

600 CONFLICT RESOLUTION AND REDEMPTIVE CHURCH DISCIPLINE

601 INTRODUCTION

Biblical peacemaking is one God's highest priorities (Matthew 5:23-24; Romans 12:18; Galatians 6:1); therefore, it must be one of our highest priorities. Formative church discipline is the process which all Christians experience as they hear the Word of God preached and taught. Corrective church discipline is reserved for those situations where Christians persist in unrepentant sin and need the special attention of the church in order to impress upon them the grave danger in not repenting of the offending behavior. An injured or offended member shall not become the prosecutor of any offense without having first attempted the means of reconciliation and of reclaiming the offender, required by Christ, as discussed in 602 Chapter I below. Formal church discipline that results in an ecclesiastical trial (the formal disciplinary process described in 602 and following) should be regarded by all ministers, pastors, and churches as a corrective step of last resort when dealing with matters of conflict and unrepentant sin in the church. The ministry and membership of the church in general, and of every local church, with its pastors and officers in particular, should make every reasonable effort to resolve any conflicts and recover any church member from a pattern of sin before any steps are taken to institute a trial.

Formal church disciplinary cases that come to the attention of church leaders frequently begin as personal disputes between two or more individuals. Typically, when one side feels they are not getting what they want, they bring charges of sin against the other side. In this manner, church leaders and churches are drawn into conflicts that would better be resolved at a personal level through Christian conciliation. Of course, when conflicted parties refuse to be reconciled, the accountability afforded by formal church discipline should be used to further the goals of purity in the church, the rebuke of offenses, the removal of scandal, and the spiritual good of offenders (1 Cor. 5:5). Every effort should be made, however, to resolve the conflict through repentance, confession, forgiveness and reconciliation before a church entertains formal charges. The intent of these provisions is to encourage Christian unity before the formal provisions of church discipline are brought to bear on a situation. Of course, not every situation will lend itself to Christian conciliation. However, every effort should be made to utilize private confrontation, mediation, and arbitration in order to reserve the use of formal church discipline, and the time of church courts, for those matters related to the purity of the church and the keeping and reclaiming of disobedient sinners. Many of these ends will be realized through the processes of Christian conciliation, and, therefore, should be viewed as prerequisite procedures to the formal disciplinary process.

602 CONFLICT RESOLUTION

The biblical components of discipline as they relate to conflict resolution are as follows:

- a) Instruction in the Word;
- b) An individual's responsibility to admonish one another (Matthew 18:15; Galatians 6:1);
- c) If the admonition is rejected, then the calling of one or more witnesses (Matthew 18:16);

If rejection persists, then the church must act as an ecclesiastical court (a hearing process), which may lead to admonition, suspension, or excommunication (Matthew 18:17).

1. Instruction in the Word.

God desires His people to live in peace and unity with one another (Eph. 4:3). Preaching and teaching should regularly address this emphasis and the purposes for church discipline: recovery of an errant member, the purity of the church, and the protection of God's name and reputation. Attention should be drawn to the fact that the main procedural passage related to church discipline, Matthew 18:15-20, is set forth in the context of two powerful parables teaching (1) the extent and depth of God's love in reclaiming those who have strayed (Matt. 18:10-14), and (2) the vast measure of His forgiveness and the expansive forgiveness He expects from His children toward one another (Matt. 18:21-35). The extent of instruction on reconciliation provided to church members in "new member classes" and regular preaching from the pulpit will have a significant bearing on the extent to which a church member understands the benefits of church discipline and has consented to ecclesiastical jurisdiction (which is helpful for the church if it is to avoid legal liability for the proper exercise of church discipline).

