

Resolution #1

Whereas, Multiple recent cases involving allegations of sexual abuse of a minor have indicated a need for better training of those dealing with such highly volatile and potentially damaging matters; and

Whereas, This training can be more effectively accomplished with a smaller pool than all those serving on District Boards at any given time; and

Whereas, The close, personal connections within districts make it difficult and uncomfortable for a district to adjudicate these matters in the best manner to protect both the rights of the accused and the vulnerability of any victims; and

Whereas, Because of their nature, matters involving allegations of the sexual abuse of a minor should be handled by a Regional Investigative Committee and Regional Hearing Committee; therefore

Be it resolved, That the following changes be made to the Introduction and Articles I - V of the Judicial Procedure and that a new Article VI be added as presented below, with all subsequent articles being renumbered appropriately.

INTRODUCTION

The purpose of the Judicial Procedure (hereinafter "JP") is to resolve grievances, allegations of failure to abide by the ministerial rules and obligations, and complaints of ethical, moral, financial, and/or doctrinal violations brought against ministers in the UPCI.

Since the Bible instructs us to resolve ministerial and church problems within the church (I Corinthians 6:18), the UPCI does not approve of any credentialed UPCI minister resorting to the civil courts to seek resolutions of conflicts that arise within the structure of the UPCI. In many cases, initiating a lawsuit against a fellow minister or against a UPCI church may be grounds for disciplinary action against a minister. This JP is designed to be the instrument by which the UPCI resolves grievances between ministers and complaints about the conduct of ministers.

The JP is not a substitute for appropriate secular criminal investigation or prosecution. In some circumstances, it may be necessary to inform or cooperate with secular authorities concerning criminal conduct. No statement in this JP shall be interpreted to require confidentiality when there is a legal duty to report any criminal conduct. Further, any guidance in the JP that suggests that information shared in informal meetings shall not be considered evidence does not apply to situations related to criminal conduct that must be reported to authorities by law.

Since it is the desire of the fellowship to protect the rights of the accused, it must always be presumed that the accused is innocent until proven guilty. Moreover, the JP makes provision for an appeal to correct errors that affect a judgment.

The UPCI strongly condemns any attempt to prejudice the fellowship for or against the accused through any process outside this JP. A minister's character should not be impugned by innuendo or rumor. Moreover, any attempt to obstruct the judicial process or to intimidate, malign the character of, or threaten recrimination of the accused minister, the person bringing the grievance or making the complaint, the district representative, the

presiding officer, jurors, counselors, witnesses, or any others involved in the judicial process may result in substantial disciplinary action, subject to JP.

This JP seeks a simple means of resolving ministerial problems in an orderly and Christian atmosphere without requiring any legal training. No person should attempt to use its provisions to evade guilt or to bend its authority to create confusion. It is to be administered by firm, competent hands, governed by truth and holiness, and clothed with respect, brotherly kindness, and love.

ARTICLE I DEFINITIONS, TYPES OF ACTIONS, AND GUIDELINES

Section 1. *Definitions.*

1. Pronouns, nouns, and terms used in this JP shall include the masculine, feminine, neuter, singular, and plural forms thereof whenever appropriate to the context.
2. *Evidence* refers to objects, statements by witnesses, or any other information presented at a District Board inquiry, to an investigative committee, at a hearing, or at a trial to establish a point in question.
3. A *witness* is someone who has firsthand knowledge of facts relevant to the truth of a complaint or charge. Each witness must be able to testify to a fact that establishes truth about the alleged violation. A witness may testify to the character of the accused on issues related to the complaint or charge.
4. A *counselor* is a person selected by the District Board, the Executive Board, or a minister to assist, advise, and speak during a District Board action, hearing, trial, or appeal. He or she must be a credentialed minister of the UPCI. He or she need not reside in the district in which the accused minister is tried. A counselor cannot be a member of the General Board unless he or she is assisting an executive representative.
5. A Regional Judicial Officer is a credentialed minister selected by the Executive Committee to serve as a coordinator for Regional Judicial issues arising from an accusation of sexual abuse of a minor under Article VI. (The Executive Committee is defined in the General Constitution, Article VI, Section 5, Paragraph 1.) The Regional Judicial Officer shall serve a two (2) year term appointed in alternating years with the Regional Presiding Officer.
6. ~~5-~~The *Ministers Appeal Council* (hereinafter "MAC") consists of a Regional Presiding Officer as defined in Article II, an Executive Presbyter (preferably the Executive Presbyter for the region in which the action originated unless a conflict of interest prevents his or her participation), and five (5) ordained ministers. Each district conference may nominate one (1) ordained minister and submit it to the General Board; then the General Board shall select two (2) names from those nominated for each office that is open. These names shall then be presented to the General Conference for election. The term of service for the five (5) elected ministers shall be two (2) years, and they shall be elected on alternate years. They may not succeed themselves. The Regional Presiding Officer shall be the chair of the MAC. The MAC hears appeals from the decision of an arbitration panel (Article III), from actions of District Boards (Article IV), ~~from District Board sentences (Article V),~~ and from verdicts and sentences given at trials (Articles V & VI).
7. The Regional Hearing Committee shall be created in this way whenever needed: the Regional Presiding Officer and Regional Judicial Officer, with the assistance and input of the Executive Committee, shall appoint five (5) ordained ministers to serve with the Regional Judicial Officer as the Regional Hearing Committee. These ministers shall be selected from a pool of ministers comprised of: 1) Those whose names were most recently nominated by districts to serve on the MAC but who are not serving in that capacity and 2) Ministers selected by the Executive Committee who are adept at the JP. (The Executive Committee is defined in the General Constitution, Article VI, Section 5, Paragraph 1.)
8. ~~6-~~Official notice shall mean any of the following:

- (a) Written communication sent by certified mail with return receipt requested.
 - (b) Written communication sent via any other physical delivery service wherein a signature is required by the receiving party.
 - (c) Written communication delivered in person by someone who obtains a written receipt or who is accompanied by another person as a witness. The date of official notice is the date of receipt.
9. ~~7.~~ The *district representative* is a member of the District Board designated by the District Superintendent to represent the District Board at a trial or appeal. The District Superintendent may designate himself.
10. The *regional representative* is a member of the Regional Hearing Committee designated by the Regional Presiding Officer and Executive Presbyter to represent the Regional Hearing Committee at a trial or appeal.
11. ~~8.~~ The *executive representative* is a member of the Executive Board designated by the Executive Board to present the case in the trial of a general officer. The General Superintendent shall not serve in this capacity.
12. ~~9.~~ A *conflict of interest* is a conflict between a person's self-interest and his or her obligation to act for the benefit of the fellowship.
- (a) No official working at Headquarters shall serve as a counselor or as a member of an investigative committee or jury. Exceptions are members of North American Missions and Global Missions when they function under Articles VIII and IX.
 - (b) No immediate or former relative of the accused minister, the accusers, the district representative, or the executive representative shall serve on the jury, on the investigative committee, on the MAC, or as the Regional Presiding Officer. An immediate or former relative is a spouse, parent, child, grandparent, grandchild, brother, sister, first cousin, brother-in-law, or sister-in-law of a person or his or her past or present spouse.
 - (c) A person shall disqualify himself or herself from serving in any part of the judicial process if he or she lacks impartiality or if his or her serving could create the appearance of partiality. Perceived violations of this paragraph shall be referred to the Regional Presiding Officer having jurisdiction for an immediate ruling, whose decision shall be final. (If that Regional Presiding Officer is unavailable, an alternate Regional Presiding Officer mutually agreeable to both sides shall be contacted.)
 - (d) It is a conflict of interest if one party is represented by an individual who has represented the other party in an official capacity or is privy to confidential information from one party and now represents the other party.
 - (e) It is not a conflict of interest if the representation is limited to a capacity that prior information is not pertinent to the immediate judicial procedure or if prior communication with the opposing side would not jeopardize or prejudice the accused or the district.
13. ~~10.~~ *Regional Presiding Officers* shall mean those ministers listed as such in the latest edition of the *Manual*, or any replacements who have been appointed since the last edition of the *Manual* was published.
14. ~~11.~~ A *District Board Inquiry* is a meeting of a District Board with an accused at which evidence is presented and testimony may be given relative to a potential District Board action under Article IV.
15. ~~12.~~ An *investigation* is an official search or examination to uncover facts relative to a complaint. An investigation shall be limited to one hundred twenty (120) days in duration.
16. ~~13.~~ A *hearing* is a meeting of a District Board or the Executive Board as called for in this JP under Article V, or of the Regional Hearing Committee as called for in this JP under Article VI, at which evidence is presented and testimony is given relative to a complaint to determine if the evidence warrants referring the case to a trial.

17. ~~14.~~ A *charge* is a formal written allegation by the District Board as called for in this JP under Article V or by the Regional Hearing Committee as called for in this JP under Article VI that a minister has committed an ethical, moral, financial, or doctrinal violation and is the basis for a trial. A charge shall: (a) Identify the alleged violation
- (b) Specify who committed the alleged violation
 - (c) Specify where and when the alleged violation occurred
- Multiple charges may be submitted at the same trial if they are based on violations of the same nature or if they arise from the same facts or circumstances. The District or Regional Hearing Committee, as applicable, must determine that each charge can be supported by evidence from two (2) or three (3) witnesses.
18. ~~15.~~ A *trial* is the process by which evidence is examined by a jury to determine the truth of a charge brought against a minister.
19. ~~16.~~ A *verdict* is the formal and official finding of a jury concerning the matter(s) submitted to it in a trial.
20. ~~17.~~ A *confession* shall be written or typed, signed, and dated. It shall be clear and concise, and it shall speak to the salient points of the actual charges. A confession cannot be recanted or withdrawn.
21. ~~18.~~ A *sentence* is the consequence imposed upon a minister who has violated his or her ministerial trust as defined by the *Manual*.
22. ~~19.~~ The *Judicial Procedure Committee* is meant to be a group of advisers to any participant involved in the judicial procedure to bring non-binding clarity, consultation, direction, or advice.
23. ~~20.~~ *Sexual abuse* includes the following acts or attempts thereof:
- (a) Illegal sexual conduct such as rape, sexual assault, aggravated or abusive sexual contact
 - (b) Sexual molestation or indecent liberties with a minor
 - (c) Other sexual misconduct involving a minor such as sexual solicitation, indecent exposure, or pandering.
 - (d) Any sexual conduct with a person unable to give informed consent or a minor (person under the age of 18) regardless of the age of consent in the jurisdiction in which it occurred. Sexual conduct includes physical or intimate sexual activity whether in-person or facilitated by electronic means such as explicit voice, text, picture and video messages.
 - (e) Any sexual conduct where coercion, undue influence, or abuse of authority or position of trust is employed to facilitate immoral sexual conduct (hereinafter referred to as “abuse of trust”). Abuse of trust may be inferred from the circumstances and can occur even when the victim engaged in sexual conduct voluntarily. Because of the significant influence ministers have in the lives of those under their ministry, counsel, and care, situations involving sexual conduct between a minister and a person under his or her ministry, counsel, or care generally involve an abuse of trust.

