular legal form, but it is recommended they be written in the standard form as provided in *Robert’s Rules of Order*.
- **Counsel** –The Official Board will appoint a prosecutor who is responsible to prepare the charges in final form, to present them at the proper time and place to the trial and to represent the church during the trial. Both the accused and the prosecutor have the right to receive advice or guidance from lay members or ministers of The Free Methodist Church in Canada and to have up to a total of two such persons serve as their assistants in the trial. Neither the accused nor the prosecutor is entitled to, and in fact are precluded from, retaining professional legal counsel to participate in the trial.
- **Participants** – Only those who are members of a local society or of the Canadian General Conference will be allowed to participate in the trial, with the exception of witnesses. Only those participating in the trial and the spouse of the accused are permitted to attend the trial.
- **Confidentiality** – All deliberations of the trial will be considered confidential. All those participating in the trial will not discuss the case with anyone not participating in the trial, **before**, during or following the trial.
- **Withdrawal** – If during the trial, the accused submits a letter requesting to withdraw from membership in the church, the request will be granted and the trial will end.
- **Records** – The presiding officer will appoint a secretary, not a member of the trial committee, who will be responsible to keep complete and accurate records of all proceedings, testimony, evidence, documents admitted, together with charges, specifications, notices, citations and findings of the trial committee. When advisable, the services of a professional court reporter may be engaged. The presiding officer will be the custodian of such records until the case is finished and then will deliver the records to the secretary of the Board of Administration for permanent filing.
- **Judgment** – The trial committee will deliver a decision within 30 days of the conclusion of the trial. The trial committee, by a majority vote, may affirm, modify or reverse the findings of the official board in whole or in part.

- **Expenses** – The accused is responsible for his/her own expenses, for the expenses of the person(s) chosen to assist with advice or guidance and for the expenses of witnesses required by the accused to be present at the trial. Other expenses, if any, are the responsibility of the local church and/or the Canadian General Conference.

## ¶ 925 Discipline and Restoration of Ministers

### 1. Grounds for Correction and Discipline

The reasons a minister may receive discipline are as follows:

- Teaching contrary to the Articles of Religion or the membership covenant of The Free Methodist Church in Canada;
- Behaving in a manner that is immoral, criminal or unbecoming a minister;
- Exhibiting a contentious or un-cooperative spirit resulting in insubordination and a willful refusal to recognize the church's authority.
- Disobeying the provisions of The Manual of The Free Methodist Church in Canada or enabling such disobedience;
- Mismanaging personal or church finances resulting in reproach.

Accusations must be made in writing, dated, signed by the accuser(s) and given to the bishop before any official action can be taken. If the bishop is the accuser, he/she will give the written accusations to the minister's regional Ministerial Education Guidance and Placement (MEGaP) Committee.

### 2. Levels of Correction and Discipline

#### 2.1 Private Counsel

When a minister voluntarily confesses to a non-criminal offence, the first step is private counsel by the bishop. In all cases, if the alleged offence is criminal or involving the abuse of children, the matter is to be reported to the police or, in the case of child abuse, to the appropriate child welfare authorities as outlined in the denomination's child abuse policy.

When a minister is accused of an offence and the minister is found not to be guilty of the accusation after a review and investigation by the bishop, the bishop, the minister and the immediate supervisor of the minister will decide together how to best respond to the testimony, rumor or impressions that led to the accusation.

When a minister is accused of an offence that is supported by verifiable testimony, the first response will be private counsel by the bishop. When the minister is repentant and the offence has not and will not become the cause of public reproach to Christ and the church, confession will be heard, remedial counsel planned and ongoing accountability established.

When the minister is not repentant, the bishop will take immediate counsel with the minister's immediate supervisor and advise the minister of this action. The bishop and immediate supervisor will investigate the matter further and they will urge the minister to comply with the counsel they are offering. If the minister remains uncooperative, the bishop may suspend the minister, take possession of any ministerial credentials and inform the minister's regional Ministerial Education, Guidance and Placement (MEGaP) committee of the suspension. No ministerial functions or duties may be performed until the case is decided.

