

Judiciary Board
Article VIII

PREAMBLE: THE JUDICIARY BOARD

The establishment of the Judiciary Board of the Church of God in Christ, Incorporated shall bring into existence a third branch of church government, which shall exist in conjunction with the two present branches of government, the Executive Branch and the Legislative Branch. This branch of government shall be established as both an ecclesiastical and appellate court, hearing disputes upon appeal from lower dispute resolution forums in the Church and serving as the ultimate authority on matters of constitutional interpretation. All former articles and charters inconsistent with this amendment are modified, amended and hereby repealed Article VIII upon adoption shall be effective immediately.

The establishment of the Judiciary Board creates within the Church a three branch system of government similar to the United States of America federal government. The three branch system of the Church of God in Christ, Incorporated shall be, however, a modification of the federal system in that the system of checks and balances is evidenced by the fact that the Judiciary board members are elected and retained in office by the Legislative Branch, the General Assembly, and by the fact that the Judiciary Board's budget is approved by the Executive Branch and the General Board. The Judicial Branch and the Judiciary Board shall balance the Legislative and Executive Branches by being a final authority on questions of constitutionality and the final appellate forum of the Church for disputes.

Whereas there exists presently forums of dispute resolution within the Church, e.g., the judiciary committee of the Board of Bishops, the judicial committee of the Council of Pastors and Elders, and the dispute resolution forum of the Women's Department, these forums shall continue to attempt to mediate or adjudicate disputes. It is only after a decision has been rendered by one of these existing forums that an aggrieved person or body has the right to appeal to the Judiciary Board

This independent, objective branch of Church government shall have as its highest objective the protection of the rights of every member of the Church of God in Christ, Incorporated as set forth in the Church constitution. The protection of those rights shall be without regard for official position or social station. Therefore, it shall be crucial that the Judiciary Board decisions are rendered without intimidation, coercion, or undue influence and that the members of said Board are fair, sober, objective and seasoned in their decision making.

The Judiciary Board shall serve to prevent the intrusion of civil authorities into the affairs of the Church wherever inevitable disputes shall arise. Generally, the secular legal system has been reticent to intervene in the internal affairs of any religious body, preferring that said disputes are resolved internally. Where the decisions of the Judiciary Board have been made objectively, consistent with previous precedent setting resolutions, or with reasonable grounds for modifying interpretation of the Church's constitution, the civil court would not readily overturn said decisions.

Furthermore, the Judiciary Board shall allow for the participation of representation of all sectors of the Church in the ultimate resolution of disputes.

The Board shall consist of nine members, designated in three categories: episcopal, ministerial and general. Three members shall be jurisdictional bishops (episcopal). Three members shall be elders other than bishops (ministerial), and three members shall be from the church at large (general). This means that it will be possible for laymen and women to serve the Church on the Judiciary Board, provided they meet all other qualifications. This shall continue the tradition of inclusion that has made this Church great.

The establishment of the Judiciary Board shall assure that the legitimately aggrieved members of the Church of God in Christ, Inc. are heard, that fairness prevails throughout the brotherhood, and that equal protection and due process are and continue to be the right of every Church member.

ARTICLE VIII - JUDICIARY BOARD

There shall be established a Judiciary Board for the Church of God in Christ, Incorporated. The Judiciary Board shall be both an ecclesiastical and appellate court.

COMPOSITION and CRITERIA

The Judiciary Board shall be composed of nine (9) members designated in three (3) categories: episcopal, ministerial, and general. Three (3) members shall be jurisdictional bishops (episcopal), three (3) members shall be elders other than bishops (ministerial), and three (3) members shall be from the church at large (general). Each member shall be at least forty-five years of age and an active member of the Church of God in Christ for not less than twenty (20) successive years, a person of mature judgment, proven ability, integrity and knowledgeable in Church of God in Christ constitutional matters.

