

1 **OVERTURE 8** from Arizona Presbytery: (to CCB, OC)  
2 “Amend *BCO* 31-10 for Non-censure Suspension Option During Investigation”  
3

4 **Whereas**, the DASA Committee Report<sup>1</sup> 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  
7

8 **Whereas**, the Report<sup>2</sup> says, that major tasks following an allegation would include, “Relieve  
9 any allegedly abusive leaders from duty,” and  
10

11 **Whereas**, the innocence of the accused is to be assumed, and  
12

13 **Whereas**, the court is obligated to ensure an impartial investigation, and  
14

15 **Whereas**, we are called to give thought to what is honorable in the eyes of all men (Romans  
16 12:17b), and  
17

18 **Whereas**, courts must have discretion in determining how and when to ensure the practice of  
19 no conflict of interest,  
20

21 **Therefore, be it resolved** that *Book of Church Order* 31 be amended by the addition of three  
22 paragraphs as follows (underlining for additions):  
23

24 **31-10.** When a member of a church court is accused of extraordinary  
25 moral failing that is public or in which there is an alleged victim (e.g.,  
26 abuse of any kind, sexual sin, financial misdealing, etc.), and the court has  
27 ordered an investigation, the court shall have the option, upon a two-thirds  
28 (2/3) majority vote, and in coordination with lower courts, of suspending  
29 the accused from all his duties with pay and without censure or prejudice  
30 while the accusation is investigated as to its merit (BCO 31-2). If the court  
31 so acts it shall record its rationale in the minutes of an executive session.  
32 The court shall include in the record any objection from the accused and the  
33 court’s response to the objection.  
34

35 Such non-censure suspension during the investigation may not exceed  
36 the same time limits applied to the investigation itself (BCO 31-2). The  
37 accused may be directed by the court to have no contact with potential  
38 witnesses during the conduct of the investigation.  
39

40 Even in extraordinary circumstances, the accused shall have no greater  
41 access to information from the court or right to speak before the court than  
42 his accuser(s).  
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<sup>1</sup> “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).

<sup>2</sup> *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.  
4

5           So the amended section would read  
6

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  
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16          objection.  
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21          witnesses during the conduct of the investigation.  
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24          access to information from the court or right to speak before the court than  
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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.  
30

31          *Adopted by Arizona Presbytery at its stated meeting, January 19, 2023*

32          *Attested by /s/ RE Richard Wolfe, stated clerk*