The bishop may also suspend a minister who confesses in a signed statement that an offence has been committed that will bring reproach to Christ and His church or if such an offence is confirmed by verifiable written testimony. The bishop will inform the minister's regional MEGaP committee of the suspension.

In any of the above cases, the bishop may cite the minister to appear before the minister's regional MEGaP committee. A minister so cited will be furnished with a statement describing the offence and the time and place where he/she is to appear. If the accused pleads guilty or is found guilty, the MEGaP committee will proceed by offering private counsel, public reproof or corporate discipline as it deems appropriate.

## **2.2 Public Reproof and Forgiveness**

When a confessed offence is of a public nature, but not serious enough to require suspension, arrangements may be made by the bishop for the offender to meet with the pastor's cabinet of the church where the minister is appointed and/or the regional MEGaP committee as the case may be. The spirit of Christian restoration will characterize the process.

The offender will read his/her signed confession, request forgiveness, receive reproof and forgiveness and agree to submit to the counsel that is given. The written statement of the offender will be submitted to the bishop for prior approval.

The bishop will counsel with the offender's immediate supervisor, the pastor's cabinet and/or the regional MEGaP as the case may require.

## **2.3 Corporate Discipline**

If a minister under investigation is not suspended by the bishop, but is cited to appear before the regional MEGaP committee, the regional MEGaP committee is empowered to institute interim remedial disciplinary action until the matter is fully investigated and decided. Refusal to comply with the interim remedial disciplinary action of the regional MEGaP committee will be considered insubordination and could result in suspension by the regional MEGaP committee and the loss of credentials by the offender.

When the bishop suspends a minister, within seven days the regional MEGaP committee, or a regional MEGaP sub-committee of not fewer than six members, equally divided between laypersons and ordained ministers, will be convened to review the evidence presented by the bishop and the minister's immediate supervisor. It will have the authority to take one of the following actions, which must be reported to the Board of Administration and the subsequent meeting of the Canadian General Conference:

- Exonerate, return credentials and restore to ministry;
- Confirm the suspension and establish a program of counseling and restoration;
- Allow the accused to surrender credentials permanently (under charges or complaints) and approve the person for lay status;
- Allow the accused to surrender credentials (under charges or complaints) and withdraw from the general conference and the denomination;
- Expel from the general conference and the denomination.

If a minister wishes to appeal the regional MEGaP committee's decision and meet with the regional MEGaP committee for a hearing to show cause why the regional MEGaP committee should reconsider its decision, the request must be delivered or sent by registered mail to the Director of

Leadership Development and Church Health within 30 days of the decision passed by the regional MEGaP committee. The regional MEGaP committee shall meet with the minister under discipline within 30 days of receiving the request for a hearing, to hear and consider the minister's reasons for requesting reconsideration of the regional MEGaP committee's decision. If the MEGaP committee maintains its decision, the member may request a trial according to the provisions of ¶930.

### **3. Special Cases**

When a minister is charged with a criminal offence, the bishop shall immediately report the situation to the regional MEGaP committee and seek its advice. If the minister is convicted of a criminal offence, the bishop shall immediately suspend the minister.

When immoral or criminal misconduct of a spouse or dependent child may adversely affect ministry, ministers will report the situation to their immediate supervisor who will consult with the bishop. The bishop will ensure that the criminal conduct has been reported to the police and any abuse of children to child welfare authorities in accordance with the denomination's child abuse policy. Notwithstanding the above, disclosures of any criminal conduct must be consistent with the current criminal law.

### **4. Credentials**

When a minister is required to relinquish ordination credentials due to suspension, expulsion or otherwise, the credentials are to be sent to the Personnel office of The Free Methodist Church in Canada. When the bishop is satisfied that the restoration process is successfully completed, the bishop may, upon the recommendation of the regional MEGaP committee and approval of the Board of Administration, restore credentials.

If an ordained minister refuses to surrender ordination credentials when legitimately requested to do so, the regional MEGaP committee will recommend to the Board of Administration that the credentials be declared null and void.