Section 2. Three Types of Actions.

1. A *Grievance* is a problem, disagreement, or offense between ministers. It is governed by Article III of the JP.
2. A *District Board Action* is utilized when there is an alleged violation of ministerial rules and obligations under the General Constitution, Article VII, Sections 2, 7, and 8. This includes alleged conduct unbecoming a minister when there is no significant factual dispute about the minister’s conduct (e.g., the minister has signed a written confession or there is clear, unambiguous evidence through audio, video, or text documentation). It is governed by Article IV of the JP.
3. A *Complaint* is a written allegation that a minister has committed ethical, moral, financial, or doctrinal violations that cannot be handled by a District Board Action. This includes alleged conduct unbecoming a minister about which there is a significant factual dispute, and this includes alleged immoral conduct

under the General Constitution, Article VII, Section 9. A complaint must be signed by two (2) or three (3) accusers who state they have independent, firsthand knowledge of the alleged misconduct. (See Matthew 18:16; II Corinthians 13:1; I Timothy 5:19.) This requirement may be fulfilled by two witnesses who testify to a violation on the same occasion, or this requirement may also be fulfilled by one witness who testifies to a violation on one occasion and a second witness who testifies to the same type of violation on another occasion.

The handling of a complaint is detailed in Article V and Article VI of the JP.

A complaint shall state all of the following:

- (a) Who committed each alleged act
- (b) What each alleged act was
- (c) Who each alleged act was with or against
- (d) Where each alleged act took place
- (e) When each alleged act took place

Section 3. General Guidelines.

1. In all judicial proceedings, the highest duty of every participant is to seek the truth about the matter under consideration. No one shall deliberately withhold or conceal information that is relevant to ascertaining the truth about the matter. No counselor shall knowingly present a witness who will testify falsely. If a counselor knows or discovers that any witness he or she has presented has testified falsely, he or she shall correct the false information in the same judicial proceeding immediately.
2. The scheduled time periods within this judicial procedure are designed to ensure a fair and orderly processing of judicial matters, and all officers are required to adhere to the scheduled dates. However, exceptions may be made by the officer in charge of the committee, board, hearing, trial, or appeal process in the event of unanticipated or unavoidable interruptions such as illness, disability, or other valid reason at the sole discretion of the officer in charge.
3. In the case of an appeal, any disciplinary action shall be suspended until the appeal has been resolved.
4. It is the responsibility of each minister, especially all District Board members, to become familiar with the JP.
5. All officials, witnesses, jurors, counselors, and others involved in any JP process must keep confidential all matters pertaining to the case, unless required to break the confidence by mandatory reporting laws, by a lawful subpoena or a court of law, by another UPCI JP matter, or by the General Board or Executive Board. Any violation of this provision by a credentialed UPCI minister may make him or her subject to ministerial discipline under the JP.
6. All evidence, including names of witnesses, to be presented by both sides at a District Board Inquiry, a hearing, and/or a trial shall be made readily available upon request to the accused minister, his or her counselors, the district/regional representative, and his or her counselors.
7. In all judicial proceedings, testimony shall be limited to what is relevant to the matter under consideration. No one shall attack the character of the accused, the accusers, or the witnesses. No one shall seek to intimidate, introduce irrelevant information about, or speak discourteously to the same.
8. In all judicial proceedings, no participant, including a counselor, shall receive compensation for his or her services. He or she may be reimbursed for actual expenses incurred.
9. In no JP matter can a counterclaim or counter complaint involving different facts or circumstances be either received or processed until after there has been a thorough and proper disposition of the initial matter.

10. Anyone who persists in violating any of the guidelines of the JP may be barred from a proceeding by the chair or presiding officer. He or she may also be barred from future proceedings within a district by action of the District Board and from future proceedings in all districts by action of the General Board. A decision by a District Board to bar an individual may be appealed to the General Board. Decisions by the General Board may not be appealed and are final.
11. For purposes of appeals, each Regional Presiding Officer's name, preferred mailing address, and preferred phone number shall be printed in the front of each edition of the *Manual*. No Regional Presiding Officer shall refuse to sign for any appeal sent by official notice. An appealing minister is encouraged to contact the Regional Presiding Officer to alert him or her of the appeal being sent.
12. A district may enforce a minister's obligation to abide by its financial plan through a District Board Action as it does with any other ministerial rule or obligation. However, it may also do so according to a policy its ministers adopt at a duly called District Conference business session so long as that policy includes all the following:
 - (a) The minister must be informed of his or her delinquency by official notice and given a reasonable, clearly communicated time in which to remedy the matter.
 - (b) The minister must be afforded an opportunity to meet the District Board if he or she so desires.
 - (c) Failure to bring his or her account to current status within a stated time will result in the District Board's recommending to the Credentials Committee that the minister's credentials be terminated. (In no case shall a minister's payment be refused by the District if tendered during the required time.)
13. For any allegation pertaining to sexual abuse of a minor in a properly filed complaint (see Article I, Section 2, Paragraph 3), after complying with any applicable mandatory reporting requirements that have not yet been fulfilled, the District Superintendent shall confer with the Regional Presiding Officer and the Regional Executive Presbyter together prior to meeting with the accused minister or initiating an investigation of the matter. They shall determine, by simple majority vote, if the allegation involves sexual abuse of a minor. If not, the matter shall be handled by the district subject to the standard JP regarding a District Board Action or a Complaint. This section also applies when more than one (1) charge is brought against an accused and at least one (1) of said charges involves sexual abuse of a minor. For the purpose of clarity, Article VI matters involving sexual abuse of a minor are the sole matters that trigger the involvement of the regional level; however, if so triggered, all complaints are handled at that level.
14. ~~13.~~ In a District or Regional Inquiry or in the investigation, hearing, or trial for a complaint, a witness may be allowed one (1) person to be present with them to support, assist, and advise him or her, such as his or her spouse, pastor (if said pastor is not otherwise involved in the proceeding), pastor's spouse, personal counselor, etc.
15. ~~14.~~ If at any point in a JP matter a Regional Presiding Officer or an Executive Presbyter has a conflict of interest or if he or she is unwilling or unable to fulfill his duties, the General Superintendent shall select his or her replacement for the disposition of said JP matter from among others holding the same office in other regions.
16. When an Executive Presbyter is involved in a JP matter and his term of office comes to an end before the matter is completely resolved, he shall continue to fulfill his role in the JP for that particular matter until its conclusion.

ARTICLE II
REGIONAL PRESIDING OFFICER

Section 1. *Appointment.*

1. A Regional Presiding Officer shall be appointed from each region by the General Board of the UPCI for a term of two (2) years.
2. In the event he or she should resign, become disabled, or move from the region, the Executive Board shall declare the office vacant and appoint a successor to fill the unexpired term.

Section 2. *Qualifications.*

1. Shall be a resident of the region for which he or she is appointed.
2. Shall meet the same qualifications as those established for general officers in Article IV, Section 4, Paragraph 1 of the General Constitution of the UPCI.
3. Shall be of wise judgment, capable of engaging in the process for which he or she is needed, knowledgeable in the JP of the UPCI, and capable of discreetly and honorably presiding over a trial or a MAC.

Section 3. *Duties.*

The duties of the Regional Presiding Officer shall be as follows:

1. To preside over the MAC.
2. To preside over trials in his or her region and in other regions when designated by the Executive Board. In the event a trial involves the district in which he or she resides, the General Superintendent shall select another of the current Regional Presiding Officers to preside over the trial.
3. To set the place, date, and time of a trial or MAC under his or her jurisdiction. He or she is to notify in writing (digitally is acceptable) all persons involved in the trial of the place, date, and time of the trial or MAC. He or she shall further confirm this information with minister and with the district superintendent. In case of a trial or MAC postponement or other changes, he or she is to reset the place, date, and time and to notify in writing all persons involved of the changes in the same manner.
4. To follow the procedure in Article V or Article VI, as appropriate, in selecting a regional investigation committee, selecting a regional hearing committee, selecting a jury, notifying veniremen of their selection, and securing their commitment to serve.
5. To appoint an ordained minister from the region to serve as recording secretary for a trial. For an appeal, to appoint one of the members of the MAC to serve as recording secretary. The recording secretary cannot be a member of the District Board that referred the case to trial.
6. To conduct a fair and impartial trial or MAC, and to conduct himself or herself in a manner that will not prejudice the jury or members of the MAC.
7. To instruct the jury or MAC on their responsibility as jurors or members of the MAC and on the proper procedure in reaching a verdict or decision.
8. To announce the verdict of the jury or MAC and take appropriate post-trial actions according to the applicable section(s) of the JP.
9. Neither the Regional Presiding Officer nor any member of a jury or of the MAC shall allow any official of the UPCI outside the jury or the MAC to influence his or her decisions.
10. Once a verdict is announced after a trial or a decision is announced by the MAC, under no circumstances shall the Regional Presiding Officer contact any member of the jury or any member of the MAC and seek to change the decision before the official notice is sent.

GRIEVANCE AND APPEAL

The following steps shall be taken to resolve a grievance between ministers.

Section 1. *Meeting Together.*

First, ministers should meet alone in an effort to resolve a grievance between them. (See Matthew 18:15.)

Section 2. *Filing a Grievance.*

1. A grievance may only be filed by one credentialed UPCI minister concerning another.
2. A credentialed UPCI minister may file a grievance by sending a letter by official notice to his or her District Superintendent stating the name of the minister who has allegedly wronged him or her, what that minister has allegedly done, and when this alleged wrong was committed.
3. Within ten (10) days of receiving the grievance, the District Superintendent shall send a copy of it by official notice to the minister named in it.
4. The District Superintendent shall attempt to ensure that an informal meeting as described in Section 1 of this article has occurred.
5. Both ministers are required to follow the Grievance process as outlined below in this article. Refusal to do so by either one may subject that individual to a District Board Action for failure to work in cooperation with the District Board.
6. The District Board may be from the district of the minister or from the district in which the problem, disagreement, or offense allegedly occurred.

Section 3. *Arbitration Panel.*

1. If the ministers fail to resolve the grievance between them, each minister shall select an ordained minister who is neutral and unbiased about the grievance and who is not a member of a District Board to serve as a member of an arbitration panel. These two (2) selected ministers shall then jointly select a third ordained minister who is also uninformed about the grievance and who is not a member of a District Board to serve as the chair of the arbitration panel. He or she shall affirm that he or she is neutral and unbiased concerning the grievance. Two (2) additional ministers shall be chosen to serve with the chair on the arbitration panel. They shall be chosen in the same manner as the chair and shall affirm that they are neutral and unbiased concerning the grievance.
2. The chair of the arbitration panel shall set the place, date, and time for the arbitration panel to meet with the two (2) ministers involved in the grievance and communicate this information to them and to the other four (4) members of the panel.
3. The arbitration panel shall meet with the two (2) ministers without any other person present. After hearing each side, it shall present a solution, which shall be binding upon both ministers. (See Matthew 18:16.)
4. The chair of the arbitration panel shall send by official notice a copy of the arbitration panel's decision to the two (2) involved ministers and to the District Superintendent of each minister.

