

Handbook for Clerks of Session

**Compiled by Staff, Office of the Stated Clerk
Presbyterian Church in America**



Foreword

Welcome to the office of the Clerk of Session. You have joined an important group of Elders in the Presbyterian Church in America. As the Clerk of Session, you hold an important position in your church - to strive to maintain the peace and purity of the church. The records you keep will provide an accurate account of the actions of your Session in maintaining the spiritual government of the Church.

As clerk, you will record the history of your church as you write the Session minutes. Your minutes will enable future generations to learn what your church did to carry out the motto of the Presbyterian Church in America: *Faithful to the Scriptures, True to the Reformed Faith, and Obedient to the Great Commission.*

This handbook has been prepared to assist you in keeping the Presbyterian tradition of doing all things “decently and in order.” It contains basic information about your tasks, along with examples to aid you in carrying out your work.

The Handbook does not have constitutional authority, but it does point you to sections of the *The Book of Church Order (BCO)* that are relevant to your duties. Material has been drawn from *BCO*, the Handbook for Presbytery Clerks, and handbooks from other Presbyterian and Reformed denominations.

Please don't hesitate to call us at the Office of the Stated Clerk if you have questions. We are here to help!

Presbyterian Church in America

Office of the Stated Clerk
Administrative Committee
1700 North Brown Road, Suite 105
Lawrenceville, GA 30043-8143
678-825-1000
ac@pcanet.org www.pcaac.org

CONTENTS

The Clerk of Session 3

Session Meeting 5

Membership Rolls 9

Congregational Meeting 11

 Voting 11

 Election of Elders and Deacons 12

 Calling of a Pastor 13

Judicial Matters 15

Appendix A -- Session Meetings A-1

 Form 1 - Sample Agenda A-1

 Form 2 - Sample Minutes Template a Stated Meeting A-3

 Form 3 - Sample Minutes Template a Called Meeting A-5

Appendix B -- Congregational Meetings B-1

 Form 1 - Sample Agenda for Election of Officers B-1

 Form 2 - Sample Agenda for Election of Pastor B-2

Appendix C -- Judicial Matters C-1

 Procedural Checklist for Rules of Discipline C-1

 Sessional Judicial Commissions C-13

 Procedural Checklist for Cases without Process C-19

 Form 1 - Required Statement of Facts and Confession of guilt (*BCO 38-1*) C-23

 Form 2 - Permission form for a Voluntary Statement (*BCO 38-1*) C-25

Appendix D -- Common Questions from Clerks of Session D-1

This page remains blank.

THE CLERK OF SESSION

The Book of Church Order (BCO) requires that every court of the PCA have a moderator and a clerk. By his office, the Pastor serves as the moderator of the Session. The clerks of presbytery and General Assembly are called Stated Clerks. Clerks serving a Session are called Clerks of Session. The Elder elected as clerk should understand the responsibilities and duties of the Session, have knowledge of Presbyterian Church government, and be willing to learn basic parliamentary procedure.

The *BCO* outlines the duties of clerks as follows: “It is the duty of the clerk, besides the recording of transactions, to preserve the records carefully, and to grant extracts from them whenever properly required” (10-4). The Session will often look to you, as Clerk of Session, for direction in the interpretation and application of the *BCO* in matters related to procedure. You may face situations where you are unsure how to answer. In such cases, the Stated Clerk of your Presbytery or the Office of the Stated Clerk of the General Assembly can be an invaluable resource.

As you go about your duties, writing the minutes of each meeting, you will record much of the history of your church. Future generations will be able to learn how your generation advanced God’s kingdom to the ends of the earth.

Clerk’s Responsibilities at a Glance

- Keep a complete and accurate record of the proceedings of the Session.
- Provide extracts from the minutes whenever properly requested and approved by the Session.
- Keep an accurate and complete roll of the Communicant and non-Communicant membership of the church. (It is permissible to delegate this responsibility to church staff under the clerk’s oversight.)
- Bring all official correspondence to the attention of the Session, and respond as directed by the Session.
- Notify the members of the Session of meetings called by the Moderator, carefully stating the business to be conducted.
- Notify the congregation of all meetings called by the Session, carefully stating the business to be transacted at the meeting.
- Prepare the Sessional records for the annual review by presbytery’s review of records committee.
- Be sure that the annual statistical report requested by General Assembly is completed.
- Complete all correspondence in a timely manner.
- If requested, serve as the clerk (recording secretary) of congregational meetings.

This page remains blank.

SESSION MEETING

Since the Session is charged with maintaining the spiritual government of the church, most Sessions hold stated meetings every month. Often special meetings must be called to address a specific issue that needs attention. *The Book of Church Order* requires each Session to hold stated meetings at least once a quarter (*BCO* 12-6). Also, the *BCO* encourages the Session and Diaconate to meet together at least quarterly to confer on matters of mutual interest. Joint meetings of the Session and Diaconate should be recorded, keeping in mind that no joint actions can be taken during these meetings (*BCO* 9-4).

Before the Session Meeting

Plan the docket -- The moderator and the clerk should prepare a docket for the meeting, so the business of the Session is conducted in an efficient manner. The docket also becomes an outline for properly recording the minutes of the meeting. (A sample docket can be found in Appendix A.)

Meeting Notices -- The clerk is responsible for notifying all the Session members of the time and place of the meeting. He may also send reminders to committee chairmen of reports that are due.

NOTE: Notices of called meetings must include the exact purpose for which the meeting is called. No other business may be conducted at a called meeting other than what is stated in the call for the meeting.

Printed Reports -- When at all possible, committee reports, Diaconate minutes, and the treasurer's report should be printed and distributed in advance of the meeting. In committee reports, informational items come first and committee recommendations for adoption by the Session come last.

During the Session Meeting

The accurate recording of the business conducted during the meeting is one of the most important duties of the clerk. This task can be made easier by the use of a template that follows the docket of the meeting. (See Appendix A for a sample.) This template can assist the clerk in keeping accurate minutes.

Minutes do not need to be in the form of a verbatim account of all that was said during the meeting. However, the minutes must include all the actions of the Session, including all the motions adopted and business transacted. The clerk should be careful not to editorialize or inject his opinion into the minutes. For historical purposes, the Session may include additional information, as desired.

Every main motion should be recorded in a separate paragraph. Subsidiary and procedural motions should be recorded in the same paragraph as the main motion. Motions that are lost are not ordinarily recorded. If, however, a request to record a vote is made by an elder; then the lost motion must be recorded in the minutes. All actions of the Session must be in accord with the PCA *Book of Church Order*; and in matters of parliamentary procedure not covered in the *BCO*, by *Robert's Rules of Order*.

Sometimes it may be necessary to help members word their motions so they accurately reflect the action to be taken by the Session. Helpful questions about every motion are:

- What exactly is going to be done?
- Who is going to do it?
- When will the action be completed?
- How much will it cost?
- Where will the money come from?
- Is the action compatible with *The Book of Church Order*?

When the Session acts to receive members, a careful record must be made as to the reason for their reception. The record should include the full name of the applicant for church membership, names of their covenant children, and the manner of their reception:

- Profession of faith
- Profession of faith and baptism
- Reaffirmation of faith
- Certificate of transfer, which includes the name of the church from which they transferred.

When the Session acts to remove members from the communicant roll, a full record must be recorded including name, names of their covenant children, and the manner of their dismissal:

- Certificate of transfer to another church including the name of the church to which they have transferred.
- Removal from Roll (*BCO* 38-3 & 38-4)
- Church discipline
- Death

Congregational meeting minutes must also be included in the Minute Book and signed by the Moderator and the Clerk elected for the meeting.

Session Minutes must include the following:

- A statement of the date, time, place, and purpose of the meeting (Stated, Called, adjourned stated, etc.) If the meeting is a called meeting the minutes must include the portion of the call that indicates the purpose of the meeting.
- That the meeting was opened and closed with prayer.
- The names of all in attendance or absent from the meeting.
- That a quorum was present for the meeting. (See *BCO* 12-1 for quorum requirements.)
- Communications received, and any action taken because of the communications.
- Reading and approval of the minutes from previous meetings.
- A statement that indicates the review and approval of the Diaconate minutes and the receiving of the Treasurer's report as information. (*BCO* 9-4)
- The actions of the Session including all the motions adopted and business transacted.