### **5. Restoration**

The restoration process begins when the suspended minister applies for a Covenant of Restoration. The bishop, assisted by the Director Church Health and the regional MEGaP committee, will work with the suspended minister to develop a covenant of restoration that defines the expectations and responsibilities of all parties involved in the restoration process.

Restoration to ministry requires the following:

- Repentance and a request for forgiveness;
- Indication of contrition;
- Public confession where advised;
- Restitution where applicable;
- Counseling where advised;
- The assignment of a mutually acceptable accountability partner;
- Healing of broken relationships where possible;
- Reestablishment of credibility.

While the candidate for restoration is following the prescribed course, a designated supervisor will assign and oversee such ministerial duties as may prepare the candidate for resumption of ministerial leadership.

Restoration of credentials and reappointment will proceed according to the following conditions:

- The regional MEGaP committee will assess the candidate's progress in spiritual maturity, trustworthiness, moral integrity and ministerial effectiveness. The candidate will be called for a personal interview. References will also be obtained from the designated supervisor, the candidate's counselor(s) and other persons familiar with the case. The official board of the church where the candidate attends may be asked if it is prepared to submit a restoration of credentials form. (See ¶ 383A, Local Church Forms, page 2).
- The Board of Administration of the general conference will make the final decision, based on the recommendation of the regional MEGaP committee. Credentials will not be restored sooner than two years, except in exceptional circumstances and only after the process of restoration is complete. Restoration of credentials does not guarantee reappointment to ministry.

### ¶ 930 Trial of a Minister

In order for a minister who has been suspended by his/her regional MEGaP committee to be entitled to make a request of the next level of jurisdiction (the national MEGaP committee of the Canadian General Conference) for a trial, he/she must have first requested a hearing before his/her regional MEGaP committee, within 30 days of the decision of the regional MEGaP committee's decision to confirm his/her suspension, to show cause why he/she should not have been suspended.

If after the hearing, the regional MEGaP committee maintains suspension as its final decision, a minister, whose suspension has been confirmed by regional MEGaP, has the right to challenge the decision of the regional MEGaP committee and request a trial. A request for a trial must be provided in writing and must be sent by registered mail to the secretary of the Board of Administration of the Canadian General Conference within 30 days of the regional MEGaP committee's final decision.

The Secretary of the Board of Administration will direct the national MEGaP committee (excluding the regional MEGaP committee involved in the discipline of the minister) to elect a presiding officer and a trial committee of six persons plus one lay and one ministerial reserve to try the case within 30 days of receiving request for a trial. The trial committee will be composed of three ministers and three lay persons who are members of a local society or of the Canadian General Conference. No person will be allowed to serve on the committee who has previously been involved in the case or is in a position of conflict of interest.

The secretary of the Board of Administration will, by registered mail, inform the accused and the prosecutor of the names of the presiding officer and of the members elected to the trial committee and shall negotiate a mutually agreeable date for the trial at least 30 days in advance of the trial.

The trial committee, by a majority vote, may affirm, modify or reverse the action(s) of the regional MEGaP in whole or in part. The decision will be delivered within 30 days of the conclusion of the trial.

#### 1. Rules of Procedure for a Trial

- **Presiding Officer** –The Board of Administration will appoint a presiding officer who will ensure that the trial proceeds in an orderly manner. The presiding officer is to act impartially. The

presiding officer may request the presence of legal counsel who may provide advice to the presiding officer only in matters related to the trial proceedings.

The presiding officer has authority to impose limits on the number of pages of written material submitted to the trial and on the length of time used for presentations and cross examinations. Objections may not be raised during presentations. The presiding officer may allow the trial committee to ask questions after each presentation by either the prosecution or the accused. An *Order for Conducting Trials* is found in *Appendix 1*.