Section 4. *Appeal of Decision.*

Either minister may appeal the decision of the arbitration panel to the District Board, whose decision shall be final. In the event the two (2) ministers are from two (2) districts, the appeal shall be to the MAC, whose decision shall be final. The appeal shall be made by notifying the District Superintendent (or Regional Presiding Officer) by official notice within twenty (20) days after receiving the decision of the arbitration

panel. The District Superintendent (or Regional Presiding Officer) shall arrange a meeting to hear the appeal. The date for considering the appeal shall not be less than fifteen (15) days and not more than ninety (90) days from the time the minister notifies the district superintendent of his or her appeal. Only the two (2) involved ministers and the chair of the arbitration panel or a member of the arbitration panel designated by the chair may meet with the District Board (or the MAC) during the appeal process.

Section 5. Enforcement of the Decision.

Both parties acknowledge that they will accept the decision at the conclusion of this Grievance process and will not thereafter take the matter before civil courts or authorities. A credentialed minister doing so may be subject to disciplinary action as deemed appropriate by the applicable District Board. Failure to abide by the decision of the arbitration panel, or, in the case of an appeal, the District Board (or MAC), shall be considered conduct unbecoming a minister, which constitutes grounds for a District Board Action or a Complaint, as appropriate.

ARTICLE IV

DISTRICT BOARD ACTION AND APPEAL

Section 1: Cases Involving Sexual Abuse of Minors

Refer to Article I, Section 3, Paragraph 13 for information about the application of this Article to any JP matter related to alleged sexual abuse of a minor.

Section ~~1~~ 2. District Board Procedure.

1. The District Superintendent or a presbyter at his designation should communicate and counsel privately with a minister about whom questions have surfaced in an attempt to clear any misunderstanding and resolve any problems without board action. This first meeting should include an explanation to the minister of the JP relative to a District Board Action should such an action follow. Neither side shall have counsel present for this meeting, and nothing said in this private conversation shall be considered evidence. Our first obligation is to create a Christian atmosphere in which misunderstandings and problems can be cleared and resolved by brotherly love and concern.
2. The District Board may request a meeting or meetings with any minister to discuss allegations of ethical, moral, financial, or doctrinal violations or allegations of violations of the ministerial rules and obligations. The first meeting(s) would be considered informal and any participation by the minister or any lack thereof would not jeopardize the ministerial credentials of said minister. The first meeting(s) would only be for the purpose of resolving some question(s) about the minister that has/have surfaced. Neither side shall have counsel present for this/these meeting(s), and nothing said in this/these meetings shall be considered evidence.
3. If the informal meeting(s) has/have not resolved the issue or if the minister declines to attend, the District Board may summon the minister to a District Board Inquiry under the JP, and the minister in question will be afforded all the protections of a minister facing a hearing regarding a formal complaint per Article V, except a formal investigation (e.g. investigative committee, investigative report, etc.) is not required, as the District Board will have knowledge of the matter.

Section ~~2~~ 3. District Board Inquiry.

1. The District Board may summon a minister to a District Board Inquiry for an alleged violation of ministerial rules and obligations in the General Constitution of the UPCI, Article VII, Sections 2, 7, and 8. This includes alleged conduct unbecoming a minister when there is no significant factual dispute about the minister's

conduct (e.g., the minister has signed a written confession or there is clear, unambiguous evidence through audio, video, or text documentation). When a minister is summoned to appear at a District Board Inquiry, he or she has the right to have up to two (2) counselors to appear with him or her.

2. The District Board may be the district of the minister or the district in which the failure or violation allegedly occurred.
3. The summons shall be by official notice. (See Article I, Section 1, Paragraph 6 8.)
4. The summons shall cite the alleged violation clearly and concisely and give the place, date, and time the summoned minister is to attend the District Board Inquiry. Failure to comply with the summons may result in the District Board's recommending to the credentials committee that the minister be dropped from the UPCI.
5. If the allegations that have arisen are based on statements given by witnesses, the accused minister or his or her counselors shall have the right to question those bringing the allegations.
6. The summoned minister, either individually, or with the assistance of counsel, may request a rescheduling from the District Board for extenuating circumstances, including, but not limited to, the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, etc. The District Board shall take all reasonable steps needed to allow a minister enough time to secure counsel.
7. If after a District Board Inquiry, the District Board determines through a secret ballot by a two-thirds (2/3) majority vote that the minister has violated one or more of his or her obligations, or if the minister confesses in writing to the same, the District Board may take one or more of the following actions.
 - (a) Warn and advise the minister.
 - (b) Take appropriate disciplinary action, which may include a rehabilitation program.
 - (c) Place the minister on probation. Any minister placed on probation shall submit his or her fellowship card to the District Superintendent for the duration of the probation. He or she shall support the district and pay his or her membership dues. He or she shall not be permitted to preach (the parameters of this restriction to be set by the District Board) or to transfer his or her membership to another district.
 - (d) Recommend to the credentials committee that the minister's credentials be terminated.Any such decision should be made in a reasonable amount of time, not to exceed seventy-two (72) hours from the close of the Inquiry. The minister in question and his or her counsel may be informed verbally of such a decision but shall be notified by official notice (See Article 1, Section 1, Paragraph 6 8) of the decision of the District Board within ten (10) days of the close of the Inquiry.
8. In the case of disciplinary action, the District Board shall specify what is expected of the minister to remedy the violation. In the case of probation, the District Board shall inform the minister of the restrictions and specify the date the probation ends or is reviewed.
9. Any alleged violation of the restrictions imposed on a minister for discipline or probation shall be handled by a further District Board Action.

Section 3 4. Appeal.

1. The minister may appeal being dropped or other disciplinary action to the MAC. Such appeal must be made by official notice to the Regional Presiding Officer within twenty (20) days after the minister has received official notice of the District Board action resulting either from the District Board Inquiry or from his or her written confession.
2. The Regional Presiding Officer shall expeditiously deliver a copy of the appeal to the District Superintendent by official notice.

3. In consultation with the counselors, the Regional Presiding Officer shall set the place, date, and time for the meeting of the MAC to review the appeal, notifying the members of the council, the minister making the appeal, and the District Superintendent. He or she shall also appoint a member of the council to serve as recording secretary.
4. The MAC may review the district and other records pertaining to the case. The minister making the appeal, his or her counselor(s), a representative from the District Board, and his counselor(s) shall appear before the council to present their cases.
5. The MAC's purpose is not to retry the case but to protect the rights of all parties by ensuring that the JP was properly followed, including determining that any discipline imposed was appropriate.
6. No witnesses shall be allowed to testify before the MAC and no new evidence shall be presented or considered by the MAC that was not presented to the applicable District Board.
7. All affidavits submitted for consideration at the MAC shall be signed and dated by the person giving the Affidavit, and then notarized by a notary public.
8. After examining the appeal, the MAC may:
 - (a) Sustain the District Board's action.
 - (b) Reverse the District Board's action.
 - (c) Modify the discipline if it determines that the discipline is inappropriate for the infraction. In this case, the MAC may alter the discipline, impose a different discipline, or remand the case to the District Board with guidelines for an acceptable discipline. To arrive at this modified discipline, the chairman of the MAC or a member of the MAC at his or her direction may counsel with both parties to negotiate a mutually reasonable and acceptable resolution.
9. Within ten (10) days after the council reaches a decision, the Regional Presiding Officer shall communicate the decision by official notice to the minister who has appealed and to the District Board.

ARTICLE V

COMPLAINT, INVESTIGATION, HEARING, TRIAL, AND APPEAL

SUB-ARTICLE A: Cases Involving Sexual Abuse of Minors

Any complaint pertaining to sexual abuse of a minor shall be governed by the steps in Article VI of the JP. Please see Article I, Section 1, Paragraph 23 and Article I, Section 3, Paragraph 13 of the JP for more information.

SUB-ARTICLE A B: EXPLANATORY NOTE

If at any point in the execution of the steps outlined in this article the accused minister confesses in writing, the matter(s) to which he/she confessed shall be handled by a District Board Action under Article IV, except that there need be no District Board Inquiry in that he or she has already confessed.

SUB-ARTICLE B C: INVESTIGATION OF A COMPLAINT

Section 1.

The District Superintendent is encouraged to communicate and counsel privately with any minister about whom any question has surfaced in an attempt to resolve the problem.

Section 2.

1. When a complaint is filed against a minister, if the District Superintendent determines that the matter should be handled as a Grievance under Article III or by a District Board Action under Article IV, he shall

so advise the complainants and shall request them to withdraw their formal complaint so that the appropriate process may be followed.

2. Upon the receipt of a complaint that does not have the required information (see Article I, Section 2, Paragraph 3), the District Superintendent shall inform the signatories of the need of further appropriate information to meet the requirements.

Section 3.

For the purposes of an investigation, hearing, and trial, the district acting may be the district of the accused minister or the district in which the violation allegedly occurred.

Section 4.

When a complaint for any alleged violation is received in writing, within thirty (30) days the superintendent of the district that receives the complaint shall appoint two (2) ordained ministers of the district who are not members of the District Board to serve with him as the investigative committee. (If there is not an adequate number of ordained ministers in the district who have no conflict of interest, members of the District Board may be appointed as necessary.) The District Superintendent shall serve as the chair of the committee. If the District Superintendent so desires, or if he has a conflict of interest according to Article I, Section 1, Paragraph ~~9~~ 12, he shall disqualify himself and appoint another member from the District Board to take his place as chair.

Section 5.

The District Board and the accused minister may each have up to two (2) qualified counselors to assist, advise, and speak for them in the investigation, representation, and defense of a properly received complaint by the District Superintendent. Witnesses may have one (1) support person present.

Section 6.

The committee shall investigate the alleged violation(s), taking care to safeguard the welfare of all concerned: the persons making the complaint, the minister against whom the complaint is made, all witnesses, the church, the district, and the UPCI.

Section 7.

In the investigation of the complaint, the committee shall take the following steps in the order given.

