

# By-laws

## Faith Fellowship of Marion N.Y.

### Part I *The Consistory*

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#### *Article 1. Definitions*

*Sec. 1.* The Consistory is the elected governing body of the local church. Its members are the installed minister/s of that church serving under a call, the Elders and Deacons currently installed in office. See Constitution Article VII. The Consistory is a permanent, continuing body which functions between stated meetings through committees.

- a. A congregation is a body of baptized Christians meeting regularly in a particular place of worship.
- b. A local church is a congregation properly organized, and served by a regularly constituted Consistory.

*Sec. 2.* The Consistory combines the ministerial functions and governmental powers of the offices of the minister, Elders, and deacon in the service and supervision of a local church. The whole-body acts as the representative of the congregation. The Elders, together with the minister/s, constitute a Board of Elders with specified responsibilities and powers. The Deacons constitute a Board of Deacons with specified duties and authority.

*Sec. 3.* Ministers are those men who have been inducted into the Office of Minister of Word and Sacrament by ordination in accordance with the Word of God and the order ECFA established, as adopted on [date]

*Sec. 4.* Ministers are those men who have been inducted into the Office of Minister of Word and Sacrament by ordination in accordance with the Word of God

Ministers of Word and Sacrament are equal in authority as ministers and as stewards of the mysteries of God. Ministers shall ordinarily be confessing members. No person who has relinquished the ministry for which installed or commissioned or who has been suspended or deposed from the ministry shall exercise that office.

*Sec. 4.*

The Office of Minister of Word and Sacrament is one of servanthood and service representing Christ through the action of the Holy Spirit. Ministers are called to proclaim the gospel of Jesus Christ, and to the ministry of the Word of God.

- a. A minister serving a congregation is a Pastor and teacher of the congregation to build up and equip the whole church for its ministry in the world. The Minister preaches and teaches the Word of God, administers the sacraments under the authority of the Consistory, shares responsibility with the Elders and Deacons and members of the congregation for their mutual Christian growth, exercises Christian love and discipline in conjunction with the Elders, and endeavors that everything in the church be done in a proper and orderly way. As Pastor and teacher, he so serves and lives among the congregation that together they become wholly devoted to the Lord Jesus Christ in the service of the church for the world.

Edited above July 20,2021

*Sec. 5.* Elders are confessing members of the local church who have been inducted into that office by ordination in accordance with the Word of God.

*Sec. 6.* The office of the Elders is one of servant hood and service representing Christ through the action of the Holy Spirit. In the local church Elders are chosen members of spiritual discernment, exemplary life, charitable spirit, and wisdom grounded in God's Word. Elders, together with the installed minister/s serving under a call or contract, are to have supervision of the church entrusted to them. They are set apart for a ministry of watchful and responsible care for all matters relating to the welfare and good order of the church. They are to study God's Word, to oversee the household of faith, to encourage spiritual growth, to maintain loving discipline, and to provide for the proclamation of the gospel and the celebration of the sacraments. They have oversight over the conduct of the members of the congregation and seek to bring that conduct into conformity with the Word of God, thereby empowering all members to live out their Christian vocation in the world. Elders exercise an oversight over the conduct of one another, and of the Deacons, and of the minister/s. They make certain that what is preached and taught is in accord with the Holy Scripture. They assist the minister/s with their good counsel and in the task of visitation. They seek to guard the sacraments of the church from being profaned. An Elders may administer the sacraments, if authorized by the Board of Elders.

*Sec. 7.* Deacons are confessing members of the local church who have been inducted into that office by ordination in accordance with the Word of God.

*Sec. 8.* The office of the deacon is one of servanthood and service representing Christ through the action of the Holy Spirit. In the local church Deacons are chosen members of spiritual commitment, exemplary life, compassionate spirit, and sound judgment, who are set apart for a ministry of mercy, service, and outreach. They are to receive the contributions of the congregation and to distribute them under the direction of the Consistory. The Deacons give particular attention and care to the whole benevolence program of the church. They have charge of all gifts contributed for the benefit of the poor and distribute them with discretion. They visit and comfort those in material need and perform such other duties as the Consistory may assign them.

