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STATE BAR NO. 73297

November 14, 2008

Board of Trustees
Unitarian Universalist Association
25 Beacon Street
Boston, Massachusetts 02108

Re: Revised Rules of the Board of Review

Dear Fellow UUs:

At our meeting on October 25, 2008, the UUA Board of Review adopted revisions to our rules of procedure. Pursuant to sections 11.8 and 12.9 of the UUA bylaws, we herewith submit our revised rules to the Board of Trustees, and request that the Board of Trustees approve them. Two versions of the revised rules are enclosed, a clean text for publication and a text in legislative style, reflecting the 2008 revisions using underline and ~~strikeout~~.

Changes to our rules 7 and 11 were necessary in light of the 2008 revisions to the rules and policies of the Ministerial Fellowship Committee and the 2008 amendments to the UUA bylaws. The new text of these rules tracks the language of the UUA bylaws as amended in 2008. We also made clarifying amendments to rule 4 and rule 15 (formerly rule 14).

With respect to new rule 12, concerning legal counsel, we are aware that there may be individuals appealing to the Board of Review who wish the services of counsel but cannot afford to retain counsel. While we are cognizant of this issue, we elected not to address it explicitly in our rules, in the expectation that it could be dealt with appropriately on a case-by-case basis as necessary.

If you need further information prior to taking action, or have questions concerning the revisions to the rules, please do not hesitate to contact me.

Thank you for consideration of this matter, and best wishes.

Sincerely,

/s/ Robert D. Bacon
Robert D. Bacon, Chair
UUA Board of Review

Enclosures

cc: [see next page]

cc: Ms. Kay Montgomery
The Rev. Beth Miller
Members of the Board of Review:
The Rev. Roberta M. Nelson, Vice-Chair
Elizabeth "Betsy" Darr, Chair-Elect
The Rev. Diana Jordan Allende
Janice Marie Johnson
Glenn A. Moore
Dr. Lorraine Sandoval-Vigil
The Rev. Suzanne R. Spencer

UNITARIAN UNIVERSALIST ASSOCIATION

BOARD OF REVIEW

**Rules of the Board of Review
as amended by the Board of Review October 25, 2008**

together with provisions of the UUA Bylaws relating to the Board of Review

**Members of the Board of Review
October 2008**

Robert D. Bacon, Chair
The Rev. Roberta M. Nelson, Vice-Chair
Elizabeth “Betsy” Darr, Chair-Elect
The Rev. Diana Jordan Allende

Janice Marie Johnson
Glenn A. Moore
Dr. Lorraine Sandoval-Vigil
The Rev. Suzanne R. Spencer

Rules of the Board of Review
as amended October 25, 2008

Rule 1. Selection of Presiding Officer

At its first meeting following the regular General Assembly in each odd-numbered year, the Board of Review shall select a presiding officer, who shall be known as the Chair of the Board of Review. The Chair shall serve a term of two years. In even-numbered years, the Board of Review shall elect a Chair-elect who shall serve as Chair in the event of the inability of the chair to serve. In the absence of such election, the Board of Trustees may designate a temporary presiding officer from among the members of the Board of Review.

Rule 2. Time and Place of Meetings

The Board of Review shall hold meetings at such times and places as it may determine. Meetings shall be called by the duly elected or appointed presiding officer. Meetings of the Board or any panel thereof may be held by telephone conference call.

Rule 3. Definition

For purposes of an appeal by a minister, references in these rules to the “Committee” are to the Ministerial Fellowship Committee. For purposes of an appeal by a religious educator, references in these rules to the “Committee” are to the Religious Education Credentialing Committee.

Rule 4. Notices of Appeal

a. Time for Filing Appeal.

A notice of appeal to the Board of Review from a decision of the Committee shall be filed in writing within thirty (30) days of receipt of notice of the Committee’s decision. A notice is “filed” on the documented date it is mailed or given to a commercial delivery service.

b. Place for Filing Appeals.

Only for the purposes of receiving appeals or documents, the Executive Vice-President of the UUA shall be the secretary of the Board of Review. Written notice of an appeal shall be filed with the Office of the Executive Vice President, 25 Beacon Street, Boston, Massachusetts 02108.

c. Content of Notice of Appeal.