1. The Board of Bishops shall elect from among its membership four (4) candidates for nomination. This election shall take place at the Board's annual meeting during the National Convocation. The notice of election shall be given by the secretary of the Board of Bishops to all bishops within thirty (30) days prior to the election. The list of candidates nominated shall be submitted to the secretary of the General Assembly.

2. The General Council of Pastors and Elders shall elect four (4) candidates from its membership for nomination. This election shall take place at the annual meeting during the National Convocation. The notice of election shall be given by the secretary of the General Council to all pastors and elders within thirty (30) days prior to the election. The list of candidates shall be submitted to the secretary of the General Assembly.

3. The General Assembly shall nominate twelve (12) candidates and the General Board shall nominate three (3) candidates from the registered delegates present at its annual meeting, of which only four (4) shall be selected by a standing vote. During the selection process, the fifteen (15) nominees shall stand before the assembly: this procedure shall identify the four nominees of the General Assembly whose names shall be submitted to the Secretary of the General Assembly.

4. The General Assembly secretary shall announce the nominees to the General Assembly and submit those named to the Judiciary Qualifications and Nominations Committee.

5. Members of the Judiciary Board shall be elected by the General Assembly.

ELECTION PROCEDURES

1. The Nominating Committee shall present to the General Assembly a ballot listing the names of the twelve (12) screened approved Judiciary Board candidates. The nine (9) candidates shall be elected in the following order: the three (3) candidates from the Board of Bishops receiving the most votes, the three (3) candidates from the Council of Pastors and Elders receiving the most votes and the three (3) candidates from the General Assembly receiving the most votes shall be the Judiciary Board members,

2. At the first election under this provision, three of the nine Judiciary Board members shall serve a three-year term, three Board members a five-year term, and three members, a seven-year term. The terms shall be staggered in order to avoid the expiration of the terms of all elected board members simultaneously.

3. The chairman, vice chairman, and secretary shall be elected by the constituents of the Judiciary Board. The chairman's, vice chairman's and secretary's first terms shall be seven years. All other board members' terms shall be staggered according to the numbers of votes received, i.e., the three candidates (out of the remaining six) receiving the highest number of votes shall receive the five-year terms and three members receiving the lowest amount of votes shall receive the three-year terms.

JUDICIARY QUALIFICATIONS and NOMINATIONS COMMITTEE

1. A Standing Committee on Judiciary Qualifications and Nominations composed of nine (9) members in good standing in the General Assembly shall be appointed by the chairman of the General Assembly with the approval of the General Assembly. Members of the Committee shall serve for a term of four (4) years to run concurrently with the term of the chairman of the General Assembly.

2. The Committee shall review and screen credentials of all nominees and shall determine whether the qualifying criteria established by the General Assembly has been met. If for justifiable reasons a nominee is rejected by the Committee and the rejection is sustained by the General Assembly, the process contained in the nominating procedures shall be repeated. The Committee shall submit all qualified nominees for each vacancy to the General Assembly for consideration.

TERM OF OFFICE

1. A Judiciary Board member's term of office, with the exception of the initial staggered term, shall be seven (7) years. A member shall not be elected for more than two (2) terms and may not serve more than fourteen (14) years in office.

2. Continuance in office beyond the initial term is subject to the approval of the registered delegates present and voting at the General Assembly session preceding the expiration of the term of office. The approval of the delegates shall be required for the member's continuance in office for a second term. The Assembly delegates shall, by a method designated by the General Assembly vote for retention in office.

3. A. A Judiciary Board member may be removed from office prior to the expiration of his term due to incapacitation, incompetency or for the commission of acts in violation of the Constitution of the Church of God in Christ.

B. Procedures for filing and handling charges.

1. A delegate in good standing of the Church of God in Christ having just cause to believe that a member of the Judiciary Board has committed an act repugnant to the Constitution of the Church of God in Christ may file a charge.

a. The written petition shall be filed in the office of the secretary of the General Assembly specifically setting out the charges and things complained of, and copies shall be filed with the secretary of the Judiciary Board.

b. Every petition shall be signed by the individual making the charge, whose address shall also be stated. His signature constitutes, a certificate by him that to the best of his knowledge, information and belief, there is good ground to support the charge and that the charge is not made for improper purpose, such as to harass.

c. For a willful violation of this requirement, a petitioner shall be subjected to appropriate disciplinary action.

