
CHAPTER I

THE NATURE AND PURPOSES OF DISCIPLINE

1. Ecclesiastical discipline is the exercise of that authority which the Lord Jesus Christ has committed to the visible church for the preservation of its purity, peace, and good order.
2. Administrative discipline is concerned with the maintenance of good order in the government of the church in other than judicial cases. The purpose of its exercise is that all rights may be preserved and all obligations faithfully discharged.
3. Judicial discipline is concerned with the prevention and correction of offenses, an offense being defined as anything in the doctrine or practice of a member of the church which is contrary to the Word of God. The purpose of judicial discipline is to vindicate the honor of Christ, to promote the purity of his church, and to reclaim the offender.
4. All members of the church, both communicants and those who are members by virtue of baptism only, are under the care of the church, and subject to ecclesiastical discipline including administrative and judicial discipline.

CHAPTER II

JURISDICTION

A. General Provisions

1. Original jurisdiction over an individual belongs to the judicatory of the body of which the individual is a member. Original jurisdiction over judicatories belongs to the next higher judicatory.
2. All certificates of dismissal shall specify the particular body to which the person is dismissed, and shall be sent directly to that body by the dismissing judicatory. The receiving body shall notify the dismissing judicatory of the fact of reception when accomplished.
3. If a person charged with an offense requests that he be dismissed to another body within the Orthodox Presbyterian Church, the judicatory of jurisdiction shall grant this request only for reasons which it deems weighty. If the request is granted, it shall inform the judicatory to whose care the person is being committed of the charge which has been brought against him and also of any action which the dismissing judicatory may have taken with reference to the charge, and the judicatory which receives him shall conclude the case.

B. The Session's Jurisdiction

1. The session of a particular church shall have jurisdiction over all those whose names are on the roll of the church.
2. Members shall be received and their names placed on the roll of the church only by order of the session and according to the following provisions:
 - a. Members may be received by a letter of transfer from another Orthodox Presbyterian church. The session shall acquire jurisdiction over him by virtue of its vote of reception, and at that time he shall become invested with all the rights and privileges of membership therein, which rights and privileges shall not be impaired by the filing of a complaint, unless and until such complaint shall be sustained by the highest judicatory to which such complaint is made.

b. Members may be received by a letter of transfer from another church of like faith and practice approved by the session. The session may examine the candidate for membership to assure itself so far as possible that he possesses the knowledge requisite for active faith in the Lord Jesus Christ, relies for salvation on the work of Christ alone, is trusting Christ for salvation, and is determined by the grace of God to lead a Christian life. The session shall acquire jurisdiction over him by virtue of its vote of reception and his public profession of faith before the congregation according to the Directory for the Public Worship of God, Chapter V, Section 5, and at that time he shall be invested with all the rights and privileges of membership therein, which rights and privileges shall not be impaired by the filing of a complaint, unless and until such complaint shall be sustained by the highest judicatory to which complaint is made.

c. Members may be received by reaffirmation of faith. Reaffirmation of faith is made by an individual who has previously confessed his faith and united with a church other than a church of like faith and practice, and now desires to become a member of the Orthodox Presbyterian Church. The session shall examine the candidate for membership to assure itself so far as possible that he possesses the knowledge requisite for active faith in the Lord Jesus Christ, relies for salvation on the work of Christ alone, is trusting Christ for salvation, and is determined by the grace of God to lead a Christian life. The session shall acquire jurisdiction over him by virtue of its vote of reception and his public profession of faith before the congregation according to the Directory for the Public Worship of God, Chapter V, Section 5, and at that time he shall be invested with all the rights and privileges of membership therein, which rights and privileges shall not be impaired by the filing of a complaint, unless and until such complaint shall be sustained by the highest judicatory to which complaint is made.

d. Members may be received by confession of faith. Confession of faith is made by an individual who has not previously been a communicant member of the church, and now desires to become a communicant member of the Orthodox Presbyterian Church. The session shall examine the candidate for membership to assure itself so far as possible that he possesses the knowledge requisite for active faith in the Lord Jesus Christ, relies for salvation on the work of Christ, is trusting Christ for salvation, and is determined by the grace of God to lead a Christian life. The session shall acquire jurisdiction over him by virtue of its vote of reception and his public profession of faith before the congregation according to the Directory for the Public Worship of God, Chapter V, Section 5, and at that time he shall be invested with all the rights and privileges of membership therein, which rights and privileges shall not be impaired by the filing of a complaint, unless and until such complaint shall be sustained by the highest judicatory to which complaint is made.

e. Noncommunicant unbaptized children whose parent(s) are members of the church shall be received by baptism.

f. Noncommunicant baptized members may be received with their parent(s).

