

THE BOOK OF DISCIPLINE

PREAMBLE

“The purest churches under heaven are subject both to mixture and error.”¹ Church discipline is therefore necessary for protecting and preserving the church, for reclaiming offending brethren, and for vindicating the honor of Christ.² This book provides wisdom and instruction to local congregations and courts of the church in rightly applying biblical discipline for the “gathering and perfecting of the saints in this life.”³

Jesus commands us to make disciples; making disciples requires discipline.⁴ In the body we are all members of one another under the headship of Christ. To answer Cain’s question,⁵ “Yes, we are our brother’s keeper.”

Officers of the church who exercise judgment should keep watch on their own hearts lest they too fall into sin,⁶ using the formal application of discipline only as a last resort when all other efforts have failed. Teaching, correcting, admonishing and judging one another must be done in love that is sincere and without hypocrisy.⁷

Church courts likewise bear the solemn responsibility to be cautious, careful, and expeditious in the pursuit of church discipline, always mindful of the fallen nature we all share, and yearning as Christ would for the restoration, not the expulsion, of the offending brother or sister.⁸

This book explains how to apply biblical discipline in a manner that is neither complex nor adversarial. Definitions are provided to bring clarity and consistency. Step by step procedures and verbatim scripts are given to help standardize judicial processes. Footnotes are provided throughout to assure adherence to Scripture and to the Standards of the Associate Reformed Presbyterian Church.

There is no judicial process of the church that alone can restore a wayward believer to fellowship in the church. It is the Holy Spirit who brings conviction of sin, righteousness and judgment;⁹ only He can change a stony heart;¹⁰ only He can give life to the spiritually dead;¹¹ only He can bring comfort and wholeness where sin has yielded sorrow and brokenness.¹² Officers and courts of the church must therefore humbly seek His face, earnestly search God’s Word, and with contrite hearts apply the principles contained in this book, insofar as they are true to Scripture, trusting alone in His mercy and grace.¹³

¹ Westminster Confession of Faith (WCF) XXV.5.

² WCF XXX.3.

³ WCF XXV.3.

⁴ See Appendix 3.

⁵ Gn 4:9.

⁶ Ga 6:1.

⁷ Ro 12:9, 1Pe 1:22.

⁸ 2Pe 3:9.

⁹ Jn 16:8.

¹⁰ Ezk 36:26-27.

¹¹ Eph 2:5.

¹² Ps 34:18-19.

¹³ Ps 51.

CHAPTER 1 PRINCIPLES

- 1.1 Church discipline conforms the church and its members to biblical standards of faith and life under the Lordship of Jesus Christ, King and Head of the Church.¹⁴ In its broadest pastoral sense, it includes preaching, teaching, making disciples, and bearing faithful witness to Christ.¹⁵ In a more narrow and judicial sense, it involves correcting, censuring, and holding the church and its members accountable for transgressions of God's word.¹⁶
- 1.2 The authority for church discipline comes from Jesus Christ.¹⁷ He gave the keys of the kingdom to the church, so that whatever is bound on earth shall be bound in heaven, and whatever is loosed on earth shall be loosed in heaven.¹⁸
- 1.3 Scripture¹⁹ and the Confessional Standards of the Associate Reformed Presbyterian Church command the exercise of discipline.²⁰
- 1.4 The responsibility to enforce discipline is committed to the officers and courts of the church.²¹ Declining to exercise discipline or allowing discipline to fail for lack of an accuser²² ignores a command of Christ and holds in contempt the authority He has given to the officers and courts of the Church.²³
- 1.5 The church must resist the unbiblical assertion that sin is a private matter between an individual and the Lord alone.²⁴ Sin prefers darkness to light, but the church cannot allow unrepentant sinners to remain undercover. Sin that is ignored will bring destruction to individuals, families, and congregations.²⁵
- 1.6 The purpose of church discipline²⁶ is to promote the peace, purity, prosperity and unity of the church²⁷ by (A) maintaining the honor of Jesus Christ;²⁸ (B) promoting the truth of the gospel;²⁹ and maintaining the dignity of His ordinances;³⁰ (C) preventing the wrath of God from coming upon the church;³¹ (D) exposing sin in the church;³² (E) reclaiming the erring offender;³³ and (F) deterring others from similar error.³⁴

¹⁴ WCF XXX.1; Is 9:6-7.

¹⁵ Mt 28:18-20, Ac 20:28, 2Ti 24-26, 1Pe 5:1-3.

¹⁶ 1Co 5:1-13; 6:3.

¹⁷ Form of Government (FoG) I.2, Col 1:18.

¹⁸ WCF XXX.2, Westminster Larger Catechism (WLC) Q.173, FoG I.1, Mt 16:19.

¹⁹ 2Sa 12:1-12, Mt 18:15-18; 1Co 5:1-7, 1Ti 5:20.

²⁰ WCF XXX, FoG X.3 A, B, C, D; XI.16 D; XII.25.

²¹ WLC Q.129, Ac 20:28; Eph 4:11-13; 2Ti 2:2; Tit 1:5-10; 1Pe 5:2-3.

²² Dt 19:15, 2Co 13:1-3, 1Ti 5:19.

²³ WCF XXX.2, WLC Q.130, 1Th 5:12-13, Heb 13:7, 17.

²⁴ Lk 21:1-3, 1Co 5:6-7.

²⁵ Mt 16:11-12, 2Pe 3:17, 2Ti 3:6-8.

²⁶ WCF XXX.3, 1Co 11:31-32.

²⁷ Ac 9:31, 1Co 14:33.

²⁸ 1Pe 1:7.

²⁹ Tit 1:9.