Teaching from God's Word concerning sin and conflicts that result from it, and how Christians should respond biblically to conflict, will equip church members to become peacemakers themselves. Peacemaking has always been one of a Christian's most important ministries. As we are reminded in 2 Corinthians 5:18, God "reconciled us to himself through Christ and gave us the ministry of reconciliation." One of the most powerful ways that we can encourage reconciliation with God is to model reconciliation among people. When others see us resolve our differences in a loving and biblical manner, they are inclined to give more weight to what we say about the Lord (John

13:34-35; 17:20-23). On the other hand, when they see Christians embroiled in disputes, they tend to write God's people off as hypocrites and dismiss the claims of Christ (Rom. 2:21-24; 1 Cor. 6:1-8).

The Bible sets forth a process for resolving personal and substantive disputes in a constructive manner. This process is sometimes referred to as "Christian conciliation" and it may be used to resolve everything from minor personal differences to church divisions or lawsuits involving church members (Proverbs 19:11, Matthew 5:23-25 and 18:15-20, 1 Corinthians 6:1-8, and Galatians 6:1). There are many benefits to resolving disputes through Christian conciliation. It prevents a public quarrel that would dishonor the Lord Jesus Christ and diminish the credibility and witness of His church. Conciliation also allows Christians to demonstrate their faith in Christ and their confidence in His teachings (John 13:34; 14:15; 17:20-23). In addition, conciliation encourages forgiveness and promotes reconciliation, which can help to preserve valuable relationships and strengthen the church (Eph. 4:29-32; Col. 3:12-17). Conciliation also helps people to identify and deal with the root causes of conflict, which may include such things as pride, selfishness, idolatry, fear, vengeance, greed, bitterness, or unforgiveness (see Matt. 7:3-5). This allows people to make changes in their lives so that they will enjoy more peaceful relationships in the future (Eph. 4:1-3, 22-24).

Christian conciliation is especially beneficial for people who sincerely want to do what is right and are open to learning where they have been wrong (Prov. 15:31-32). Conciliators (mediators and arbitrators) can help those caught up in conflict identify improper attitudes or unwise practices, to understand more fully the effects of their decision and actions, and to make improvements in their lives that will help them to honor and serve the Lord more effectively in the future (1 Peter 2:12).

Church leaders are encouraged to learn all they can about Christian conciliation and develop local ministries that will equip members under their care to respond to conflicts in a manner that reflects the power of Christ working in their lives. *Peacemaker Ministries*® is an evangelical ministry that provides both conciliation services and training in this area of ministry (www.Peacemaker.net). The more church members understand these concepts and benefits, the more likely they will be to apply biblical principles when conflicts occur.

2. Admonishing one another (Matt. 18:15; Gal. 6:1).

Scripture warns against making a premature judgment about a matter (Matt. 7:1-5). By first going personally and in private to those who have offended, we provide the opportunity for clarification of misunderstandings and avoid premature judgment. This step includes the three responses of personal peacemaking as follows:

a. Overlooking an offense: An individual may overlook an offense of another. "A man's wisdom gives him patience; it is to his glory to overlook an offense" (Prov. 19:11).

b. Discussion (Reconciliation): When personal wrongs are too serious to overlook, the parties are required to seek to resolve them privately through loving confrontation and confession. "If your brother has something against you...go and be reconciled" (Matt. 5:23-24). "If your brother sins against you, go and show him his fault, just between the two of you" (Matt. 18:15).

c. Negotiation: When a substantive issue related to money, property, or other material issues or rights divides Christians, a process of biblical negotiation should be followed that will meet the interests of all those involved. "Each of you should look not only to your own interests, but also to the interests of others" (Phil.2:4).

Privately responding to conflict early, before it escalates, through the means of these three forms of personal peacemaking will often result in reconciliation and no need for further peacemaking attention. Successful personal peacemaking is usually based on at least one parties' willingness to accept responsibility for how they have contributed to the conflict and by being willing to humble themselves for the greater goal of God's glory through "making every effort" (Eph. 4:3) to keep the unity of the spirit.

