



Policy Guidelines for a Member's Right of Appeal to a Disciplinary Decision of the Congregational Council

Purpose:

The purpose of this policy is to provide guidance for a member and the Congregational Council when an appeal is sought regarding the council's disciplinary decision (cf Congregational Bylaws Part II Section 3).

Scope:

This policy applies to the Congregational Council and the members of the Congregation.

Policy Protocol:

A lay member of a congregation who wishes to appeal discipline imposed by his/her council on that member shall appeal in writing to the congregational chairperson and secretary within thirty (30) days after the disciplinary action has been taken. The appellant shall send copies of the appeal to the rostered minister and to the bishop of the synod. The council shall appoint a special committee to investigate the appeal, and the committee shall consult the bishop of the synod. The decision of the committee shall be reported to the appellant, the council chairperson, the pastor and the bishop of the synod.

Procedural Fairness:

The concerns for natural justice or procedural fairness shall be followed, as shall that of confidentiality. The basic aspects of fairness include: the right to know about a case against you; the right to an impartial and unbiased decision-maker; the opportunity to be heard; the right to a decision and the rationale for that decision.

Grounds for Appeal:

An appeal may not be sought simply because the appellant does not agree with the decision of the council. An appeal must be made on one or more of the following grounds:

- a. the court that made the decision failed to consider the matter as completely as practicable;
- b. the decision was not in accordance with the rules of natural justice;
- c. the decision was not reasonable based on the evidence;
- d. the decision was not in accordance with the policy of the ELCIC; or
- e. there is evidence available that could not have been produced earlier and that may be relevant.

Documentation:

The appellant must send a statement of the arguments in support of their appeal. Documents may be delivered in person, or by fax, registered mail, courier or email.

The appellant may request that the council's disciplinary decision not be implemented until the appeal process has been completed.

Appeal Committee:

The Appeal Committee (aka the special committee) is responsible for deciding whether or not an appeal is warranted for the congregation to consider. If the committee declines the appeal (which must be based on the grounds above), the appeal process at the congregational level is concluded. If an appeal is warranted, the appellant would address the congregation directly at a future congregational meeting. Any further appeal must be directed to the bishop of the synod who carries out the appeal according to the synod bylaws.

Approved for use by Mount Zion Church Council – June 24