

## CHAPTER 11 DISCIPLINE OF MEMBERS AND MINISTERS

- 11.1 The true spirit of Methodist discipline requires that it be exercised in harmony with the Grace of Christ, with tenderness, patience and fidelity, seeking rather to win Members (hereafter inclusive of Ministers unless the context indicates otherwise) back to Christ than to discontinue them.
- 11.2.1 Members who create or encourage dissension and strife in their own Circuit or any other part of the church, or who continuously rail against the Doctrine and Discipline of the Connexion and/or of the church's appointments/ representatives/officeholders, or who lapse into sin, or who otherwise violate the law of God or of the church may have a complaint laid against them by another member with the District Discipline Registrar (DDR). This shall be in writing.
- 11.3 Ministers who have an accusation against them in respect of character, doctrinal beliefs, fitness for the work of the ministry, or observance of Methodist Laws and Discipline may have a complaint laid against them by **a member** with the District Discipline Registrar. This shall be in writing.
- 11.4 The District Discipline Registrar shall decide within 30 days of receipt of a written complaint whether it demands the laying of a charge and a hearing. In reaching a decision the District Discipline Registrar shall consider, among other things, whether:
- 11.4.1 **Whether there is a breach of the Laws and Discipline;**
- 11.4.2 in the case of disputes between individuals or groups, all means of pastoral intervention and/or mediation and/or any other appropriate responses have been exhausted;
- 11.4.3 the alleged offence damages the integrity, witness, governance or good name of the Church.
- 11.4.4 The DDR may request the person against whom the complaint is made to make written submission if they so wish, in reply to the DDR before it is determined whether a charge be laid, and within 5 (five) calendar days of receiving such communication from the DDR.**
- 11.5 If it does demand the laying of a charge and a hearing, the District Discipline Registrar shall formulate a charge and shall deliver the charge within Fourteen (14) days as stipulated in para 11.11.
- 11.6 If the District Discipline Registrar decides that the complaint does not demand a charge and hearing the District Discipline Registrar shall inform the **complainant** accordingly within Fourteen (14) days and may refer it to another appropriate forum of the Church. The **complainant** may appeal to the Connexional Disciplinary Committee against this decision. Such appeal shall be in writing. The decision of the Connexional Disciplinary Committee shall be made in terms of 11.4 above and shall be final.  
If it decides the complaint warrants a charge and a hearing it shall refer the matter back to the District Discipline Registrar who shall then act in terms of para 11.5 above.
- 11.6.1 Where the complaint has been referred to another appropriate forum of the church and the complainant is not satisfied with the outcome thereof, the provisions of Appendix 14 of the L&D shall apply.**
- 11.7 If a charge is laid:
- 11.7.1 In the case of a lay **member**, if the Superintendent considers the charge to be sufficiently serious and it is in the best interests of the Church, the said Superintendent shall instruct the Member in

writing to cease to exercise the functions and privileges of membership and any official **position pending the finalisation** of the hearing of the District Disciplinary Committee and review by the Connexional Disciplinary Committee, which shall be concluded as soon as possible. The Superintendent shall forthwith inform the Bishop of the decision to suspend the lay member. If the period of suspension is to exceed one month the written approval of the Bishop is required.

**11.7.2 In the case of an Evangelist or Bible Woman, the Superintendent shall inform the Bishop of the charge. If, after consultation with the Superintendent, it is deemed to be in the interests of the Church, the Bishop may direct that the Evangelist or Bible Woman who is charged must cease to exercise any functions of their role until the verdict has been reached. Such direction of the Bishop shall be delivered to the accused in writing and be copied the Warden of the Order.**

**11.7.3** In the case of a Minister, the Bishop shall inform the Presiding Bishop of the charge. If, after consultation with the Bishop, it is deemed to be in the interests of the Church, the Presiding Bishop may direct that the Minister who is charged must cease to exercise any ministerial functions until the verdict has been reached. Such direction of the Presiding Bishop shall be delivered to the **defendant** in writing. The Presiding Bishop shall not give the said Minister a prior hearing.

**11.7.4** The Presiding Bishop shall decide whether the **defendant** shall continue to receive the same stipend and to benefit from the Connexional Funds designated to assist ministers, during the period of cessation of such ministerial functions. This decision shall be reviewed if the matter has not been concluded within a period of ninety days of the delivery of the charge. The **defendant** may continue to occupy the Circuit property unless the Presiding Bishop directs otherwise.