3. Calling one or more witnesses (Matt. 18:16; 1 Cor. 6:1-98).

Involving others is a serious escalation of a conflict and should be considered only after the elements of step two have been fully exhausted. Step three includes the three assisted peacemaking responses as follows:

a. Mediation: If a dispute cannot be resolved through personal peacemaking, the parties should ask one or more other Christians to meet with them to help the parties communicate more effectively and explore possible solutions. The mediators may give advice but have no power to impose solutions. They may later act as witnesses in formal church disciplinary proceedings should mediation fail due to hardness of heart or the unrepentant sin of one or both parties. "If he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses." (Matt. 18:16).

b. Arbitration: When two parties to a conflict cannot come to a voluntary agreement on a substantive issue, one or more arbitrators may be appointed to listen to the arguments and evidence of each side and render a binding decision. "If you have disputes about such matters, appoint as judges even men of little account in the church" (1 Cor. 6:1-8). See 603.5 below.

c. Accountability (Church Discipline): Formal church discipline, pursuant to the procedures of this *Discipline* as set forth in the following chapters of this Part Six, is reserved for those cases where the person who professes to be a Christian and is a member of the church refuses to be reconciled, repent of personal sin, and do what is right. Church leaders bearing ecclesiastical jurisdiction over such persons should formally intervene to promote justice, repentance, and forgiveness. "If he refuses to listen, tell it to the church" (Matt. 18:17-20).

Failure to Follow the Steps

Churches unwilling or unable to instruct their members completely in the full breadth of the steps of conciliation and discipline encourage resorting to unbiblical, worldly responses to conflict. The escape responses of denial, flight, and even suicide can be expected if church members are not positively directed to the biblical processes of Christian conciliation. Others, when not given the hope of having matters responded to within the body of Christ, will resort to verbal and physical attack, secular civil litigation, and possibly even murder to remove an opponent where there is no other avenue for a just resolution.

Moving a case too quickly to formal church discipline can build barriers that could otherwise be dealt with in mediation or arbitration. Every church is encouraged to equip church leaders and mature members with the skills of Christian conciliation and to exhaust conciliation processes and remedies before moving to formal church discipline.

Use of Conciliation Clauses in Membership Documents

One significant way church members can be educated and prepared for biblical conflict resolution is through the use of a conciliation clause in the membership covenant or other agreement signed by new members when they join the church. The recommended language for this clause is set forth below. It should be noted that signing this clause should not be made a condition for membership, but may be encouraged as a voluntary biblical commitment. It should be clearly offered as an option for the resolution of any disputes that may arise.

Christian Conciliation

Members are encouraged but not required to make this commitment.

If I ever have a dispute with the church that cannot be resolved through its own internal procedures, I agree to resolve the dispute according to biblical principles (such as those set forth in Matthew 5:23-25 and 18:15-20, and 1 Corinthians 6:1-8) by submitting the matter to mediation and, if necessary, arbitration, according to the Bylaws of this church and the *Rules of Procedure* of the Institute for Christian Conciliation, a division of *Peacemaker Ministries*® (www.Peacemaker.net). I understand that arbitration is a legally binding process, and that judgment upon an arbitration award may be entered in any court otherwise having jurisdiction.

Dated this _____ day of _____, 200_____.

Printed Name: _____

Signature

Parent's or Guardian's Name (for minors)

Parent's or Guardian's Signature

THIS AGREEMENT IS SUBJECT TO ARBITRATION PURSUANT TO THE [STATE]
ARBITRATION ACT, TITLE ##, CHAPTER #, [STATE] CODE ANNOTATED.

