

THE
BOOK OF DISCIPLINE
OF THE
ASSOCIATE REFORMED
PRESBYTERIAN CHURCH



As Approved by the General Synod in 1974 With
Amendments Through General Synod 2005

THE BOOK OF DISCIPLINE

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CHAPTER I

THEOLOGY OF CHURCH DISCIPLINE

1. The basis of all church discipline is the free love of God in Christ expressed in both mercy and judgment. The purpose of discipline is to bring about the reconciliation of man to God and man to man and to engage the people of God in the ministry of reconciliation, and to promote the peace, purity, and edification of the Church. Christian discipline is discipleship; it is the response of loving commitment to God in Christ as Lord that learns from Him as it obediently seeks to carry on His mission in the world. Under the rule of Christ expressed through the Church, discipline is that submission that frees the Christian for more effective service. Such service by the Church in the world demands a disciplined individual and corporate life. Each Christian is incorporated into the disciplined community and is responsible under its government for the total ministry of the body as the body is responsible for each individual and group in the Church. In this mutual responsibility, all are held accountable for the sake of the task of the whole body of Christ, remembering that each individual and group is finally responsible not to a church court, but to God.

2. Discipline is never to be perverted into the impossible and unnecessary effort to gain the gift of salvation, into a source of pride, or into the nourishing of the life of the Church as an end in itself. Whereas a certain structure is essential for the disciplined life, the mission of the Church is primary, and the rule of discipline is not rigid but open to change that will better accomplish this mission according to the Scriptures.

3. In this context of discipline, the Church, under the authority of the Lord, disciplines or guides, instructs, and controls its members and courts to enable them to serve God more effectively. The exercise of discipline is made necessary by the need more fully to reconcile Christian individuals or groups to God and one another, to prevent mercy from becoming a soft and finally cruel indulgence, and to control those whose words and actions may seriously hinder the witness of the whole body of Christ. Whereas each Christian has a respon-

sibility for discipline, corporate discipline exercised in the name of the Church is to be undertaken only by the church courts of session, presbytery, and General Synod.

4. The constant responsibility of any church court to a situation calling for discipline is contrition by the court itself. The court will search for any ways in which what the court has done or failed to do has contributed to the problem requiring discipline. True contrition leads to that repentance which will cause the court to confess its own sin and need for forgiveness and to be more responsible. The court will submit itself constantly to the will of the Lord in searching the Scriptures and in prayer.

5. The court is to restrain the words and actions of those under its jurisdiction according to the particular circumstances. The criterion for corrective discipline is the teaching of the Scriptures and the standards of the Church. This is summed up in the good news that in response to God's love, the Christian loves God and his neighbor as himself and is engaged in the mission of the Church. Every effort will be made to accomplish any needed restraint by constructive criticism and verbal persuasion. If these means fail, then necessary censures will be employed in proportion to the offense and in consideration of all the circumstances.

6. In all things, the church court shall seek the repentance and restoration of the individual or group involved consistent with the higher responsibility of the court to carry on Christ's work in the most effective way.

CHAPTER II OFFENSES AND CENSURES

A. OFFENSES

1. An offense is anything in the principles or practice of a church member or court which is contrary to the Holy Scriptures, the Constitution of the Associate Reformed Presbyterian Church, and the Westminster Confession of Faith and Catechisms.

2. Offenses are either personal or general, private or public but all offenses, being sins against God, are grounds for discipline. A personal offense is a violation of the law of God in the way of wrong done to some particular person or persons, including one's own self. A general offense is a violation of the law of God not directed against any particular person. Private offenses are those known only to an individual or, at most, to a few persons. Public offenses are those which are generally known.

B. CENSURES

(See Chapter VII on the Application of Censures)

1. There are five ascending degrees of church censure: admonition, rebuke, suspension, deposition, and expulsion. When a lesser censure fails to reclaim the offender, the court shall consider the infliction of a higher degree of censure.

(a) Admonition is kindly reproving an offender, warning him of his guilt and danger, and exhorting him to refrain from such conduct in the future.

(b) Rebuke is a reprimand, a strong, authoritative expression of disapproval by a church court.

(c) Suspension is temporary exclusion from receiving the sacraments or from a church office or from both. This censure becomes necessary when more serious offenses have been committed or when, notwithstanding admonition or rebuke, an offense is persistently repeated.

(d) Deposition is depriving an officer of the Church of his office.

(e) Expulsion is the judicial dismissal of an offender from membership in the church. This fearful censure is to be passed only for such errors or violations of the law of God as are grossly inconsistent with the Christian faith, or for obstinate persistence in grave offenses in the face of milder censures. Its purpose, like all censures, is to reclaim the member for Christ's service.