When applicable, the minutes shall include the following:

- A record of all covenant baptisms, baptisms upon profession of faith, and dates of the celebration of the Lord's Supper.
- Election of commissioners to presbytery and General Assembly meetings.
- A copy of the annual church budget approved by the Session.
- A record of the call and purpose for each congregational or corporation meeting.
- A motion calling for the nomination and election of church officers.
- A record of the officers nominated, trained and examined by the Session. (See *BCO* 24-1 for procedure that must be followed.)
- The December or the following January minutes must include a statement that records the pastor's annual housing allowance approved by the Session. (See *PCA Retirement & Benefits Inc.* for a suggested form.)
- The *BCO* requires Sessions to “. . . keep an accurate record of baptisms, of communing members, of non-communing members, and of deaths and dismissions of church members.” (12-8) (This information should be included in the December minutes. This record will aid in the preparation of the Statistical Report for General Assembly.)

- A copy of the approved operating budget and the yearly statistical report should be attached to December's minutes (*BCO 12-5*).

All minutes should be typed or legibly written in ink. Since the Session's records must be archived, minutes should be kept in a bound or lock-type journal; and not a loose-leaf note book to prevent pages from being lost. The pages should be consecutively numbered, leaving no blank pages between meetings and no records left unattached.

After the Meeting

- Write the minutes using the minute template upon which you have taken notes as a guide.
- Complete any necessary correspondence as required by actions taken by the Session.
- Send transfer of the communicant's membership certificates to other churches (<https://www.pcabookstore.com/c-112-certificates-forms>).
- Update the church membership records as required by action the Session (Additions, removals, etc.).

MEMBERSHIP ROLLS

The Membership Rolls of the church should contain information about those who are members of the local church. It is the Clerk of Session's responsibility to maintain or to oversee the maintenance of the Rolls as required by *The Book of Church Order* (12-8). These Rolls should be kept in addition to the entries made as part of the Session minutes. Most presbyteries require that an accurate roll be included in the Session minute book every calendar year to be submitted for the annual review of Sessional records. Names of members shall be placed upon, removed, or deleted from these Rolls only by the action of the Session.

The Session shall maintain the following membership rolls:

- **Communing Members** – A Communing Member of the Church is one who has made a profession of faith in Christ, has been baptized, and has been received by the Session into the membership of the church. (*BCO* 6-2)

Record the name, date received into membership, and method of reception (profession of faith, profession of faith and baptism, reaffirmation of faith, or certificate of transfer.) Record the date of removal from the roll and whether by death, transfer to another church, removal from Roll, or discipline (*BCO* 46-1, 38-a, 38-b & 38-4).

- **Non-communing Members** – The children of believers who have made a profession of faith are non-communing members of the church. As children of the covenant they are entitled to Baptism and to the pastoral oversight, instruction, and government of the Church. (*BCO* 6-1)
- **Associate members** – Believers temporarily residing in a location other than their permanent homes may become associate members of a church without transferring membership from their home church. An example of an associate member would be a member of the military or college student living nearby. Associate members may not be elected to church office or vote in a congregational meeting. (*BCO* 46-4) Be sure to record name, date of affiliation, name of home church, and date of return to home church.

This page remains blank.

CONGREGATIONAL MEETING

Call to Meet— A congregational meeting may only be called by the Session or when it is properly requested to do so by a percentage of the congregation. (*BCO 25-2*)

Notice of Meeting – A public notice shall be given at least one week before the meeting. A notice of four weeks must be given if officers are being elected. The notice must clearly state the purpose of the meeting. No other business may be conducted at the meeting except what is stated in the notice. (*BCO 25-2*)

Minutes— Minutes of the meeting are recorded by a clerk (recording secretary) elected by the congregation. Most congregations elect the Clerk of Session as clerk of the meeting because he is familiar with the *BCO*.

The minutes must include the following:

- Date, time, and the purpose of the meeting.
- Opening and closing of the meeting with prayer.
- The election of a clerk and, in the absence of the Pastor, a Moderator.
- A declaration by the Moderator or Clerk of the presence of a quorum.
- A record of the actions taken during the meeting.
- If elders or deacons are elected, private ballot or voice vote may be taken. In either case, a majority of those present shall be required to elect. (*BCO 24-4*)
- When the meeting is called for the election of a Pastor then a private ballot is preferred but not required. This enables everyone to vote his own conscience
- Action taken by the congregation to approve each pastor's terms of call.
- If the congregation does not approve the minutes before adjournment, then an indication of the Session's appointment to approve the minutes.

Voting In Congregational Meetings

- All communicant members in good and regular standing (regardless of age) are eligible to vote in a congregational meeting. Proxy or absentee voting is never permitted.
- It is important to remember that local church bylaws may not contradict *The Book of Church Order*. For example, a local church could not have a bylaw to allow absentee balloting or one that would prevent communicant members under a certain age from voting.

ELECTION OF RULING ELDERS AND DEACONS

BCO 24 provides direction for the nomination, training, examination, election, and ordination of church officers. Each step in the process should be carefully recorded in the minutes of the Session including:

1. The call for nominations from the communicant members of the congregation.
2. That the nominees were informed of their nomination and required training classes.
3. That the candidates were examined in all the areas required by the BCO:
 - a. Christian Experience
 - b. Knowledge and views of English Bible
 - c. Knowledge and views of the System of Doctrine
 - d. Knowledge and views of the form of government
 - e. Duties of the office
 - f. Willingness to give assent to the ordination questions.
4. The calling of congregational meeting 30 days in advance of the election.
5. The requirements for the conduct of the congregational meeting are found in 24-2 to 24-5. A few points to remember:
 - a. The congregation determines the number of officers to be elected either by the size of the Session or Diaconate or the number they choose to elect. It is permissible for the Session to recommend the number to be elected; however, the congregation must approve the Session's recommendation.
 - b. A simple majority of those present and voting is required for election.
 - c. The minutes of the meeting should record the results of the election.

The ordination and installation of the newly elected officers is an action of the Session that is to take place during a duly constituted Session meeting (See BCO 24-6).

CALLING OF A PASTOR

The PCA believes that each congregation has the right of electing its leaders (Pastor, Elders, and Deacons). This principle is based upon the clear teaching of Scripture and stated as one of the Preliminary Principles of the PCA. When a church is without a Pastor, the responsibility of finding a new Shepherd falls upon the congregation, not the Presbytery or General Assembly. The *BCO* contains specific instructions concerning the formation of the pulpit committee and the election of the Pastoral Candidate.

1. Election of the Pulpit Nominating Committee

BCO 20-2 states: “A church shall proceed to elect a pastor in the following manner. The Session shall call a congregational meeting to elect a pulpit committee . . .” The committee is a nominating committee since it only recommends a pastoral candidate to the congregation for election.

BCO 20-2 provides that the committee “. . . may be composed of members from the congregation at large or the Session, as designated by the congregation.” The Session may make recommendations as to the size and shape of the committee, but the congregation must elect its members. (The Stated Clerk’s Office has published “A Manual For Calling a Pastor” to assist congregations in this process. Go to <http://www.pcaac.org/get-involved/pastor-search-information/churches-seeking-a-pastor/>)

2. Election and Call of the Pastoral Candidate

When the committee is ready to recommend a pastoral candidate to the congregation they should first notify the Session. The Session will then call a meeting for the “purpose of receiving a report from the Pulpit Committee and to conduct any business that may arise from it”. It is important to remember that the Session’s responsibility is to call a congregational meeting, but it is not their right to veto the committee’s recommendation.

BCO 20-3 recommends that a PCA minister or ruling elder should be elected to preside, but if that is not possible then any male member of the congregation may preside. The following sections give directions as to how the nomination should be presented and how the election is to be conducted. (See Appendix B for a sample docket.)

After prayer for guidance, the Moderator shall ask “Are you ready to proceed to the election of a Pastor?” If the congregation declares themselves ready, then the moderator calls for nominations and proceeds to voting by ballot. A

majority of those present shall be required to elect. When the congregation has voted to issue a call, it must first appoint those who will sign the call as well as those who will prosecute the call before presbytery.

