

## Governance

### 9. 21st Century Fifth Principle

Despite having a principle affirming our belief in the use of democracy within our congregations and society at large, Unitarian Universalism is really in the backwaters of democracy at the national level. Although both local congregations and our national denomination rely on representative democracy with the election of individuals, whether trustees or delegates, to represent a larger body of UUs, at the national level there are structural and cultural problems that have resulted in our denominational governance becoming a representative democracy in name only. For most UUs, our focus is on our congregations, where we have congregational meetings in which we debate and vote on key issues and elect leaders. Our congregational leaders mingle, listen, and acknowledge the concerns of their fellow congregants. We would like to think the same is going on at the national level, but it is not.

In Chapter 2, “Fifth Principle Task Force” we examined the UUA’s governance structure, summarized here for convenience. At the Association level, there are two governing bodies, the UUA Board of Trustees and the General Assembly. The UUA Board of Trustees governs the Association between General Assemblies. At General Assembly, governance of the Association shifts to congregational delegates, who

cast votes regarding the election of the denomination’s president and other initiatives that have been placed on the agenda by the Board of Trustees. This governance model should, in theory, provide an efficient way to manage the affairs of the Association. The Board of Trustees manages the day-to-day affairs and General Assembly gives congregations a voice in governance where board recommendations can either be accepted or rejected.

Unfortunately, the reality is quite different from the theory. General Assembly, as a representative body of congregations, has long been recognized as “broken.” It has been nearly a decade since the shortcomings of General Assembly were identified by the Fifth Principle Task Force. The problems include the poor participation of congregations, the dearth of knowledgeable delegates, and the discriminatory nature of the gathering due to cost and time. We at the Fifth Principle Project also believe that our other national governing body, the UUA Board of Trustees, is unresponsive and unaccountable.

Consider this one clause buried in the Association bylaws in Article IX, Nominations and Elections, in section 9.10 subsection (a), which reads “. . . if only one person has been validly nominated for each elected position at large the persons so nominated shall be declared elected and no ballots shall be required.” The Nominating Committee is under no obligation to present more than one candidate for an elected position, which means that the Nominating Committee is essentially selecting the members of the UUA Board of Trustees.

Recovering our democracy will not be easy, and it will not happen overnight.

### The Purpose of the Unitarian Universalist Association

Before discussing how we can better govern the Association, let us first consider the purpose of the Association. To be clear, the purpose of the Unitarian Universalist Association is not a mystery. It has been consistently articulated since the merger. The first line in the current bylaws regarding the purpose of the Association states that the UUA “shall devote its resources and exercise its corporate powers for religious, educational and humanitarian purposes.”<sup>150</sup> That statement from our current bylaws is nearly identical to the original 1961 Constitution phrasing, “. . . for religious, educational and charitable purposes.” As we discussed in the Article II Study Commission chapter, in 1985 the wording was extended to read, “The primary purpose of the Association is to serve the needs of its member congregations, organize new congregations, extend and strengthen Unitarian Universalist institutions and implement its principles.” What exactly are the actions being taken by our UU leadership to fulfill this mandate?

There has been a consistent message from the Association’s President, Rev. Susan Frederick-Gray, expressed in both her speeches and written communications, that the mission of the UUA staff is to equip congregations, train and credential leaders, and advance UU values in the wider world. That general mission statement can take on many forms in the actual implementation. For example, in the

President's budget submission memo in April 2020 the implementation of the mission statement is interpreted to mean "dismantling white supremacy and patriarchy and advancing equity and liberation within and beyond our faith community."

The \$17,000,000 in the President's submitted budget for the fiscal year 2021-2022 is a substantial amount. In pre-COVID years budgets have been higher. Through the Annual Program Fund (APF), our congregation payments sent to Boston provide a large share of the money spent on our behalf, making our congregations, on a financial basis alone, the primary shareholder in the UUA. We at the Fifth Principle, however, do not feel that we are getting "value for money." More importantly, we do not believe the bylaws-mandated purpose of the Association to serve the needs of its member congregations and advance UUism is fulfilled by our UU leadership diverting our resources into a self-declared internal crisis regarding UUism's complicity with white supremacy.

So, what can we do? We at the Fifth Principle Project believe that a return to governance based on a functioning democracy will enable the Association to resume focus on its primary purpose. The re-introduction of democracy will require changes in at least two areas: leadership culture and bylaws changes.

