

# RECONCILIATION AND GRACE THROUGH SEPARATION

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## SUMMARY AND FAQ'S ON THE PROPOSED LEGISLATION TO IMPLEMENT THE PROTOCOL OF RECONCILIATION THROUGH SEPARATION

On February 6, 2020, the team that agreed to the Protocol of Reconciliation and Grace through Separation released its proposed legislation to implement the Protocol. This document attempts to align the Protocol with its implementing legislation and answer the top questions that have been received from various sources since the release of the Protocol. It is organized to match the order of the legislation.

The Protocol Team proposes a new paragraph of the *Book of Discipline*, ¶ 2556 –*Reconciliation and Grace Through Separation and Restructuring*. All of the provisions necessary to implement the Protocol would be contained in one paragraph. **Read the full text of the legislation here.**

The Protocol is available here and the summary and FAQ's on the Protocol prepared by the Protocol Team is here.

The Protocol and this legislation that implements it were developed by a theologically diverse group of United Methodists who reached the conclusion that the best option for moving beyond the current conflict over the full inclusion of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) people in The United Methodist Church is a separation. The proposed separation provides the opportunity for the expansion of Methodism in the world through launching new denominations and a broad reform within The United Methodist Church. The legislation is complex and detailed because the issues are complex.

The following summary has been prepared by and approved by members of the Protocol Team.

## **OVERVIEW**

This section addresses general questions about the purpose of the legislation, rationale for having just one paragraph, and the process that was used to create it.

### ***What is the goal of the legislation?***

The goal of this legislation is to implement Articles III-V of the Protocol of Reconciliation and Grace Through Separation.

The Protocol was a mediated agreement for separation in the United Methodist Church that allows those who want to separate and form new denominations to do so, and those who remain to reform The United Methodist Church. In order for the agreement reflected in the Protocol to become a reality, it needs to be implemented through petition language that could be adopted by the General Conference in May 2020.

This legislation focuses on facilitating a gracious separation of any clergy, local churches, annual conferences or central conferences that want to separate from the United Methodist Church in order to form or join a New Methodist Denomination, and it puts a moratorium in place on administrative and judicial proceedings related to same-sex weddings, ordination of clergy, and use of funds in the church.

The Preamble in the legislation ties back to the Statement of Principles in the Protocol document, identifies the purpose of the legislation, including the background leading to the Protocol, and identifies the hope for the future of The United Methodist Church. Much of the language in the Preamble comes from the Protocol, but there is some important new language. The Preamble expresses the hope that “These new denominations, though separate, will continue the rich heritage of the Methodist movement, while being free to share their respective witnesses for Christ unhindered by those with whom they have been in conflict.” ¶ 2556.1.a.

### ***Who wrote the legislation?***

The Protocol Team selected a sub-group of its members as a “Legislative Team” to draft legislation. This was approved unanimously by the protocol Team. The Legislative Team included representatives of Traditional, Centrist and Progressive churches: Rev. Keith Boyette (Wesleyan Covenant Association); Rev. Thomas Berlin (UMNext); Jan Lawrence (Reconciling Ministries Network); and Dr. Randall Miller (Reconciling Ministries Network). Each of these Protocol Team members included individuals who could assist them in their efforts.

During the drafting process, the Legislative Team sought input and comments from a wider circle, including representatives of Wespeth, the General Council on Finance and Administration, various Chancellors, UMC Ecumenical staff, caucus leaders and others. Drafts were periodically circulated to the full Protocol Team for comment. The input of others is not considered to be official positions of their respective agencies.

### ***What process was used to draft the legislation?***

The legislative writing team was convened by Rev. Tom Berlin, who kicked the legislative process off by dividing up the legislation that we knew was needed to implement the Protocol and assigning it to writing teams. Then, each two-person writing team was allowed to pull in others to help them as they saw the need to do so.

The team also wanted to ensure that the legislation was thorough and had been through a thorough review looking for constitutional issues that we might create in the drafting of it. The review of several conference chancellors and former members

of the Judicial Council was instrumental in that process.

The Legislative Team operated by consensus. No provisions were included in the legislation unless there was unanimous agreement. They were able to resolve all differences without having to bring issues to the mediator.

### ***What is new in the Legislation that was not in the Protocol?***

There are many provisions that were drafted to implement the Protocol, but were not expressly mentioned in the Protocol. Most were implied or were required to actually implement what the protocol documented. Examples are: the separation agreements; details on clergy transfer and ecumenical agreements; the process for recognizing New Methodist Denominations; the allocation of funding to support new denominations; and the provisions on pension and benefits. There were a few provisions, such as a retained lien on property, that were determined to be impracticable.

### ***Why is the legislation in one new paragraph?***

General Conference rules require that any provision amending an existing provision in the *Book of Discipline* must be submitted as a separate piece of legislation. Adding a new paragraph allows all provisions to be addressed at one time. With some exceptions (such as the provisions for ecumenical agreements and gracious return), the rest of the provisions will become moot after June 30, 2026, after the completion of all separations.

### ***What is next in the process for this legislation?***

Since we are beyond the deadline for submission of petitions to the General Conference through a regular process, the mediation team is working with some Annual Conferences to see if one of them will approve it for submission before the Annual Conference deadline. This legislation will be presented to one or more annual conferences of The United Methodist Church in special session for adoption as a petition to the 2020 General Conference. Under 507.6 of the *Book of Discipline*, legislation from an annual conference must be adopted by March 20, 2020 in order to be considered by the 2020 General Conference. Alternatively, such legislation can be scheduled at the discretion of the Committee on Reference or moved as a substitute

for a petition already pending before the 2020 General Conference.