³⁰ 1Co 11:17-26; 2Co 13:7-10.

³¹ Mt 5:13, WCF XXX.3, 1Co 11:29-32.

³² Ga 2:11-14.

³³ 2Co 7:8-13; 13:9, Ga 6:1-2.

³⁴ 1Co 5:7, Tit 1:10-11.

- 1.7 Church discipline requires making a judgment between biblical standards and unbiblical standards in order to uphold biblical standards and reject unbiblical standards.³⁵ Scripture commands the church to judge in the context of exercising discipline.³⁶
- 1.8 Church discipline must always be exercised as biblical shepherding.³⁷ It should seek to guide and nurture, and guard and defend.³⁸

CHAPTER 2 DEFINITIONS

- 2.1 **ADMISSION.**³⁹ The voluntary acknowledgement of certain conduct as distinguished from confession which acknowledges the conduct to be an offense.
- 2.2 **ADVOCATE.** A member in good standing in the Associate Reformed Presbyterian Church (or a denomination with which the Associate Reformed Presbyterian Church has fraternal relations) who assists or represents an alleged offender or victim in the judicial process.
- 2.3 **ALLEGATION.** A statement, ordinarily in writing, which raises the possibility of an offense.
- 2.4 **APPEAL.**⁴⁰ The transfer of a case from a lower court to the next higher court for review after a final decision by the lower court.
- 2.5 **CENSURE.**⁴¹ A formal application of discipline by a church court. There are five degrees of church censure, as set forth below. Censures shall be used if the sin is confessed or otherwise confirmed, if application is appropriate, or if the sinner does not repent. Censures shall be put in writing, with a clear statement of the offense, and conveyed to the offender personally, if possible. Any censure may be imposed without first imposing a lesser censure. A censuring court shall advise its members of the imposition of censure; a Session shall advise the communicant members of the local congregation, when appropriate.
- A. **Admonition.**⁴² A gentle yet solemn censure which confronts the offender with the particulars of the offense and exhorts him to repent and to exercise greater faithfulness to the Lord Jesus Christ. Admonition may be imposed more than once before imposing a higher level of censure and may be imposed without the requirement of a judicial process.⁴³
- B. **Rebuke.**⁴⁴ A censure more severe than an admonition and appropriately used when an admonition does not bring about repentance or when an admonition is not appropriate. A rebuke may be imposed only after judicial process.
- C. **Suspension.**⁴⁵ A censure which excludes an offender from the privileges of membership, including but not limited to the following: participating in the sacraments, attending congregational

³⁵ Mt 7:1, 2-5, 15-20, Tit 3:10-11, 1Jn 4:1.

³⁶ 1Co 6:2-3.

³⁷ 1Pe 5:1-5.

³⁸ Lk 15:1-7, Jn 10:1-18.

³⁹ Ps 59:12, Ac 8:1-3, Ro 16:18, Php 3:19, 1Jn 1:8.

⁴⁰ Ac 11:1-4; 25:11.

⁴¹ WCF XXX, FoG VI.8C.

⁴² Ac 20:31, 1Co 4:14, 1Th 5:12, 14.

⁴³ Admonishing one another is the responsibility of every believer and as such does not necessarily rise to the level of censure; Col 3:16.

⁴⁴ Ps 50:21; 14:5, Pr 17:10, Mk 8:33; Lk 17:3, 1Ti 5:20, 2Ti 4:2, Tit 1:9, 13; 2:15.

⁴⁵ 1Ti 3:1-7, Tit 1:15-16; 3:10-11, Mt 3:8.

meetings, and holding church office. Suspension shall be imposed when the offender persists in sin despite admonition or rebuke or when the offense is detrimental to the peace, purity, prosperity, or unity of the church. Suspension shall be imposed in love, so as to bring about evidence of repentance in the offender. The court shall evaluate the offender's repentance and may remove the suspension when appropriate or may proceed to a greater censure. The suspension shall be made known to the communicant members of the local congregation, and may be made known more widely, as appropriate.

- D. Removal from Office.⁴⁶ A censure which deprives an ordained member of the church of his office when a court determines that the officer is no longer fit for office: it may be in addition to or apart from other censures. The removal must be made known to the communicant members of the congregation and to any courts of which he is a member; it may be made known more widely, as appropriate.
- E. Excommunication.⁴⁷ A censure which excludes an offender from membership in the visible church. Excommunication is imposed for sins that are grossly inconsistent with the Christian profession or for obstinate persistence in offenses despite the application of lesser censures. The excommunicated person shall no longer be considered a brother or sister in Christ, but excommunication does not destroy the bonds of natural or civil relations. Members should then relate to the person with love and compassion as one who is outside the visible church and in need of repentance and salvation. The excommunication shall be made known to the communicant members of the congregation of which he is a member and/or to any courts of which he is a member; it may be made known more widely, as appropriate.

2.6 CHARGE. The written statement of a specific offense when an investigation has determined that there is reason to believe that an offense warranting discipline has occurred. (see Appendix 1, Form 1)

2.7 CHURCH MEMBERS⁴⁸

- A. A communicant church member⁴⁹ is subject to the Book of Discipline.
- B. A non-communicant church member⁵⁰ is primarily subject to the discipline of his or her parents or guardians under the oversight of the session.
- C. An associate church member⁵¹ is subject to the Book of Discipline; the associate member's home congregation shall be advised of any censures imposed.

