

***The
Book
of
Discipline***

The Book of Discipline

OF THE BIBLE PRESBYTERIAN CHURCH

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 and good order. It may be either judicial or administrative.
2. Judicial discipline is concerned with the prevention and correction of offenses. An offense is anything in the doctrine or practice of a communicant member of the Church or of a Church court 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.
3. 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.
4. All communicant members of the Church are under the care of the Church, and subject to its discipline.

CHAPTER II

Jurisdiction

1. Original jurisdiction over communicants, ruling elders, and deacons belongs to the session of the Church of which the individual is a member. Original jurisdiction over a minister belongs to the Presbytery of which he is a member.
2. If a Church member has been dismissed to another particular Church, or a minister to another Presbytery, he shall be considered subject to the jurisdiction of the body which dismissed him until the time when he is actually received by the body to which he has been dismissed.

3. 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 body. The receiving body shall notify the dismissing body of the fact of reception when accomplished.

CHAPTER III

Steps in the Institution of Judicial Process

1. Judicial process shall be deemed to have been instituted only whenever formal charges and specifications, as defined herein, have been filed with the clerk of the body of which the accused is a member, and the body, after having heard the charges read, decides that there is reasonable ground to support the charges.

2. No charge of an offense shall be admitted if it is brought more than two years after the commission of the alleged offense, unless it is agreed by a three-quarters vote of the court to which such a charge has been filed that unavoidable impediments have prevented an earlier filing of the charge; or unless the charge alleges grave heresy and it can be proved that the expression of heretical teaching is still proceeding either orally or in written or printed form. A charge shall be considered filed when it has been delivered to the clerk of the judicatory.

3. A charge of an offense may be brought by an injured party, by a person not an injured party, or by a court of the Church.

4. Every charge of an offense must be presented to the court in writing. Every charge must set forth the alleged offense together with the specifications of the facts relied upon to sustain the charge. Each specification shall declare, as far as possible, the time, place, and circumstances of the alleged offense, and shall be accompanied with the names of any witnesses and the titles of any documents to be produced.

5. Offenses are either private or public. Private offenses are those known to an individual only, or, at most, to a very few persons. Public offenses are those which are notorious and scandalous.

6. No charge of a private offense shall be admitted unless the court has assured itself that the course set forth by our Lord in Matthew 18:15-17 has been faithfully followed.

7. Every person about to present a charge shall be solemnly warned by the court that he may be censured if the charge is not substantiated by such evidence as will establish reasonable proof of guilt.

8. If allegations of an offense, not framed as formal charges and specifications, are presented to the court of jurisdiction, it shall conduct a preliminary investigation to determine whether judicial process shall be begun. If the preliminary investigation is conducted by a committee appointed for that purpose, its findings shall be reviewed by the court. The court or committee, as the case may be, shall consider the respectability and presumptive credibility of the witnesses to be produced, and shall examine the papers submitted to it to determine whether, if charges and specifications were prepared on the basis of such papers, their proof would show the commission of an offense. If, after a consideration of all of the foregoing factors, the court decides that judicial process may be instituted, it shall cause formal charges and specifications to be prepared and shall fix a time for the trial of the case.

CHAPTER IV

The Trial of Judicial Cases

1. At the beginning of every trial the moderator shall announce that the body is about to sit in a judicial capacity, and shall exhort the members to bear in mind their 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 made at the opening of each session of the trial court.

2. The courts of the Church shall ordinarily sit with open doors. In every case involving a charge of heresy the court shall be without power to sit with closed doors. In other cases, where the ends of discipline seem to require it, the trial court at any stage of the trial

may determine by a vote of three-fourths of the members present to sit with closed doors.

3. At the first meeting of the trial court only the following things may be done: (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 court shall fix the time for the next session of the trial, which shall not be less than ten days later, and shall issue citations directing all persons concerned to appear at that time; (c) the accused shall be granted citations in which he may insert the names of the witnesses whom he wishes the court to summon; and (d) the parties may challenge the right of any member of the court to sit in the case, which challenge shall be decided by a majority of the other members of the court.

4. If it becomes necessary to summon witnesses who are subject to the jurisdiction of another court of the Church, such court at the request of the trial court shall issue citations directing such persons to appear and testify.