2. The censures of the Church are in no case to be employed for any selfish or vindictive purpose.

CHAPTER III JURISDICTION

1. Original jurisdiction over church members, including non-communing members, and over elders and deacons as officers, is vested in the session of the congregation to which they belong.

2. Original jurisdiction over ministers is vested in the presbytery to which they belong.

3. In cases where the court having original jurisdiction is unable or unwilling to exercise jurisdiction, the next higher court may assume original jurisdiction upon demonstration of sufficient cause having been shown to the higher court.

4. A higher court has appellate jurisdiction in all cases appealed from a lower court.

5. Jurisdiction over members and ministers remains in the proper church court until the person involved comes under the jurisdiction of another church body.

6. Jurisdiction over members ceases upon their expulsion. Original jurisdiction by the presbytery over ministers ceases upon their deposition and dismissal to a particular congregation.

CHAPTER IV

PRIVATE PROCEDURE

1. When a personal offense has been committed, whether the offense is public or private in nature, the injured party shall use the means prescribed by our Lord for bringing the offender to a recognition of his wrong and shall exhaust every effort to effect a reconciliation.

(a) He shall go in the spirit of Christian love and forgiveness and endeavor to reconcile the trouble between himself and the one who has committed the offense. (Matthew 18: 15).

(b) If the breach cannot be healed privately, the injured party is to take with him one or more other members of the Church and repeat the effort to effect a reconciliation. (Matthew 18:16).

(c) After a reasonable time, if it appears that the efforts to effect a reconciliation are in vain, the matter may be referred to the church court which has jurisdiction. (Matthew 18:17).

2. Personal offenses satisfactorily settled between the parties concerned are not, as a rule, to be inquired into by the church court. Judicial process by a church court, however, is not to be precluded in such cases where the personal offense is so generally known or of such a nature as to require judicial investigation.

3. In all cases of private offense, any one to whom the offense is known shall endeavor to effect a reconciliation without disturbing the peace of the Church.

4. An informer who has not taken these previous steps to effect a reconciliation is himself to be considered worthy of censure.

5. In certain cases, the person to whom the offense is known, before making any effort to remove it, may desire to obtain the counsel and assistance of the pastor or some officer in the Church. To seek such counsel and assistance in order to remove the offense privately is not only not censurable, but in some cases highly proper.

6. It is the duty of pastors and other session members to endeavor earnestly, according to the spirit of the Lord's command, to handle all private offenses that may come to their knowledge and maintain the peace which is often disturbed by public process.

7. The peace and purity of the Church is best maintained when private offenses are resolved by the parties immediately involved and kept confidential.

CHAPTER V COURT PROCEDURE

A. PROCEDURE FOR JUDICIAL PROCESS

1. Judicial procedure is the orderly succession of legal proceedings in accordance with those principles and rules set forth in the Constitution of the Associate Reformed Presbyterian Church, and specifically in this Book of Discipline.

2. Offenses which are brought before a church court are those of a public and general nature or personal and private offenses that cannot be settled in a private way.

3. Whenever any charge of offense is referred to a church court for decision, the court shall, before even hearing the charge, determine whether every reasonable and appropriate effort has been made to settle the matter in a more private way.

4. Judicial process against an alleged offender shall not be instituted unless some reliable person or persons make the charge and undertake to substantiate it, or unless the court finds it necessary for the good of the persons involved and/or the Church to investigate the alleged offense.

5. If there is any doubt in the minds of two or more members of the court regarding whether the alleged offender is censurable or whether there is sufficient evidence to substantiate the charge, a committee shall be elected by the court to ascertain whether all required preliminary steps have been taken, whether there are probable grounds for an accusation, and whether, if charges are proved, they will constitute a censurable offense.

(a) In its investigation, the committee (or the court) is to exercise great caution when charges rest chiefly on the testimony of persons who are or have been at enmity with the accused, who have the reputation of being untruthful or quarrelsome, or who have prospect of some temporal advantage from the charges.

(b) Anyone who brings charges shall be previously warned that if there is a failure to show reasonable grounds for the charges, the accuser may himself be censured for slander.

The committee (or the court) will drop any charges based on rumors or other common report unless some particular offense is specified, is widely believed, and raises a strong possibility of the guilt of the accused.

(c) If the committee finds that the case does not require judicial process or that there is insufficient evidence to substantiate the charge, the committee will recommend that the matter be dropped. If the investigation indicates that charges should be made, the committee shall prepare the charges for presentation to the court.¹

6. A person who may consider himself injured by a rumor, more or less current, may request an investigation for his own vindication. If the court grants the request, it may elect a special committee to make the investigation and report in writing. A record of the results may conclude the matter. If the committee finds that charges should be made, it shall prepare the charges for presentation to the court.