1. The chair shall notify the accused minister that a complaint of a ministerial violation has been received, stating the nature of the complaint.
2. The chair shall give the accused minister an opportunity to meet informally with him alone to respond to the complaint. (The accused minister may also respond in writing.) This meeting is an attempt to resolve the complaint in a spirit of brotherly love and concern. Neither side shall have counsel present for this meeting, nothing said in this meeting shall be considered evidence, and no record of the meeting shall be kept. The accused minister may choose not to participate in this meeting, and that choice shall not jeopardize his or her ministerial credentials, nor shall it prejudice the members of the Investigative Committee.
3. Two (2) or three (3) committee members shall conduct an interview with each person reporting the alleged violation(s) in an attempt to ascertain the factual basis of the alleged violation(s). If the accused minister is the pastor of the person or persons making the complaint, he or she need not give permission to the investigative committee to interview the complainant, nor shall he or she be present during the

interview. If the complainant's pastor is not the accused minister, he or she shall receive adequate and advance notification of the interview and shall have the right to be present for it.

4. The committee may interview other persons who are not the persons reporting the alleged violation(s) but who may have personal knowledge of it/them. If such a person is a member of a UPCI congregation, under no circumstances shall the investigative committee interview that person without giving adequate and advance notification to that individual's current pastor, except that if the pastor is the accused minister, he or she need not be contacted or give permission for the interview; he or she shall not be present during the interview; and neither the pastor nor any representative of the pastor may communicate with the witness in any manner to try to influence his or her testimony. If the current pastor is not the accused minister, he or she shall have the right to be present at the interview.
5. The committee may seek information from any other source that could possess knowledge concerning the alleged violation(s).

Section 8.

At the conclusion of the investigation, the committee shall submit to the District Board a written investigative report setting forth the nature of the alleged violation(s) and take one of the following actions:

1. Dismiss the complaint and notify the accused minister and the persons who initiated the complaint.
2. Refer its findings to the District Board as the basis for a hearing.

SUB-ARTICLE C D: HEARING

Section 1. Purpose.

The hearing is a part of the investigative process of a complaint against a minister. Its purpose is to decide if the evidence included in the investigative report and presented at the hearing warrants a trial.

Section 2. Notice.

1. If the investigative committee determines that the investigation indicates a need for a hearing, the chair shall submit to the District Board a written investigative report setting forth the nature of the alleged violation(s) as the basis of a hearing.
2. The District Board shall conduct the hearing.
3. The District Superintendent shall set the date, place, and time for the hearing that will be heard by the District Board. The date for the hearing shall not be less than twenty (20) days and not more than ninety (90) days from the time the accused minister receives notice of the hearing.
4. The District Superintendent or District Secretary shall issue a summons to the accused minister of the designated place, date, and time of the hearing. The summons shall be by official notice. (See Article I, Section 1, Paragraph 8.) He shall also provide him or her a copy of the investigative report and the complaint(s) by official notice.
 - (a) If the accused minister is unable to attend the hearing on the date set because of extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reason, he or she must notify the District Superintendent in writing, stating his or her reason(s). Such notice must be received by the District Superintendent at least forty-eight (48) hours prior to the designated time of the hearing. If the investigative committee determines that the reason is valid, the District Superintendent shall contact the accused minister and reschedule the hearing.

- (b) If the investigative committee determines that the reason(s) given by the accused minister is/are not valid, the District Superintendent shall notify the minister that the hearing is still scheduled at the originally designated place, date, and time, and the minister shall appear at the hearing.
- (c) If an emergency prevents the accused minister from attending, the accused minister shall obtain two (2) unbiased ordained ministers to corroborate the emergency. In this case, the hearing shall be rescheduled.
- (d) If a minister fails to attend the hearing, the District Board may recommend to the credentials committee that the minister's credentialed be terminated without a trial.

Section 3. Procedure.

1. The hearing before the District Board gives the accused minister an opportunity to respond to the evidence and the District Board an opportunity to question and discuss the matter with him or her. The hearing should be conducted with brotherly love, with respect for all present, and as informally as the occasion will permit.
2. The accused minister and the District Board may have one (1) or two (2) counselors to assist during the hearing. The accused minister shall notify the District Superintendent in writing of the names of his or her counselor(s) at least ten (10) days before the date of the hearing. The District Superintendent shall notify the accused minister in writing of the names of the District's counselor(s) at least ten (10) days before the date of the hearing. Failure of either party to notify the other in this manner shall cause the non-complying party to forfeit the right to counselor(s) during the hearing.
3. The District Superintendent shall preside at the hearing and the District Secretary shall serve as recording secretary.
4. Only the members of the District Board, the counselor(s) chosen by the District Board, the members of the investigative committee, the accused minister, and his or her counselors may attend the hearing. A witness and his or her support person shall be present at the hearing only during his or her testimony.
5. A designated member of the investigative committee shall read the investigative report before the presentation or discussion of the evidence.
6. The accused minister and his or her counselors may respond to the complaint.
7. The accused minister and his or her counselors may present witnesses and other evidence on his or her behalf.
8. The District Board may hear other witnesses who have personal knowledge about the evidence stated in the investigative report.
9. Members of the District Board, the counselor(s) chosen by the District Board, and the counselor(s) for the accused minister may question any witness. If the accused minister does not have a counselor, he or she may directly question witnesses himself or herself. When questioning witnesses, all parties must avoid undue pressure or intimidation.

Section 4. Disposition.

1. If the District Board determines that the evidence does not warrant a trial, it shall dismiss the complaint against the minister.
2. If the District Board determines through a secret ballot by a two-thirds (2/3) majority vote that the evidence warrants a trial, then:
 - (a) The District Superintendent may meet with the accused minister, his or her counselors, and two (2) ministers selected by the District Superintendent in an attempt to resolve the matter without a trial to the satisfaction of the accused minister and the District Board.

- (b) If there is no such resolution of the matter, the District Board shall draft a charge or multiple charges according to Article I, Section 1, Paragraph 17. It shall then forward the charge or charges to the Regional Presiding Officer as the basis of a trial. The accused minister cannot appeal this decision of the District Board.
- (c) If there is no two-thirds (2/3) majority vote that the evidence warrants a trial, then the complaint against the minister is deemed dismissed.

SUB-ARTICLE D E: NOTICE OF TRIAL

Section 1.

When the District Board refers the accused minister to the Regional Presiding Officer for trial, the Regional Presiding Officer shall designate the place, date, and time for the trial. The date for the trial shall be set not less than thirty (30) days and not more than ninety (90) days from the date the accused is referred for trial. With the approval of the General Superintendent, the Regional Presiding Officer may extend the time of ninety (90) days in the event of interruptions for extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reason.

Section 2.

Within fifteen (15) days after the District Board refers the minister to a trial, the Regional Presiding Officer shall summon to trial the accused minister by official notice and send a copy of the charge against him or her. The summons shall give the place, date, and time of the trial. The Regional Presiding Officer shall send a copy of the summons to the District Superintendent. In case of postponement, the Regional Presiding Officer can make an exception to the time of notice with the approval of the General Superintendent.

Section 3.

The accused minister, individually or by and through counsel, has fifteen (15) days after receipt of the summons to trial to state in writing to the Regional Presiding Officer whether he or she will appear at the trial. If the accused minister or his or her counsel does not respond to the summons or communicates that the accused minister will not appear at the trial, the Regional Presiding Officer shall recommend to the Credentials Committee that the accused minister's credentials be terminated without right of appeal.

Section 4.

Should the accused minister receiving a summons to trial be unable to appear at the trial because of extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reasons, he or she must notify the Regional Presiding Officer in writing, stating his or her reason(s). Such notice must be received by the regional presiding officer at least forty-eight (48) hours prior to the designated time of trial.

1. If the Regional Presiding Officer finds the reason(s) to be valid, he or she shall reschedule the trial and notify the accused minister and others involved. After he or she reschedules the place, date, and time, he or she shall reissue the summons.
2. If the Regional Presiding Officer determines that the reason given by the accused minister is not valid, he or she shall notify the minister that the trial is still scheduled for the originally designated time, date, and place. The minister shall appear at the trial.
3. If an emergency prevents the accused minister from attending, the accused minister shall obtain two (2) unbiased ordained ministers to corroborate the emergency. In this case, the trial shall be rescheduled.

4. The Regional Presiding Officer shall recommend to the Credentials Committee that the accused minister's credentials be terminated without right of appeal if the accused minister fails to appear at a scheduled trial.

Section 5. Counselors.

1. The accused minister and the District Board shall both be allowed to have one (1) or two (2) counselors to assist and advise them during the trial proceedings.
2. Each party shall notify the Regional Presiding Officer in writing of the names of its counselors at least ten (10) days before the date of the trial. Failure to notify the Regional Presiding Officer in this manner may cause him or her to inform the non-complying party of the forfeiture of the right to counselors during the trial.

Section 6.

The Regional Presiding Officer shall appoint an ordained minister from the region to serve as recording secretary for the trial. The recording secretary shall not be a member of the District Board that referred the case to trial and shall not have a conflict of interest concerning the accused minister or any witness as defined by Article I, Section 1, Paragraph 9 12.

SUB-ARTICLE E E: SELECTION OF THE JURY

Section 1.

The jury shall consist of nine (9) ordained ministers and two (2) alternate ordained ministers.

Section 2.

Each District Board shall select and keep a venire of ten (10) to twenty (20) ordained ministers. If a district does not have ten (10) ordained ministers who are eligible, the District Board shall select as many venire individuals as possible. They shall write the name of each venire individuals on a paper, place each paper in a separate sealed envelope identified by the name of the district, and mail the envelopes to the General Secretary at Headquarters, who shall keep the envelopes on file until the Regional Presiding Officer calls for them. The names of the venire individuals shall be kept private until they are requested to serve on a jury.

Section 3.

The District Board shall update the names of venire individuals each year, preferably changing the names when possible.

Section 4.

At the request of the Regional Presiding Officer, the General Secretary shall forward to the officer as many sealed envelopes from his or her region as he or she requires.

Section 5.

A venire individual who is a member of the accused minister's district or of the district in which he or she is being tried shall not serve on the jury.

Section 6.

The Regional Presiding Officer shall send a list of the names of the ministers so selected to the accused minister and to the superintendent of the district involved for their approval or disapproval not less than

thirty (30) days before the trial date. The accused minister and the District Superintendent must indicate their approval or disapproval not less than twenty (20) days before the trial date. Failure to respond may cause forfeiture of the right to disapprove any name. The accused minister and the District Superintendent may each disapprove up to three (3) names for no stated reason.

Section 7.

A member of a District Board shall not serve on a jury.

Section 8.

The Regional Presiding Officer shall notify the ministers who have been selected to serve on the jury. If a selected minister has formed an opinion on the case or if he or she has a conflict of interest according to Article I, Section 1, Paragraph ~~9~~ 12, the Regional Presiding Officer shall disqualify him or her from serving. The Regional Presiding Officer shall admonish each selected member of the jury to keep his or her selection private, not to discuss the case, and to approach the trial with an unprejudiced mind.

SUB-ARTICLE ~~F~~ G: THE TRIAL

Section 1. Attendance.

Only the Regional Presiding Officer, the recording secretary, the jury and alternates, the accused minister and his or her counselors, and the district representative and his or her counselors may attend the trial. A witness and his or her support person may attend the trial only while giving his or her testimony.