***District Disciplinary Committee:***

**11.8** Each Synod shall appoint a District Disciplinary Committee of 7 (seven) persons as per recommendations of District Executive, having considered qualifications and required competency. The committee comprises three ordained Ministers and four Lay Members. The term of office for members serving on the District Disciplinary Committee shall be three years for up to three (3) consecutive three year terms. Synod shall appoint a Convener from among the members of the committee. A quorum shall comprise 3 (three) members of which at least one shall be an ordained minister and at least one shall be a lay person. Furthermore, at least one of the quorum shall have the applicable qualifications referred to in paragraph 11.41.

**11.9** The Committee shall meet within 21 days of receiving a charge **and conclude in a reasonable period of time**. If it does not meet within 21 days of receiving the charge, the charge **lapses** unless the delay is caused by circumstances beyond anyone's control. This will not preclude the District Discipline Registrar from forwarding the charge a second time to the District Disciplinary Committee provided that the District Disciplinary Committee shall meet within 10 (ten) days of such an event. If it does not meet within this period, the charge **lapses** permanently.

***Appointment and qualifications of the District Disciplinary Committee, the District Discipline Registrar and Connexional Disciplinary Committee***

**11.10** The District Discipline Registrar who serves as the Chair of the District Discipline Registry, and at least one member of a District Disciplinary Committee and one member of the Connexional Disciplinary Committee shall be persons who have the equivalent of at least five (5) years High Court experience as an attorney or advocate or five (5) years of commensurate litigation experience. The same person can be appointed as the District Discipline Registrar for more than one District.

11.11 Synod shall appoint the District Discipline Registry as per recommendation of District Executive, having considered qualifications and required competency. The Office of the District Discipline Registry shall consist of three persons, a person with the appropriate legal background as stipulated in 11.10, one Minister and one lay person. The DDR shall operate from the office of the Minister on the team, and shall consider all cases together under the chair of the legally qualified member. The term of office for the District Discipline Registry shall be 3 (three) years and is eligible for re-appointment.

11.12 *The powers and duties of the District Disciplinary Committee, inter alia, are to:*

11.12.1 hear all charges referred to it by the District Discipline Registrar and, in the event of a conviction, to impose whatever sentence it deems appropriate, which shall include the suspension or termination of the membership of the **defendant, or discontinuance of a Minister;**

11.12.2 call any witness or evidence it might require to reach a decision;

11.12.3 maintain a written record of decided cases;

11.12.4 recommend, when it considers that an offence it has dealt with places a legal duty on the Church, that the Bishop reports accordingly through the General Secretary to the relevant prosecutorial authority, or to any other relevant civil authority.

#### **The Charge**

11.13 *Delivery of the Charge:*

11.13.1 The DDR shall notify the **defendant** in writing of the terms of the charge and of the date, place and time of the meeting of the District Disciplinary Committee that will hear the charge. The charge shall be sent by Registered Post to the last known address of the **defendant**, in which case the **defendant** shall be deemed to have received the charge 10 days after posting, **or by e-mail.**

11.13.2 The District Discipline Registrar shall within 21 days inform the **Bishop and Superintendent(s)** of the Circuit(s) in which both the **complainant** and the **defendant** reside, of the charges that have been laid. The **Bishop and Superintendent** shall treat the matter as strictly confidential and shall not interfere with the process;

11.13.3 Unless the **defendant** agrees to accept shorter notice, the hearing shall not be held less than 7 (seven) days after the defendant has received the notice;

11.14 Should the **defendant** refuse to accept service of the charge or be absent from the last known residential address, the charge shall be deemed to have been duly served if the terms of para. **11.13.1** have been fulfilled.

#### *Trial Procedure:*

11.15 All charges against **defendant** persons shall be heard by the District Disciplinary Committee of the District in which the **defendant** resides. If the matter of complaint took place in another District, so as to make it difficult for witnesses to attend, or if some other good reason obtains, the Presiding Bishop may decide which District Disciplinary Committee shall hear the charge.

