

MODEL DISCIPLINE PROCEDURES

Developed by Blaine Robison, M.A.

The following definitions and rules of procedure ("Rules") govern the conduct of discipline of members by [name of Congregation], hereinafter referred to as "Congregation."

Statement of Authority

By virtue of being incorporated by reference or included as an amendment to the Constitution and Bylaws of the [name of Congregation] and the members agreement and consent to be subject to the rules, regulations, discipline and requirements of said congregation, these Congregation Discipline Procedures shall be considered binding on all those who are full members of said congregation.

Terms

"Accused" refers to the person who has been formally charged with violating the standards of Scripture and the bylaws of the Congregation.

"Board" refers to the Congregation Board.

"Congregation" refers to the [name of the congregation].

"Complainant" refers to the person who brings the original complaint or charge against the accused.

"Panel" refers to the Congregation Discipline Panel.

'Pastor' refers to the senior ministry leader of the congregation.

"Parties" refer to the complainant and the accused.

Introduction

1. The Call of Discipleship

The Lord Jesus commissioned His disciples to train believers to be fully obedient to the commands of God as expressed in Scripture (Matt 28:19-20). Disciples are expected to seek the will of God in all of life (Col 1:10) and follow the example of Jesus for both decision-making and responding to conflict (1 Pet 2:21-23).

Congregation leaders, in particular, have the responsibility to equip congregation members for godly living (Eph 4:11-12) and are expected to "reprove, rebuke, exhort with all longsuffering and doctrine" (2 Tim 4:2). In addition, Congregation members are mutually accountable to each other and have the right and duty to admonish one another in love (Rom 15:14). A member's failure to respond properly to the discipling of the Holy Spirit, the Word of God and congregation leadership leads to the necessity of following the

instructions of Matthew 18:15-19 for confronting sinful conduct.

2. Occasion for Discipline

There are occasions when a member's departure from instructions of the Word of God requires congregation discipline. Serious offenses may not be overlooked for the sake of God's reputation in the world, the prevention of other saints being tempted to sin, and the offender being harmed by a failure to accept the responsibility for his deeds. While disciples are not expected to be perfect as Jesus, the Congregation must confront any member who holds false and heretical doctrine, is unwilling to settle differences in a scriptural manner, openly and persistently lives inconsistently with his profession of faith, lives in violation of the law or the standards of conduct described in the bylaws, or persistently disturbs the peace and unity of this congregation.

Corrective discipline is necessary because of conduct or doctrine contrary to biblical standards and aims for the glory of God, the peace and purity of the local congregation, and the spiritual welfare of the accused. The Holy Scriptures (the Bible) shall be the supreme authority governing every aspect of the disciplinary process and in particular those passages concerning discipline found in Matthew 18:15-19; 1 Corinthians 5; 1 Timothy 5:1, 19-20 and Titus 3:10.

Progressive Discipline

3. Step One

When an offense becomes known, the offender is to be confronted in private according to Matthew 18:15 and Luke 17:3. The confrontation may be done by anyone with knowledge of the offense, but generally should be done by the one against whom the offense was committed, if the matter concerns just the two individuals. Confrontation should always be done in love with constructive communication and a readiness to forgive upon repentance. The pastor will advise anyone on how to follow the Lord's instruction whenever requested. If the matter involves the relationship of a married couple or a controversy becomes the subject of conversation in the Congregation or threatens the peace of the Congregation, the pastor has the responsibility to confront the party or parties involved.

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4. Step Two

a. If the first effort is not successful, the pastor shall appoint a committee of two or three members in good standing or take two members with him to interview the parties involved and investigate the matter further.

b. In no event shall the pastor pursue or permit the implementation of this step if the complaint pertains only to perceived attitudes or disagreements over issues not essential to accepted doctrines and personal salvation. Discipline will focus on behavior that violates the standards of conduct adopted by the Congregation.