## Leadership Culture

For more than a decade there has been an ever-growing entrenchment in UU leadership culture that has advocated for more

centralized power in Boston. With bylaws changes to the nomination and election processes, the UUA Board now literally has the ability to self-select its members and has achieved the concern expressed at the 2011 Charlotte General Assembly: “We want more delegate choice, not the selection by a nominating committee . . . We can do better than an inbred power structure.”

The UUA Board of Trustees has become an entity unto itself, with no real accountability to UUs across the country. It will take a great deal of introspective thinking by our leadership to see how far they have fallen from UU liberal values and the upholding of the primary purpose of the Association. Unitarian Universalism does not belong to the UUA Board, the president, the moderator, any advocacy group, or person. It belongs to all UUs, who have a right, enshrined in our principles, to participate in the governance of the denomination.

It is unrealistic to think that our UU leadership will experience a collective epiphany and spontaneously begin the needed introspective conversation. Power once achieved is not lightly relinquished. Conversations will need to start in our own congregations about the role or relevance of the UUA and how we, the governed, wish to entrust our authority in our national leadership. Those congregational conversations will need to be raised upward to our national UU leadership. If we don’t have consensus on the nature of our governance structure and that the power to govern is derived from our congregations and granted upward to our UU leadership, none of the

next steps regarding real institutional change through bylaws updates will be possible.

## How to Amend our Bylaws

Updates to the Association's bylaws will take the most effort but will return the greatest benefit. Our bylaws contain not only our principles in Article II but the nuts and bolts of the governance of the denomination in other articles and rules. At the time of the merger, the denomination was governed by two documents, a Constitution and a set of bylaws. In 1972 these two documents were merged into a single document, henceforth to be referenced only as bylaws. The original Constitution's articles merged into the new bylaws document preserved their provenance by having a "C" appended. That is why the section in Article II that contains our principles is labeled Section C-2.1, known as a "C Bylaw."

Amending our bylaws, by design, is a lengthy process that requires in the end a vote at a General Assembly. The process for amending "C Bylaws" has its own process. An amendment may be submitted by the Board of Trustees, a General Assembly Planning Committee, a Commission on Appraisal, fifteen certified member congregations, or a district or region at a duly called meeting. The last option, to submit an amendment by a district or region, requires that a district or region have a formal governance structure, or that the amendment be presented at a meeting convened by fifteen congregations "in good standing with the UUA." Amendments must be

submitted to the UUA Board of Trustees.<sup>151</sup> Once submitted to the Board of Trustees, the proposed change to the bylaws is added to the tentative agenda for the General Assembly.<sup>152</sup> The process then follows the rules established for running the General Assembly.

### General Assembly Delegates

From the very founding of the Universalist and Unitarian denominations, General Assemblies or conventions have been delegate-based. The formula for delegate allocation established in the 1961 bylaws has remained largely intact. Although there have been some adjustments made in the allocation ranges, the basic formula has been unchanged, awarding the number of delegates by dividing the number of members in a congregation by 50. There are special allocation structures for the Church of the Larger Fellowship<sup>153</sup> as well as a concept that empowers the Association to confer delegate status on ministers, religious educators, and those with emeritus/emerita status who meet specific criteria. Those with voting rights at General Assembly include delegates appointed by a congregation and qualified religious professionals.<sup>154</sup>

### Eliminate External Appointment of Delegates

The first change that needs to be made to reclaim our democracy is the elimination of delegate preference given to clergy and educators by the Association's bylaws. Those serving our congregations have special privileges and freedoms within our congregations. That

status should remain at the local congregational level, and there is no reason to extend this special status to the national level. All UUs should be equal when it comes to voting at General Assembly. Congregations may choose, at their discretion, to extend delegate status to the minister or educator from their pool of allocated General Assembly delegates. Let's consider three problems with the Association's bylaws conferring delegate status to ministers and educators.

The first problem is that allowing an external entity to grant delegate status to a person in a congregation is inconsistent with the democratic right of a congregation to elect or appoint its own delegates. That is, based on congregational polity, congregations have the right to govern the affairs of their congregation without the intervention of the Association. Congregations can call their own ministers, so why can't congregations name all of their own General Assembly delegates? Nonetheless, Article IV General Assembly, Section 4.8 allows the Association to confer delegate status on a congregation's ministers and educators without the consent of the congregation.

