

Chapter I: Theology of Church Discipline

A. The Basis of Discipline

1. The basis of all church discipline is the free love of God in Christ expressed in both mercy and judgment. The purpose of discipline is to bring about the reconciliation of man to God and man to man and to engage the people of God in the ministry of reconciliation, and to promote the peace, purity, and edification of the Church.
2. Failure to achieve the restoration or reconciliation of sinners does not mean that church discipline has failed. The glorification of God remains a primary objective even when church members resist discipline. This reality reminds us of the crucial necessity for church courts to pray for the change of heart that can only be accomplished by a work of the Holy Spirit.
3. Instruction regarding the purposes and practice of church discipline is an important part of the life of a congregation. Upon joining a church, Christians are incorporated into a disciplined community. That community is responsible, under the church's government, for the total ministry of the body as the body is responsible for each individual in the church. In this mutual responsibility all are held accountable for the sake of the task of the whole body of Christ, remembering that each individual is finally responsible not to a church court, but to God.

B. Authority for Discipline

1. The authority for church discipline comes from Christ. Jesus had compassion on the crowds because "they were harassed and helpless, like sheep without a shepherd."¹ Though sin and the Enemy may at times harass believers and churches, we are never helpless because we have "that great shepherd of the sheep" as our chief shepherd.² The risen and conquering Lord Jesus is presently and actively the head of his body, the Church.³
2. Upon his ascension, Christ made provision for his flock, the church, by sending his Holy Spirit to empower and to equip the saints for the work of ministry.⁴ This ministry is given primarily to under-shepherds, pastors and elders, whose task it is to carry out the shepherding work of Christ.⁵

¹ **Matthew 9:36** - When he saw the crowds, he had compassion for them, because they were harassed and helpless, like sheep without a shepherd.

² **Hebrews 13:20** - Now may the God of peace who brought again from the dead our Lord Jesus, the great shepherd of the sheep, by the blood of the eternal covenant,

³ **Colossians 1:18** - And he is the head of the body, the church. He is the beginning, the firstborn from the dead, that in everything he might be preeminent.

⁴ **Ephesians 4:4** - There is one body and one Spirit—just as you were called to the one hope that belongs to your call; **Ephesians 4:11-13** - And he gave the apostles, the prophets, the evangelists, the shepherds and teachers, to equip the saints for the work of ministry, for building up the body of Christ, until we all attain to the unity of the faith and of the knowledge of the Son of God, to mature manhood, to the measure of the stature of the fullness of Christ,

⁵ **2 Timothy 2:2** - and what you have heard from me in the presence of many witnesses entrust to faithful men who will be able to teach others also; **Titus 1:5-10** - This is why I left you in Crete, so that you might put what remained into order, and appoint elders in every town as I directed you— if anyone is above reproach, the husband of one wife, and his children are believers and not open to the charge of debauchery or insubordination. For an overseer, as God's steward, must be above reproach. He must not be arrogant or quick-tempered or a drunkard or violent or greedy for gain, but hospitable, a lover of good, self-controlled, upright, holy, and disciplined. He must hold firm to the trustworthy word as taught, so that he may be able to give instruction in sound doctrine and also to rebuke those who contradict it.

3. In accordance with this ministry, Christ gave authority to the Church to bind and to loose on earth and in heaven. This is represented by the keys to the kingdom given to the confessing Peter.⁶ Authority must never be a tool of oppression but always an instrument of service.⁷ Jesus later very graciously and tenderly called out that same disciple and enjoined him to “feed my sheep.”⁸
4. As the earthly holders of the keys of the kingdom, church courts cannot decline to practice discipline within the body of Christ. To do so is to ignore the command of Christ and to hold in contempt the authority he has given to the officers and courts of the Church.

C. Discipline as an Earthly Shadow of Heavenly Realities

1. The eschatological separation of the weeds from the good grain is reserved for angels on the Day of Judgment, but the task of exposing sin, confronting sinners, and reconciling broken relationships is left for the priesthood of believers to accomplish through the established authority structures and resources of the church.⁹
2. Church courts must ultimately lean heavily on the wisdom and guidance of the Holy Spirit as he speaks in accordance with God’s Word, to discern whether a certain church member in need of discipline is a wolf in sheep’s clothing who needs to be exposed and expelled, or merely another wounded sheep in need of mercy and restoration.

For there are many who are insubordinate, empty talkers and deceivers, especially those of the circumcision party.

⁶ **Matthew 16:17-20** - And Jesus answered him, “Blessed are you, Simon Bar-Jonah! For flesh and blood has not revealed this to you, but my Father who is in heaven. And I tell you, you are Peter, and on this rock I will build my church, and the gates of hell shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.” Then he strictly charged the disciples to tell no one that he was the Christ; **Matthew 18:18** - Truly, I say to you, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven.

⁷ **Matthew 20:24-26** - And when the ten heard it, they were indignant at the two brothers. But Jesus called them to him and said, “You know that the rulers of the Gentiles lord it over them, and their great ones exercise authority over them. It shall not be so among you. But whoever would be great among you must be your servant,

⁸ **John 21:15-19** - When they had finished breakfast, Jesus said to Simon Peter, “Simon, son of John, do you love me more than these?” He said to him, “Yes, Lord; you know that I love you.” He said to him, “Feed my lambs.” He said to him a second time, “Simon, son of John, do you love me?” He said to him, “Yes, Lord; you know that I love you.” He said to him, “Tend my sheep.” He said to him the third time, “Simon, son of John, do you love me?” Peter was grieved because he said to him the third time, “Do you love me?” and he said to him, “Lord, you know everything; you know that I love you.” Jesus said to him, “Feed my sheep. Truly, truly, I say to you, when you were young, you used to dress yourself and walk wherever you wanted, but when you are old, you will stretch out your hands, and another will dress you and carry you where you do not want to go.” (This he said to show by what kind of death he was to glorify God.) And after saying this he said to him, “Follow me.”

