



**The United Church
of Canada
General Council**

GC45 GS08 Finalization of the Decision of the Judicial Committee for Summer 2025

True Document Date: June 22, 2025

Origin: General Secretary, General Council

1. Reporting Decisions of the Judicial Committee

Under section J.10.9.4, the General Secretary is responsible for reporting all decisions made by the Judicial Committee to the General Council. While the Judicial Committee's Decision is available for you to review, below is an overview of the Judicial Committee's role and details about the decision, which can either be affirmed or referred back to the Judicial Committee for further review.

2. Responsibilities of the Judicial Committee

The Judicial Committee handles appeals to the General Council regarding:

- Decisions from formal hearings by a community of faith or regional council
- Other decisions of regional councils
- Decisions of the Executive of the General Council
- Decisions of the Board of Vocation
- Rulings of the General Secretary of the General Council

The Judicial Committee first determines whether an appeal has sufficient grounds. If so, a formal hearing is held with 3-5 members assigned to review the case and render a decision.

3. Procedural Background: Appeal of Carol Morton and the Southwestern Ontario Candidacy Board

Carol Morton began her student ministry experience (SME) in September 2017. In 2022, she started working half-time at both Ilderton United Church and Melville United Church as a student minister.

On April 19, 2024, Rev. Laurie O'Leary, Chair of the Southwestern Ontario Candidacy Board, informed Ms. Morton by letter that the Board had passed a motion on April 18, 2024, stating:

"The Southwestern Ontario Candidacy Board does not discern suitability for ministry in The United Church of Canada for Carol Morton and terminates her candidacy for Designated Lay Ministry, effective immediately."

The letter acknowledged the difficulty of this decision and encouraged Ms. Morton to remain open to other callings. It also stated that, under the Candidacy Pathway Policy, she would need to wait two years before reapplying.

On May 17, 2024, Ms. Morton appealed the decision to the Judicial Committee and later submitted her reasons for the appeal. The Respondent had 30 days to respond and did so on May 26, 2024.

On August 15, 2024, the Judicial Committee appointed an Appeal Committee consisting of Mr. James Blanchard, Ms. Sandra Brooks, and Rev. Lynn Maki, with Ms. Diana Ginn as Chair. Under *The Manual* (J.10.9.1), an Appeal Committee consists of three to five United Church members and is responsible for determining whether the appeal will be heard.

Although Ms. Morton's statement did not explicitly cite J.10.6 of *The Manual* (which outlines grounds for appeal), the Appeal Committee found that her appeal raised two grounds:

- A breach of natural justice (J.10.6(b))
- Unreasonableness of the outcome (J.10.6(c))

The Committee determined there were insufficient grounds to hear the appeal on natural justice but proceeded with the appeal under J.10.6(c). Both parties were informed of this scope.

In an email to Ms. Nicole Treksler, General Counsel for The United Church of Canada and staff resource to the Appeal Committee, Ms. Morton requested the following remedies:

1. Reinstatement at Ilderton and Melville United Churches (if the positions were still available).
2. Recognition at the earliest possible time.
3. Compensation for lost pay, including pension contributions and benefits, without financial burden on the churches, which had no role in her departure and had incurred pulpit supply costs.

This email was forwarded to Ms. Szilassy, counsel for the Respondent, on October 1, 2024. The appeal hearing took place via Zoom on October 3, 2024.

The central issue was whether the decision to terminate Ms. Morton's candidacy was "reasonable based on the evidence." The Committee's role was not to substitute its own judgment but to assess whether the Respondent's decision met the standard of reasonableness.

As the Appellant, Ms. Morton bore the burden of proving that the decision was unreasonable. Both parties had an opportunity to present their case. Generally, the parties relied on affidavit evidence in lieu of cross-examining witnesses to save time.

The Committee found that she did not meet this burden.

4. Outcome

Given the Respondent's stated concerns, which were not demonstrated to be unjustified or unsubstantiated, the decision to end Ms. Morton's candidacy was within the range of reasonable outcomes.

The appeal is dismissed, and the April 18, 2024, decision of the Southwestern Ontario Candidacy Board is upheld.

Decision released: November 21, 2024.

5. Decisions of the Judicial Committee

Finality Until General Council: Under section J.10.9.4, Judicial Committee decisions are final and binding until the next regular meeting of the General Council.

General Council Review: The General Council may review but not rehear Judicial Committee decisions. The Council may:

1. Affirm the decision.
2. Refer the decision back to the Judicial Committee for further review.

Grounds for Review: A review may be conducted if:

- The Judicial Committee failed to consider all relevant matters.
- The decision violated principles of natural justice.
- The decision was unreasonable based on the evidence.
- The decision conflicted with United Church polity.
- New, previously unavailable evidence could impact the outcome.

Final Decision: A Judicial Committee decision becomes the final decision of the General Council if:

- It is reported to the General Council and not reviewed.
- It is reviewed and affirmed by the General Council.

6. General Secretary's Recommendation

The General Secretary recommends that the General Council:

- a) concur that no further review is needed; and
- b) affirm the decision of the Judicial Committee.

For the body transmitting this proposal to the General Council:

Please select the appropriate option and provide the key discussion points for items being forwarded to the General Council:

- ☐ Agree
- ☐ Disagree without forwarding to the General Council
- ☐ Disagree and forwarding to the General Council
- ☐ Take no action at this time

If you have questions regarding this proposal, please send them to: GCinfo@united-church.ca

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