The legislation also must be officially translated into the languages used for General Conference delegates, so that all delegates can review the legislation. The mediation team has decided to use the same service that The General Commission on the General Conference uses for this translation.

The signatories to the Protocol have asked the Council of Bishops to request a declaratory decision from the Judicial Council regarding the constitutionality of the proposed legislation implementing the Protocol prior to the opening session of the 2020 General Conference.

The Council of Bishops have also been asked to request a report from the General Council on Finance and Administration related to the financial impacts of the Protocol and its implementing legislation to be shared prior to the 2020 General Conference.

## **PARTS OF THE PROTOCOL AGREEMENT INCLUDED IN THIS LEGISLATION**

This legislation includes legislation that is needed to implement the parts of the protocol that pertain to the current United Methodist Church or Articles III, IV and V of the Protocol. It includes the legislation needed to implement the separation including but not limited to the following:

- Making the decision to Separate
- Creating and qualifying a New Methodist Denomination
- Developing a separation agreement
- Handling of employee benefits and pensions
- Allocation of dollars for the separation
- Managing of the transition period

It also includes the legislation necessary to implement the Moratorium on administrative and judicial proceedings related to the inclusion of LGBTQ people in the life of The UMC.

# **PARTS OF THE PROTOCOL AGREEMENT NOT IN THIS LEGISLATION**

This section addresses the parts of the Protocol agreement that either could not be addressed through legislation or that are not in this set of legislation for other reasons. It also addresses how those parts of the Protocol will be met legislatively and by The UMC after separation occurs.

## ***What parts of the Protocol are not covered in the legislation?***

There are three topics that are covered in Article VI of the Protocol that are not addressed in this legislation.

1. This legislation does not address the full inclusion of LGBTQ people in the “Post-Separation” United Methodist Church. It also does not address the repeal of the Traditional Plan or the removal of the harmful language related to LGBTQ people from the *Book of Discipline*.
2. This legislation also does not address the regional governance structure needed to bring equity among the regions of the church.
3. This legislation does not begin the process of reformation needed in The United Methodist Church

Acting on all three matters is critical to the vision for the Post Separation UMC cast in Article VI of the Protocol and in the Preamble of the legislation. Legislation is already before the General Conference that addresses each of them. The process for passing that legislation now becomes one of strategy.

## ***Why were these matters that are in Article VI of the protocol not included in the legislation?***

There was a belief among the mediation team members that they did not want to do anything that would make decisions for the Post Separation UMC or for any new denominations formed pursuant to the protocol. Both a regional governance structure and removal of the harmful language that discriminates against LGBTQ

people are matters that impact the Post Separation UMC.

### ***What Might this Future Look Like?***

The vision of those on the Protocol team who would remain in The United Methodist Church is that it will continue to be a big tent in which members and local churches from diverse backgrounds (including but by no means limited to, those of diverse theological, political, geographic, race, ethnic and national origins, sexual orientation, gender identity and other backgrounds and perspectives), both inside and outside the United States, can worship and serve with each other. Clergy and laity should feel welcome and embraced across a wide theological spectrum.

### **Regional Differences**

This would be a worldwide church structure that in a sense reduces the power of the General Conference or transfers powers to regional conferences to facilitate ministry, adaptable to regional contexts. There is already legislation before the General Conference that takes steps towards a more equitable regional structure. There is additional legislation, known as the Christmas Covenant, that is expected to be sent in by an Annual Conference from the Philippines prior to the petition deadline for Annual Conferences. The United Methodist Church would remain a single denomination with the ability to connect regionally around mission while governing regionally.

### ***Within the United States***

Other legislation would create a more open, inclusive church by rescinding the Traditional Plan passed at GC2019 and removing the harmful language and provisions regarding LGBTQ persons. That is a first step to creating a church where LGBTQ persons, their spouses, families and friends are welcomed as siblings in Christ.

Eliminating the prohibition on same sex marriage would not impact the ability of clergy to exercise their discretion on who they wish to marry.

Likewise, local churches have always had control over their facilities, including who can use them for weddings.

The Board of Ordained Ministry and the Clergy Session continue to have the

responsibility for deciding who is commissioned or ordained.

Just as bishops and district superintendents consider the desires of a congregation in assigning a female pastor or in making a cross-racial appointment, they will be expected to use the appropriate care in this area.

### ***Would Traditionalists be welcome in the United Methodist Church?***

Yes. They are welcomed and encouraged to stay as part of the United Methodist Church, but must be willing to accept that others hold different views and will have a right to conduct same-sex marriages and ordain qualified lesbian, gay, bisexual, and transgender persons.

### ***What Other Legislation is needed?***

This is still being discussed by those working for the future of The United Methodist Church. As indicated, legislation that repeals the Traditional Plan, removes other harmful language, and calls for a broad reform in The UMC has already been submitted. There may be additional legislation needed that is either submitted by an Annual Conference or proposed as an amendment at General Conference.

When the mediation team issued the Protocol, they laid out a series of steps for the Council of Bishops to take assuming this legislation is passed:

- Provide meeting space for those interested in creating other Methodist denominations pursuant to the Protocol to meet at the adjournment of the 2020 General Conference session.
- Call the first session of the General Conference of the post-separation United Methodist Church to organize itself and, if such legislation has not been passed, consider matters pertaining to creating Regional Conferences.
- Call the first session of a United States Regional Conference to consider legislation related to changes in adaptable portions of the Book of Discipline including repeal of Traditional Plan legislation and all other portions related to LGBTQ persons.