5. Step Three

a. If the first and second efforts have not brought a satisfactory outcome, the member bringing the charge(s) shall place the complaint in writing, which shall be signed by the two witnesses appointed by the pastor. In addition, charges may be filed by any other members of the Congregation who are in good standing.

b. Step Three consists of two parts: (1) an appeal from the congregation to repent, which may occur in private or by letter, and (2) if repentance is still not forthcoming, a disciplinary hearing will be held to determine appropriate discipline and/or the status of membership.

c. No offenses shall be brought before the congregation until Step One and Step Two have been followed. In addition, no charge may be brought for any act that occurred more than five years before the date of the written charge, unless the person harmed by the act was under the age of 18 or found to be mentally incompetent, in which event the five years would be counted from the date the person harmed by the act reached age 18 or became mentally competent.

d. The congregation shall make every effort to expedite the discipline process to determine the facts, acquit the innocent, seek restoration of the repentant, or judge the unrepentant.

Rules for Disciplinary Hearings

6. Executive Agent

The pastor shall serve as the executive agent for the Congregation in administering the activities of the Congregation Discipline Panel and any requirement of the Congregation under these procedures.

7. Appointment of Discipline Panel

Unless the Congregation constitution provides for another method, the pastor, with the approval of the Congregation board [or other denominational

judicatory authority if required], shall appoint a Congregation Discipline Panel of not fewer than five members which shall hear the charges in a formal session. The pastor may serve as a member of the Panel. The entire Congregation board may act as a Congregation Discipline Panel.

8. Qualification of Panel Members

a. All member of the Panel shall be members in good standing with the Congregation for at least one year. The panel members shall be persons whose character is above reproach and impartial in administering justice.

b. All members selected to serve on the Panel must disclose to the pastor any conflict of interest or any other reason that would likely affect their impartiality prior to the commencement of the disciplinary hearing. Upon such disclosure the pastor will disqualify the nominee and select another person to serve on the Committee.

c. The pastor may disqualify himself from service on the Panel for conflict of interest, in which event the Congregation board will appoint the Panel and the Panel will elect a moderator from its members. The pastor may still be present at all disciplinary hearings when not serving on the Panel in accordance with Rule 6.

d. Under no circumstance shall a Panel member act as counsel or an advocate for the accused.

9. Replacement of Panel Members

Any Panel member who withdraws, is disqualified, or is otherwise unable to perform the duties of the office, may be replaced pursuant to Rule 8 of these Rules. In the event of a vacancy in the Panel after the hearing process has commenced or before a subsequent scheduled hearing is held, the remaining Panel members may continue without a replacement.

10. Panel Moderator and Secretary

a. The pastor may serve as the Panel moderator or select another member of the Panel. The moderator may make decisions for the efficient conduct of the sessions. The decisions of the moderator can be overruled by a majority vote of the rest of the Panel.

b. The Congregation board secretary shall serve as a secretary for the disciplinary hearing and shall prepare an accurate record of the proceedings.

11. Notice

The Congregation shall give the accused at least ten (10) days written notice of the time, place and conditions of any disciplinary hearing, unless the

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accused agrees to waive such notice. A disciplinary hearing may proceed in the absence of the accused who, after the Step Three appeal and due notice of a disciplinary hearing, fails to be present or fails to obtain a postponement from the Congregation.

12. Right to Counsel

a. Any person who is brought before a Panel to answer charges shall always have the right to be represented by counsel of his or her own choosing, provided such counsel be a member in good standing with an organized Congregation that subscribes to the Apostles Creed. Good standing means that the member is in continuing fellowship with the Congregation and against whom no written charges are pending.

b. The accused must notify the Congregation at least five (5) days in advance if he or she desires to have counsel present at the disciplinary hearing. During the hearing counsel may represent and speak for the accused, but counsel will be expected to respect the purpose and governance of the disciplinary hearing.