Second, there is a potential for creating a super delegate "voting bloc" formed around a shared interest. The event at the 2019 General Assembly when 300 to 500 ministers rapidly coordinated to submit a letter of condemnation of Rev. Dr. Todd Eklof regarding his book *The Gadfly Papers* illustrates the real potential for professionals to act on a shared interest, regardless of the support from the laity for their actions. A source of this shared interest is inherent in the bylaws requirement

that delegate status for the clergy and educators be dependent on holding specific professional association credentials. A minister must be in fellowship with the Association granted through the Ministerial Fellowship Committee (MFC) and an educator must be an active member in the Liberal Religious Educator Association (LREDA).<sup>155</sup> Each of these organizations may have its own objectives or agendas regarding the business before the General Assembly.

Finally, there is a possibility that professional associations may exert either real or perceived influence over the employment or professional career path of an individual regarding a General Assembly vote. Even the appearance of influence creates an unhealthy situation both for the individual and for the integrity of the General Assembly voting process.

### **Direct Electors vs. Delegate Electors**

The second change is to reconsider why decisions that should be made by all UUs are made only by congregational delegates. A model for this change is the 17<sup>th</sup> Amendment to the U.S. Constitution, which empowers citizens to directly elect their U.S. Senators, overturning the mechanism first written in the U.S. Constitution that gave that power to state legislatures. Defining which issues should be decided by all UUs will take a fair amount of debate, but decisions made about Article II, which contains our principles, sources, the purpose of the Association, and freedom of belief statement, impact all UUs and thus would be

appropriate for an all-UU vote. With current technology, we have it within our power to engage all UUs, but do we have the will to do so?

Other issues to be considered for a popular vote by all UUs include the election of our denomination's president and moderator. We have seen in our recent U.S. presidential contests the election of individuals (George Bush and Donald Trump) who won the Electoral College but failed to win the popular vote. We think most UUs feel, as we do, that a democratic popular vote is more representative of the "will of the people" than an artificially created Electoral College. There may be insufficient political consensus in the U.S. to overturn the Electoral College, but UUs have within us the power to have a popular vote on important issues.

Fortunately, Article IX in our bylaws already contains provisions for mail and electronic balloting that may be the mechanism for extending voting rights to all UUs. To be clear, all UUs means all UUs. Careful wording is required to determine voting eligibility, such as membership in a congregation, fellowship, or Church of the Larger Fellowship. The intent, however, is clear: Engage all UUs in issues that impact all UUs. If you recall, in 2009 only 0.7% of UUs decided the fate of proposed changes to Article II. Consideration will be required on the percentage of affirmative votes required to pass a particular "all UU" vote, whether plurality, majority, two-thirds, etc. The leap forward is to empower UUs in the decisions that have a material impact on the nature of the Association and the principles of UUism.

Other issues can continue to be voted upon in a reformed representative democracy structure at General Assembly. A reformed General Assembly is dependent on implementing key Fifth Principle Task Force recommendations, without delay, regarding the early selection of General Assembly delegates and the scheduling of work sessions so General Assembly delegates can be educated on the issues to be decided at the collective gathering of congregational delegates.

The success of this reintroduction of democracy in the governance of the denomination rests on the rejection of the *laissez-faire* attitude within our congregations over the selection of General Assembly delegates and the charging of those delegates to vote per the instructions from the congregation. This charging of delegates by a congregation also addresses a current General Assembly shortcoming regarding the knowledge of delegates on the business to be decided at the Assembly. To charge a delegate, the congregation's members will also need to become aware of the Assembly's business and the implications of a yea or nay vote. General Assembly must be viewed not as an assembly of individuals, but as an assembly of congregational delegates.

Likewise, our UU leadership must end its *laissez-faire* attitude regarding congregational delegate attendance at General Assembly. No longer can our leadership be content to have decisions made for the whole denomination simply by the delegates who "showed up." We know from the Fifth Principle Task Force Report that 40% of the

Association's member congregations do not fully participate in General Assembly. To correct this problem a quorum should be established at General Assembly based on the total allocation of General Assembly delegates. This requirement will add a burden to our leadership to encourage, cajole, or incentivize congregations to send delegates to General Assembly. For General Assembly to live up to its ideal as a representative body of congregational delegates, more work is needed by everyone.