A notice of appeal shall be in writing and set forth the appellant’s intent to appeal.

d. Content of Appeal.

Once a timely notice of appeal has been filed, then no later than ninety (90) days following receipt of notice of the Committee’s decision, the appellant shall submit all supporting documentation, including a clear and concise statement of the grounds for the appeal, the position of the appellant, and the arguments in support of the appeal. In the event that the appeal is based in whole or in part on newly discovered evidence, the notice of appeal must contain a complete description of such evidence, an explanation of the materiality of the evidence, and an explanation of the circumstances which precluded the presentation of the evidence before the Committee. Consideration of newly discovered evidence is governed by rule 7.

e. Request for Additional Time.

Provided that a notice of appeal is filed on a timely basis, the appellant may file a written request for additional time to submit supporting documents. The Chair of the Board of Review may grant additional time at her or his discretion.

f. Notifications.

Upon receipt of a notice of appeal, the Office of the Executive Vice President shall transmit the notice of appeal to the Chair of the Board of Review, and to the Executive Secretary of the Committee. Any additional information received by the Office of the Executive Vice President shall also be transmitted promptly to the Chair of the Board and the Executive Secretary of the Committee.

Rule 5. Assignment of Appeals

Upon receipt of the notice of appeal, the Chair of the Board of Review shall designate a panel of the Board to determine the appeal. Such panel may consist of the Board as a whole, or a panel of at least five (5) members of the Board. The Chair of the Board shall serve as chair of the panel, or may designate another member of the Board to serve in that capacity. No member of the Board may serve on a panel to hear an appeal if the member has a personal interest in the matter or otherwise has reason to be excused from such service. At least two members of each panel shall be lay persons. If the appellant is a minister, at least two members of the panel shall be ministers. If the appellant is a religious educator, at least two members of the panel shall be ministers or credentialed religious educators. Unless disqualified, the member of the Board who is a credentialed religious educator shall serve on the panel if the appellant is a religious educator.

Rule 6. Transmission of File

The Executive Secretary of the Committee shall transmit to the Chair of the Board of Review the record made by and before the Committee within 45 days after the Executive Secretary receives notice that an appeal has been taken. The Chair shall transmit copies of the record to members of the panel designated to decide the appeal.

Rule 7. Introduction of Newly Discovered Evidence

If the appellant requests consideration of newly discovered evidence, not previously presented to the Committee, then the matter shall be returned to the Committee for consideration of that evidence before the Board proceeds with the appeal.

Rule 8. Response of the Committee

The Committee may submit to the Chair of the Board of Review a response to the notice of appeal or to any newly discovered evidence offered by the appellant, within 45 days after the appellant submits the documentation in support of the appeal. The Committee may also respond to any request for additional information by the Board or its panel. Any response from the Committee shall be served on the appellant and shall be considered by, but shall not be binding upon, the Board of Review.

Rule 9. Reply

The appellant may file a written reply to any submission by the Committee within 15 days after it is served on the appellant.

Rule 10. Oral Argument

Either the appellant or the Committee may request that the panel hear oral argument. The request shall be made no later than the due date for a reply provided in rule 9. The panel shall hear oral argument on behalf of both the appellant and the Committee if oral argument is requested by either party. The panel shall use its best efforts to schedule oral argument at a time and place at which all panel members and persons arguing can attend in person, but if this is not feasible one or more persons may participate by telephone conference call.

Rule 11. Standard for Review

An appeal to the Board may be heard by a panel of the Board selected as provided in rule 5, above. The panel hearing an appeal shall limit its review to an examination of the Committee's decision, and the information presented to the Committee, including the documents and other evidence compiled during the Committee Review, and the reasons articulated by the Committee for its decision terminating the appellant's fellowship or credentialed status. The Bylaws and the rules of the Committee shall be binding upon the panel. The Committee's determination of fact and/or credibility will not be overturned unless no reasonable fact finder could have reached such determination, and disputes of fact are to be resolved in favor of the Committee's determination. The panel may set aside the decision of the 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 panel shall set forth its findings and conclusions and will serve them upon the appellant and the Committee. The decision shall be entered in the appropriate records and shall be final and binding upon all parties.

Rule 12. Right to Counsel

Both the appellant and the Committee shall have the right to engage counsel throughout the appeal process.