Amend Church Bylaws to Allow Continuing Church Jurisdiction

The following clause is recommended for inclusion in local church bylaws to allow the continuing ecclesiastical jurisdiction over a member who may otherwise simply flee from the church to avoid formal church discipline:

Members may be removed from membership at their own request following the steps of appropriate pastoral care as set forth in *Discipline 321.7.4.1*. If a member requests to withdraw because of specific problems or disappointments with the church, the church's leaders shall attempt to resolve those matters so that the member may remain in the church and enjoy greater fruitfulness and personal spiritual growth. If the church leaders are unable to resolve those matters, they shall offer to assist the member in locating a church of like faith and practice that can respond more effectively to his or her gifts and needs. If it appears to church leaders that a member has requested removal merely to avoid formal church discipline, that request shall not be given effect until the disciplinary process has been properly concluded. Furthermore, if a member leaves the church while discipline is in effect or is being considered, and church leaders learn that he or she is attending another church, they may inform that church of the situation and ask its leaders to encourage the individual to repent and be reconciled to the Lord and to any people he or she has offended. This action is intended both to help the individual find freedom from his sin and to warn the other church about the harm that he or she might do to their members (see Matt. 18:12-14; Rom. 16:17; 1 Cor. 5:1-13; 3 John 1:9-10).

Use of this clause will also help the local church avoid serious legal liability for following through with all of the steps of formal church discipline. Members should be informed of these provisions and carefully taught the Scriptural basis for continuing shepherding and pastoral care especially when caught in sin.

Conclusion

All churches are encouraged to employ the means of Christian conciliation whenever possible. That is, churches are encouraged to defer formal disciplinary action until all other remedies have been exhausted. Peace, unity, and the mission of the Church can be furthered through careful and complete attention to every step of the process as set forth above.

603 CHAPTER I—FORMAL DISCIPLINE OF LAY MEMBERS

The formal church discipline of lay members shall be before a select number of mature church members (those generally meeting the character qualifications as set forth in I Timothy 1 and Titus 3) of the church to which they belong or, if necessary for prudential reasons, before a committee from another congregation of the Evangelical Congregational Church, in number not less than three (3), who shall, upon an impartial hearing of the evidence, determine the questions of innocence, blameworthiness, or guilt, and the appropriate course of discipline (admonition, suspension from the Lord's Table, and/or excommunication) to be pronounced. The appropriate course of discipline shall always be considered for its most probable effect in reclaiming the errant member to fellowship with Christ and fellow church members.

603.1 Neglect of Duty

In all cases of reputed negligence and lack of faithfulness respecting Christian privileges and responsibilities, as clearly set forth in the Word of God and in our standards (Chapter III—Christian Practice), it shall be the duty of church leaders to visit and admonish such in the spirit of meekness and love and to do this repeatedly, if the case shall require it. If no reformation is witnessed as a result, such delinquency shall be reported to the minister for additional admonition and reformatory efforts, and if all these shall prove

unavailing, formal disciplinary proceedings shall be instituted or the case may be first reported to the Local Conference for counsel and instruction.

If such a delinquent member is brought to formal discipline and found unrepentant and guilty of the charges, he shall be either publicly or privately admonished, barred from the Lord's table for a specified period, and/or excluded (excommunicated) from the church, unless he shall at such investigation appear to be truly contrite and desirous to amend his course, in which case he may be placed on probation for a period not to exceed six months. If, then, the minister or other church leaders shall conclude that no real improvement in conduct has taken place during the probation, the offending member shall be excluded if that step of discipline is determined to be the most effective means of demonstrating to the offender the severity of his sin. If in any case the accused refuses to be present at such formal disciplinary process, the hearing shall be held as if he were present.

603.2 Imprudent and Sinful Conduct

In all cases of reputed sinful conduct which includes but is not limited to conduct as set forth in the Part One: Chapter III of the *Discipline* of the Evangelical Congregational Church, proper inquiry shall first be made by the minister or other church leaders respecting the authenticity of such reports, and if these prove to be sufficiently reliable to make them appear credible, the minister or other church leaders, or both of them together, shall visit such member and inquire definitively into the matter. In case of confession, humility, and promises of repentance and reformation, the erring member shall be borne with for a reasonable time; but if such reformation does not follow, the accused shall be brought to formal disciplinary process. Should the accused, during the hearing, manifest sufficient evidence of true penitence and contrition to warrant the hope of reformation, the same leniency may be exercised as in the case of neglect of duty; if not, and in the case of demonstrated hardness of heart and lack of repentance, and on a finding of guilt, such member shall be disciplined by the church as may be appropriate to the situation, including exclusion from the church.

