

ECO

# Polity

*and* DISCIPLINE



**ECO**

A Covenant Order  
of Evangelical  
Presbyterians



# CHAPTER ONE

## Congregations and Their Covenant Partners

*Then Jesus came to them and said, "All authority in heaven and on earth has been given to me. Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age."*

— *Matthew 28:18–20 (NIV)*

### 1.01 The Congregation

#### 1.0101 Nature and Purpose

The Church is visible whenever two or more are gathered in Jesus' name. The congregation is composed of members of the body of Christ who have covenanted together to engage in the mission of God in their particular context, with Jesus Christ as Head. Each congregation should strive to be a tangible, if provisional, demonstration of the Kingdom of God. Congregations exist in a variety of forms yet have these ends in common: sharing the Good News of reconciliation to God in and through Jesus Christ, gathering people for divine worship and nurturing relationships for spiritual accountability and mutual ministry, all the while preparing disciples to be the sent people of God in the world.

#### 1.0102 Covenants of Accountability

While believers experience their membership in Christ's body in spontaneous and unstructured gatherings, they fulfill the Lord's purposes best when they covenant to fulfill the biblical vision of membership in particular congregations. These covenantal relationships provide the real-life context for the Holy Spirit's ongoing transformation of believers into spiritual maturity, with the belief that these strong relationships nurture understanding, encouragement, correction, and discipleship-in-mission.

Similarly, though congregations discover that the Holy Spirit leads them to network with a variety of other congregations in order to fulfill the Lord's purposes, they covenant with congregations to form a distinct expression of the Church universal. These covenantal relationships provide the context for the Holy Spirit's continual reformation of the Church into more faithful and effective participation in God's mission. By submitting to the spiritual authority of their colleagues, leaders of congregations honor Christ as the Lord of the Church, and welcome the opportunity for renewal and refinement.

#### 1.0103 Accountability to the Councils of ECO

A "congregation," as used in this *polity*, refers to a formally organized community which is chartered and recognized by a presbytery as provided in this *Constitution*, and which is governed by this *Constitution* pursuant to a membership agreement entered into between such community and the presbytery. In becoming covenant partners (also called members) of the congregation, Christ-followers put themselves under the spiritual leadership of the session and wider councils.

#### 1.0104 Accountability within Mission Affinity Groups

A congregation shall also be a part of a Mission Affinity Group in order to increase accountability and encouragement and in order to spur one another on toward love and good deeds. These Mission Affinity Groups are ordinarily between 3-5 congregations organized around similar ministry settings and contexts. These contexts can include but are not limited to: size, geographic location, cultural or demographic similarities, or future ministry goals.

Mission Affinity Groups consist of session-to-session relationships. They shall meet together face-to-face at least once a year. They are also encouraged to find ways to connect through the year. In the annual meetings, each session should have at least 1/3 of the current elders in attendance. Mission Affinity Groups shall begin with the questions provided in the Narrative on the Health of Congregations, but may appropriately individualize those questions for their particular context.

Mission Affinity Groups may be formed beyond presbytery boundaries. It is the responsibility of the presbytery to ensure that all congregations within its jurisdiction are appropriately participating in these groups.

## **1.02 The Organizing of a Congregation**

A congregation in ECO can be organized only by the authority of a presbytery and shall function under the provisions of this *Constitution*. When a group of Christ-followers discern that the Holy Spirit is leading them to become a congregation, they shall craft a covenant which reflects their desire to be bound to Christ and one another as a part of the body of Christ according to the government of ECO. After receiving this covenant and its signatures, it shall be the sole discretion of the presbytery to declare them an organized congregation, after which the congregation and the presbytery shall enter into a membership agreement. After receiving the presbytery's approval of these initial candidates, the congregation shall then proceed to elect its pastor(s), elders, and (if utilized) deacons. The presbytery shall prepare, examine, ordain, and install these newly elected individuals in this new congregation.

## **1.03 The Membership of a Congregation**

### *1.0301 Baptism and Membership*

Through baptism an individual is joined to the Church universal, the body of Christ. Through the covenant of membership an individual is joined to the local congregation, and is able to be fully involved in its mission to the local community and the world.

### *1.0302 Openness to All*

The congregation's fellowship shall be open to all who seek to explore spiritual life by participating in the fellowship of the risen Lord. The congregation shall be gracious in providing pastoral care to all who consider themselves a part of the congregation, in the hope that these spiritual friends might become members of Christ's body. All who put their trust in Jesus Christ are welcomed to receive the Sacrament of Holy Communion.

### *1.0303 Entry into Membership as Covenant Partners*

After completing a meaningful preparation process as determined by the session, those who wish to embrace the congregation's covenantal expectations may become covenant partners (members) by action of the session after hearing testimony of their faith in Jesus Christ as Lord and Savior. For those not previously baptized, the Sacrament of Baptism is to be provided for these new members and offered to children under their care. Individuals may testify to their faith in one of the following ways:

- a. Public profession of faith in Jesus as Savior and Lord, after the regenerating work of the Holy Spirit yields personal faith in Christ.
- b. Reaffirmation of faith, for those previously professing faith publicly and already baptized in the name of the Father, and of the Son, and of the Holy Spirit. If they are members of another congregation, this transfer of membership shall be communicated to the former congregation.

#### *1.0304 The Benefits of Covenantal Partnership*

Becoming a covenant partner (member) is important not only to the congregation but even more importantly for the covenant partner (member), as they are positioned to receive encouragement, support, and correction that the Lord promises to those who share spiritual fellowship. In committing to the cause of a life lived in and through Jesus Christ, members grow in Christian community together to become more Christ-like. In Christian community, we realize the fullness of life together and life in Christ, and discover our unique place in a common mission and narrative of God's work. The covenant partner (member) and the congregation are both blessed and become a great blessing as they covenant together, intentionally, in Christ's work.

#### *1.0305 The Congregation's Expectations of Covenantal Partnership*

Each covenant partner (member) shall strive to be faithful to Christ by participating in the congregation's worship, fellowship, and service on an ongoing basis. Faithfulness in Christ involves each covenant partner's dedication of time and talents for the congregation's mission and ministry, in accordance to the gifts that God has bestowed upon him or her. Faithfulness also involves the stewardship of finances. As each covenant partner grows in the grace of giving, financial support of the congregation's mission and ministry should grow, along with tangible support for other ministries that advance God's Kingdom. Faithfulness to Christ also involves each covenant partner's dedication of time and talents for the congregation's mission and ministry. Those who are invited to take significant leadership roles in the congregation shall be spiritually mature, agree with the *Essential Tenets* of ECO, be carefully selected, be trained and/or mentored, and be supervised, and should ordinarily be members for at least a year. Covenant partners (members) of the congregation have differing abilities, varied spiritual gifts, and various levels of commitment. The session shall strive to create an effective disciple-making, ministry-discernment process, and equip covenant partners (members) to be missional Christians, being faithful to nurture covenant partners (members) into spiritual maturity and significant ministry.

### **1.04 Categories of Membership**

The membership of a congregation of ECO includes baptized members and covenant partners.

#### *1.0401 Baptized Member*

A baptized member is a person who has received the Sacrament of Baptism, but has not made a profession of faith in Jesus Christ as Lord and Savior.

#### *1.0402 Covenant Partner*

A covenant partner is a person who has made a profession of faith in Christ, has been baptized, has been received into the membership of the church, has voluntarily submitted to the government of this church, and participates in the church's worship and work. Covenant partners are eligible to vote in congregational meetings.

### **1.05 Meetings of the Congregation**

Meetings of the congregation shall be governed by the latest edition of *Robert's Rules of Order, Newly Revised*, unless by its own rule the congregation has adopted other procedures and practices.

#### *1.0501 Quorum*

The congregation shall hold an annual meeting and special meetings, as needed, with a quorum of ten percent of the covenant partners (members), unless the congregation, by its own rule, decides to alter the quorum requirement. Only those covenant partners (members) present may vote in a congregational meeting.