Section 2. Order.

1. The Regional Presiding Officer shall preside over the trial. He or she has the authority to maintain order, rule on questions and objections, and act on any matter that will secure a fair and impartial trial.
2. In the event the accused minister, the district representative, or any counselor becomes unruly, the Regional Presiding Officer may sequester the jury and warn the person misbehaving that a continuation of such behavior could result in serious consequences (e.g., he or she could be dismissed from the trial, his or her credentials could be terminated, etc.) Being unruly includes intimidation of witnesses, the Regional Presiding Officer, counselors, or other participants in the judicial process. (See Introduction.)
 - (a) If a counselor persists in being unruly, the Regional Presiding Officer shall dismiss him or her from the trial.
 - (b) If the accused minister persists in being unruly, the Regional Presiding Officer shall terminate the trial and recommend to the Credentials Committee that the minister be dropped.
 - (c) If the district representative persists in being unruly, the Regional Presiding Officer shall dismiss him from the trial and recommend that the Executive Board take disciplinary action against the district representative. One of the District Board counselors shall then present the evidence against the accused minister.

Section 3. Records.

1. The recording secretary shall keep a written record and shall make one (1) official audio recording of all the proceedings at the trial. No other audio or video recording of any part of the trial proceedings is permitted.
2. All records of the trial shall be the property of the UPCI and held in custody during the trial by the Regional Presiding Officer, who shall make them available to the accused minister, the district representative, and counselors for either party, but only under his or her supervision.

3. No copies or recording(s) shall be made of the trial records.
4. After the final disposition of the case, the Regional Presiding Officer together with the recording secretary shall seal the records and mail them to the General Secretary with a signed report of this action. These sealed records shall not be opened except by the approval of the Executive Board.

Section 4. Procedure.

1. The district representative and his or her counselor(s) shall present the case against the minister first, including all testimony intended to prove the charge(s) made against the accused minister. No questions can be asked or evidence presented unless such questions and evidence are relevant to said charges.
2. The accused minister shall be given equal or greater time and opportunity to present his or her side of the case. Statements by the minister or his or her counselor(s) must be relevant to the charges being considered and must not include counter accusations against anyone. All testimony from witnesses or the accused minister must be pertinent to the charge(s) on which the minister is being tried.
3. A witness for either side may be cross-examined by the opposing side with due respect; no discourteous acts or words shall be permitted. A witness may be cross-examined as to possible collusion, conspiracy, prejudice, motive, or bias. The Regional Presiding Officer has the right to question the witness for clarification. No member of the jury shall be permitted to question the witness.
4. Testimony of a witness not physically or virtually present may be read to the jury under the following conditions.
 - (a) The witness cannot be a signer of the complaint.
 - (b) The witness was unable to appear due to illness, physical disability, or extreme distance from the place of the trial, or was otherwise legitimately unable to appear.
 - (c) The testimony of the witness was obtained in writing, dated, and signed in the presence of an ordained minister or notary public who has no personal interest in the case and who is not an immediate or former relative of the accused minister or district representative. (See Article I, Section 1, Paragraph 9 12(b).) He or she shall sign and date the paper.
 - (d) The Regional Presiding Officer is to instruct the jury to weigh the testimony in the light that the witness cannot be cross-examined in the trial, and they should not give this type of witness the same weight as a witness who attends in person.
5. The accused minister shall have the right to refuse to testify on his or her own behalf on the grounds that he or she may tend to incriminate himself or herself. If he or she chooses to testify, he or she may be cross-examined. If he or she chooses not to testify, he or she shall not voice himself or herself in any manner during the trial.
6. Opportunity for rebuttal testimony shall be granted to both sides. After both sides have made a second rebuttal, the Regional Presiding Officer may end the rebuttals, even if one or both sides wish to continue. After rebuttals, each side shall be granted an opportunity for a closing statement, with the accused minister's side being last. No new evidence and no witnesses may be presented in the closing statements.
7. When both sides finish their closing statements, the Regional Presiding Officer shall close the trial proceedings.

Section 5. Deliberation of the Jury.

1. At the close of the trial proceedings, the Regional Presiding Officer shall give the jury a written copy of the charge.
2. The Regional Presiding Officer shall instruct the jury on the procedure to reach a verdict. He or she shall also inform the jury that it shall reach one of the following verdicts on each charge:
 - (a) The accused minister is ~~innocent~~ not guilty of the charge(s).

- (b) The accused minister is guilty of the charge(s) as stated.
 - (c) The accused minister is guilty of a lesser violation that is not specified in the charge(s) but is logically included in the charge(s) by implication.
3. Only the members of the jury shall retire to themselves to consider the verdict. They shall elect a member of the jury to serve as foreperson.
 4. The foreperson of the jury shall preside during the deliberations. He or she shall call for a vote at various intervals to determine if a verdict has been reached.
 5. The vote shall be by secret ballot. No verdict can be reached except by a two-thirds (2/3) majority vote.
 6. Only the Regional Presiding Officer has the right to contact the jury, and then only regarding matters not pertaining to the case under consideration and in the presence of the accused minister, the district representative, and counselors for both sides.
 7. The foreperson of the jury may come before the Regional Presiding Officer and in the presence of the accused minister, the district representative, and counselors for each side to ask questions concerning the General Constitution or the JP that may not be clear in the minds of the jury. Such conferences must be limited to the purpose of clarification and must not be used to discuss any evidence or testimony.

Section 6. Verdict.

1. When the jury reaches a verdict, the foreperson shall so inform the Regional Presiding Officer, who shall call for the announcement of the verdict.
2. The verdict must be in accordance with the instruction given to the jury by the Regional Presiding Officer. If it is not, the Regional Presiding Officer shall instruct the jury to resume deliberations.
3. When multiple charges are filed, the jury shall render a verdict on each charge.
4. The Regional Presiding Officer shall present a written copy of the verdict signed by the jury foreperson to the accused minister and the district representative by official notice.
5. If the accused minister is found not guilty, the verdict shall be final. He or she shall not be tried a second time on the same charge(s) or in any manner involving the original facts and circumstances.
6. If the accused minister is found guilty of immoral conduct as defined by the General Constitution, Article VII, Section 9, Paragraph 1, the Regional Presiding Officer shall recommend to the Credentials Committee that the minister's credentials be terminated.
7. If the accused minister is found guilty of any charge other than immoral conduct as defined by the General Constitution, Article VII, Section 9, Paragraph 1, the jury shall determine the sentence by taking one or more of the following actions.
 - (a) Warn and advise the minister.
 - (b) Take appropriate disciplinary action, which may include a rehabilitation program administered by the District Board.
 - (c) Place the minister on probation to be administered by the District Board. Any minister placed on probation shall submit his or her fellowship card to the District Superintendent for the duration of the probation. He or she shall support the district and pay his or her membership dues. He or she shall not be permitted to preach or to transfer his or her membership to another district. This restriction from preaching may be general, or it may be applicable only outside the minister's local church at the jury's discretion. The jury shall specify the date the probation ends or the date it shall be reviewed by the District Board, who shall then be given sole discretion as to ending or extending the probation.
 - (d) Recommend to the Credentials Committee that the minister's credentials be terminated.

- (e) If the accused is found guilty only of a lesser charge than filed against him or her by the District Board, the jury must select one or more of (a)-(c) immediately above for each charge.
8. A minister who is found guilty may appeal the verdict and/or sentence to the MAC in accordance with Sub-Article G H, Sections 1 and 2 of this article.
 9. In the event the jury cannot reach a verdict, the Regional Presiding Officer shall declare a mistrial. He or she shall then set the place, date, and time for a new trial, and follow the provisions of this article. No member of the jury or alternate in the first trial shall serve in the second trial.
 10. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
 11. If the accused minister is found not guilty on all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every UPCI credentialed minister in the district of the accused minister, as well as every UPCI credentialed minister of the district(s) of the accuser(s).

SUB-ARTICLE G H: APPEALS BY A MINISTER OR A DISTRICT FOLLOWING A TRIAL

Section 1. Minister's Appeal of the Verdict of a Trial.

1. A minister who has been found guilty by a trial may appeal the verdict to the MAC.
2. A minister who appeals a verdict must do so within twenty (20) days after he or she receives the notification of the verdict or else he or she forfeits the right to appeal.
3. He or she must send this appeal by official notice to the General Secretary.
4. He or she may appeal this verdict on one or both of the following grounds.
 - (a) The trial was not conducted in accordance with the JP. An appeal on this ground must be based on an objection or objections raised in a timely manner during the trial (when the error may have been corrected).
 - (b) The evidence presented at the trial is insufficient to support the verdict.
5. The General Superintendent shall select another Regional Presiding Officer for the appeal.
6. The General Secretary shall send by official notice a copy of the appeal to the district representative and to both the original and the new regional presiding officers.
7. The new Regional Presiding Officer shall set the place, date, and time for the MAC to hear the appeal. He or she shall communicate this information by official notice to the minister who has appealed, the district representative, and the Regional Presiding Officer of the trial.
8. Both the district representative and the Regional Presiding Officer of the trial may submit written responses to the appeal.
9. The MAC shall not conduct a trial but must limit its inquiry to the grounds allowed for an appeal.
10. Only the Regional Presiding Officer of the trial, the district representative, his counselors, the accused minister, and his or her counselors may appear before the MAC. Their presentation must be pertinent to the grounds stated for appeal.
11. The counselors for the minister making the appeal shall present the case for the appeal first.
12. After the MAC hears the counselors, asks relevant questions, receives information from the Regional Presiding Officer of the trial, and reviews the records of the trial, the appeal, and the written responses, it shall take one of the following actions.
 - (a) Uphold the verdict.
 - (b) Reverse the verdict if the evidence is insufficient to support the verdict.
 - (c) Order a new trial if it finds that the JP was not followed and that the error could have had a material effect on the outcome of the trial. In the case of a new trial, the Executive Board:

- (1) Shall designate another Regional Presiding Officer for the trial.
 - (2) Shall refer the case to the Regional Presiding Officer, who shall set the place, date, and time for the new trial and shall follow all applicable procedures for a trial in this article.
13. The Regional Presiding Officer of the MAC shall communicate the decision of the MAC to the minister who has appealed, to the district representative, to the Regional Presiding Officer of the trial, and to the General Secretary by official notice within ten (10) days of the decision.
 14. In the event the MAC overturns the verdict, the District Board may appeal to the General Board, whose decision shall be final. (See Section 3 of this Sub-Article below.)
 15. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
 16. If the accused minister is found not guilty of all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every UPCI credentialed minister in the district of the accused minister, as well as to every UPCI credentialed minister of the district(s) of the accuser(s), if different.
 17. If the MAC does not rule in favor of the accused minister under this section, he or she has no further right of appeal of the verdict.

