

# Proposed Changes to Rules of Discipline

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# Chicago Overture

**Revision of the Rules of Discipline:**

**Makes them more accessible to the church**

**Preserves and enhances the accountability of councils and individuals to the church**

**Expands the role of mediation and alternate dispute resolution**

**Provides flexibility in crafting censures and remedies, particularly in light of recent learnings in ethical and social development and experiments by the secular legal system with alternative sentencing.**

# Task Force members (appointed in 2017)

Barbara Bundick, Honorably Retired, former Stated Clerk, Chicago Presbytery

Greg Goodwiller, Executive/Stated Clerk, St. Andrew Presbytery and Executive, Synod of Living Waters

Therese Howell, Stated Clerk, Middle Tennessee and North Alabama Presbyteries

Doska Ross, retired Executive/Stated Clerk, Synod of Southern California and Hawaii

Donna Wells, Stated Clerk, Presbytery of Greater Atlanta

Paige McRight, Moderator, Honorably Retired, former Executive, Central Florida Presbytery

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Dan Saperstein, liaison with the Advisory Committee on the Constitution

Laurie Griffith and Flor Vélez-Díaz, OGA staff

# Process for Developing Report

## 2017

- Initial draft developed
- Workshop at Mid Council Leaders' Gathering

## 2018

- Initial draft before the church for review
- Online survey responses
- Consultations with stated clerks in synods
- Workshop at 223<sup>rd</sup> General Assembly (2018)

# Process for Developing Report

## 2019

- Advice from Presbyterian Church (U.S.A.), A Corp, and Advisory Committee on the Constitution
- Consultation with General Assembly Permanent Judicial Commission, GA Committee on Women's Concerns, GA Racial Equity Advocacy Committee, and the Survivors of Sexual Misconduct Task Force
- Revision based on feedback before the church for study in preparation for 224<sup>th</sup> General Assembly (2020)

## 2020-2022

- Referred to 225<sup>th</sup> General Assembly (2022), provisions for online meetings added, revised side-by-side developed

# Major Changes Proposed

Change name of this section of the *Book of Order* to “Church Discipline”

Simplify wording and organize sections into process that flows smoothly and clearly

Incorporate wording from authoritative interpretations of the *Book of Order* often cited by judicial commissions in their rulings

# Changes For Permanent Judicial Commissions

Former members can be included among those appointed for review and administrative leave evaluations

A quorum of five members can render decisions

Permanent judicial commissions are divided into three classes of membership as nearly equal as possible with vacancy elections to specific classes

Eligibility for reelection is reduced from four years to two years

Membership is to reflect the membership of the council that elects

# General Process Changes

Procedures for electronic meetings, testimony, notices, and filings are defined

Provision for witnesses to appear electronically if unable to be present replaces depositions

Those who are expert witnesses and not witnesses of fact may not be cited and required to appear at trials regardless of their church membership

The requirement of a second citation to witnesses has been removed

Provision is made for response to an appeal to minimize filing of 'counter appeals'

A request to withdraw an appeal is ordinarily automatically granted

# Changes to Remedial Process

Preliminary question regarding stating a claim on which relief can be granted has been expanded

Additional preliminary question is added

Declaratory relief is optional not mandatory

Witnesses must have first hand knowledge of the matter; hearsay evidence is no longer allowed

Decisions may with certain restrictions be completed and published within ten days of the hearing or trial, and at an electronic meeting

# Changes to Disciplinary Process

A request for reference may be for investigation of allegations as well as for trial

Hearsay evidence is allowed still in disciplinary cases

“Restorative justice” is introduced into the alternative resolution process with additional options for acts of voluntary repentance and for mediation

Each charge must state the specific provision(s) of Scripture and/or the Constitution which is alleged to have been violated

The standard for a finding of guilt spells out the definition of “beyond a reasonable doubt” – when a comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true

The statute of limitations for filing allegations on any matter is recommended for removal in a separate recommendation

# Temporary Exclusion to Permanent; Censure

Temporary exclusion may become permanent at the discretion of the council of membership if at the end of the period of temporary exclusion the terms for restoration have not been met.

Each censure is imposed with the statement “This censure is given not with malice or vindictiveness but in Christian love to offer you correction in error and the possibility of full community restoration” or in the case of removal from ordered ministry or membership after ‘error’ “and to restore the unity of the church by removing from it the discord and division the offense(s) have caused.”

# Recommendations

1. That the General Assembly replace the Rules of Discipline with the revision, Church Discipline.
2. That all time limits for bringing allegations be removed.
3. Three changes to the Form of Government:
  - G-1.0501 and G-3.0105 to provide for electronic meetings of congregations and councils
  - G-1.0503 to provide for receiving a disciplinary decision from the session in a congregational meeting
4. That the Office of the General Assembly provide a guide for dealing with cases of sexual misconduct that reflects the need for particular sensitivity to the rights of safety, dignity and privacy of all involved.