2.8 CLERK.⁵² The member of a court responsible for keeping records and performing administrative duties.

2.9 CONFESSION.⁵³ The voluntary acknowledgement of having committed an offense ordinarily accompanied by repentance.

2.10 CONTUMACY.⁵⁴ The stubborn refusal to obey or comply with any directive of a church court.

2.11 COURTS OF THE CHURCH.

⁴⁶ (formerly known as Deposition); FoG X.3K, Ac 1:15-20, 1Ti 1:10-11.

⁴⁷ (formerly known as Expulsion); 1Co 5:5, 2Th 3:14-15, 1Ti 1:20, Tit 3:10-11.

⁴⁸ Ro 12:5; 1Co 12:12.

⁴⁹ FoG IV.1; IV.4.F; IV.5.A (7).

⁵⁰ FoG. IV.2.

⁵¹ FoG. IV.3.

⁵² FoG VI.12; X10; XII.11.

⁵³ Ps 32:5; 51:3-4, Jm 5:16, 1Jn 1:9.

⁵⁴ WLC Q.127; Q.128, Pr 16:18, Ro 13:1-2, He 3:15; 12:5-6.

- A. SESSION.⁵⁵ The lowest court of the Church. The Session has primary jurisdiction over church members. It is specifically authorized to “[a]dmonish, rebuke, suspend, or exclude from the Sacrament of the Lord’s Supper any member of the congregation found delinquent . . .”
- B. PRESBYTERY.⁵⁶ An intermediate court of the Church between the Session and the Synod. A presbytery has primary jurisdiction over ministers.
- C. GENERAL SYNOD.⁵⁷ The highest court of the church.

2.12 DISQUALIFICATION.⁵⁸ A member of a court shall not participate in an action or decision of the court when that person cannot for any reason be fair and objective. A member of a court may disqualify (recuse) himself as a matter of conscience. An elder who has served as the Investigator shall not render judgment in a case in which he has served. Any challenge to a member’s participation must be made at the earliest opportunity and decided by a majority of the remaining members of the court.

2.13 ELDER.⁵⁹ A man ordained to govern and discipline God’s people. Ordained ministers are also elders who are members of a presbytery.

2.14 ENTITY. A collective body within the Associate Reformed Presbyterian Church, e.g. session, presbytery, board, commission, committee.

2.15 INVESTIGATOR.⁶⁰ An elder of the Associate Reformed Presbyterian Church appointed by a court to inquire into the particulars of an alleged offense. A court may appoint an elder from another Associate Reformed Presbyterian Church court in which event the elder must submit himself to the jurisdiction of the court making the appointment. The Investigator interviews persons and collects evidence to make a determination about the accuracy or validity of the alleged offense, and makes a report to the court which appointed him. As needed, the Investigator assists the court in preparing charges and in presenting to the court in an orderly fashion the evidence supporting the alleged offense.

2.16 JUDICIAL PROCESS.⁶¹ The sum total of the procedures involved in commencing and concluding the question of whether a censure should be applied. It usually denotes the formality of a secular court trial, however, it may be accomplished less formally, provided the alleged offender is granted every due consideration according to the provisions of this Book of Discipline.

2.17 MINISTER.⁶² A man who is called by God in the Lord Jesus Christ for service as a teacher and presbyter in the church.

2.18 MODERATOR.⁶³ The presiding elder of a court of the church.

2.19 OFFENSE.

⁵⁵ FoG VI; VI.8 C, I Pt 5:1-5, I Ti 5:17, Tit 1:5, Jm 5:14 “[I]t is better not to speak of classes and synods as higher, but to describe them as major or more general assemblies. They do not represent a higher, but the very same, power that inheres in the consistory, though exercising this on a broader scale.” Berkhof, *Systematic Theology*, 1958, pp. 589-90.

⁵⁶ FoG X, Ac 15:22, 1Pe 5:1.

⁵⁷ FoG XII, Ex 18:19-23, Jos 24:1, 1Sa 8:3, Ps 119:36, 1Pe 5:2.

⁵⁸ 1Sa 8:3, Ps 119:36, 1Pe 5:2.

⁵⁹ FoG. VI.1-4, Ex 18:19-23, 2Ti 2:2, Tit 1:5.

⁶⁰ Am 7:7-8, Zc 2:1-2.

⁶¹ Ac 15:19, 22; 28, 1Co14:40.

⁶² FoG IX.1; IX.3; IX.5; X.3K.

⁶³ WCF XXV.6, FoG VI.10-19; X.10; XII.6; XII.9; XII.10; XII.11; XII.15, Ac 15:13-19.

- A. Any conduct, in words, actions or omission, which is contrary to the Holy Scriptures or the Standards of the Associate Reformed Presbyterian Church.⁶⁴ Every sin deserves the wrath and curse of God, however not every sin is an offense which requires discipline by the church.⁶⁵
- B. Offenses are classified as personal or general, and private or public.⁶⁶ Reporting an allegation of an offense to a court of the church does not make the offense public.
 - 1. A personal offense is committed against another person.⁶⁷
 - 2. A general offense is committed against more than one person or against no one person in particular.
 - 3. A private offense is known only by the person(s) affected by the offense.⁶⁸
 - 4. A public offense is ordinarily known by more than one person in the church or is known by people in the community, though not necessarily by large numbers of people.⁶⁹
 - 5. Personal offenses that are committed publicly, for example, could be considered as public offenses.⁷⁰
- C. An offense requires discipline when it causes special harm to the faith, practice, witness, or spiritual condition of one or more members of the body, including the offender, or to the whole body or the church itself, and are of three kinds: (1) heresy;⁷¹ (2) violation of the moral law;⁷² and (3) contempt for the courts of the church.⁷³ In determining whether a sin rises to this level, church courts and officers shall:
 - 1. Consider the “aggravations” of sin⁷⁴ and the nature and purpose of discipline.⁷⁵
 - 2. Consider the kinds of sins that traditionally have been subject to discipline in the church.⁷⁶
 - 3. Refrain from being overly burdensome or legalistic, being especially careful to avoid hypocrisy or partiality.⁷⁷
 - 4. Resist any temptation to minimize the seriousness of sin to escape the difficulty or discomfort of the duty to enforce discipline.⁷⁸
- D. Because sin and the contexts in which it occurs can take innumerable forms, there can be no rigid formula for determining when a sin becomes an offense requiring discipline. Church officers and courts shall exercise wisdom and discernment in this regard, knowing that they are in turn subject to the judgment of higher courts.