#### *1.0502 Calling Meetings*

Meetings of the congregation may be called by the session, by the presbytery, or by the session when requested in writing by one-fourth of the covenant partners (members). Adequate notice of

the meeting shall be given including announcement in worship a minimum of two Sundays prior, as well as the congregation's other avenues of communication.

#### *1.0503 Business that must be conducted at a Congregational Meeting*

The following business items must be conducted at a congregational meeting, but not necessarily at every congregational meeting; nor are congregational meetings limited to just the following:

- a. Electing elders and trustees (as well as deacons, if the congregation chooses (*see 2.03*)).
- b. Calling a pastor/head of staff, associate pastor, or to request the dissolution of such a calls.
- c. Buying, mortgaging, transferring, or selling real property.
- d. Requesting that presbytery dismiss the congregation to another presbytery of ECO, or requesting that the presbytery dismiss the congregation to another Reformed body. (Either requires a super-majority of two-thirds of the covenant partners (members) present).
- e. Approving any amendments to the congregation's articles of incorporation, bylaws or other corporate governing documents and dissolution, merger and any other corporate action requiring voting member approval.

Whenever permitted by law, both ecclesiastical and corporate business may be conducted at the same congregational meeting.

#### *1.0504 Moderator*

The pastor/head of staff shall ordinarily moderate all meetings of the congregation. If it is impractical, or if considering actions pertaining to the pastor/head of staff, the pastor may ask another pastor or elder to preside with the session's approval.

#### *1.0505 Secretary and Minutes*

The clerk of session shall ordinarily serve as secretary for all meetings of the congregation. If it is impractical, the congregation shall elect a secretary for that meeting. The session shall review and approve the final form of the minutes.

### **1.06 The Session**

#### *1.0601 Purpose and Composition*

Every congregation is governed by its session. The session consists of the elders duly elected by and from the covenant partners (members) of the congregation, along with the congregation's installed pastors and associate pastors. By its own rule, the congregation shall determine the number of elders, their length of service, and the ordering of the session. The minimum number shall be three active elders plus the moderator.

#### *1.0602 Meetings of the Session*

The pastor shall ordinarily moderate all meetings of the session. If it is impractical, the pastor may ask another pastor or an elder to preside, with the session's approval.

Meetings of the session, including its quorum, shall be governed by the latest edition of *Robert's Rules of Order, Newly Revised*, unless by their own rule a congregation has adopted other procedures and practices.

The session shall hold stated meetings at least quarterly, and shall meet at the call of the moderator, at the request of two or more elders, or at the request of the presbytery. Full minutes of the

meetings and actions of the session shall be maintained and shall be available to any covenant partner (member) of the congregation or at the request of the presbytery.

*1.0603 The Responsibilities of the Session*

The session has responsibility and authority for governing the congregation and guiding its mission for Christ in the world. In the Reformed tradition the marks of the church are the proclamation of the Word, the Sacraments rightly celebrated, and the exercise of discipline. Therefore, the session shall:

- a. Provide for the worship and educational life of the congregation; provide a place where the congregation may regularly worship; provide for the regular preaching of the Word by persons properly approved; oversee the planning and the ordering of the worship services of the congregation; lead the congregation in ministries of evangelism, compassion, and justice; and develop and nurture relations with other congregations.
- b. Authorize and provide for the regular celebration of the Lord's Supper; authorize the administration of Baptism; exercise due care and provide sufficient education to the congregation and to new believers that the Sacraments may be rightly received as means of grace.
- c. Plan for and provide means of discipleship for the congregation and new believers; provide for and nurture the common life of the congregation; receive and dismiss members; exercise oversight of all programs and finances of the congregation; train, examine, ordain and install those men and women chosen to serve as elders and deacons; lead and teach the congregation in matters of stewardship and Christian living; direct the ministry of deacons, trustees, and all other organizations of the congregation; bear witness against error in doctrine and practice; and serve in judicial matters pertaining to the congregation as specified in the *Rules of Discipline*.
- d. Elect elder commissioners to the presbytery and may propose to the presbytery matters of common interest or concern as well as proposals to amend this *Constitution*. The maximum number of elder commissioners which the session may elect shall be equal to the number of pastors with voting authority as set forth in Section 2.0401 serving the congregation. The session is encouraged in its selection of elder commissioners to promote representation in areas of difference recognized as the basis of discrimination and inequality in church and society, namely race, ethnicity, gender, ability/disability, and age.
- e. Maintain a Roll of Covenant Partners (members) and a Roll of Baptisms. The session may by its own rule grant affiliate status to members of a congregation in another Christian denomination.
- f. The session shall adopt and administer an annual budget and shall publish it to the congregation. The session shall purchase appropriate casualty and liability insurance for the program and property. The session shall arrange for the congregation to participate in the synod's plan of health and welfare benefits and program of assistance and relief covering the congregation's pastors and full-time lay employees, as such plan is described in the membership agreement (unless the congregation and the synod agree to an alternative plan providing comparable coverage).
- g. Arrange for an independent financial review annually, and shall publish the report to the congregation and to the presbytery.
- h. Evaluate the congregation's ministry and mission and report to the presbytery for reasons of mutual accountability and the sharing of best practices.

## CHAPTER TWO

### Ordained and Commissioned Ministry

*For we are God's handiwork, created in Christ Jesus to do good works,  
which God prepared in advance for us to do.*

*So Christ himself gave the apostles, the prophets, the evangelists, the pastors and teachers, to equip his people for works of service, so that the body of Christ may be built up until we all reach unity in the faith and in the knowledge of the Son of God and become mature, attaining to the whole measure of the fullness of Christ.*

— *Ephesians 2:10, 4:11 – 13 (NIV)*

#### 2.01 God's mission requires ordered leadership

Before the foundation of the world, God set a plan of mission to reconcile the world to Himself and chose to use the Church as His instrument of reconciliation. It is incumbent upon all members of the body of Christ to participate in the work of building one another up in Christ and be deployed for His work in the world. To that end, excellent leadership is critical in the Church today, and that is not limited to ordained leaders. God calls some individuals to exercise specific formal leadership, which is modeled after the mind of Christ. The Church should strive to develop strong leaders in every area of life and ministry who lead in the way of Jesus. While pastors, elders, and deacons have unique roles in the structure of the Church, we recognize the importance of ordained and lay leadership at every level.

While the specific offices recognized in ECO are elder, deacon, and pastor, ECO acknowledges that additional lay leadership is needed for effective ministry.

##### *2.0101 Qualifications of officers*

Elders and deacons are ordained and installed by the session. Pastors are ordained and installed by the presbyteries. Ordaining bodies must ensure that all officers adhere to the *Essential Tenets* of ECO. Failure of officers to continue to adhere to these standards is grounds for a session or presbytery to remove an officer from service according to the *Rules of Discipline* in this *Constitution*.

##### *2.0102 Preparation and ordination of officers*

Ordaining bodies shall determine the appropriate course of preparation, ensuring that candidates for ordination meet all the requirements in this Form of Government. After demonstrating their readiness for service through an examination process, the candidates shall affirm their vows and be ordained by representatives of that ordaining body in a service of public worship.

##### *2.0103 Ordination vows*

- a. Do you believe in One God, Father, Son, and Holy Spirit, and do you boldly declare Jesus Christ as Savior and Lord, and acknowledge Him Lord of all and Head of the Church?
- b. Do you believe the Scriptures of the Old and New Testament to be the Word of God, and, inspired by the Holy Spirit, the unique witness to Jesus Christ and the authority for Christian faith and life?