7. Before proceeding with any judicial process, the court, or a committee appointed by the court, should seek by private conference with the accused to avoid, if possible, the need for actual judicial process.

8. If the offender confesses, the way is clear for the court either to restore him or to impose such censure as the welfare of the offender and/or the Church may require.

9. The original and only parties in a case of process are the accuser and the accused. The prosecution is always initiated by a court in the name of the Associate Reformed Presbyterian Church. The prosecutor is always the representative of the Church, whether he voluntarily brings the charge and is permitted by the court to prosecute it or whether he is a member of the court appointed by the court to act as prosecutor. In appellate courts, the parties are known as appellant and appellee.

10. When the judicial process is initiated, the court shall appoint one or more of its members (in a case before the session, any communing member of that congregation may serve) as a prosecuting committee to prepare the indictment

and conduct the case in all its stages in whatever court until the final decision is reached. Any appellate court before which the case is pending may appoint one or more of its own members to assist in the prosecution. No one is to be admitted as prosecutor who is personally biased or at enmity with the accused, who is not of good reputation, or who may have some temporal advantage in view.

11. When any church officer has been cited for process, all his official functions may be suspended at the discretion of the court pending the trial, but this shall not be construed as a censure.

12. In any trial neither the accused, his counsel, nor the prosecutor shall perform any function of a voting member of the court.

13. Prosecution for the alleged offense should begin as soon as possible, but it must begin within one year from the time of the alleged commission of the offense or from the date it is reported to the court of jurisdiction.

14. The accused person may appear on his own behalf, or if he prefers, he may be represented by any member or members of the Church subject to the jurisdiction of the court. Any counsel appearing before the court must sign a statement that he has not and will not accept any fee or other emolument beyond necessary expense for any service rendered as counsel for defense or prosecution.

15. If the accused is absent and not represented by counsel, the court shall appoint as counsel one or more members of the Church subject to the jurisdiction of the court.

16. It is incumbent on every member of a court engaged in the trial of offenders to bear in mind the injunction: "if a man is overtaken in any trespass, you who are spiritual should restore him in a spirit of gentleness. Look to yourself, lest you too be tempted" (Galatians 6:1)

17. Every charge must be presented to the court in writing and must state the alleged offense with the specifications of the facts relied upon to sustain the charge. Each specification shall declare, as far as possible, the time, place, and circum-

stances of the commission of the alleged offense, and shall be accompanied with the names of the witnesses and the titles of records and documents to be cited for its support.

18. When an offense, alleged to have been committed at a distance, is not likely otherwise to become known to the court having jurisdiction, it is the duty of the court within whose bounds the offense occurred, after satisfying itself that there is reasonable grounds of accusation, to send notice to the court having jurisdiction.

19. A charge shall not allege more than one offense. Several charges against the same person, however, with the specifications under each of them, may be presented to the court at the same time and may be tried together. A vote on each charge must be taken separately.

B. TRIAL PROCEDURE

1. Before beginning a trial, the court shall decide whether it shall try the case or refer the judicial case for hearing and decision to a judicial commission elected by it.

2. Judgment shall not be rendered in a case by any members of a court or commission who can benefit personally from the decision, who is closely related to either party, who had been active for or against either party in the matter embraced in the charge, who has personal enmity toward either party, or who has prejudged the case. Any member may be challenged by either party at and only at the first opportunity when the court meets for trial. The decision about the challenge shall be made by the remaining members of the court.

3. When the court begins consideration of an alleged offense, the charge and specifications shall be read. Except by consent of both parties, the only other actions to be taken at the first meeting of the court shall be: (1) To appoint the prosecution committee, (2) to furnish the accused with a copy of the charge and specifications including the times, places, and circumstances, if possible, and with the names of all witnesses then known and titles of records and documents that may be offered in support of the charge, (3) to cite all parties and

their witnesses to appear and be heard at another meeting for the trial, which, except in an appellate court, shall not be sooner than two weeks after such citation.

4. The citation must specify the name of the accused, the court before which he is to appear, the time, and place. It is to be accompanied with a copy of the charge. The citations shall be issued and signed by the court's moderator and/or clerk, who shall also furnish citations for such witnesses as either party shall name. The accused shall not be required to disclose the names of his witnesses. Citations are issued only to members of this denomination. Other persons can only be requested to attend. Citations shall be served personally or by registered mail to the last known place of residence. Before proceeding to trial, it must be clear that all citations have been served as indicated. If anyone who is a member of the denomination fails to obey the citation, he shall be cited a second time. The second citation shall include notice that if he does not appear and plead and/or testify at the time appointed, unless providentially hindered (which he must make known to the court), he shall be considered guilty of disobedience and contempt and may be censured for that offense. The time allowed for responding to a second citation shall be set by the court with proper regard for all the circumstances.

