



**The United Church
of Canada
General Council**

GC45 GS09 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. 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 Rev. Unger and Living Skies Pastoral Relations Commission

On October 9, 2023, Rev. Unger appealed the decision of the Living Skies Pastoral Relations Commission, requesting:

- That the decision declaring him in a "de facto" pastoral relationship with Mayfair United Church, thereby requiring a one-year period of no contact, be set aside.
- That his request to become a Voluntary Associate Minister (VAM) through Mayfair be considered, arguing that the Pastoral Relations Committee's decision created a reasonable apprehension of bias.

The Living Skies Pastoral Relations Commission responded to the appeal on November 13, 2023.

On December 6, 2023, the Judicial Committee appointed an Appeal Committee, which confirmed the appeal was within its jurisdiction. Prior to the hearing, the Appeal Committee requested input from the parties on the following issues:

1. Whether Rev. Unger's pastoral relationship with Mayfair United Church existed outside his formal terms of call.
2. The authority of the Regional Council to enforce the recommended one-year period of no contact and whether this conflicted with section I.2.5.4 of *The Manual*.
3. Whether a reasonable apprehension of bias existed due to the staff person enforcing the recommendation also supporting the Pastoral Relations Commission's decision.

A hearing was held via Teams on January 18, 2024, before Appeal Committee members Ginn, Blanchard, Brooks, and Whitley. Rev. Unger represented himself, while Mr. Marvin Mackie, Chair of the Pastoral Relations Commission, spoke on behalf of the Commission. Rev. Miles Russell appeared as a witness for the Commission. Both parties had opportunities to present their cases and cross-examine witnesses.

On February 1, 2024, the Appeal Committee reached a unanimous decision.

4. Decision

- **Issue 1:** The Committee declined to rule but noted that Rev. Unger performed part-time ministry at Mayfair United Church under the direction of St. David's Trinity during a Collaborative Ministry Agreement.
- **Issue 2:** The Pastoral Relations Commission's decision to prohibit Rev. Unger from preaching at Mayfair United Church was unreasonable. The request for him to preach came from Rev. Manley-Tannis and was approved by Mayfair United's Council.
- **Issue 3:** The Committee declined to rule, as the decision was already set aside on the grounds of unreasonableness.

Outcome: The decision of the Living Skies Pastoral Relations Commission was set aside as unreasonable. Rev. Unger is not prohibited from filling in for Rev. Manley-Tannis as requested.

Regarding Rev. Unger's request to be recognized as a Voluntary Associate Minister at Mayfair United Church, the Appeal Committee declined to rule, as the Pastoral Relations Commission had not made a decision on the matter. Since no decision existed to be appealed, the Judicial Committee lacked jurisdiction to hear this request.

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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