

Chapter 6: Judicial Administration

A. Biblical Philosophy

All Christians are encouraged to avoid conflicts (Proverbs 17:14) and overlook offenses (Proverbs 19:11). When an offense is too great to overlook then the principles in Matthew 18:14-17 should be observed.

“If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But 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.’ If he refuses to listen to them, tell it to the church, and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector.” (Matthew 18:15-17 NIV)

Matthew also reminds the church to “go after lost sheep” (See Paragraph ¶612) (Matthew 18:12-24) and to practice “forgiveness” as God forgives us (Matthew 18:21-35; 6:11,14-15).

Scripture provides a clear powerful way for resolving conflict and addressing sin. As Christians we are told to apply 1 Corinthians 6:1-8 by not going to civil courts as a first resort. In addition, Scripture calls us to more than confronting brothers or sisters. The purpose of approaching another person, and/or church discipline, is restoration and reconciliation (see Ch. 2 ¶207).

B. Framework

¶601. The following steps were developed by The Evangelical Church to provide a clear biblical framework for carrying out church discipline so that everyone in The Evangelical Church is treated fairly and consistently if they come under discipline.

¶602. These steps apply to church members just as they do to leaders of the Church.

¶603. If a person falls into sin (see Ch. 2 Spiritual and Moral Values), it is the responsibility of other church members to lovingly confront him or her and, if he or she refuses to repent, to initiate whatever disciplinary action is needed to move him or her toward repentance and protect others in the church from their wrongful actions. No one, including leaders, are above disciplinary guidelines, and everyone can benefit from them.

¶604. Mutual accountability and discipline within the church is commanded by God in Scripture and is one of the most important responsibilities of a true church of Jesus Christ (see Matt. 18:12-20; Rom. 16:17; 1 Cor. 5:1-13; 2 Cor. 2:5-11; Gal. 2:11-14; Eph. 5:11; 1 Thess. 5:14; 2 Thess. 3:6-15; 1 Tim. 1:20; 5:19-20; 2 Tim. 3:1-5; Titus 3:10; Heb. 10:24-30; 12:5-17; 2 John 7-11; Rev. 3:19).

¶605. Church discipline is the exercise of the authority that the Lord Jesus Christ has committed to the visible church for the preservation of its purity, peace, and good order. Both formal members and attenders are under the care of and subject to the discipline of the church. The ultimate goal of all discipline is to train Christians to be self-disciplined so that they may share in the holiness of God (see Heb. 12:7-13).

¶606. Discipline is concerned with the prevention and correction of offenses; an offense being defined as anything in the doctrine or practice of a member or minister of the church that is contrary to the Word of God. For example, offences that are heretical, immoral, illegal, or unethical.

C. General Guidelines on Discipline

¶607. The purpose of discipline is:

- (1) To guard and preserve the honor of God (see Rom. 2:24; 1 Cor. 10:31);
- (2) To protect the purity of the church and to guard other Christians from being tempted, misled, divided, or otherwise harmed (see 1 Cor. 5:6); and
- (3) To restore fallen Christians to usefulness to God and fellowship with His church (see Matt. 18:12-14; 2 Cor. 2:5-11; 7:8-10; Gal. 6:1-2),

¶608. Discipline involves three components or phases:

- (1) God commands all Christians to make every effort, with His help, to discipline themselves and lead godly lives (see Eph. 4:25 – 5:6; 2 Tim. 1:7; 2 Pet. 1:5-11); If a Christian is unable to discipline themselves then they are encouraged to seek the help needed.
- (2) If a Christian fails to discipline himself or herself and is entangled in a sin, God commands other brothers and sisters in Christ who have first hand knowledge of the offense to lovingly confront, counsel, and encourage him or her toward repentance (Matt. 18:15-16; Gal. 6:1-2; Col. 3:16; Heb. 10:24-25).
- (3) If these personal and informal efforts do not correct an offense, God commands the church leaders to intervene and exercise their authority to resolve the matter, protect the church, and, if possible, restore the offender (see Matt. 18:17-20; 1 Cor. 5:1-13; 2 Tim. 4:2; Heb. 13:17). This third phase, which may be referred to as formal discipline, involves a hearing before the most appropriate board, with the direction of the pastor and or superintendent, which provides spiritual/ministry oversight in the local church (Council/Elders/Pastor Parish Relations). Such a hearing shall be carried out according to the following procedures (see ¶613), which are designed to provide due process for the offender and promote a just resolution.