*Sec. 9.* A Great Consistory of a church consists of all confessing members of that church who have served it, or are serving it, as Elders and Deacons on its Consistory. The Great Consistory may be convened by the Consistory when matters of special importance relating to the welfare of the church demand consideration. Members of the Great Consistory have only an advisory voice.

## ***Article 2. Responsibilities of the Consistory***

*Sec. 1.* The Consistory shall regularly consider, in consultation with its district and its partners in mission, the nature and extent of the ministry of the congregation in obedience to Holy Scripture and in response to the needs of the local community and the world. The Consistory may institute and recognize such ministries that express the congregation's faithfulness to the ministry to which Christ calls the church.

*Sec. 2.* The Consistory shall act in all matters calling for judgment and decision which are not specifically assigned to the Board of Elders or to the Board of Deacons.

*Sec. 3.* As the congregation's agent, the Consistory shall provide a minister, or ministers, for the church. It has the authority to call persons to the ministry of the church. The Consistory shall endeavor to learn the mind of the congregation with respect to any person who may be called to the ministry of the church. The judgment of the congregation in such matters shall be considered to be binding. The instrument of the call to a minister shall be signed by the members of the Consistory, as the congregation's agent, and the minister. If the call is accepted by the person called, the latter's name shall be published in the church on three successive Sundays, so that opportunity may be afforded for the raising of lawful objections. If no such objections are raised, the installation shall proceed.

*Sec. 4.* A Consistory may call more than one minister to serve the congregation. The associate minister shall be a member of the Consistory.

*Sec. 5.* A Consistory that calls more than one minister to serve the congregation shall issue a separate call to each minister.

*Sec. 6.* A Consistory may call or contract with one or more assistant ministers to serve along with its minister(s) serving under a call. The contract(s) shall follow the guidelines established by the district. The assistant minister may be a member of the church and/or the Consistory.

*Sec. 7.* A Consistory or its Minister may request the Congregation to terminate the Minister's relationship with the church.

*Sec. 8.* As the Congregation's agent, the Consistory shall provide services of worship and other activities and organizations in the church's life for the spiritual benefit and growth of Christ's people.

*Sec. 11.* The Consistory shall be guided by the following requirements in their provision of services of worship:

- a. The order of worship on the Lord's Day shall be in accordance with the Distinctives and Statement of Faith of the Evangelical Free Church of America.
- b. The sacrament of baptism shall be administered, if possible, at a time and place of public worship. An appropriate order for the administration of baptism shall be used.
- c. The sacrament of the Lord's Supper shall be administered, if possible, at least once every three months in the church. An appropriate order for the administration of the Lord's Supper shall be used. All Christians present, who have rightly examined themselves before the Lord, are to be invited to participate.
- d. Ordinarily, the preaching of the Word shall be performed by a Minister of Word and Sacrament.
  1. A Consistory may issue an invitation to preach to a minister of another denomination whose character and standard is known.
  2. A Consistory may determine whether to issue an invitation to preach to a minister whose character and standard is not known to them once that minister has first furnished the Consistory with written evidence of recent date of that minister's good ministerial standing and the minister's authorization to preach the Word.
  3. A Consistory may authorize, in occasional or special circumstances, other persons to preach.
- e. The points of doctrine contained in the Heidelberg Catechism and/or The Statement of Faith should be explained by the minister at regular services of worship on the Lord's Day, so that the exposition of them is completed within a period of four years.

*Sec. 12.* The Consistory shall make provision for the private administration of the sacraments in instances of sickness or another emergency. At least one Elders should be present with the minister on such occasions. At least one other Elders shall accompany an Elder administering the sacraments privately.

*Sec. 13.* The Consistory shall have the care and supervision of the church's property and financial interests. They are the trustees of the church's property, or the statutes of the state in which the church is incorporated, make other provision. The Consistory shall not sell, transfer, lease, mortgage or otherwise alienate or encumber any real

property of the church on which there stands a building designed for worship or religious instruction, or as a residence for the minister, unless the approval of the congregation and the District is secured. Further, the Consistory shall not incur a total indebtedness which exceeds two-thirds of the prior year's expenditures for congregational purposes without the approval of the congregation.