As the mediation team has worked through the development of legislation and strategy around it, it has been determined that the process outlined is flawed so it is



being replaced with a process that will hopefully achieve the same results.

- It is not likely that the presiding bishop will adjourn the General Conference after the vote on the Protocol is taken. The General Conference has other business to conduct and will continue with that business. However, the mediation team will ask the Council of Bishops to ask the Commission on the General Conference to provide space for new denominations to meet who do not want to remain in the General Conference session.
- It is also not likely that the first session of the Post Separation UMC will be called to order in Minneapolis. The protocol suggested closing the 2020 General Conference and calling to order the first session of the Post Separation UMC General Conference as a part of a strategy to remove the language at GC 2020. We do not need to take this step because the same body will already be in session.
- While there may be informal regional discussion groups, any gathering of the US as a regional conference cannot take any legislative action. Creating such a conference requires a Constitutional Amendment.

***Can we approve regional conferences and removal of the language at this General Conference since they are not a part of this legislation?***

The Protocol Team hopes that these changes could occur in 2020. There is a legislative strategy team that is working to outline the necessary process and strategy. It is also important to note that there is legislation in the ADCA that addresses these items.

## **CONSTITUTIONALITY**

This section provides answers to questions about the constitutionality of the legislation.

***Is this Legislation Constitutional?***

The Protocol Team believes that this legislation is Constitutional. Paragraph 2556.1.b summarizes the key reasons the Protocol Team believes the legislation is Constitutional. The Protocol Team has asked the Council of Bishops to request a

decision on the constitutionality of the Protocol from the Judicial Council prior to General Conference 2020.

***What happens if one of the provisions is declared unconstitutional?***

While the Protocol Team considers all parts of the legislation important, they agreed that if “any provision in ¶ 2556 is determined to be invalid or unconstitutional, that decision shall not affect the remainder of the provisions.” ¶ 2556.1.a. This is a change from the language of the Protocol.

## **CONSTITUTIONAL CHANGES**

This section answers questions about the process for managing constitutional amendments during the transition period after any agreed to separation.

*Since we know that Constitutional changes will be required to implement the Regional Governance structure that is part of the vision of the Preamble and part of Article VI of the Protocol, how are we going to manage the Constitutional Amendment process at the same time that we are managing the Separation process?*

The normal process for constitutional changes requires a 2/3 vote at a General Conference followed by ratification by 2/3 of the delegates reporting from the Annual Conferences. We know that there will be votes on some Constitutional Amendments at General Conference 2020.

Since General Conference 2020 occurs immediately before the US Annual Conference season, the Annual Conference ratification votes will not occur until the 2021 Annual Conference season. We will be well into the separation process before then. All Annual Conferences that remain a part of the United Methodist Church will be able to vote on ratification of the Amendments. Annual Conferences that have expressed the desire to leave but have not completed the separation process will have the option to vote, although it is not expected that they would do so.

The legislation itself addresses the responsibilities of people who hold leadership positions in the United Methodist Church and find themselves in a church or annual conference that has made the decision to separate in paragraph ¶ 2556.5, Transitional

Operation.

## **MORATORIUM**

This section addresses questions about the moratorium section of the legislation.

### ***What does the Moratorium do?***

The Protocol Team agreed that all administrative or judicial processes addressing restrictions in the *Book of Discipline* related to self-avowed practicing homosexuals or same-sex weddings should be held in abeyance beginning January 1, 2020 through the adjournment of the first conference of the post-separation United Methodist Church. While the Protocol had no legal effect, many annual conferences have chosen to follow the Protocol agreement.

The legislation would impose a moratorium effective the end of the 2020 General Conference. It spells out specifically which alleged violations of the *Book of Discipline* would be held in abeyance until “after the first General Conference of the United Methodist Church after other denominations separate.” The purpose of this provision is to ensure that no further harm is done to LGBTQ persons during this transition period. ¶ 2556.14.

### ***What does the term "being held in abeyance mean?"***

No one can prohibit a person from filing a complaint. Neither can a person be prohibited from requesting and seeking a trial. However, a complaint being held in abeyance means that it is a temporary state of inactivity or suspended and not acted on until an appropriate time. To hold complaints in abeyance until the separation takes place enables the post-separation United Methodist Church to re-organize itself in relationship to the current restrictive rules found within our United Methodist Book of Discipline.

### ***Does the moratorium protect clergy who perform weddings of same gender couples?***

Yes. While complaints can still be filed, they will not be processed. The desire is that the harmful language related to the full participation of LGBTQ people in the life of

the United Methodist Church will be removed at GC 2020. If this does not happen, the moratorium will remain in effect through the following General Conference.

## **NEW METHODIST DENOMINATIONS**

This section answers questions related to the creation of New Methodist Denominations, the criteria that must be met, and the timeline for doing so.

### ***How does the legislation define New Methodist Denomination?***

By reference to criteria that are set out for recognition. ¶ 2556.1.c.ii

### ***What is a Traditionalist Methodist Denomination?***

A New Methodist Denomination that “maintains the current stance of the Book of Discipline regarding the definition of marriage and ordination standards related to lesbian, gay, bisexual, and transgender persons.” ¶ 2556.1.c.iv.