(4) Criminal matters shall be referred to the appropriate legal authorities as well as the most appropriate board(s) in the church. In particular, pastors, superintendents, and others in church leadership shall immediately determine whether they have an obligation to report offenses under the laws requiring mandatory reporting (e.g. Child abuse, Domestic Abuse) of certain offenses and if there are any circumstances that could prevent reporting based upon the manner in which the information was obtained.

¶609. When an offense is personal and known only to a few individuals, discipline may not be instituted until there has been a good faith effort to resolve the matter privately and informally (Matt. 18:15; Gal. 6:1). If the matter cannot be handled privately then an accusation should be submitted:

- (1) Every accusation must be submitted to the appropriate board in writing.
- (2) A person may be censured for filing a charge that the board determines to be without merit (see Deut. 19:16-21).

¶610. An accusation that is serious enough to warrant discipline and/or a hearing is:

- (1) An offense in the area of conduct and practice that seriously disturbs the peace, purity, and/or unity of the church;
- (2) An offense in the area of doctrine for a non-ordained member that would constitute a denial of a credible profession of faith as reflected in his or her membership vows; or
- (3) An offense in the area of doctrine for a credentialed minister that would constitute a violation of the system of doctrine contained in the Holy Scriptures as that system is set forth in our Declaration of Faith (ch. 1), Spiritual and Moral Values (ch. 2), and/or Code of Ethics (ch. 5 ¶591). When the board convenes to determine whether an offense has occurred and to administer censure, it shall be referred to as a “formal discipline.” (see also ¶627-631)
- (4) The chairperson and the secretary of the board shall be the officers of the disciplinary hearing. If one of those persons are the accused, then another person on the board shall be appointed. If this is the case, the accused person shall be excused from acting as a board member during the proceedings but shall be entitled to appear as an accused person (see ¶613-622).

D. Application of Discipline

¶611. Discipline shall be carried out in the church in a redemptive, biblically faithful manner. This requires adherence to the following principles:

- (1) Act in a loving, patient, and redemptive manner, rather than being harsh, abrupt, or vindictive. Be consistent in applying discipline to the people in our church.
- (2) Be careful not to show favoritism as you follow your disciplinary guidelines. Always speak the truth.

- (3) Communicate only to people who have a legitimate right to know.
- (4) If discussing unproven accusations with a credentialed minister, label them as such; do not allow unsubstantiated charges to be publicly proclaimed by the church.
- (5) Base decisions on clearly delineated biblical grounds.

¶612. Just as a good shepherd will go after a sheep that has wandered from the flock (Matt. 18:12-14; Ezek. 34:4, 8, 16), so shall the leaders and members of the church seek to restore a wandering member to the Lord through biblical discipline.

(1) Therefore, discipline may be instituted or continued either before or after a member seeks to withdraw from membership if the board determines that such discipline may serve to guard and preserve the honor of God, protect the purity of the church, or restore the wandering member to the Lord. While the church cannot force a withdrawing person to remain in the congregation, the church has the right and the responsibility to encourage restoration, to bring the disciplinary process to an orderly conclusion, and to make a final determination as to the person's membership status at the time withdrawal is received. In doing so, the board, at its discretion, may temporarily suspend further disciplinary proceedings, dismiss any or all charges pending against the accused, or proceed with discipline and pronounce an appropriate censure as provided in these guidelines.

(2) If a member renounces the communion of the church by joining some other church and formally submitting to its jurisdiction, and if charges have been made against him/her at the time he or she joins the other church, those charges shall be communicated to the other church as provided in ¶627, and further disciplinary proceedings shall be terminated.

E. Disciplinary Hearing

¶613. A person accused of an offense shall be given a written notification to appear before a hearing at a specific time and place. The notification should specify the charges that have been brought against the accused. Ordinarily all notifications shall be served in person, but in case that is not possible, notifications shall be sent by certified mail to the person notified.

¶614. At the first meeting of the disciplinary hearing only these actions may be taken:

(1) The accusations shall be read and formally presented to the accused together with the names of any witnesses and copies of any documents that may be presented against him/her. If the accusations are accepted by the accused and confession is made, then they shall move toward restoration. If the accusations are denied, then;

(2) The disciplinary hearing shall fix the time, date, and place for a second meeting, which shall not be less than ten days later (except as provided in ¶615), and shall issue

notifications directing all persons to appear at that time whose presence it may deem necessary; and

(3) The accused shall be granted notifications in which he or she may insert the names of the witnesses whom he or she wishes the disciplinary hearing to summon.

¶615. If an alleged offense has the potential to harm others or lead them into sin, or cause division or disruption, the leaders may accelerate the entire disciplinary process and move promptly to protect the church by pronouncing the censures of admonition, rebuke, suspension, or deposition (Rom. 16:17; 1 Cor. 5:1-13; Titus 3:10-11). For the same reason, the superintendent may find it necessary to temporarily suspend a minister.