- c. Will you receive, adopt, and be bound by the *Essential Tenets* of ECO as a reliable exposition of what Scripture teaches us to do and to believe, and will you be guided by them in your life and ministry?
- d. Relying on the Holy Spirit, do you humbly submit to God's call on your life, committing yourself to God's mission, and fulfilling your ministry in obedience to Jesus Christ, under the authority of Scripture and guided by our confessions?
- e. Will you be governed by ECO's polity and discipline? And will you be accountable to your fellow elders, deacons, and pastors as you lead?
- f. Do you promise to be faithful in maintaining the truth of the Gospel and the peace, unity, and purity of the Church?
- g. Will you pray for and seek to serve the people with energy, intelligence, imagination, and love?
- h. (1) (for elder) Will you be a faithful elder, watching over the people in their worship, nurture, and service to God?  
  
(2) (for deacon) Will you be a faithful deacon, serving the people, urging concern and directing the people's help to those in need?  
  
(3) (for pastor) Will you be a faithful minister of the Gospel of Jesus Christ by proclaiming the good news, teaching the faith, showing the people God's mission, and caring for the people?

*2.0104 Questions to the congregation*

- a. (for elders/deacons) Do we, the covenant partners of this congregation, accept (names) as elders or deacons, chosen by God through the voice of this congregation to lead us in the way of Jesus Christ according to the Word of God and the *Constitution* of ECO?

Do we agree to pray for them, to encourage them, to respect their decisions, and to follow as they guide us, serving Jesus Christ, who alone is Head of the Church?

*Having answered these questions in the affirmative, those to be ordained shall kneel, if able, for prayer and the laying on of hands by other ordained officers.*

*The Moderator will say to the ordained:* You are now elders or deacons in the Church and for this congregation. Whatever you do, in word or deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through Him. Amen.

- b. (for pastor) Do we, the covenant partners of this congregation, accept (name) as our pastor (associate pastor, assistant pastor), chosen by God through the voice of this congregation to lead us in the way of Jesus Christ, according to the Word of God and the *Constitution* of ECO?

Do we agree to pray for him (her), to encourage him (her), to respect his (her) decisions and to follow as he (she) guides us, serving Jesus Christ, who alone is Head of the Church?

Do we agree to pay him (her) fairly and provide for his (her) welfare as he (she) works among us?

Will we listen to the word he (she) preaches, welcome his (her) pastoral care, and honor his (her) servant leadership and authority as he (she) seeks to honor Jesus Christ?

*Having answered these questions in the affirmative, the candidate to be ordained and/or installed shall kneel, if able, and the presbytery shall, with prayer and the laying on of hands, ordain the candidate to the ministry of the Gospel of Jesus Christ and install him (her) to the particular pastoral responsibility. The presbytery will invite other ordained pastors and elders to join in the laying on of hands.*

*The presiding member of the presbytery will say: You are now a minister of the Gospel of Jesus Christ, a pastor (associate pastor, assistant pastor) for this congregation. Whatever you do, in word and deed, do everything in the name of the Lord Jesus, giving thanks to God the Father through Him. Amen.*

## **2.02 The Ministry of Elders**

Elders are given authority and responsibility, along with pastors, to oversee the spiritual health of the congregation as well as the congregation's faithfulness to God's mission. Elders shall be elected by the congregation.

## **2.03 The Ministry of Deacons**

Ordinarily, the biblical office of deacon shall be utilized by the congregation. Deacons lead ministries that nurture fellowship and caregiving within and beyond the congregation. Deacons may also be asked to preach and teach. The congregation shall determine the manner in which they are selected for service. The session shall oversee and direct the ministry of the deacons.

## **2.04 The Ministry of Pastors**

Pastors are to use the spiritual gifts for ministry, with a particular emphasis on the gifts of teaching and leadership. A pastor is to nurture the spiritual health and maturity of the body of Christ in order that the body may be equipped to partner with God in His redemptive work in the world. In addition to adherence to the *Essential Tenets*, presbyteries shall ensure that candidates for ministry are adequately trained for their task. Training shall include a bachelor's degree (or equivalent) and ordinarily a master's degree from an accredited theological seminary in biblical or theological studies, as well as appropriate hands-on ministry experience and mentoring. Candidates for ministry must demonstrate significant theological and biblical competence as well as the necessary skills for pastoral ministry. All pastors (Pastor/Head of Staff, Associate Pastor, and Assistant Pastors) serving an ECO congregation must hold their ordination in ECO or be received as affiliate pastors by the presbytery of jurisdiction.

### *2.0401 Categories and responsibilities of pastors*

Pastors are members of the presbytery. Thus, their ministry and calling is confirmed by the presbytery or its authorized committee that is responsible for examining and credentialing pastors. All members of the presbytery have voice in its deliberations; the right to vote is given to those serving in a pastoral capacity in a congregation. In order to ensure maximum deployment for the kingdom of God, as well as ensuring the core integrity of theology and ministry, categories and responsibilities of pastors are as follows:

- a. *Pastor/Head of Staff* – Pastors/Heads of Staff or Co-Pastors/Heads of Staff are called by the congregation and installed by the presbytery and shall have the responsibility to moderate session and congregational meetings. They are members of presbytery with voice and vote.
- b. *Associate Pastor* – Associate pastors are called by the congregation and installed by the presbytery upon recommendation of the session. They are members of presbytery with voice and vote.
- c. *Assistant Pastor* – Assistant pastors are called by the session or pastor/head of staff according to rule of the session. The session, acting as a pastor nominating committee, may propose to the congregation that an assistant pastor be called as an associate pastor. Assistant pastors are members of presbytery with voice and vote.

- d. *Transitional Pastor* – Transitional pastors are called by the session and may be used in times of transition when a congregation is without a pastor/head of staff. Transitional pastors shall have the same responsibilities and privileges in presbytery as pastors/heads of staff.
- e. *Pastor in a Validated Ministry* – Pastors may be authorized to serve in validated ministries outside a local congregation. Validated ministries might include service in a presbytery, educational institution, hospital, or a variety of mission fields. The presbytery shall validate and annually review the pastor’s ministry. Ordinarily, pastors in validated ministry will also be expected to take part in the life and ministry of a local ECO congregation. Pastors in validated ministries have voice and may be granted the right to vote if serving as a part-time assistant pastor.
- f. *Affiliate Pastor* – A pastor may be ordained in a different body and may become an affiliate member of ECO. Affiliate pastors must adhere to the *Essential Tenets* of ECO. The presbytery shall determine the suitability of an affiliate pastor. If an affiliate pastor serves as pastor/head of staff of a non-union ECO congregation, then the affiliate pastor shall have voice and vote in presbytery; otherwise the affiliate pastor shall just have voice.
- g. *Honorably Retired Pastor* – Pastors may request the status of honorably retired. Honorably retired pastors will have voice but no vote in presbytery unless they are serving as an assistant or transitional pastor. Otherwise each honorably retired pastor is encouraged to become a covenant partner of a congregation, with voice and vote.

#### 2.0402 Pastoral Covenant Groups

Pastors and ministries are healthier when there are opportunities for mutually supportive relationships. Therefore, pastors shall participate in a pastoral covenant group with other pastors. The purpose of this group is to coach, encourage, and pray for one another as they strive for greater missional effectiveness. This pastoral covenant group shall:

- a. Explore the health of each other’s current ministry.
- b. Explore the future objectives of each other’s ministry.
- c. Address challenges and obstacles to meeting those objectives.
- d. Share best practices and insights.
- e. Explore each other’s physical, spiritual, relational, and emotional health.

These pastoral covenant groups are self-selective. Under its Committee on Ministry, the presbytery shall ensure that all pastors are participating in a pastoral covenant group.

### 2.05 Commissioning for particular service

#### 2.0501 Deployment of officers for greater missional ministry

In order to better facilitate the mission and ministry of a presbytery and its congregations, as well as to maximize the gifts of the totality of the body of Christ, it is often advantageous to commission elders and deacons to more extensive levels of service than ordinarily afforded these offices. There are two general ways in which officers may be commissioned to provide pastoral leadership and administer the sacraments. First, they may serve in various ways within a congregation under the supervision of the session and a pastor/head of staff or transitional pastor. Second, an elder or deacon may be commissioned to serve in the role of pastor/head of staff for a congregation or a new church development. It is appropriate to refer to individuals serving in either capacity as “lay pastor.” The session shall pre-authorize the administration of the sacraments, and also determine the process by which pre-authorization occurs.