*Section above revised 7/27/2021*

*Sec. 14.* The Consistory shall be guided by the following requirements in its supervision of the election of Elders and Deacons to membership in the Consistory:

- a. The Elders and Deacons shall be men chosen from the confessing members of the church in full communion who have attained the age of twenty-one years or, at the discretion of the Consistory, eighteen years. They shall be elected by a vote of the confessing members of the church.
- b. The Consistory shall consist of a minimum of three Elders and three Deacons and may consist of a maximum of six Elders and six Deacons.
- c. Notice of a congregational meeting for the election of Elders and Deacons shall be made in the usual place of worship on two Sundays preceding the date of such meeting. When an election has been omitted at its usual time, the Consistory shall designate another time for that purpose. They shall furnish notice of the meeting in the usual way.
- d. Elders and Deacons shall be chosen as follows:
  1. The confessing members of the congregation shall nominate and choose the whole number to be elected with or without advisory nominations by the Consistory or other representatives of the congregation.
- e. The Elders and Deacons shall be elected for a term not to exceed **three** years, the length of the term being at the discretion of the Consistory. The **Consistory** may, under extenuating circumstances grant permission for an extension of the term of office of Elders and Deacons.
- f. When a vacancy is to be filled, a person may be elected and installed to serve the remainder of the unexpired term; or the Consistory may appoint and install a member of the Great Consistory to the same office of his previous service until the next congregational meeting for the election of Elders and Deacons.
- g. In order to avoid an entire change of Consistory at one time, a part of the whole number of Elders and Deacons shall be elected annually. When a Consistory is enlarged, the same as g applies.

*Sec. 15.* The names of the persons elected as Elders and Deacons shall be published in the church on three successive Sundays preceding their installation, in order that any legitimate objections may be presented to the Board of Elders for its judgment.

*Sec. 16.* Elders and Deacons may be re-elected after at least one year, but they shall not be re-ordained to the same office. They need be reinstalled only when the terms of service are not consecutive.

*Sec 17* Past ordination by another denomination must meet the following conditions: intended to be within and to the ministry of the catholic or universal church; performed by a duly organized body of Christian churches, and by the authority within such body charged with the exercise of this specific power, accompanied by prayer and the laying on of hands.

*Sec. 18.* The president and the clerk of the Consistory shall keep a careful register of all baptisms and marriages, of all admissions to confessing membership, of transfers to other churches, and of a members' death.

*Sec. 19.* The Consistory shall make statistical reports to the congregation at the annual meeting and to the District as required.

### ***Article 3. Officers of the Consistory***

*Sec. 1.* The called ministers serving under call shall be to be president of the Consistory and shall preside at all of its meetings except where otherwise provided. It shall be the duty of the president to state and explain the business to be transacted, to enforce the rules of order, and, in general, to maintain the decorum and dignity belonging to the Church of Jesus Christ.

*Sec. 2.* The Consistory shall elect one of the Elders to the office of vice-president.

*Sec. 3.* The Consistory shall have a clerk whose duty shall be to keep a faithful record of all the proceedings of that body, and to furnish official notices in writing to all persons directly affected by decisions of the assembly.

*Sec. 4.* The Consistory may select a number of its members to supervise the administrative or personnel responsibilities of the Consistory. That body may act without the approval of the full Consistory if permitted by that Consistory's rules of order.

### ***Article 4. Transaction of Business***

*Sec. 1.* The Consistory shall be guided in its transaction of business by such rules of order as it shall adopt from time to time, and which are in accord with the Roberts Rules of Order. Elders and Deacons have an equal voice.

*Sec. 2.* A majority of the Consistory members regularly convened shall constitute a quorum for the transaction of business.

*Sec. 3.* All Consistory meetings shall include Scripture and shall begin and end with prayer.