¶616. If an accused refuses or fails to appear without satisfactory reason for his or her absence at the time appointed for the hearing of the case, he or she shall again be notified, with the warning that, if he or she does not appear, the disciplinary hearing will proceed in his or her absence. The time allowed for the appearance on notification shall be determined by the disciplinary hearing with due consideration for the circumstances. If the accused still refuses or fails to appear, the hearing may proceed in his or her absence. When proceeding in the absence of the accused, the disciplinary hearing shall appoint counsel for the accused, who shall present a case to the disciplinary hearing in defense of the accused. Such counsel shall be entitled to present evidence, interview witnesses, interpose objections, and otherwise act in defense of the accused.

¶617. If unusual circumstances require it, a disciplinary hearing may deny an accused person the right of participating in the Lord's Supper (Matt. 5:23-24; Matt. 18:17; 1 Cor. 5:11-13; 11:27-28) or of performing the functions of his or her office until a hearing is concluded.

¶618. If the accused appears at the second meeting of the disciplinary hearing, he or she shall be asked to admit or deny the charges. If the accused denies the charges, the disciplinary hearing shall proceed to receive evidence. No person shall be deprived of the right to set forth, plead, or offer into evidence the provisions of the Word of God or of The Discipline of The Evangelical Church. If subsequent meetings of the disciplinary hearing are required, the accused and all witnesses shall be notified to appear as provided above.

¶619. The accused shall be entitled to assistance of counsel. No person shall be eligible to act as counsel who is not a member in good standing of The Evangelical Church and/or does not affirm the statement of faith of this church. The accused shall be given a copy of the minutes.

¶620. Any person may be a witness in a hearing if the members of the disciplinary hearing are satisfied that he or she has sufficient competence to make the following affirmation, which is required of all witnesses: "I solemnly swear that by the grace of

God I will speak the truth, the whole truth, and nothing but the truth concerning the matters on which I am called to testify.”

¶621. Witnesses should provide firsthand knowledge. Evidence must be factual in nature. It may be direct or circumstantial. Caution should be exercised in giving weight to evidence that is purely circumstantial. The accused may object to the competency of any witness and to the authenticity, admissibility, and relevancy of any testimony or evidence produced in support of the charge and specifications. The members of disciplinary hearing shall decide on all such objections after allowing the accused to be heard in support thereof. If the accused so requests, no witness, unless he or she is a member of the disciplinary hearing, shall testify in the presence of another witness who is to testify concerning the accusations.

¶622. At the conclusion of the hearing, the accused may make a final argument with respect to and in accordance with The Discipline of The Evangelical Church. The members of the disciplinary hearing, after deliberation, shall vote on each charge and each specification separately. If the disciplinary hearing decides that the accused is guilty, it shall proceed to determine the censure. Censure shall not be pronounced before the expiration of the time in which the accused may file notice of appeal.

F. Appeals

¶623. Notice of an intention to appeal a decision of the disciplinary hearing must be filed in writing with the secretary of the disciplinary hearing within ten days after the judgment has been announced. In order to file and have an appeal accepted, the appellant (one who is appealing) must lodge the appeal and the specifications of the error with the secretary of the disciplinary hearing of the local Church board.

- (1) For a credentialed minister, an appeal shall be made to the secretary of the Board of Ministry within thirty days after the filing of the notice of appeal.
- (2) If the appeal is made to the conference on a local church level, the Conference Superintendent can convene a hearing to entertain the appeal and if necessary make a judgment. The Superintendent shall choose two persons either Itinerant Elders or Special Commissioned Personnel.

G. Judgment

¶624. If a person who has been adjudged guilty refuses or fails to present himself or herself for censure at the time appointed, the members of the disciplinary hearing shall notify him or her to appear at another time. If he or she does not appear after this notification, the censure may be pronounced in his or her absence.