- **Grounds for Challenge** –Thirty days prior to the beginning of the trial, both the prosecutor and the accused will receive a list of the trial committee members. Up to 21 days prior to the trial, each shall have the right to challenge, for cause, the selection of any member of the trial committee. The presiding officer will rule on the validity of the challenge.
- **Evidence** –The presiding officer of the trial will rule on the admissibility of witnesses and evidence. To assist with this, *Rules of Admissibility of Witnesses and Evidence* are found in *Appendix 3*.
- **Testimony** – No one will be barred as a witness on the grounds that they are not a member of a local society or of the Canadian General Conference. If circumstances make it impossible for a witness to appear, a proper affidavit from the individual may be presented, provided that both the accused and the prosecutor have had an opportunity to review the affidavit and to question the person signing the affidavit about its contents, with witnesses listening.
- **Charges** – It is not required that the charges be written in any particular legal form, but it is recommended they be written in the standard form as provided in *Robert's Rules of Order*.
- **Counsel** –The regional MEGaP committee will appoint a prosecutor who is responsible to prepare the charges in final form, to present them at the proper time and place and to represent the church in all instances. Both the accused and the prosecutor have the right to receive advice or guidance from lay members or ministers of The Free Methodist Church in Canada and to have up to a total of two such persons serve as their assistants in the trial. Neither the accused nor the prosecutor is entitled to, and in fact are precluded from, retaining professional legal counsel to participate in the trial.
- **Participants** – Only those who are members of a local society or of the Canadian General Conference will be allowed to participate in the trial, with the exception of witnesses. Only those participating in the trial and the spouse of the accused are permitted to attend the trial.
- **Confidentiality** – All deliberations of the trial will be considered confidential. All participants in the trial will not discuss the case with anyone not participating in the trial before, during or following the trial.
- **Withdrawal** – If during the trial, the accused submits a letter requesting to withdraw from membership in the conference, the request will be granted and the trial will end.
- **Records** – The presiding officer will appoint a secretary, not a member of the trial committee, who will be responsible to keep complete and accurate records of all proceedings, testimony, evidence, documents admitted, together with charges, specifications, notices, citations and findings of the trial committee. When advisable, the services of a professional court reporter may

be engaged. The presiding officer will be the custodian of such records until the case is finished and then will deliver the records to the secretary of the Board of Administration for permanent filing.

- **Judgment** – The trial committee will deliver a decision within 30 days of the conclusion of the trial. The trial committee, by a majority vote, may affirm, modify or reverse the findings of the regional MEGaP committee in whole or in part.
- **Expenses** – The accused is responsible for his/her own expenses, for the expenses of the person(s) chosen to assist with advice or guidance and for the expenses of witnesses required by the accused to be present at the trial. Other expenses are the responsibility of the Canadian General Conference.

## 2. Appeal of Trial Verdicts

The sole grounds for appealing the verdict of a trial are limited to the following categories:

- New and important testimony really exists and has become available, and satisfactory reasons are given as to why it was not presented at the trial.
- The minutes of the trial are so inaccurate that the true merits of the case cannot be determined from them.
- There was illegal administration of The Manual of The Free Methodist Church in Canada.
- There was incorrect adherence to proper procedure by the presiding officer and/or the trial committee.

In order for ministers who have been tried and convicted by a trial committee to be entitled to an appeal to the next level of jurisdiction (the Canadian General Conference), they must not have been voluntarily absent from the trial. They must have given notice of intent to appeal within 30 days of the final action of the trial committee. Notice of intent to appeal must be provided in writing by registered mail to the secretary of the Board of Administration of the Canadian General Conference.

Upon receiving a proper request for an appeal, the Board of Administration of the Canadian General Conference will elect a presiding officer and an appeal committee of six members plus one lay and one ministerial reserve. The committee will be composed of three ministers and three lay persons who are members of a local society or of the Canadian General Conference. No person will be allowed to serve on the committee who has previously voted on the decision of the case or is in a position of conflict of interest.

The secretary of the Board of Administration will, by registered mail, inform the appellant of the names of the members elected to the appeal committee and of the date of the appeal hearing at least 30 days in advance.

The convicted minister must present to the appeal committee a statement in writing demonstrating the grounds for appealing the verdict of the previous trial committee. This statement must be received by the secretary of the Board of Administration, by registered mail, a minimum of 14 days before the appeal is scheduled to be heard. An Order for conducting appeals is found in *Appendix 2*.