*2.0502 Service within a congregation under the session and Pastor/Head of Staff*

The Church exists wherever two or more are gathered in the name of Jesus. Therefore, it is appropriate to celebrate sacraments in these smaller units. These smaller units include, but are not limited to: small groups, missional communities, retreats, leaders of satellite congregations, and house church gatherings. If an officer has been commissioned by the session to lead these groups in mission or ministry and has been appropriately trained, he or she shall be authorized to administer the sacraments in these communities. The pastor and the session shall oversee those who are commissioned to such service within a congregation. This commission shall be for a period of twelve months and may be renewed indefinitely.

*2.0503 Service within a congregation as the Pastor/Head of Staff*

The presbytery, in consultation with the session or other responsible committee, may authorize an elder or deacon to be commissioned to serve in the role of pastor/head of staff of a local congregation or a new church development. With approval of the presbytery, these individuals could moderate session and congregational meetings, administer the sacraments and, where allowed by law, perform marriages. The presbytery shall ensure training to include theological education, and ministry skill development as well as continued mentorship during this commission. This commission shall be for a period of twelve months and may be renewed indefinitely. Because these officers are fulfilling the pastoral role for a congregation, they shall be enrolled as members of presbytery during their commission and be given voice and vote at presbytery meetings.

## CHAPTER THREE

### Councils of ECO

*Moses listened to his father-in-law and did everything he said. He chose capable men from all Israel and made them leaders of the people, officials over thousands, hundreds, fifties and tens. They served as judges for the people at all times.*

— *Exodus 18:24–26 (NIV)*

#### 3.01 Presbytery

##### 3.0101 Purpose

The presbytery, as a covenant community, exercises apostolic authority by and for the nurture and benefit of its congregations, that the communities they serve may know the love and invitation of Christ.

##### 3.0102 Membership

The members of the presbytery are its congregations, pastors installed in service to member congregations, pastors serving in validated ministries, and pastors honorably retired. Ordinarily, a presbytery shall be constituted of at least 10 but no more than 20 congregations, and geographically connected (affinity networks are non-geographically connected groups [see 5.0201]). A group of congregations may petition to the Synod Executive Committee to form a non-geographical presbytery for reasons of language.

##### 3.0103 Duties

The presbytery has the authority and pastoral responsibility to:

- a. Promote the health of the covenant community to the end that its congregations and members may bear fruit for the Kingdom of God.
- b. Charter and receive new congregations into the presbytery.
- c. Dismiss congregations to other presbyteries or denominations.
- d. Exercise special care and oversight of congregations that do not have an installed pastor, and appoint the moderator of such sessions.
- e. Dissolve congregations when their mission work has ceased.
- f. Authorize the celebration of the Lord's Supper beyond particular congregations.
- g. Receive, dismiss, examine, install, provide pastoral care for, and discipline pastors.
- h. Enroll, dismiss, and examine candidates and ordain them to called service.
- i. Validate the call of ministers to service beyond a congregation.
- j. Settle differences between congregations and pastors.
- k. Propose and vote on amendments to the *Constitution*.

- l. Elect commissioners to wider councils of ECO, including the synod. In the selection of such commissioners the presbytery is encouraged to promote representation in areas of difference recognized as the basis of discrimination and inequality in church and society, namely race, ethnicity, gender, ability/disability, and age.
- m. Promote and encourage the missional effectiveness of its congregations. Each presbytery shall develop an instrument to assist its congregations in their annual review and narrative report of their ministry and mission. These annual reports shall be reviewed and discussed by the presbytery with each congregation's session.

### *3.0104 Meetings*

The presbytery shall organize itself to accomplish these tasks and fulfill these responsibilities, and may delegate authority to elected committees and commissions. The presbytery shall hold stated meetings at least twice a year. Meetings of the presbytery, including its quorum, shall be governed by the latest edition of *Robert's Rules of Order, Newly Revised*, unless by its own rule the presbytery has adopted other procedures and practices. Each elder commissioner elected by a member congregation shall be entitled to vote at stated meetings. In addition, member pastors with voting authority as set forth in Section 2.0401 shall also be entitled to vote at stated meetings. The voting members of the presbytery shall have the authority to elect a governing council and to vote on all matters set forth in Section 3.0103. The voting members may also delegate to the presbytery governing council authority with respect to any such matter, other than the chartering or dissolution of congregations. Each presbytery shall develop a manual of administrative operations setting forth its structures and procedures.

### *3.0105 Required Committees*

#### *a. Committee on Ministry*

Each presbytery shall elect a Committee on Ministry which shall have broad responsibility for the pastoral relationships of the presbytery. The Committee on Ministry shall have at least eight members, all elected by the presbytery, with membership being made up of an equal number of elders and pastors. No more than two members may be from the same congregation. The Committee on Ministry shall be available to any session or pastor of the presbytery. The presbytery shall, by its own rule, delegate and determine the authority and functions of the Committee on Ministry. Included in this authority that may be delegated to the Committee on Ministry is the ability to approve ordination of candidates, transfer of pastors to and from its jurisdiction, and approve commissions for installation and ordination.

#### *b. Permanent Judicial Committee*

Each presbytery shall elect a Permanent Judicial Committee as specified in the *Rules of Discipline*.

### *3.0106 Presbytery Governing Council*

The presbytery governing council shall consist of a number of individuals determined by the presbytery, with an equal number of elders and pastors. The presbytery council shall be responsible for the records, finances, policies, and procedures of the presbytery and shall perform any functions delegated to such council by the presbytery. The presbytery council shall have the authority to elect corporate officers (including a chief executive officer) and to hire staff to perform any such functions. The council shall review the chief executive officer's performance annually.

### *3.0107 Records*

The presbytery shall keep full and accurate records of its proceedings and make them available on request to any session or pastor of the presbytery. Each presbytery shall annually arrange for an independent financial review and shall publish the report in its minutes.

### 3.0108 Finances

The presbytery may develop programs, engage staff, adopt budgets, and acquire and manage resources as it deems expedient to the mission of Christ. To support its function and ministry the presbytery may, by its own rule, apportion expenses to its congregations.

### 3.0109 Policies and Procedures

Each presbytery shall establish processes and procedures for recruiting, training, and encouraging candidates to the ministry.

Each presbytery shall adopt a policy for the prevention of sexual misconduct among its members. This policy shall govern the presbytery's congregations unless a particular session, with the consent of the presbytery, adopts its own policy.

## 3.02 Synod

### 3.0201 Purpose

The synod is the widest council of ECO giving support and guidance to the presbyteries and congregations. The synod shall assess and proclaim the missional vision and theology of ECO.

### 3.0202 Duties and Authority

The synod shall:

- a. Provide linkage of presbyteries to one another for mutual encouragement.
- b. Correspond and connect with global mission partners, other denominations and ministry partners.
- c. Maintain the *Constitution and Essential Tenets* of ECO.
- d. Where appropriate and necessary, provide services (i.e., pension and health insurance) for ECO.

### 3.0203 Meetings of Synod Commissioners

The synod commissioners shall meet at least bi-annually. The meetings shall serve the purpose of encouraging presbyteries and churches in their mission as well as conducting the business necessary for the mission of ECO. Meetings of the synod, including its quorum shall be governed by the latest edition of *Robert's Rules of Order, Newly Revised*, unless by its own rule the synod has adopted other procedures and practices. The Synod commissioners shall have the authority to elect and remove members of the synod executive committee and to amend and vote on proposed amendments to this *Constitution* submitted to the synod by at least two presbyteries. Voting members of the synod are those individuals commissioned by and from their presbyteries. Presbyteries shall commission an equal number of ministers and elders. The synod, by its own rule, shall determine the number of commissioners from each presbytery, and each presbytery shall be entitled to at least one elder and one pastor commissioner.

