

PETITION TO THE GENERAL BOARD
TO AMEND STANDING RULES 5.2, 5.3, AND 5.4
UNDER ABC/USA BYLAWS ARTICLE XIX, SEC. 2

First, amend Rule 5.2 by deleting the last three lines of Rule 5.2.3 and inserting in place thereof the following new Rules 5.2.4 and 5.2.5:

5.2.4 Local church appeal of application.

In the event that the Region fails to notify the applying church and the General Board within one year that the application has been accepted, the applying church may appeal in writing to the General Board Executive Committee. The appeal shall be directed to the General Secretary and shall include at least the following:

- (i) date admission was requested;
- (ii) follow up attempt(s) made by the church;
- (iii) date and substance of response received from the Region, if any;
- (iv) indication of willingness and ability to comply with all Common Criteria for Cooperating Churches (see Rule 5.1.1).

5.2.5 Alternative application(s).

At any time during the pendency of an appeal pursuant to Rule 5.2.4 or Rule 5.3.3 or after any such appeal has been sustained, the local church may, after consultation with the Associate General Secretary for Regional Ministries, apply to another Regional Board to be a Cooperating Church of the ABC/USA and of that Region, according to the common criteria for a Cooperating Church.

Second, amend Rule 5.3 by deleting Rules 5.3.2, 5.3.3 and 5.3.4 and substituting the following Rules 5.3.2, 5.3.3 and 5.4:

5.3.2 Notice of dismissal.

The General Board, upon notification of a Region's action of dismissing a church, shall acknowledge the Region's action through its recognition of the Report of Changed Relationships of Local Churches. The General Secretary shall promptly notify the church of the General Board's acknowledgment of the Region's action. Such notification shall include:

- (i) notice of the right to appeal;
- (ii) deadlines and requirement for the appeal;
- (iii) assurance that the church's status remains unchanged during the time allowed for notice of appeal and, if an appeal is filed, throughout the appeal process; and
- (iv) consequences for the church if an appeal is not filed.

5.3.3 Notice of appeal of dismissal.

If a Cooperating Church wishes to appeal a dismissal, it shall give written notice

of such appeal to the General Board Executive Committee through the General Secretary. Such notice must be by certified mail postmarked within sixty (60) days after the date of the General Secretary's letter pursuant to Rule 5.3.2. If an appeal is thus claimed, status as a Cooperating Church of the ABC/USA shall remain unchanged throughout the appeal process and, if the appeal is denied, until sixty (60) days after final decision pursuant to Rule 5.4. If no appeal is claimed, the church ceases to be a Cooperating Church of the ABC/USA sixty (60) days after the date of the General Secretary's letter pursuant to Rule 5.3.2.

Rule 5.4 Appeal Process

5.4.1 Positions of the parties.

Whenever the General Board Executive Committee receives any appeal as provided in Rule 5.2.4 or 5.3.3, it shall call for the following to be submitted:

- (i) all pertinent information from the Credentials and Caucus Committee within ten (10) days; and,
- (ii) within forty-five (45) days, a written explanation from the Region Board which includes:
 - a. reason(s) for the action or lack thereof;
 - b. specification of the Common Criteria for a Cooperating Church with which the local congregation has failed to comply;
 - c. evidence cited in support of the Region's act of exclusion (whether failure to receive or dismissal);
 - d. minutes or summaries of all meetings held to reconcile differences between the Region and the Cooperating Church as well as any documentation submitted to such meetings by either party in support of its position.
- (iii) if the Region does not submit its written explanation within the specified time period, the appeal shall be sustained, and the Executive Committee shall "counsel" the General Board to receive or retain the church as a Cooperating Church of the ABC/USA.
- (iv) the General Secretary shall forward a copy of the Region's written explanation to the Cooperating Church with notice that the church has forty-five (45) days from the date of postmark to respond to the Region's written explanation.
- (v) if the Cooperating Church does not respond to the Region's written explanation within the specified time period, the appeal shall be denied, and the Executive Committee shall "counsel" the General Board to terminate the church's status as a Cooperating Church of ABC/USA upon sixty (60) days' notice.

5.4.2 Decision by Executive Committee.

If both the Region and the Cooperating Church submit their respective written materials within the specified time periods, the appeal shall be submitted to the General Board Executive Committee for decision. Not later than one year after receipt of the Region’s explanation, the Executive Committee shall make written findings of fact and submit to the General Board those findings and the Committee’s counsel regarding whether or not the General Board should receive or retain the local church in question as a Cooperating Church of the ABC/USA but not of the Region.

5.4.3 General Board review.

The findings and counsel of the General Board Executive Committee shall be final and binding on all persons in the absence of

- (i) fraud or corruption
- (ii) violation of fundamental principles of due process
- (iii) evident partiality
- (iv) violations of this Rule 5.

Upon request submitted to the General Secretary by any aggrieved party alleging one of those five grounds within fifteen (15) days after the findings and counsel of the General Board Executive Committee are mailed to the Region and the church, the General Board shall review the propriety of the proceedings conducted by the General Board Executive Committee. If the General Board finds that the ground alleged is substantiated, the decision of the General Board Executive Committee shall be vacated and the appeal shall be remanded to the Executive Committee for further consideration.

5.4.4 Conflict of Interest.

No representative elected by the Region which is a party to an appeal shall participate in the processing, consideration or decision of that appeal as a member of the General Board Executive Committee or in review of the decision as a member of the General Board.

5.4.5 Personal appearance.

Upon request by the church, the Cooperating Church shall be afforded an opportunity to appear in person before the General Board Executive Committee in support of its appeal.

Adopted _____ by _____
date name of church

address of church

in accordance with its bylaws.

signature of Pastor or Church Clerk

How and When to Submit Signed Petitions to the General Board
Regarding an Appeals Process for Dismissed Churches:

Send signed petitions to:

The Office of the General Secretary
American Baptist Churches, USA
P.O. Box 851
Valley Forge, PA 19482-0851

suggested deadline: August 30, 2005.

The IN/KY Region Board has succeeded in getting 200 churches from 5 Regions to petition the General Board to do away with any way for churches dismissed by their Region to join another Region or otherwise appeal to remain American Baptist. Please urge your church to sign the Petition created by the Rochester Summit process.

Rev. Susan B.W. Johnson