⁹ **Matthew 13:41** - The Son of Man will send his angels, and they will gather out of his kingdom all causes of sin and all law-breakers,

3. God is most glorified through the cross of Christ when sin is condemned and sinners are redeemed. Justice and righteousness meet in Christ's perfect fulfillment of the law, and the full atonement of his blood undergirds the task and informs the goal of any and all discipline in the church.
4. At all times, members of church courts must solemnly, prayerfully, and with full awareness of their own sinfulness before God, exercise church discipline as would Christ himself. Courts are to mete out justice, mercy and grace for the purification of Christ's own elect bride and the greater glory of his name and his kingdom.¹⁰

D. Discipline as Shepherding

1. Church discipline must always be exercised as biblical shepherding. It should be positive in seeking to guide and nurture, and negative in seeking to guard and defend.¹¹
2. Church discipline is discipleship. It is the response of a loving commitment to God in Christ as Lord that learns from Him as it obediently seeks to carry on His mission in the world. Under the rule of Christ expressed through the Church, discipline is that submission which frees the Christian for more effective service. Such service by the Church in the world demands a disciplined individual and corporate life.

¹⁰ **Ephesians 5:25-26** - Husbands, love your wives, as Christ loved the church and gave himself up for her, that he might sanctify her, having cleansed her by the washing of water with the word,

¹¹ **Luke 15:1-7** - Now the tax collectors and sinners were all drawing near to hear him. And the Pharisees and the scribes grumbled, saying, "This man receives sinners and eats with them." So he told them this parable: "What man of you, having a hundred sheep, if he has lost one of them, does not leave the ninety-nine in the open country, and go after the one that is lost, until he finds it? And when he has found it, he lays it on his shoulders, rejoicing. And when he comes home, he calls together his friends and his neighbors, saying to them, 'Rejoice with me, for I have found my sheep that was lost.' Just so, I tell you, there will be more joy in heaven over one sinner who repents than over ninety-nine righteous persons who need no repentance; **John 10:1-18** - "Truly, truly, I say to you, he who does not enter the sheepfold by the door but climbs in by another way, that man is a thief and a robber. But he who enters by the door is the shepherd of the sheep. To him the gatekeeper opens. The sheep hear his voice, and he calls his own sheep by name and leads them out. When he has brought out all his own, he goes before them, and the sheep follow him, for they know his voice. A stranger they will not follow, but they will flee from him, for they do not know the voice of strangers." This figure of speech Jesus used with them, but they did not understand what he was saying to them. So Jesus again said to them, "Truly, truly, I say to you, I am the door of the sheep. All who came before me are thieves and robbers, but the sheep did not listen to them. I am the door. If anyone enters by me, he will be saved and will go in and out and find pasture. The thief comes only to steal and kill and destroy. I came that they may have life and have it abundantly. I am the good shepherd. The good shepherd lays down his life for the sheep. He who is a hired hand and not a shepherd, who does not own the sheep, sees the wolf coming and leaves the sheep and flees, and the wolf snatches them and scatters them. He flees because he is a hired hand and cares nothing for the sheep. I am the good shepherd. I know my own and my own know me, just as the Father knows me and I know the Father; and I lay down my life for the sheep. And I have other sheep that are not of this fold. I must bring them also, and they will listen to my voice. So there will be one flock, one shepherd. For this reason the Father loves me, because I lay down my life that I may take it up again. No one takes it from me, but I lay it down of my own accord. I have authority to lay it down, and I have authority to take it up again. This charge I have received from my Father."

3. Church courts must resist the unbiblical assertion that sin is a private matter between an individual and the Lord alone. It is the very nature of sin to prefer darkness to light, but the church cannot allow unrepentant sinners to remain undercover. Ministers and elders may not, like the false prophets of old, declare “peace, peace,” when there is no peace. Sin that is ignored cannot bring anything but destruction to individuals, families, and congregations.
4. Discipline is necessary to reconcile Christians to God and to one another, to prevent mercy from becoming a soft and finally cruel indulgence, and to restrain those whose words and actions may seriously hinder the witness of the whole body of Christ. In all acts of discipline church courts are to work in ways that promote holiness and true peace. Though it may be easier to do nothing, courts must practice discipline for the good of the individual and the church of Jesus Christ.
5. The frequent proclamation of the Gospel to the people of God is an essential act of church discipline. All Christians need to be reminded regularly that our admission into the kingdom of God is contingent upon the forgiveness of God and not our own behavior. While ministers and elders should instruct congregations regarding the duty of obedience to God’s holy law, this instruction must not come at the expense of regular reminders of our inability to meet the law’s demands, of Christ’s full satisfaction of those demands, and of God’s imputation of his own righteousness to his children.

Chapter II: Definitions

- A. An offense is a transgression of Holy Scripture or the Confessional Standards which, because of its severity or the offender's persistence in it, cannot be overlooked without detriment to the offender's faith and walk, or the peace, purity, or prosperity of the church.¹²
- B. A censure is the formal application of discipline by a church court for an offense.
1. Admonition is a gentle yet solemn reproof wherein an offender is warned of his transgression and called to repent, and to exercise greater faithfulness to the Lord Jesus Christ. Admonition may be imposed more than once before imposing a higher level of censure.
 2. Rebuke is a strong condemnation of the offense which calls for immediate and specific repentance.¹³ Rebuke is appropriate when the offense is against the body of Christ or when admonitions have not been heeded.
 3. Suspension is the temporary exclusion of an offender from the privileges of membership, such as the sacraments and participation in congregational meetings, or from church office. Suspension is to be administered in cases when (1) the offender persists in sin, despite admonition and/or rebuke; or (2) the nature of the offense is detrimental to the peace, purity, prosperity, and unity of the local congregation.¹⁴ While temporary, suspension shall continue until the offender gives satisfactory evidence of repentance and the court determines that termination of the suspension is in the best interest of the church and the individual.