Section 2. *Minister's Appeal of the Sentence Following a Trial.*

1. A minister who has been sentenced may appeal the sentence to the MAC. A minister who appeals a sentence must do so within twenty (20) days after he or she receives official notice of the sentence.
2. The procedure to appeal the sentence shall be the same as the procedure given for an appeal of a verdict in Section 1 immediately above, except that the minister may appeal on one (1) or both of the following grounds:
 - (a) The sentence is not consistent with the General Constitution. (b) The sentence is too severe for the violation.
3. In response to the appeal, the MAC shall take one (1) of the following actions: (a) Uphold the sentence. (b) Modify the sentence.
4. In the event the MAC modifies the sentence, the District Board may appeal to the General Board, whose decision shall be final. (See Section 3 immediately below.)
5. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
6. If the MAC does not rule in favor of the accused minister under this section, he or she has no further right of appeal of the sentence.

Section 3. *District's Appeal to the General Board of a MAC Decision.*

1. In the event the MAC overturns the verdict of the jury, rules a mistrial, or modifies the sentence, the District Board may appeal the decision of the MAC to the General Board, whose decision shall be final. Such an appeal must be made within twenty (20) days of the district being notified of the MAC's decision.
2. The appeal shall be a review of the decision of the MAC and shall not be a new trial.
3. The General Secretary shall send by official notice a copy of the appeal of the District Board to the accused minister, his or her counselor(s), the Regional Presiding Officer of the trial, and the Regional Presiding Officer of the MAC that heard the appeal.
4. The General Superintendent shall set the place, date, and time for reviewing the appeal, preferably, but not necessarily, at the next General Board meeting, and shall communicate the same by official notice to the accused minister, his or her counselor(s), the Regional Presiding Officer of the trial, the district representative, his counselor(s), the Regional Presiding Officer of the MAC that heard the appeal, and if

a special General Board meeting is necessary, to the members of the General Board. He shall be the presiding officer at the appeal.

5. At the appeal, only the members of the General Board, the Regional Presiding Officer of the trial, the district representative, his counselor(s), the accused minister, his or her counselor(s), and the Regional Presiding Officer of the MAC that heard the appeal may be present.
6. During the appeal process, the district representative and his counselors shall present the side of the District Board first.
7. The counselors for the accused minister shall thereafter be allowed to present the side of the accused minister.
8. The General Board shall (1) sustain the decision of the MAC or (2) overturn the decision of the MAC in favor of the verdict and/or sentence by the jury.
9. Within thirty (30) days of the conclusion of this appeal, the General Secretary shall communicate by official notice the decision of the General Board to the accused minister, his or her counselor(s), the district representative, his counselor(s), the Regional Presiding Officer of the trial, and the Regional Presiding Officer of the MAC which heard the appeal.
10. If the accused minister is found not guilty of all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every UPCI credentialed minister in the district of the accused minister, as well as to every UPCI credentialed minister of the district(s) of the accuser(s), if different.

ARTICLE VI

COMPLAINT, INVESTIGATION, HEARING, TRIAL, AND APPEAL FOR CASES INVOLVING SEXUAL ABUSE OF A MINOR

SUB-ARTICLE A: EXPLANATORY NOTE

If at any point in the execution of the steps outlined in this article the accused minister confesses in writing, the matter(s) to which he/she confessed shall be handled by a Board Action under Article IV, except that the Regional Hearing Committee shall replace the District Board, the Regional Executive Presbyter shall replace the District Superintendent, and there need be no Board Inquiry in that he or she has already confessed.

SUB-ARTICLE B: INVESTIGATION OF A COMPLAINT

Section 1.

Article VI matters involving sexual abuse of a minor are the sole matters that trigger the involvement of the regional level. The Regional Judicial Officer shall confirm with the District Superintendent that any applicable mandatory reporting requirements have been fulfilled. Further, the Regional Presiding Officer is encouraged to communicate and counsel privately with any minister about whom any question has surfaced in an attempt to resolve the problem.

Section 2.

For the purposes of an investigation, hearing, and trial, the district initiating the action may be the district of the accused minister or the district in which the violation allegedly occurred.

Section 3.

When a complaint for any alleged violation is properly received in writing from a District Superintendent, within thirty (30) days the Regional Presiding Officer who receives the complaint and the Regional Judicial

Officer for the region in which the complaint was made, with the assistance and input of the Executive Committee, shall appoint three (3) ordained ministers to serve as the investigative committee. These ministers shall be selected from a pool of ministers comprised of: 1) Those whose names were most recently nominated by districts to serve on the MAC but who are not serving in that capacity and 2) Ministers selected by the Executive Committee who are adept at the JP. (The Executive Committee is defined in the General Constitution, Article VI, Section 5, Paragraph 1.) The Regional Presiding Officer and the Regional Judicial Officer shall appoint one (1) of the three (3) committee members as the Chair of the Investigative Committee. If any member has a conflict of interest according to Article I, Section 1, Paragraph 12, he or she shall disqualify himself or herself and the Regional Presiding Officer and Regional Judicial Officer shall appoint another member to take his or her place.

Section 4.

The Regional Investigative Committee and the accused minister may each have up to two (2) qualified counselors to assist, advise, and speak for them in the investigation, representation, and defense of a properly received complaint by the Regional Presiding Officer. Witnesses may have one (1) support person present.

Section 5.

The Regional Investigative Committee shall investigate the alleged violation(s), taking care to safeguard the welfare of all concerned: the persons making the complaint, the minister against whom the complaint is made, all witnesses, the church, the district, and the UPCI.

Section 6.

In the investigation of the complaint, the Regional Investigative Committee shall take the following steps in the order given.

1. The chair shall notify the accused minister that a complaint of a ministerial violation has been received, stating the nature of the complaint.
2. The chair shall give the accused minister an opportunity to meet informally with him or her alone to respond to the complaint. (The accused minister may also respond in writing.) This meeting is an attempt to resolve the complaint in a spirit of brotherly love and concern. Neither side shall have counsel present for this meeting, nothing said in this meeting shall be considered evidence, and no record of the meeting shall be kept. This guidance, however, does not apply to situations related to any criminal conduct that must be reported to authorities by law. The accused minister may choose not to participate in this meeting, and that choice shall not jeopardize his or her ministerial credentials, nor shall it prejudice the members of the Regional Investigative Committee.
3. Two (2) or three (3) Regional Investigative Committee members shall conduct an interview with each person reporting the alleged violation(s) in an attempt to ascertain the factual basis of the alleged violation(s). If the accused minister is the pastor of the person or persons making the complaint, he or she need not give permission to the Regional Investigative Committee to interview the complainant, nor shall he or she be present during the interview. If the complainant's pastor is not the accused minister, he or she shall receive adequate and advance notification of the interview and shall have the right to be present for it.
4. The Regional Investigative Committee may interview other persons who are not the persons reporting the alleged violation(s) but who may have personal knowledge of it/them. If such a person is a member of a UPCI congregation, under no circumstances shall the Regional Investigative Committee interview that person without giving adequate and advance notification to that individual's current pastor, except that if the pastor is the accused minister, he or she need not be contacted or give permission for the interview; he or she shall not be present during the interview; and neither the pastor nor any representative of the pastor may communicate with the witness in any manner to try to

influence his or her testimony. If the current pastor is not the accused minister, he or she shall have the right to be present at the interview.

5. The Regional Investigative Committee may seek information from any other source that could possess knowledge concerning the alleged violation(s).

Section 7.

At the conclusion of the investigation, the Regional Investigative Committee shall submit to the Regional Judicial Officer a written investigative report setting forth the nature of the alleged violation(s) and take one of the following actions:

1. Dismiss the complaint and notify the accused minister and the persons who initiated the complaint.
2. Refer its findings to the Regional Hearing Committee as the basis for a hearing.

SUB-ARTICLE C: HEARING

Section 1. Purpose.

The hearing is a part of the investigative process of a complaint against a minister. Its purpose is to decide if the evidence included in the investigative report and presented at the hearing warrants a trial.

Section 2. Notice.

1. If the Regional Investigative Committee determines that the investigation indicates a need for a hearing, the chair shall submit to the Regional Hearing Committee a written investigative report setting forth the nature of the alleged violation(s) as the basis of a hearing.
2. The Regional Hearing Committee shall conduct the hearing. This committee shall be chaired by the Regional Judicial Officer for the region. The Regional Presiding Officer and Regional Judicial Officer shall, with the assistance and input of the Executive Committee, appoint five (5) ordained ministers to serve with the Regional Judicial Officer as the Regional Hearing Committee. These ministers shall be selected from a pool of ministers comprised of: 1) Those whose names were most recently nominated by districts to serve on the MAC but who are not serving in that capacity and 2) Ministers selected by the Executive Committee who are adept at the JP. (The Executive Committee is defined in the General Constitution, Article VI, Section 5, Paragraph 1.)
3. The Regional Judicial Officer shall set the date, place, and time for the hearing that will be heard by the Regional Hearing Committee. The date for the hearing shall not be less than twenty (20) days and not more than ninety (90) days from the time the accused minister receives notice of the hearing.
4. The Regional Judicial Officer shall issue a summons to the accused minister of the designated place, date, and time of the hearing. The summons shall be by official notice. (See Article I, Section 1, Paragraph 8.) He or she shall also provide him or her a copy of the investigative report and the complaint(s) by official notice.
 - (a) If the accused minister is unable to attend the hearing on the date set because of extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reason, he or she must notify the Regional Judicial Officer in writing, stating his or her reason(s). Such notice must be received by the Regional Judicial Officer at least forty-eight (48) hours prior to the designated time of the hearing. If the Regional Investigative Committee determines that the reason is valid, the Regional Judicial Officer shall contact the accused minister and reschedule the hearing.
 - (b) If the Regional Investigative Committee determines that the reason(s) given by the accused minister is/are not valid, the Regional Judicial Officer shall notify the minister that the hearing is still scheduled at the originally designated place, date, and time, and the minister shall appear at the hearing.

- (c) If an emergency prevents the accused minister from attending, the accused minister shall obtain two (2) unbiased ordained ministers to corroborate the emergency. In this case, the hearing shall be rescheduled.
- (d) If a minister fails to attend the hearing, the minister's credentials shall be terminated without a trial.

Section 3. Procedure.