### 3.0204 Synod Executive Council

The synod executive council shall consist of between six and nine individuals, with at least three being elders and the remainder being ordained pastors. The synod executive committee shall have the power to:

- a. Constitute, divide, and dissolve presbyteries, and settle disputes between them, provided any such action is approved by two-thirds of the members of the council then in office.

- b. Receive and approve union presbyteries into ECO, provided any such action is approved by two-thirds of the members of the governing board then in office.
- c. Adopt an annual budget and may receive, hold, manage, sell and expend funds and other assets.
- d. Elect corporate officers (including a president) and hire staff.
- e. Represent ECO to ecumenical and mission partners when needed.
- f. Develop a manual of operations for its activities and functions.
- g. Own the distinctive trademarks, trade names, and other intellectual property of ECO and protect against unauthorized use thereof.
- h. Exercise all other powers of a nonprofit corporation under applicable law.

#### *3.0205 Records*

The synod shall keep full and accurate records of its proceedings and make them available on request to any member presbytery or congregation. The synod shall annually arrange for an independent financial review and shall publish the report in its minutes.

#### *3.0206 Finances*

To support its function and ministry, the synod may, by its own rule, apportion expenses to its presbyteries and/or affinity networks.

#### *3.0207 Policies and Procedures*

The synod shall develop a manual of administrative operations setting forth its structures and procedures.



## CHAPTER FOUR

### Civil Authority and Property

*The earth is the LORD's, and everything in it, the world, and all who live in it.*

— *Psalm 24:1 (NIV)*

*Unless the LORD builds the house, its builders labor in vain.*

— *Psalm 127:1 (NIV)*

#### 4.01 Incorporation and Trustees

Where permitted by civil law, each congregation, each presbytery, and the synod shall cause a nonprofit corporation to be formed and maintained through which it shall act legally. If incorporation of a particular congregation or presbytery is not permitted under applicable law, individual trustees shall be elected from the congregation's membership in the same manner as for electing elders, or by rule of the presbytery for its trustees.

##### 4.0101 *The Congregation*

The nonprofit corporation of a congregation so formed, or the individual trustees, shall have all powers of a nonprofit corporation under applicable law, including the power to:

- a. Receive, hold, encumber, manage, and transfer property, real or personal, provided that in buying, selling, and mortgaging real property, the trustees shall act only after the approval of the congregation, granted at a duly constituted meeting.
- b. Accept and execute deeds of title to such property, and hold and defend title to such property.
- c. Manage any permanent special funds for the mission of the congregation.

A congregation's session shall serve as the governing board of the nonprofit corporation of such congregation unless the corporation's governing documents provide for a separate corporate governing board, in which case such governing board shall operate under the authority of the session. The session or other governing board shall elect an elder, pastor, or staff member to serve as the chief executive officer of the corporation and may elect other corporate officers as it deems appropriate or as required by law. The powers and duties of the trustees shall not infringe upon the powers and duties of the session.

##### 4.0102 *The Presbytery*

The corporation of a presbytery so formed, or its individual trustees, shall have the power to receive, hold, encumber, manage and transfer property, real or personal. The presbytery shall not, however, direct the use of, co-sign, or guarantee any debt instrument issued by a member congregation or any other entity (except a subsidiary of the presbytery), nor will it guarantee performance of any instrument securing such debt, be it mortgage or deed of trust or a security agreement.

A presbytery's governing council shall serve as the governing board of the corporation of such presbytery. Such governing board shall elect corporate officers as it deems appropriate or as required by applicable law.

*4.0103 The Synod*

The corporation of the synod so formed shall have the power to receive, hold, encumber, manage, and transfer property, real or personal, to accept and execute deeds of title to such property, and to defend title to such property.

The corporation of the synod shall have the power to manage any permanent special funds accepted by and for purposes directed by the synod.

The powers and duties of the synod corporation shall not infringe on the powers and duties of the synod, and the corporation shall in all matters be subject to the direction, review, and control of the synod exercised through the synod governing board.

The Synod's executive committee shall serve as the governing board of the corporation of the Synod. Such governing board shall elect corporate officers as it deems appropriate or as required by applicable law.

## CHAPTER FIVE

### Ecumenicity and Union

*Strive for full restoration, encourage one another, be of one mind, live in peace. And the God of love and peace will be with you.*  
– 2 Corinthians 13:11 (NIV)

#### 5.01 Ecumenicity

ECO recognizes that God calls all to one faith, one Lord, one baptism in the body of Christ, the Church. The center of this life together is based in the covenant promises of the Lord, who is known as Father, Son, and Holy Spirit. We trust in Christ as Savior and commit to life together with Christ as our Lord. As the called people of God, we desire unity of ministry by the power of the Holy Spirit. As heirs of the Reformed tradition, we recognize that we are but one expression of that spiritual life together. We desire communication, cooperation, and partnership with other Christian groups, noting common goals where possible and conversation where core differences exist.

#### 5.02 Reformed and Presbyterian

We cherish our common history with all expressions of Reformed and Presbyterian churches. We wish to partner in mission and ministry, while confessing the common historical biblical and orthodox faith as given to us in God's Word, our authority for faith and life.

##### 5.0201 Union Congregations

Congregations, historically members of the PC(USA) or other Reformed denominations, who wish to maintain that membership while joining with ECO and who recognize and teach the *Essential Tenets* may request to join a presbytery of ECO after a period and process of discernment, and a two-thirds vote of the congregation at a duly called meeting. This joint witness shall be formed in communication with the presbytery or comparable governing body of each denomination. Wherever the constitutions of the denominations differ, any mandatory provisions of one shall apply in all cases where the other is permissive.

##### 5.0202 Union Presbyteries

A presbytery of ECO may unite to form a union presbytery with one or more comparable councils or governing bodies, each of which is a member of another Reformed body, with the approval of the governing body of which each is a part. Wherever the constitutions of the denominations differ, any mandatory provisions of one shall apply in all cases where the other is permissive. A union presbytery shall be created by the adoption of a plan of union by two-thirds vote of each presbytery or governing body that is party to the union. The synod and/or governing body having jurisdiction over each of the uniting bodies shall approve the plan of union.

#### 5.03 Other denominations

Out of our common Protestant heritage, partnership and joint congregational witness will be encouraged where mission, ministry, and collegiality can be coordinated and approved by the appropriate governing bodies, and where the *Constitution* and *Essential Tenets* of ECO can be followed.

## CHAPTER SIX

### The Constitution

#### 6.01 Composition of the Constitution

The *Constitution* of ECO includes the *Essential Tenets*, the polity, and the *Rules of Discipline*.

#### 6.02 Amending this Constitution

Presbyteries may overture the synod of ECO for changes in this *Constitution* as follows:

- a. Two presbyteries must concur in the proposed changes and overture the larger body with changes.
- b. The synod may amend and transmit the proposed changes to the *Constitution* to the presbyteries for their affirmative or negative vote, and a two-thirds majority of the presbyteries shall be required for adoption.
- c. Any amendment to the *Essential Tenets* shall require an affirmative vote of two-thirds of the voting members of the synod present and voting. In addition, the affirmative vote of each presbytery for such amendment shall require an affirmative vote of two-thirds of the voting members of such presbytery present and voting.

# Rules of Discipline

*Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted. Carry each other's burdens, and in this way you will fulfill the law of Christ.*

— Galatians 6:1-2

## 1.0 PURPOSE OF CHURCH DISCIPLINE

- 1.1 All human beings are sinners by nature, by influence, by choice, and by action. Sin is destructive, contagious, parasitical, polluting, and disabling. The purpose of church discipline is redemptive: to correct and restrain sin; to help the spiritual growth of people; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring members to repentance and restoration; and to correct the weaknesses, mistakes and offenses of individuals and councils. Appropriate reasons for discipline are actions contrary to the faith and practice to which, according to Scripture, all Christians are called, or which are contrary to the *Constitution* of ECO.
- 1.2 Discipline in the church should be appropriate to the nature of the error or offense. All acts of discipline, both for individuals and councils, should be weighed carefully, keeping in mind the purpose of discipline. In all cases, the process and procedures used in church discipline shall afford all the opportunity to be heard and shall be fair and just to all participants.
- 1.3 The traditional biblical obligation to conciliate, mediate, and adjust differences without strife is not diminished by these *Rules of Discipline*. The biblical duty of church people to “come to terms quickly with your accuser while you are on the way to court...” (Matthew 5:25) is not abated or diminished. It remains the duty of every church member to try (prayerfully and seriously) to bring about an adjustment or settlement of the quarrel, complaint, delinquency, or irregularity asserted.