Rule 13. Reconsideration by the Committee

In the event that the panel remands the matter for reconsideration by the Committee, including consideration of newly discovered evidence, the Committee shall reconsider the matter as promptly as possible. As soon as a determination is made on reconsideration, the Committee shall transmit to the panel any documents or records made during the reconsideration along with the Committee's determination on reconsideration. Following receipt of the Committee's determination on reconsideration, the panel shall resume its deliberations on the appeal. At its discretion, the panel may allow the Appellant to respond to the Committee's determination on reconsideration within thirty (30) calendar days of written notice of the Committee's determination.

Rule 14. Decision of Panel

The decision of the panel shall be determined by a majority vote of the panel members. A draft decision setting forth findings and conclusions shall be circulated to all panel members prior to the vote.

Rule 15. Decision of the Board of Review

The decision of a majority of the panel, which shall be the decision of the Board, shall set forth findings and conclusions and shall be served upon the appellant, the Committee, and all members of the Board. The decision shall be entered in the fellowship or credentialing records and shall be final and binding upon all parties. No appeal shall be allowed from the decision of the Board of Review.

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Rules of the Board of Review

as amended October 25, 2008

[in legislative style, showing the amendments made in 2008]

Rule 1. Selection of Presiding Officer

At its first meeting following the regular General Assembly in each odd-numbered year, the Board of Review shall select a presiding officer, who shall be known as the Chair of the Board of Review. The Chair shall serve a term of two years. In even-numbered years, the Board of Review shall elect a Chair-elect who shall serve as Chair in the event of the inability of the chair to serve. In the absence of such election, the Board of Trustees may designate a temporary presiding officer from among the members of the Board of Review.

Rule 2. Time and Place of Meetings

The Board of Review shall hold meetings at such times and places as it may determine. Meetings shall be called by the duly elected or appointed presiding officer. Meetings of the Board or any panel thereof may be held by telephone conference call.

Rule 3. Definition

For purposes of an appeal by a minister, references in these rules to the "Committee" are to the Ministerial Fellowship Committee. For purposes of an appeal by a religious educator, references in these rules to the "Committee" are to the Religious Education Credentialing Committee.

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a. Time for Filing Appeal.

A notice of appeal to the Board of Review from a decision of the Committee shall be filed in writing within thirty (30) days of receipt of notice of the Committee's decision of the Committee. A notice is "filed" on the documented date it is mailed or given to a commercial delivery service.

b. Place for Filing Appeals.

Only for the purposes of receiving appeals or documents, the Executive Vice-President of the UUA shall be the secretary of the Board of Review. Written notice of an appeal shall be filed with the Office of the Executive Vice President, 25 Beacon Street, Boston, Massachusetts 02108, ~~no later than thirty (30) days following the notice set forth in rule 4(a).~~

c. Content of Notice of Appeal.

A notice of appeal shall be in writing and set forth the appellant's intent to appeal.

d. Content of Appeal.

Once a timely notice of appeal has been filed, then no later than ninety (90) days following receipt of notice of the Committee's decision of the Committee, the appellant shall submit all supporting documentation, including a clear and concise statement of the grounds for the appeal, the position of the appellant, and the arguments in support of the appeal. In the event that the appeal is based in whole or in part on newly discovered evidence, the notice of appeal must contain a complete description of such evidence, an

explanation of the materiality of the evidence, and an explanation of the circumstances which precluded the presentation of the evidence before the Committee. Consideration of newly discovered evidence is governed by rule 7.

e. Request for Additional Time.

Provided that a ~~summary~~ notice of appeal is filed on a timely basis, the appellant may file a written request for additional time to submit supporting documents. ~~The~~ the Chair of the Board of Review ~~who~~ may grant additional time at ~~the Chair's~~ her or his discretion.

f. Notifications.

Upon receipt of a notice of appeal, the Office of the Executive Vice President shall transmit the notice of appeal to the Chair of the Board of Review, and to the Executive Secretary of the Committee. Any additional information received by the Office of the Executive Vice President shall also be transmitted promptly to the Chair of the Board and the Executive Secretary of the Committee.

