

STANDING COMMITTEE APPEAL PROCESS

If unity is to be preserved in the Church of the Brethren, then the rights of individuals and minority groups must be taken seriously. Therefore, Standing Committee has been charged with the responsibility to "hear appeals from individuals, churches, districts, and others." (MINUTES: 1955-1964, p. 169)

The dissatisfied party shall have exhausted every means of resolution within the district structure. Unless and until such initiatives are demonstrated to have been pursued in good faith, access to this Standing Committee Appeal Process will be regarded as premature. The means to be utilized include, but are not limited to, submission of the issue to a District Discipleship and Reconciliation Committee and/or reconsideration of the matter by the District Board.

In the event a person or group is dissatisfied with the process of a final decision of a district, the decision may be appealed through the following procedure:

I. Initial request for appeal hearing: The person/group appealing the decision must file a formal request for appeal within 30 days after the final district board action in question. The request must be in writing, contain a listing of the issues in question from the appealing party's point of view, and be delivered to the Annual Conference Officers and to the three members of Standing Committee's elected Appeals Committee. If the request for appeal is received less than 45* days prior to the opening meeting of Standing Committee for a given Annual Conference, then the appeal may not be heard by Standing Committee until the following year.

II. Response from Standing Committee representatives: Upon receiving a letter of appeal, the Annual Conference Officers will respond in writing to the appealing party(ies), acknowledging receipt and reviewing the steps and requirements of the appeal process. If at the time of this response, or any time later in the information gathering phase, the Officers determine that district level options for resolution have not been exhausted, they may terminate the appeal process and urge the parties to pursue those options.

III. Issue clarification and information gathering: As soon as an appeal notice is received, the Standing Committee's Appeals Committee shall proceed to:

A. Through exchanges in writing, make contact with the appealing party and the district (and if applicable, an affected Annual Conference Agency) to--

1. Verify through written documentation that district level resolution procedures have been exhausted.
2. Gather as much information as is available that may be helpful to the Appeals Committee in clarifying issues or that may be helpful to Standing Committee as it hears the parties.
3. Achieve agreement between the parties as to what constitute(s) the key issue(s) on appeal.

B. Provide counsel to Conference Officers as the Officers establish schedule and special procedures for the hearing before Standing Committee.

- C. Reasonably in advance of Annual Conference week, provide notice to Standing Committee members that the appeal will be coming and provide complete orientation information with respect to procedures to be followed in the appeal.
- D. At the beginning of Standing Committee meetings at Annual Conference, provide Standing Committee members with a synopsis of issues to be heard and decided and relevant documentary information with respect to background and facts of the case. The timing shall be arranged so that Standing Committee members have adequate time to review such materials before the time of the hearing.
- E. Throughout the process, to serve with Officers as interpreters and counselors to all parties regarding Standing Committee policy and procedure, and as support to Standing Committee with follow-up to help with healing and reconciliation.

IV. Context and Procedure for hearings:

A. *At the time and day designated for hearing*, each party involved in the dispute may be accompanied by one (1) person. The Standing Committee, in closed session, will hear the appeal in the following manner:

1. The Annual Conference Officers will remind all present of our commitment to one another as the body of Christ.
2. The Appeals Committee and the Annual Conference Officers will provide any pertinent background information deemed necessary for Standing Committee member orientation to the procedures and the issues.
3. The person/group bringing the appeal will be allowed to present the grievance.
4. The district board will be allowed to present the district's perspective.
5. If applicable, an agency of the Annual Conference which is implicated or collaterally affected will also present additional information.
6. After the information has been presented, Standing Committee only will be allowed to ask additional questions of the presenters.
7. The parties involved in the dispute will then be allowed to ask questions of one another for clarification, without interruption from Standing Committee.
8. The parties will be dismissed with appreciation for their presentations.
9. In executive session the Standing Committee will discuss the issues and will make a decision on the appeal.
10. Any Standing Committee members who has a conflict of interest may excuse himself or herself from the deliberation.
11. The Appeals Committee will offer and plan for follow-up and for facilitating reconciliation with the parties as is needed or desired.

12. The Annual Conference Secretary will communicate the decision in writing to all parties. The final report and communiqué of the Standing Committee following its deliberation and decision shall be limited to a statement of findings and a brief, succinct rationale. It should not engage in rendering advisory opinion to parties on specific matters under review.

B. Underlying framework and policy:

1. The proceedings carried out under the terms of this document are to be understood as an ecclesiastical process for achieving understanding and fair dealing within church life. The process is not intended as a substitute for civil judicial procedure.
2. Issues on appeal shall be limited to questions of whether established denominational polity and procedures were followed in district level proceedings. The Standing Committee Appeal process is not intended as a forum in which the facts of a case are retried. Any direct or unintentional effort to focus the appeal as an inquiry into findings of fact should be screened out and redirected by the Appeals Committee and the Officers prior to hearing before Standing Committee. Any appearance of that kind of discussion during the hearing should be counseled against by Officers and the Appeals Committee.
3. The role of the Appeals Committee shall be primarily to assemble information, clarify issues, insure proper procedure, and monitor the process with Standing Committee. The creation of such a committee is not intended to establish an alternative hearing body.
4. The decision of the Standing Committee will be final and without appeal.
5. The appealing party must be present at the hearing, and will do so at his/her own expense. Without the personal attendance of the party seeking the appeal, the appeal will be considered forfeited. A postponement of the appeal may be granted by the Annual Conference Officers in the event of extremely extenuating circumstances.
6. The Appeals Committee and the Officers may invite outside counsel of whatever nature they regard appropriate to sit with them in preparation for the hearing and/or in the hearing itself.

**ADOPTED BY THE STANDING COMMITTEE
CHURCH OF THE BRETHREN
July 14, 2000
Kansas City, Missouri**

(Amended and updated from the previous Appeal Process Statement of June 1995, based on recommendations of the Subcommittee on Role of Standing Committee report to Standing Committee, June 1999)

*The approved time of 60 days was edited April 30, 2002 to 45 days to correspond to the 1996 Ethics in Ministry timeline. See AC *Minutes*, p. 382 (1995-1999)

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