2.20 RECORD.⁷⁹ All materials gathered in the judicial process, including but not limited to the following: written charges or complaint; the Investigator’s report; testimony, recorded or transcribed; exhibits; the decision of the court; and any record from a lower court.

⁶⁴ Westminster Shorter Catechism (WSC) Q.14, 1Jn 3:4.

⁶⁵ WLC Q.150-Q.152; WCF VI.6; XI.5, Ps 89:30-33, Lk 22:31-32.

⁶⁶ 1Ti 5:24.

⁶⁷ Mt 18:15, 1Co 8:12.

⁶⁸ Mt 18:15.

⁶⁹ Gn 37:23-24, 1Co 1:11.

⁷⁰ 1Co 6:5-6.

⁷¹ Ga 1:8-9.

⁷² 1Co 5:1-2.

⁷³ 2Ti 3:8.

⁷⁴ WLC Q.151.

⁷⁵ WCF XXX.3.

⁷⁶ Dt 32:7, Ro 15:4, 1Co 10:11.

⁷⁷ Ga 6:1-5.

⁷⁸ Je 6:14, Heb 12:5-6.

⁷⁹ Ps 102:18, 1Ch 24:6.

2.21 REFERENCE.⁸⁰ A written request from a lower court to a higher court for advice or instruction on matters pending before the lower court, or the transfer of the entire matter to the higher court for action or decision. It may include matters that are delicate or difficult, that have not been resolved in the lower court, that involve such conflicts of interest as to make it improper for the lower court to sit in judgment, or that involve conflicts or disagreements between two or more lower courts.

2.22 REPENTANCE.⁸¹ The act of grieving for and hating the offense committed, such that the offender properly confesses, turns from the offense, and seeks to obey God in the future. Actions appropriate to repentance, such as reconciliation, restitution, and an evident change in heart must be demonstrated.

2.23 RESTITUTION.⁸² A non-punitive remedy that a court may impose alone or in addition to any censure, for the purpose of reasonably restoring actual losses to a victim of an offense and/or as a condition of restoration. Willful failure to meet the requirements of a properly imposed restitution requirement may be considered an offense, so courts should impose restitution only after carefully considering an offender's ability to meet its conditions.

2.24 RESTORATION.⁸³ The removal of any imposed censure, the reaffirmation of love and fellowship toward the person under censure, the commitment to pursue peace, reconciliation and restitution where appropriate, and the reinstatement of the full privileges of church membership including offices where appropriate.

CHAPTER 3 PROCEDURE FOR PERSONAL OR PRIVATE OFFENSES

3.1 If a member believes that another member has committed an offense against him,⁸⁴ or has committed an offense by straying into sin,⁸⁵ and the offense cannot be overlooked,⁸⁶ or condoned,⁸⁷ that member should follow the process outlined below in an attempt to resolve the perceived offense.

- A. The member should go to the offender in a spirit of Christian love, seek to bring the offender to recognize and repent of his sin, and be ready to grant forgiveness.
- B. If the offender refuses to repent or be reconciled, the member should take one or two other believers as witnesses and attempt again to bring about repentance, reconciliation, and correction.
- C. If, after a reasonable time, the offender persists in refusing to repent or be reconciled, the member may report the matter to the appropriate church court for further action.
- D. Personal or private offenses should not be reported to a church court until the attempts to resolve the offense as outlined above have occurred. Seeking the counsel and assistance of a church officer in attempting to resolve the matter privately does not constitute a report to the church court. However, once reported, unresolved personal or private offenses become matters for the church and shall be dealt with as general or public offenses.⁸⁸

⁸⁰ Ac 15:1-2, Ga 1:15-2:2.

⁸¹ WCF XV.5-6, WLC Q.76, 153, Mt 3:8, Ac 26:20b, 2Co 7:10-11, Jm 4:8-10.

⁸² WCF XV.6, Ex 22:1, 3-6, 14; Le 6:2-5, Lk 19:8.

⁸³ WCF XXX.2, Lk 15:6-7; 22-24, 32, 2Co 2:6-8, Heb 4:11-12.

⁸⁴ Mt 18:15-18.

⁸⁵ Jm 5:19-20.

⁸⁶ Pr 19:11.

⁸⁷ Ro 1:32.

⁸⁸ Mt 18:15-20.

3.2 Leaders in the church should encourage members to reconcile one to another before pursuing process.⁸⁹

CHAPTER 4 PROCEDURE FOR GENERAL OR PUBLIC OFFENSES

4.1. Allegations of general or public offenses should be submitted to the church court having jurisdiction over the alleged offender. Any person bringing allegations against another person or entity should be strictly warned by the court that if the court finds the allegations to be unreasonable or frivolous, the accuser may be subject to discipline.⁹⁰

4.2. Investigation.

A. When a church court receives notice of a general or public offense, it shall appoint one or more Investigators who shall, to the extent possible, do the following:

1. Identify and interview all available witnesses on either side of the dispute, and all relevant documents and/or exhibits.⁹¹
2. Advise the alleged offender that he has the following rights:
 - (a) to be represented by an advocate, who shall be a member in good standing of the Associate Reformed Presbyterian Church;
 - (b) to be informed of the evidence against him;
 - (c) to challenge the evidence against him;⁹²
 - (d) to present a defense against the allegations; and
 - (e) to remain silent.

