

Part I

Discipline

Article 1. Nature of Discipline

Sec. 1. Discipline is the exercise of the authority which the Lord Jesus Christ has given to the church to promote its purity, to benefit the offender, and to vindicate the honor of the Lord Jesus Christ.

Sec. 2. The exercise of discipline may take the form of admonition, rebuke, suspension from the privileges of membership in the church or from office, deposition from office, or excommunication, as the gravity of the offense in the opinion of the assembly or the judicatory may warrant. Admonition and rebuke are pastoral in nature and are exercised by an assembly in the ordinary course of its proceedings. All further steps of discipline—suspension, deposition, and excommunication—are judicial in nature and require the formal presentation of charges to a judicatory.¹ A judicatory may, in the judicial process, impose admonition or rebuke as a form of discipline.

Article 2. Nature of Offenses

Sec. 1. The only matters to be considered as offenses subject to accusation are those which can be shown to be such from the Holy Scriptures, or from the Constitution of the Reformed Church in America.²

Sec. 2. Offenses which are known at most to a very few persons shall be dealt with first in the manner indicated by the Lord Jesus Christ in Matthew 18:15-17. If this procedure fails, the matter shall be presented to the body to which the offender is amenable.

Sec. 3. Notwithstanding Article 1, Section 2, notorious and scandalous offenses require immediate suspension and/or other action as determined by the responsible body, pending review by the appropriate assembly or judicatory.

Article 3. Responsibilities for Discipline

Sec. 1. Discipline of a Member

All members of a local church are under its care and are subject to its

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government and discipline, as administered by its board of elders. The board of elders may suspend from the privileges of membership in the church a member who persistently rejects its admonitions or rebukes. If a member fails to show marks of repentance after suspension, the board of elders may, with permission of the classis, proceed to excommunication. The board of elders shall publicly notify the congregation of its intention to excommunicate, and later, of its final action. The board may omit such public notification, if such omission will not impair the purposes of discipline and will best serve the spiritual welfare of the congregation. Such omission shall require a two-thirds vote of the board of elders.³

Sec. 2. Discipline of an Elder or Deacon

The board of elders shall have jurisdiction in the case of a charge against an elder or deacon. If the charge is proven, the elder or deacon may be suspended or deposed from office together with such other discipline as may be imposed in accordance with Section 1 of this article.⁴

Sec. 3. Discipline of a Minister of Word and Sacrament

- a. Ministers are under the care of the classis and are subject to its government and discipline.
- b. The consistory has the right to close the pulpit to a minister who has been accused of any notorious or scandalous offense which would render appearance in the pulpit inappropriate. Proceedings of the consistory in such a case are at its peril, but are undertaken to prevent scandal. This action is not to be considered a trial. The consistory must report its action to the classis immediately.⁵
- c. The classis shall have exclusive jurisdiction in the case of a charge against a minister. If the charge is proven, the minister may be suspended or deposed from office, suspended from the privileges of membership in the church, and/or excommunicated.⁶

Sec. 4. Discipline of a General Synod Professor of Theology

- a. Professors of theology are under the care of the General Synod and are subject to its government and discipline. The General Synod shall have jurisdiction in the case of a charge against a professor of theology. If the

charge is proven, the professor of theology may be suspended or deposed from the Office of General Synod Professor of Theology or the Office of Minister of Word and Sacrament or both, suspended from the privileges of membership in the church, and/or excommunicated.⁷

- b. When a charge against a General Synod Professor of Theology is proven and discipline is imposed by the General Synod, the professor has the right to a new trial at the next regular session of the General Synod, the determination of which will be the final disposition of the case.

Sec. 5. Discipline of a Consistory

Consistories are under the care of the classis and are subject to its government and discipline. A classis has the authority, after trial, to suspend a consistory accused of unfaithfulness to duty, or of disobedience to the classis, or of violation of the Constitution of the Reformed Church in America or the laws and regulations of the church. If a consistory is suspended, all of its members shall be disqualified for re-election until the classis has removed the disqualification. The classis shall fulfill the responsibilities of the consistory (including those of the boards of elders and deacons) so suspended until a new consistory has been legally constituted.⁸

Article 4. Procedure for Bringing a Charge⁹

Sec. 1. A charge is a written accusation of an offense filed with the clerk of the responsible judicatory specifying the name of the accused, the nature of the alleged offense, and the time, place, and attendant circumstances of the alleged offense. (For the form of the charge, see Appendix No. 12). The clerk of the judicatory shall provide a copy of the charge to the accused within three days of its receipt.¹⁰

Sec. 2. A charge may be brought by an individual who is subject to the jurisdiction of the responsible judicatory. If the charge is brought by an individual, it must be signed by and made in the name of the individual who must come forward openly to support the charge(s) throughout the proceedings.¹¹

Sec. 3. A committee designated by the responsible judicatory may also bring a charge.

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Sec. 4. If filed by an individual, the charge shall be referred to a committee appointed by the judicatory to determine whether there is sufficient merit to the charge to warrant further consideration. If a charge is filed by the committee designated by the judicatory, that same committee shall continue its proceedings to determine whether there is sufficient merit to the charge to warrant further consideration. In either case, in making this determination, the committee:¹²

- a. May interview the accuser, the accused, or any witnesses.
- b. Shall consider the number and credibility of witnesses and the length of time between the occurrence of the alleged offense and the date when allegations were made. If the alleged offense occurred more than two years prior to the date of the charge, the charge shall be dismissed by the committee except when the committee concludes that circumstances prevented the accusation from being brought earlier.¹³
- c. Shall determine whether efforts to resolve the matter short of trial would be appropriate. Such efforts may include mediation, admission by the accused that the charge is true and acceptance of appropriate sanctions, or any other disposition to which the committee and the accused may agree. Any demission, suspension, deposition, or excommunication must be approved by the appropriate judicatory.¹⁴

Sec. 5. The committee shall conduct its work in a confidential manner in order to protect the reputations of all persons involved and to preserve the impartiality of the judicatory if the charge moves forward.