Both the accused and the prosecutor have the right to receive advice or guidance from lay members or ministers of The Free Methodist Church in Canada and to have up to a total of two such persons serve as their assistants in the appeal. Neither the accused nor the prosecutor is entitled to, and in fact are precluded from, retaining professional legal counsel to participate in the appeal.

The appeal committee will promptly consider the appeal and deliver its decision within 30 days of the conclusion of the appeal hearing. The decision must pass by a majority vote of the appeal committee members. The appeal committee must confine itself to the grounds of the appeal, but it is entitled to all relevant information that is pertinent to the appeal as presented.

If a new trial is granted, it is an entirely new trial in which new charges can be brought (or the previous charges re-formulated) and new evidence and new witnesses may be introduced by both sides. The case will be tried by the appeal committee using the Rules of Procedure for a Trial as outlined above. The date for the new trial will be negotiated by the secretary of the Board of Administration and communicated to the appellant and prosecutor at least 30 days in advance by registered mail.

### **¶ 935 Discipline and Restoration of Non-Members**

The conduct of persons who are regular participants in the life of the church affects the integrity of the Christian witness of the individual and the church. As such, these persons, although they have taken no formal vows of commitment or made formal covenant, must also be held accountable for their conduct insofar as it affects the integrity of the Christian witness of the individual and the church.

In the event of disciplinary action, every effort should be made through use of private and group reproof to bring repentance and restoration in these situations. In all cases, if the alleged offence is criminal or involving the abuse of children, the matter is to be reported to the police or, in the case of child abuse, to the appropriate child welfare authorities as outlined in the denomination's child abuse policy.

### **¶ 940 Discipline and Restoration of a Church**

#### **Citation of a Church to Show Cause**

The Board of Administration of the Canadian General Conference shall have the power to cite the official board of a church to appear before it to show cause, why it should not be declared in a state of insubordination when substantiated information reaches the Board of Administration that the accused body is in a state of insubordination and disobedience to The Manual of The Free Methodist Church in Canada. Notice of the order to show cause shall be given in a clear and definite statement of the facts constituting the state of insubordination so that the accused body may be properly informed of the grounds of the accusation. The order shall be served to the secretary of the accused body by registered mail. If the Board of Administration finds the accused body guilty or if the cited church admits guilt, the Board of Administration shall have the power to suspend the accused body of all rights and privileges as a Free Methodist body until the ensuing sitting of the Canadian General Conference. The Canadian General Conference shall have final disposition of the case.

If the convicted body shows contrition for its insubordination, reforms and pledges its loyalty to the denomination and to The Manual of The Free Methodist Church in Canada, the Board of Administration shall have the power to reinstate it.

If the convicted body is found to be guilty of insubordination and is not reinstated, any property shall be dealt with in accordance with the guidelines published in The Manual of The Free Methodist Church in Canada. See ¶350.3.

## APPENDIX ONE

### ORDER FOR CONDUCTING TRIALS

- 1) Devotions
- 2) Reading of the Board of Administration action by which the trial committee was appointed and the names of unchallenged members of the committee
- 3) The appointment of a secretary by the presiding officer. Consideration may be given to obtaining the services of a transcribing service, similar to a court reporter to record the proceedings in full and produce a transcript.
- 4) Reading of the charges by the secretary
- 5) Response of the accused
- 6) Statement of the case and of the line of evidence by the prosecution
- 7) Presentation of evidence by the prosecution and cross-examination by the accused
- 8) Statement of the case and of the line of defense by the accused
- 9) Presentation of defense by the accused and cross-examination by the prosecution
- 10) Summing up of the case by the prosecution
- 11) Summing up of the case by the accused
- 12) Instructions by the presiding officer to the trial committee on the format of the verdict
- 13) Trial committee is excused to deliberate and prepare a verdict
- 14) Announcement by the presiding officer of the verdict and, in the case of a guilty verdict, of the imposition of any penalty established by the trial committee. (**Note:** In the case of a guilty verdict of a lay person, there are no further appeals. In the case of a guilty verdict of a minister, the presiding officer shall advise the accused of his/her right to an appeal.)
- 15) Presiding officer's closing comments and prayer.