603.3 Gross Immorality

In all cases of reputed gross immorality, the member shall be visited without delay by the minister, or other church leaders, or by both together, and the matter shall be definitely inquired into, and if the report be found sufficiently credible to demand an investigation, proceedings shall be instituted according to the directions given in the *Discipline*; and in case of finding of guilt, he shall be disciplined by the church as may be appropriate to the situation, including exclusion from the church.

603.4 Causing Dissension

If any member of our church shall be accused of causing dissension in any of our congregations, by inveighing against our doctrines or the *Discipline*, the member so offending shall be reproved by the minister, or other church leaders, or by both together, and, if necessary, repeatedly admonished to a better course of thought and action; but if he shall persist in such pernicious practice, he shall be brought to formal disciplinary process and, upon finding of guilt, be disciplined by the church as may be appropriate to the situation, including exclusion from the church.

603.5 Arbitration

603.5.1 In the event of disagreement between two or more members of the Evangelical Congregational Church concerning business transactions or interests, or other matters of a material nature, which the parties are unable to satisfactorily resolve, the minister, or other church leaders, or both together, shall, upon inquiry, recommend to the parties a reference of the matter to a committee of five (5) arbiters, two (2) to be chosen by each of the respective parties, and these four (4) to choose the fifth who shall be impartial; such arbiters being members of our church. If the four arbiters cannot agree on a fifth, they shall communicate this fact to the supervisory leadership of the National Conference, which may appoint a fifth arbiter, who shall be an evangelical believer who agrees to abide by the polity and procedures of the *Discipline* pertaining to the matter at issue, but who need not be a member of our church.

603.5.2 After an appropriate hearing, the verdict of the arbiters shall be binding alike on the several parties, and if either refuses to abide by the judgment rendered, it shall be regarded as an offense against the order and *Discipline*, rendering him liable to complaint and formal church discipline, in which case, except as he can show sufficient cause for such persistence, he shall be disciplined by the church as may be appropriate to the situation, including exclusion from the church.

603.5.3 A member of the Evangelical Congregational Church who shall refuse, in case of debt or other dispute, to submit the matter to arbitration when advised to do so by the minister or church leaders, or both, and shall enter into a lawsuit with another member, without first seeking resolution by resort to peaceable measures as mediation and/or arbitration, shall likewise be regarded as having violated the order and *Discipline* and shall be liable as in the preceding paragraph. This is not to apply to executors and administrators or in cases where delay would entail financial loss.

603.6 Right of Appeal of Lay Members

603.6.1 In all cases of formal church discipline of lay members resulting in a finding of guilt and the imposition of church discipline, any party may appeal such discipline to the Local Conference, provided the appellant shall, within thirty (30) days after receiving a copy of the decision to impose church discipline, give notice to this effect to the secretary of said hearing, who shall thereupon send or convey the record of the hearing to the Conference Minister, to be presented by him at the next session of the Local Conference, which shall carefully examine the charges and specifications and the evidence presented for and against the appellant and, by a majority vote, pass upon each, which action shall be final in the case. Any member of the Local Conference having served as juror on the case shall have no vote in the Local Conference on the same case in appeal.

603.6.2 If in passing upon a case of appeal the Local Conference finds evidence of irregularities sufficient to have prejudiced the cause of either party, it shall annul the action of the committee and order a new hearing. If it finds the action regular in all respects, but the evidence is insufficient to warrant the decision, it shall reverse the action of the committee. If it finds the action of the committee regular and the evidence sufficient to sustain the decision, it shall ratify the same.