Sec. 6. If the charge is not otherwise resolved, and the committee determines there is sufficient merit in the charge, the judicatory shall proceed to trial. If there is not sufficient merit, the committee shall dismiss the charge. This dismissal shall be the final resolution of the charge by the judicatory.¹⁵

Sec. 7. The action of the committee shall be reported to the judicatory.¹⁶

Article 5. Trying a Charge¹⁷

Sec. 1. The clerk of the judicatory shall issue a citation (for the form of the citation to an accused person or consistory, see Appendix, No. 13) signed by the president and clerk, requesting the accused to appear before the judicatory at a

specified time and place. The citation and a copy of the charge shall be provided to the accused.¹⁸

Sec. 2. The accused shall file a written reply to the charge with the clerk within twenty days of the receipt of the citation and a copy of the charge. If the accused acknowledges guilt or fails to file a reply to the charge, the judicatory shall impose the appropriate discipline.¹⁹

Sec. 3. The judicatory shall try the charge within thirty days of the filing of the reply, unless the trial is postponed to a later date by consent of the parties and the judicatory involved.

Sec. 4. The judicatory may try the charge, even though the accused is not present, if it is satisfied that proper notice was provided.

Sec. 5. The clerk of the judicatory shall issue citations to persons who are requested to appear as witnesses for or against the accused and, at the same time, shall provide a list of the witnesses to all parties. Persons who have not received a witness citation may be permitted to testify at the trial, if the presiding officer concludes that to allow the testimony is not fundamentally unfair.

Sec. 6. Neither the accuser, accused, counsel for any party, witnesses, clerk of the judicatory, members of the committee of the judicatory as described in Article 4, nor any person with a conflict of interest shall participate in the deliberation or the decision of the judicatory at any stage of the trial.²⁰

Sec. 7. Unless the accused refuses or fails to appear after proper notice, witnesses shall be examined in the presence of the accused. The accused shall be permitted to cross-examine adverse witnesses. No affidavits shall be admitted.²¹

Sec. 8. The judicatory may, at its discretion, appoint a committee to take testimony of a party or witness at a location other than that of the place of hearing, upon request of any party. Ten days' notice shall be given to all parties of the appointment and membership of the committee and of the time and place of its meeting. The parties shall examine the witness(es) and shall have the right of cross-examination.²²

Sec. 9. A verbatim record of the trial, including the judgment, shall be

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preserved and entered into the records of the judicatory. Parties to the case shall be given reasonable access to the record.

Sec. 10. Parties and the judicatory may be represented by counsel of their own choosing, provided that such counsel is a minister, elder, or confessing member of the Reformed Church in America. Counsel shall not be compensated for their time or efforts but may be reimbursed for expenses.²³

*Sec. 11. Procedural Rules*²⁴

- a. The judicatory shall establish such administrative rules for the trial as it deems appropriate to ensure that the trial will be conducted in a fair and impartial manner.
- b. No member or groups of the Reformed Church in America, nor any person connected with the case, shall circulate, or cause to be circulated, any written or printed arguments or briefs upon any charges before the final disposition of same, including appeals, if any.
- c. The required quorum for a judicatory conducting a trial shall be the same as is required for a regular or stated session of that assembly.
- d. The accuser shall be responsible for moving forward with the evidence.
- e. The charge(s) must be proven with a high degree of probability.²⁵
- f. Receipt of evidence shall not be controlled by formal rules of evidence. However, the presiding officer may exclude any evidence if the officer determines that to admit such evidence would be fundamentally unfair.
- g. The only persons who may attend the trial are the parties, their counsel, the members of the judicatory, and such other persons as the judicatory deems appropriate.²⁶
- h. Only members of the judicatory shall be present for the deliberation on the evidence. However, the counsel for the judicatory, if any, may be present.²⁷

Sec. 12. Decision

- a. The vote on whether the charge(s) has been proven shall be by written ballot. A simple majority of those present and voting shall be required to reach a decision.
- b. The judicatory shall record its decision, stating the reasons therefor. A copy shall be provided to the parties.

Sec. 13. Imposition of Discipline

- a. The judicatory shall impose such discipline as is appropriate for the offense and as is consistent with the Holy Scriptures and the Constitution of the Reformed Church in America.²⁸
- b. The judicatory shall record its actions, stating the reasons therefor. A copy shall be provided to the parties.

Sec. 14. The recorded decision and the disciplinary action shall be made available upon request to other assemblies within the Reformed Church in America and other appropriate ecclesiastical bodies. In addition, the judicatory, at its discretion, may distribute the recorded decision and disciplinary action to assemblies within the Reformed Church in America.²⁹

Article 6. Restoration and Reinstatement

Sec. 1. A member who has been suspended or excommunicated may be restored to the privileges of membership in the church upon repentance expressed before the judicatory which suspended or excommunicated the member. If public notice of the judgment of excommunication had been given, due public notice of reinstatement shall also be given the congregation.

Sec. 2. A person who has been suspended or deposed from office may be restored to office upon repentance and renewal of vows before the judicatory which suspended or deposed that person, provided that the judicatory is satisfied that the honor of the office will not be impaired and that the welfare of the church will be served by such a restoration, and provided that the restoration is approved by a two-thirds vote of those present at the meeting of the judicatory. Restoration after deposition shall include reordination to office.³⁰