1. The hearing gives the accused minister an opportunity to respond to the evidence and the Regional Hearing Committee an opportunity to question and discuss the matter with him or her. The hearing should be conducted with brotherly love, with respect for all present, and as informally as the occasion will permit.
2. The accused minister and the Regional Hearing Committee may have one (1) or two (2) counselors to assist during the hearing. The accused minister shall notify the Regional Judicial Officer in writing of the names of his or her counselor(s) at least ten (10) days before the date of the hearing. The Regional Judicial Officer shall notify the accused minister in writing of the names of the Regional Hearing Committee's counselor(s) at least ten (10) days before the date of the hearing. Failure of either party to notify the other in this manner shall cause the non-complying party to forfeit the right to counselor(s) during the hearing.
3. The Regional Judicial Officer shall preside at the hearing, and he or she shall appoint a member of the Regional Hearing Committee to serve as recording secretary.
4. Only the members of the Regional Hearing Committee, the counselor(s) chosen by the Regional Hearing Committee, the members of the Regional Investigative Committee, the accused minister, and his or her counselors may attend the hearing. A witness and his or her support person shall be present at the hearing only during his or her testimony.
5. A designated member of the Regional Investigative Committee shall read the investigative report before the presentation or discussion of the evidence.
6. The accused minister and his or her counselors may respond to the complaint.
7. The accused minister and his or her counselors may present witnesses and other evidence on his or her behalf.
8. The Regional Hearing Committee may hear other witnesses who have personal knowledge about the evidence stated in the investigative report.
9. Members of the Regional Hearing Committee, the counselor(s) chosen by the Regional Hearing Committee, and the counselor(s) for the accused minister may question any witness. If the accused minister does not have a counselor, he or she may directly question witnesses himself or herself, except he or she may not directly question the alleged victims. Of them he or she may submit questions in writing to the chair of Regional Hearing Committee that he or she would like asked. The chair will do so, except that he or she may disallow any question he or she deems to be inappropriate. When questioning witnesses, all parties must avoid undue pressure or intimidation.

Section 4. Disposition.

1. If the Regional Hearing Committee determines that the evidence does not warrant a trial, it shall dismiss the complaint against the minister.
2. If the Regional Hearing Committee determines through a secret ballot by a two-thirds (2/3) majority vote that the evidence warrants a trial, then:
 - (a) The Regional Judicial Officer may meet with the accused minister, his or her counselors, and two (2) Regional Hearing Committee members selected by the Regional Judicial Officer in an attempt to resolve the matter without a trial to the satisfaction of the accused minister and the Regional Hearing Committee.

- (b) If there is no such resolution of the matter, the Regional Hearing Committee shall draft a charge or multiple charges according to Article I, Section 1, Paragraph 17. It shall then forward the charge or charges to the Regional Presiding Officer as the basis of a trial. The accused minister cannot appeal this decision of the Regional Hearing Committee.
- (c) If there is no two-thirds (2/3) majority vote that the evidence warrants a trial, then the complaint against the minister is deemed dismissed.

SUB-ARTICLE D: NOTICE OF TRIAL

Section 1.

When the Regional Hearing Committee refers the accused minister to the Regional Presiding Officer for trial, the Regional Presiding Officer shall designate the place, date, and time for the trial. The date for the trial shall be set not less than thirty (30) days and not more than ninety (90) days from the date the accused is referred for trial. With the approval of the General Superintendent, the Regional Presiding Officer may extend the time of ninety (90) days in the event of interruptions for extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reason.

Section 2.

Within fifteen (15) days after the Regional Hearing Committee refers the minister to a trial, the Regional Presiding Officer shall summon to trial the accused minister by official notice and send a copy of the charge against him or her. The summons shall give the place, date, and time of the trial. The Regional Presiding Officer shall send a copy of the summons to the District Superintendent of the district that submitted the complaint. In case of postponement, the Regional Presiding Officer can make an exception to the time of notice with the approval of the General Superintendent.

Section 3.

The accused minister, individually or by and through counsel, has fifteen (15) days after receipt of the summons to trial to state in writing to the Regional Presiding Officer whether he or she will appear at the trial. If the accused minister or his or her counsel does not respond to the summons or communicates that the accused minister will not appear at the trial, the Regional Presiding Officer shall recommend that the accused minister's credentials be terminated without right of appeal.

Section 4.

Should the accused minister receiving a summons to trial be unable to appear at the trial because of extenuating circumstances, including, but not limited to the following: scheduling issues, lack of ability to secure counsel, travel issues, sickness, emergencies, disability, or any other legitimate reasons, he or she must notify the Regional Presiding Officer in writing, stating his or her reason(s). Such notice must be received by the Regional Presiding Officer at least forty-eight (48) hours prior to the designated time of trial.

1. If the Regional Presiding Officer finds the reason(s) to be valid, he or she shall reschedule the trial and notify the accused minister and others involved. After he or she reschedules the place, date, and time, he or she shall reissue the summons.
2. If the Regional Presiding Officer determines that the reason given by the accused minister is not valid, he or she shall notify the minister that the trial is still scheduled for the originally designated time, date, and place. The minister shall appear at the trial.

3. If an emergency prevents the accused minister from attending, the accused minister shall obtain two (2) unbiased ordained ministers to corroborate the emergency. In this case, the trial shall be rescheduled.
4. The Regional Presiding Officer shall recommend that the accused minister's credentials be terminated without right of appeal if the accused minister fails to appear at a scheduled trial.

Section 5. Counselors.

1. The accused minister and the Regional Hearing Committee shall both be allowed to have one (1) or two (2) counselors to assist and advise them during the trial proceedings.
2. Each party shall notify the Regional Presiding Officer in writing of the names of its counselors at least ten (10) days before the date of the trial. Failure to notify the Regional Presiding Officer in this manner may cause him or her to inform the non-complying party of the forfeiture of the right to counselors during the trial.

Section 6.

The Regional Presiding Officer shall appoint an ordained minister from the region to serve as recording secretary for the trial. The recording secretary shall not be a member of the district in which the matter originated and shall not have a conflict of interest concerning the accused minister or any witness as defined by Article I, Section 1, Paragraph 12.

SUB-ARTICLE E: SELECTION OF THE JURY

Section 1.

The jury shall consist of nine (9) ordained ministers and two (2) alternate ordained ministers.

Section 2.

Each District Board shall select and keep a venire of ten (10) to twenty (20) ordained ministers. If a district does not have ten (10) ordained ministers who are eligible, the District Board shall select as many venire individuals as possible. They shall write the name of each venire individuals on a paper, place each paper in a separate sealed envelope identified by the name of the district, and mail the envelopes to the General Secretary, who shall keep the envelopes on file until the Regional Presiding Officer calls for them. The names of the venire individuals shall be kept private until they are requested to serve on a jury.

Section 3.

The District Board shall update the names of venire individuals each year, preferably changing the names when possible.

Section 4.

At the request of the Regional Presiding Officer, the General Secretary shall forward to the officer as many sealed envelopes from his or her region as he or she requires.

Section 5.

A venire individual who is a member of the accused minister's district or of the district in which he or she is being tried shall not serve on the jury.

Section 6.

The Regional Presiding Officer shall send a list of the names of the ministers so selected to the accused minister and to the Regional Executive Presbyter for their approval or disapproval not less than thirty (30) days before the trial date. The accused minister and the Regional Executive Presbyter must indicate their approval or disapproval not less than twenty (20) days before the trial date. Failure to respond may cause forfeiture of the right to disapprove any name. The accused minister and the Regional Executive Presbyter may each disapprove up to three (3) names for no stated reason.

Section 7.

A member of a District Board shall not serve on a jury.

Section 8.

The Regional Presiding Officer shall notify the ministers who have been selected to serve on the jury. If a selected minister has formed an opinion on the case or if he or she has a conflict of interest according to Article I, Section 1, Paragraph 12, the Regional Presiding Officer shall disqualify him or her from serving. The Regional Presiding Officer shall admonish each selected member of the jury to keep his or her selection private, not to discuss the case, and to approach the trial with an unprejudiced mind.

SUB-ARTICLE F: THE TRIAL

Section 1. Attendance.

Only the Regional Presiding Officer, the recording secretary, the jury and alternates, the accused minister and his or her counselors, and the regional representative and his or her counselors may attend the trial. A witness may attend the trial only while giving his or her testimony.

Section 2. Order.

1. The Regional Presiding Officer shall preside over the trial. He or she has the authority to maintain order, rule on questions and objections, and act on any matter that will secure a fair and impartial trial.
2. In the event the accused minister, the regional representative, or any counselor becomes unruly, the Regional Presiding Officer may sequester the jury and warn the person misbehaving that a continuation of such behavior could result in serious consequences (e.g., he or she could be dismissed from the trial, his or her credentials could be terminated, etc.). Being unruly includes intimidation of witnesses, the Regional Presiding Officer, counselors, or other participants in the judicial process. (See Introduction.)
 - (a) If a counselor persists in being unruly, the Regional Presiding Officer shall dismiss him or her from the trial.
 - (b) If the accused minister persists in being unruly, the Regional Presiding Officer shall terminate the trial and recommend that the minister be dropped.
 - (c) If the regional representative persists in being unruly, the Regional Presiding Officer shall dismiss him or her from the trial and recommend that the Executive Board take disciplinary action against the regional representative. One of the regional representative's counselors shall then present the evidence against the accused minister.

Section 3. Records.

1. The recording secretary shall keep a written record and shall make one (1) official audio recording of all the proceedings at the trial. No other audio or video recording of any part of the trial proceedings is permitted.

2. All records of the trial shall be the property of the UPCI and held in custody during the trial by the Regional Presiding Officer, who shall make them available to the accused minister, the regional representative, and counselors for either party, but only under his or her supervision.
3. No copies or recording(s) shall be made of the trial records.
4. After the final disposition of the case, the Regional Presiding Officer together with the recording secretary shall seal the records and mail them to the General Secretary with a signed report of this action. These sealed records shall not be opened except by the approval of the Executive Board.

Section 4. Procedure.

1. The regional representative and his or her counselor(s) shall present the case against the minister first, including all testimony intended to prove the charge(s) made against the accused minister. No questions can be asked or evidence presented unless such questions and evidence are relevant to said charges.
2. The accused minister shall be given equal or greater time and opportunity to present his or her side of the case. Statements by the minister or his or her counselor(s) must be relevant to the charges being considered and must not include counter accusations against anyone. All testimony from witnesses or the accused minister must be pertinent to the charge(s) on which the minister is being tried.
3. A witness for either side may be cross-examined by the opposing side with due respect; no discourteous acts or words shall be permitted. A witness may be cross-examined as to possible collusion, conspiracy, prejudice, motive, or bias. The Regional Presiding Officer has the right to question the witness for clarification. No member of the jury shall be permitted to question the witness.
4. If the accused minister does not have a counselor, he or she may directly question witnesses himself or herself, except he or she may not directly question the alleged victims. Of the alleged victims he or she may submit questions in writing to the Regional Presiding Officer that he or she would like asked. The Regional Presiding Officer will do so, except that he or she may disallow any question he or she deems to be inappropriate.
5. Testimony of a witness not physically or virtually present may be read to the jury under the following conditions.
 - (a) The witness cannot be a signer of the complaint.
 - (b) The witness was unable to appear due to illness, physical disability, or extreme distance from the place of the trial, or was otherwise legitimately unable to appear.
 - (c) The testimony of the witness was obtained in writing, dated, and signed in the presence of an ordained minister or notary public who has no personal interest in the case and who is not an immediate or former relative of the accused minister or regional representative. (See Article I, Section 1, Paragraph 12(b).) He or she shall sign and date the paper.
 - (d) The Regional Presiding Officer is to instruct the jury to weigh the testimony in the light that the witness cannot be cross-examined in the trial, and they should not give this type of witness the same weight as a witness who attends in person.
6. The accused minister shall have the right to refuse to testify on his or her own behalf on the grounds that he or she may tend to incriminate himself or herself. If he or she chooses to testify, he or she may be cross-examined. If he or she chooses not to testify, he or she shall not voice himself or herself in any manner during the trial.
7. Opportunity for rebuttal testimony shall be granted to both sides. After both sides have made a second rebuttal, the Regional Presiding Officer may end the rebuttals, even if one or both sides wish to continue. After rebuttals, each side shall be granted an opportunity for a closing statement, with the

accused minister's side being last. No new evidence and no witnesses may be presented in the closing statements.