## APPENDIX TWO

### ORDER FOR CONDUCTING APPEALS

#### **8:00 a.m. Pre-hearing conference**

The presiding officer convenes a pre-hearing conference between appellant, appellant's assistant(s), and the respondent, respondent's assistant(s) to confirm agreements about how the appeal will proceed. The setting of the time schedule is determined in the pre-hearing conference. The time schedule provided in this appendix is a suggested guide.

#### **8:30 a.m. Hearing Begins**

Members of the appeal committee, elected by the Board of Administration, are seated and introduced. (Reserves will be in the room for the hearing, in case they are subsequently needed, but will not sit with the appeal committee itself.)

- 1) Devotions & prayer
- 2) Appointment of a secretary by the presiding officer
- 3) Roll call
- 4) The presiding officer asks members of the appeal committee: "Have you discussed with any member of the \_\_\_\_\_ ministerial education, guidance and placement committee, the prosecutor or his/her assistant, the appellant or his/her assistant, or the presiding officer, any fundamentals of this case since agreeing to serve as a member of the appeal committee?"
- 5) Statement of the grounds of the appeal (The presiding officer will read the arguments presented in the appellant's statement.)
- 6) Instructions from the presiding officer from ¶920 (lay members) or ¶930 (ministers) of The Manual of The Free Methodist Church in Canada.

The appeal committee must confine itself to the grounds of the appeal but is entitled to all relevant information that will throw light upon the appeal as presented.

Grounds for appealing the verdict of an official board/trial committee are limited to:

- *New and important testimony exists and has become available, and satisfactory reasons are given as to why it was not presented at the trial.*
- *The minutes of the official board/trial committee are so inaccurate that the true merits of the case cannot be determined from them.*
- *There was illegal administration of The Manual of The Free Methodist Church in Canada.*
- *There was incorrect adherence to proper procedure by the presiding officer and/or the official board/trial committee." While it will be important for the appeal committee to consider each of the bases for the appeal, it will not be ruling on any of them individually.*

Its deliberations must result in answering only the following two questions:

**i. “Have the requirements of The Manual of The Free Methodist Church in Canada making provisions for an appeal been met (or those that have not been met, waived in writing) by both sides?”**

- If the answer to this question is “**yes**”, then the grounds of the appeal are heard.
- If the answer to this question is “**no**”, then the hearing terminates and the appeal is dropped or re-initiated by the appellant.

**ii. “Are there grounds for a trial?”**

- If the answer to this question is “**no**”, then the appeal fails and the decision of the official board/trial committee is sustained, including the penalty assessed. The matter is now closed for lay members. Ministers are entitled to appeal as provided for in ¶930.
- If the answer to this question is “**yes**”, then the appeal committee will try the case as provided for in The Manual of The Free Methodist Church in Canada.

7) Reading (by the presiding officer) of the charges from which the appeal is taken and a statement of the final action of the trial committee.

8) Arguments

- The appellant and/or assistant present arguments (limited to 45 minutes)

10:00 a.m. (approximately) Recess will be taken at the conclusion of an argument.

10:15 a.m. (approximately) Reconvene

- The respondent and/or assistant present argument (limited to 45 minutes)
- Rebuttal by appellant and/or assistant (limited to 10 minutes plus any time not used during the 45 minutes allotted for the original argument)
- Rebuttal by respondent and/or assistant (limited to 10 minutes plus any time not used during the 45 minutes allotted for the original argument)

Each party will be given a 5-minute warning and a 1-minute warning prior to the termination of the allotted time. When time is up, the argument or rebuttal must immediately stop.

The presiding officer shall remind the appeal committee of the two questions (in section six above) to be answered.

9) Prayer to conclude this portion of the hearing

10) 11:30 a.m. (approximately) Decision process of the appeal committee begins.

The interested parties shall retire while the appeal committee deliberates the two questions. It is proper to re-read the testimony or any part of it if necessary to refresh the memory, and to discuss the pending issue until all are able to make an informed decision.

12:00 Noon Lunch recess

11) 4:00 p.m. Conclusion of proceedings, or agreeing upon a plan to continue, so as to be able to present the report of the appeal committee. (A decision is required within 30 days).