11.16 **The District Discipline Registrar shall appoint a member of the MCSA in good standing to present the case against the defendant at the hearing. Such person shall have no interest in the matter.**

- 11.17 If any member of the District Disciplinary Committee is personally involved in or affected by the matter before the District Disciplinary Committee, that member shall temporarily withdraw from the Committee. If the Convener withdraws from a hearing, the Committee shall appoint another of its number as Convener for that hearing.
- 11.18 The **defendant** may appoint a Member as a representative during the trial proceedings, provided that the unavailability of a specific person shall not be grounds for the delay/postponement of a hearing.
- 11.19 No legal representation shall be allowed in the District Disciplinary Committee hearing.**
- 11.20 DISTRICT DISCIPLINARY COMMITTEE PROCEDURE**
- 11.20.1 The Convener of the District Disciplinary Committee shall control its proceedings which shall include, but not be limited to, ensuring that all relevant evidence, is tested and presented to the District Disciplinary Committee. Any member who absents themselves during proceedings, except during an adjournment, shall not be allowed to return or to participate in the verdict or the sentence. The **defendant** and the **defendant's** representative (if any) and the **complainant** have the right to be present throughout the proceedings but not while the Committee considers the verdict or the sentence. No other person shall be present except a witness while giving testimony.
- 11.20.2 The District Disciplinary Committee shall at its sole discretion be able to use any method of communication to facilitate its meetings, deliberations and any other duties and functions which it needs to perform.
- 11.21 No member of the Committee may divulge to anyone outside the Committee any of its deliberations or proceedings.
- 11.22 The Committee may proceed with the hearing if the **defendant** neglects or refuses to attend.
- 11.23 In exceptional circumstances the Committee may take evidence on commission where, in the opinion of the Convener, good grounds exist. The **defendant** and the **complainant** may be present. The **defendant** may question the witness giving evidence on commission. Evidence so recorded forms part of the record of the proceedings.
- 11.24 A written record of the proceedings shall be kept by one of the members appointed thereto by the Convener. This person and no other may use electronic equipment to record the proceedings. The record vests in the Official Trustee (see 11.1), shall be lodged with the Connexional Office, and shall be accessible to no one but the Connexional Disciplinary Committee, unless the Presiding Bishop is of the opinion that it is required for reasons consistent with the Laws and Discipline of the church.
- 11.25 At the conclusion of the evidence, and after hearing argument by the **defendant** and the person presenting the case against the **defendant**, the Committee shall declare its verdict by majority vote as to the guilt or otherwise of the **defendant**. If the **defendant** has been found guilty, the Committee may consider any previous disciplinary record relating to the **defendant** to assist it in deciding the sentence.
- 11.26 The verdict and the sentence shall be in writing and the finding shall be delivered as soon as possible **within reasonable time** to the **defendant** and the **complainant** as provided for in para. **11.13.1 or 11.14**. At the same time the Convener of the District Disciplinary Committee shall provide the **defendant** with a copy of the regulations relating to an appeal. The full record of every

hearing shall be sent to the Connexional Disciplinary Committee by the District Disciplinary Committee within seven (7) days of the delivery of its finding. The Convener of the District Disciplinary Committee shall advise the **defendant's** Bishop of the charge, the verdict and the sentence.

- 11.27 The person presenting the case against the **defendant**, the **defendant** or the **complainant**, on good grounds being shown to the Convener of the District Disciplinary Committee, may obtain a copy of the record of the hearing, excluding discussion by the Committee while considering the verdict or the sentence. The applicant shall bear the costs.

***Commencement of Sentence:***

- 11.28 No sentence shall take effect until the Connexional Disciplinary Committee has reviewed the matter. The General Secretary shall **communicate the sentence to the defendant, the Bishop and Superintendent (when relevant) and the DDR & DDC Convener. The DDC Convener shall correspond with the complainant.**

***Suspension of Ministers:***

- 11.29 If found guilty by a District Disciplinary Committee, a Minister may be suspended by the Presiding Bishop from exercising any ministerial functions, without giving him/her an audience, before the Connexional Disciplinary Committee has reviewed the matter, if the Presiding Bishop is of the opinion that it is in the best interests of the church. The **defendant** shall be informed of the suspension as provided for in para. **11.13.1 or 11.14.**
- 11.30 Where a Minister has been found guilty by a District Disciplinary Committee, unless the Presiding Bishop decides to the contrary, all stipends and other emoluments from the Church and all payments due to Church funds shall continue to be paid and the **defendant** may continue to occupy any Circuit property. Before making a final decision adverse to the **defendant** in this regard, the **defendant** shall be given the opportunity to make submissions to the Presiding Bishop. The Presiding Bishop may make an interim decision in this regard without giving the **defendant** the opportunity to make submissions.
- 11.31 A suspended Minister shall not exercise any of the duties of a Minister or of a Local Preacher or occupy any other official position in the Church.
- 11.32 Suspended Ministers are under the pastoral charge of the District Bishop.
- 11.33 If the Connexional Disciplinary Committee declares a Minister not guilty who has been suspended without emoluments and any other payments, the Church shall endeavour to make good the stipend, grants, and benefits from the Supernumerary and Furlough Funds the Minister lost as a result of the suspension.