### ***Does the Legislation address the formation and operation of New Methodist Denomination?***

No. It would be inappropriate for the General Conference to set any rules for the formation or governance of new denominations. There is one provision in ¶ 2556.5.b regarding transitional operation.

### ***What is the process for recognizing a New Methodist Denomination?***

There is a two-step process. The first step, conditional qualification, could occur any time after the end of the 2020 General Conference. Any group that is conditionally qualified can seek full qualification at any time. Annual Conferences and local churches can vote to affiliate with a new denomination once it is conditionally qualified. However, they remain a part of The UMC until their separation agreement is completed and the new denomination is officially qualified. Through that interim period, they are expected to continue to pay United Methodist apportionments.

### ***Is there a deadline for New Denominations?***

Yes. A group wishing to form a New Methodist Denomination must register its intent with the Secretary of the Council of Bishops by May 15, 2021, one year after GC2020. ¶ 2556.2.ab.

***What is the effect of conditional qualification?***

A New Methodist Denomination can be identified in a vote to separate. It will also have access to share information with central conferences, annual conferences, and local churches about the new denomination so that they might consider affiliating. ¶ 2556.2.b.

***What are the criteria for qualifying as a New Methodist Denomination?***

A distinct legal existence; a definite and distinct ecclesiastical governance structure; a minimum of 100 UMC local churches that have voted to join them (or that are a part of an annual conference that has voted to join); and it must “follow doctrinal standards consistent with the Articles of Religion of The Methodist Church, the Confession of Faith of the Evangelical United Brethren Church and the General Rules of the Methodist Church, as set out in ¶ 104 of the *Book of Discipline*.” It will be within the discretion of Wespeth to determine whether a New Methodist Denomination or its entities can assume pension liabilities. ¶ 2556.2.c.

***How does the legislation facilitate New Methodist Denomination?***

1. Property. The key provision in the Protocol is that, subject to various protections, the UMC relinquishes the trust clause and central conferences, annual conferences and local churches can retain their real and personal property.
2. Financial Resources. The legislation implements the provisions of the Protocol to provide \$25 million to Traditional denominations; and \$2 million as seed money to other new denominations.
3. Ability to Assume Pension Liabilities. The benefits provisions incorporate concepts from current or proposed Wespeth legislation on the process for New Methodist Denomination to assume pension liabilities, thus avoiding the need for local churches or annual conferences to pay withdrawal liability.
4. Ecumenical Agreements. New Methodist Denominations will be offered the

opportunity to enter into ecumenical agreements with the Council of Bishops for shared mission and other purposes. The legislation sets out some of the types of issues that could be covered. The approval of the General Conference is not needed unless it would involve “full communion” or permanent membership in a new ecumenical organization. ¶ 2556.9.

5. Ability to Negotiate and Work Directly with other UMC Entities. New Methodist Denominations have the right to contract for services with or enter into missional agreement with any UMC Boards and Agencies. Other Affiliated Institutions can have relationships to the extent their own procedures permit this. ¶ 2556.11.b.c.

6. Copyright. New Methodist Denominations have the right to borrow provisions and language from the *Book of Discipline*.

### ***Do New Methodist Denominations have the right to use The United Methodist Church name and Logo?***

This legislation does *not* give separating churches or entitles the right to use the UMC name, insignia and other trademarks and intellectual property. The General Council on Finance and Administration has responsibility to protect those trademarks and shall enforce current rules for their use. ¶ 2556.9.b.vi. Local churches can continue to use their names during a six-month interim period after separation. ¶ 2556.5.c.

### *How will the payments that are specified in the Protocol be made?*

The Protocol included \$25 million to support new Traditionalist Methodist denominations, and \$2 million to be escrowed for payment to potential other New Methodist Denominations. These figures were determined after review of the financial health of the church, and discussion with experts from GCFA and the Connectional Table. It was agreed as a part of this financial settlement that no further claim would be made by New Denominations receiving any funds on any properties or assets retained by the post-separation United Methodist Church. Agreeing to this will be part of the agreement made before any funds are distributed. ¶ 2556.10.iv; ¶ 2556.15.

The legislation provides some process details. The General Conference would commit to payment, and GCFA, in consultation with the Connectional Table and general boards and agencies, would determine the source of the funds. GCFA would establish procedures. No payments will be made prior to May 16, 2021 when all New

Denominations have identified themselves to the secretary of the Council of Bishops. No payments will be made until a New Denomination has qualified. The payments to qualified Traditionalist Methodist Denominations would be paid out over the 2021-2024 quadrennium, not less than \$6,250,000 per calendar year. If there is more than one qualified Traditionalist Methodist Denomination, the funds will be divided in proportion to their respective membership. A similar process will be used with other New Methodist Denominations. If more than one new denomination seeks funds, the Connectional Table, in consultation with GCFA and the leaders, will work out the allocation. ¶ 2556.10.b.

### ***Are their conditions on who can receive these funds?***

Yes. Requests can only be made by a New Methodist Denomination that is qualified under ¶ 2556.2.c(i-iv). In addition, the New Methodist Denomination must be a party to all separation agreement for any central conference, annual conference or local church that joins them, and must, alone or with other parties to those agreements, assume all liabilities, and provide full indemnification to and insurance for the annual conference and other United Methodist Church entities, as specified in those separation agreements ¶ 2556.10.b.iv. While these requirements are stated elsewhere, this provision conditions payments on meeting those obligations.

## **BASICS ON VOTING ON SEPARATION**

This section addresses the questions on voting thresholds and generic questions on the process that leads up to a vote and on voting.