¹² Less severe and detrimental offenses should be overlooked. **Proverbs 19:11** - Good sense makes one slow to anger, and it is his glory to overlook an offense.

¹³ **1 Timothy 5:20** - As for those who persist in sin, rebuke them in the presence of all, so that the rest may stand in fear; **Titus 3:10-11** - As for a person who stirs up division, after warning him once and then twice, have nothing more to do with him, knowing that such a person is warped and sinful; he is self-condemned.

¹⁴ Vows; **1 Cor. 11:27** - Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty concerning the body and blood of the Lord.

4. Deposition is the removal of an officer of the church from that office. This censure should be imposed after a court has determined that the officer has committed an offense which demonstrates that he is no longer fit for the office,¹⁵ or when failing to do so might damage the reputation of Christ and the body of Christ.
5. Excommunication is the judicial cutting off of an offender from the visible church and pronouncing him to belong to the kingdom of Satan.¹⁶ It is to be administered only for such errors or violations of the law of God as are grossly inconsistent with the Christian profession, or for obstinate persistence in offenses despite the application of lesser censures.

¹⁵ **1 Timothy 3:1-13** - The saying is trustworthy: If anyone aspires to the office of overseer, he desires a noble task. Therefore an overseer must be above reproach, the husband of one wife, sober-minded, self-controlled, respectable, hospitable, able to teach, not a drunkard, not violent but gentle, not quarrelsome, not a lover of money. He must manage his own household well, with all dignity keeping his children submissive, for if someone does not know how to manage his own household, how will he care for God's church? He must not be a recent convert, or he may become puffed up with conceit and fall into the condemnation of the devil. Moreover, he must be well thought of by outsiders, so that he may not fall into disgrace, into a snare of the devil. Deacons likewise must be dignified, not double-tongued, not addicted to much wine, not greedy for dishonest gain. They must hold the mystery of the faith with a clear conscience. And let them also be tested first; then let them serve as deacons if they prove themselves blameless. Their wives likewise must be dignified, not slanderers, but sober-minded, faithful in all things. Let deacons each be the husband of one wife, managing their children and their own households well. For those who serve well as deacons gain a good standing for themselves and also great confidence in the faith that is in Christ Jesus.

¹⁶ **1 Corinthians 5:4-5** - When you are assembled in the name of the Lord Jesus and my spirit is present, with the power of our Lord Jesus, you are to deliver this man to Satan for the destruction of the flesh, so that his spirit may be saved in the day of the Lord; **1 Timothy 1:19b-20** - By rejecting this, some have made shipwreck of their faith, among whom are Hymenaeus and Alexander, whom I have handed over to Satan that they may learn not to blaspheme.

Chapter III: Handling of Offenses

A. General Considerations

1. Church discipline requires a standard of normal procedure and a consistent application. This protects both the accused and the courts of the church. It prevents favoritism or personal grievances from sinfully affecting the court's proceedings. In all matters, church courts must avoid even the appearance of bias or favoritism.
2. While structure is essential, discipline should not be rigidly applied, but should be aimed at accomplishing the church's mission¹⁷ according to the Scriptures. Discipline that is not graciously and patiently applied can be just as destructive to a congregation as the failure to practice discipline at all. Church courts shall seek to follow proper procedure while wisely applying that procedure and biblical principles to specific situations.
3. Insofar as the scope of a particular sin may be personal and private, great care should be exercised to bring correction, reproof or discipline¹⁸ to bear in a commensurately personal and private way.
4. Some sins and their consequences are, by their very nature, public. Instances of divorce, crimes that are being prosecuted in civil courts, and pregnancies outside the covenant of marriage are but a few examples. When such a situation affects a local congregation, the session of that congregation shall address it with the congregation. When such a situation involves a minister, the affected congregation and the minister's presbytery shall be so informed.
5. When the scope of a particular sin has reached scandalous proportions and widespread notoriety, the disciplinary process must entail in a measured way an equally wide circle of public correction, reproof, discipline and censure. However, public censures for private offenses should be handled with utmost care and circumspection, taking into account the public appetite for rumor and scandal.

B. Discipline Prior to Formal Process

1. Pastors and elders may personally admonish anyone under their care whom they see going astray into sin or neglecting the duties of religion. They shall ordinarily report their actions to the session which may record them in its minutes.
2. In the case of private offenses, which do not involve gross immorality and are known at most to a few people, anyone who is aware of the offense shall endeavour to address it by private admonishment. He shall meet with the offender in love and call him to repentance and renewed faithfulness.
3. If an individual believes he has been sinned against personally, and the sin does not involve public slander or gross immorality, then he shall go privately to the offending party and attempt to resolve the matter.¹⁹

¹⁷ ARP Form of Government I:C

¹⁸ **2 Timothy 3:16-17** - All Scripture is breathed out by God and profitable for teaching, for reproof, for correction, and for training in righteousness, that the man of God may be complete, equipped for every good work.