A sample form of call can be found in Appendix J in the *BCO*. Also, PCA's Retirement and Benefits, Inc. has prepared PCA Call Package Guidelines to assist congregations in the formulation of a call. (<https://pcarbi.org/wp-content/uploads/2014/09/RBICallPackage17-2.pdf>)

JUDICIAL MATTERS

The *BCO* states that “Discipline is the exercise of the authority given to the church by Jesus Christ to instruct and guide its members and to promote its purity and welfare.” It goes on to instruct that it “. . . is for building up, and not for destruction. It is to be exercised as under a dispensation of mercy and not wrath.”

Whenever the Session finds it necessary to exercise church discipline, the “Rules of Discipline” should be carefully studied by the entire Session, so that it is conducted according to guidelines set forth in the *BCO*. A procedural checklist for the Rules of Discipline can be found in Appendix C.

If discipline is administered, a careful record of the case *must be* included in the minutes according to the instructions in *BCO* 32-18.

Some PCA churches have established “Judicial Commissions” to adjudicate cases of church discipline. (See Appendix C for helpful guidelines.)

This page remains blank.

APPENDIX A
SESSION MEETINGS

Form A1
Sample Agenda – Stated Session Meeting

_____ (Day), _____ (Date), _____ (Time)

1. Call to Order & Opening Prayer
2. Roll Call & Determination of a Quorum
3. Adoption of Docket
4. Approval of Minutes
5. Communications
6. Pastor’s Report
7. Board of Deacon’s Report
8. Additions or Deletions to the Church Roll
9. Standing Committee Reports
10. Unfinished Business
11. New Business
12. Election of Commissioners to Presbytery or General Assembly
13. Appointment of Elder to attend Diaconate Meeting
14. Adjournment & Closing Prayer

This page remains blank.

Form A2
Sample Minutes Template for a Stated Meeting

Stated Session Meeting
_____ **Presbyterian Church**
_____ (City), _____ (State)
_____ (Day), _____ (Date), _____ Time

The Stated Session meeting was called to order by the moderator, TE _____.
_____ led in the opening prayer.

A quorum was declared present with the following in attendance:

TE _____, Moderator, and TE _____,
Associate Pastor; REs _____, _____,
and _____. TE _____, Assistant
Pastor (if there is one) _____ and Diaconate Representative
_____ were also present.

The moderator reviewed the docket, and it was approved as presented/amended.

The minutes of the _____ Stated Meeting and _____ Called
Meetings were approved as presented/amended.

The following communications were received:

Membership Roll Changes:

(List any births, deaths, baptisms, losses or gains by transfer of letter, losses by
removal from roll or discipline, new communing and new non-communing members.)

The Pastor brought the following matters to the attention of the Session.

_____, Diaconate Representative presented the Deacon’s Report.
After discussion the _____ minutes were approved and the
_____ Financial Report was received as information.

Form A2 (continued)

Presbytery/General Assembly Commissioner’s Report:
Committee Reports were received as follows:

Unfinished Business:

New Business:

Elder _____ to attend the Board of Deacons’ Meeting and
_____ the WIC Executive Board Meeting.

Motion made, seconded that the following be elected as commissioners for
presbytery/General Assembly meeting on_____. Principals and Alternate
_____.

Motion made, seconded, and carried that the meeting adjourn. _____ led
in the closing prayer.

Respectfully submitted by

_____, Clerk of Session

Form A3
Sample Minutes Template for a Called Meeting

Called Session Meeting

_____ Presbyterian Church
(City) _____, (State) _____
(Day) _____, (Date) _____, (Time) _____

The Called Session meeting was called to order by the moderator, TE _____.
_____ led in the opening prayer. A quorum was declared present with the following in attendance:

TE _____, and REs _____,
_____, _____, and _____. Diaconate
Representative _____, and _____, Assistant
Pastor (if there is one) were also present.

The meeting was called by the Moderator for the purpose of receiving new members.

The moderator introduced _____ to the Session. Each was given an opportunity to relate their Christian Experience.

Motion made, seconded and carried that they be received as follows:

The Session takes note that they had completed the Inquirer’s Class. They will affirm the Communicant Membership vows before the congregation.

Motion made seconded and carried that the meeting adjourn.

_____ led in the closing prayer.

Respectfully submitted,

Moderator

Clerk of Session

This page remains blank.

APPENDIX B

CONGREGATIONAL MEETINGS

Form B1 – Agenda for Election of Officers

CONGREGATIONAL MEETING FOR THE ELECTION OF OFFICERS

1. Call to Order and Opening Prayer (*BCO 24-2*)

2. Election of a Recording Clerk

3. Explanation of the Procedure

4. Prayer for God’s Guidance

5. Question Posed – “Are you ready to proceed to the election of Officers?” (*BCO 20-4*)

6. Report of the Session concerning the Candidates for Office

7. Determination of the number of Officers to be elected

8. Voting by Ballot (*20-4*)

9. Announcement of the results of the balloting

10. Adjournment and Closing Prayer

This page remains blank.

Form B2 – Agenda for Election of Pastor

CONGREGATIONAL MEETING FOR ELECTION OF A PASTOR

1. Call to Order and Opening Prayer (*BCO 20-3*)
2. Election of a Moderator and Recording Clerk (*BCO-25-4 & 25-5*)
3. Determination of a Quorum (*BCO 25-3*)
4. Explanation of the Procedure
5. Prayer for God’s Guidance
6. Question Posed–“Are you ready to proceed to the election of a Pastor?” (*BCO 20-4*)
7. Nomination of Pastoral Candidate by the Pulpit Committee
8. Voting by Ballot (*BCO 20-4*)
9. Approval of the Minister’s Terms of Call (*BCO 20-6*)
10. Election of Signers of the Call (*BCO 20-7*)
11. Dissolve the committee with thanks pending the pastoral candidate’s acceptance of the call and approval of the call by presbytery.
12. Adjournment and Closing Prayer

This page remains blank.

APPENDIX C JUDICIAL MATTERS

PROCEDURAL CHECKLIST FOR PCA *BCO* RULES OF DISCIPLINE

by T. David Gordon

“The following checklist is, to the best of our knowledge, complete and accurate as of April 2015. Since the Book of Church Order is subject to revision at each meeting of the General Assembly, the checklist may not be accurate beyond the next meeting of the Assembly. Updated checklists are available, upon request, from the Stated Clerk’s Office in Atlanta.”

TABLE OF CONTENTS

PRIOR TO FIRST MEETING OF COURT	C-2
FIRST MEETING OF COURT	C-3
SECOND MEETING OF COURT	C-3
THE TRIAL	C-4
IF ACCUSED IS A MINISTER	C-5
INFLICTION OF CHURCH CENSURES	C-6
REMOVAL OF CHURCH CENSURES	C-7
GENERAL REVIEW AND CONTROL	C-8
REFERENCES	C-8
APPEALS	C-8
COMPLAINTS	C-10
DISSENTS, PROTESTS, AND OBJECTIONS	C-11
JURISDICTION	C-12
PRESBYTERY JUDICIAL COMMISSIONS ACTING AS APPELLATE COURTS	C-12

PROCEDURAL CHECKLIST FOR PCA BCO RULES OF DISCIPLINE
(This information to be used in connection with the SJC Manual)

Prior to First Meeting of Court

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Process entered before Session of church to which alleged offender belongs (unless offender is a minister, or process is an appeal)	33-1
2.			Injured party has tried means of reconciliation	31-5
3.			Instruction has been given to offender	31-5,7
4.			Consider character of person bringing accusations	31-8
5.			Give warning to voluntary prosecutor regarding slander	31-9
6.			Suspend official functions of church court members while under process (at discretion of court)	31-10
7.			In case of scandal, process shall commence within one year after offense committed	32-20
			<u>Cases without process:</u>	
8.			If any person comes forward and makes his offense known to the court, a full statement of the facts shall be recorded and judgment rendered without process.	38-1
9.			If a minister believes God has not called him to the ministry, see <i>BCO</i> 38-2 and 46-8	38-2; 46-8
10.			<ul style="list-style-type: none"> a. If a member or officer joins another evangelical church, see <i>BCO</i> 38-3a b. If a member or officer joins another body judged as failing to maintain the Word and Sacraments, see <i>BCO</i> 38-3b. c. If a member or officer willfully neglects the church for a period of one year, or makes known no intention of fulfilling church vows, see <i>BCO</i> 38-4. 	38-3a 38-3b 38-4