### ***What is the process for separation?***

While the details differ, the steps of the process are basically the same for central conferences, annual conferences and local churches:

1. Initiating a vote.
2. Deliberation and voting
3. Negotiating a Separation Agreement
4. Executing the agreement and logistics of separation.

***Does everyone have to vote?***

No. No one has to vote to stay in the United Methodist Church (except for in the case of an entity that chooses not to follow the lead of their annual conference. Central Conferences, annual conferences and local churches only need to take a vote if there is sufficient support from members to seek a vote to separate. If no vote is requested, or if the vote to separate fails, then by default they remain in the United Methodist Church.

***If the vote fails at the Annual Conference, can a local church make a different decision?***

Yes. The leadership in the local church can make the decision to have vote. The process for that vote is specified in the legislation.

***Does any local church have to leave against their will?***

No. If a local church disagrees with the decision of its central conference or annual conference to separate from the United Methodist Church, it can vote to stay.

***What are the voting thresholds to separate?***

Central Conference - A central conference can vote to separate by a two-thirds vote of the members present and voting. Annual conferences can vote to separate by a 57% vote of the laity and clergy members present and voting

Local Church - At the local church level, the church council is the only entity that can request that a church conference be called to discuss and vote on proposed separation to form or join a New Methodist Denomination. The church council decides whether that vote must be by 2/3 or a simple majority of those present and voting at the church conference.

***The legislation sometimes refers to “alignment”. What does that mean?***

The Protocol is designed to enable and facilitate the formations of New Methodist Denominations and reformation of The United Methodist Church. Unlike some of the other proposed legislative plans, annual conferences and local churches are not required to vote to join or “align” with a particular denomination. However, a



decision by a local church council to not take a vote, or the defeat of a vote to separate, or a vote to remain in The United Methodist Church after an annual conference votes to leave, are all essentially a decision to stay in the United Methodist Church. These votes, like votes to separate and join a particular denomination, can be characterized as “alignment” with a denomination.

***What other entries can vote?***

Wesley Foundations or other worshipping communities that are not local churches shall be considered as local churches under the paragraphs authorizing votes for separation.

***Are there rules for the church conferences?***

A District Superintendent must call a church conference to be held within 60 days of a request by a church council. Otherwise, the usual procedures in the *Book of Discipline* for church conferences are followed.

***Do motions to separate need to state that they are separating over LGBTQ issues?***

No. Unlike the current provisions for disaffiliation in ¶ 2553, there is no need for central conferences, annual conferences or local churches to state why they wish to separate. This avoids the risk of internal disputes claiming that the motive for separation did not meet a limited purpose.

***Do motions to separate need to identify the New Methodist Denomination?***

Yes. A vote on motion for a “different affiliation” (see ¶ 2556.4.c) assumes that those voting will have information on the New Methodist Denomination that they are voting to form or join.

## **VOTING PROCESS**

This section addresses questions on the voting process specific to central conferences, annual conferences, and local churches.

## ***What is the voting process?***

The legislation has separate processes for voting to separate outside the United States, ¶ 2556.3, and inside the United States, ¶ 2556.4. While there are many similarities, there are differences.

### Outside the United States

At the central conference level, a vote to separate may be triggered by either that central conference's own procedures, or a motion supported by one-fifth of its members present and voting. A vote to separate must be approved by two-thirds. The deadline is December 31, 2021. ¶ 2556.3.a

At the annual conference level, a vote to separate may be triggered by either that conference's own procedures, or a motion supported by one-fifth of its members present and voting. A vote to separate must be approved by 57 percent of the lay and clergy members. The same process is used if an annual conference wants to vote to stay in the United Methodist Church after its central conference votes to separate. The deadline is December 31, 2021. ¶ 2556.3.b.

At the local church level, a vote is triggered by a decision of the church council to submit this to a vote at a church conference. The church council decides the voting threshold. The same process is used if a local church wants to vote to stay in the United Methodist Church after its annual conference votes to separate. The deadline is December 31, 2024. ¶ 2556.3.d. This decision does not require approval by the annual conference. ¶ 2556.3.e.

### Inside the United States

At the annual conference level, a vote to separate may be triggered by either that conference's own procedures, or a motion supported by one-fifth of its members present and voting. A vote to separate must be approved by 57 percent of the lay and clergy members. The same process is used if an annual conference wants to vote to stay in the United Methodist Church after its central conference votes to separate. The deadline is July 1, 2021. ¶ 2556.4.a.

At the local church level, a vote to separate is triggered by a decision of the church

council to submit this to a vote at a church conference. The church council decides the voting threshold. The same process is used if a local church wants to vote to stay in the United Methodist Church after its annual conference votes to separate. The deadline is December 31, 2024. ¶ 2556.4.c. This decision does not require approval by the annual conference. ¶ 2556.4.d.

***Can local churches or annual conferences change their minds after the vote?***

There is no provision in the legislation for a re-vote. The Protocol Team did not want to encourage conflict within local churches or conferences. If for any reason the separation cannot be completed by the separation date, then by default the conference or local church stays in the United Methodist Church.

***Will the Protocol Team or the Council of Bishops be publishing guidelines for churches on what to consider in a discernment process of whether or not to make a decision that is different from their Annual Conference?***

The Protocol Team and Council of Bishops have no plans for creating such a document. Some caucus groups or annual conference teams may create some guidance. The Protocol Team recognized that local churches would have to consider many factors such as: how to replace those services currently provided through United Methodist Boards and Agencies, impact of leaving the UMC on the mission and ministry of the local church, allegiances in The UMC, ecumenical agreements across the New Methodist Denominations, etc., in making a decision and wanted to make sure they had plenty of time to do so. A local church has until December 2024 to make an alignment decision.