5. When an accused person refuses to appear or plead after a second citation, the court shall enter the fact on its records, together with the nature of the offense charged, and the person shall be suspended from the sacraments and/or any office held in the Church. When the censure of suspension is imposed upon an accused person for refusing to appear or plead, the court will ordinarily proceed no further with the trial. It may, however, if circumstances require it, and if it is sure the citation was received, proceed to trial on the merits, despite the absence of the accused, and impose whatever censure it finds warranted. In this event counsel would be appointed to represent the interest of the accused person during the trial.

6. At the meeting when the citations are returnable, the accused may request a change in the time of meeting be-

cause of inability to be present or because of the need for additional time to prepare his defense. The accused or his counsel shall appear. He may file objections and be heard on the regularity of the organization, the jurisdiction of the court, the right of any member to participate in the trial, the sufficiency of the charges and specifications in form or legal effect, or any other substantial objections affecting the order or regularity of the proceeding. The court shall consider all such preliminary objections or charges which do not change their general nature. If the proceedings are found in order and the charges, if proved, are censurable, the accused shall be called to plead "guilty" or "not guilty." If the plea is "guilty," the court may deal with him according to its discretion. If the plea is "not guilty," or if the accused declines to answer, a plea of "not guilty" shall be entered on the record, and the trial shall proceed.

7. The following trial order shall be observed: (1) The moderator or commission chairman shall charge the court to recollect and regard their high responsibility as judges of a court of Jesus Christ. (2) The indictment shall be read and the answer of the accused heard. (3) The witnesses for the prosecutor and then those for the accused shall be examined, with either party being entitled to call rebuttal witnesses. (4) The parties shall be heard - first the prosecutor and then the accused - and the prosecutor shall close. (5) The prosecutor and the accused, their counsel and all non-members of the court shall withdraw, the roll shall be called, and then members may express their opinion in the case. (6) A ballot vote shall be taken on each charge separately, with a majority necessary to convict. (7) Keeping in mind that the purpose is to correct and restore and not to punish as an end in itself, the court shall determine what censure, if any, shall be inflicted. (8) The parties shall be recalled, the verdicts announced, and judgments entered on the records. It is then in order at once, in any court except the highest, to give notice of appeal. Such notice must be filed with the moderator or clerk of the court within two weeks after adjournment of the court.

8. Before or during the trial of a case prior to completion of receiving all evidence, any member of the court who expresses

his opinion on its merits to either party or to any member of the court, or to any person not a member of the court, or who absents himself from any session without the permission of the court for reasons satisfactory to the entire court, shall be thereby disqualified from taking part in subsequent sessions.

9. If there are questions as to order or evidence arising in the course of the trial, the questioning parties shall have an opportunity to be heard. The question shall be decided by the moderator, or chairman, subject to an appeal to the court to be determined without debate.

10. At any stage of the trial the court may decide by a vote of two-thirds of the members present to sit in private session with all non-voting members excluded.

11. The charge and specifications, the plea, all the testimony, and the judgment shall be entered on the minutes of the court. The minutes shall also include all the acts and orders of the court relating to the case, with the grounds therefore together with any notice of appeal, with the grounds therefore. All of this, together with the evidence in the case duly filed and authenticated by the clerk, shall constitute the record. The parties shall be allowed copies of the whole record at their own expense, if they request them. In case of appeal, the lower court shall transmit the record, or a certified copy, to the higher court. Nothing not contained in the record shall be taken into consideration by the higher court without consent of the parties in the case. After the final decision in a higher court, its judgment shall be sent down to the court in which the case originated.

C. GENERAL PROCEDURE

1. If the convicted party refuses to submit to the censure, the court may impose a higher censure for disobedience.

2. The court shall use its own judgment as to when it is necessary to pronounce sentence in public. When the ends of public edification can be as well served, private censure is to be preferred.

3. A church officer under process shall retain the right to

deliberate and vote in other matters unless suspended by the court until completion of investigation and/or trial.

4. Church courts are to be careful not to involve in the shame and severity of a judicial process errors and irregularities which do not strike at the vitals of doctrinal and practical godliness and/or which may be removed by private admonition and reproof.

5. Whenever a church officer willfully and habitually fails to be engaged in the regular discharge of his official functions, it shall be the duty of the court having jurisdiction, at a stated meeting, to inquire into the cause of such dereliction, and, if necessary, to institute judicial proceedings against him for breach of his covenant engagement. In such a case, the clerk shall, under the order of the court, forthwith deliver to the individual concerned a written notice that, at the next stated meeting, the question of his being so dealt with is to be considered. This notice shall distinctly state the grounds for this proceeding. The party thus notified shall be heard in his own defense. If the court decides that his neglect proceeds from his want of acceptance to the Church, or from his lack of interest in the work of his office, it may divest him of his office without censure, even against his will, a majority of two-thirds being necessary for this purpose. The Church officer may appeal from this decision as if he had been tried after the usual forms.