13. Disclosure of Testimony

a. The Congregation affirms that all communications, oral or written, of any nature, declared, disclosed or uttered during the course of disciplinary hearings, or preparations for these sessions are only the concern of this Congregation and shall not be revealed or introduced by the Congregation in any other forum unless there is a clear biblical or legal reason to do so.

b. The Congregation may disclose appropriate and necessary testimony and evidence presented by the parties pursuant to these rules: (1) when the Congregation is compelled by statute or court of law, and (2) when the Congregation contacts appropriate civil authorities regarding alleged criminal conduct or to prevent a person from being harmed.

c. The Report and Judgment of the Discipline Panel shall not be confidential in so far as it must be presented to the Congregation board and the membership of the Congregation in an official meeting.

d. By virtue of their membership and agreement to accept the charter and bylaws of the Congregation as binding, the parties agree not to subpoena or summon any member of the Panel or Congregation staff as a witness in any deposition, administrative or judicial proceeding involving any matter submitted to a Congregation discipline hearing. Parties are not limited in introducing in

any other forum any information or matter that was already known to or in their possession prior to the convening of the Congregation discipline process.

e. There shall be no stenographic, audiotape, videotape or other verbatim transcript of any disciplinary hearing unless approved by the entire Panel, subject to the other conditions of this rule. The cost of any such record will be borne by the Congregation.

14. Contacts With Panel Members

Parties shall not communicate privately with the Panel members outside of scheduled hearings regarding any matter discussed in these meetings while Congregation discipline is in progress.

15. Termination

The Congregation discipline process may be terminated under the following conditions:

a. The process may be terminated at any time the accused admits the charge and expresses a willingness to cooperate with the counsel of the pastor and Panel on remedial efforts.

b. The Panel will terminate the disciplinary hearing after both sides have been heard and evidence presented.

c. The Panel may terminate the process at any time if the Panel decides that the principles of progressive discipline have not been followed.

d. The Panel may terminate the hearing if the complainant withdraws the charge or if reconciliation occurs between the parties.

16. Testimony and Evidence

a. Parties shall cooperate with the Congregation in providing a full and fair disclosure of all information, including documents, names of witnesses and other information that will contribute to an understanding of the dispute and/or charge. The parties shall produce any evidence requested by the Panel. Conformity to legal rules of evidence shall not be necessary, but all evidence shall be factual in nature.

b. The parties may offer any evidence that they consider relevant to the charge or its rebuttal. Parties desiring to have witnesses take part in the hearing must notify the Panel moderator as soon as possible so that all others invited to the hearing may be informed. The parties are responsible for notifying their witnesses of the time and place of all sessions.

c. The Panel shall be the final judge of the relevance and significance of the evidence offered. All evidence offered for consideration shall be taken in the presence of the entire Panel

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and all the parties, except when a disciplinary hearing proceeds without the accused according to Rule 11 and 29 of these Rules.

d. All testimony before the Panel shall be given under oath or solemn affirmation.

17. Interpretation of Rules

The Panel members shall interpret and apply the rules contained herein that relate to their powers and duties. All other rules contained herein shall be interpreted and applied by the pastor.

18. Immunity of Panel Members

By virtue of their membership in the Congregation and constitutional protections of Congregation discipline processes, the accused agrees that the Congregation, its staff, employees, officers and Panel members shall be immune from civil liability in damages for all acts within the scope of the Congregation discipline process.

Forms of Discipline

19. Reprimand

Biblical instructions provide for confronting and rebuking a believer who has sinned by breaking the commandments of God. The content of the reprimand shall be restricted to describing the exact nature of the offense, the evidence that substantiates the accusation of the offense and remedial action required of the offender. Such reprimands may be private, by letter, before a Congregation Discipline Panel or in an official meeting of members. (Matt 18:15-17, Luke 17:3; 1 Tim 5:20; 2 Tim 4:2; Titus 1:13; Rev 3:19).

20. Denial of Holy Communion

The pastor may determine that a member who is unrepentant of sinning be barred from participating in the Lord's Supper. The pastor shall inform the person privately of the denial of Communion privilege and that the denial will remain in place until he has given clear proof of repentance and amendment of life. (1 Cor. 5:11)

21. Suspension

This discipline consists of temporary or permanent suspension of rights to serve as an officer or ministry leader in the Congregation, and to vote in congregational meetings, depending on the severity of the offense. The offender is not to be treated as an enemy but admonished as a brother. If the offender is willing to seek restoration, then the suspension will include a plan, as approved by the pastor and the Panel, for disciplining the offender during the period of suspension in order to prepare him for full restoration. (Matthew 18:17)

22. Separation

It is right and in harmony with the Scriptures for the Congregation to exclude from the fellowship any member who continues to sin after being confronted or rejects the loving appeals of the brethren, including an approved discipling plan (Matt 18:17; 1 Cor 5:13; Titus 3:10; Heb 10:26-31). Formal separation may occur if the offender fails to respond in repentance to suspension or may be enacted without prior corrective steps if the offense is of a sufficiently serious nature. Under special circumstances the pastor or Congregation board may seek an injunction from the court of jurisdiction to forbid the separated offender from entering Congregation property.