## **SEPARATION AGREEMENTS**

This section defines the separation agreement that must be put in place before an entity separates, the parties to that agreement and the responsibilities each has in the agreement.

***What are the separation agreements and why are they important?***

There are two key components needed for a gracious separation and avoiding litigation: that those separating be permitted to keep their property, without

enforcement of the trust clause; and that they either pay off or take with them all of their liabilities.

These are not simple issues. Central conferences, annual conferences, their Districts and local churches all have real estate, bank accounts, personal property, restricted gifts and other assets. Many of them have entities that they control, or entities that have arrangements (such as pre-schools or local non-profits). The ownership of real estate and other property may be subject to liens and mortgages. They may or may not already have a legal status (such as a 501(c)(3)). Their ability to transfer property will depend on national, state or local laws. Their liabilities may include loans, mortgages or other contracts. Potential liabilities may include existing or futures claims by employees, members of the congregation or others, ranging from a wrongful discharge claim or slip and fall to allegation of clergy sexual abuse.

The purpose of the separation agreements is to ensure that all assets and liabilities are transferred, to protect the parties from future claims based on the acts of other parties, and to work out all of the other legal and practical issues that may arise with a separating entity.

***Who are the parties to these agreements?***

Every central conference, annual conference or local church that is separating on its own (and not part of a central conference or annual conference) must have a separation agreement. If that entity does not have a legal existence and cannot enter into contracts, it must create an entity that can do so. The party representing the UMC's interests will be either GCFA or the annual conference. The New Methodist Denomination or its administrative entity will also be a party.

***Are there required payments to the UMC?***

There are no new payments required on separation. Pension liabilities must be either paid or assumed by the New Methodist Denomination under the Wespath provisions in the legislation. So must any health insurance payments or property insurance payments as applicable. Local churches are expected to continue to pay their apportionments through the separation date but cannot be required to pay other past due or any future apportionments. An annual conference may, but does not have to, ensure that other liabilities to annual conference entities (such as loans)

under contracts or agreements are paid or retained or assumed by the successor. The agreement must provide that liabilities to other UMC entities, under any contracts or agreements are either paid, retained or assumed.

***What are the key provisions regarding transfer of property and liabilities?***

The transfer of property must be to a legal entity. GCFA must be satisfied that third-party creditors have been paid or have agreed to let the new entity assume any loans or contracts. Pension liabilities must be paid or assumed under Wespeth rules. Other liabilities must be paid or assumed to the satisfaction of GCFA. The separating entity and the New Methodist Denomination must agree to fully indemnify and defend the relevant UMC entities from all assumed liabilities and provide insurance for any current or future claims relating to those liabilities. This goes both ways. An appropriate UMC entity will agree to indemnify and provide insurance to the separating entity and the New Methodist Denomination relating to claims of those local churches or annual conferences staying in the United Methodist Church.

***What are separation dates?***

Every agreement must specify a date the entity will separate. This should be within six months after the vote. If the parties need more time they can extend that date, but no more than a total of 18 months after the vote to separate.

The separation date is the date that all assets and liabilities transfer and the UMC releases its rights under the trust clause. As of that date the entity is no longer under the authority of the United Methodist Church. The separating entity and their controlled entities can no longer use the group tax exemption.

***What happens to property in the name of the United Methodist Church?***

If a separating central conference, annual conference or local church has property that belongs to other UMC entities, those must be returned unless the parties agree otherwise. Many separating entities will have restricted assets that were donated in the name of a United Methodist entity. The separating entity might need to get legal permission to transfer that property. The United Methodist Church and its controlled or affiliated entities will not challenge or contest ownership claiming the donation was for a particular purpose.

### ***What is the negotiation process?***

GCFA will negotiate and must approve separation agreements with central conferences and annual conferences. A central conference separation agreement would include all of its annual conferences, and all of their districts, local churches, and all other controlled entities. An annual conference agreement would include all of its districts, local churches and their respective controlled entities, except for those annual conferences or local churches that have voted to stay in the United Methodist Church.

Local churches separating when their annual conference remains in the United Methodist Church will have separation agreements with their annual conference, unless an ecumenical agreement with the New Methodist Denomination has a different process. ¶ 2556.7.c. While the annual conference does not need to approve the separation agreement, the board of trustees of the applicable annual conference, with the advice of others, will have the responsibility to negotiate the terms of the separation agreements with local churches, and to ensure that the separation agreements address any issues unique to an annual conference or a particular local church or applicable laws. While GCFA or the annual conference may develop standard terms, they are likely to be many individual issues that need to be addressed in a particular separation agreement.

### ***This sounds complicated. Is it?***

It depends. For some local churches, if all they need to do under local law is a name change, and they have little or no debt, the process might be simple. An annual conference agreement would be more complicated because it would need to ensure that all liabilities of its districts and local churches can be retained, and third-party creditors satisfied.

### ***What happens after the separation date?***

On the separation date, a central conference, annual conference or local church ceases to be under the control of the United Methodist Church. What happens next will be determined by the policies and procedures of the New Methodist Denomination they join.

# TIMELINE

This section addresses the timeline for the Protocol legislation. It repeats dates that are in the legislation.