603.6.3 It shall be the duty of the secretary of the Local Conference to transmit to the appellant a copy of the decision rendered in the case, without delay.

603.7 Right of Challenge

In all cases the accused shall have the right of reasonable challenge respecting those who shall sit on the arbitration committee. A person disqualified to sit as a juror in any civil suit because of interest or prejudice, should, in an intensified degree, be deemed out of place in a church hearing.

603.8 Accuser/Presiding Officer

In all cases of lay members in which hearings are deemed necessary, but in which no member of the congregation is willing to act as accuser, the Local Conference shall appoint a person who shall serve as the accuser on behalf of the church. At such hearing, the minister, the Conference Minister, or another ordained minister of the District, appointed by the Conference Minister, shall preside.

603.9 President of a Hearing

603.9.1 In all cases of hearings concerning formal discipline of lay members in which the minister must not be excused for prudential or other important reasons, it shall be his duty to institute and preside at such hearings; but if, for sufficient reasons, he must be excused, the Conference Minister of the District shall take his place or appoint an ordained minister of his District to do so. If the minister presides at a hearing, he shall also appoint the Hearing Committee in accordance with Section 603. If the minister, for prudential reasons, cannot preside, the Conference Minister shall appoint the Hearing Committee and also the time and place for the hearing, even in cases in which he cannot himself preside.

603.9.2 A minister who presides at the hearing of any member shall in all cases preserve strictly an impartial attitude, such as would be expected of an honorable jurist in a civil court, and shall have no part in determining the guilt or innocence verdict or in framing an appropriate discipline. He shall be accessible to the members of the Hearing Committee to impart any needed information on procedural points but shall refuse to commit himself as to the merits of the case in hand.

610 CHAPTER II—DISCIPLINE OF MINISTERS

611 TRIAL COURT

611.1 Election of a Trial Court

The itinerant members of the National Conference shall elect from the Itinerant Elders, seven (7) or more persons, not to exceed twelve (12) in number, who shall serve a term of four years as a Trial Court in case of any and all charges duly preferred against any minister of the conference. In case of a vacancy occurring during the quadrennium, the remaining members shall fill the vacancy until the next session of the National Conference.

611.2 Convening a Trial Court

When a minister is charged with a crime expressly forbidden in the Word of God as an unchristian practice, his Conference Minister shall, after having furnished the accused a copy of the charges, convene the Trial Court at as early a day as practical and at such place as shall be most convenient to those concerned. If the accused be a Conference Minister, the Bishop shall furnish him a copy of the charges and convene the Trial Court. This Trial Court, when so convened, shall have full power to try the accused and, if necessity requires, censure him or suspend him from office until the next session of the National Conference.

611.3 Organization of a Trial Court

The Trial Court shall elect a chairman and a secretary from among its own members.

611.4 Records of a Trial Court

The secretary shall keep a correct record of all the trial proceedings and take charge of all papers and documents submitted in the case. The record, after having been approved by the court, shall be signed by the chairman and secretary and, together with the papers and documents presented, shall be transmitted to the secretary of the National Conference, to be used in reviewing the trial. A certified copy of the record shall be furnished to the accused minister if he demands it.

611.5 Right of Challenge

The accused minister shall have the right of peremptory challenge, yet not so as to reduce the court below two-thirds of its original number. Two-thirds of the court actually sitting in the case shall be necessary to render a decision. If the accused minister evades a trial it shall be received as presumptive evidence against him, and the court shall proceed with the case and deal with him as though he were present.

612 FORMULATION OF CHARGES

612.1 If there be rumors charging a minister with immoral or unchristian conduct, and no one appears as accuser against him, his Conference Minister shall take one or two ministers with him and inquire thoroughly into the matter, and if they find the rumors well founded, they, or any of them, shall formulate and prefer charges to the bishop who shall proceed in the matter as provided in 611.2.

