

MEMORANDUM

TO: Board of Trustees
FROM: Kay Montgomery
RE: Board of Review
DATE: August 28, 2006

Last year Silvio Nardoni, chair of the Board of Review, and I discussed the wisdom of making the Board of Review Rules subject to the approval of the Board of Trustees, as are the Ministerial Fellowship Committee and Religious Education Credentialing Rules. Thus, below are proposed Bylaw changes for your consideration which would go on the '07 General Assembly agenda.

MOTION: To place the following Bylaw changes on the agenda of the 2007 General Assembly (underlining equals addition):

***Section 11.9. Procedure on Appeal.**

An appeal to the Board of Review shall be heard by a panel of the Board selected as provided in its rules. The panel hearing an appeal shall not try the case de novo but shall only review the record made before the Ministerial Fellowship Committee, except that the Board of Review by rules may permit the introduction of newly discovered evidence. These Bylaws, the rules of the Ministerial Fellowship Committee, and the rules of the Religious Education Credentialing Committee shall be binding upon the panel. The panel shall uphold the decision of the Ministerial Fellowship Committee or the Religious Education Credentialing Committee if it can be sustained by a reasonable view of the record. The panel may set aside the decision of the Fellowship Committee or the Religious Education Credentialing Committee only where necessary to correct or prevent manifest injustice. The panel may remand the case in whole or in part to the Committee or take such other action as may be just. The decision of the panel, which shall be the decision of the Board, shall set forth its finding and conclusions and shall be served upon the affected minister and the Ministerial Fellowship Committee or the affected religious educator and the Religious Education Credentialing Committee. The decision shall be entered in the appropriate records and shall be final and binding upon all parties. No appeal shall be allowed from the decision of the Board of Review. The Board of Review shall make rules to carry out the intent of this section, **subject to the approval of the Board of Trustees**.

Section 12.9. Procedure on Appeal.

An appeal to the Board of Review shall be heard by a panel of the Board selected as provided in its rules. The panel hearing an appeal shall not try the case de novo but shall only review the record made before the Religious Education Credentialing Committee,

except that the Board of Review by rules may permit the introduction of newly discovered evidence. These Bylaws and the rules of the Religious Education Credentialing Committee shall be binding upon the panel. The panel shall uphold the decision of the Religious Education Credentialing Committee if it can be sustained by a reasonable view of the record. The panel may set aside the decision of the Religious Education Credentialing Committee only where necessary to correct or prevent manifest injustice. The panel may remand the case in whole or part to the Religious Education Credentialing Committee or take such other action as may be just. The decision of the panel, which shall be the decision of the Board, shall set forth its finding and conclusions and shall be served upon the affected religious educator and the Religious Education Credentialing Committee. The decision shall be entered in the religious education credentialing records and shall be final and binding upon all parties. No appeal shall be allowed from the decision of the Board of Review. The Board of Review shall make rules to carry out the intent of this section, **subject to the approval of the Board of Trustees**.