- a. He shall go in the spirit of Christian love, seeking to bring the offender to recognize and repent of his sin, being ready to grant forgiveness.²⁰
 - b. If the offender refuses to repent, the injured party shall take one or two other believers as witnesses²¹ and again attempt to bring about repentance and reconciliation. The offended party is commended to endure in the grace of Jesus Christ, following his example of persevering, knowing that God will vindicate in the end.²²
 - c. If after a reasonable time the offender still refuses to repent and be reconciled, then the offended party may bring the matter to the appropriate church court for action.
 - d. No offense of this kind shall proceed to formal process unless it has been satisfactorily shown that this process of reconciliation has been attempted. Any individual making an accusation to a church court concerning a personal or private offense without first following this process shall himself be liable to censure. This shall not apply, however, to one who merely seeks the counsel and assistance of a pastor or elder in attempting to settle the offense privately.
4. Church courts generally shall not inquire into personal or private offenses that have been satisfactorily settled by the parties involved. But if at any point the offense has become so generally known or is of such a character as to require investigation or censure, then the court may proceed as provided in [III:C:1].

¹⁹ **Matthew 18:15-17** - "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every charge may be established by the evidence of two or three witnesses. If he refuses to listen to them, tell it to the church. And if he refuses to listen even to the church, let him be to you as a Gentile and a tax collector.

²⁰ **Matthew 18:21-22** - Then Peter came up and said to him, "Lord, how often will my brother sin against me, and I forgive him? As many as seven times?" Jesus said to him, "I do not say to you seven times, but seventy-seven times.

²¹ **1 Corinthians 6:5-6** - I say this to your shame. Can it be that there is no one among you wise enough to settle a dispute between the brothers, but brother goes to law against brother, and that before unbelievers?

²² **1 Peter 2:21-24** - For to this you have been called, because Christ also suffered for you, leaving you an example, so that you might follow in his steps. He committed no sin, neither was deceit found in his mouth. When he was reviled, he did not revile in return; when he suffered, he did not threaten, but continued entrusting himself to him who judges justly. He himself bore our sins in his body on the tree, that we might die to sin and live to righteousness. By his wounds you have been healed; **1 Peter 4:14** - If you are insulted for the name of Christ, you are blessed, because the Spirit of glory and of God rests upon you; **1 Peter 4:19** - Therefore let those who suffer according to God's will entrust their souls to a faithful Creator while doing good.

C. The Initiation of Formal Process

1. When a church court receives credible evidence of an offense, as a result of the Matthew 18 process [III:B:2] or otherwise, the court shall contact the accused and seek to resolve the case without judicial trial.
 - a. If the accused confesses, the court shall restore him or impose such censure as the welfare of the offender or the church may require.
 - b. If the accused does not confess, the court shall either dismiss the case or refer the matter for judicial trial. The court may apply the censure of suspension or suspension from office until the offense has been duly processed, if it believes it serves the best interests of the church or the offender.²³ If the court determines that the allegation itself was unreasonable or frivolous, the person making the allegation shall be liable to censure.
2. A person who considers himself injured by a rumour or other common report may request an investigation for his own vindication. If the court grants the request, it shall issue a written a statement of its findings. If it finds the charges to be credible, it may refer the matter for judicial trial.

²³ For example: An officer may be required to refrain from performing the duties of his office while an offense is being processed. Likewise, a member whose alleged offense is against the body of Christ may be required to refrain from partaking in communion. **1 Corinthians 11:28-31** – Let a person examine himself, then, and so eat of the bread and drink of the cup. For anyone who eats and drinks without discerning the body eats and drinks judgment on himself. That is why many of you are weak and ill, and some have died. But if we judged ourselves truly, we would not be judged.

Chapter IV: Judicial Trials

A. Charges

1. Judicial trial may not begin until there is a formal charge of offense against the accused, signed by the person filing it and by the clerk of the court. The charge may be filed by the accuser or by a court-appointed prosecutor, in accordance with subchapter B of this Chapter.
2. The charge of offense shall state clearly the nature of the offense, the provision of Scripture or the Standards alleged to be violated, and as far as possible: the time, place, and circumstances of the alleged offense. It may also state the identity of any witnesses or records that support the charge. If there are multiple offenses, each shall be listed and specified separately, though they may be on the same form.
3. Charges brought against members of a church are to be filed with the session of that church. The session shall determine if the charges warrant judicial trial or should be dismissed.
4. Charges brought against members of a presbytery are to be filled with the chairman of that Presbytery's Committee on the Minister and His Work. The full committee shall then review the charges and may:
 - a. Act as a commission and dismiss the charges; or
 - b. Recommend to the presbytery that a judicial or other commission be formed for adjudication of the matter.
5. A court shall not accept any charge as a basis for judicial trial if:
 - a. It rests chiefly on the testimony of persons who are or have recently been at enmity with the accused, who have the reputation of being untruthful, rash, or quarrelsome, or who stand to gain a temporal advantage from the charge; or
 - b. It is based on rumor or common report, unless the report specifies some particular sin and is widespread, persistent, commonly believed, and has a strong possibility of truth; or
 - c. It is filed more than two (2) years after the alleged commission of the offense, unless the offense was intentionally concealed or the court determines that other unavoidable factors prevented an earlier filing.

B. Parties

1. The accuser may prosecute the case. Otherwise, the court shall appoint one or more prosecutors from among its members or the session of another ARP Church. No person is to be admitted as prosecutor who is personally biased or at enmity with the accused, who is not of good reputation, or who may have some temporal advantage in view.
2. The accused may appear on his own behalf, or if he prefers, he may be represented by any member or members in good standing of a church subject to the jurisdiction of the court. If the accused does not appear or arrange for counsel to appear for him, the court may appoint someone to represent him.