6. When a presbytery divests a minister of his office without censure, his church shall be declared vacant; but when he is suspended from office, it shall be left to the discretion of the presbytery whether the censure includes the dissolution of the pastoral relation.

CHAPTER VI

WITNESSES AND EVIDENCE

1. Every court shall be its own judge as to who shall be admitted as witnesses in a case. Either party has the right to challenge any witness that may be called to the stand, giving his reasons for the challenge, and the court shall decide whether the witness shall be allowed to testify.

2. The accused party may be allowed, but shall not be compelled, to testify and no inference of guilt may be drawn from his failure to testify, on the demand of the accused.

3. The credibility of witnesses, or the degree of credit to be given to their testimony, may be affected by relationship to either of the parties, by interest in the result, by want of proper age, by weakness of understanding, by defect in any of the senses, by enmity to the accused, by personal character, and by various other circumstances to which the court should carefully attend and for which it should make due allowance in its decision.

4. Private writings and printed publications, the genuineness and authorship of which are clearly established, shall be received as evidence of the author's opinion.

5. Husbands and wives, parents and children, shall not be required to testify against each other.

6. The records of a church court, or any part of them, whether original or transcribed, attested by the moderator and the clerk, or by either of them, shall be received as legal evidence in any other court.

7. Where it may not be practicable for witnesses to appear at the trial, the court may request another court to take their evidence or it may appoint a commission for this purpose, due notice in either case being given to the opposite party. Evidence thus taken shall be received as if taken in the presence of the court.

8. The testimony of a witness in a different case in which the accused was not a party and had no opportunity to cross-examine shall not be admitted as evidence of the truth of the matters to which the witness testified.

9. Hearsay evidence is not to be received except when it would be admitted in courts of law.

10. No private knowledge possessed by members of the court shall be allowed to influence their decision. A member of the court who is called on to testify in the case may not vote on any matter in the trial except with the approval of both parties.

11. Circumstantial evidence may be received either to corroborate positive testimony or as conclusive when it is of such character as to produce full conviction on the mind of the court.

12. When a charge depends entirely upon the testimony of witnesses, at least two credible witnesses shall be necessary to establish the charge. But the testimony of one witness corroborated by good circumstantial evidence, may be considered sufficient to establish the charge when there is no conflicting evidence.

13. In cases of common report, the testimony of several different witnesses to different acts of the same kind may be considered sufficient to establish the charge.

14. If after trial before any court new testimony is discovered which the accused believes important, it is his right to ask a new trial and it is within the power of the court to grant his request. No person who has been found innocent, however, shall be re-tried for that same offense.

15. If in the prosecution of an appeal, new testimony is offered, which, in the judgment of the appellate court, has an important bearing on the case, it is proper for the court to refer the case to the lower court for a new trial, or, with the consent of parties, to take testimony and proceed with the case.

16. Before giving his testimony, every witness is to be solemnly admonished by the moderator or chairman, that his testimony is given as before the Lord and that he is to tell the truth, the whole truth, and nothing but the truth.

17. Witnesses who have not yet been examined shall not be present during the examination of another witness if either party demands their exclusion.

18. Witnesses are to be examined in the presence of the accused or his counselor, who are at liberty to cross-examine them. The same privilege belongs to the prosecutor and to every member of the court. All questions are to be asked with the permission of the moderator or chairman, and no frivolous or non-pertinent questions are to be allowed.

19. The testimony of each witness is to be taken down in writing, mechanically reproduced and read to him for his approval and signature, and then filed among the permanent records of the court.

20. If the testimony taken during the trial proves an offense properly denominated by another name than that charged in the accusation, the accused, while he is to be acquitted of the specific charge of the accusation, may be found guilty of that which appears in the proof.

CHAPTER VII

APPLICATION OF CENSURES

1. When a court shall have completed its deliberation concerning an accused offender and shall have found him guilty, the court, unless it has received a written notice of appeal within two weeks after the decision has been rendered, shall proceed to apply the appropriate censure. All censures may be administered or announced in the absence of the offender, but not without due notice having been given the offender. As in previous judicial proceedings, the court shall, in the application of censures, remind itself that the purpose of Christian discipline is the redemption of the offender.