2. The Secretary of the General Assembly shall submit the charge to the chairman of the General Assembly who shall appoint an Investigating Committee of not less than three (3) nor more than five (5) members to examine the facts and ascertain whether there are reasonable grounds for having the member brought to trial.

3. The Investigating Committee shall report its findings and recommendations to the chairman of the General Assembly. If the Investigating Committee determines that there is no merit to the charge, and recommends that the charge be dismissed, the chairman of the General Assembly shall thereupon dismiss the charge and send copies of the letter or order of dismissal to the

principal parties.

4. If, however, the Investigating Committee finds and determines that the member should be tried, it shall submit its recommendations to the Chairman of the General Assembly, who shall appoint a Judicial Council of the General Assembly consisting of five (5) members to determine the merits of the complaint. Said Council shall give written notice to all interested parties and to the General Assembly secretary of the time and place of the hearing at least twenty (20) days prior to the time the Judicial Council sets the cause down for trial.
 5. The member shall have the right to be represented by counsel, who shall be a member of the Church of God in Christ, but said counsel may be advised by non-members of the Church.
 6. The majority decision of the Judicial Council shall be necessary to sustain the charges.
4. In the event a vacancy in the Judiciary Board occurs while the General Assembly is not in session, the remaining members shall continue to meet and conduct business until the next regular meeting of the General Assembly.

QUORUM

Seven (7) members shall constitute a quorum. An affirmative vote of all members of the Board shall be necessary to declare any act of the General Assembly unconstitutional. On other matters, a majority vote of the Board will be sufficient.

ORGANIZATION and PROCEDURE

1. The Judiciary Board shall have a chairman, vice chairman and secretary. The Judiciary Board shall meet at such times and places as it may deem necessary to conduct its business.
 - a. The chairman shall preside over all judicatory sessions. He shall also assign the task of writing the findings of facts and conclusions of law to one or more Judiciary Board members, or he may elect to write the facts and conclusions of law himself. The chairman shall also submit an annual report to the chairman of the General Assembly. This written report shall list all cases considered by the Judiciary Board that year and the Board's disposition of each case.

- b. The vice chairman shall aid and assist the chairman in implementing his responsibilities and shall serve as chairman, if the chairman does not serve or is unable to serve. If, for any reason the office of Chairman becomes vacant, the vice chairman shall serve as chairman until the position is filled by the General Assembly at its next session.
- c. The secretary shall keep the minutes of the proceedings. He shall also keep the files of the Judiciary Board and will perform any additional task assigned to him by the chairman.

2. The Judiciary Board shall prescribe its own method and, procedures for carrying out its duties. Such procedures shall be filed with the General Secretary of the Church of God in Christ and each jurisdictional bishop within thirty (30) days of this adoption.

3. The Judiciary Board shall, with the approval of the General Assembly, prepare and keep in revision a Judicial Code which shall be an addendum to the Constitution of the Church of God in Christ and shall include procedures for trials and redress in all church related matter. Changes or modifications to the Judicial Code shall receive prior approval of the General Assembly.

4. Executive clemency may be granted by a majority vote of the General Board in matters of a disciplinary nature, but not matters of a constitutional nature.

5. The Judiciary Board shall submit an annual budget request to the Board of Trustees for inclusion in the General Church Budget. The Judiciary Board may not exceed its approved budget without prior approval of the General Assembly or the General Board when the General Assembly is not in session.

LEGAL COUNSEL

The Judiciary Board shall appoint a Chief Counsel to advise the Board on all matters of a legal nature. The chief Counsel must be a member of the Church of God in Christ. He or she must present adequate documentation of legal credentials. The Chief Counsel shall not only be licensed to practice law in his state of residence, but must also be licensed to practice law in the State of Tennessee, or be associated with a law firm, or person licensed to practice law in the State of Tennessee. The Chief Counsel may appoint associate counsel to assist, with the approval of the Judiciary Board.