***Probationers at Seminary:***

- 11.34 The Presiding Bishop, in consultation with the Director of the Education for Ministry and Mission Unit and the President of the Seminary, may suspend a Probationer pending the finding of the District Disciplinary Committee and review of the Connexional Disciplinary Committee if it is in the best interests of the church. During the suspension the Probationer may continue in residence at the Seminary unless the Presiding Bishop directs otherwise.

***Connexional Disciplinary Committee:***

- 11.35 Conference shall appoint a Connexional Disciplinary Committee consisting of not fewer than seven persons of whom at least two shall be ordained Ministers and at least three Lay Members, all appointed for a term of three years and not exceeding three (3) consecutive terms. The Conference

shall appoint one of the members to be the Convener. At least one member shall have the equivalent of at least five (5) years Highcourt experience as an attorney or advocate or five (5) years of litigation experience.

- 11.36 No legal representation shall be allowed in the proceedings of the Committee. The Committee shall meet as the need arises. The Committee, inclusive of the Convener, or member acting as the convener, shall at its sole discretion be able to use any method of communication to facilitate its meetings, deliberations and any other duties and functions that it needs to perform.
- 11.37 If any member of the Committee is personally involved in or affected by the matter before the Committee, that member shall temporarily withdraw from the Committee. If the Convener withdraws from a hearing, the Committee shall appoint another of its number as Convener for that hearing. Three members form a quorum. Of these, at least one shall be an ordained Minister and at least one shall be a Lay Member. Furthermore at least one of the quorum shall have the applicable qualifications referred to in 11.41.

#### ***Powers and Duties***

- 11.38 *The Connexional Disciplinary Committee shall, inter alia:*
- 11.38.1 hear all appeals against decisions of District Disciplinary Committees;
- 11.38.2 in the absence of an appeal, review every record of District Disciplinary Committees within 30 days **of receipt of the record** of the District Disciplinary Committee's decision;
- 11.38.3 in consequence of 11.35.1 and 11.35.2 ratify, amend or reverse any decision, verdict or sentence imposed by a District Disciplinary Committee, or refer the matter back to it for retrial or make any other decision or give any other directive which justice requires;
- 11.38.4 maintain a record of decided cases;
- 11.38.5 ensure that all records of the Connexional and District Disciplinary Committees are forwarded to the Methodist Connexional Office for safe keeping;
- 11.38.6 submit a report of its work to the Connexional Executive without breaching any confidences;
- 11.38.7 recommend, where it considers that an offence it has dealt with places a legal duty on the Church, that the General Secretary reports accordingly to the relevant prosecutorial authority, or to any other relevant civil authority;
- 11.38.8 hear cases where the Presiding Bishop has been charged;
- 11.38.9 be empowered to condone late submissions from DDC's;**
- 11.38.10 The decision of the CDC on a verdict is final. Only matters of procedure on disciplinary cases may be referred to the Arbitrator.**

#### ***Appeals:***

- 11.39 Any appeal must be lodged in writing with the Convener of the Connexional Disciplinary Committee within twenty one (21) days of the date on which the decision appealed against is conveyed to the person entitled to appeal, and shall set out the grounds of appeal. The Connexional Disciplinary Committee must endeavour to finalise the appeal within 30 (thirty) days of the appeal being lodged, **unless good cause is shown.**
- 11.40 Such appeal may be made only on one or more of the following grounds:
- 11.40.1 that the procedures set out in Laws and Discipline were not adhered to;
- 11.40.2 that there was malice or prejudice on the part of those serving on the District Disciplinary Committee;
- 11.40.3 that the sentence does not conform to previous sentences relating to similar matters;
- 11.40.4 that proper account was not taken of the circumstances of the **defendant** or of any mitigating factors;

11. 40.5 that the District Disciplinary Committee misdirected itself in reaching its decision.
- 11.41 All appeals shall be decided on the written record of the proceedings before the District Disciplinary Committee and on hearing such argument by the **defendant** and the person presenting the case against the **defendant** as the Connexional Disciplinary Committee shall permit. No **new** evidence shall be heard on appeal unless the Committee decides to call for such evidence. **The CDC may call for written submissions from anyone.**
- 11.42 The **defendant**, and the **defendant's** representative, the person presenting the case against the **defendant** and the **complainant** are entitled to be present at the hearing of the appeal only while argument is being presented.