B. The Investigator(s) shall prepare a report for the court, which shall include the following: statements of witnesses, including the alleged victim, or summaries of the interviews with these witnesses; copies of documents or exhibits relevant to the alleged offense; the results of the interview with the alleged offender, including:

1. whether or not the Investigator has reason to believe that an offense has been committed⁹³ (which is advisory only); and
2. whether or not the alleged offender has admitted or confessed to the alleged offense.⁹⁴

4.3. Undisputed Cases. If the court concludes, before the appointment of an Investigator(s) or based upon the report of the Investigator(s), that there is reason to believe that the alleged offender has confessed and given evidence of repentance,⁹⁵ the court shall document the confession and proceed to administer censure, if appropriate.

4.4. Disputed Cases.

A. If the court concludes, based upon the report of the Investigator, that there is reason to believe that an offense warranting discipline was committed, charges shall be prepared and served on

⁸⁹ 1Co 6:7-8, Eph 4:32, Col 3:13.

⁹⁰ Ex 20:16, Dt 5:20, Pr 17:27.

⁹¹ Dt 19:15, Is 43:9.

⁹² Pr 18:13, 15, 17, Is 50:8.

⁹³ Dt 13:14.

⁹⁴ Dt 19:15, 2Co 13:1.

⁹⁵ Mt 3:8; Lk 3:8.

the alleged offender. As far as possible the charges shall include the time, place, and circumstances of each alleged offense. (see Appendix 1, Form 1)

If, after allowing a reasonable time for response, the alleged offender does not admit the offense or refuses to cooperate, the court shall commence formal process as hereinafter provided.⁹⁶

- B. A Summons shall be sent to the accused and to each witness at least fourteen (14) days prior to the scheduled hearing, requiring all to appear. (see Appendix 1, Form 8)

The Summons shall be served personally, when possible, or by registered mail to the last known place of residence. Witnesses who are not members of the Associate Reformed Presbyterian Church may only be requested to appear. All Summonses to appear shall be signed by either the clerk or the moderator. The Summons to a witness who is a member of an Associate Reformed Presbyterian Church or court shall contain a warning that failure to obey a Summons to appear may result in discipline. Witnesses shall attend court until excused by the moderator, however the moderator shall not unreasonably withhold excusing witnesses who will voluntarily submit to recall.

The court and participants should be mindful of the schedules of summoned witnesses and make every effort to conduct hearings in a timely and efficient manner. A Witness should be summoned to appear at and for a time closely associated with the need for that witness' testimony and so as not to subject the witness to unnecessary inconvenience.

- C. The court may continue the hearing to another date, for any valid reason.
- D. The hearing shall be recorded by audio tape, video tape, or some other means, such as a court reporter. The witnesses shall be informed of such recording prior to testifying.⁹⁷
- E. The moderator shall preside to insure that all is done properly and in an orderly manner.⁹⁸ He shall exhort all present to adhere faithfully to the word of God and to subordinate all human judgments and actions to God's infallible rule.⁹⁹ All proceedings shall begin and close with prayer. Prayer should be offered at other times, as appropriate.¹⁰⁰
- F. If the alleged offender does not appear, the court shall:
1. try the alleged offender in his absence; or
 2. continue the hearing to another date; and/or appoint an advocate to represent the alleged offender with sufficient time to prepare a defense.
- G. The moderator shall decide all questions concerning the order, relevance, and admissibility of evidence. If the moderator's ruling is challenged, the court shall decide by majority vote without debate.
- H. The moderator is authorized to administer oaths and shall instruct all witnesses to testify truthfully.¹⁰¹ (see Appendix 1, Form 7)
- I. All persons generally are competent to testify as witnesses, though the court shall make due allowance for age, intelligence, character, belief in God, possible bias, relationship to the parties involved, and other like circumstances.
1. A witness who is a member of the Associate Reformed Presbyterian Church and who refuses to appear or testify may be censured by the court.¹⁰²
 2. The alleged offender shall be allowed, but not compelled, to testify, and no negative inference shall be drawn if he declines to testify.¹⁰³

⁹⁶ Mt 18:16-17.

⁹⁷ Je 32:10-12.

⁹⁸ 1Co 14:40.

⁹⁹ Jm 4:7-12.

¹⁰⁰ Lk 18:1-8, 1Th 5:18-22.

¹⁰¹ WLC Q.144, Ex 20:19, Job 27:1-4; Jer. 4:2, Jn 14:17.

¹⁰² Le 5:1.

¹⁰³ Is 53:7.