3. No member of the court who acts either as prosecutor or counsel for the accused shall vote in the decision of the case. Counsel for either the prosecution or the defense shall not accept any fee or compensation for their services beyond necessary expenses incurred.
4. The court may try the case itself or it may elect a judicial commission from among its members to sit as the court. All cases shall be initiated in the name of the Associate Reformed Presbyterian Church. The prosecutor shall represent the church, whether he voluntarily brings the charge or is appointed by the court.

C. Process

1. The court shall initiate pre-trial proceedings by sending a copy of the signed charges to the accused and notifying him to appear before the court no earlier than eight (8) days from the date of notice. At his appearance, the accused shall enter a plea and identify any person chosen to represent him. The accused may also identify his witnesses. The court shall fix the time, date, and place for the trial, which shall be no earlier than fourteen (14) days after this initial meeting.
2. The court shall then issue written notices to the accused and all known witnesses to appear at trial. Notices shall be served personally when possible or if necessary by registered mail to the last known place of residence. Witnesses outside the denomination may only be requested to appear.
3. All notices to appear shall be signed by either the clerk or the moderator. Anyone who fails to obey a notice to appear shall be cited a second time and warned that a second failure to appear may result in censure for contempt of court. In the event it is the accused who fails to obey a second notice, the court shall proceed with the trial and may also impose on the accused the censure of suspension.
4. The moderator shall preside over the proceedings. At the commencement of a trial, the court shall open the session with prayer. The moderator shall exhort the court and all those present regarding their solemn duty to adhere faithfully to the word of God and to subordinate all human judgments and actions to that infallible rule. The court normally shall sit in open session, unless at any stage of the trial a majority of the court agrees to enter executive session. The court shall not enter executive session in trials involving offenses of doctrine.
5. The following trial order shall be observed:
 - a. The charges shall be read. The accused shall admit or deny the charges. If the charges are denied, the accused may request postponement for more time to prepare, or he may raise objections concerning the regularity of the proceedings, the charges or their specifications, the censurability of the alleged offense, the admissibility of any evidence, the right of any member of the court to participate, or the jurisdiction of the court. The court may sustain any objection and make amendment accordingly, or it may proceed to trial without change.
 - b. Witnesses shall be examined. The prosecutor shall call his witnesses first, and then the accused shall call his, with both sides having the right to cross-examine. After the prosecution has finished its witnesses, the accused may move for dismissal of the case. Members of the court may question witnesses with permission from the Moderator. All witnesses must be examined in the presence of the accused or his counsel. Witnesses shall not be present during the examination of any other witness if either party objects.

- c. The parties shall make closing arguments – first the prosecutor then the accused. No new evidence shall be introduced in closing argument.
 - d. The prosecutor, the accused, counsel for the accused, and all non-members of the court shall withdraw. The court shall deliberate privately and shall reach a verdict, voting by ballot, on each charge separately.
 - e. The parties shall be recalled and the verdict announced. If there is a verdict of guilty, the accused shall be heard and given an opportunity to repent. The parties shall again withdraw, and the court shall have up to forty-eight (48) hours to determine what, if any, censure to impose.
 - f. The parties shall be recalled and the sentence announced.
6. The court shall meet in as many sessions over a period of time as necessary for the trial to conclude. All sessions and deliberations shall begin and conclude with prayer and the exhortation to duty required in [IV:C:4].
 7. A person who has been found “not guilty” after trial shall not be re-tried for the same offense. If the accused has been found “guilty” and new evidence is discovered after trial that could reasonably have altered the outcome of the case had it been previously known, then the accused may request a new trial.

D. Rules of Evidence

1. The moderator shall decide all questions of the order, relevance, and admissibility of evidence. Either party may challenge the moderator’s ruling, in which case the court shall decide by majority vote without debate.
2. All witnesses shall be solemnly charged, in line with the ninth commandment,²⁴ as follows: “Do you promise that you will tell the whole truth?”
3. All persons generally are competent to serve as witnesses, except those who are not of sufficient intelligence to understand the obligations of an oath. The accused shall be allowed but not compelled to testify, and no negative inference shall be drawn if he declines to testify. The accuser shall be required to testify if the accused so demands. A husband or wife, or parent or child, shall not be compelled to testify against one another.
 - a. Either party may challenge the competency of any witness. Where the court allows the witness to testify, in according credit to his testimony the court shall make due allowance for age, intelligence, character, belief in God, possible bias, relationship to the parties, and other like circumstances.
 - b. Where it may not be practicable for a witness to appear at trial, the court may request another court, or it may appoint a commission, to hear and consider that witness’s testimony. Due notice shall be given to the opposite party, who shall have opportunity to attend or to submit written questions which shall be presented to and answered by the witness in writing.

²⁴ **Exodus 20:16** - You shall not bear false witness against your neighbor.

- c. If a member of the court testifies in the case, he may resume his seat, unless either party makes a reasonable objection, in which case he shall be excluded from voting on any further matter in the trial.
 - d. The court shall look to United States' Federal Rules of Evidence for guidance in all matters concerning evidence not explicitly addressed herein.
 - e. All witness testimony shall be recorded by audio tape, video tape, or some other means. The witnesses shall be informed of such prior to testifying.
4. If a charge depends entirely upon the testimony of witnesses, at least two witnesses shall be necessary to establish the charge. In the absence of conflicting evidence, the direct evidence of one witness corroborated by the indirect or circumstantial evidence of the other may be sufficient. In cases of common report, the testimony of several different witnesses to different acts of the same kind may be considered sufficient to establish a charge.
 5. Records of a church court, whether original or copied, attested by the moderator or clerk of that court, shall be received as evidence in any other court. Private writings and printed publications, if genuineness of authorship is established, shall be received as evidence of the author's opinion.
 6. New evidence discovered during trial may be admitted, provided that the opposing party has a reasonable time to investigate and prepare a response.