12) Prayer

---

**APPENDIX THREE****RULES OF ADMISSIBILITY OF WITNESSES AND EVIDENCE**

1. **Admissibility of witnesses** - Every presiding officer shall rule as to who shall be admitted as witnesses in a case. Either party has the right to challenge any witness that may be called to the stand, giving reasons for the challenge, and the presiding officer shall decide whether the witness shall be allowed to testify.
2. **Sequestering of witnesses** - Witnesses who have not yet given testimony shall not be present during the examination of another witness or the presentation of written testimony.
3. **Admonition to be truthful** - Before giving his/her testimony, every witness is to be solemnly admonished by the presiding officer, that his/her testimony is given as before the Lord and that he/she is to tell the truth, the whole truth, and nothing but the truth.
4. **Credibility of witnesses** - The credibility of witnesses, or the degree of credit to be given to their testimony, may be affected by their relationship to either of the parties, by interest in the result, by want of proper age, by weakness of understanding, by defect in any of the senses, by enmity toward the accused, by personal character, and by various other circumstances to which the trial committee should carefully attend and for which it should make due allowance in its decision.
5. **Questioning of witnesses** - Witnesses are to be examined in the presence of the accused or his/her assistant, who are at liberty to cross-examine them. The same privilege belongs to the prosecutor and to every member of the trial committee. All questions are to be asked with the permission of the presiding officer, and no frivolous or non-pertinent questions are to be allowed.
6. **Testimony by the accused** - The accused may be allowed, but shall not be compelled, to testify and no inference of guilt may be drawn from his failure to testify, on the demand of the prosecutor.
7. **Testimony by family members** - Husbands and wives, parents and children, shall not be required to testify against each other.
8. **Testimony from a different case** - The testimony of a witness in a different case in which the accused was not a party and had no opportunity to cross-examine shall not be admitted as evidence of the truth of the matters to which the witness testified.
9. **Corroboration of testimony** - When a charge depends entirely upon the testimony of witnesses, at least two credible witnesses shall be necessary to establish the charge. But the testimony of one witness corroborated by good circumstantial evidence may be considered sufficient to establish the charge when there is no conflicting evidence.
10. **Common report** - In cases of common report, the testimony of several different witnesses to different acts of the same kind may be considered sufficient to establish the charge.
11. **Hearsay evidence** - Hearsay evidence (i.e. evidence based on innuendo or rumor or information received from others rather than by personal knowledge) is not to be received.
12. **Circumstantial evidence** - Circumstantial evidence may be received either to corroborate positive testimony or as conclusive when it is of such character as to produce full conviction in the minds of the trial committee.
13. **Written evidence** - Private writings and correspondence, printed publications, formal sworn affidavits, and signed confessions or disclosures attested by the signature of a person who witnessed the signing, the genuineness and authorship of which are clearly established, may be received as evidence.
14. **Records of a previous trial** - The records of a previous trial, or any part of them, whether original or transcribed, shall be received as legal evidence in any other trial.
15. **Private knowledge possessed by members of the trial committee** - No private knowledge possessed by members of the trial committee shall be allowed to influence their decision. A member of the trial committee who is called on to testify in the case may not vote on any matter in the trial except with the approval of both parties.

## APPENDIX FOUR

**Paralleling the Disciplinary Processes Chart**

<b>Stage</b>	<b>Lay Process</b>	<b>Ministerial Process</b>
1. <b>Private Counsel</b>	Pastor/Membership Care Committee	Bishop/Immediate Supervisor
2. <b>Discipline Recommendations</b>	Membership Care Committee	Bishop & Immediate Supervisor
3. <b>Discipline Administered</b>	Official Board	Regional MEGaP Committee
4. <b>Appeal of Discipline</b>	Appeal heard by Official Board	Appeal heard by Regional MEGaP Committee
5. <b>Trial</b>	Tried by Committee elected by BOA	Tried by Committee #1- nominated and elected by National MEGaP
6. <b>Appeal of Trial procedures</b>	None	Appeal heard by Committee #2 –nominated and elected by BOA
7. <b>Second Trial</b>	None	Tried by Committee #2