3. A husband or wife, or parent or child, shall not be required to testify against one another.¹⁰⁴
- J. The hearing shall proceed in the following order:
1. Opening Prayer.
 2. Opening Statements. The Investigator or his designee and the alleged offender or his advocate may make an opening statement.
 3. Prosecution case. The Investigator or his designee shall present his case by examining his witnesses and by introducing exhibits ruled admissible by the moderator. Witnesses are subject to cross-examination by the alleged offender or his advocate, or any member of the court.
 4. Defense case. The alleged offender or his advocate shall present his case by examining his witnesses and by introducing exhibits ruled admissible by the moderator. Witnesses are subject to cross-examination by the Investigator, the victim or his advocate or any member of the court.
 5. Closing statements. The Investigator or his designee and the alleged offender or his advocate may make closing statements for the benefit of the court, ordinarily to summarize an opinion of the facts, references to scripture and the Standards of the Associate Reformed Presbyterian Church, and any appropriate censure.
 6. Deliberation. The court shall adjourn and deliberate. If a majority of those sitting in judgment finds that the alleged offender did not commit the alleged offense, the charge shall be dismissed. If a majority of those sitting in judgment finds that the alleged offender ~~did~~ committed the alleged offense, the court shall determine the appropriate censure.¹⁰⁵
 7. Announcement of decision and censure. Thereafter the court shall announce its decision and any censure.
 8. Closing Prayer.
- K. As an alternative to paragraph J. 3-4, above, the court in its discretion may proceed as follows: After swearing in each witness, the moderator shall direct the witness to provide what information he has of his own knowledge about the alleged offense, in a narrative fashion. The witness may be questioned by any member of the court, by the alleged victim or his advocate, by the Investigator, by the alleged offender or his advocate.
- L. All hearings shall be open, unless for good reason a majority of the court decides otherwise.
- M. The clerk of the court shall keep a detailed record of the hearing, including the following:
1. The written charges;
 2. A list of all members and other persons in attendance at each session;
 3. A list of all witnesses, and a recording of their testimony;
 4. All papers, documents, or other exhibits received and considered during the hearing;
 5. Any objections made during the hearing, and the ruling on the objections;
 6. The decision rendered by the court; and
 7. The censure imposed, if any, with any dissent or objections.
- 4.5. Evidence at Hearings shall be subject to the following rules:
- A. Documents or exhibits may be introduced if properly authenticated.¹⁰⁶
 - B. No person shall be found to have committed an offense except on the testimony of two or more witnesses.¹⁰⁷

¹⁰⁴ Gn 2:24.

¹⁰⁵ 2Co 2:6; 1Pe 4:15-17.

¹⁰⁶ Dt 19:15, Is 43:9, Mt 5:33-37.

¹⁰⁷ Dt 19:15, Mt 18:16; 2Co 13:1; 1Ti 5:19; The two witness rule means that the evidence must more than one man's word. In other words, the alleged offense must be established by credible evidence which is corroborated by independent evidence.

- C. The moderator normally should exclude hearsay, unless there are special reasons to consider it as reliable.¹⁰⁸ The moderator may, but is not required to, look to the rules of evidence used in Anglo-American legal systems to determine when hearsay is acceptable.¹⁰⁹
- D. When it may not be practicable for a witness to appear at the formal hearing, suitable arrangements may be made so that the evidence of this witness can be considered, so long as safeguards are in place to assure its reliability.¹¹⁰
- E. Records of a church court, whether original or copied, when certified by the moderator or clerk of that court, shall be received as evidence in any other court. Private writings and printed publications, if genuineness of authorship is established, shall be received in evidence as exhibits.¹¹¹
- F. If a member of the court sitting in judgment is called to testify, that member may be disqualified from continuing to sit in judgment if the court determines that such disqualification is appropriate.
- G. After all evidence has been considered, the court shall deliberate in private and reach a decision on each of the charges. A secret ballot is recommended when controversy or intimidation may be a factor.¹¹²
- H. If a majority of those sitting in judgment finds that the allegation itself was unreasonable or frivolous, the person making the allegation shall be subject to discipline.¹¹³
- I. If a majority of those sitting in judgment finds that the alleged offender did commit the alleged offense, the formal hearing may be adjourned for a time, and upon reconvening, the offender shall be afforded an opportunity to speak concerning the offense and an appropriate censure before it is imposed.¹¹⁴

4.6. Procedures when the Alleged Offender Refuses to Cooperate.

- A. If an alleged offender refuses to cooperate with the officers and courts of the church at any stage of the disciplinary process, officers and courts shall proceed as best they can in the offender's absence.¹¹⁵
- B. If the offense was confessed but without repentance,¹¹⁶ the court shall impose censure, communicating this to the offender by letter to his last known address, if necessary.
- C. If the offense was not confessed, the court may proceed with a hearing, and if the evidence is sufficient to reach a final decision, the court may do so.¹¹⁷ If the court determines that it cannot proceed responsibly without the offender's cooperation, it may suspend the disciplinary process.
- D. Before deciding to proceed with discipline against an uncooperative offender, particularly those who presume to "leave" the church in order to defeat discipline, officers are advised to read Appendix 4 of this Book on the relation of church discipline to secular court decisions. While God alone is the ultimate authority, a church court should be aware of the broader context and potential consequences of its actions.¹¹⁸ (see Chapter 8)

¹⁰⁸ Pr 26:20-23.

¹⁰⁹ Federal Rules of Evidence 801 *et seq.*

¹¹⁰ Pr 18:17.

¹¹¹ Je 32:9-15.

¹¹² FoG III.25G.

¹¹³ Pr 11:1; 30:12, Mt 5:37.

¹¹⁴ Ro 13:1-3.

¹¹⁵ Ro 13:5.

¹¹⁶ Heb 10:29-31.

¹¹⁷ Jud 1:18-23.

¹¹⁸ WCF XXIII.

- 4.7. A court may delegate primary responsibility for a hearing to a committee that shall report its findings and recommendations to the court. The court shall then review the case and render decision.¹¹⁹
- 4.8. Any process contemplated by the provisions of the Book of Discipline shall be commenced as soon as reasonably possible. A court of the church which concludes that there has been a delay of more than 2 years in making known an accusation of an offense may refuse to consider the accusation. In doing so, the court should weigh and consider the following four factors: (1) the length of the delay, (2) the reason for the delay, (3) whether the alleged victim failed to complain about such a delay, and (4) whether the alleged offender has been prejudiced by the delay.