E. Sentencing

1. A majority vote shall be required for a verdict of guilty and for the imposition of admonition, rebuke, or suspension from the benefits of church membership. If the censure of suspension from office, deposition from office, or excommunication is to be applied to an offender, a two-thirds vote shall be required. If the convicted party refuses to submit to the sentence, the court may impose upon him a higher sentence for disobedience to its authority.
2. A person shall not sit as judge in a case if he stands to benefit personally from the decision, is closely related to or at enmity with either party, has advocated for either party in the matter of the charge, has absented himself from any session of the trial without the permission or excuse of the court, or who has prejudged the case. A church officer under process in another case shall retain the right to deliberate and vote, unless he has been suspended from his official functions.
3. If at any point in the proceedings the accused confesses or pleads guilty, the court shall halt the proceedings and administer sentence as appropriate. If the evidence at trial proves an offense properly known by another name than that on the charge, the accused, while he is to be acquitted of the specific charge in the accusation, may be found guilty of that which appears in the proof.
4. Any voting member of the court may register dissent or protest from the decision of the court, provided this is done immediately after the judgment dissented from is pronounced. The dissent or protest may subsequently be put into writing, the majority retaining the right to answer, and at the discretion of the court both may be entered into the record.

F. Records

1. The clerk shall keep a detailed record of the trial. The record shall consist of the charges; the plea; all acts and decisions of the court with their grounds, objections, and exceptions; a list of witnesses with their testimony recorded and, if practicable, transcribed and signed by the witness; a list of all members in attendance at each session; all papers, documents, or other evidence; and the judgment and sentence of the court, with any dissent or objections that are to be a part of the record. All documents shall be authenticated and signed by the clerk.
2. Each party shall be allowed one copy of the whole record at the court's expense. The record shall be admissible as evidence in any other church court of the ARPC. Nothing outside the record shall be admissible as evidence except with the consent of both parties.

Chapter V: Jurisdiction and Matters for Higher Courts

A. Jurisdiction

1. Original jurisdiction over a church member shall be vested in the Session of the congregation to which the member belongs. Original jurisdiction over a minister shall be vested in the Presbytery to which he belongs.
2. In cases involving doctrine or public scandal, if a Session of original jurisdiction refuses to act on a charge of offense within a reasonable time, then two or more other Sessions in that same Presbytery may require the Presbytery to assume jurisdiction of the case. If a Presbytery of original jurisdiction refuses to act in such cases, two or more Presbyteries may require Synod to assume jurisdiction of the case.
3. The decisions of all church courts may be brought before a higher court by review, reference, appeal, complaint or declination as defined below. In all cases except reference, members of the lower court shall have the right to sit and deliberate but not to vote. Any examination of the judicial proceedings of a lower court by a higher court shall be guided by the following principles:
 - a. The higher court may not refuse to hear an appeal or complaint.
 - b. The higher court shall limit itself to the issues raised by the parties to the case in the lower court.
 - c. The higher court shall show great deference to the lower court on factual matters, which the lower court is more competent to determine because of its proximity to the events and witnesses involved.
 - d. Every decision shall be accompanied by a written explanation detailing the rationale for the decision.

B. Review

1. The records of all lower courts are subject to the review of the next higher court at any time the higher court may require. The review may be conducted by a committee of the reviewing court. The review shall determine whether proceedings have been regular, constitutional, equitable, faithful, prudent, and properly recorded.
2. If any correction or censure appears necessary, the members of the lower court present shall be heard in defense. Ordinarily the judgment of the higher court shall be entered in its own minutes and in the records reviewed. In the case of a serious irregularity, the lower court shall be required to review and correct its own proceedings.
3. If the higher court receives report of serious neglect or irregularities on the part of the lower court, particularly in cases where discipline has not been enforced, and the records reflect no notice of these, then the higher court shall cite the lower court to appear and answer. If the reports are proved true, the higher court may impose censure or issue orders for the lower court to reform or reverse its practices as necessary.

C. Reference

1. Reference is a written request to a higher court for advice on a matter pending before the lower court. It may include matters that are delicate or difficult, that have produced division in the lower court, or that involve such conflicts of interest as to make it improper for the lower court to sit in judgment. The higher court normally shall give advice when requested.
2. Notice of reference must be given to the parties concerned in the case. All evidence and records shall be duly prepared for submission to the higher court, that the case may be heard with as little delay as possible.

D. Appeal

1. An appeal is the transfer of a case from a lower to a higher court by a party against whom a decision has been rendered. Except as provided in subchapter F of this chapter, an appeal may be made only from a final sentence and only by a party who has submitted to a regular trial. Grounds for appeal include an error or injustice in the judgment or censure, hindrance of procedural rights, improper rulings on evidence that could have affected the outcome of the case, bias or prejudice in the case, or other irregularities.
2. An appeal shall be made only to the next higher court, except with the express consent of that court. An appeal requires review of the whole case. The higher court, at the lower court's request, may appoint one or more of its members to assist in the prosecution of the case to its court. Any member so appointed shall not vote in any decision of the case.
3. The appellant shall give written notice of appeal to the lower court within fourteen (14) days after the judgment is pronounced. The appellant shall then lodge his appeal, with the reasons for it, with the clerk of the higher court prior to the beginning of its next regular meeting. The lower court shall send a copy of the full record of the case to the higher court as soon as possible after notice of appeal is given.
4. If in the prosecution of an appeal, new testimony is offered which in the judgment of the appellate court has an important bearing on the case, the court may remand the case to the lower court for a new trial, or with the consent of the parties it may receive the new testimony and proceed with the case.
5. Procedure on appeal shall be as follows: 1) reading the appeal, with its reasons; 2) reading the record of the case, or only that part against which the appeal is made; 3) hearing the appellant and then the appellee, and then closing argument from the appellant; and 4) deliberating and voting on the issues in the case.
6. The higher court may either affirm, affirm in part, or reverse the decision of the lower court. If the higher court decides to reverse the lower court, it may either close the case, send the case back to the lower court for a new trial or to amend the record, or retry the case itself. The decision of the higher court, with its explanation, shall be recorded and a copy of it sent to the lower court and the appellant.
7. If an appellant, after filing his appeal, ceases to prosecute the case and can supply no satisfactory reason for his failure to appear, then the appeal shall be considered abandoned, and the judgment of the lower court shall stand.