## 2.0 JUDICIAL PROCESS

- 2.1 Judicial process consists of two types of cases: remedial and disciplinary. A remedial case is one in which (a) an erroneous decision or action, or (b) an omission or failure to act, may be corrected by a council with higher or wider authority. A disciplinary case is one in which a church member or officer may be censured for an offense. Church officers are pastors, elders, and deacons. An offense is any act or omission by a member or officer of the church that is contrary to Scripture or the *Constitution* of ECO.
- 2.2 The responsibility and authority for discipline in a particular church belongs to the session. The responsibility and authority for discipline of pastors and lay pastors belongs to the presbytery. The responsibility and authority for remedial cases and appeals is the presbytery and the synod.
- 2.3 Each council shall enforce and recognize the judgments, decisions, and orders of every other council acting under the provisions of the *Rules of Discipline*.
- 2.4 Judicial process ends when a church officer or a member renounces the jurisdiction of the church. Should the accused in a disciplinary case renounce the jurisdiction of the church, the clerk or stated clerk shall report to the governing body both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or hearing, and the charges filed.

## 3.0 JUDICIAL COMMISSIONS

- 3.1 Each presbytery shall elect a permanent judicial commission from the pastors and elders within the presbytery. Once five (5) presbyteries have been established, the synod shall elect a

permanent judicial commission. In the event five (5) presbyteries are not established, the synod shall elect a judicial commission to act in specific cases. Each commission shall be composed of pastors and elders in numbers as nearly equal as possible. When the commission consists of an odd number of members, the additional member may be either a pastor or an elder. The synod commission shall be composed of no fewer than five members distributed equally, insofar as possible, among the constituent presbyteries. The presbytery commission shall be composed of no fewer than five members, with no more than one of its elder members from any one of its constituent churches.

- 3.2 The term of each member of a permanent judicial commission shall be six years. Commissioners shall be elected in three classes, with no more than one half of the members to be in one class. When established for the first time, one class shall serve for two years, the second class for four years, and the third class for six years. Any vacancy due to resignation, death, or any other cause may be filled by the electing governing body, which may elect a person to fill the unexpired term.
- 3.3 No person who has served on a permanent judicial commission for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term. No person shall serve on more than one judicial commission at the same time.
- 3.4 The quorum of a judicial commission shall be a majority of the members. For judicial process, the session is a judicial commission and the quorum of a session for judicial process shall be the moderator of the session and a majority of the elder members.
- 3.5 When a church or council is a party to a case, members of a judicial commission who are members of that church, or of that council, or of churches within that council shall not participate in the trial or appeal of that case.
- 3.6 A judicial commission shall exercise the powers and responsibilities entrusted to it by these *Rules of Discipline*, and is authorized to deliberate upon and conclude any matters submitted to it under these Rules. A judicial commission may hold a pre-hearing conference, require the exchange of lists of witnesses and exhibits, may request written briefs from the parties, provide for reasonable discovery of evidence, set reasonable schedules for discovery, briefs, and the hearing of the case, and take such other action as may be necessary to provide for a full and fair hearing for all participants. A judicial commission shall have full authority and power to control the conduct of the hearing and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained. Questions as to procedure, the competency of witnesses, or the admissibility of evidence arising in the course of a hearing shall be decided by the judicial commission after the parties have had an opportunity to be heard.

#### **4.0 REMEDIAL CASES**

- 4.1 A remedial case is initiated by the filing of a complaint with the stated clerk of the governing body having jurisdiction. A complaint is a written statement alleging: (a) an erroneous decision or action, or (b) an omission or failure to act. The filing of a complaint does not, by itself, stay enforcement of the decision or action.
- 4.2 The action or decision of a council or of a judicial commission may be suspended by a stay of enforcement. To seek a stay of enforcement, the complainant or appellant shall deliver to the stated clerk a copy of the complaint or notice of appeal and a request for stay containing a short statement of the basis for challenging the decision or action, and a short statement of the harm that will occur if the decision or action is not stayed. The stated clerk shall promptly transmit the request for stay to all members of the judicial commission eligible to participate in consideration of the complaint or appeal. A stay of enforcement shall be entered when it is signed by at least three of the members of the judicial commission having jurisdiction to hear the complaint or appeal on the decision or action. A stay of enforcement has no evidentiary or procedural effect on the merits of the case.
- 4.3 Remedial complaints shall be filed within ninety days. Those eligible to file such a complaint are: (a) a pastor or an elder enrolled as a member of a presbytery, against that presbytery, and the complaint is filed with the synod; (b) a session against the presbytery, and the complaint is filed

with the synod; (c) any council against any other council of the same level, and the complaint is filed with the council immediately wider than the council complained against; (d) a member of a church against the session of that church, and the complaint is filed with the presbytery.

- 4.4 A complaint shall include the following: (a) the name of the complainant and the name of the respondent; (b) the alleged erroneous decision, action, omission, or failure to act which shall include the date, place, and circumstances thereof; (c) the reasons for the remedial complaint; (d) the interest or relationship of the complainant, showing why that party has a right to file the complaint; and (e) the relief requested.
- 4.5 A copy of the complaint shall be delivered to the respondent and the complainant shall file with the stated clerk a receipt signed by the respondent or an affidavit of personal service.
- 4.6 The respondent shall file with the stated clerk a concise answer within forty-five days after receipt of the complaint, and shall furnish a copy of the answer to the complainant. The answer shall admit those facts alleged in the complaint that are true, deny those allegations that are not true or are mistakenly stated, and present other facts that may explain the situation.
- 4.7 The hearing in a remedial case shall be conducted by the judicial commission. Each of the parties in a remedial case shall be entitled to appear and may be represented by counsel, provided, however, that no person shall act as counsel who is not a member of ECO. No member of a judicial commission shall appear as counsel before that commission while a member. Counsel need not be a paid representative or an attorney-at-law.
- 4.8 A member of a judicial commission is disqualified if the member is personally interested in the case, is related by blood or marriage to any party, or has been active for or against any party. Any member of a judicial commission may be challenged by any party, and the validity of the challenge shall be determined by the remaining members of the permanent judicial commission.
- 4.9 At the hearing on a remedial complaint, the parties shall be given an opportunity to make opening statements, present evidence, and the parties shall be given an opportunity to make final statements, the complainant having the right of opening and closing the argument. The judicial commission shall then meet privately to decide the case.
- 4.10 The judicial commission shall then decide the case. If the complaint is sustained either in whole or in part, the commission shall either order such action as is appropriate or direct the lower governing body to conduct further proceedings in the matter. A written decision shall be prepared and shall become the final decision when a copy of the written decision is signed by the moderator of the judicial commission. A copy of the written decision shall be delivered to the parties to the case. The decision shall be filed with the stated clerk of the governing body that appointed the judicial commission.