In the event of a potential disciplinary matter being considered by the secular authorities, a court of the church may delay process: (1) if that process could compromise the position of an alleged offender before the secular magistrate; (2) to prevent the participants in the ecclesiastical process from being drawn into the secular courts; or (3) until the court determines when process would be in furtherance of the purposes of church discipline.¹²⁰

- 4.9. Application of Censure. The application of censure shall be commensurate with the extent to which the offense was known. In other words, an admonition or rebuke may be applied privately, if the offense was private. Or if the offense was general or public, the censure shall be applied and announced publically. (see Appendix 1)
- A. Admonition.¹²¹ Admonition shall be announced by the moderator of the court. (see Appendix 1, Form 2)
 - B. Rebuke.¹²² Rebuke shall be announced by the moderator of the court. (see Appendix 1, Form 3)
 - C. Suspension.¹²³ Suspension shall be announced by the moderator of the court. (see Appendix 1, Form 4)
 - D. Removal from Office.¹²⁴ Removal from office shall be announced by the moderator of the court, who shall recount the steps taken, the necessity of the action, and the meaning of the censure. (see Appendix 1, Form 5)
 - E. Excommunication.¹²⁵ Excommunication shall be announced by the moderator of the court, who shall recount the steps taken, the necessity of the action, and the meaning of the censure. (see Appendix 1, Form 6)
 - F. In each case, the proceeding as a whole shall be concluded with prayer for the church, the court and the offender.

CHAPTER 5 APPEALS

- 5.1 The decision of a lower court may be appealed¹²⁶ to the next higher court¹²⁷ by:
- A. a person or entity which has been censured;
 - B. a victim of an alleged offense;

¹¹⁹ FoG XIII.11-15.

¹²⁰ Book of Discipline (BoD) I.6.

¹²¹ 1Co 4:14.

¹²² Pr 17:10; 28:23.

¹²³ Tit 1:15-16; 2:15; 3:10-11.

¹²⁴ Tit 1:10-11.

¹²⁵ Mt 18:17, 1Cor. 5:5.

¹²⁶ FoG X.3B; XII.25C.

¹²⁷ Ac 15:2.

- C. the person who made the allegations, who is subject to the jurisdiction of the courts of the church;
or
 - D. persons in either B or C above, when the lower court has failed to act.
- 5.2 Any member participating in the decision or judgment rendered by any lower court is disqualified from rendering judgment as a member of the higher court.
- 5.3 An appeal shall stay all actions by a lower court in the matter, including the imposition of censure.
- 5.4 The grounds for an appeal include, but are not limited to, the following:
- A. The decision is not supported by the evidence (however, the credibility of witnesses may not be reevaluated on appeal, as credibility should be determined by those having heard the testimony);
 - B. Errors made during the hearing concerning the admission or exclusion of evidence, or the interpretation of doctrine or of the Standards of the Church;
 - C. Bias on the part of a member of the court;
 - D. The censure imposed is more or less severe than warranted by the evidence; or
 - E. Any other irregularity that affected the outcome of the hearing.
- 5.5 If the reviewing court determines that the error was harmless in that it did not affect the outcome, the reviewing court should affirm the judgment.
- 5.6 A higher court shall show great deference to the lower court on factual matters, which the lower court is more competent to determine because of its proximity to the events and witnesses involved, but shall not be required to show deference on matters of doctrine or the interpretation of the Standards.
- 5.7 A higher court shall hear an appeal that meets the procedural requirements for filing, and may allow minor deviations from procedural requirements if the interests of justice require it.
- 5.8 A higher court shall issue a written explanation detailing the rationale for its disposition of the case.¹²⁸ Failure to do so shall be deemed an irregularity in the proceedings.
- 5.9 A higher court may, in its discretion, delegate its work to a committee or other subdivision of its body for all but final disposition.¹²⁹
- 5.10 Appeal Process¹³⁰
- A. To appeal, the person appealing ("appellant") must give written notice of appeal to the clerk of the court which rendered the decision within 14 days after the judgment is pronounced, with a copy to the clerk of the higher court. The lower court shall send a copy of the full record of the case to the higher court as soon as reasonably possible but no later than 45 days after notice of appeal is given. In the case of a court which has failed to act, an appeal must be filed within six months after it appears that the lower court has not acted with due diligence to take up a matter.
 - B. The higher court may hear oral arguments from the appellant and a person designated to defend the decision of the lower court, or in its discretion, it may decide the appeal on the record from the lower court.

¹²⁸ Ac 15:22-29.

¹²⁹ Ac 15:30-33.

¹³⁰ Ac 11:1-4; 25:11.

- C. If in the course of the appeal, new evidence is offered which in the judgment of the appellate court has important bearing on the case and which was not previously known to the appellant, the appellate court may return the case to the lower court for a new hearing, or it may receive the new evidence and proceed with the appeal, making additional findings based on the new evidence that, in its discretion, it believes are proper.
- D. The higher court may either affirm, affirm in part, or reverse the decision of the lower court, either in whole or in part; it may return matters to the lower court for reconsideration; it may retry the case itself; or it may issue any other appropriate relief. The decision of the higher court, with its explanation, shall be recorded and a copy of it sent to the lower court and to the appellant.