*Sec. 4.* A member of the Consistory shall not have the right to protest against any act or decision of that body, but shall have the right to redress by appeal or complaint to the district. Any member of the Consistory shall also have the right to request that the names of all Consistory members, with their votes for or against a matter in question, be recorded in the minutes of the Consistory for the information of all; however, that request may be denied by a two-thirds majority of the Consistory.

*Sec. 5.* A Consistory regularly convened may invite a minister of its own District to preside at any meeting of the Consistory when, in its judgment, circumstances make the presiding of its minister inadvisable.

*Sec. 6.* The president shall call special meetings of the Consistory when they are deemed necessary and shall do so promptly when requested by at least three members of the Consistory.

*Sec. 7.* The Consistory shall submit the minutes of its meetings to the District whenever the District shall require it.

### ***Article 5. Responsibilities of the Board of Elders***

*Sec. 1.* The Board of Elders shall meet at stated times at least four times a year for the transaction of business which is their particular responsibility. A majority of the Board regularly convened shall constitute a quorum. The minister shall preside at all meetings except where otherwise provided. The meetings shall begin and end with prayer. Minutes of meetings shall be kept and shall be submitted to the District as required.

*Sec. 2.* The Board of Elders shall be guided in its supervision of the membership of the church by the following requirements:

- a. It shall pass upon the qualifications of those who desire to make profession of faith. It alone has authority to admit persons to membership and to transfer members to other churches. It shall consider requests for infant baptism, providing at least one parent or guardian is a confessing member of the church to which the request is presented. A request for baptism from a parent or guardian who is not a confessing member of the church to which the request is made shall first be submitted for approval to the governing body of the church where the parent or guardian has membership. It shall consider request for believers' baptism
- b. It shall receive as confessing members of the church only those persons who have made a profession of their faith in the Lord Jesus Christ before the Board of Elders, or who have made a re-affirmation or transfer from another Christian church. The Elders shall make provision for baptism for those not yet baptized
- c. It shall publish to the church the names of persons received as members and enter them on the church roll.
- d. It may place on the inactive list the name of any confessing member whose relationship with the church has ceased for one year or who for one year has not made faithful use of the means of grace, especially the hearing of the Word and the use of the Lord's Supper, unless there are extenuating circumstances making such faithful use impossible. After making due effort to notify the member of such action, the Board shall seek diligently for an additional period of one year to recover that member. If there is no renewal of an active connection with the church in spite of these efforts, the Board may vote to strike the name of the member from the church membership. Due effort shall be made to notify the member of the action.
- e. It shall seek to impress upon members of the church who move from the bounds of its ministry the duty of obtaining a certificate of transfer to another church.
- f. It may permit a confessing member of a congregation, who is serving as a missionary outside of the local church environs to hold membership also in an indigenous church.
- g. It shall remove from the church roll the name of the following members: one who has transferred to another church; one who has united with another church without securing a certificate of transfer; one whose membership has been terminated by a procedure of discipline; one who has had a prolonged inactive status; a deceased member; and that of a licensed ministerial candidate upon becoming the installed minister of another church.

*Sec. 3.* At each regular meeting, the Board of Elders shall seek to determine whether any members of the congregation are:

- a. in need of special care regarding their spiritual condition and/or
- b. are not making faithful use of the means of grace, i.e., attending worship and participating in the sacraments and shall provide the means of extending Christian ministry to such persons.

*Sec. 4.* The Board of Elders shall exercise Christian discipline with respect to any who continue in sin without repentance. All members of the church are subject to the church's government and discipline as administered by the Board of Elders. The Board of Elders shall admonish, or rebuke, or, if necessary, suspend from the privilege of the Lord's table any who should be so disciplined. It shall be the privilege of the Board of Elders to receive the penitent into the fellowship of the church again.

*Sec. 5.* The Board of Elders shall be guided in its exercise of Christian discipline by the requirements stated in the Disciplinary and Judicial Procedures. in Article IV.

## ***Article 6. Responsibilities of the Board of Deacons***

*Sec. 1.* The Board of Deacons shall consist of those Deacons who are in active service. The number of Deacons shall be determined by the needs of the congregation and the evident gifts of those being called by God for the ministry of mercy, service, and outreach.