5. The testimony of witnesses living at a distance from the place of trial may be taken by a commission appointed by the trial court whenever such course seems advisable, provided, however, that in such case the accused may appear personally before such commission or be represented by counsel. The commissioners must be communicant members of the Church. They shall take such testimony as may be offered and transmit the testimony to the trial court. The court may, at its own discretion, admit sworn statements from persons who by reason of infirmity or distance are unable to appear as witnesses.

6. All citations should be served personally, but in case this is not possible, citations shall be sent by registered mail to the last known address of the person cited.

7. If the accused refuses or fails to appear before the trial court, 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, he may be disciplined for contempt, and the

court will proceed with the trial in his absence. The time allowed for the appearance on a citation shall be determined by the issuing court with due consideration for the circumstances.

8. 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 censured for contempt. The time allowed for appearance on a citation shall be determined by the issuing trial court with due consideration for the circumstances. A communicant member of the Church under the jurisdiction of another judicatory shall, if likewise cited and refusing to appear, or, having appeared, refuses to testify, the trial court shall communicate the facts to the court having jurisdiction over the person concerned. An officer or private member of the Church refusing to testify may be censured for contumacy.

9. 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 Bible Presbyterian Church. No person who is counsel in a judicial case may sit in judgment on the same case at any stage thereof.

10. At the second meeting of the trial court the accused may interpose objections concerning (a) the regularity of the proceedings up to this point and (b) the legal sufficiency of the charges and specifications. The court shall decide on the validity of such objections. It may dismiss the case forthwith, or permit such amendments of the charges and specifications as do not alter their essential nature. If the court decides that the trial should proceed, the accused shall be called upon to plead "guilty" or "not guilty" and his plea shall be entered upon the record. If the accused pleads "guilty" the court shall retire to determine the censure. If the accused pleads "not guilty" or refuses to plead, the trial shall proceed. Accused parties may plead in writing when they cannot be personally present. Parties necessarily absent should have counsel assigned to them.

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

12. Witnesses shall testify in the presence of the accused unless the accused has failed to present himself after citation as provided in section 7 of this chapter. When all of the testimony has been taken, the prosecution and the accused may present argument as to the law of the Church and the facts. The court shall then retire, and, after deliberation, shall vote on each charge and specification separately. If the court decides that the accused is guilty, it shall then determine the censure.

13. Only members of the court who have been present during the whole of the trial shall be allowed to vote therein, nor may any member who has been absent be thereafter counted in the computation of a quorum. The clerk shall keep an accurate roll of the members attending each session of the court.

14. When the trial court has concluded its deliberations, the moderator shall announce its judgment on each charge. If the accused has been found guilty, the court shall state what censure it proposes to pronounce upon 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 by this Book of Discipline, the court may not execute its judgment unless and until the judgment is affirmed by the highest court to which appeal is taken.

15. The trial court shall preserve a complete stenographic record of the trial including the following: charges and specifications; objections made by the accused at any stage of the trial; the testimony of witnesses; and all rulings and findings of the court as well as the minutes of its private deliberations. This record, together with all relevant papers, shall be certified by the clerk of the trial court and transmitted to the higher court in cases of appeal. This record shall include either a complete stenographic record or a record made by electronic recording devices. If electronic recording devices are used, at least two such devices must be employed under the supervision of the clerk. These recordings must be certified by both the clerk and the moderator of the trial.

16. The accused shall be allowed one copy of the record at the expense of the trial body. Additional copies may be obtained by him at cost.

17. The accused may except to any and all rulings or findings made by the trial court. All such exceptions must be entered on the record.

CHAPTER V

Evidence in Judicial Cases

1. Evidence must be of a factual nature. It may be direct or circumstantial. Caution should be exercised in giving weight to evidence which is purely circumstantial.

2. Any person may be a witness in a judicial case if the trial court is satisfied that he has sufficient intelligence to understand, and can sincerely take the following oath, or make the following affirmation:

“I solemnly swear (affirm) in the presence of the omniscient and heart-searching God that I will speak the whole truth concerning the matters on which I am called to testify, as I shall answer to Almighty God.”

The moderator shall require each witness before he testifies to take this oath or make this affirmation.

3. The accused may object to the competency and relevancy of any testimony or evidence produced in support of the charges and specifications. The trial court shall decide on all such objections after allowing the accused to be heard in support thereof.