5.11 If an appellant fails to pursue the appeal, the judgment of the lower court is affirmed.

CHAPTER 6 REFERENCE

- 6.1 Reference is a written request from a lower court to a higher court for advice or instruction on matters pending before the lower court, or the transfer of the entire matter to the higher court for action or decision.¹³¹
 - A. The matter referred may be delicate or difficult, not previously resolved in the lower court, involve conflicts of interest that make it improper for the lower court to sit in judgment, or involve disagreements between two or more lower courts.
 - B. Matters shall not be referred as a means of avoiding hard decisions.¹³²
- 6.2 Reference may occur at any time in a particular proceeding. Notice of reference must be given to the parties concerned in the case. All evidence and records shall be transmitted to the higher court, that the case may be heard with as little delay as possible.
- 6.3 The clerk of the higher court shall assume administrative duties concerning the matter referred.
- 6.4 Members of the lower court who are members of the higher court may participate in the decision of the higher court, subject to objections for conflict of interest.
- 6.5 The higher court normally shall give advice when requested, but it is within the discretion of the higher court to give or refuse to give advice, to take over the matter in its entirety, or to return the matter to the lower court with or without instructions.

CHAPTER 7 RESTORATION AFTER CENSURE

- 7.1 Restoration is the removal of any imposed censure, the reaffirmation of love and fellowship toward the person under censure, the commitment to pursue peace, reconciliation and restitution where appropriate, and the reinstatement of the full privileges of church membership including offices where appropriate.¹³³

¹³¹ 1Ki 12:6-19, Pr 1:1-7; 11:14; 15:22.

¹³² Pr 3:12, Heb 12:6; 13:17.

¹³³ WCF XV.4, Lk 15:7, 10; 11-32, Eph 2:13-19, Phm 1:15-16.

- 7.2 Restoration is the goal of church discipline; however, it shall not be granted hastily based on promises of contrition and penitence. A person under censure must demonstrate the fruit of repentance over a reasonable period of time, and regain trust before restoration can effectively take place.¹³⁴
- 7.3 If in the course of disciplinary proceedings, the alleged offender acknowledges the sin in question and expresses a desire to repent, be reconciled and make restitution where applicable, the court may halt proceedings and continue to provide pastoral support to resolve the matter before the court. Willingness to submit to the directives and counsel of the court is an indicator of the person's sincerity and readiness to pursue repentance and reconciliation.¹³⁵
- 7.4 Full restoration, after an appropriate season of healing and growth in grace, shall be a celebration of God's mercy and grace. If the matter is private, then restoration shall be equally private; if widely known and public, then restoration shall be widely acknowledged and celebrated.¹³⁶ Previously excommunicated persons shall be received with a reaffirmation of membership vows and the extending of the right hand of fellowship.¹³⁷
- 7.5 Notwithstanding restoration, some sins by their nature may prohibit an offender from holding office or performing certain church functions.¹³⁸
- 7.6 Restoration is the responsibility of the church court that imposed the censure. Members under the discipline of a local church, or of presbytery, shall not be granted transfer to another body until restoration is accomplished.¹³⁹
- 7.7 Because of sin, restoration may not always be possible. In such cases, it should be emphasized that the goal of church discipline is not only the restoration of the offender, but also the preservation of the peace, purity, prosperity and unity of the body of Christ.¹⁴⁰

CHAPTER 8 WITHDRAWAL

The visible church¹⁴¹ is a voluntary gathering of members who profess faith in the Lordship of Jesus Christ and consent to the "government and discipline" of the church.¹⁴² Nevertheless, as Jesus taught, there will be unbelievers within this assembly.¹⁴³ Indeed, the Apostle John wrote "[t]hey went out from us, but they were not of us; for if they had been of us, they would have continued with us. But they went out, in order that it might become plain that they all are not of us."¹⁴⁴ Paul also wrote that Demas, whom he called a "fellow worker,"¹⁴⁵ later deserted him, "having loved this present world."¹⁴⁶ Thus, there will be members of the visible church who withdraw their membership.

¹³⁴ WCF XV.5, Ps 51:3-12, Pr 28:13.

¹³⁵ WCF XV.6, Ps 51:17.

¹³⁶ Ps 32:1.

¹³⁷ Jm 5:19-20.

¹³⁸ Gn 32:30-32, 2Sam. 7:1-29.

¹³⁹ 2Ti 4:14-15.

¹⁴⁰ Ga 6:9-10, 1Th 5:11; 14, Jm 3:16-18.

¹⁴¹ WCF XXV.2.

¹⁴² FoG, IV.5 A(7).

¹⁴³ Mt 13:25, 36-43.

¹⁴⁴ 1Jn 2:19.

¹⁴⁵ Phm 1:24

¹⁴⁶ 2 Ti 4:10

Members who renounce their membership in the face of church discipline tread on dangerous ground.¹⁴⁷ In so doing they remove themselves from the care and discipline of Christ's Church. If at any point in the disciplinary process, a member unequivocally withdraws membership in writing, the process should stop.¹⁴⁸ While withdrawal from membership effectively removes a person from the jurisdiction of the church court, it does not remove a person from the judgment of God.

CHAPTER 9 OTHER MATTERS

Discipline is part of the complex life of the church. Any matters of discipline or details of process not provided for in this Book are left to the judgment of the court having jurisdiction in the case. The court, however, is to be governed by the general principles and rules set forth in Scripture and in the Standards of the Associate Reformed Presbyterian Church. (See Ch. I, PRINCIPLES)

¹⁴⁷ 1Jn 2:18-19, Re 22:14-15.

¹⁴⁸ One secular court has held that "an unwilling, non-consenting subject of a church's disciplinary actions, has an actionable claim [against the church] for the tort of intentional infliction of emotional distress." *Guinn v. Church of Christ*, 775 P.2d 766 at 783 (Okla. 1989).