3. The names of members shall be removed from the roll of the church only by order of the session and according to the following provisions:

a. Members may be removed by a letter of transfer to another congregation approved by the session. When upon the request of a member the session dismisses him to another congregation, the clerk shall send a letter commending him to its care, and the clerk of the receiving church shall notify the dismissing church of the date of his reception. When notification is received the clerk shall remove his name from the roll and record the fact in its minutes. He shall be considered subject to the jurisdiction of the session which dismissed him until the time when he actually is received by the body to which he has been dismissed.

b. Members may be removed when they desire to be dismissed to a church of which the session cannot approve as a church of like faith and practice. If it appears to the session that the spiritual interests of the members will be advanced by their uniting with such a church, it shall grant them certificates of standing, and, upon being informed that they have joined such a church, shall remove their names from the roll and record the circumstances in its minutes.

c. Members shall be removed from the roll of the local church by ordination as a teaching elder, according to the Form of Government, Chapter VI, Section 4.

d. Members may be removed by erasure according to the following provisions:

1. (1) When a member desires dismissal to a church of which the session cannot approve as a church of like faith and practice, nor a church which will advance his spiritual interests, and he cannot be dissuaded, it shall grant him a certificate of standing, unless the session institutes disciplinary action against him; on being informed that he has joined such a church the clerk shall erase his name from the roll and record the circumstances in its minutes.
2. (2) When a member of a particular church, whether or not he be charged with an offense, informs the session that he does not desire to remain in the fellowship of the Orthodox Presbyterian Church, and the efforts of the session to dissuade him from his course have failed, it shall erase his name from the roll and record the circumstances in its minutes, unless the session institutes or continues other disciplinary action against him.
3. (3) When a member unites with a church of another denomination without a certificate of dismissal, the session may erase his name from the roll and record the circumstances in its minutes.
4. (4) When a member cannot be found, the session may, after two years, erase his name from the roll and record the circumstances in its minutes.
5. (5) When a member, without adequate reason, persists in attending a church of another denomination in preference to his own, or persistently and over an extended period of time absents himself from the stated services of the church, his name may be erased from the roll according to the following procedures: he shall be earnestly and personally dealt with by the session. If this effort fails, he shall be notified that at a meeting of the session not less than two months later his standing shall be reviewed. The session shall inform him of the time, date, and place of this meeting and invite him to show why his name should not be erased from the roll. If satisfactory reasons are not presented, the session shall erase his name from the roll, record the circumstances in its minutes, and send notification to him.
6. (6) When a noncommunicant member neglects the ongoing exhortation of the session to profess faith in Christ and rejects the covenantal responsibility of submission to home or church, the session may upon prior notification erase his name from the roll.

e. Noncommunicant members may be removed with their parent(s).

f. Members shall be removed at their death. The session shall remove the name of the deceased from the roll and record the fact in its minutes.

g. Members may be removed by excommunication according to this Book of Discipline, Chapter VI, Sections B.5, C.1, and C.2.

C. The Presbytery's Jurisdiction

1. Presbytery shall have original jurisdiction over all the members of the regional church not enrolled as members of a local church. The provisions of this chapter, Section B, Paragraphs 2 and 3, shall apply *mutatis mutandis*.

2. The presbytery shall have original jurisdiction over all the teaching elders who are on the roll of the presbytery. The names of teaching elders shall be placed on or removed from the roll of presbytery only by order of the presbytery, and according to the provisions of the Form of Government and this Book of Discipline. If a teaching elder has been dismissed to another presbytery, he shall be considered subject to the jurisdiction of the presbytery which dismissed him until the time when his name is placed on the roll of the presbytery (cf. Form of Government, Chapter XXIII, Section 20) to which he has been dismissed. The receiving body shall acquire jurisdiction over him when his name is placed on the roll of the presbytery (cf. Form of Government, Chapter XXIII, Section 20) and at that time he shall be invested with all the rights and privileges of membership therein, which rights and privileges shall not be impaired by the filing of a complaint, unless and until such complaint shall be sustained by the highest judicatory to which complaint is made.

D. Special Circumstances

1. If a session shall cease to exist or become so small as to prevent it from working effectively, the presbytery shall provide for an election and ordination of elders from within the congregation; or the presbytery, with the consent of the congregation, may appoint ruling elders or ministers, or both, normally from within the same presbytery to be an acting session or to augment the existing session temporarily.
 2. If a church ceases to exist, the presbytery of jurisdiction shall secure the records, exercise care over its members, and issue certificates of dismissal to other churches.
 3. If a presbytery ceases to exist, the general assembly shall assign each church and minister to some other presbytery.
 4. The higher judicatory in each instance shall either conclude any uncompleted case of discipline begun in the lower judicatory, or refer the case to the judicatory to whose care the accused has been committed.
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CHAPTER III

STEPS IN THE INSTITUTION OF JUDICIAL PROCESS

1. A charge of an offense may be brought by an injured party, by a person not an injured party, or by a judicatory. The offense alleged in the charge should be serious enough to warrant a trial (cf. Chapter III, Section 7.b [6]). No charge shall be admitted against an elder, unless it is brought by two or more persons, according to I Timothy 5:19.
2. No charge shall be admitted by the judicatory if it is filed more than two years after the commission of the alleged offense, unless it appears that unavoidable impediments have prevented an earlier filing of the charge. A charge shall be considered filed when it has been delivered to the clerk or the moderator of the judicatory.
3. Every charge of an offense must: (a) be in written form, (b) set forth the alleged offense, (c) set forth only one alleged offense, (d) set forth references to applicable portions of the Word of God, (e) set forth, where pertinent, references to applicable portions of the confessional standards, (f) set forth the serious character of the offense which would demonstrate the warrant for a trial.

Each specification of the facts relied upon to sustain the charge must: (a) be in written form, (b) declare as far as possible, the time, place, and circumstances of the alleged offense, (c) be accompanied with the names of any witnesses and the titles of documents, records, and recordings to be produced.