Conduct of the Hearing

23. Participation in the Hearing

Congregation discipline hearings shall not be open to the public. Parties are expected to be present and speak for themselves and communicate directly with each other in the presence of the Panel and others admitted to the proceeding. Parties may be assisted in their communication when limited by a physical handicap or when English is a second language.

24. Agenda

The Panel may conduct the hearing in any manner that permits a fair presentation of the charge by the complainant and witnesses and rebuttal by the accused. The Panel may impose appropriate time limits on presentations, as well as length and number of sessions, to expedite the process. A basic agenda outline for the hearing is as follows:

- a. Introduction – review ground rules, read Scripture, pray, etc.
- b. Presentation by complainant and witnesses.
- c. Rebuttal by accused.
- d. Summation by complainant and accused, if necessary.
- e. Closing. The Panel moderator shall ask whether the parties have any further proofs or testimony to offer. Upon determining that the presentations are concluded, the moderator shall declare the hearing closed.

25. Remedial Plan

If there is an admission by the accused of the charges and acceptance of personal responsibility the Panel may recommend a plan for settlement of the dispute, amendment of life or reconciliation of the relationship. Such a plan will be administered under the pastor's supervision.

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Judgment

26. Deliberation

a. After hearing the testimony of witnesses and all relevant evidence and having given the accused a reasonable opportunity for defense and cross-examination, the Panel may recess to discuss their judgment and then reconvene to issue the judgment before the hearing is adjourned. The Panel may also adjourn the hearing without deciding and take additional time to pray and seek guidance for their decision.

b. The judgment shall express the unanimous decision of the Panel and shall either absolve the accused or direct the administration of appropriate discipline. The judgment of the Panel shall be in accordance with biblical principles of justice and equity with due consideration to whether there is sufficient evidence to substantiate the charge (Num 35:30; Deut 19:15-19; Matt 18:16).

c. The judgment shall be in writing, signed by the Panel members and rendered promptly, not later than ten (10) days following the closing of the hearing.

27. Delivery of Judgment to the Accused

The pastor shall ensure the judgment is prepared as instructed by the Panel, obtain the signatures of the Panel members and deliver the judgment to the accused. The Congregation may at its discretion mail the judgment or a true copy of it to the accused at his or her last known address

28. Notification to Congregation

The pastor shall call for an official meeting of the Congregation membership in accordance with the Bylaws in order to present the Judgment of the Discipline Panel and take any vote of the members that may be required under the Bylaws.

29. Withdrawal

The Congregation recognizes the freedom of members to withdraw from participation in the means of grace, continued fellowship with Congregation members and membership in the Congregation with its rights and privileges. However, the Congregation reserves the right not to recognize any withdrawal that is not received in writing or otherwise clearly communicated to the pastor by the accused. If a member notifies the Congregation of withdrawal from membership after learning of an intended discipline hearing or refuses to be present at the hearing, then the Panel will conduct the hearing *in absentia* and produce a report of its findings, conclusions and judgment for removal of membership for cause. The pastor shall then (1) mail a copy of the Panel report by return receipt to the former member, (2) inform the Congregation members in a duly called meeting of the decision of the Panel, (3) forward a copy of the Panel report as may be required to higher ecclesiastical authority, and (4) notify any other Congregation seeking a letter of transfer that the member did not leave in good standing.

30. Restoration

The Congregation must restore to fellowship in full forgiveness those persons who show satisfactory evidence of repentance (2 Cor 2:6-8). Upon recommendation of the Congregation Discipline Panel the accused shall be restored at a duly called congregational meeting and two-thirds majority of the members present and voting. An appropriate celebration should be planned to welcome the restored member back into fellowship.

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