## ***What are the deadlines and timeline?***

The Legislation includes a summary of the key deadlines for separation

May 15, 2020 – Adjournment of General Conference. All provisions go into effect and central conferences, annual conferences, and local churches may begin the process of aligning with a New Methodist Denomination

January 1, 2021 – Any New Methodist Denominations that have already been legally constituted may begin to function with those annual conferences and local churches that have separated from and are no longer under the authority of The United Methodist Church

January 1, 2021 – Apportionments are set by, and paid to, any New Methodist Denomination for those churches who have decided to align with it, unless the separation date is later.

May 15, 2021 – Deadline for leadership groups to register with the Council of Bishops their intent to form a New Methodist Denomination under this paragraph

July 1, 2021 – Deadline for annual conferences in the United States to vote to align with a New Methodist Denomination

July 1, 2021 – Deadline for bishops to notify their authorities of a desire to align with a New Methodist Denomination

July 1, 2021 – Deadline for clergy in the U.S. to notify their bishop and other authorities of a desire to align with a different Methodist denomination from that of their annual conference

December 31, 2021 – Deadline for central conferences to vote to align with a New Methodist Denomination

July 1, 2022 – Deadline for annual conferences outside the United States to vote to align with a different Methodist denomination from that of their central conference

July 1, 2022 – Deadline for clergy outside the United States to notify their bishop and other authorities of a desire to align with a different Methodist denomination from that of their annual conference

December 31, 2024 – Deadline for local churches to vote to align with a different Methodist denomination than their annual conference or to disaffiliate.

June 30, 2026 —Deadline for the completion of all local church separation agreements. ¶ 2556.18.

## **PENSION BENEFITS**

This section addresses questions related to UMC employee benefit plans and pensions.

### ***How does the legislation address employee benefit plans?***

The Protocol Team wants those forming or joining New Methodist Denominations to be able to participate in UMC benefit plans, and to ensure a smooth transition, so long as those separating assume responsibility for their share of unfunded pension liabilities. The provision in ¶2556.8 on employee benefit plans was drafted by Wespath, with input by others. Some of the provisions are already in ¶ 433, and others are in legislation that has been proposed for GC2020. All relevant provisions are contained in this subparagraph.

Clergy and other employees of New Methodist Denominations will continue to be able to participate in the UMC employee benefit plans if their new entities choose to do so. The New Methodist Denomination will be able to sponsor the spun-off portion of the Clergy Retirement Security Program. The New Methodist Denomination or its entities, including local churches, will be able to sponsor the voluntary employee benefit plans, which include retirement, health, and welfare plans, through the General Board of Pension and Health Benefits (Wespath) under the *Book of Discipline*. ¶2556.8.a. There are separate provisions for the central conference pension program.



¶2556.8.b.

There are detailed provisions for when Wespeth will allow New Methodist Denominations (or their entities) to assume pension withdrawal liability of annual conferences or local churches in the United States that join them. Such an assumption would avoid the need for annual conferences or local churches to pay withdrawal liability as a condition of separation. There are provisions for a “determination period” and transition prior to a “spin-off” of plans to a New Methodist Denomination. Wespeth is empowered to take all appropriate actions. At the end of the determination period, Wespeth would calculate and sequester the New Methodist Denomination’s share of defined benefit plan assets and liabilities (i.e., assets and liabilities associated with the Clergy Retirement Security Program, Ministerial Pension Plan annuities, and the Pre-82 plan), and assign liabilities. If the New Methodist Denomination chooses not to (or does not have the capacity to) assume pension liabilities, then the New Methodist Denomination must pay withdrawal liabilities. There are also provisions allowing Wespeth to act if the New Methodist Denomination fails to satisfy its obligations in the future. ¶2556.8.c.

## **CLERGY**

This section addresses questions that clergy may have about how the separation impacts them and how they make a decision different from that of their local church or Annual Conference.

### ***What are the provisions regarding clergy?***

The Protocol Team recognizes that there will be a lot of concern by clergy on what will happen during this process. The legislation seeks to address the most common situations.

### ***What happens to clergy who wish to remain in the United Methodist Church?***

Clergy shall by default remain members of their annual conference, unless they choose otherwise. If their central conference, annual conference or local church votes to separate, clergy wishing to stay must notify their District Superintendent before the separation date. The United Methodist Church will comply with the provisions of the *Book of Discipline* regarding appointments at the time the clergy member makes

known their intent to remain in The UMC. ¶2556.6.a.

***What happens to clergy who wish to leave the United Methodist Church?***

Clergy in central conferences, annual conferences or local churches that separate will by default go to the New Methodist Denomination, unless they choose otherwise. Absent such a vote, Clergy have until July 1, 2021 in the United States, and July 1, 2022 in the central conference, to decide to leave. ¶2556.6.a. There are administrative provisions for transitional appointments and transfer of files. After separation, clergy will be subject to the rules and procedures of the New Methodist Denomination, including its processes for appointments or assigning clergy.

Clergy members who are serving on the Boards of United Methodist boards and agencies or in other key positions will be required to resign their position immediately upon making it known that they will move to another denomination.

***Will clergy members who wish to transfer to a New Methodist Denomination be guaranteed an appointment or assignment in that new denomination.***

New Methodist Denominations will make their own decisions about qualifications for clergy members. The Protocol Team recognizes that there is some anxiety around clergy transitions. It is expected that in most cases, clergy who wish to transfer will be able to do so, but the Protocol Team did not want to impose requirements on the New Methodist Denomination. This is an area where agreements may be made between the denominations once they are in place.