4. Offenses are either public or private. Public offenses are those which are commonly known. Private offenses are those which are known to an individual only, or, at most, to a very few individuals. Private offenses may or may not be personal, a personal private offense being one which involves injury to the person bringing the charge.
5. No charge of a personal private offense shall be admitted unless the judicatory has assured itself that the person bringing the charge has faithfully followed the course set forth in Matthew 18:15-17; nor shall a charge of a private offense which is not personal be admitted unless it appears that the plaintiff has first done his utmost privately to restore the alleged offender. However, even in the case of public offenses, it is not wrong to seek reconciliation in terms of Matthew 18:15-17 or Matthew 5:21-27 or Galatians 6:1.
6. When a member of the church is about to present a charge, he shall be solemnly warned by the judicatory that he may be censured if the judicatory, after conducting the preliminary investigation defined in this chapter, Section 7, determines that judicial process with respect to such charge may not be instituted. No censure stronger than a rebuke shall be pronounced without a trial.

7. a. If a charge in the form prescribed in this chapter, Section 3, is presented to the judicatory of jurisdiction by an individual or individuals, the judicatory shall proceed to conduct a preliminary investigation to determine whether judicial process shall be instituted. A committee may be appointed for this purpose, but its findings shall always be reviewed by the judicatory.

b. The judicatory, or the committee, shall consider (1) the form of the charge; (2) the form and relevancy of the specifications; (3) the competency of the witnesses named in the specifications; (4) the apparent authenticity, admissibility, and relevancy of any documents, records, and recordings adduced in support of the charge and specifications; (5) whether the specifications, if true, would support the charge; and (6) also, whether the charge, if proved true, would constitute an offense serious enough to warrant a trial. It shall also prepare a statement of the facts of the case, arranged by date in the form of a chronology.

An offense which is serious enough to warrant a trial is: (1) an offense in the area of conduct and practice which seriously disturbs the peace, purity, and/or unity of the church, or (2) an offense in the area of doctrine for the nonordained member which would constitute a denial of a credible profession of faith as reflected in his membership vows, or (3) an offense in the area of doctrine for the ordained officer which would constitute a violation of the system of doctrine contained in the Holy Scriptures as that system of doctrine is set forth in our Confession of Faith and Catechisms.

The judicatory, or committee, should it be persuaded that the charge and specifications, if proved true, would constitute an offense serious enough to warrant a trial, shall not dismiss the case on technical grounds but shall require that the charge and specifications be put in proper form. If the person bringing the charge fails to do this, it shall become the responsibility of the judicatory.

c. Furthermore, if a person who has brought the charge requests the judicatory to assume responsibility for prosecuting the case, the judicatory shall bring the charge, provided the preliminary investigation warrants instituting judicial process.

d. When the form of the charge and specifications has been approved by the judicatory, it shall fix the time, date, and place for the trial of the case and shall cite the accused to appear at that time.

8. a. A judicatory may contemplate bringing a charge of an offense against a person subject to its jurisdiction. If a charge in the form prescribed in this chapter, Section 3, is presented to the judicatory by the judicatory, it shall conduct a preliminary investigation to determine whether judicial process shall be instituted. A committee may be appointed for this purpose but its findings shall always be reviewed by the judicatory.

b. The judicatory, or the committee, shall consider (1) the form of the charge; (2) the form and relevancy of the specifications; (3) the competency of the witnesses named in the specifications; (4) the apparent authenticity, admissibility, and relevancy of any documents, records, and recordings adduced in support of the charge and specifications; (5) whether the specifications, if true, would support the charge; and (6) also, whether the charge, if proved true, would constitute an offense serious enough to warrant a trial. It shall also prepare a statement of the facts of the case, arranged by date in the form of a chronology.

An offense serious enough to warrant a trial is: (1) an offense in the area of conduct and practice which seriously disturbs the peace, purity, and/or unity of the church, or (2) an offense in the area of doctrine for the nonordained member which would constitute a denial of a credible profession of faith as reflected in his membership vows, or (3) an offense in the area of doctrine for the ordained officer which would constitute a violation of the system of doctrine contained in the Holy Scriptures as that system of doctrine is set forth in our Confession of Faith and Catechisms. The judicatory, or committee, should it be persuaded that the charge and specifications, if proved true, would constitute an offense serious enough to warrant a trial, it shall not dismiss the case on technical grounds, but shall require that the charge and specifications be put in proper form.

c. When the form of the charge and specifications has been approved by the judicatory, it shall fix the time, date, and place for the trial of the case and shall cite the accused to appear at that time.

[Suggested forms for filing a written charge and for citing the accused to appear can be found in the section following the Book of Discipline.]

CHAPTER IV

THE TRIAL OF JUDICIAL CASES

A. Rules for Those Involved

1. Regarding the Judiciary

a. At the beginning of every trial, the moderator shall announce:

"This body is about to sit in a judicial capacity and I exhort you, the members, to bear in mind your solemn duty faithfully to minister and declare the Word of God, the only infallible rule of faith and practice, and to subordinate all human judgments to that infallible rule."