4. Proof of a charge may be attempted by oral testimony or by duly authenticated documents. The testimony of at least two witnesses, or the testimony of one witness accompanied with admissible documentary evidence, shall be necessary in order to establish the truth of any specification.

5. If the accused requests, no witness called to prove facts in support of any one specification shall testify in the presence of another witness who is to testify concerning the same specification.

6. In a case initiated by a court, it shall appoint one of its members as a prosecutor, whose duty it is to secure a fair presentation of known facts to the court. He shall organize, direct, and present the case for the prosecution. He shall have no part in the deliberations or decisions of the trial court. Witnesses named in the specifications shall first be examined by the prosecutor. The accused may then cross-examine. If the prosecutor or members of the court ask further questions, the accused shall be given opportunity for re-cross-examination. Witnesses summoned at the request of the accused shall first be examined by the accused. If the prosecutor cross-examines, the accused shall be given opportunity to conduct a re-direct examination. Leading questions shall be permitted only under cross-examination.

7. Private parties shall have the right to act before any court as prosecutors or be represented by counsel, who shall meet the qualifications set forth in Chapter IV, section 9.

8. Regularly authenticated records of a court may be received in evidence in any other court.

9. All questions concerning the relevancy or competency of evidence taken by a commission at a distance shall be determined by the trial court after the accused has been given an opportunity to be heard.

10. If new evidence is produced after one accused has been found guilty, the trial court shall examine the evidence. If it is satisfied that there was good reason for not producing it at the trial, it shall grant a new trial, or, if an appeal has been lodged, it shall certify these facts to the appellate court, and the record of the case may then be returned to the trial court for the purpose of a new trial, or the higher court may conclude the case after hearing the new evidence as if it were a trial court.

11. New evidence discovered during a trial may be offered, but, if such evidence is produced against the accused, he shall be given at least ten days in which to investigate it and prepare a reply thereto.

CHAPTER VI

Cases Without Full Process

1. When a person comes before a court as his own accuser, it may proceed to judgment without full process, determining, first, what offense, if any, has been committed, and, if it appears that an offense has been committed, what censure should be pronounced.
2. Members may be removed from the membership at their own request by informing the Session of their intention to withdraw and their reasons. If a member requests to withdraw because of specific problems or disappointments with the church, the Session may attempt to resolve those matters so that the member may remain in the church and enjoy greater fruitfulness and personal growth. If the Session is unable to resolve those matters, it may offer to assist the member in locating a church of like faith and practice that can respond more effectively to his gifts and needs. If allegations or charges of an offense have been presented to the Session, a request for removal of membership shall not be given effect until the prescribed process has been properly concluded. When a member unites with another church without a certificate of dismissal, the Session shall erase his name from the roll and record the reason in its minutes. When a member removes from the bounds of the congregation and cannot be found, the Session may after a time deemed sufficient, but no longer than two years, erase his name from the roll recording the reason in the minutes.
3. When a minister renounces the jurisdiction of the Bible Presbyterian Church by abandoning his ministry and membership therein, or by declaring himself independent, or by joining another body not deemed heretical without a regular dismissal, the Presbytery shall erase his name from its roll and record the reason in its minutes. If a minister joins a body deemed heretical, his name shall be erased from the roll and all particular Churches, all Churches with which this Church is in correspondence, and the public generally so far as possible shall be notified that he has ceased to be a minister of this Church and has abandoned the faith of the Church catholic. 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.

4. When a minister shall ask to be relieved of the office of the holy ministry, the Presbytery shall require him to wait one year, and meanwhile shall labor with him diligently to ascertain whether his proposed action is necessary and proper. If at the end of a year his desire is unchanged and the Presbytery is satisfied as to the sufficiency of his reasons, the Presbytery shall record the facts in its minutes and erase his name from the roll.

CHAPTER VII

Censure and Restoration

1. In judicial discipline there are five degrees of censure: admonition, rebuke, suspension, deposition, and excommunication. Censures shall be pronounced by the moderator for the trial court in the name and by the authority of the Lord Jesus Christ, the Church's only Head and King.

2. If a person, adjudged guilty and remaining under the jurisdiction of this Church, refuses or fails to present himself for censure, the trial court shall again cite the person to appear. If he does not appear after a second citation, the censure shall be imposed in his absence. Wilful refusal to appear may be deemed an aggravation of the original offense.