***What about candidates in the process toward licensing, commissioning, or ordination?***

The Protocol Team is recommending that New Methodist Denominations “grandfather” them into their processes, but that is for the new denomination to decide. For those candidates remaining in the United Methodist Church, they will not need to repeat any steps, but may be affected by any restructuring.

***What about Bishops?***

Active and retired Bishops will remain in the United Methodist Church unless they

choose otherwise. If they want to separate, they must so by July 1, 2021.

## **SEPARATION vs DISAFFILIATION**

This section addresses the process for churches who wish to disaffiliate rather than transfer to a New Methodist Denomination.

### ***Is there still a process for disaffiliation? Why?***

Yes. The Protocol wanted to continue the option for local churches to leave even if they did not want to form or join a New Methodist Denomination. This might be a preferred option for a local church that wishes to become independent, or to join some other denomination. The legislation contains a separate paragraph that would supersede ¶2553. There are pending challenges to the validity of ¶2553, and the Protocol Team wanted to make some of the disaffiliation processes and terms consistent with those for separation.

### ***What is different about disaffiliation and this process of annual conferences transferring to a New Denomination?***

The most important difference is that an annual conference must approve a local church's vote to disaffiliate. There are additional financial and other terms that an annual conference can impose. The deadline to disaffiliate is earlier than the deadline to separate. ¶2556.12. Disaffiliating churches will not be continuing ties with the United Methodist Church, as those in New Methodist Denominations are likely to do. They will usually have to pay in full their pension withdrawal liability.

## **FUNDS TO SUPPORT COMMUNITIES HISTORICALLY MARGINALIZED BY THE SIN OF RACISM IN THE UNITED STATES AND BY COLONIALISM**

This section addresses the funding that is to be budgeted for continued work with historically marginalized communities and Africa University.

### ***What is the purpose of these payments?***

The Protocol included \$39 million, payable over two quadrennia, to support communities historically marginalized by the sin of racism. This The goal of these earmarked funds is to strengthen ministries by and for Asian, Black, Hispanic-Latino, Native American, and Pacific Islander Communities, encourage the full participation of historically marginalized communities in the governance and decision-making of the church, and ensure that the vital work of training the next generation of leaders by Africa University will be maintained. The \$39 million is approximately the amount that has been budgeted for these types of programs over the past eight years. Historically these programs have been among the first to be cut when revenues decline. This provision is a commitment that this level of funding will continue for eight years.

### ***How will these payments be made?***

The legislation provides that these amounts would be included in the GCFA budget recommendations and allocated by the Connectional Table. The. The Connectional Table in consultation with the National Plans, the Program Agencies of the Church, and the Council of Bishops shall be responsible for determining and evaluating programmatic priorities in relation to these earmarked funds. ¶2556.13.

While these funds will all come out of United Methodist Church budget, during the Protocol negotiations the Traditionalist Methodist Denominations agreed to accept \$25 million, rather than \$38 million to facilitate this work.

## **GRACIOUS RETURN**

This section addresses the process for a church that makes the decision to join a New Methodist Denomination and later decides they made a mistake.

### ***What if a local church that separates wants to re-join the United Methodist Church in the future?***

The United Methodist Church is the successor of denominations that had separated over major disagreements, and later joined together. The legislation provides a simplified process for local churches that separate to re-charter as a United Methodist

## **LONGER TERM IMPLICATIONS**

The Protocol Team set out some of the other consequences for local churches and annual conferences in its FAQ's on the Protocol.

Inevitably, the impact of this Protocol will be greater in some places than in others. Regardless of the setting, strong efforts of collaboration and cooperation will be needed from all sides in order to create a consistent narrative concerning the options being considered; to provide strong, non-anxious leadership in the midst of the transitions; and to model how we can bless and send one another into new expressions of who we are as Methodists.

Local churches and annual conferences that remain within the post-separation United Methodist Church should be prepared for changes that will most likely occur in things like reconstituted boundaries both on a Jurisdictional and Annual Conference level, structures that will need to be re-evaluated and streamlined, and financial obligations that will need to be adjusted as a result of the losses sustained by the Local Churches and Annual Conferences that depart. Local Churches and Annual Conferences that separate should be prepared for the disciplinary and structural changes that will be approved and instituted by any new Methodist denomination that emerges.

Regardless, each Local Church and Annual Conference can expect change to occur. They can also expect to be supported in their efforts to provide meaningful, contextual ministry to the people in their communities and under their care as well as to continue every effort to make disciples of Jesus Christ for the transformation of the world.

## **NEXT STEPS FOR THE UNITED METHODIST CHURCH?**

Regardless of any vote on separation, The United Methodist Church is at a point where it must take steps towards resetting and reforming. If the Protocol passes,

delegates have the opportunity to “jump start” the process.

Legislation at the General Conference 2020 could start the process of reformation once perfected and passed by:

- Transferring some power and authority from the General Conference to Regional Conferences, bringing
  - More equal voice in the General Conference from across the church
  - Regional governance and decision making
- Removing the discriminatory language from the Book of Discipline, allowing the full participation of LGBTQ people in the life of the church
- Kicking off the Commission for the 21st Century Church

Another part of resetting and reforming will require looking at our structures and processes and streamlining them. A smaller denomination will call for a hard look at how money flows through the church and where/how it is spent. Every effort will need to be made that as those in leadership roles trim expenses, that the risk to mission and ministry is minimized.

At moments of uncertainty like this one, we all want reassurances and quick processes. The process of separation, resetting, and reforming will take at least one quadrennia.

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