*Sec. 2.* The Board of Deacons shall serve those in distress and need. The Deacons shall minister to the sick, the poor, the hurt, and the helpless, shall aid the victims of the world's abuse, and shall express the social concerns of the church. They shall oversee and carry out their work as those concerned with the redemption of humankind. Their focus is turned toward service and ministry both to the world and in the church. **The Board of Deacons shall have custody of the assets and property of the church and, to the best of their ability, provide stewardship over all assets and property.**

*Sec. 3.* The Board of Deacons shall keep minutes of its meetings when it meets at stated times for the carrying out of its ministry. A majority of the Deacons regularly convened shall constitute a quorum for the transaction of business. The meetings shall begin and end with prayer. The Board shall render an account in Consistory of its ministry, including its collection and distribution of the benevolence contributions of the congregation.

## ***Part II Standing Committees***

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Sec.1 Standing Committees are committees established in accordance with the church's by-laws,

- a. The duties and responsibilities of each committee (excluding the Executive Committee) shall be documented by the Executive Committee and reviewed annually.
- b. The duties and responsibilities of the Executive Committee are established by the Consistory.

Sec.2 Established Standing Committees

- a. The following Standing Committees are currently established:
  1. Executive
  2. Evangelism
  3. Mission
  4. Congregational Care
  5. Worship
  6. Property & Equipment
  7. Youth & Education
  8. Pastoral Search
    - A. Sub-Committees
1. 1.Additional committees, as defined in the church's by-laws, are established as sub-committee roles within another established standing committee, as follows:



2. The role of the Church Privilege committee is encompassed within the responsibilities of the Property & Equipment committee, as supported by the Church Secretary.
  3. The role of the Christian Action and Women's Ministries committees are encompassed within the responsibilities of the Youth & Education committee.
  4. There currently is no standing Scholarship committee.
  5. The Personnel committee role is performed by the Executive Committee.
  6. The Budget committee role is performed by the Board of Deacons.
- b. Term of Service
1. Standing committee member appointments are for a two-year period, with term reappointments allowed for.
  2. To maximize their effectiveness, committee members should be appointed to serve on only one standing committee at a time.
- c. Executive Committee
1. The Executive Committee is composed of the following officers of the Consistory: President (i.e., Senior Pastor), Vice President, Clerk, Treasurer and Chairman of the Deacons. In the absence of a Senior Pastor, the Vice President shall also assume the role of the Consistory President (i.e., no voting Vice President exists under these circumstances).
  2. The Executive Committee oversees all functional church affairs, including oversight of the Standing Committees.
  3. For purposes of oversight financial management of the church, the Senior Pastor (i.e., Consistory President) is not an authorized agent of the church. In terms of the financial management activities defined in this policy, the Senior Pastor serves in an advisory capacity.
  4. The Executive Committee may request financial reports from the Treasurer and all Standing Committees in the performance of its oversight duties. Standing Committee reports are presented to the Consistory at regular meetings.
- d. Committee Leadership
- A. Each Standing Committee is led by a committee chairperson, hereafter referred to as a "Committee Chair". The Committee Chair and all other members of each committee are appointed by the Executive Committee.
  - B. Committee Chairs exercise final authority over the decisions of each committee. The Committee Chair, at his discretion, may subject an issue to a Standing Committee vote to resolve it.
  - C. In the event of irresolvable disagreement on an issue between a Committee Chair and the appointed members of that committee, such matters may be elevated to the Executive Committee for resolution.
  - D. All appointed members of a Standing Committee may participate in a vote. A simple majority of the numbers of appointed members of a Standing Committee are required to carry a vote.
  - E. Committees may also include "members at large", which are not appointed, but play an active role in committee tasks. "Members at large" do not have voting rights within a committee, however.
  - F. Each Standing Committee shall contain at least one member of Consistory, but will preferably be represented by both a Deacon and an Elder.
  - G. The Senior and Associate Pastor(s) shall serve as advisory members of each Standing Committee, without voting rights.



## f Committee Responsibilities

1. Committee Chairs are responsible to generate minutes of each meeting and to provide those minutes or review at the following Consistory meeting (i.e., typically conducted on the 2<sup>nd</sup> Tuesday of each month).