2. Admonition: this censure is to be administered in private.

3. Rebuke: where the offense is private, or where the witness of the church will not be injured thereby, the rebuke shall be in private. But where the offense is public, the rebuke shall ordinarily be pronounced in public. In either case, a statement of the offense shall accompany any rebuke.

4. Suspension: this censure should generally be indefinite in its duration, continuing until the person suspended gives such evidence of repentance as may warrant its repeal. The good of the offender and/or the Church may require that the offender be suspended for a definite length of time, even though he confesses his sin and gives evidence of repentance. This censure should, as a rule, be announced in the Church by a representative of the court. If in the judgment of the court, however, the good of the offender and/or the Church requires, this censure may be administered privately.

5. Deposition: the censure of deposition is to be announced in the Church by a member of the court. The censure of deposition passed on a pastor shall be publicly read to his congregation by a representative of the presbytery, who shall then declare the pulpit vacant. Only in rare cases of gross offense, the good of the offender and/or the Church may require that the offender, even though he confesses his sin

and manifests repentance, be deposed from office. Except in such cases, deposition is to be preceded by suspension to give time for careful consideration before deposition is imposed. In the case of a pastor who confesses his sin and manifests repentance, and yet the presbytery moves to depose him, upon deposition his name shall be removed from the roll of the presbytery and the presbytery shall dismiss him to a particular Associate Reformed Presbyterian Church or other Christian Church that will agree to receive him as a member and offer him spiritual care and pastoral oversight. The presbytery may recommend that the deposed minister, if he be under suspension from the Lord's Table, be received as a member by the particular church under the censure of suspension (BOD V.A.8) until he gives such evidence of repentance as may warrant its repeal.

6. Expulsion: the officiating ministers shall read the decision of the court in the presence of the congregation and recount the steps taken in the case, showing the necessity of this censure. He is then to lead the congregation in prayer for both the church court and the offender. After the announcement of the censure, he is to instruct the members of the church that expulsion does not destroy the bonds of natural and civil relations. Nor does expulsion relieve them from their Christian responsibility to witness to the love of God to the expelled person. The session, when it considers this censure necessary, may refer the matter, along with a full record of the proceeding, the evidence in the case, and its recommendations, to the presbytery. The presbytery may then order such censures as it deems proper to be imposed by the session.

7. In all cases of censure by lower church courts, the offender shall be advised of his right of appeal to a higher court.

CHAPTER VIII
WITHDRAWALS
A. MINISTERS

1. When a minister unites with another denomination without a letter of transfer, his presbytery, after assuring itself of his withdrawal, shall remove his name from the roll and record his withdrawal and his ministerial standing. When the interest and the honor of the Church requires, the presbytery shall inform the body with which the minister has connected as to his ministerial standing.

2. If a minister notifies the presbytery that he can no longer adhere to the standards of the Church due to a change in his doctrinal views, the presbytery shall endeavor to resolve his difficulties. Upon failure to resolve, the presbytery shall grant the minister a certificate indicating his relationship to the presbytery, stating reasons for his separation from the presbytery, enter the facts on the record, and remove the minister's name from the roll.

3. If a minister desires release from the office of the ministry, he shall notify presbytery. The presbytery shall consider his request and being satisfied that the reasons for release are sufficient, shall without censure, grant the request and enter the facts upon the record.

4. In the event a minister ceases entirely to exercise the duties of his office, devoting himself to other pursuits without satisfactory reason, the presbytery shall endeavor to persuade him to return to his work of the ministry. If unsuccessful in their persuasion, the minister's name shall be removed from the roll with entry of the facts upon the record. These circumstances may constitute a censurable offense.

5. In the event a minister becomes involved in areas of work outside the normal bounds of General Synod, his presbytery shall have the responsibility of determining his voting status.

B. ELDERS AND DEACONS

1. If an elder or deacon decides that he is unable to discharge the duties of his office or that for some other reason his service is not for the good of the congregation, he shall so notify the session. The session, if unable to resolve these difficulties, shall release the officer from his duties, either temporarily or permanently, as conditions dictate. The recorded facts and action taken by the session shall be reported to the presbytery.

2. If an elder or deacon ceases entirely to exercise the duties of his office, the session shall endeavor to persuade him to perform his duties. If unsuccessful in their persuasion, the name of the officer shall be removed from the roll of officers with entry of the facts upon the record. These circumstances may constitute a censurable offense.

3. Under circumstances in which the session feels incompetent to act on such cases, the matter, including a full statement of facts, shall be referred to the presbytery for action.

C. CHURCH MEMBERS

1. A member uniting with another church body without a certificate of transfer shall have his name removed from the roll of the congregation after the session assures itself of this change of membership.

2. A church member shall notify the session if his doctrinal views have so changed that he can no longer adhere to the standards of the Church. The session, if failing in its attempts to change his views, shall make record of the facts and remove his name from the roll.