E. Complaint

1. A complaint is an objection to, and a request to overturn, a decision thought to be irregular or unjust. It may be filed by anyone who does not have a right of appeal or whose appeal is refused and who is under the jurisdiction of the court whose decision is complained against. A complaint brings the whole proceedings of the court under review.
2. A complaint shall first be made to the court whose act or decision is alleged to be irregular or unjust. Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within thirty (30) days following the decision complained against. The court shall consider the complaint by or at its next stated meeting. No attempt should be made to circularize²⁵ the court to which complaint is being made by either party.
3. If the court complained against fails to consider the complaint by or at its next stated meeting, or if it considers the complaint but denies relief, then the complainant may make complaint to the next higher court. Written notice of complaint, together with supporting reasons, shall be filed with both the clerk of the lower court and the clerk of the higher court within thirty (30) days following the decision of the lower court.
4. Notice of complaint shall not suspend the action against which the complaint is made, unless one-third (1/3) of the members present when the action was taken shall vote for its suspension, until the final decision in the higher court.
5. The court against which complaint is made shall appoint one or more representatives to defend its action before the higher court. Anyone acting in this capacity shall not vote in the decision of the case. The complainant himself may present his complaint, or he may obtain the assistance of a communing member in good standing of the ARPC. The parties in the case shall be known as complainant and respondent.
6. The clerk of the lower court shall file with the clerk of the higher court, not more than thirty (30) days after receipt of notice of complaint, a copy of all of its proceedings in connection with the complaint, including the notice of complaint and supporting reasons, the response of the lower court, if any, and any papers bearing on the complaint. If the clerk of the lower court shall neglect to forward the proceedings on the complaint, he shall receive a proper rebuke from the higher court, and the act or decision complained against shall be suspended until the proceedings are produced so that the higher court can fairly consider the complaint.
7. In any matter not herein provided, the rules of procedure for complaints shall be the same as that for appeals.

F. Declinature

1. A declinature is the refusal of a party under process to submit to trial by that particular court. Declinature is warranted if the court prejudices the case, goes beyond its lawful authority, or permits a person disqualified under [IV:E:2] to sit and vote in the case after there has been a challenge.
2. A declinature shall be allowed by a court only when it is accompanied with reasons and notice of appeal. It shall not end the matter, but only removes it by appeal to the higher court.

²⁵ To circularize is to attempt to influence a vote in a private or non-official venue.

Chapter VI: The Application of Censures

- A. If an offender confesses guilt or is found guilty after trial, then the court may impose any appropriate censure up to and including excommunication.
- B. Except as provided in [III.C.1.b], relating to suspension prior to trial in certain cases, or [IV.C.3], if guilt is not established either through confession or judgment after trial, then the court may not impose any censure other than admonishment. If an offense warrants a censure higher than this, and the offender refuses to submit to trial, then the court may conduct the trial in his absence in accordance with [IV.B.2.] Refusal to submit to trial may be factored into the censure imposed.
- C. All censures shall be administered by a court of the church, on behalf of the church, and in the name of the Lord Jesus Christ. The court may impose any appropriate censure without imposing a lesser censure first. If the censure does not bring about repentance, the court may publicly announce the censure previously applied and/or may impose a higher censure without additional judicial proceedings. If the court imposes a higher censure, the court shall notify the offender of its action and of his right to appeal the action within two weeks of notification, as provided in [V:D].
- D. Private censures shall be entered in the minutes of the court, including the name of the offender, the nature of the offense (without details), and the censure applied. If an individual receiving private censure demonstrates satisfactory repentance, the fact that private restoration has taken place will also be recorded in the minutes.
- E. Public censures shall be entered in the minutes of the court, including the name of the offender, the nature of the offense, and the censure applied, and shall be pronounced before the church by a representative of the court.
- F. Censures shall be administered privately or publicly, as provided herein.
 1. All admonitions shall be private.
 2. Rebuke shall be private only if the offense is private. In cases where the offense or its ramifications²⁶ are publicly known, rebuke shall be public.
 3. Suspension shall always be public except:
 - a. If the censure is applied pending a trial; or
 - b. If the court determines that the good of the offender or of the church requires it to be administered privately.
 4. Deposition shall always be public. Deposition of ministers shall be pronounced before the presbytery. In addition, the deposition of a minister serving as a pastor shall be read to his congregation by a representative of the presbytery, who shall then declare the pulpit vacant, if applicable.
 5. Excommunication shall always be public. The officiating minister shall read the decision of the court, recounting the steps taken and the necessity of the action. He shall then lead the congregation in prayer for both the church and the offender. The minister shall instruct the church that the excommunicated party is no longer to be considered a brother or sister, but that the excommunication does not destroy the bonds of natural or civil relations, nor does it relieve Christians of their responsibility to bear witness to the love of God to the excommunicated party.