First Meeting of Court

1.			Gal 6:1 reiterated	32-1
2.			Charge made out	32-2
3.			Charge reduced to writing	32-3
4.			Prosecutor appointed by court	31-2; 32-3.1
5.			Indictment prepared	31-2,4;32-3.2
6.			Times, places, circumstances particularly stated	32-5
7.			All parties and witnesses cited to appear and be heard at another meeting	32-3.3
8.			Attention called to Rules of Discipline (<i>BCO 27-46</i>)	32-3
9.			At least 10 days elapse between citation and next meeting	32-3.3; 32-7
10.			Citation issued and signed by moderator or clerk by order and in name of the court.	32-4

Second Meeting of Court

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Charges read to the accused	32-3
2.			Counsel assigned to accused if necessarily absent	32-3
3.			Accused responds with "guilty" or "not guilty"	32-3
4.			If "guilty" then court may deal with discretion	32-3
5.			If "not guilty" then trial date shall be scheduled no sooner than 14 days after citation	32-3
6.			If accused refuses to obey citation, cite a second time	32-6a
7.			Refusal to plead or cooperate will be dealt with for contumacy	32-6b
8.			When accused found contumacious	33-2
9.			Accused immediately suspended from the sacraments for contumacy (and if officer from office)	33-2
10.			Censure made public if Session deems expedient	33-2
11.			If charge is of gross crime or heresy , court may proceed to inflict highest censure	33-3
12.			If impracticable immediately to commence process, Session may fence the Table from the accused until examination.	33-4
13.			If offense took place at a distance	
14.			Court may appoint a commission of its body or request coordinate court where facts occurred to take testimony	32-8
15.			If offense not likely to become known to court of jurisdiction, Court of location sends notice to court of jurisdiction which shall proceed against accused; or whole case may be remitted to court of location.	32-9

The Trial

Line Nbr	Date or N/A	Initials	Item	BCO #
			Prior to trial:	
1.			Court ascertains that citations duly served	32-10
2.			Judicial Committee appointed if expedient	32-11
3.			Challenge for cause by either party on the right of any member to sit in trial. Other members of court decide the question	32-16
4.			Disqualification of any member considered	32-17
			In trial:	
5.			1. Moderator charges the court	32-12, 32.15.1
6.			2. Indictment read, Answer of accused heard	32-15.2
7.			3. Witnesses examined in presence of the accused	32-13
			<u>Witnesses for Prosecutor</u>	32-15.3
8.			Oath of 35-6 administered by Moderator	35-6
9.			Witnesses examined by Prosecutor party	35-5
10.			Witnesses cross-examined by Accused party	35-5
11.			Additional interrogatories by parties or court members	35-5
12.			More than one witness necessary to establish charge, unless corroborative evidence is produced in addition to one witness.	35-3
			<u>Witnesses for Accused</u>	32-15.3
13.			Oath of 35-6 administered by Moderator	35-6
14.			Witnesses examined by Accused party	35-5
15.			Witnesses cross-examined by Prosecutor party	35-5
16.			Additional interrogatories by parties or court members	35-5
			<u>Pertaining to All Witnesses</u>	
17.			Witnesses are of proper age and intelligence, and believe in the existence of God, or a future state of rewards and punishments.	35-1
18.			Either party has the right to challenge a witness whom he believes to be incompetent; to be decided by court.	35-1
19.			Husband or wife not compelled to bear testimony against one another	35-2
20.			No witness afterwards to be examined, unless a member of the court, shall be present during the examination of another witness on the same case, if either party object.	35-4
21.			Permission granted by Moderator for all questions before being put or answered, subject to appeal to the court.	35-5

22.			All testimony shall be recorded (transcription, audiotape, videotape, or some other electronic means) and witnesses informed of such prior to testifying. (See also <i>BCO</i> 32-18)	35-7
23.			Testimony may be taken by commission or coordinate court if necessary due to distance, per <i>BCO</i> 35-10.	35-10
24.			Professional counsel prohibited to appear	32-19
25.			<i>BCO</i> 35-7, as amended, now requires recording all testimony.	35-7
26.			4. Parties heard	32-15.4
27.			Prosecutor first	
28.			Accused next (not compelled to testify, 35-1)	
29.			Prosecutor closes	
30.			5. Roll is called—members may express opinion in the case	32-15.5
31.			6. Vote is taken	32-15.6
32.			Verdict announced	
33.			Judgment entered on records	
34.			Minutes of trial kept by clerk	32-18;35-7
35.			Record of the Case assembled by clerk	32-18

If Accused is a Minister

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Scandalous charges not received on slight grounds.	34-2
2.			Minister warned in private if guilty of private offense	34-3
3.			When accused found to be contumacious:	32-6
4.			Immediately suspended from sacraments and office	34-4a
5.			Record made of fact and of charges	34-4a
6.			Censure made public	34-4a
7.			If accused persists in contumacy, he shall be deposed and excommunicated	34-4b
8.			Errors carefully considered for heresy and schism	34-5
9.			Measures taken to remove scandal if appropriate	34-6
10.			Definite suspension or deposition imposed if minister makes confession pending trial	34-7
11.			Pastoral relation dissolved in case of deposition	34-9
12.			Assessment of dissolution in case of suspension from office	34-9
13.			For failure to discharge official functions, see 34-10	34-10

Infliction of Church Censures

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Court proceeds with tenderness (Gal 6:1)	36-1
2.			<u>Censure of Admonition</u>	36-3
3.			Administered in private if offense is private	
4.			Administered in presence of court if offense is public	
5.			Announced in public if court deems expedient	
6.			<u>Definite Suspension from Office</u> [see also <i>BCO</i> 33-2; 34-4(a)]	36-4
7.			Administered in presence of court alone or in open session of court, as court deems best	
8.			Public announcement made at court's discretion	
9.			<u>Indefinite Suspension from Office or Sacraments.</u> [see also <i>BCO</i> 33-2; 34-4 (a); 30-1; 30-3]	36-5
10.			Administered in presence of court alone or in open session of court, as court deems best	
11.			Public announcement made at court's discretion	
12.			Administered with added solemnity	
13.			Administered under blessing of God for repentance	
14.			Address offending brother per <i>BCO</i> 36-5	
15.			<u>Excommunication</u> [see also <i>BCO</i> 33-3; 34-4(b)]	36-6
16.			If accused persists in contumacy, shall be excommunicated	33-3
17.			Administered in presence of court alone or in open session of court, as court deems best	
18.			Public announcement made at court's discretion	
19.			Moderator reiterates steps of discipline taken	
20.			Explain authority of Church to excommunicate from Matt 18:15-18, and 1Cor 5:1-5	
21.			Administer censure in words of <i>BCO</i> 36-6	
22.			<u>Deposition</u>	36-7
23.			Administered by Moderator in words of <i>BCO</i> 36-7	
24.			If deposed without excommunication, Presbytery assigns him to membership in some particular church, subject to the approval of the Session of that church	46-8
25.			If includes suspension or excommunication, add appropriate words from <i>BCO</i> 36-7	36-7

Removal of Church Censures

1.			<u>Definite Suspension from Office</u>	37-1
2.			Offender repents of contumacy	33-2
3.			Gives satisfaction in relation to his charges	34-4a
4.			Declare words of <i>BCO</i> 37-1	
5.			<u>Indefinite Suspension from Sacraments</u> (see <i>BCO</i> 30)	37-2,3
6.			Rulers of church frequently converse with him and pray for God to grant repentance	
7.			Offender repents of contumacy	33-2
8.			Gives satisfaction in relation to his charges	34-4a
9.			Court satisfied with reality of repentance	37-3
10.			Offender admitted to profess repentance	
11.			Restoration declared by words in <i>BCO</i> 37-3	
12.			<u>Excommunication</u>	37-4
13.			Session obtained sufficient evidence of sincere repentance	
14.			Questions of <i>BCO</i> 37-4 posed to excommunicated person, with affirmative response given	
15.			Exhortation of encouragement and comfort given	
16.			Sentence of restoration pronounced (from <i>BCO</i> 37-4)	
17.			<u>Deposition from Office</u>	37-5,6
18.			Public confession made	
19.			Restoration announced by words of <i>BCO</i> 37-5	
20.			Absolved ruling elder or deacon re-elected by people before resumption of office	37-6
21.			<u>Restoration of Minister</u> [see also <i>BCO</i> 34-4a]	
22.			Minister exhibits for a considerable time such an eminently exemplary, humble and edifying life and testimony as shall heal the wound made by his scandal.	34-8
23.			General sentiment of the church is strongly in minister's favor and demands his restoration	34-8
24.			Presbytery proceeds with great caution	37-8
25.			Admitted to Sacraments	37-8
26.			Granted privilege to preach on probation for a time	37-8
27.			See <i>BCO</i> 37-9 for jurisdiction in removal of censures	37-9
28.			Restoration pronounced	37-8,9