8. When both sides finish their closing statements, the Regional Presiding Officer shall close the trial proceedings.

Section 5. Deliberation of the Jury.

1. At the close of the trial proceedings, the Regional Presiding Officer shall give the jury a written copy of the charge.
2. The Regional Presiding Officer shall instruct the jury on the procedure to reach a verdict. He or she shall also inform the jury that it shall reach one of the following verdicts on each charge:
 - (a) The accused minister is not guilty of the charge(s).
 - (b) The accused minister is guilty of the charge(s) as stated.
 - (c) The accused minister is guilty of a lesser violation that is not specified in the charge(s) but is logically included in the charge(s) by implication.
3. Only the members of the jury shall retire to themselves to consider the verdict. They shall elect a member of the jury to serve as foreperson.
4. The foreperson of the jury shall preside during the deliberations. He or she shall call for a vote at various intervals to determine if a verdict has been reached.
5. The vote shall be by secret ballot. No verdict can be reached except by a two-thirds (2/3) majority vote.
6. Only the Regional Presiding Officer has the right to contact the jury, and then only regarding matters not pertaining to the case under consideration and in the presence of the accused minister, the regional representative, and counselors for both sides.
7. The foreperson of the jury may come before the Regional Presiding Officer and in the presence of the accused minister, the regional representative, and counselors for each side to ask questions concerning the General Constitution or the JP that may not be clear in the minds of the jury. Such conferences must be limited to the purpose of clarification and must not be used to discuss any evidence or testimony.

Section 6. Verdict.

1. When the jury reaches a verdict, the foreperson shall so inform the Regional Presiding Officer, who shall call for the announcement of the verdict.
2. The verdict must be in accordance with the instruction given to the jury by the Regional Presiding Officer. If it is not, the Regional Presiding Officer shall instruct the jury to resume deliberations.
3. When multiple charges are filed, the jury shall render a verdict on each charge.
4. The Regional Presiding Officer shall present a written copy of the verdict signed by the jury foreperson to the accused minister and the regional representative by official notice.
5. If the accused minister is found not guilty, the verdict shall be final. He or she shall not be tried a second time on the same charge(s) or in any manner involving the original facts and circumstances.
6. If the accused minister is found guilty of sexual abuse of a minor as defined by Article I, Section 1, Paragraph 23 of the JP, the Regional Presiding Officer shall recommend that the minister's credentials be terminated.
7. A minister who is found guilty may appeal the verdict and/or sentence to the MAC in accordance with Sub-Article G, Sections 1 and 2 of this article.

8. In the event the jury cannot reach a verdict, the Regional Presiding Officer shall declare a mistrial. He or she shall then set the place, date, and time for a new trial, and follow the provisions of this article. No member of the jury or alternate in the first trial shall serve in the second trial.
9. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
10. If the accused minister is found not guilty of all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every UPCI credentialed minister in the district of the accused minister, as well as every UPCI credentialed minister of the district(s) of the accuser(s). If the accused minister is found guilty on any charge, the General Secretary shall send a letter stating the outcome of the trial to every UPCI credentialed minister in his or her district and to every UPCI credentialed minister of the district(s) of the complainant(s), if different. The identity of the complainants shall not be revealed in the letters.

SUB-ARTICLE G: APPEALS BY A MINISTER OR A DISTRICT FOLLOWING A TRIAL

Section 1. Minister's Appeal of the Verdict of a Trial.

1. A minister who has been found guilty by a trial may appeal the verdict to the MAC.
2. A minister who appeals a verdict must do so within twenty (20) days after he or she receives the notification of the verdict or else he or she forfeits the right to appeal.
3. He or she must send this appeal by official notice to the General Secretary.
4. He or she may appeal this verdict on one or both of the following grounds.
 - (a) The trial was not conducted in accordance with the JP. An appeal on this ground must be based on an objection or objections raised in a timely manner during the trial (when the error may have been corrected).
 - (b) The evidence presented at the trial is insufficient to support the verdict.
5. The General Superintendent shall select another Regional Presiding Officer for the appeal.
6. The General Secretary shall send by official notice a copy of the appeal to the regional representative and to both the original and the new Regional Presiding Officers.
7. The new Regional Presiding Officer shall set the place, date, and time for the MAC to hear the appeal. He or she shall communicate this information by official notice to the minister who has appealed, the regional representative, and the Regional Presiding Officer of the trial.
8. Both the regional representative and the Regional Presiding Officer of the trial may submit written responses to the appeal.
9. The MAC shall not conduct a trial but must limit its inquiry to the grounds allowed for an appeal.
10. Only the Regional Presiding Officer of the trial, the regional representative, his or her counselors, the accused minister, and his or her counselors may appear before the MAC. Their presentation must be pertinent to the grounds stated for appeal.
11. The counselors for the minister making the appeal shall present the case for the appeal first.
12. After the MAC hears the counselors, asks relevant questions, receives information from the Regional Presiding Officer of the trial, and reviews the records of the trial, the appeal, and the written responses, it shall take one of the following actions.
 - (a) Uphold the verdict.
 - (b) Reverse the verdict if the evidence is insufficient to support the verdict.

- (c) Order a new trial if it finds that the JP was not followed and that the error could have had a material effect on the outcome of the trial. In the case of a new trial, the Executive Board:
- (1) Shall designate another Regional Presiding Officer for the trial.
 - (2) Shall refer the case to the Regional Presiding Officer, who shall set the place, date, and time for the new trial and shall follow all applicable procedures for a trial in this article.
13. The Regional Presiding Officer of the MAC shall communicate the decision of the MAC to the minister who has appealed, to the regional representative, to the Regional Presiding Officer of the trial, and to the General Secretary by official notice within ten (10) days of the decision.
14. In the event the MAC overturns the verdict, the Regional Hearing Committee may appeal to the General Board, whose decision shall be final. (See Section 3 of this Sub-Article below.)
15. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
16. If the accused minister is found not guilty of all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every UPCI credentialed minister in the district of the accused minister, as well as to every UPCI credentialed minister of the district(s) of the accuser(s), if different. If the accused minister is found guilty on any charge, the General Secretary shall send a letter stating the outcome of the trial to every UPCI credentialed minister in his or her district and to every UPCI credentialed minister of the district(s) of the complainant(s), if different. The identity of the complainants shall not be revealed in the letters.
17. If the MAC does not rule in favor of the accused minister under this section, he or she has no further right of appeal of the verdict.

Section 2. Minister's Appeal of the Sentence Following a Trial.

1. A minister who has been sentenced may appeal the sentence to the MAC. A minister who appeals a sentence must do so within twenty (20) days after he or she receives official notice of the sentence.
2. The procedure to appeal the sentence shall be the same as the procedure given for an appeal of a verdict in Section 1 immediately above, except that the minister may appeal on one (1) or both of the following grounds:
 - (a) The sentence is not consistent with the General Constitution.
 - (b) The sentence is too severe for the violation.
3. In response to the appeal, the MAC shall take one (1) of the following actions:
 - (a) Uphold the sentence.
 - (b) Modify the sentence.
4. In the event the MAC modifies the sentence, the Regional Hearing Committee may appeal to the General Board, whose decision shall be final. (See Section 3 immediately below.)
5. Within thirty (30) days after the conclusion of the trial and appeal process, the General Secretary shall send a letter to the accused minister stating the verdict.
6. If the MAC does not rule in favor of the accused minister under this section, he or she has no further right of appeal of the sentence.

Section 3. Regional Hearing Committee's Appeal to the General Board of a MAC Decision.

1. In the event the MAC overturns the verdict of the jury, rules a mistrial, or modifies the sentence, the Regional Hearing Committee may appeal the decision of the MAC to the General Board, whose decision

shall be final. Such an appeal must be made within twenty (20) days of the Regional Hearing Committee's being notified of the MAC's decision.

2. The appeal shall be a review of the decision of the MAC and shall not be a new trial.
3. The General Secretary shall send by official notice a copy of the appeal of the Regional Hearing Committee to the accused minister, his or her counselor(s), the Regional Presiding Officer of the trial, and the Regional Presiding Officer of the MAC that heard the appeal.
4. The General Superintendent shall set the place, date, and time for reviewing the appeal, preferably, but not necessarily, at the next General Board meeting, and shall communicate the same by official notice to the accused minister, his or her counselor(s), the Regional Presiding Officer of the trial, the regional representative, his or her counselor(s), the Regional Presiding Officer of the MAC that heard the appeal, and if a special General Board meeting is necessary, to the members of the General Board. He shall be the presiding officer at the appeal.
5. At the appeal, only the members of the General Board, the Regional Presiding Officer of the trial, the regional representative, his or her counselor(s), the accused minister, his or her counselor(s), and the Regional Presiding Officer of the MAC that heard the appeal may be present.
6. During the appeal process, the regional representative and his or her counselors shall present the side of the Regional Hearing Committee first.
7. The counselors for the accused minister shall thereafter be allowed to present the side of the accused minister.
8. The General Board shall (1) sustain the decision of the MAC or (2) overturn the decision of the MAC in favor of the verdict and/or sentence by the jury.
9. Within thirty (30) days of the conclusion of this appeal, the General Secretary shall communicate by official notice the decision of the General Board to the accused minister, his or her counselor(s), the regional representative, his or her counselor(s), the Regional Presiding Officer of the trial, and the Regional Presiding Officer of the MAC that heard the appeal.
10. If the accused minister is found not guilty of all charges, the General Secretary shall upon a request from him or her send a copy of the letter to every minister in the district of the accused minister, as well as to every UPCI credentialed minister of the district(s) of the accuser(s), if different. If the accused minister is found guilty on any charge, the General Secretary shall send a letter stating the outcome of the trial to every UPCI credentialed minister in his or her district and to every UPCI credentialed minister of the district(s) of the complainant(s), if different. The identity of the complainants shall not be revealed in the letters.

Submitted by the Judicial Procedure Committee and Safe Church Committee