²⁶ See III:A:4

6. When a court announces a censure publicly, it shall encourage the congregation to pray for and to love the offender. It shall remind the congregation of the purposes of church discipline: the glory of God, the purity of the church, and the reclamation of sinners.
7. When a censure has been announced publicly to the congregation, restoration, when it takes place, must also be publicly reported in the same manner.

Chapter VII: Removal from Roll by Disciplinary Process

A. Ministers

1. If a minister no longer adheres to the standards of the Church, the presbytery's committee on the Minister and His Work shall meet with the minister on at least two occasions and endeavor to resolve his difficulties. Upon failing to resolve the difficulties, the presbytery shall grant the minister a certificate indicating his relationship to the presbytery, state the reasons for his separation from the presbytery, enter the facts in the minutes of presbytery, and remove the minister's name from the roll. The minister's failure to adhere to the standards of the Church may constitute a censurable offense.
2. If a minister fails to exercise faithfully the duties of his office,²⁷ the presbytery shall endeavor to persuade him to perform his duties. If the presbytery is unsuccessful in its persuasion, the presbytery shall remove the name of the minister from its roll and enter the facts in its the minutes. These circumstances may constitute a censurable offense.

B. Elders and Deacons

1. If an elder or deacon fails to exercise faithfully the duties of his office,²⁸ the session shall endeavor to persuade him to perform his duties. If the session is unsuccessful in its persuasion, the name of the officer shall be removed from the roll of officers with entry of the facts in the minutes of the session. These circumstances may constitute a censurable offense.
2. In cases in which the session feels incompetent to act, the matter, including a full statement of facts, shall be referred to the presbytery and the presbytery shall assume original jurisdiction.

C. Church Members

1. Notwithstanding any provision of this book to the contrary, if a member withdraws at any time after a credible allegation of offense has been made against the member, and the member refuses to cooperate with the court in its investigation or trial, then the court shall conclude all proceedings and may impose such censure as the allegation, if true, would merit.
2. The name of the offender, a bare statement of the alleged offense, the stage of the disciplinary process, and the censure imposed, if any, shall be entered into the minutes of the session. The session may announce the above action to the congregation. If such an announcement is made, the following language shall be used: "The session has removed [name] from the roll of this church, at his request, after disciplinary process had started. In accordance with the Book of Discipline, the disciplinary process has been suspended. We should not speculate further or gossip about this matter, but instead we should pray for and love [name] as the Lord allows opportunity."

²⁷ ARP Form of Government X:B

²⁸ ARP Form of Government (Elders) VIII:B and (Deacons) VII:B, C:1

Chapter VIII: Forgiveness and Restoration

- A. Any person under censure may at any time repent of the offense and seek forgiveness. The court shall receive such repentance in the spirit of Matthew 18:21-35²⁹ and Luke 17:3-4.³⁰ A reaffirmation of brotherly love is to be extended to the penitent.³¹ Where possible, peace, reconciliation, and restitution between the offended parties should be sought.
- B. Restoration of a member under censure is the responsibility of the court that imposed the censure.
- C. The court shall remove the censure of suspension when the offender gives satisfactory evidence of repentance and the court determines that doing so is in the best interest of the church and the offender.
- D. An excommunicated person shall be received with the reaffirmation of membership vows and the extending of the right hand of fellowship.
- E. In the case of deposition from office, if the court lifts the censure the officer shall ordinarily be eligible for reelection to office. In such cases, the ordination shall be restored by the laying on of hands. Some sins, by their very nature, may prohibit the offender from holding office or performing specific church functions despite his repentance and reconciliation.³²

²⁹ **Matthew 18:21-35** - Then Peter came up and said to him, "Lord, how often will my brother sin against me, and I forgive him? As many as seven times?" Jesus said to him, "I do not say to you seven times, but seventy-seven times. "Therefore the kingdom of heaven may be compared to a king who wished to settle accounts with his servants. When he began to settle, one was brought to him who owed him ten thousand talents. And since he could not pay, his master ordered him to be sold, with his wife and children and all that he had, and payment to be made. So the servant fell on his knees, imploring him, 'Have patience with me, and I will pay you everything.' And out of pity for him, the master of that servant released him and forgave him the debt. But when that same servant went out, he found one of his fellow servants who owed him a hundred denarii, and seizing him, he began to choke him, saying, 'Pay what you owe.' So his fellow servant fell down and pleaded with him, 'Have patience with me, and I will pay you.' He refused and went and put him in prison until he should pay the debt. When his fellow servants saw what had taken place, they were greatly distressed, and they went and reported to their master all that had taken place. Then his master summoned him and said to him, 'You wicked servant! I forgave you all that debt because you pleaded with me. And should not you have had mercy on your fellow servant, as I had mercy on you?' And in anger his master delivered him to the jailers, until he should pay all his debt. So also my heavenly Father will do to every one of you, if you do not forgive your brother from your heart."

³⁰ **Luke 17:3-4** - Pay attention to yourselves! If your brother sins, rebuke him, and if he repents, forgive him, and if he sins against you seven times in the day, and turns to you seven times, saying, 'I repent,' you must forgive him."

³¹ **2 Corinthians 2:7-8** - For such a one, this punishment by the majority is enough, so you should rather turn to forgive and comfort him, or he may be overwhelmed by excessive sorrow. So I beg you to reaffirm your love for him.

³² For example: an individual whose offense involved sex crimes against minors cannot be allowed to perform any function in the church that involves working with children.

Chapter IX: Matters Not Otherwise Regulated

Any matter of discipline or process not otherwise provided for shall be left to the judgment of the court having jurisdiction of the case. The court, however, shall be governed by the general principles and rules of the Standards of the Associate Reformed Presbyterian Church and specifically the Book of Discipline.