Rule 5. Assignment of Appeals

Upon receipt of the notice of appeal, the Chair of the Board of Review shall designate a panel of the Board to determine the appeal. Such panel may consist of the Board as a whole, or a panel of at least five (5) members of the Board. The Chair of the Board shall serve as chair of the panel, or may designate another member of the Board to serve in that capacity. No member of the Board may serve on a panel to hear an appeal if the member has a personal interest in the matter or otherwise has reason to be excused from such service. At least two members of each panel shall be lay persons. If the appellant is a minister, at least two members of the panel shall be ministers. If the appellant is a religious educator, at least two members of the panel shall be ministers or credentialed religious educators. Unless disqualified, the member of the Board who is a credentialed religious educator shall serve on the panel if the appellant is a religious educator.

Rule 6. Transmission of File

The Executive Secretary of the Committee shall transmit to the Chair of the Board of Review the record made by and before the Committee within 45 days after the Executive Secretary receives notice that an appeal has been taken. The Chair shall transmit copies of the record to members of the panel designated to decide the appeal.

Rule 7. Introduction of Newly Discovered Evidence

~~a. General Rule.~~

~~The consideration of newly discovered evidence is wholly discretionary with the panel.~~

~~b. Bases for Consideration.~~

~~Newly discovered evidence will only be considered when the appellant can establish to the satisfaction of the panel that (1) the additional evidence is material to the issues in the case, and (2) that there was a good reason why the additional evidence was not presented to the Committee.~~

~~c. Disposition.~~

~~In the event that the panel determines in its discretion to hear additional evidence, it may do so based on affidavit or other written submission, or may remand the matter for consideration and review by the Committee.~~

If the appellant requests consideration of newly discovered evidence, not previously presented to the Committee, then the matter shall be returned to the Committee for consideration of that evidence before the Board proceeds with the appeal.

Rule 8. Response of the Committee

The Committee may submit to the Chair of the Board of Review a response to the notice of appeal or to any newly discovered evidence offered by the appellant, within 45 days after the appellant submits the documentation in support of the appeal. The Committee may also respond to any request for additional information by the Board or its panel. Any response from the Committee shall be served on the appellant and shall be considered by, but shall not be binding upon, the Board of Review.

Rule 9. Reply

The appellant may file a written reply to any submission by the Committee within 15 days after it is served on the appellant.

Rule 10. Oral Argument

Either the appellant or the Committee may request that the panel hear oral argument. The request shall be made no later than the due date for a reply provided in rule 9. The panel shall hear oral argument on behalf of both the appellant and the Committee if oral argument is requested by either party. The panel shall use its best efforts to schedule oral argument at a time and place at which all panel members and persons arguing can attend in person, but if this is not feasible one or more persons may participate by telephone conference call.

Rule 11. Standard for Review

~~The panel hearing an appeal shall not try the case de novo, but shall only review the record made before the Committee, except that the panel may permit the introduction of newly discovered evidence as provided in rule 7, above. The Bylaws of the UUA and the rules of the Committee shall be binding upon the panel hearing the appeal. The panel shall uphold the decision of the Committee if it can be sustained by a reasonable view of the record. The panel may set aside the decision of the 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.~~

An appeal to the Board may be heard by a panel of the Board selected as provided in rule 5, above. The panel hearing an appeal shall limit its review to an examination of the Committee's decision, and the information presented to the Committee, including the documents and other evidence compiled during the Committee Review, and the reasons articulated by the Committee for its decision terminating the appellant's fellowship or credentialed status. The Bylaws and the rules of the Committee shall be binding upon the panel. The Committee's determination of fact and/or credibility will not be overturned unless no reasonable fact finder could have reached such determination, and disputes of fact are to be resolved in favor of the Committee's determination. The panel may set aside the decision of the 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 panel shall set forth its findings and conclusions

and will serve them upon the appellant and the Committee. The decision shall be entered in the appropriate records and shall be final and binding upon all parties.

Rule 12. Right to Counsel

Both the appellant and the Committee shall have the right to engage counsel throughout the appeal process.

~~Rule 12.~~ 13. Reconsideration by the Committee

In the event that the panel remands the matter for reconsideration by the Committee, including consideration of newly discovered evidence, the Committee shall reconsider the matter as promptly as possible. As soon as a determination is made on reconsideration, the Committee shall transmit to the panel any documents or records made during the reconsideration along with the Committee's determination on reconsideration. Following receipt of the Committee's determination on reconsideration, the panel shall resume its deliberations on the appeal. At its discretion, the panel may allow the Appellant to respond to the Committee's determination on reconsideration within thirty (30) calendar days of written notice of the Committee's determination.