### Competitive Elections

A small change to Article IX Nominations and Elections in section 9.10 subsection (a), referenced earlier, could have a significant impact on the election of UU leadership. The article includes a section that states that if there is no opposing candidate for an at-large elective office then "no voting shall be required." The change offered by the Fifth Principle Project is that all at-large elective offices must be elected and face, at a minimum, a vote known as "no confidence." With competitive elections, even against a stand-in "no-confidence candidate," candidates would then have an incentive to present their qualifications and platform to General Assembly delegates. Delegates would have an opportunity, currently denied, to support a candidate or register their dissatisfaction with a vote of no confidence. This change goes a long way toward striking down the preemptive power of the Nominating Committee to offer a slate of candidates without opposition.

## Nomination by Petition

Our bylaws provide opportunities for grassroots initiatives to put candidates and bylaws changes before the General Assembly for a vote by petition. The signature requirement for a petition, for example, for a candidate for the UUA Board of Trustees is not burdensome, requiring only fifty signatures with no more than ten signatures from a single congregation. To guide candidates through the petition process there is a page on the UUA website that provides an overview of the process as well as access to downloadable forms required by the process.

## Restructure Election of Board of Trustees

The UUA Board of Trustees has enormous explicit and discretionary powers and has become, in the opinion of the Fifth Principle Project, unresponsive to UUs in our congregations. A dramatic restructuring of that body is needed to restore accountability. The essence of this recommendation is a recognition that changes made in 2011 that eliminated locally elected trustees, the designation of trustees to at-large, and the use of a centralized nominating committee to select trustee candidates have resulted in the erosion of the democracy in the governance of the denomination.

Prior to the 2011 change to our bylaws, the UUA Board of Trustees was composed of the president, moderator, three to four at-large trustees elected at General Assembly, and local trustees who were nominated and elected by the districts. The changes to this process in 2011 successfully reduced the size of the UUA Board of Trustees. That

success should not be undone. However, the concept of a board with only at-large trustees needs to be revisited. A good starting point is to reconsider the pre-2011 model when the board was composed of a mixture of at-large and local trustees. Absent our 19-district structure, our current 5-region organization structure could be the new basis for local democracy. A rough formula for UUA Board membership allocation could include three at-large trustees identified by a modified nominating committee and elected at General Assembly and two or three UUA trustees nominated and elected by the regions.

Recall that among the motivations for creating a nominating committee was to elect board members who reflect “the full diversity of the Association, especially in regard to historically marginalized communities.” There is no easy answer to achieving goals of diversity and democracy but presenting such goals as mutually exclusive is a mistake. There is always a battle to be fought for equality. Add that there is now a battle to be fought for democracy.

### Disciplining of Ministers

One final comment regarding restoring control to our local autonomous congregations and accountability to our UU leadership teams. Since 2017 we have seen actions taken by the Unitarian Universalist Ministers’ Association (UUMA) and the UUA Ministerial Fellowship Committee (MFC) to censure and to dis-fellowship ministers for questioning the character of the denomination as

portrayed by our UU leadership. Chapters 10, 11, 12, and 13 address encounters ministers have had with national administrative entities.

The chapters noted above raise the question: What consent must an administrative body such as the UUMA and MFC receive from a congregation before it takes action against a congregation's minister? Within our congregations, ministers are granted freedom of the pulpit. There is no caveat to that grant of pulpit freedom that an external agency can terminate a privilege given a minister by their congregation. As a denomination devoted to our faith in conscience and free expression, we should protect the right of our ministers to speak, even challenge, ideas that they deem important to their ministry.

Unfortunately, our national leadership bodies have not respected the freedoms that congregations have granted their ministers. Our leadership has not sought consent from congregations before initiating action against a congregational minister. This model of unilateral action runs counter to our tradition of congregational autonomy and congregational polity. That is, congregations are free to call and dismiss their ministers without seeking consent from any national administrative body. Why then do entities external to our congregations grant themselves the authority to operate independently over our congregations?

There is an argument for the denomination to have some disciplinary authority to ensure that our ministers conduct themselves with the highest level of professional behavior. Such external

disciplinary authority is needed if a congregation fails to recognize or respond to the behavior of a minister regarding sexual, financial, or other egregious behavior. Simply voicing dissent, writing a book, or asking questions on Facebook are not sufficiently egregious acts to invoke a rebuke from a national administrative entity.