¶625. The following censures may be pronounced by the disciplinary hearing:

- (1) *Admonition* means to tenderly and solemnly confront the offender with his or her sin, warning him/her of his/her danger, and exhorting him/her to repentance and to fidelity to the Lord Jesus Christ. (Col. 1:28; 3:16)
- (2) *Rebuke* is a form of censure more severe than admonition. It involves setting forth the serious character of the offense, reproving the offender, and exhorting him or her to repentance and to more fidelity to the Lord Jesus Christ. (Prov. 17:10; 27:5; 2 Tim. 3:16)
- (3) *Suspension* is a form of discipline by which one is deprived of the privileges of membership in the church, of office, or of both. It may be for a definite or indefinite time. An officer or other member of the church, while under suspension, shall be the object of deep concern and earnest dealing from the church to the end that he or she may be restored. (1 Cor. 5:12)
- (4) *Deposition* is a form of censure more severe than suspension. It involves a solemn declaration by the disciplinary hearing that the offender is no longer an officer of the church.
- (5) *Expulsion*, also referred to as dis-fellowshipping, is the most severe form of censure and is resorted to only in cases of offenses aggravated by persistent impenitence. It involves a solemn declaration by the board over church membership that the offender is no longer considered a member of the body of Christ. (Matt. 18:15-17, 1 Cor. 6:9-10)

¶626. Since the church is a body made up of many parts (see 1 Cor. 12:12-30), what happens to one member of the church necessarily affects and is of legitimate concern to other members (see Rom. 12:15-16; 1 Cor. 5:1-13; 12:12-30). Therefore, the indefinite suspension, deposition, or expulsion of a member shall be announced to the church so that its members will be able to pray for, encourage, and exhort the accused as opportunities arise, as well as be on guard against any gossip or divisiveness that might arise from the offense or censure (see 1 Cor. 5:9-11; 2 Thess. 3:6-14; Titus 3:10). The public announcement of censure shall always be accompanied by prayer that God will graciously use the discipline for His own glory, the restoration of the offender, and the edification of the church. (see ¶611). This announcement may be made during a regular worship service, at a special meeting of the membership/congregation, or by letter. Each church can decide the most appropriate means and venue for communicating the decision (Matt. 18:17).

¶627. If an accused leaves the church during the disciplinary process or while a censure is still in effect, and if the board learns that he is attending another church, the disciplinary hearing may inform that church that the person is currently under church discipline and may ask that church to encourage the accused to repent of his or her sin and to be restored to the Lord and to any people whom he or she has offended. Such communications enhance the possibility that a person may finally repent of his or her sin, and, at the same

time, serve to warn the other church to be on guard against the harm that the accused might do to their members (see Matt. 18:12-14; Rom. 16:17; 1 Cor. 5:1-13; 2 Thess. 3:6-14; 2 Tim. 1:15; 2:16-18; 4:9, 14-15; 3 John 9-10).

¶628. If a person who has been censured through suspension, deposition, or expulsion comes to repentance, the church shall warmly and lovingly restore him or her to fellowship within the body (see Matt. 18:13; Luke 15:11-32). Once the board is persuaded that the person has sincerely confessed his or her wrongs and sought forgiveness from God and the person or persons he or she offended, it shall announce his or her restoration. That announcement shall be accompanied by a solemn admonition to the congregation that the restored person's offenses have been forgiven and are not to be held against him or her or otherwise hinder his or her fellowship within the church (see 2 Cor. 2:5-11). When deemed appropriate by the board, however, the restored person may be restricted from certain responsibilities within the church until he or she has demonstrated the requisite qualities for those responsibilities (see, e.g., 1 Tim. 3:2, 8; Titus 1:6).

H. Disciplinary Hearing pertaining to Credentialed Ministers.

¶629. The Process for a formal charge against a Credentialed Minister:

- (1) All accusations shall be reported to the Conference Superintendent. The Conference Superintendent will make an initial inquiry into the accusation and if he believes the accusation has merit, the Conference Superintendent will call for an investigation.
- (2) If the accusations have merit, the Conference Superintendent will appoint an outside committee of investigation at least two other conference elders to examine the accusations.
- (3) The committee of investigation shall insist on receiving firsthand information. They will not accept hearsay, anonymous, or secondhand reports (Deut. 19:15; 1 Tim. 5:19). The team is committed to go to original sources and hear the relevant information.
- (4) If there is a hearing of inquiry, give the accused pastor the opportunity to hear testimony against him and to make a prepared defense (Deut. 19:16). In some cases, it may be appropriate for investigators to gather preliminary information and talk with witnesses on their own, but the accused leader should eventually have the opportunity to hear and respond to any adverse witness or evidence that may be considered by those who will render a final decision in the matter.
- (5) If a confession is made, then the restoration process shall begin.
- (6) If a leader has done something wrong, he or she should be given the opportunity to confess it, take responsibility for his or her actions, and make needed changes (Prov. 28:13; 1 John 1:9). In cases of sin or violations of trust, or when there is a lack of genuine repentance, a minister may be required to surrender his or her office and or his or her credentials. But when he or she clearly demonstrates a repentant and

teachable spirit and the offense does not automatically disqualify him or her for office, he should be reassured of God's grace and forgiveness, and given an opportunity to show how God is helping him/her to change. Similarly, if it is discovered that the accuser brought the complaint without valid grounds, the accuser should be encouraged to repent and change.