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

4. 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 more perfect fidelity to the Lord Jesus Christ.

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

6. An office-bearer or other communicant 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 court which pronounces the censure is satisfied of the penitence of the offender, or when the time of suspension has expired and no new offense has arisen, the censure shall be removed, and the offender shall be restored. This restoration shall be accompanied with solemn admonition. Restoration to the privileges of communion may take place without restoration to office.

7. Deposition of an officer consists in depriving him permanently of the exercise of his office, and may follow upon conviction of heresy or gross immorality.

8. 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 limited period the Presbytery shall decide whether the pastoral relation shall be dissolved.

9. When a minister has been deposed or has been suspended for an indefinite time, the court shall immediately notify all the presbyteries of the Church.

10. Excommunication is the most severe form of censure and is resorted to only in cases of peculiar aggravation and persistent impenitence. It consists in solemnly excluding the offender from the communion of the visible Church of Jesus Christ.

11. The suspension, deposition, or excommunication of an officer or other member of the Church shall be announced to the Church in which the officer concerned holds office, or in which the member concerned holds membership. Such announcement shall be accompanied with an urgent request for prayer for the offender to the end that he may be restored.

12. When, after the passing of a year, a suspended person has failed to repent, it may be the duty of the court to impose further censure and it may proceed to deposition or excommunication or both, after

investigation of the present status of the person involved and consideration of the effect of the action upon the church.

13. The censures herein set forth shall always be accompanied with prayer to God that He may graciously use the act of discipline for the restoration of the offender, the edification of the Church, and His own glory.

14. An officer deposed because of immoral conduct shall be restored only upon the most evident repentance, and after the court has assured itself that the restoration will not be attended by injury to the cause of the Gospel.

15. A minister, ruling elder, or deacon who has been lawfully deposed cannot resume his former office without again being ordained.

16. Restoration, which may be accomplished even after the extreme penalty of excommunication, shall always be accompanied with a prayer of thanksgiving to God for his redeeming grace.

CHAPTER VIII

Appeals

1. An appeal is the removal of a judicial case to the next higher court by the filing of a petition asking that the judgment of a lower court be reversed or modified. An appeal may be taken by the accused, or by a prosecutor when a judgment of guilty has been reversed or modified by an appellate court.

2. Preliminary decisions made by the trial court during the course of a trial may be excepted to and then may be assigned as grounds of appeal from the final judgment of the court.

3. If an appeal is contemplated, written notice of appeal must, within fifteen days after the judgment has been announced, be filed with the clerk or the moderator of the court from which appeal is 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 forty-five days after the filing of the notice of

appeal. The appellant shall also serve a copy of the appeal upon the clerk of the court from whose judgment the appeal is taken. The clerk of the appellate court shall give the appellant and the court from which the appeal is taken reasonable notice of the time and place fixed for the hearing of the appeal.

5. The clerk of the court from which the appeal is taken shall lodge the entire record of the case with the clerk of the higher court.

6. If the appellate court does not sustain any of the specifications of error, the judgment of the lower court shall be affirmed. If one or more material specifications of error are sustained, the appellate court shall reverse or modify the judgment, or return the case to the lowest court for a new trial.

7. When the judgment of a lower court is before an appellate court, no member of the court from which the appeal is taken shall have any part in the decision of the case.

CHAPTER IX

Removal of Non-judicial Causes From a Lower to a Higher Court

1. Non-Judicial decisions of all church courts under the General Synod are subject to the review of the next higher court, and may be removed thereto in one of the following ways, namely: (1) General Review or (2) Complaint. When a matter is so removed, the lower court shall become a party, and its members shall not be entitled to deliberate and vote in the higher court.

GENERAL REVIEW

2. The record of every court, except the General Synod, shall be reviewed by the next higher court, at least once a year, and may be called for at any time. If the lower court fail to send up its record, the higher court may order it to be produced immediately, or on a day named.

3. The higher court, after inquiring into: (1) the regularity of the proceedings minuted, (2) the correctness of the record, shall order the record to be attested, if necessary *cum nota*. In connection with such a review the higher court may give special instruction or admonition to the lower, and may order any part of the record that is irregular to be cancelled or deleted; but a judicial sentence may not be reversed.