General Review and Control

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			<u>Areas Reviewed:</u>	40-2
2.			Proceedings correctly recorded	40-2.1
3.			Proceedings regular and in accordance with Constitution	40-2.2
4.			Proceedings wise, equitable, suited to promote welfare of Church	40-2.3
5.			Lawful injunctions of higher court obeyed	40-2.4
6.			Higher court records approval or disapproval, and corrections of lower court records	40-3
7.			Requirement communicated for review and correction of serious irregularities	40-3
8.			If appeal or complaint is in process, judicial case proceedings not dealt with under review and control	40-3
9.			Gross negligence of lower court examined, deliberated and judged by higher court.	40-4
10.			In case of delinquency or unconstitutional proceedings:	40-5 (cf. BCO)
11.			Offending court cited to appear	
12.			Offending court show what it has done or failed to do	
13.			Court issuing citation may:	
14.			Reverse or redress lower court's proceedings	
15.			Censure delinquent court	
16.			Remit whole matter with injunction to delinquent court	
17.			Stay all further proceedings in the case	
18.			Process against lower court conducted according to rules for process against individuals	40-6

References

1.			Reference deemed necessary by lower court	41-5
2.			All testimony and other documents duly prepared	41-6
3.			Reference presented to higher court, accompanied by necessary records	41-4

Appeals

1.			Appeal made only to next higher court	42-1
2.			Regular trial has taken place	42-2
3.			Legitimate grounds of appeal established	42-3
4.			Notice of Appeal given	42-4
5.			Filed by appellant with clerk of lower court and clerk of higher court, within thirty (30) days of notification of the last court's decision.	

Line Nbr	Date or N/A	Initials	Item	BCO #
6.			No attempts made to circularize courts	
7.			Clerk of lower court file Record of the Case with clerk of higher court, not more than 30 days after receipt of notice of appeal	42-5
8.			<u>Record of the Case Includes:</u>	42-5
9.			Copy of all proceedings in connection with case	
10.			Notice of appeal and reasons therefore	
11.			Response of lower court	
12.			Evidence	
13.			Any papers bearing on the case Admissibility of Audio/Video recordings	OMSJC 7.2B3
14.			If Record not filed, rebuke given by higher court	42-7
15.			No information other than Record of the Case taken into consideration by higher court	42-5;32-18; but see 35-14
16.			Judgment of lower court suspended pending higher court's decision	42-6
17.			Suspension, excommunication or deposition may be put into effect for sufficient reasons until final decision	42-6
18.			Higher court decision whether appeal is in order	42-7
19.			Higher court hears the case	42-8
20.			Record of the Case is read	
21.			Each side allotted not over 30 minutes for oral argument	
22.			Appellant given right to open and close argument	
23.			Suitable rebuke given by appellate court if appellant manifests litigious or unChristian spirit	42-12
24.			Court or commission enters closed session	42-8
25.			Court or commission discuss merits of the case	42-8
26.			Vote taken, without further debate, on each specification:	42-8
27.			Shall this specification of error be sustained?	42-8
28.			Minute explanatory of court's action written, and entered into Record of the Case	42-8
29.			Decision of higher court made:	42-9
30.			Affirm in whole or in part	
31.			Reverse in whole or in part	
32.			Render decision that should have been rendered	
33.			Remand the case to lower court for new trial	
34.			Written opinion prepared	
35.			Copy of opinion and judgment delivered personally or mailed to the lower court , with written receipt required.	
36.			Copy of opinion and judgment delivered personally or mailed to the appellant , with written receipt required.	

Line Nbr	Date or N/A	Initials	Item	BCO #
37.			An appellant shall be considered to have abandoned his appeal if he fails to appear before the higher court, in person or by counsel, for a hearing thereof, after he has been properly notified; but an appellant may waive, in writing, his right to appear with permission of the court and not be considered to have abandoned his case. In case of such failure to appear, the judgment of the lower court will stand unless the appellant gives to the court a prompt and satisfactory explanation.	42-11

Complaints

1.			Written notice of complaint, with supporting reasons, filed with clerk of court within 60 days following meeting of the court	43-2
2.			Court consider complaint at next meeting	
3.			No attempt made to circularize the court	
4.			Complainant may take complaint to next higher court if:	43-3
5.			Court alleged to be delinquent denies complaint	
6.			Court fails to consider complaint by next stated meeting	
7.			Complainant files written notice of complaint together with supporting reasons, with both the clerk of the lower court and the clerk of the higher court within thirty (30) days notification of the last court's decision.	
8.			Action against which the complaint made not suspended , unless 1/3 of the members vote for suspension, until final decision in the higher court.	43-4
9.			Representative(s) appointed to defend action of lower court	43-5
10.			Clerk of lower court files following documents with clerk of higher court, not more than 30 days after receiving notice of complaint	43-6
11.			Copy of all proceedings in connection with the complaint	
12.			Notice of complaint and supporting reasons	
13.			Response of the lower court, if any	
14.			Any papers bearing on the complaint.	
15.			Rebuke from higher court in case of failure to thus file	43-6
16.			Complainant waives right to appear with permission of court	43-7

Line Nbr	Date or N/A	Initials	Item	BCO #
17.			Complainant has abandoned complaint if fails to appear without waiving right or giving satisfactory explanation	43-7
18.			Higher court hears complaint if considers complaint in order	43-8
19.			Higher court may appoint commission to hear complaint	43-8; 15-2,3
20.			Court notifies complainant and respondent in writing of the date set for the hearing	43-8
			<u>At the Hearing:</u>	43-9
21.			All papers bearing on complaint are read	
22.			Complainant given opportunity to present argument	
23.			Respondent given opportunity to present argument	
24.			Complainant given right of opening and closing the argument	
25.			Court or commission enters closed session	
26.			Discusses and considers merits of the complaint.	
27.			Vote taken as to what disposition should be made of the complaint	
28.			Complainant notified of the court's decision	
29.			Respondent notified of the court's decision	
30.			Court may annul whole or any part of lower court's action	43-10
31.			Court may send matter back to lower court for new hearing	43-10

Dissents, Protests, and Objections

1.			(For definitions of D, P, & O, see <i>BCO</i> 45-2,3,4)	45-2,3,4
2.			D/P filed by one who had right to vote in the case	45-1
3.			O filed by one who did <i>not</i> have right to vote	45-1, 4
4.			D/P/O filed with clerk of lower court within 30 days following meeting of lower court, or with clerk of the General Assembly before its adjournment.	45-1
5.			D/P/O filed with reasons (generally, but <u>not necessary</u>)	45-2,3,4
6.			D/P/O in temperate language, respectful to court	45-5
7.			D/P/O recorded by court	45-5
8.			Court records answer to D/P/O if deemed necessary	45-5

Jurisdiction

1.			When church member removes his residence beyond bounds:	46-1
2.			Certificate of dismissal obtained from old Session	
3.			Certificate of dismissal presented to new church	
4.			If Certificate of dismissal not possible:	
5.			Received by the Session upon other testimonials	
6.			Old church duly notified	
7.			Elders of old church continue oversight until transfer	46-2
8.			Elders of old church inform on duty to transfer	
9.			Old church notify session of church in new bounds	
10.			If transfer neglected for 1 year, name removed from roll, unless special permission granted	46-2, 38-4
11.			Regular connection with new church formed	46-3
12.			Associate Members:	46-4
13.			All rights and privileges afforded	
14.			Barred from voting in congregational or corporate mtgs.	
15.			Barred from holding office	
16.			If a member or officer joins another evangelical church, see <i>BCO</i> 38-3a	38-3a
17.			If a member or officer joins another body judged as failing to maintain the Word and Sacraments, see <i>BCO</i> 38-3b	38-3b
18.			Member who has willfully neglected church for 1 year, or has made known he/she has no intention of fulfilling vows:	38-4
19.			Session follows Scriptural procedures (Matt 18, Gal. 6:1)	
20.			Session reminds member of solemn covenant	
21.			Session erases name from church roll	
22.			Session notifies person whose name was erased	
23.			Minister/Licentiate/Candidate dismissed from Presbytery:	46-6
24.			Name of Presbytery to which dismissed, in certificate	
25.			Remains under jurisdiction until received by other Presbytery	
26.			Certificate of Dismission valid testimony of good standing for only 1 year	46-7
27.			Minister divested of his office without censure, or deposed without excommunication:	46-8
28.			Presbytery assigns him membership in some particular church, subject to approval of Session of that church	

Presbytery Judicial Commissions Acting As Appellate Courts

1.			See APPENDIX H of <i>BCO</i>	15, Appendix H
----	--	--	------------------------------	----------------

Sessional Judicial Commissions

L. Roy Taylor

Stated Clerk of the General Assembly, PCA

In April, 2002, the Stated Clerk asked the advice of the Committee on Constitutional Business regarding the validity of sessions using judicial commissions. The CCB concurred with the Stated Clerk in his opinion on the matter.