The announcement and the exhortation shall be repeated at the opening of each subsequent session of the trial judiciary. A session shall terminate as soon as the trial judiciary recesses, but a meeting is terminated only by adjournment.

b. The judiciaries of the church shall ordinarily sit with open doors. In every case involving a charge of heresy the judiciary shall be without power to sit with closed doors. In other cases, where the ends of the discipline seem to require it, the trial judiciary at any stage of the trial may determine by a vote of three-fourths of the members present to sit with closed doors.

c. No person shall be deprived of the right to set forth, plead, or offer in evidence in any judiciary of the church the provisions of the Word of God or of the subordinate standards.

d. If unusual circumstances require it, a judiciary may deny an accused person the right of participating in the Lord's Supper, or of performing the functions of his office, until the case is concluded.

e. In a trial before the session if the accused refuses or fails to appear without satisfactory reason for his absence at the time appointed for the trial of the case, he shall again be cited, with the warning that, if he does not appear, it will proceed with the trial in his absence. The time allowed for the appearance on a citation shall be determined by the issuing session with due consideration for the circumstances.

In a trial before a presbytery if the accused refuses or fails to appear without satisfactory reason for his absence at the time appointed for the trial of his case, it will proceed with the trial in his absence.

2. Regarding the Clerk

a. The clerk shall keep an accurate roll of the members attending each session of the trial judiciary. A session shall terminate as soon as the trial judiciary recesses.

b. The trial judiciary shall preserve a complete and accurate record of the trial. In the minutes recording the course of the procedure, the following shall not be omitted: (1) the charge and specifications; (2) objections made and exceptions taken at any stage of the trial; (3) a list of witnesses who testified and a summary of their testimony; (4) all rulings and decisions of the trial judiciary; and (5) the minutes of any private deliberations. Reproductions of part of the trial or the entire trial may be incorporated into the minutes of the trial judiciary. These minutes, together with all relevant

papers, shall be certified by the trial judicatory and transmitted to the higher judicatory in cases of appeal.

c. Ordinarily all citations shall be served in person, but in case that is not possible, citations shall be sent by certified mail to the person cited.

3. Regarding the Accused

a. The accused shall be entitled to the assistance of counsel. No person shall be eligible to act as counsel who is not a member in good standing of the Orthodox Presbyterian Church. The accused may not sit in judgment on his own case at any stage thereof, including the preliminary investigation. No person who is counsel in a judicial case may sit in judgment on the same case in any stage following the preliminary investigation.

b. The accused may take exception to any and all rulings or decisions made by the trial judicatory.

c. The accused shall be allowed one copy of the minutes at the expense of the judicatory. Additional copies may be obtained by him at cost.

4. Regarding Witnesses

a. Any person may be a witness in a judicial case if the trial judicatory is satisfied that he has sufficient competence to make the affirmation required of witnesses in this chapter, Section A.4.b.

b. The moderator shall require each witness before he testifies to make the following affirmation: "I solemnly swear, that by the grace of God, I will speak the truth, the whole truth, and nothing but the truth concerning the matters on which I am called to testify."

c. If it becomes necessary to obtain testimony from witnesses who are subject to the jurisdiction of another judicatory of the church, such testimony may be obtained either by the taking of depositions, or by having such judicatory, at the request of the trial judicatory, issue citations directing such persons to appear and testify before the trial judicatory.

d. The trial judicatory shall have power to direct that the testimony of witnesses be taken by a commission appointed by the trial judicatory when it concludes that unusual circumstances require such a course. A representative of the trial judicatory and the accused, or his counsel, may examine and cross-examine such witnesses, and interpose objections concerning (1) the admissibility of any oral testimony, (2) the competency of the witnesses, (3) the authenticity, admissibility, and relevancy of any documents, records, and recordings identified by the witnesses. The commissioners must be communicant members of the Orthodox Presbyterian Church. They shall record such testimony and objections as may be offered, and, without ruling upon the objections, shall transmit to the trial judicatory a complete transcript of the proceedings.

e. If a witness who is a member of the church fails to obey a lawful citation, he shall be cited again with the warning that if he does not appear, or give satisfactory reason for his absence, he may be charged with contempt. The time allowed for appearance on a citation shall be determined by the issuing judicatory with due consideration for the circumstances.

f. If a member of the church under the jurisdiction of another judicatory has been cited as a witness, and such person refuses to appear, the trial judicatory will communicate the facts to the judicatory having jurisdiction over the person concerned.

B. Rules for Evidence

1. Evidence must be factual in nature. It may be direct or circumstantial. Caution should be exercised in giving weight to evidence which is purely circumstantial.
2. The accused may object to the competency of any witness and the authenticity, admissibility, and relevancy of any testimony or evidence produced in support of the charge and specifications. The trial judicatory shall decide on all such objections after allowing the accused to be heard in support thereof.
3. A specification presented in support of a charge may be established by the testimony of witnesses or by duly authenticated documentary evidence. The testimony of one witness shall not be sufficient to establish the truth of any specification.
4. If the accused so requests, no witness, unless a member of the judicatory, called to witness regarding facts in support of any specification shall testify in the presence of another witness who is to testify concerning the same specification.
5. The trial judicatory shall appoint one of its members to conduct the examination of witnesses on its behalf, but other members shall also have the right to take part in the examination. Witnesses produced in support of the charge and specifications shall testify in the presence of the accused unless the accused has failed to present himself after citation according to this chapter, Section A.1.e. Witnesses named in the specifications shall first be examined by the trial judicatory. The accused may then cross-examine. If the trial judicatory asks any further questions, the accused shall be given opportunity for recross-examination. Witnesses summoned at the request of the accused shall first be examined by the accused. If the trial judicatory cross-examines, the accused shall be given opportunity to conduct a redirect examination. Leading questions shall be permitted only under cross-examination.
6. Certified records of a judicatory shall be received in evidence in any other judicatory if their relevancy is first established.
7. All questions concerning the competency of any witness and the authenticity, admissibility, and relevancy of any testimony or evidence taken by a commission shall be determined by the trial judicatory after the accused has been given an opportunity to be heard.
8. New evidence discovered during the trial may be offered, but, if such evidence is produced against the accused, he shall be given reasonable time to investigate it and to supplement his defense.
9. If new evidence is produced by the accused after he has been found guilty, the trial judicatory shall examine such evidence. If it is satisfied that there was good reason for not producing it at the trial, it shall grant a new trial, or, in case an appeal has been lodged, it shall certify these facts to the appellate judicatory and the record of the case shall then be returned to the trial judicatory for the purpose of a new trial.