2. All church expense account related items (planned expenditures, budget issues, etc.) shall be documented in the committee's minutes to keep the Treasurer, Board of Deacons and Executive Committee informed of current activities for which near-term requests for funds shall be made or incoming invoices are expected.

3. Minutes shall also include sufficient information to allow the Consistory to act upon any items raised to it for consideration.

## Part III *The Membership*

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### **Membership Categories and Definitions.**

Membership in the congregation of the Faith Fellowship of Marion N.Y. of Marion includes:

"confessing" members,  
"baptized" members,  
"inactive," **members, and**  
**congregations also include**  
"adherents"

"Confessing" members are members who have received Christian baptism and have been received by the Board of Elders through profession of faith, reaffirmation of faith, or presentation of a satisfactory certificate of transfer of membership from another Christian church, and who make faithful use of the means of grace, especially the hearing of the Word and the use of the Lord's Supper.

"Baptized" members are members who have received Christian baptism, who may or may not participate at the Lord's Table, and who have not been received by the Board of Elders as confessing members.

“Inactive” members are members who have been removed by the Board of Elders from the confessing membership list.

“Members” are all confessing members, baptized members, and inactive members.

“Adherents” are all who participate in the life, work, and worship of the church, but are not members.

The Representative Principle.

The power which Jesus Christ bestows upon his church is mediated by the Holy Spirit to all the people. Since not everyone in the church can hold an office, and since the offices differ among themselves in function, some persons will always be subject, within the proper exercise of authority, to the decisions of others. Since the whole church cannot meet together at one time and place to deliberate, representative governing bodies must be established on the various levels. The unity of the church is preserved in acceptance of the fact that all are governed by the decisions made in their behalf by those who represent them.

Government by Elders. The Reformed churches have sought to follow the practice of the churches whose experience is recorded in the New Testament. The churches then were ruled by “presbyters” or “Elders” just as the synagogues from which the first Christian converts came were ruled by Elders. The Reformed churches consider the minister to be an elder of a special kind, called in some churches of the Reformed order, the “teaching elder” Ministers and Elders therefore govern the church together. They also assist in the governing of the larger church by becoming from time to time members of the higher legislative assemblies or courts of the church. Thus also, the lines of authority in the Reformed churches move from the local church to the General Synod. This is so since Christ, according to the New Testament, has appointed officers to govern the church under himself. Their authority to govern derives from him even though they are elected by the people. The local churches together delegate authority to classes and synods, and having done so, they also bind themselves to be subject together to these larger bodies in all matters in which the common interests of the many churches are objects of concern.

## **Part IV Discipline**

### **Article 1. Nature of Discipline**

**Sec. 1.** Discipline is the exercise of the authority which the Lord Jesus Christ has given to the Church to promote its purity, to benefit the offender, and to vindicate the honor of the Lord Jesus Christ.

**Sec. 2.** The exercise of discipline may take the form of admonition, rebuke, suspension from the privileges of membership in the church or from office, deposition from office, or

excommunication, as the gravity of the offense in the opinion of the Board of Elders may warrant. Admonition and rebuke are Pastoral in nature and are exercised by an assembly in the ordinary course of its proceedings. All further steps of discipline—suspension, deposition, and excommunication—are judicial in nature and require the formal presentation of charges to the Board of Elders. The Board of Elders may, in the judicial process, impose admonition or rebuke as a form of discipline.

## **Article 2. Nature of Offenses**

**Sec. 1.** The only matters to be considered as offenses subject to accusation are those which can be shown to be such from the Holy Scriptures, the EFCA Statement of Faith, or the Constitution of the Faith Fellowship of Marion N.Y. of Marion.

**Sec. 2.** Offenses which are known at most to a very few persons shall be dealt with first in the manner indicated by the Lord Jesus Christ in Matthew 18:15-17. If this procedure fails, the matter shall be presented to the Board of Elders.

**Sec. 3.** Notwithstanding Section 2 above, notorious and scandalous offenses require immediate suspension and/or other action as determined by the Board of Elders, pending their further review.