*Appointment and qualifications of the District Disciplinary Committee, the District Discipline Registrar and Connexional Disciplinary Committee*

- 11.43 The District Discipline Registrar and at least one member of a District Disciplinary Committee and one member of the Connexional Disciplinary Committee shall be persons who have the equivalent of at least five (5) years High Court experience as an attorney or advocate or five (5) years of commensurate litigation experience.
- 11.44 **Synod shall appoint the District Discipline Registry as per recommendations of District Executive, having considered qualifications and required competency. The Office of the District Discipline Registry shall consist of three persons, a person with the appropriate legal background as stipulated in 11.41, one Minister and one lay person. The DDR shall operate from the office of the Minister on the team, and shall consider all cases together under the chair of the legally qualified member.** The term of office for the District Discipline Registrar shall be 3 (three) years. The District Discipline Registrar is eligible for re-appointment. **The same person can be appointed as the Chair of the District Discipline Registry for more than one District.**

**DISCONTINUED MINISTERS**

- 11.45 Ministers who are discontinued after due trial, or who resign while under charges, or with such charges pending, shall not be allowed to be Local Preachers or Class Leaders without the consent of the Connexional Executive. The Connexional Executive may remove the membership of such a person who then becomes a Member on Trial in a Society decided by the Connexional Executive on the recommendation of the Bishop. The Connexional Executive may restore such a person to Full Membership or to any office in the Church but shall first consult the Superintendent and, if possible, the Synod.

**MINISTERS SEEKING REINSTATEMENT**

- 11.46 A Minister who has resigned or been discontinued and seeks re-instatement shall apply to the Connexional Executive through Synod. (Ref 4.122)
- 11.47 An ordained Minister who is reinstated shall not be ordained again but may be required to serve a period on trial before being restored to Full Connexion, as determined by the Connexional Executive.

**PASTORAL OVERSIGHT IN THE DISCIPLINE PROCESS**

- 11.48 Bishops and Ministers must exercise a pastoral role throughout the discipline process, especially after the discipline process has been completed.

**DISCIPLINE OF BISHOPS**

- 11.49 A complaint against a Bishop shall be forwarded to the Presiding Bishop who shall forward it to the District Discipline Registrar of any District, other than the Bishop's District, who shall act in terms of 11.4 above. In the event of the District Discipline Registrar deciding that a hearing must be held, the Presiding Bishop shall decide which District Disciplinary Committee shall conduct the hearing, provided that it shall not be the District Disciplinary Committee of the District in which the Bishop was **defendant**.
- 11.50 In all other respects the regulations for Disciplining Ministers/Members shall, *mutatis mutandis*, apply.

**DISCIPLINE OF PRESIDING BISHOP**

- 11.51 An accusation made against the Presiding Bishop shall be submitted to the General Secretary who shall forward it to the District Discipline Registrar of the District wherein the Presiding Bishop resides and two other District Disciplinary Registrars appointed by the General Secretary. The said District Disciplinary Registrars shall act in terms of 11.4 above. In the event that the said District Disciplinary Registrars cannot reach agreement on whether or not there should be a hearing, a decision shall be taken by majority vote.
- 11.52 In the event of the District Disciplinary Registrars deciding that a hearing must be held, the Connexional Disciplinary Committee shall be the trial court.
- 11.53 Either the **defendant** or the person presenting the case against the **defendant** may appeal against the decision of the trial court. Such appeal shall be lodged with the General Secretary within 30 (thirty) days of the decision of the court. The appeal shall be decided by the Connexional Executive or by a special court appointed by the Connexional Executive consisting of at least five members. The Connexional Executive shall at its sole discretion be able to use any method of communication to facilitate its meetings, deliberations and any other duties and functions which it needs to perform in this regard.
- 11.54 The Presiding Bishop who most recently vacated that office, failing which the most recent Presiding Bishop who is available, shall preside over the Connexional Executive when it hears an appeal in a matter concerning the Presiding Bishop.
- 11.55 The record vests in the Official Trustee, shall be lodged with the Connexional Office, and shall be accessible to no-one but the General Secretary, unless the Connexional Executive is of the opinion that it is required for reasons consistent with the Laws and Discipline of the Church.
- 11.56 In all other respects the regulations for Disciplining Ministers or Members shall, *mutatis mutandis*, apply.