C. Rules of Trial Proceedings

1. First Meeting of the Trial

At the first meeting of the trial judicatory only the following actions shall be taken:

- a. The charges and specifications shall be read and formally presented to the accused together with the names of any witnesses and copies of any documents which may be presented against him.

b. The trial judicatory shall fix the time, date, and place for the second meeting of the trial, which shall not be less than ten days later, and shall issue citations directing all persons to appear at that time whose presence it may deem necessary.

c. The accused shall be granted citations in which he may insert the names of the witnesses whom he wishes the trial judicatory to summon.

No meeting of the trial judicatory held prior to the time at which it proceeds with the previously mentioned actions shall be considered the first meeting within the meaning of this chapter.

2. Second Meeting of the Trial

a. At the second meeting of the trial judicatory the accused may interpose objections concerning (1) the regularity of the proceedings up to this point and (2) the form of the charge, the form and relevancy of the specifications, the competency of the witnesses named in the specifications, and the authenticity, admissibility, and relevancy of any documents, records, and recordings submitted in support of the charge and specifications. The trial judicatory shall determine the validity of any such objections. If the accused at this point requests the trial judicatory to do so, it shall determine whether the proof of the charge and specifications would show the commission of an offense serious enough to warrant a trial. It may dismiss the case forthwith, or permit such amendments of the charge and specifications as do not alter their essential nature. If the trial judicatory decides that the trial should proceed, the accused shall be called on to plead "guilty" or "not guilty" and his plea shall be entered upon the record. If the accused pleads "guilty", the trial judicatory shall determine the censure. If the accused pleads "not guilty", or refuses to plead, the trial shall proceed. The proceedings described in this section may extend over as many meetings as are necessary for their completion.

b. Absence from any session of the second or of a subsequent meeting of the trial judicatory shall disqualify a member from voting thereafter and from being counted in the computation of a quorum, but shall not deprive him of any other right as a member of the trial judicatory. Unless a quorum is present, a trial judicatory shall not continue in session, but it may recess or adjourn.

c. When all the evidence against the accused has been presented and he has had an opportunity to cross-examine the witnesses testifying against him, the accused shall have the right to move for the dismissal of the charges. If this motion is denied by the trial judicatory, the accused may then present the evidence in support of his defense.

3. Conclusion of the Trial

a. After all the evidence has been presented, the accused may make his final argument with respect to the evidence and the law of the church. The trial judicatory, after deliberation, shall vote on each charge and each specification separately. If the trial judicatory decides that the accused is guilty, it shall proceed to determine the censure.

b. When the trial judicatory has concluded its deliberations, the moderator shall announce its decision on each charge and each specification. If the accused has been found guilty, the trial judicatory shall state what censure it proposes to pronounce against the accused. The censure shall not be pronounced before the expiration of the time in which the accused may file notice of appeal. If notice of appeal is filed and an appeal is taken within the time prescribed in this Book of Discipline, Chapter VII, the trial judicatory may not execute its judgment unless and until the judgment is affirmed by the judicatory to which final appeal is taken.

4. Trial in Absentia

If the judicatory proceeds with the trial in the absence of the accused, a counsel shall be appointed at the first meeting of the trial to present a case to the trial judicatory in defense of the accused. Such counsel, although not acting directly in behalf of the accused, shall be entitled to present evidence, interview witnesses, interpose

objections, and otherwise act in defense of the accused. The trial judicatory shall deliver copies of the charge, specifications, and names of witnesses either personally or by certified mail to the accused along with notification that the trial is proceeding without him and the time, date, and place of the second meeting of the trial judicatory. The second meeting of the trial judicatory shall proceed as though the accused had pleaded "not guilty" in the case. The trial shall then proceed according to the provisions of this chapter. When the trial judicatory has concluded its deliberations, the moderator shall announce its decisions according to this chapter, Section C.3.b and shall communicate such decisions to the accused in writing either personally or by certified mail.

[A suggested form for citing a witness is found in the section following the Book of Discipline.]

CHAPTER V

CASES WITHOUT FULL PROCESS

1. When a person comes before a judicatory as his own accuser, the judicatory may proceed to judgment without full process, determining first, what offense, if any has been committed, and, if a serious offense (cf. Chapter III, Section 7.b [6]) has been committed, what censure shall be pronounced.