## **Article 3. Responsibilities for Discipline**

**Sec. 1. Discipline of a Member.** All members of a local church are under its care and are subject to its government and discipline, as administered by its Board of Elders. The Board of Elders may suspend from the privileges of membership in the church a member who persistently rejects its admonitions or rebukes. If a member fails to show marks of repentance after suspension, the Board of Elders may, proceed to excommunication. The Board of Elders shall publicly notify the congregation of its intention to excommunicate, and later, of its final action. The Board may omit such public notification, if such omission will not impair the purposes of discipline and will best serve the spiritual welfare of the congregation. Such omission shall require a two-thirds vote of the Board of Elders.

**Sec. 2. Discipline of an Elder or Deacon.** The Board of Elders shall have jurisdiction in the case of a charge against an Elder or Deacon. If the charge is proven, the Elder or Deacon may be suspended or deposed from office together with such other discipline as may be imposed in accordance with Scripture.

**Sec. 3. Discipline of a Minister:**

- a. Ministers are under the care of the Board of Elders and are subject to its government and discipline.
- b. The Consistory has the right to close the pulpit to a minister who has been accused of any notorious or scandalous offense which would render appearance in the pulpit inappropriate. Proceedings of the Consistory in such a case are at its peril, but are undertaken to prevent

scandal. This action is not to be considered a trial. The Consistory must report its action to the District Superintendent immediately.

- c. The District shall have jurisdiction in the case of a charge against a minister with the single exception noted below. If the charge is proven, the minister may be suspended or deposed from office, suspended from the privileges of membership in the church, and/or excommunicated.

## **Article 4. Procedure for Bringing a Charge**

**Sec. 1.** A charge is a written accusation of an offense filed with the Clerk of the Elders specifying the name of the accused, the nature of the alleged offense, and the time, place, and attendant circumstances of the alleged offense. The Clerk shall provide a copy of the charge to the accused within three days of its receipt.

**Sec. 2.** A charge may be brought by an individual who is subject to the jurisdiction of the Elders. If the charge is brought by an individual, it must be signed by and made in the name of the individual who must come forward openly to support the charge(s) throughout the proceedings.

**Sec. 3.** A committee designated by the Elders may also bring a charge.

**Sec. 4.** If filed by an individual, the charge shall be referred to the Elders or a committee appointed by them to determine whether there is sufficient merit to the charge to warrant further consideration. If a charge is filed by the committee designated by the Elders, that same committee shall continue its proceedings to determine whether there is sufficient merit to the charge to warrant further consideration. In either case, in making this determination, the committee:

- A. May interview the accuser, the accused, or any witnesses,
- B. Shall consider the number and credibility of witnesses and the length of time between the occurrence of the alleged offense and the date when allegations were made,
- C. If the alleged offense occurred more than five[5] years prior to the date of the charge, the charge shall be dismissed by the committee unless the committee concludes that circumstances prevented the accusation from being brought earlier. In considering whether such circumstances exist, the burden is on the accuser to provide the committee with information sufficient to support why the charge was not brought earlier. If the decision of the committee is that such circumstances exist, the committee shall state the reasons why it believes such circumstances exist in its report to the Board of Elders. If the committee fails to provide the reasons for such a decision in its report, the Board of Elders shall dismiss the charge.
- D. Shall determine whether efforts to resolve the matter short of trial would be appropriate. Such efforts may include mediation, admission by the accused that the charge is true and acceptance of appropriate sanctions, or any other disposition to which the committee and the accused may agree. Any demission, suspension, deposition, or excommunication must be approved by the Board of Elders.

**Sec. 5.** The committee shall conduct its work in a confidential manner in order to protect the reputations of all persons involved and to preserve the impartiality of the Board of Elders if the charge moves forward.

**Sec. 6.** If the charge is not otherwise resolved, and the committee determines there is sufficient merit in the charge, the Board of Elders, excepting those on the committee, shall proceed to trial. If there is not sufficient merit, the committee shall dismiss the charge. This dismissal shall be the final resolution of the charge.