612.2 If the circumstances be such that a trial cannot immediately be held in any of the cases above provided for, then the Bishop or the Conference Minister shall suspend such a minister from his office until his trial. If however, the accused be a Conference Minister, he shall be suspended by the Bishop. But such suspension can only be made when the charges are in writing and subscribed to by those who are willing to prosecute them; provided, however, that the defendant shall have the right to demand a trial within twenty (20) days.

612.3 In case of improper temper, words, or actions, the minister so offending shall be admonished by his Conference Minister or, if the offender be a Conference Minister, by the Bishop. Should the offense occur the second time, one or two ministers are to be taken along as witnesses. If he offends a third time, let the case be proceeded with according to 611.2.

612.4 When a minister fails in business or contracts debts that he is not able to pay, the Conference Minister or, if the brother who thus fails be a Conference Minister, the Bishop shall appoint three (3) judicious men, members of the Evangelical Congregational Church, to inspect the accounts, contracts, and circumstances of the supposed delinquent, and if, in their opinion, he has been dishonest or contracted debts without the probability of being able to pay them, let the case be disposed of according to 611.2.

612.5 If a minister disseminates doctrines contrary to the Word of God and our Articles of Faith, or inveighs against the *Discipline*, let the same process be observed as in cases of immorality. But if such minister solemnly promises to cease from disseminating such erroneous doctrines, he shall be borne with until his case shall be laid before the National Conference, which may order a trial before the Trial Court provided for in 611.

613 COMMITTEE OF INQUIRY

If in the examination of the moral and official conduct of the preachers in the National Conference, it appears that there are rumors, or accusations of unchristian conduct, or of official misconduct, but that there are no legal charges, the Conference shall appoint a committee of inquiry to whom the matter shall be referred, and said committee shall report its findings to the Conference. If the committee finds that there is

necessity for a trial, the Conference shall appoint an accuser to prosecute the matter and order the case to proceed according to 611.2.

614 RIGHT OF APPEAL

In all cases in which a minister who stands in full connection as an Itinerant has been found guilty and sentenced to be censured, deposed from office, or expelled from the church, he shall be allowed an appeal to the Triers of Appeals, provided that he notify the Chairman of the National Conference of his intention to do so within thirty (30) days after the close of the Conference session. In the case of a licensed preacher or of a Traveling Elder the action of the National Conference shall be final.

620 CHAPTER III—DISCIPLINE OF A BISHOP

621 CHARGES AND PROCEDURE

Charges of immoral or unchristian conduct against a bishop must be preferred in writing, signed by at least three (3) itinerant elders, and plainly allege an offense clearly forbidden in the Word of God. Such charges must be presented to the Conference Minister of the District on which, or of the one nearest to which, the offense is alleged to have been committed. After having received such written charges the Conference Minister shall convene the Trial Court of the National Conference. The Trial Court shall have full power to try the accused bishop, according to the directions of the *Discipline* of the Evangelical Congregational Church, and to suspend him from the functions of his office or to expel him from the church.

622 RECORDS OF THE TRIAL COURT

The Trial Court shall submit an accurate record of its proceedings to the secretary of the preceding National Conference, to be preserved among the papers of the National Conference and to be used by it in the case of an appeal. A certified copy of these records shall be furnished to the accused bishop, if he demands it.

623 RIGHT OF APPEAL

A bishop shall have the right of appeal to the National Conference, if he signifies his intention to appeal within thirty (30) days after his conviction. If the National Conference upholds the decision of the Trial Court the bishop may further appeal to the Triers of Appeals. The Triers of Appeals shall have the power to affirm or reverse the decision of the National Conference. If irregularities in the trial process are found they shall also have the authority to call for a retrial by the body in which these the irregularities occurred.

630 TRIERS OF APPEALS

The Itinerant members of the National Conference shall elect, quadrennially from the itinerant elders, five (5) men who shall be known as the Triers of Appeals. In case of a vacancy occurring during the year, the remaining Triers shall fill the vacancy until the next session of the National Conference.

