

1 “Amend BCO 15-1 and 15-3 to clarify role of Presbytery commission”

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3 **Be it resolved** that *BCO* 15-1 and 15-3 be amended as follows. (Strike-through for deletions,
4 underlining for new wording.)

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6 **15-1.** A commission differs from an ordinary committee in that while a committee is appointed
7 to examine, consider and report, a commission is authorized to deliberate upon and conclude the
8 business referred to it, ~~except in the case of judicial commissions of a Presbytery appointed under~~
9 ~~*BCO* 15-3.~~ A commission shall keep a full record of its proceedings, which shall be submitted to
10 the court appointing it. Upon such submission this record shall be entered on the minutes of the
11 court appointing, the date of the submission being the date of “the meeting of the court” for the
12 filing requirements of a complaint under *BCO* 43-2., ~~except in the case of a presbytery commission~~
13 ~~servng as a session or a judicial commission as set forth in *BCO* 15-3.~~ The effective date of
14 dismissal of a commission of session or presbytery shall be not before the time allowed for the
15 filing of a complaint or appeal against that commission’s decision has expired. Any complaint or
16 appeal so timely filed, shall be adjudicated by that commission until the matter is settled by the
17 highest court. When a commission is appointed to serve as an interim Session, its actions are the
18 actions of a Session, not a Presbytery. Every commission of a Presbytery or Session must submit
19 complete minutes and a report of its activities at least once annually to the court which
20 commissioned it.

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23 **15-3.** Presbytery as a whole may ~~try a judicial case within its jurisdiction (including the right to~~
24 ~~refer any strictly constitutional issue to a study committee with options listed below),~~ hear a case,
25 with or without process (*BCO* 31-38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint
26 (*BCO* 43), a *BCO* 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1)
27 properly before it, or it may of its own motion commit ~~any judicial~~ such a case to a commission.
28 Such a commission shall be appointed by the Presbytery from its members other than members of
29 the Session of the church from which the case comes up. The commission shall try the case in the
30 manner presented by the Rules of Discipline and shall submit to the Presbytery a full statement of
31 the case and the judgment rendered. ~~The Presbytery without debate shall approve or disapprove~~
32 ~~of the judgment, or may refer, (a debatable motion), any strictly constitutional issue(s) to a study~~
33 ~~committee. In case of referral, the Presbytery shall either dismiss some or all of the specific~~
34 ~~charges raised in the case or decide the case only after the report of the study committee has been~~
35 ~~heard and discussed. If Presbytery approves, the~~ The judgment of the commission shall be final
36 and shall be entered on the minutes of Presbytery as the action the decision of the Presbytery, and
37 the statement of the case and judgment printed in its minutes. ~~If Presbytery disapproves, it shall~~
38 ~~hear the case as a whole, or appoint a new commission to hear the case again.~~

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40 So that *BCO* 15-1 and 15-3, as amended, would read:

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42 **15-1.** A commission differs from an ordinary committee in that while a committee is
43 appointed to examine, consider and report, a commission is authorized to deliberate upon
44 and conclude the business referred to it. A commission shall keep a full record of its
45 proceedings, which shall be submitted to the court appointing it. Upon such submission
46 this record shall be entered on the minutes of the court appointing. The effective date of

1 dismissal of a commission of session or presbytery shall be not before the time allowed for
2 the filing of a complaint or appeal against that commission's decision has expired. Any
3 complaint or appeal so timely filed, shall be adjudicated by that commission until the matter
4 is settled by the highest court. When a commission is appointed to serve as an interim
5 Session, its actions are the actions of a Session, not a Presbytery. Every commission of a
6 Presbytery or Session must submit complete minutes and a report of its activities at least
7 once annually to the court which commissioned it.
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10 **15-3.** Presbytery as a whole may hear a case, with or without process (*BCO* 31-38), a
11 reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5 proceeding,
12 or a request to assume original jurisdiction (*BCO* 33-1) properly before it, or it may of its
13 own motion commit such a case to a commission. Such a commission shall be appointed
14 by the Presbytery from its members other than members of the Session of the church from
15 which the case comes up. The commission shall try the case in the manner presented by
16 the Rules of Discipline and shall submit to the Presbytery a full statement of the case and
17 the judgment rendered. The judgment of the commission shall be the decision of the
18 Presbytery, and the statement of the case and judgment printed in its minutes.
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21 **RATIONALE:**

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23 The current provision in BCO 15 that requires a Presbytery to ratify the decision of a judicial
24 commission formed under BCO 15-3 is an anomaly that has been a source of confusion and
25 misapplication by Presbyteries. Presbyteries have not infrequently violated the BCO 15-3 mandate
26 to approve or disapprove of the commission's judgment "without debate."
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28 BCO 15-3 creates an ecclesiastical commission that is unlike any other commission. The actions
29 of such a commission are not final and require ratification. This runs counter to the entire purpose
30 of a commission, which is to "deliberate upon and conclude the business referred to it" (BCO 15-
31 1). The amendment standardizes the work of all commissions, regardless of the appointing court.
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33 If a Presbytery wishes to have final approval in a judicial matter, it may still do so, by appointing
34 a judicial *committee* to conduct a trial and report back to the Presbytery.
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36 Because there can be confusion as to which entity should hear a complaint against the action of a
37 commission (whether judicial or otherwise), the amendment makes clear that an ecclesiastical
38 commission should not be dismissed before the time for a complaint has run (BCO 43-1 and 43-
39 2).