May a Session use a Judicial Commission to adjudicate a judicial case, or must all judicial cases be heard by the entire Session?

Context: Some churches with thousands of members and dozens of elders on the Session have found it impractical to conduct try all judicial cases before the entire Session. I have been asked the same question by several unrelated parties, namely “**Is it constitutional for a Session to use a judicial commission to adjudicate judicial cases?**” It should be noted that I am speaking only to the constitutionality of a Session’s using a judicial commission; I am not addressing the wisdom or advisability of doing so. That is a discretionary decision of the Session.

Clerk’s response: The primary, though not exclusive, section of the *BCO* relating to the issue of commissions is 15-1.

15-1. A commission differs from an ordinary committee in that while a committee is appointed to examine, consider and report, a commission is authorized to deliberate upon and conclude the business referred to it, except in the case of judicial commissions of a Presbytery appointed under *BCO* 15-3. A commission shall keep a full record of its proceedings, which shall be submitted, to the court appointing it. Upon such submission this record shall be entered on the minutes of the court appointing, except in the case of a presbytery commission serving as a session or a judicial commission as set forth in *BCO* 15-3. When a commission is appointed to serve as an interim Session, its actions are the actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.

My response is, yes; a Session may elect to use a judicial commission to adjudicate judicial cases. I answer in the affirmative for several reasons.

- Chapter fifteen of the *BCO* deals with “Ecclesiastical Commissions” for all three levels of the courts of the church. The Presbytery is explicitly named in 15-1, 15-2, and 15-3. The General Assembly is explicitly named in 15-4, 15-5, and 16-6. The Session is explicitly named in 15-1 in the last sentence. In that reference, it is not a commission of Presbytery *acting* as a Session, but a commission *of the Session*. “Every commission of a Presbytery or Session [emphasis added] must submit complete minutes and a report of its activities at least once annually to the court which commissioned it.”
- The *BCO* is not exactly analogous to secular civil and criminal law. The *BCO* is not written as an exhaustive catalog of most possible eventualities, but is primarily a set of principles, with deference to lower courts, and the expectation that courts will use their discretion. Indeed, our constitution (*The Westminster Standards* and the *Book of Church Order*) is written in such a way that it sets forth general principles, setting forth acceptable parameters on many instances, and gives exacting details in a few instances. For example, on the issue of baptism, *WCF XXVIII.7* states that, “Baptism is but once to be administered unto any person.” Therefore, it would not be proper for a PCA minister to rebaptize someone who had previously received a valid Christian baptism. A church member might ask a PCA pastor for a baptism by immersion because he or she had been baptized by pouring and now wanted to be immersed. The PCA pastor would refuse to rebaptize such a person. But what about the validity of Roman Catholic baptisms? The issue has been addressed by General Assemblies in America in the 18th, 19th, and 20th centuries each coming to the same conclusion, that some sessions may accept Roman Catholic baptisms and some may reject Roman Catholic baptisms. *WCF* chapter II “Of God and of the Holy Trinity” is very exacting, following the Ancient Creeds; chapter III, “Of God’s Eternal Decree,” however, may be interpreted to be infralapsarian, or supralapsarian, though sublapsarianism is definitely excluded. *The Directory of Worship* was originally written as a replacement for the *Book of Common Prayer*. The *BCP* was prescribed worship, a prescribed liturgy that is to be followed word-for-word, with little variation allowed, with a premium set on uniformity; the *DW* is directed worship, essentially setting forth a collection of rubrics, or directions to be followed, allowing for variations, with a premium set on liberty of conscience. The PCA has taken it a step further by adding a preface to the *DW*, declaring only chapters 56, 57, 58 to be part of the constitution. It has been my observation over a period of years, that some erroneously look on our constitution in a quasi-congregational perspective, thinking of it as simply advisory in all respects and binding in no respects. It is also erroneous to look upon our constitution as if it were canon law of an hierarchical Church or a secular law code that is highly detailed. The insistence that a Session may not erect a Judicial Commission is, in my opinion, based on the latter erroneous perspective.

BCO 32-11 speaks of a “Judicial Committee”

In every process, if deemed expedient there may be a committee appointed, which shall be called the Judicial Committee, and whose duty it shall be to digest and arrange all the papers, and to prescribe, under the direction of the court, the whole order of the proceedings. The members of this committee shall be entitled, notwithstanding their performance of this duty, to sit and vote in the case as members of the court.

That Judicial Committee of *BCO* 32-11 is *not* a commission. The role of the Judicial Committee is explicitly stated. The erection of a Judicial Committee by any level of the church courts does *not* negate the right of the church court to form a Judicial Commission, if it so desires.

Having given a rationale for the constitutional permissibility of the use of a sessional judicial commission, it would be helpful to deal with some objections.

- It may be objected that only Presbytery and General Assembly Judicial Commissions are explicitly named in the *BCO*. The Presbytery is explicitly named in 15-1, 15-2, and 15-3. The General Assembly is explicitly named in 15-4, 15-5, and 16-6. The answer is that the Session having the power to erect commissions is explicitly named in 15-1 in the last sentence. In that reference, it is not a commission of Presbytery *acting* as a Session, but a commission *of the Session*. A commission may be erected by the Session to fulfill virtually any of the responsibilities of the Session (see *BCO* 12-5) including, “To inquire into the knowledge, principles and Christian conduct of the church members, under its care; to censure those found delinquent.”
- It may be objected that, since there are no step-by-step procedures for an appeal arising from a trial conducted by a Judicial Commission of the Session, like there are for a Presbytery Commission (15-3) or the General Assembly’s Standing Judicial Commission (15-5, c.[4]), then no Sessional Judicial Commission is possible. The answer is that *BCO* 15-1 gives the power to the Session to erect a judicial commission. Exact detailed procedures for handling cases by a Sessional Judicial Commission need not be included in the *BCO*. Though appellate civil or criminal procedures are codified in law, the *BCO* is not written as an exhaustive catalog of most possible eventualities, but is primarily a set of principles, with deference to lower courts, and the expectation that courts will use their discretion. Even the General Assembly’s Standing Judicial Commission specifies most of the details of its procedures in the “Operating Manual of the Standing Judicial Commission.” Some Presbyteries use the “Operating Manual of the Standing Judicial Commission” as guidelines for their procedures. It seems to me that a

Session could have similar appellate procedures, 1) the Sessional Judicial Commission would make its report to the Session on each given case committed to the Sessional Judicial Commission, 2) the Session would then, without debate, approve or disapprove the judgment, following the principles of *BCO* 15-3, 3) if the Session disapproved the judgment, it could appoint another commission to try the case, or the Session could elect to try the case before the Session as a whole, 4) or the Session could refer any strictly constitutional issue(s) to a study committee to report back to the Session, 5) A Session that uses a Sessional Judicial Commission, may be well advised to use the procedures of the Standing Judicial Commission, of a review of each Sessional Judicial Commission’s decision, and/or a rehearing of the case by the full Session (See section 18 of the “Operating Manual of the Standing Judicial Commission”), 6) if the decision of the Sessional Judicial Commission were averse to a church member, and the Session approved the judgment, the church member in question, could appeal directly to Presbytery, following the procedures of *BCO* 42. A particular church member’s appellate rights are not removed or diminished by the use of a Sessional Judicial Commission as long as just procedures are followed.