**Sec. 7.** The action of the committee shall be reported to the Board of Elders.

## **Article 5. Trying a Charge**

**Sec. 1.** The Clerk of the Elders shall issue a citation signed by the President and Clerk, requesting the accused to appear before the Elders at a specified time and place. The citation and a copy of the charge shall be provided to the accused.

**Sec. 2.** The accused shall file a written reply to the charge with the Clerk within twenty [20] days of the receipt of the citation and a copy of the charge. If the accused acknowledges guilt or fails to file a reply to the charge, the Elders shall impose the appropriate discipline.

**Sec. 3.** The Elders shall try the charge within thirty[30] days of the filing of the reply, unless the trial is postponed to a later date by consent of the parties and the Elders involved.

**Sec. 4.** The Elders may try the charge, even though the accused is not present, if it is satisfied that proper notice was provided.

**Sec. 5.** The Clerk of the Elders shall issue citations to persons who are requested to appear as witnesses for or against the accused and, at the same time, shall provide a list of the witnesses to all parties. Persons who have not received a witness citation may be permitted to testify at the trial, if the Presiding Officer concludes that to allow the testimony is not fundamentally unfair.

**Sec. 6.** Neither the accuser, accused, counsel for any party, witnesses, Clerk of the Elders, members of the committee of the Elders, nor any person with a conflict of interest shall participate in the deliberation or the decision of the Board of Elders at any stage of the trial.

**Sec. 7.** Unless the accused refuses or fails to appear after proper notice, witnesses shall be examined in the presence of the accused. The accused shall be permitted to cross-examine adverse witnesses. No affidavits shall be admitted.

**Sec. 8.** The Elders may, at their discretion, appoint a committee to take testimony of a party or witness at a location other than that of the place of hearing, upon request of any party. Ten[10]

days' notice shall be given to all parties of the appointment and membership of the committee and of the time and place of its meeting. The parties shall examine the witness(es) and shall have the right of cross-examination.

**Sec. 9.** A verbatim record of the trial, including the judgment, shall be preserved and entered into the records of the Elders. Parties to the case shall be given reasonable access to the record.

**Sec. 10.** Parties and the Elders may be represented by counsel of their own choosing, provided that such counsel is a minister, an Elder, or confessing member of the EFCA. Counsel shall not be compensated for their time or efforts but may be reimbursed for expenses. Counsel reimbursement, if any, is the responsibility of the represented party.

**Sec. 11. Procedural Rules:**

- A. The Elders shall establish such administrative rules for the trial as it deems appropriate to ensure that the trial will be conducted in a fair and impartial manner.
- B. No member, nor any person connected with the case, shall circulate, or cause to be circulated, any written or printed arguments or briefs upon any charges before the final disposition of the same, including appeals, if any.
- C. The required quorum for Elders conducting a trial shall be the same as is required for a regular or stated session of that assembly.
- D. The accuser shall be responsible for moving forward with the evidence.
- E. The charge(s) must be proven with a high degree of probability.
- F. Receipt of evidence shall not be controlled by formal rules of evidence. However, the Presiding Officer may exclude any evidence if the Officer determines that to admit such evidence would be fundamentally unfair.
- G. The only persons who may attend the trial are the parties, their counsel, the members of the Elders, and such other persons as the Elders deems appropriate.
- H. Only members of the Elders shall be present for the deliberation on the evidence. However, the counsel for the Elders, if any, may be present.

## **Article 6. Restoration and Reinstatement**

**Sec. 1.** A member who has been suspended or excommunicated may be restored to the privileges of membership in the church upon repentance expressed before the Board of Elders. If public notice of the judgment of excommunication had been given, due public notice of reinstatement shall also be given to the congregation.

**Sec. 2.** An officer who has been suspended or deposed from office may be restored to office upon repentance and renewal of vows before the Board of Elder, provided that they are satisfied that the honor of the office will not be impaired, and that the welfare of the church will be served by such a restoration, and provided that the restoration is approved by a two-thirds vote of those present at the meeting of the Board of Elders. Restoration after deposition shall include re-ordination to office.