2. Erasure is an act of discipline without full process.

a. The names of members may be removed from the roll of the church by erasure according to the following provisions:

(1) When a member desires dismissal to a church of which the session cannot approve as a church of like faith and practice, nor a church which will advance his spiritual interests, and he cannot be dissuaded, it shall grant him a certificate of standing, unless the session institutes disciplinary action against him; on being informed that he has joined such a church the clerk shall erase his name from the roll and record the circumstances in its minutes.

(2) When a member of a particular church, whether or not he be charged with an offense, informs the session that he does not desire to remain in the fellowship of the Orthodox Presbyterian Church, and the efforts of the session to dissuade him from his course have failed, it shall erase his name from the roll and record the circumstances in its minutes, unless the session institutes or continues other disciplinary action against him.

(3) When a member unites with a church of another denomination without a certificate of dismission, the session may erase his name from the roll and record the circumstances in its minutes.

(4) When a member cannot be found, the session may, after two years, erase his name from the roll and record the circumstances in its minutes.

(5) When a member, without adequate reason, persists in attending a church of another denomination in preference to his own, or persistently and over an extended period of time, absents himself from the stated services of the church, his name may be erased from the roll according to the following procedures: he shall be earnestly and personally dealt with by the session. If this effort fails, he shall be notified that at a meeting of the session not less than two months later his standing shall be reviewed. The session shall inform him of the time, date, and place of this meeting and invite him to show why his name should not be erased from the roll. If satisfactory reasons are not presented, the session shall erase his name from the roll, record the circumstances in its minutes, and send notification to him.

(6) When a noncommunicant member neglects the ongoing exhortation of the session to profess faith in Christ and rejects the covenantal responsibility of submission to home or church, the session may upon prior notification erase his name from the roll.

b. The names of ministers may be removed from the roll of the presbytery by erasure according to the following provisions:

(1) When a minister, whether or not he be charged with an offense, informs the presbytery that he desires to renounce the jurisdiction of the Orthodox Presbyterian Church by abandoning his ministry and membership therein, or by declaring himself independent, or by joining another body without a regular dismissal, the presbytery shall seek to dissuade him from his course, and, if these efforts fail, it shall erase his name from its roll and record the circumstances in its minutes unless the presbytery institutes or continues disciplinary action.

(2) When a minister has been absent from the meetings of presbytery for two years and the presbytery after diligent search is unable to find him, his name shall be erased from the roll.

CHAPTER VI

CENSURE AND RESTORATION

A. Censure

1. In judicial discipline there are five degrees of censure: admonition, rebuke, suspension, deposition, and excommunication. Censures shall be pronounced in the name and by the authority of the Lord Jesus Christ, as an act of the whole church, by the moderator on behalf of the trial judicatory.

2. If a person who has been adjudged guilty refuses or fails to present himself for censure at the time appointed, the trial judicatory shall cite him to appear at another time. If he does not appear after this citation, the censure shall be pronounced in his absence.

B. Degrees of Censure

1. Admonition

Admonition consists in tenderly and solemnly confronting the offender with his sin, warning him of his danger, and exhorting him to repentance and to greater fidelity to the Lord Jesus Christ.

2. Rebuke

Rebuke is a form of censure more severe than admonition. It consists in setting forth the serious character of the offense, reproving the offender, and exhorting him to repentance and to more perfect fidelity to the Lord Jesus Christ.

3. Suspension

a. Suspension is a form of censure by which one is deprived of the privileges of membership in the church, of office, or of both. It may be for a definite or an indefinite time. Suspension of an officer from the privileges of membership shall always be accompanied by suspension from office, but the latter does not necessarily involve the former.

b. An officer or other member of the church, while under suspension, shall be the object of deep solicitude and earnest dealing to the end that he may be restored. When the trial judicatory which pronounced the censure is satisfied of the penitence of the offender, or when the time of suspension

has expired, the censure shall be removed and the offender shall be restored. This restoration shall be accompanied by a solemn admonition. Restoration to the privileges of membership may take place without restoration to those of office.

c. When a minister has been indefinitely suspended, the judicatory shall immediately notify all the presbyteries of the church.

4. Deposition

a. Deposition is a form of censure more severe than suspension. It consists in a solemn declaration by the trial judicatory that the offender is no longer an officer in the church.

b. When a minister is deposed from his office, the presbytery shall erase his name from the roll of the ministerial members of the presbytery and dismiss him to a particular church or enroll him as a member of the regional church without membership in a particular church.

c. Deposition of a pastor or his suspension for an indefinite time involves the dissolution of the pastoral tie. The sentence of deposition or suspension shall be read before the congregation, and the pulpit shall be declared vacant. In case of suspension for a definite period the presbytery, after giving the session an opportunity to be heard, shall decide whether the pastoral relation shall be dissolved.

d. When a minister has been deposed, the judicatory shall immediately notify all the presbyteries of the church.

5. Excommunication

Excommunication is the most severe form of censure and is resorted to only in cases of offenses aggravated by persistent impenitence. It consists in a solemn declaration by an ecclesiastical judicatory that the offender is no longer considered a member of the body of Christ.

C. Procedural Considerations

1. Pronouncement of Censure

The indefinite suspension, deposition, or excommunication of an officer or other member of the church shall be announced to the church in which the officer holds office, or in which the member holds membership. These censures shall always be accompanied by prayer to God that he may graciously use the discipline for the restoration of the offender, the edification of the church, and his own glory.