## **5.0 DISCIPLINARY CASES**

- 5.1 A disciplinary case is initiated by submitting a written statement of an alleged offense to the clerk of session or the stated clerk of the presbytery. The statement shall give a clear narrative and allege facts with supporting information, that, if proven true, would likely result in disciplinary action.
- 5.2 Upon receipt of a written statement of an alleged offense, the clerk of session or the stated clerk of presbytery, without undertaking further inquiry, shall report to the council only that an offense has been alleged without naming the accused or the nature of the alleged offense, and refer the statement immediately to an investigating committee. A session shall not grant a certificate of transfer to a member, nor shall a presbytery grant a certificate of transfer to a minister, while an inquiry or charges are pending.
- 5.3 When a written statement of an alleged offense of sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, has been received against a pastor, the stated clerk receiving the allegation shall immediately communicate the allegation to the judicial commission. The moderator of the judicial commission shall within three days



designate two members of presbytery (who shall not be members of the investigating committee) to determine whether the accused shall be placed on a paid administrative leave during the resolution of the matter. The cost of such shall be borne by the employing entity whenever possible or be shared by the presbytery as necessary. While administrative leave is in effect, the pastor may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptisms, funerals, or weddings.

- 5.4 Upon receiving a written allegation of an offense, the council having jurisdiction over the accused member shall appoint an investigating committee to determine whether charges should be filed. An investigating committee shall have no more than five but no less than three members. A session shall not appoint members of the session as members of the investigating committee. A presbytery may provide by rule for appointment of an investigating committee.
- 5.5 The investigating committee shall: (a) provide the accused with a copy of the statement of alleged offense; (b) make a thorough inquiry into the facts and circumstances of the alleged offense; (c) examine all relevant papers, documents, and records available to it; (d) ascertain all available witnesses and inquire of them; (e) determine whether there are probable grounds or cause to believe that an offense was committed by the accused; (f) decide whether the charge(s) filed can reasonably be proved, having due regard for the character, availability, and credibility of the witnesses and evidence available; (g) report to the governing body having jurisdiction over the accused only whether or not it will file charges; and (h) if charges are to be filed, prepare and file them and designate one or more persons (to be known as the prosecuting committee) from among its membership to prosecute the case.
- 5.6 The investigating committee, prior to filing charges against an accused, may initiate alternative forms of resolution to determine if agreement can be reached among all parties involved concerning any charges which may be filed. If such agreement is reached, the investigating committee shall report it to the judicial commission for its approval.
- 5.7 If the investigating committee decides to file charges, it shall inform the accused in writing of the charges it will make, including a summary of the facts it expects to prove at the hearing to support those charges. It shall ask the accused if that person wishes to plead guilty to the charges to avoid a full hearing and indicate the censure it will recommend to the judicial commission.
- 5.8 If no charges are filed, the investigating committee shall file a written report of that fact alone with the clerk of session or stated clerk of the presbytery, and notify the person who submitted the written statement. If no charges are filed, the disposition of the investigating committee's records shall be in accordance with session or presbytery policy.
- 5.9 No charges shall be filed later than three years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first, except as follows. For instances of sexual abuse of another person, the three year time limit shall not apply. Charges may be brought regardless of the date on which an offense is alleged to have occurred. Sexual abuse of another person is any offense involving sexual conduct in relation to: (a) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (b) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.
- 5.10 All disciplinary cases shall be filed and prosecuted by a governing body through an investigating committee and a prosecuting committee. The prosecuting committee is the representative of the church and, as such, has all of the rights of the appropriate governing body in the case. Each charge shall be numbered and set forth the conduct that constituted the offense. Each charge shall state (as far as possible) the time, place, and circumstances of the commission of the alleged conduct. Each charge shall also be accompanied by a list of the names and addresses of the witnesses for the prosecution and a description of the records and documents to be cited for its support. Every charge shall be prepared in writing and filed with the clerk of session or stated clerk of the presbytery. Upon receipt of a charge, the clerk of a session shall present the charge to the session at its next meeting. Upon receipt of a charge, the stated clerk of the presbytery shall immediately forward it to the judicial commission of that presbytery.



- 5.11 The hearing in a disciplinary case shall be conducted by a judicial commission. Each of the parties in a disciplinary case shall be entitled to appear and may be represented by counsel, provided, however, that no person shall act as counsel who is not a member of ECO. No member of a judicial commission shall appear as counsel before that commission while a member. If the accused in a disciplinary case is unable to secure counsel, the judicial commission shall appoint counsel for the accused. Reasonable expenses for defense shall be authorized and reimbursed by the governing body in which the case originated. Counsel need not be a paid representative or attorney-at-law.
- 5.12 A member of a judicial commission is disqualified if the member is personally interested in the case, is related by blood or marriage to any party, or has been active for or against any party. Any member of a judicial commission may be challenged by any party, and the validity of the challenge shall be determined by the remaining members of the judicial commission.
- 5.13 The proceedings shall ordinarily be conducted in open session; however, at the request of any party, or on its own initiative, the judicial commission may determine at any stage of the proceedings, by a vote of two-thirds of the members present, to exclude persons other than the parties and their counsel.
- 5.14 The accused in a disciplinary case is presumed to be innocent until the contrary is proved, and unless guilt is established beyond a reasonable doubt, the accused is entitled to be found not guilty.
- 5.15 The judicial commission shall determine all preliminary objections and any other objection affecting the order or regularity of the proceedings. It may dismiss the case or permit amendments to the charges in the furtherance of justice, provided that such amendments do not change the substance of the charges or prejudice the accused. If the proceedings are found to be in order, and the charges are considered sufficient, the accused shall be called upon to plead 'guilty' or 'not guilty' to each charge. The plea shall be entered on the record. If the accused declines to answer or pleads 'not guilty,' a plea of 'not guilty' shall be entered on the record and the hearing shall proceed. If the accused pleads 'guilty,' the council shall proceed to hear evidence of harm, mitigation, rehabilitation, and redemption, and to determine the degree of censure to be imposed.
- 5.16 If a plea of not guilty is entered on the record, the parties shall then be given an opportunity to make opening statements. The prosecuting committee shall present its evidence in support of the charges, subject to objection and cross-examination by the accused. The accused shall have the opportunity to present evidence, subject to objection and cross-examination by the prosecuting committee. The prosecuting committee then may introduce additional evidence, but only to rebut evidence introduced on behalf of the accused. This additional evidence is subject to objection and cross-examination by the accused. The parties shall be given an opportunity to make final statements. The prosecuting committee shall have the right of opening and closing the argument.
- 5.17 The judicial commission shall then meet privately. All persons not members of the session or permanent judicial commission shall be excluded. After careful deliberation, the judicial commission shall vote on each charge separately and record the vote in its minutes. In order to find the accused guilty of a charge, the judicial commission must find that the pertinent facts within that charge have been proven beyond a reasonable doubt. Proof beyond a reasonable doubt occurs when the comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true. No judgment of guilt may be found on a charge unless at least two-thirds of the members of the judicial commission eligible to vote agree on the judgment. When a judicial commission has arrived at a decision, the moderator shall, in open meeting, announce the verdict for each charge separately.
- 5.18 If the accused is found guilty or after a guilty plea, the judicial commission shall permit the parties to present evidence as to the extent of the injury suffered, mitigation, rehabilitation, and redemption. This evidence may be offered by either party or the original accuser or that person's representative. The person who was directly harmed by the offense may submit a victim impact statement. That statement shall not be subject to cross-examination. The judicial commission shall then meet privately to determine the degree of censure to be imposed. Following such determination and in an open meeting, the moderator of the judicial commission shall then

pronounce the censure. A written decision stating the judgment on each charge and the determination of the degree of censure, if any, shall be prepared. It shall become the final decision when signed by the moderator of the judicial commission, and shall be filed with the clerk or stated clerk of the council. The clerk or stated clerk of the council shall deliver a copy of the decision to each party named in the decision.

