

1 **OVERTURE 8** from Arizona Presbytery: (to CCB, OC)
2 “Amend *BCO* 31-10 for Non-censure Suspension Option During Investigation”

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4 **Whereas**, the DASA Committee Report¹ says, “For leaders in the church, ‘believe victims’
5 means taking necessary actions to protect *first*. After physical safety is ensured, church
6 courts can then discern the truth in the allegations,” and

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8 **Whereas**, the Report² says, that major tasks following an allegation would include, “Relieve
9 any allegedly abusive leaders from duty,” and

10 **Whereas**, the innocence of the accused is to be assumed, and

11 **Whereas**, the court is obligated to ensure an impartial investigation, and

12 **Whereas**, we are called to give thought to what is honorable in the eyes of all men (*Romans*
13 12:17b), and

14
15 **Whereas**, courts must have discretion in determining how and when to ensure the practice of
16 no conflict of interest,

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18 **Therefore, be it resolved** that *Book of Church Order* 31 be amended by the addition of three
19 paragraphs as follows (underlining for additions):

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21 **31-10.** When a member of a church court is accused of extraordinary
22 moral failing that is public or in which there is an alleged victim (e.g.,
23 abuse of any kind, sexual sin, financial misdealing, etc.), and the court has
24 ordered an investigation, the court shall have the option, upon a two-thirds
25 (2/3) majority vote, and in coordination with lower courts, of suspending
26 the accused from all his duties with pay and without censure or prejudice
27 while the accusation is investigated as to its merit (*BCO* 31-2). If the court
28 so acts it shall record its rationale in the minutes of an executive session.
29 The court shall include in the record any objection from the accused and the
30 court's response to the objection.

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32 Such non-censure suspension during the investigation may not exceed
33 the same time limits applied to the investigation itself (*BCO* 31-2). The
34 accused may be directed by the court to have no contact with potential
35 witnesses during the conduct of the investigation.

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37 Even in extraordinary circumstances, the accused shall have no greater
38 access to information from the court or right to speak before the court than
39 his accuser(s).

1 “Report of the Ad Interim Committee on Domestic Abuse and Sexual Assault to the 49th General Assembly of
the Presbyterian Church in America (2019-2022),” *M49GA*, p. 1001 (emphasis original).

2 *Ibid*, 1065.

1 When a member of a church court is under process, all his official functions
2 may be suspended at the court's discretion; but this shall never be done in
3 the way of censure, and this requires a two-thirds (2/3) majority.

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5 So the amended section would read
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7 **31-10.** When a member of a church court is accused of extraordinary
8 moral failing that is public or in which there is an alleged victim (e.g.,
9 abuse of any kind, sexual sin, financial misdealing, *etc.*), and the court has
10 ordered an investigation the court shall have the option, upon a $\frac{2}{3}$ majority
11 vote, and in coordination with lower courts, of suspending the accused from
12 all his duties with pay and without censure or prejudice while the accusation
13 is investigated as to its merit (*BCO* 31-2). If the court so acts it shall record
14 its rationale in the minutes of an executive session. The court shall include
15 in the record any objection from the accused and the court's response to the
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28 may be suspended at the court's discretion; but this shall never be done in
29 the way of censure, and this requires a two-thirds (2/3) majority.
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31 *Adopted by Arizona Presbytery at its stated meeting, January 19, 2023*
32 *Attested by /s/ RE Richard Wolfe, stated clerk*