3. If a member habitually absents himself from the communion table and gives other convincing evidence of indifference to his religious obligations, he shall be privately admonished. Should private admonition fail, the session shall apply whatever higher censure it deems necessary.

4. The congregation shall normally be informed of any withdrawal or removal of a church member's name from the roll by censure.

5. The session shall endeavor to communicate with members who have moved beyond the geographic boundaries of the congregation. Such members shall be retained on the roll so long as interest in the congregation is maintained. After one year the session may either drop such names from the roll or transfer members to the list of inactive members.

CHAPTER IX RESTORATION

1. Restoration is the culmination of the element of mercy in the discipline of the Church; therefore, it is to be regarded as the goal of judgment. There is no degree of guilt which automatically precludes the restoration of an offender to full church privileges, following satisfactory evidence of repentance and reformation.

2. An offender is to be restored by the same authority which censured him or by the authority of a higher court.

3. The act of restoration may be publicly announced or privately conveyed. The court shall determine the option based on the good of the offender and/or the Church.

4. An offender desiring restoration shall make application to the court by which he was censured, acknowledging his offense and expressing his desire to be restored to the privileges of the Church. The necessity of initiative on the part of the offender is in no manner to be seen as releasing the Church from its responsibility in pursuing the repentance and restoration of the offender.

5. The Court is to consider carefully the request of the offender with the evidence of his repentance; and if satisfied of his sincerity and of the earnestness of his purpose to live a Christian life, the court is to remove the sentence and to restore him to the privileges of the Church.

6. In the case of expulsion, when the session has referred the matter to the presbytery for the ruling on the censure imposed, the session shall in like manner refer the restoration to the presbytery along with the evidence in the case. The presbytery, if satisfied of the sincerity of the offender's repentance, shall issue a warrant to the session for the act of restoration.

7. An officer who has been suspended or deposed from office and has had the privileges of the Church suspended is to be restored to the church privileges on satisfactory evidence of repentance. He is not to be restored to the exercise of his office until such time that the witness of the Church will not be impaired by such restoration.

8. When an offender has been restored he is, as one forgiven through Christ who claims God's covenant promises, to be received by the Church as a brother.

CHAPTER X**PROCEDURE FOR TRANSFER OF JURISDICTION****A. INTRODUCTION**

1. Transfer of jurisdiction to a higher court is provided in order to remedy, in an orderly way, wrongs that may be done. When those who had no concern in the origin of proceedings review and confirm or amend the proceedings judgments, the possibility of permanent wrongs is reduced as much as our present imperfect state allows.

2. The decisions of all church courts, with the exception of the highest, are subject to investigation by a higher court. The decision of the lower court may be brought before the higher court by review, reference, appeal, complaint, or declinature

B. REVIEW

1. The records of all lower courts are subject to the review of the next higher court at any time the higher court shall require.

2. In reviewing the records of a lower court, it is proper for the higher court to examine: first, whether the proceedings have been constitutional and regular; second, whether the proceedings have been equitable, faithful, and prudent; third, whether the proceedings have been properly recorded.

3. The review may be conducted by a committee of the court which shall make its report at the meeting at which it was appointed. If any censure or correction appears to be necessary, the members of the lower court present shall be heard in defense, and then the higher court shall make its judgment on the matter. This judgment shall be entered both on the records of the court and on the records reviewed.

4. If the review indicates irregular proceedings which require correction, the lower court shall be required to review and correct its proceedings, and to report the correction to the higher court as soon as possible.

5. No judicial decision shall be reversed by a court sitting in review unless the decision is regularly brought to the court by appeal or complaint.

6. If, however, the higher court is advised of unrecorded neglect and/or irregularities of a lower court, it shall cite the lower court to appear and answer the charges. If the charges are found to be true, the higher court shall impose such censures and give such orders as it may judge necessary in the case.

C. REFERENCE

1. A reference is a written representation made by a lower court to a higher court for advice or other action on a matter pending before a lower court.

2. Among proper subjects for reference are matters which are new, delicate, or difficult; which have produced a serious division among the members of the lower court; or with which a number of the members are so connected as to render it improper for them to sit in judgment.

3. In making a reference the lower court may ask either for advice or for final disposition of the matter referred. In case of referral for advice, the effect is to suspend the judgment of the lower court. In the case of referral for trial decision, the effect is for the lower court to relinquish jurisdiction to the higher court.

4. A reference may be presented to the higher court by one or more representatives appointed by the lower court for this purpose, and it should be accompanied with the records necessary for proper understanding and consideration of the matter referred.