4. Notwithstanding attestation of the record, if, after such review, it comes to the knowledge of the higher court that a lower court neglects its duty, or has committed grave irregularities, it may take such cognizance thereof as is deemed necessary.

COMPLAINTS

5. A member of a lower court may complain to the higher court. Notice of such complaint must be given to the clerk of the court within ten days. The complaint itself must be lodged with the clerk of the higher court within thirty days after the notice is given.

6. The court may prepare answers to reasons of complaint, and appoint some of its members to defend its action before the higher court.

7. The complainant, having obtained certified extracts of minutes and relative documents as craved, shall bring the cause before the higher court. If, when the case is called, he does not appear, or fails to assign a sufficient reason for his absence, the complaint or appeal shall be held as fallen from.

8. In cases of sickness, unavoidable detention, or inability to be present from other good cause, the complainant may be excused from appearing in person and be permitted to plead by written communication and deputy.

9. A complaint shall bring up all parties concerned, who must be duly cited by the clerk of the lower court.

10. The effect of a complaint shall be, if signed by one-third or more of the members present when the vote was taken, to arrest execution

of the judgment pronounced until the matter be reviewed by the higher court.

11. The higher court, after ascertaining that a complaint has been regularly made, and that all parties have been duly notified, shall call the parties to the bar and the whole of the record of the lower court is read. The parties shall then be heard, the complainant having the right of reply. Questions may then be put by the court relative to any matter affecting the cause in hand, after which parties shall be removed from the bar, and the court shall proceed to deliberate.

12. When a decision or judgment is reached, parties shall be recalled and the decision or judgment of the court shall be announced to them.

13. If a complaint or appeal is dismissed, the decision of the lower court stands affirmed. If it be sustained, the decision is not necessarily reversed but may be altered in part or in whole, and the matter may be remitted to the lower court with instructions. Or the higher court may, if circumstances appear to require it, waive altogether the merits of the complaint or appeal, and give such a decision in the original cause as is consistent with truth and justice.

CHAPTER X

Protests, Petitions, Memorials, and Overtures

1. Any member of a court who has voted on a question and is not satisfied with the decision, is entitled to have his protest recorded. By so doing he relieves himself from responsibility for the decision, and saves himself from censure on account of it. The protest must be given in when the decision is announced. Reasons of protest given in at the time, or within ten days, if in proper language, shall be entered in the minutes. When deemed necessary, the court shall prepare answers which shall be entered in the minutes.

2. Members who have voted in the minority may signify their adherence to a protest and have their adherence recorded, either at the time, or at the following sederunt, when the minutes are confirmed, but not afterwards.

3. Every member of the Church has the right of access to any Church court by petition or memorial. He has direct access to the Session of the congregation to which he belongs, but a petition or memorial to a higher court must, in the first place, be presented to the Session, with a request for its transmission.

4. A lower court shall transmit a petition or memorial with or without approval or concurrence, as it sees fit. Before transmitting, the court should see that the petition or memorial is in proper form and expressed in respectful language. If transmission is refused, the petitioner or memorialist shall have the right of appeal. These provisions shall apply alike to a petition or memorial from an individual, from any number of persons, from a congregation, or from a lower court.

5. When a court of the Church wishes to propose an amendment to the Constitution, or generally the adoption of any measure appertaining to the functions of the General Synod, an overture on the subject shall be presented.

6. All petitions, memorials, and overtures intended for the General Synod shall be sent by the clerks of the lower courts, or by the parties signing them, to the clerk of the Synod.

GLOSSARY

APPEAL is a communication to a higher court of a judicial nature (see Book of Discipline VIII).

PROTEST is a dissent from the decision of any court by a member who voted on that matter.

COMPLAINT is a communication from a member of a lower court objecting to a non-judicial action of a lower court to a higher court (see Book of Discipline IX:13).

OVERTURE: Amendments to the Constitution or calls for the Synod to change the manner in which it functions may be presented by means of an overture. An overture must originate with a court of the church.

PETITION is the means of requesting a court to take administrative (non-judicial) action which does not involve amendments to the Constitution or calls for the Synod to change the manner in which it functions.

MEMORIAL is a non-judicial statement to a court of the church which does not seek action.

For definitions of “judicial” and “non-judicial,” see Book of Discipline Chapter I.

Amended by the 55th, 56th, 58th, 66th, and 69th General Synods of the Bible Presbyterian Church.