~~Rule 13.~~ 14. Decision of Panel

The decision of the panel shall be determined by a majority vote of the panel members. A draft decision setting forth findings and conclusions shall be circulated to all panel members prior to the vote.

~~Rule 14.~~ 15. Decision of the Board of Review

The decision of a majority of the panel, which shall be the decision of the Board, shall set forth its findings and conclusions and shall be served upon the appellant, ~~and the Committee, and all members of the Board.~~ The decision shall be entered in the fellowship or credentialing records and shall be final and binding upon all parties. No appeal shall be allowed from the decision of the Board of ~~review.~~ Review.

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Provisions of the UUA Bylaws Related to the Board of Review

SECTION 5.10. Board of Review.

- a. **Members.** The Board of Review shall consist of eight members as follows:
 1. Three members who are ministers, each of whom at the time of election is in final ministerial fellowship with the Association and has held such fellowship continuously for the preceding seven years; and
 2. One member who is a credentialed religious educator-masters level; and
 3. Four members who are not ministers or credentialed religious educators, each of whom at the time of election is a member of a certified member congregation and has been a member of one or more such congregations for not less than three years as an officer or a member of the governing bodies of one or more such congregations.
- b. **Election and Term.** At each regular General Assembly held in an odd-numbered year one person who is neither a minister nor a credentialed religious educator shall be elected and shall serve for a term of eight years and until a successor is elected and qualified. At each regular General Assembly held in an even-numbered year there shall be elected either a minister, as described in subsection (a)(1) above, or a credentialed religious educator-masters level as described in section (a)(2) above, who shall serve for a term of eight years and until a successor is elected and qualified. In the first election in an even-numbered year following the adoption of the amendment to this subsection (b) as stated above, the election shall be of a credentialed religious educator, and this sentence shall thereafter be deleted from this subsection.
- c. **Qualifications.** No member of the Board of Review shall during the term of office be a member of the Ministerial Fellowship Committee, the Religious Education Credentialing Committee, or hold any salaried position in the Association.
- d. **Removal.** A member of the Board of Review may be removed without hearing by the vote of six other members.

SECTION 11.7. Appeal.

A minister in final ministerial fellowship whose fellowship is terminated may appeal the determination of the Ministerial Fellowship Committee to the Board of Review. The Board of Review shall have exclusive jurisdiction to hear and decide such appeals. No other appeal shall be allowed from any decision of the Ministerial Fellowship Committee.

SECTION 11.8. Procedure on Appeal.

An appeal to the Board of Review may be heard by a panel of the Board selected as provided in its rules. The Board of Review or its panel hearing an appeal shall limit its review to an examination of the Ministerial Fellowship Committee's decision, and the information presented to the Committee, including the documents and other evidence compiled during the Fellowship Review, and the reasons articulated by the Ministerial Fellowship Committee for its decision terminating the minister's fellowship. If the minister requests consideration of newly discovered evidence, not previously presented to

the Ministerial Fellowship Committee, then the matter shall be returned to the Ministerial Fellowship Committee for consideration of that evidence before the Board proceeds with the appeal. These Bylaws and the rules of the Ministerial Fellowship Committee shall be binding upon the Board of Review or its panel. The Ministerial Fellowship Committee's determination of fact and/or credibility will not be overturned unless no reasonable fact finder could have reached such determination, and disputes of fact are to be resolved in favor of the Ministerial Fellowship Committee's determination. The Board of Review or its panel may set aside the decision of the Ministerial Fellowship Committee only where necessary to correct or prevent manifest injustice. The Board of Review or its panel may remand the case in whole or in part to the Committee or take such other action as may be just. The Board of Review or its panel shall set forth its finding and conclusions and will serve upon the affected minister and the Ministerial Fellowship Committee. The decision shall be entered in the fellowship 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 12.8. Appeal.

A religious educator with a religious education credentialing status whose status is terminated may appeal the determination of the Religious Education Credentialing Committee to the Board of Review. The Board of Review shall have exclusive jurisdiction to hear and decide such appeals. No other appeal shall be allowed from any decision of the Religious Education Credentialing Committee.

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.

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