- It may be objected that *BCO* 15-3 speaks of a Presbytery’s Judicial Commission, but does not mention a Sessional Judicial Commission. The answer is that this is an argument from silence. *BCO* 15-3 is written for Presbytery use. The Session is explicitly named in 15-1 in the last sentence. In that reference, it is not a commission of Presbytery *acting* as a Session, but a commission *of the Session*. Though *BCO* 15-3 refers only to Presbytery, *BCO* 15-1 does include the Session and gives Sessions the authority to erect many sorts of commissions, including judicial commissions authorized to deliberate upon and conclude the business [judicial cases] referred to them.
- It may be objected that *BCO* Chapter 30 refers to censures inflicted by “church courts,” that a Sessional Judicial Commission is not a court, and, therefore, a Session may not utilize a Sessional Judicial Commission. The answer is that a commission is authorized by the court appointing it to deliberate and conclude the business referred to it. The actions of a commission are the actions of the court itself.
- It may be objected that the court of original jurisdiction of members of particular churches is the Session (*BCO* 33-1, 33-2) that a Sessional Judicial Commission is not a court, and, therefore, a Session may not utilize a Sessional Judicial Commission. The answer is that a commission is authorized by the court appointing it to deliberate and conclude the business referred to it. The actions of a commission are the actions of the court itself. Again this goes back to *BCO* 15-1 and *BCO* 15-1 does include Session and gives Sessions the authority to erect many

sorts of commissions, including judicial commissions authorized to deliberate upon and conclude the business [judicial cases] referred to them.

- It may be objected that the use of a Sessional Judicial Commission is merely a pragmatic expedient, particularly in larger churches that may have thousands of members and scores of elders. That, of course is not a constitutional argument; the issue is whether the use of a Sessional Judicial Commission is *constitutional*. To assert that sheer pragmatism and mere expediency lie at the root of the use of a Sessional Judicial Commission, is to question the motives of fellow elders. It could be argued, on the other hand that larger churches may either ignore church discipline due to the magnitude of the task of trying dozens of cases before the full Session, or they may use Sessional Judicial Commissions to fulfill justly and responsibly the duty of church discipline.

This page remains blank.

Procedures for a Case without Process *BCO 38-1*

L. Roy Taylor, Stated Clerk, PCA

Differences between Cases with Process & Cases without Process

Cases with Process

- *BCO 31-2* investigation resulting in a strong presumption of guilt to a chargeable offense (*BCO 29-1*).
- Full trial procedures, process, standards of evidence, prosecutor, defender, witnesses, etc., resulting in a verdict of guilty or not guilty.
- Upon conviction, a guilty person may appeal to a higher court concerning both the guilty verdict and the censure imposed and may cite several bases for appeal (*BCO 42-1, 2, 3, and 4*).
- Notice of appeal has effect of suspending the judgment (*BCO 42-6*), i.e., holding the censure in abeyance until the appeal is settled by the higher court.

Cases without Process (*BCO 38-1*)

- Person comes forward and makes a “confession of guilt” (Cf. *BCO 29-1*)
- No full trial procedures, process, standards of evidence, prosecutor, defender, witnesses, etc., because the person makes a “confession of guilt.”
- After the court had rendered a judgment (i.e. imposed a censure), the person may file a complaint concerning the judgment, *BCO 38-1; 43-1* (i.e. against censure that was imposed based on his confession of guilt). In making such complaint, he is not retracting his “confession of guilt.”
- Filing a complaint does *not* suspend the censure unless the court acts to do so (*BCO 43-4*).

Procedural Checklist for Cases without Process

Line Nbr	Date or N/A	Initials	Item	BCO #
1.			Person comes forward and makes known his offense to the court.	38-1; 29-1
2.			A statement of facts is prepared for the record, specifying the sins or also the violations of the PCA Constitution (<i>Westminster Standards, Book of Church Order</i>) to which the person makes a confession of guilt . It is wise to be as specific and concise as possible, including references to Scripture and the PCA	38-1; 29-1
3.			The person agrees that he intends to make a confession of guilt , that the statement of facts is accurate, and that he permits the court to render a judgment (impose a censure) without process based on his confession of guilt and statement of facts. It is wise to have the person sign such a statement and that a copy be retained by the clerk.	38-1
4.			If the person who is making a confession of guilt wishes to make a statement to the court the court may not use such a statement as a basis for judgment without the person's permission. Therefore, it is wise for the court to have the person certify in writing that he wishes to make a statement to the court and that he gives his permission for the court to use his statement as a basis for judgment (imposition of censure).	38-1
5.			It is appropriate that the moderator remind the court of their responsibilities (Gal. 6:1). Disciplinary procedures ordinarily are conducted in executive session.	32-12 & 15-1 may be adapted to the occasion.

6.			The court decides whether the person is repentant and is making such restitution as is appropriate to the offenses to which he has made a confession of guilt.	30-1
7.			If the person is a minister , the court decides whether the offense to which the person made a confession of guilt is base (vile, contemptible) and flagitious (heinous, extraordinarily wicked, flagrantly wicked).	34-7
8.			The court deliberates as to whether a censure is called for, which censures are available, and which censures are appropriate to the case.	38-1; Ch. 30; Ch. 36
9.			If, in the opinion of the court, the person is repentant and makes such restitution as is appropriate , the censure of admonition may be imposed. Such censure may be administered in private by a member of the court or in the presence of the court by the moderator.	30-1; 30-2; 36-3
10.			If, in the opinion of the court, the person is repentant and makes such restitution as is appropriate , the censure of definite suspension from office may be imposed, when the credit of religion, the honor of Christ, and the good of the penitent require it. Such censure is administered in closed session or open session of the court.	30-1; 30-3 ¶ 3; 36-4
11.			If, in the opinion of the court, the person remains impenitent or has not made appropriate restitution , even though he has made a confession of guilt, the court may impose the censure of indefinite suspension from the sacrament . (There is no definite suspension from the sacrament, BCO 30-3, ¶ 1). Such censure is administered in closed session or open session of the court with added solemnity.	30-1; 30-3 ¶ 1; 36-5

12.			<p>If, in the opinion of the court, the person who is a deacon, ruling elder, or minister remains impenitent or has not made appropriate restitution, even though he has made a confession of guilt, the court may impose the censure of indefinite suspension from office. Such censure is administered in closed session or open session of the court with added solemnity.</p>	<p>30-1; 30-3 ¶4; 36-5 (See also 34-8 for a minister)</p>
13.			<p>If, in the opinion of the court, the person remains impenitent or has not made appropriate restitution, even though he has made a confession of guilt, the court may impose the censure of excommunication. Such censure is administered in closed session or open session of the court, or in public by the moderator</p>	<p>30-1; 30-3 ¶4; 30-4; 36-6</p>
15.			<p>If, in the opinion of the court, the person who is a deacon, ruling elder, or minister remains impenitent or has not made appropriate restitution, even though he has made a confession of guilt, the court may impose the censure of deposition from</p>	<p>30-1; 30-3 ¶4; 30-5; 36-7</p>

Form C1 - Sample

**Required Statement of Facts and Confession of Guilt for a
BCO 38-1 Case without Process**

I _____ [insert name] agree that the following statement of facts is accurate:

[List accurately and concisely the actions, statements, or attitudes to which the person is making a confession of guilt. Cite circumstances, events, and dates as may be relevant and appropriate. Cite scriptural references or quotations that are applicable. Cite sections of the *Westminster Standards* or the *Book of Church Order* that are applicable. *The Westminster Larger Catechism* is particularly helpful in this regard in its exposition of the Ten Commandments, *WLC* 91-151].

I confess that I am guilty of the sins of [list].

I confess that I am guilty of violating the PCA constitution [cite sections] by [cite offenses committed].

I affirm that I intend to make a confession of guilt as specified above.

In grant my permission for the [Session of _____ or Presbytery of _____], to whose oversight I am subject, to use the statement of facts to which I have agreed and the confession of guilt which I have made to render a judgment and impose whatever censure or censures the church court considers to be appropriate in my case.