## **6.0 CENSURE AND RESTORATION IN A DISCIPLINARY CASE**

- 6.1 The degrees of church censure are rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of ordained office or membership, and removal from ordained office or membership. Rebuke is the lowest degree of censure for an offense and is completed when pronounced. It consists of setting forth publicly the character of the offense, together with reproof.
- 6.2 Rebuke with supervised rehabilitation is the next to lowest degree of censure. It consists of setting forth the character of the offense, together with reproof and mandating a period of supervised rehabilitation imposed by the judicial commission. The judicial commission shall formally communicate to the supervising entity and the person censured the goals of the rehabilitation and the specific authority conferred on the supervisor(s). The description of the rehabilitation program shall include a clear statement of how progress will be evaluated and how it will be determined when and if the supervised rehabilitation has been satisfactorily completed.
- 6.3 Temporary exclusion from the exercise of ordained office or membership is a higher degree of censure for a more aggravated offense and shall be for a definite period of time, or for a period defined by completion of supervised rehabilitation imposed by the judicial commission. If the period of temporary exclusion is defined by completion of supervised rehabilitation, the judicial commission shall formally communicate to the supervising entity and the person found guilty the specific authority conferred on the supervisor. During the period of temporary exclusion from ordained office, the person found guilty shall refrain from the exercise of any function of ordained office. During the period of temporary exclusion from membership, the person found guilty shall refrain from participating and voting in meetings and from holding or exercising any office. If a pastor is temporarily excluded from the exercise of the office of ordained minister, the presbytery may, if no appeal from the case is pending, declare the pastoral relationship dissolved. A person under the censure of temporary exclusion shall apply in writing to the council, through the clerk of session or stated clerk, for restoration upon the expiration of the time of exclusion or completion of the supervised rehabilitation pronounced. The council that imposed the censure shall approve the restoration when the time of exclusion has expired or when the council is fully satisfied that the supervised rehabilitation pronounced has been completed. A person under the censure of temporary exclusion from the exercise of ordained office or from membership may apply in writing to the council that imposed the censure (through its clerk) to be restored prior to the expiration of the time of exclusion or the completion of the supervised rehabilitation fixed in the censure. The council may approve such a restoration when it is fully satisfied that the action is justified.
- 6.4 Removal from office or membership is the highest degree of censure. Removal from office is the censure by which the ordination and election of the person found guilty are set aside, and the person is removed from all offices without removal from membership. Removal from membership is the censure by which the membership of the person found guilty is terminated, the person is removed from all rolls, and the person's ordination and election to all offices are set aside. If a pastor is removed from office without removal from membership, the presbytery shall give the pastor a certificate of membership to a church of the pastor's choice. Any pastoral relationship is automatically dissolved by the censure.

## **7.0 APPEAL**

- 7.1 An appeal of a remedial or disciplinary case is the transfer to the next wider council of a case in which a decision has been rendered in a smaller council, for the purpose of obtaining a review of the proceedings and decision to correct, modify, set aside, or reverse the decision. Either party may initiate an appeal by the filing of a written notice of appeal.

- 7.2 In a remedial case, the notice of appeal shall not suspend any further action implementing the decision being appealed unless a stay of enforcement has been obtained in accordance with the provisions of 4.2 above.
- 7.3 In a disciplinary case, the notice of appeal, if properly and timely filed, shall suspend further proceedings by lower councils, except that, in the instance of temporary exclusion from exercise of ordained office or membership or removal from office or membership, the person against whom the judgment has been pronounced shall refrain from the exercise of office or from participating and voting in meetings until the appeal is finally decided.
- 7.4 On application, the judicial commission of the wider council may grant a petition for withdrawal of an appeal. The judicial commission shall deny a petition if its approval would defeat the ends of justice.
- 7.5 The grounds for appeal are: (a) irregularity in the proceedings; (b) refusing a party reasonable opportunity to be heard or to obtain or present evidence; (c) receiving improper, or declining to receive proper, evidence or testimony; (d) hastening to a decision before the evidence or testimony is fully received; (e) manifestation of prejudice in the conduct of the case; (f) injustice in the process or decision; (g) error in constitutional interpretation; and (h) in an appeal by a person found guilty, undue severity of censure.
- 7.6 A written notice of appeal shall be filed within forty-five days after a copy of the decision has been delivered to the party appealing. The written notice of appeal shall be filed with the clerk or stated clerk of the lower governing body that elected the judicial commission from whose decision the appeal is taken. The party appealing shall provide a copy of the notice of appeal to each of the other parties and to the stated clerk of the governing body that will hear the appeal. The written notice of appeal shall include the following: (a) the name of the party or parties filing the appeal, called the appellant or appellants, and their counsel if any; (b) the name of the other party or parties, called the appellee or appellees, and their counsel if any; (c) the governing body from whose decision the appeal is taken; (d) the decision, and date and place thereof, from which the appeal is taken (enclose a copy of the decision with the notice of appeal); and (e) a statement of the alleged errors of the judicial commission which conducted the hearing that are the grounds for appeal.
- 7.7 A copy of the notice of appeal shall be delivered to each of the other parties and the appellant(s) shall file with the stated clerk a receipt signed by the other parties or an affidavit of personal service.
- 7.8 Within forty-five days after the receipt of a written notice of appeal, the clerk of session or stated clerk of the lower governing body shall list in writing to the parties all of the papers and other materials that constitute the record of the case. Within fifteen days thereafter, any party may file with the stated clerk of the lower council a written statement challenging the accuracy or completeness of the record of the case as listed by the stated clerk. The written challenge shall state specifically the item or items which are claimed to be omitted from the record of the case.
- 7.9 The stated clerk of the lower council shall certify and file the record of the case, which may include authenticated copies of parts of the record, and shall include any written challenges disputing the completeness or accuracy of the record, with the stated clerk of the wider council. If anything material to either party is omitted from the record by error or accident or is misstated therein, the omission or misstatement may be corrected. The parties may stipulate to the correction, or the judicial commission of the lower council may certify and transmit a supplemental record. All other questions as to the form and content of the record shall be presented to the judicial commission of the higher governing body.
- 7.10 Within thirty days after the date of the filing of the record on appeal, the appellant shall file with the stated clerk of the wider council a written brief containing specifications of the errors alleged in the notice of appeal and arguments, reasons, and citations of authorities in support of the appellant's contentions as to the alleged errors specified. The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties. For good cause shown, the stated clerk of the wider council may extend this time limit for a reasonable period. Failure of

appellant to file a brief within the time allowed, without good cause, shall be deemed by the judicial commission an abandonment of the appeal.

- 7.11 Within thirty days after the filing of appellant's brief, the appellee shall file with the stated clerk of the wider council a written brief responding to the appellant's brief. The brief shall be accompanied by a certification that a copy has been furnished to the other party or parties. For good cause shown, the stated clerk of the higher governing body may extend this time limit for a reasonable period. Failure by appellee to file a brief within the time allowed, without good cause, shall constitute waiver of the rights to file a brief, to appear, and to be heard.
- 7.12 Upon receipt of the record and the briefs, or upon the expiration of the time for filing them, the stated clerk of the wider council shall transmit the record and briefs to the judicial commission. At any time after an appeal is received by a judicial commission, the commission may direct the parties or their counsel, if any, to attend a prehearing conference, to seek agreement on any of the disputed issues in the appeal, and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution.
- 7.13 The moderator of the judicial commission shall notify the parties of the date when they may appear in person or by counsel before the judicial commission to present the appeal. Failure of a party to appear in person or by counsel shall constitute a waiver of participation in the hearing on appeal.
- 7.14 At the hearing, the judicial commission shall determine whether to receive newly discovered evidence; and give opportunity to be heard on the grounds of the appeal to those parties who have not waived that right, the appellant having the right of opening and closing the argument.
- 7.15 After the hearing and after deliberation, the judicial commission shall vote separately on each specification of error alleged. The vote shall be on the question, "Shall the specification of error be sustained?" The minutes shall record the numerical vote on each specification of error. If none of the specifications of error is sustained, and no other error is found, the decision of the lower governing body shall be affirmed. If one or more errors are found, the judicial commission shall determine whether the decision of the lower council shall be affirmed, set aside, reversed, modified, or the case remanded for a new hearing.
- 7.16 A written decision shall be prepared, and shall become the final decision when a copy of the written decision is signed by the moderator of the commission. The decision shall be filed with the stated clerk of the council that appointed the judicial commission and delivered to the parties to the case.