2. Review of Suspension

a. In case of indefinite suspension, the judicatory of original jurisdiction shall review the suspension, not later than twelve months after imposition of censure, to determine whether or not the offender has shown repentance and may be restored.

b. When in its review of suspension, the judicatory of original jurisdiction is not satisfied that the offender has shown repentance, the judicatory shall determine whether the suspension should be continued or increased to deposition or to excommunication or to both.

c. Continued suspension for an indefinite time shall be reviewed again within twelve months of the conclusion of the previous review.

3. Increase of Censure

a. No further trial is necessary to increase the censure of indefinite suspension from office to deposition or the censure of indefinite suspension from the privileges of church membership to excommunication.

b. If increase of censure is imposed, without further trial, it shall be the duty of the judicatory so acting to record the circumstances in its minutes.

c. The judgment to increase censure shall in any case be subject to appeal.

D. Restoration

1. An officer deposed because of a commonly known offense shall be restored only after the judicatory has assured itself that the restoration will not be attended by injury to the cause of the gospel.

2. An officer who has been deposed cannot resume his former office without again being ordained.

3. Restoration shall always be accompanied by a prayer of thanksgiving to God for his redeeming grace.

CHAPTER VII

APPEALS

1. An appeal in a judicial case is the removal of the case to an appellate judicatory by the filing of a petition asking that the final judgment of a lower judicatory be reversed or modified. An appeal may be taken by the accused, or by a judicatory whose judgment has been reversed or modified by an appellate judicatory.

2. Decisions and rulings made by the trial judicatory during the course of the trial shall not be appealable but may be assigned as grounds of appeal from the final judgment of the judicatory.

3. Notice of an intention to appeal must be filed in writing, within ten days after the judgment has been announced, with the clerk or the moderator of the judicatory from which appeal is to be taken.

4. In order to perfect an appeal, the appellant must lodge the appeal and the specifications of error with the clerk of the appellate judicatory within thirty days after the filing of the notice of appeal. The appellant shall also serve a copy of the appeal to the clerk of the judicatory from whose judgment the appeal is taken. The clerk of the appellate judicatory shall give the appellant and the judicatory from whose judgment the appeal is taken reasonable notice of the time, date, and place fixed by the appellate judicatory for the hearing of the appeal.

5. The clerk of the judicatory from whose judgment the appeal is taken shall submit the entire record of the case, including the chronology, to the clerk of the appellate judicatory.

6. If the appellate judicatory does not sustain any of the specifications of error, the judgment of the lower judicatory shall be affirmed. If the appellate judicatory sustains any specification of error, it shall determine whether the error is of such importance as to require a reversal or modification of the judgment. An appellate judicatory which decides not to sustain the judgment of a lower judicatory may remit the case to the trial judicatory for a new trial, may modify the judgment, or may reverse the judgment.

7. When the judgment of a lower judicatory is before an appellate judicatory, neither the appellant, nor any member of the judicatory from whose judgment the appeal is taken shall propose or second motions, or vote in any decisions concerning the case.

[Suggested forms to use when giving a notice to appeal or for the appeal itself can be found in the section following the Book of Discipline.]

CHAPTER VIII

DISSENTS AND PROTESTS

1. Any member of a judicatory who is entitled to vote on a question and who votes against the action or judgment of the judicatory thereon may request that his vote be recorded in the minutes of the judicatory.
2. Any member of a judicatory may file a written protest stating his reasons for objecting to an action or judgment of the judicatory. A protest must be filed with the moderator or clerk within ten days after the judicatory has taken the action or announced the judgment, provided, however, that a protest against an action or judgment of the general assembly must be filed prior to the dissolution thereof. A protest shall be read to the judicatory and shall be recorded in the minutes.
3. The judicatory may, if it so desires, place in its minutes an answer to a protest.

CHAPTER IX

COMPLAINTS

1. A complaint is a written representation, other than an appeal or a protest, charging a judicatory with delinquency or error. It may be brought by an officer or other member of the church against the session or the presbytery to which he is subject, by one session against another session, by a session against the presbytery which has jurisdiction over it, or by one presbytery against another presbytery.
2. A complaint shall first be presented to the judicatory which is alleged to be delinquent or in error, and this judicatory shall be asked to make amends. The complaint shall be presented as soon as possible after the alleged delinquency or error, and always within three months, unless it is shown that it could not have been presented within that time.
3. If, after considering a complaint, the judicatory alleged to be delinquent or in error is not convinced that it has been delinquent or has erred, and refuses to make amends, the complainant may appeal to the next higher judicatory having jurisdiction. The appeal shall carry the complaint to that judicatory. Appeal shall be entered at the earliest possible time. Before this action is taken, notice of intention to appeal must be given to the judicatory against which the complaint is directed. The complaint carried to the higher judicatory must be the same complaint presented to the lower judicatory.
4. When a complaint has been carried to a higher judicatory, the clerk of the judicatory which is charged with delinquency or error shall submit to the clerk of the higher judicatory the relevant papers, including a statement of the facts of the case arranged by date in the form of a chronology, and a certified copy of any minutes or other documents evidencing the alleged delinquency or error. The clerk of the higher judicatory shall give the complainant and the judicatory against which the complaint is directed reasonable notice of the time, date, and place fixed for the hearing of the complaint by the higher judicatory. Neither the complainant nor any member of the judicatory whose alleged delinquency or error is complained of shall propose or second motions, or vote in any decisions concerning the matter.
5. If a complaint against a session has been carried to the presbytery which has jurisdiction over it, and the presbytery has rendered a decision, either the complainant or the session may appeal the decision to the general assembly. The appeal shall carry the complaint against the session to the general assembly and the general assembly shall adjudicate the case as constituted by that complaint. Appeal shall be entered at the earliest possible time. Notice of intention to appeal, and copies of the appeal itself, shall be given to both lower judicatories, and the clerks of those judicatories shall submit the relevant papers to the clerk of the general assembly. Reasons may be appended to the appeal. These reasons may include alleged delinquencies in the