DUTIES

1. The Judiciary Board shall determine the constitutionality of any act of the General Assembly upon the appeal of the majority of that Assembly.

2. The Judiciary Board shall determine the constitutionality of any act of the General Board upon the appeal of the majority of that Board.

3. The Judiciary Board shall determine the constitutionality of any act of a jurisdictional assembly or a jurisdictional bishop upon the appeal of the majority of the pastors of the jurisdiction.

4. The Judiciary Board shall decide any election dispute referred to it by the General Assembly.

5. The Judiciary Board shall be the final appeal court for all matters arising under the church discipline.

6. The Judiciary Board shall receive cases referred by the General Board, the Board of Bishops, the Council of Pastors and Elders or the General Assembly.

7. The Judiciary Board may hear and determine an appeal of a bishop when taken from a decision of the trial court in his case; provided a bishop must make known to the Board of Bishops and to the Judiciary Board in writing, within thirty (30) days after a decision, his intention to make such an appeal, and any decision made by the Board of Bishops shall not become effective unless the decision of the Board of Bishops is sustained by the Judiciary Board.

8. A district superintendent, pastor or elder shall have the right to appeal to the Judiciary Board in case of an adverse decision by the trial court only where he received punishment that includes suspension or removal from his office and/or church, provided that within thirty (30) days after said adverse decision, he notifies the secretary of the last body to hear his case and the secretary of the Judiciary Board of his intention to appeal. Any decision made by the trial court shall not be effective unless the trial court's decision is sustained by the Judiciary Board.

9. National officers shall have the right to appeal to the Judiciary Board in case of an adverse decision by the General Board only where he received punishment that includes suspension or removal from his office, provided that within thirty (30) days after said adverse decision, he notifies the secretary of the General Board and the secretary of the Judiciary Board of his intention to appeal. The decision of the General Board shall not become effective unless the General Board's decision is sustained by the Judiciary Board.

10. A General Board member shall have the right to appeal to the Judiciary Board from a decision of the trial court in his case, provided he make known to the trial court in his case and to the Judiciary Board, in writing, within thirty (30) days after a decision, his intention to make such an appeal. The Judicial Council of the General Assembly shall be the trial court for the trial of any General Board member. The procedures for the trial of a General Board member shall be the same as the procedures for the trial of a Judiciary Board member. Any decision made by the Judicial Council shall not become effective unless the Judicial Council's decision is sustained by the Judiciary Board.

11. The chairman of the General Assembly shall have the right to appeal to the Judiciary Board in case of an adverse decision by the trial court in his case, provided he make known to the trial court and to the Judiciary Board, in writing, within thirty (30) days after the decision, his intention to make such an appeal. The Judicial council of the General Assembly shall be the trial court for the trial of the chairman, presided over by a temporary chairman elected by the General Assembly. The procedures for the trial of the General Assembly chairman shall be the same as the procedures for the trial of a Judiciary Board member. The decision of the Judicial Council shall not become effective unless the Council's decision is sustained by the Judiciary Board.

12. The Judiciary Board shall receive all referrals or petitions made to it by any authorized person or body in accordance with this Constitution, provided that it is in writing and which shall state the names and addresses of disputants, and have the signatures of the appellant or the presiding officers of the body making the referral.

13. The Judiciary Board, on all cases handled, shall file its written findings of facts and recommendations and/or decisions with the General Secretary and the presiding officer of the body who made the referral and copies of all shall be disseminated to all interested parties.

14. The findings of facts and conclusions of law will be made available to the public. However, for good cause shown, the Judiciary Board may limit the availability of any document in order to prevent disclosure of confidential information, or which justice requires to protect an individual from undue embarrassment or oppression.

15. The Judiciary Board members shall refrain from all conflicts of interest which shall affect their impartial conduct of duty.