¶630. When a Pastor comes under accusation it is important to distinguish the difference between a complaint and a formal accusation. The Conference Superintendent can make the determination whether it qualifies as a complaint or a formal accusation and may consult with the Board of Ministry.

- (1) Complaints may be about preferences or about methodology and should be resolved within the local church by the Pastor and local leaders.
- (2) Formal accusations (e.g. financial mismanagement, sexual sin, etc.) regarding sinful behavior are much more serious.

¶631. In each Annual Conference there shall be a Judicial (disciplinary hearing) Committee consisting of five Itinerant Elders elected by ballot of ministerial members for a period of five years, one to be elected each year. This committee, in addition to the Chair, shall serve as a disciplinary hearing in all cases where charges are preferred against a credentialed minister. Only those who are Itinerant Elders in The Evangelical Church in good standing are eligible to serve as members of the Judicial Committee (¶831.c.). A Conference Superintendent shall serve as Chair of the conference committee, but he shall not be entitled to vote ((¶¶670; 675; ¶820.b.(28); 831.c.; 921.n.). A General Superintendent shall serve as the Chair of the committee to address charges against a Conference Superintendent but shall not be entitled to a vote.

- I. The disciplinary hearing of a General Superintendent or other denominational officer.

¶632. A disciplinary hearing for the General Superintendent or other denominational officer by The Evangelical Church will consist of the Superintendents from the other conferences.

- J. Judgment Pertaining to Ministers

¶633. All censures in paragraph ¶625 may be pronounced for ministers.

- K. Expelled Ministers

¶634. A Minister, in whatever order of office he or she may stand, who is expelled from The Evangelical Church shall not be allowed to perform any official functions nor shall he be recognized as a member or Minister of The Evangelical Church, without true penitential confession and reformation, and without being received anew as a member into The Evangelical Church, and as a minister. In case a Minister's license or commissioning is revoked, or he or she is expelled from the Church, or he or she withdraws (¶598) either under charges or in an irregular manner, his license as a Minister

or his or her commissioning shall be revoked and credentials shall be annulled and he or she shall surrender them to the Conference Superintendent, or to the General Superintendent in the case of a Conference Superintendent (§820.b.(9); 921.n.).

L. Restoration

¶635. The goal of the church is to restore fallen members and leaders. (Gal. 6:1) The wide variety of situations prevent a detailed description, but the restoration process will include:

- (1) Confession, Repentance and/or Godly Sorrow – (James 5:16; 2 Cor.7:10-11)
- (2) Forgiveness (Luke 17:3-4; 1 John 1:9; Eph. 4:32)
- (3) Admonition, Censure, Suspension, Deposition, or Expulsion (Prov. 12:1; Heb. 12:6,10-11)
- (4) Counseling, Godly Advice, and Accountability (Prov. 11:14; 19:20)
- (5) Restoration (Gal. 6:1)
- (6) Celebration (Luke 15:7)

¶636. The local church, conference, or denominational leadership shall appoint a Restoration Team to come alongside of the individual(s) and seek to provide a pathway for restoration. The restoration of the individual to God, to their own family, and to the Body of Christ are a priority. Restoration may or may not include restoration to a church office.

¶637. There can be no set amount of time for complete restoration. Each situation requires discernment given the kind of offense, the damage incurred, and the responsiveness of the individual(s). The Restoration Team is encouraged to act with firmness and gentleness, neither taking too long nor moving too quickly.

¶638. The Restoration Team may consult with other evangelical leaders, Christian counselors, and experts in Christian restoration to study how best to restore an individual given the particulars of his or her situation.

M. Celebration of Restoration

¶639. Repentance should be a joy for the church and a joy for individuals, as it is with the angels in heaven (Luke 15:2-10). Sin is devastating in every way, so repentance should be celebrated as a sign of new life and restoration (Luke 15:1-7; Matt. 18:10-14; Luke 15:11-32). Restoration Teams shall seek to celebrate steps of repentance and restoration along the way with as many as are appropriate to include and when possible or appropriate the church body itself.

N. Titles

¶640. The Evangelical Church recognizes that local churches, as evidenced in The Discipline, use different terms to describe the same or similar persons or entities such as pastor/minister and board/council/elders/Pastor Parish Relations. These terms are

intended to be used interchangeably but, in the event of a dispute, the superintendent shall have final authority to determine the persons subject to certain types of discipline and the appropriate entity to resolve a particular matter.