631 CONVENING OF TRIERS OF APPEALS

Whenever an appeal is taken from the decision of the National Conference, the presiding officer of the Conference shall call together the Triers of Appeals at such time and place as he may with due regard to the wishes of the appellant, designate. In the case of the Bishop making this appeal the vice-chairman of the Conference shall convene the Triers of Appeals. These persons shall have the power to affirm or reverse the decision and sentence of the National Conference. In case of irregularities sufficient to vitiate the proceedings of the Trial Court of the National Conference the Triers of Appeals shall have the power to remand the case for re-trial by the body in which the irregularities occurred. Its findings in all cases shall be final. The president of the Conference shall give due notice to all concerned of the time and place of meeting. The Triers of Appeals shall not be convened more than once a year to try appeals from the National Conference.

632 OFFICERS OF TRIERS OF APPEALS

The Triers of Appeals shall organize by electing a president and a secretary from among its own members. The president shall see that the proceedings are conducted in an orderly and judicial manner, and the secretary shall make an accurate record of all the proceedings and shall, at the close of the appeal, transmit the same to the secretary of the National Conference from which the appeal was taken, to be preserved by him among the records and documents of said conference.

633 EXPENSES OF COURT OF APPEALS

The expenses of the Court of Appeals shall be paid by the National Conference.

640 CHAPTER V—JURISDICTION AND EVIDENCE

641 QUESTION OF JURISDICTION

Whenever a Trial Court is convened to hear a case, the chairman of said court shall decide all questions of jurisdiction. Should there be a difference of opinion on any question of jurisdiction in the case, the matter shall be decided by a majority of the court. Before proceeding to the hearing of evidence in a case, the Trial Court shall carefully examine the charge or charges with the specifications, and if they are not in accordance with the requirements of the *Discipline*, they shall refuse to proceed with the trial, except the accuser shall reduce them to such conformity.

642 CHARGES

All charges against ministers or lay members in the Evangelical Congregational Church shall be in writing, the heading of which shall not exceed in evil import the thing or things charged, and such accusation shall be clearly and definitely stated, associated immediately with the specifications to be alleged in proof, so that the accused may be able to prepare his defense. An exact copy of the charges shall be given to the accused, or left at his residence by the accuser in time to prepare for the trial, or not less than fourteen (14) days in advance of the time appointed. In all cases of charges whether against ministers or members, the accuser must be a member in full and regular standing of the Evangelical Congregational Church.

643 WITHDRAWAL UNDER CHARGES

No lay member, minister, or bishop of the Evangelical Congregational Church has the right to withdraw from the church while charges are pending against him or her. Should any one assume to do so, the church has the right to properly investigate the charge and pass judgment in the case. If, however, all the parties concerned are agreed, an accused person may, for prudent reasons, be permitted to withdraw, provided that, in case of a minister or bishop, all credentials that he holds from the church be surrendered.

644 EVIDENCE ADMISSIBLE AT TRIALS

644.1 In all cases of trials of lay members, ministers, or bishops, persons of good report, nonmembers as well as members of the Evangelical Congregational Church, may appear as witnesses; and the testimony of absent witnesses, when taken before a committee of not less than two (2) members of the church and presented at the trial, shall be admitted, provided in every case sufficient notice had been given to the adverse party of the time and place of taking such testimony, to have enabled him to provide for cross-examination if he desired to do so. No hearsay testimony shall be admitted. It shall be the duty of members of the church to testify in matters of which they have certain knowledge when duly notified by the accuser or the accused of the time and place of a pending investigation, or show just cause for refusing to do so; otherwise it shall be regarded as a violation of the order and *Discipline* and may be dealt with accordingly.

644.2 In all cases of an appeal, whether of lay members, ministers, or bishops, only the records of the trial, together with the credentials and documents there submitted, shall be used in evidence.