5. In cases of reference for advice the higher court ought, as a rule, to give the advice asked for. It may, however, in cases of reference for decision, decline to give judgment, and remit the whole case, with or without advice, to the court referring it.

6. Notice of reference must be given to parties concerned in the case, and all evidence should be duly prepared and in readiness so that the higher court may be able to hear and issue the case with as little delay as possible.

D. APPEALS

1. An appeal is a legal proceeding by which a case is brought from a lower to a higher court for rehearing. The effect of an appeal is to suspend all further proceedings in the case, including the sentence, until the case has been finally decided in a higher court. If a sentence of suspension or deposition be appealed from, however, it shall be considered in force until the matter is decided.

2. An appeal can normally be made only by an accused party, called the appellant, who has submitted to a regular trial. An appellant who has not submitted to a regular trial is not entitled to an appeal.

3. An appeal can be made only to the next higher court, except with the express consent of that court.

4. An appeal may be made either from a definite sentence or from any particular part of the proceedings. The grounds for an appeal include matters such as any irregularity in the proceedings of the lower court; hindrance of procedural rights; refusal of reasonable indulgence to a party on trial; receiving improper or declining to receive proper evidence; rendering a decision before all testimony is taken; evidence for bias or prejudice in the case; and an unjust or mistaken sentence.

5. The appellant must make his appeal, together with the reasons for it, in writing, either to the court hearing his case before it adjourns or to the moderator or the clerk of that court within ten days after the judgment appealed from is pronounced. The appeal, however, should not be refused if reasons for unavoidable delay can be demonstrated.

6. The appellant shall lodge his appeal, with the reasons for it, with the clerk of the higher court prior to the beginning of its next regular meeting. The clerk of the lower court appealed from shall send the full record of the case or a certified copy to the higher court by the same time.

7. Evidence that has come to light at the first trial may be presented by either the appellant or appellee in an appeal.

8. The higher court may, at its own discretion, appoint one or more of its members to assist in the presentation of the case to its court.

9. After a higher court has decided that an appeal is in order and that it should be considered by the court, the following procedures are to be followed: (1) reading the appeal, with the reasons for it; (2) reading the record of the case, which may include the whole record or only that part of it against which appeal is being made; (3) hearing the parties, the appellant having the right of opening and closing the argument; (4) taking the vote, with members having the right to vote either to sustain, to sustain in part, or not to sustain the appeal.

10. If the appeal is sustained, either in whole or in part, the judgment of the lower court is set aside, and the court may either close the case, if further proceedings are unnecessary; it may try the case itself; it may send the case back to the lower court for a new trial; or it may remit the case back to a lower court for the purpose of amending the record, if it appears incorrect or defective.

11. If the appeal is not sustained, the judgment of the lower court is upheld.

12. The decision of the higher court shall be recorded and a copy of it shall be sent to the lower court.

13. If after entering his appeal, the appellant does not appear before the higher court either in person or by counsel at its next meeting following the date of his notice of appeal, the appeal shall be treated as abandoned and the judgment of the lower court shall stand, unless the appellant can furnish the court with satisfactory explanation of his failure to appear.

14. In cases where an appeal would necessarily and injuriously delay proceedings, it is proper for the lower court to refuse to admit an appeal and proceed with the trial. In such cases the party refused an appeal may register his complaint with the next higher court.

E. COMPLAINTS

1. A complaint is a representation made to a higher court in respect to a decision of the lower court regarded as being irregular or unjust.

2. It differs from an appeal in that it does not suspend proceedings in the case and is the privilege of any one under the jurisdiction of the court. In judicial cases, however, a party declining to appeal shall not be allowed to enter a complaint.

3. Complaints are usually to be entertained only where the complainants do not have the right of appeal or where an appeal is refused.

4. A complaint brings the whole proceedings of the lower court in the case under review of the higher, and if the complaint is found to be well grounded, the higher court may not only reverse the decision of the lower court, either in whole or in part, but may also subject it to such censure as the case may require.

5. The same rules of procedure are to be allowed in complaints as in appeals.

F. DECLINATURE

1. A declinature is the refusal of a party under process to submit to trial by that particular court.

2. Declinature is warrantable where the court betrays unfairness or partiality; where it prejudices the case; where it goes beyond its lawful authority; or where it permits persons closely related to either party, at enmity with either party, or who have themselves been active as parties to sit and vote in the case after they have been challenged.

3. A declinature is to be admitted by a court only when it is accompanied with reasons and notice of appeal. It in no case ends the matter, but only removes it by appeal to the higher court, where it is to be considered according to the rules already given.

CHAPTER XI
MATTERS UNPROVIDED FOR

Any matters of discipline or details of process not provided for 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 the Constitution of the Associate Reformed Presbyterian Church, and specifically in this Book of Discipline.