presbytery's handling of the case and other matters germane to the issues of the case as constituted by the complaint against the session.

6. A complaint, carried by appeal to a higher judicatory, may be sustained; or, denied; or, remanded, with grounds, to the next lower judicatory. A decision to remand shall state whether jurisdiction in the matter is being returned to the lower judicatory, or retained by the higher judicatory.

7. If a judicatory is adjudged delinquent or in error by a higher judicatory, the higher judicatory shall determine what amends are to be made.

Suggested Forms for Use in Connection with the Book of Discipline

I. CHARGE AND SPECIFICATIONS

_____ (here insert the title of the trial judicatory) of The Orthodox Presbyterian Church charges _____ with _____ (here name the alleged offense):
_____ (here give references to applicable portions of the Word of God, and, where pertinent, to relevant provisions of the constitution.)

Specifications: That on or about _____ the said _____ did _____ (here set forth briefly the place and circumstances of the alleged offense.)

Witnesses and/or Documents: _____ (here set forth the names of witnesses and/or the titles of documents to be produced in support of the charge and specifications.)

_____ (Moderator)
_____ (Clerk)

Date: _____

II. CITATION OF ACCUSED

To _____ :

You are hereby cited to appear before _____, meeting on _____ at _____ o'clock at _____, then and there to hear and receive certain charges and specifications which have been preferred against you by _____ (here insert the title of the trial judicatory) of The Orthodox Presbyterian Church.

(In the case of a second citation, add the appropriate warning prescribed by Chapter IV, Section A.1.e, of the Book of Discipline.)

By order of _____ (here insert the title of the trial judicatory) of The Orthodox Presbyterian Church.

_____ (Moderator)
_____ (Clerk)

Date: _____

III. CITATION OF WITNESS

To _____ :

You are hereby cited to appear before _____, meeting on _____ at _____ o'clock, at _____, then and there to give evidence in the trial of _____ (here insert the name of the accused).

(In the case of a second citation of a witness who has failed to appear after a first citation, add the warning prescribed in Chapter IV, Section A.4.e, of the Book of Discipline.)

By order of _____ (here insert the title of the trial judicatory) of The Orthodox Presbyterian Church.

(Moderator)
(Clerk)

Date: _____

**IV. NOTICE OF INTENTION TO APPEAL
(IN JUDICIAL CASES)**

To _____, Clerk (or Moderator) of _____ (here insert the title of the judicatory from which the appeal is to be taken) of The Orthodox Presbyterian Church:

And now, this _____ day of _____, A.D. _____, comes _____ and gives notice of intention to appeal to _____ from the judgment of _____ in the case of _____ (here insert the name of the accused.)

_____, Appellant

Date: _____

**V. APPEAL
(IN JUDICIAL CASES)**

To _____, Clerk (or Moderator) of _____ (here insert the title of the judicatory to which the appeal is taken) of The Orthodox Presbyterian Church:

And now, this _____ day of _____, A.D. _____, comes _____ and appeals from the judgment of _____ in the case of _____ (here insert the name of the accused), and in support of said appeal sets forth the following specifications of error:

(Here insert the title of the judicatory from which the appeal is taken) of The Orthodox Presbyterian Church erred in _____ (here state concisely the error alleged to have been made).

(Additional specifications of error may be filed.)

_____, Appellant

Date: _____

VI. COMPLAINT

To _____, Clerk (or Moderator) of _____ (here insert the title of the judicatory to which the complaint is taken) of The Orthodox Presbyterian Church:

And now, this _____ day of _____, A.D. _____, comes _____ and complains against the action (or delinquency) of _____ in connection with _____ (here state briefly the matter of which complaint is made).

In bringing this complaint I affirm that I believe that the session (or presbytery) has erred (or has been delinquent) and that this error (or delinquency) is serious; that I have tried to understand the session's (or presbytery's) point of view; that I have seriously examined, in prayer before the Lord, my willingness to be in subjection to my brothers in Christ; and that I have made a serious effort to correct the error (or delinquency) short of entering a complaint.

In support of this complaint I set forth the following grounds:

(Here set forth concisely in numbered paragraphs the grounds of fact, circumstance and law in support of the complaint.)

_____, Complainant

Date: _____

**VII. APPEAL
(IN ADMINISTRATIVE CASES)**

To _____, Clerk of _____: And now, this _____ day of _____, A.D. _____, comes _____ and appeals from the decision of the _____ on the enclosed complaint of _____ against actions of the _____, in order to bring that complaint to _____ for adjudication.

_____, Appellant

Date: _____