I realize that, though I may not appeal to a higher church court regarding my confession of guilt which I am making (*Book of Church Order* 42-2) because I have not submitted to a regular trial, I do, nevertheless, retain the right to file a complaint regarding the judgment (censure or censures) that this church court may impose (*Book of Church Order* 38-1).

Signed: _____
Date: _____

This page remains blank.

Form C2 - Sample

Permission Form for a Voluntary Statement in Addition to the Required Statement of Facts and Confession of Guilt for a BCO 38-1 Case without Process

I _____ hereby indicate my desire to make a statement to the _____ [Session of or Presbytery of] to whose oversight I am subject, for its consideration in determining the censure or censures in my case without process (*Book of Church Order* 38-1). The statement I wish to make is in addition to the statement of facts which I have approved and confession of guilt which I have made in my case without process presently being considered.

Moreover, I give my consent to the church court to which I am subject to use the statements I make in the presence of the court as a basis of judgment without process.

Signed: _____ Date: _____

This page remains blank.

APPENDIX D

COMMON QUESTIONS FROM CLERKS OF SESSION

1. *May a Ruling Elder who is not presently serving on the session of the church of which he is a member (due to his rotating off active service on the session in a church with a rotating system of officers) serve on a Presbytery or General Assembly committee or commission?*

"Dr. Taylor, Stated Clerk's Response: Yes. In such a case the Ruling Elder is still ordained; he did not lose his ordination when he rotated off the session. He is still an elder though not presently a member of the session. His situation would be similar to a Teaching Elder without a call or a Ruling Elder Emeritus (*BCO* 24-9). He would be eligible to serve on a Presbytery or General Assembly committee or commission in the service of the higher court.

2. *May a Ruling Elder who was ordained in one church and subsequently joins another church, but is not elected to the session of the second church serve as a commissioner to Presbytery or General Assembly representing the second church?*

"Dr. Taylor, Stated Clerk's Response: No. Ruling Elder commissioners to Presbytery and General Assembly represent the congregations and Sessions of which they are members (*BCO* 13-3, 14-2). A basic principle of our polity is that the congregation has the right to elect their representative leaders (*BCO*, Preface, Preliminary Principles, II-6). If a congregation has not elected a Ruling Elder to serve on its particular session, that Ruling Elder is not a representative of that particular church and may not represent the particular church in the service of the particular church as a commissioner to a higher court."

The CCB concurred with Dr. Taylor's advice on both questions. So, your questions have been considered by the CCB.

The Committee on Constitutional Business gives advice to the Stated Clerk upon request. I have received questions regarding the status of Ruling Elders Emeritus. I have asked the advice of the CCB regarding my opinions on the matter. On April 5, 2004, I asked the advice of the CCB on two questions regarding elders emeritus.

3. *Does the BCO permit Sessions to give final approval for the annual church budget?*

One of the changes made in the PCA *Book of Church Order* from the old PCUS book is that under the PCA *BCO* the session, not the congregation, approves and adopts the budget (*BCO* 12-5 b.). Under our current *BCO*, there is no need to call a congregational meeting to get the congregation to approve and adopt the budget.

4. *May the moderator vote in a Session meeting?*

The Book of Church Order does not explicitly specify whether or not the moderator of the session may vote in a session meeting. The *BCO* does state that the pastor is a member of the session along with the associate pastors and ruling elders (*BCO* 12-1). The pastor, by virtue of his office is the moderator of the session (*BCO* 12-2). All members of the session have the right to vote. As a member of the session, the pastor has a right to vote.

Most sessions follow *Roberts Rules of Order Newly Revised* as a secondary parliamentary authority (if there are no standing rules adopted by the session) or as a tertiary authority (if there are standing rules adopted by the session). *Roberts Rules of Order* states:

- If the presiding officer is member of the assembly, he can vote when the vote is by ballot (see also p. 400). In all other cases the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his vote will affect the result – that is, he can vote either to break or cause a tie; or in a case where a two-thirds vote is required, he can vote either to cause or to block the attainment of the necessary two-thirds (*RONR* [10th ed.] p. 393, l. 18-25).
- The presiding officer, if a member of the assembly, can always vote in the case of a ballot at the time other members do. Should he fail to vote before the polls are closed, he cannot then do so without the permission of the assembly (*RONR* [10th ed.] p. 400, l. 25-28).
- **PROCEDURE IN SMALL BOARDS.** In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such a meeting are different from the rules that hold at other assemblies in the following respects (*RONR* [10th ed.] p. 470, l. 17-22). . . . The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he can make motions and usually votes on all questions (*RONR* [10th ed.] p. 47, l. 7-11).

If the moderator of the session is someone other than the pastor of that particular church, for example, an assistant pastor moderating under *BCO* 12-4, or a minister of the same presbytery moderating under *BCO* 12-2; 12-3, he may *not* vote because he is not already a member of that session (an associate pastor or ruling elder) elected by that congregation to govern it (*BCO*, Preface, II. Preliminary Principles, 2, 6).

5. *What role does Robert's Rules of Order play in our parliamentary authority?*

The General Assembly, presbyteries and sessions have the following hierarchy of parliamentary authorities: (1) the PCA Constitution (*Westminster Standards, BCO*), (2) Standing Rules (in the case of the Assembly, the “Rules of Assembly Operation”), and (3) *Robert's Rules of Order*. The Constitution is the primary authority, the Standing Rules are the secondary authority, and *RRO* is the tertiary authority. It is nowhere stated that *RRO* supersedes the Constitution.

6. *When does a church member have access to a session's minutes?*

References to church members' access to minutes are in *BCO* 10-4 and 12-7, and yet neither of those references settles the issue of whether a church member may have access to session minutes, other than to extracts from the minutes “whenever properly required” (*BCO* 10-4). A session may adopt a standing rule that supersedes and is different from *RRO*, but not contrary to the *BCO*. If the standing rules of a session do not address the issue, then *Robert's Rules of Order*, Chapter XV, Section 47, page 444, Tenth Edition, should be consulted: “Any member [of a society] has a right to examine the minutes of the society at a reasonable time and place, but this privilege must not be abused to the annoyance of the secretary. The same principle applies to the minutes of the boards and committees, their records being accessible to members of the boards and committees but to no other.” If a person is denied an “extract” of the session minutes by the session, under (*BCO* 10-4), a complaint could be taken to presbytery and if denied by presbytery, could be filed with the Standing Judicial Commission of the General Assembly.

7. *What are the proper procedures for rescinding, repealing or annulling actions of a previous Session meeting?*

A motion to reconsider an action would be out of order if it were made by someone who voted with the minority: “The motion can be made by any member of the committee who *did not vote with the losing side*; or, in other words, the maker of the motion to *Reconsider* can be one who voted with the prevailing side, or one who did not vote at all, or even was absent” (*Robert's Rules of Order*, 10th ed. §37). At a later meeting, however, a person who voted in the minority may make a motion to rescind a previous action...In contrast to the case of the motion to *Reconsider*, there is no time limit on making these motions after the adoption of the measure to which they are applied, and they can be moved by any member, regardless of how he voted on the original question.” It would, however, require an affirmative vote of a majority of the entire membership to pass. Moreover, there are limitations on what may be rescinded (*RRO*, 10th ed. §35). In short, anyone can make the motion to rescind regardless of how he voted on the matter at the previous meeting. It must be seconded. It is debatable. If no prior notice is given, or if there is no statement of the

intention of making the motion given in the call of the meeting, a two-thirds vote is needed to pass the motion. If prior notice is given, or if there is a statement of the intention of making the motion given in the call of the meeting, a simple majority vote is needed to pass the motion.

8. *How are we to understand BCO 38-3, 4?*

BCO 38-3, 4 allows for a member to withdraw his membership from a church. Both sections also indicate that the session should seek to work pastorally with the member before acceding to the request. If pastoral efforts do not persuade the member, then the session should take no further action but erase his name from the roll and record the circumstances in the minutes. If there are no charges pending or judicial process already begun, the session cannot begin judicial process after receiving the request to withdraw. If a judicial process had already begun, then the session could either erase the name or proceed with and conclude judicial process even in the member's absence. With regard to dealing with a spouse who desires to withdraw while the other spouse does not, the session has to treat the request on its own merit, not as a family issue (of course, pastoral care should be attempted as mentioned above).