

**PROPOSED AMENDMENTS TO THE CONSTITUTION OF  
THE PRESBYTERIAN CHURCH (U.S.A.)**

**APPROVED BY THE 215TH GENERAL ASSEMBLY (2003) AND  
RECOMMENDED TO THE PRESBYTERIES FOR THEIR  
AFFIRMATIVE OR NEGATIVE VOTES**



**PRESBYTERIAN CHURCH (U.S.A.)**

OFFICE OF THE STATED CLERK

LOUISVILLE, KY

## NOTE

The 215th General Assembly (2003) of the Presbyterian Church (U.S.A.) approved and recommended to the presbyteries for their affirmative or negative votes proposed changes in the language of the *Book of Order* that, if approved, will amend the *Constitution*. Please be sure that a separate vote is taken on each PROPOSED AMENDMENT. A presbytery may vote on the amendments, upon the recommendation of a presbytery committee, by putting some, or even all, in a consent agenda or omnibus motion, that identifies each amendment separately. Proposed Amendments A.1. through A.5. are grouped together for clarity and convenience of the presbyteries. They may surely be voted upon as proposed amendment “A.” but each subsection also stands as a separate proposed amendment. When a subsection format is used, the stated clerk is required to report the results of each subsection, even though the presbytery may have voted upon them as an omnibus motion. If a presbytery utilizes some form of consent agenda, the moderator must be sure to ask if anyone wishes to remove an item from the consent agenda for further discussion. It is advisable for the presbytery committee and the stated clerk to agree on organizing the report and recommendations so that the presbytery is able to vote “yes” in favor of the amendment or “no” in opposition.

You will note reference numbers to assembly committee reports that relate to the page numbers of the reports as they were distributed to the commissioners. You will also note references to the “Reports to the General Assembly.” These indicate where to find background information from various entities that was sent out to the assembly commissioners prior to the assembly. The “*Item Number*” references are the same as will be found in the *Minutes of the 215th General Assembly (2003)*, Part I [*Minutes*], which may well be available to the presbyteries by the time they consider the amendments. The advice of the Advisory Committee on the Constitution (ACC) can be found immediately following the item in the *Minutes* for which the advice is given. Proposed Amendments 03-D, 03-G, and 03-H also contain materials from other General Assembly entities. The commissioners to the General Assembly received all of the above materials, so presbyteries may wish to ask their individual commissioners to provide copies of such reports. If your commissioners did not retain them, the Office of the General Assembly can provide copies.

Unless otherwise indicated, new language to be added to the *Book of Order* is in italics and any language to be stricken will have a line through it.

Thank you for your time and careful attention as you prepare to vote on these proposed amendments.

Clifton Kirkpatrick  
*Stated Clerk of the General Assembly*

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**03-A. Implementing Biennial General Assemblies—On Amending G-9.0404d; G-9.0407b–d; G-13.0102; G-13.0103i; G-13.0111a; G-13.0112a; G-13.0112b; G-13.0202a(1)–(5); G-13.0202b(1), G-13.0202d, G-18.0301c–e; D-5.0102**

**GENERAL BACKGROUND**

The recommendations found in the subsections of Amendment 03-A are a final response to a referral: *2002 Referral: Item 02-01, Recommendation 4. That COGA and the Stated Clerk Prepare Book of Order Changes to Increase the Total Number of Commissioners to a Biennial Assembly (Minutes, 2002, Part I, pp. 26, 159).*

The 214th General Assembly (2002) voted to move to biennial meetings of the General Assembly by the year 2005. That is, assemblies are to be held in 2003 and 2004, with no assembly in 2005. Because the provisions for biennial assemblies have been in the *Constitution* since reunion in 1983, no constitutional amendment was necessary to move from annual to biennial assemblies. Such a move is most efficiently implemented by making several minor changes in the Form of Government. Those changes logically break down into five identifiable categories:

- The timing for preparing and approving the budget of the General Assembly.
- The timing for reporting and review of records.
- The formula for determining the number of commissioners to the General Assembly.
- The changes in terms of office.
- The timing for amending the *Book of Order*.

As directed by the 214th General Assembly (2002), a joint committee of representatives from the Committee on the Office of the General Assembly (COGA) and the General Assembly Council (GAC) met to consider the necessary changes and that committee forwarded the above recommendations to COGA and GAC for consideration and approval.

The 214th General Assembly (2002) directed that a full evaluation of biennial assemblies be prepared by COGA after the 219th General Assembly (2010) and reported to the 220th General Assembly (2012) (*Minutes, 2002, Part I, p. 159, Item 02-1*).

**ACC ADVICE**

The Advisory Committee on the Constitution (ACC) advised the 215th General Assembly (2003) that the issues needing to be addressed were correctly identified in the report, and while there may have been more than one way to address these issues and define the uncertainties necessitated by the change, no one solution was inherently superior to another. The ACC further advised that the solutions put forward by the response were congruent with each other, conformed to the *Constitution* as a whole, and would likely facilitate the working of the General Assembly.

[Editor's Note: Approval of these proposed amendments would not prevent a future General Assembly from deciding to hold annual assemblies. Returning to annual assemblies would not require further constitutional change.]

**03-A.1. Preparing and Adopting of Budgets—  
On Amending G-9.0404d and G-13.0103i**

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

1. Shall G-9.0404d be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“d. Each governing body above the session shall prepare a budget ~~annually~~ for its operating expenses, including administrative personnel, and may fund it with a per capita apportionment among the particular churches within its bounds.” [The final two sentences of this paragraph remain unchanged.]

2. Shall G-13.0103i be amended by striking the word “annual” so that the paragraph will read as follows: [Text to be deleted is shown with a strike-through.]

“i. to adopt the comprehensive ~~annual~~ budget of the General Assembly, providing full information to the whole church of its decision in such matters;”

***Background and Rationale***

See the general background for Amendments 03-A.1.–A.5. (see p. 1, above).

**ACC ADVICE**

The reference[s] to an annual budget in [G-9.0404d and] G-13.0103i should be removed for consistency. Nothing precludes General Assembly or its entities from presenting budgets in annual form by the removal of the word “annual” from the text.

The proposed amendments to G-9.0404d and G-13.0103i were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 109–10 and 114, *Item 02-01*, assembly committee report: p. 02-2—section II.A.1.and A.6.), which recommended approval by votes of 53/0/2 and 54/0/1, respectively. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

## 03-A.2. Reporting and Review of Records—On Amending G-9.0407b–d

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

1. Shall G-9.0407b be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“b. The moderator, the stated clerk, the councils, commissions, committees, boards, agencies, and organizations of ~~every governing body above a session~~ *presbyteries and synods* shall report annually all proceedings and actions to that governing body, which shall review them.”

2. Shall the text of G-9.0407c be stricken and new text inserted as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“c. ~~At least once a year every governing body above a session shall review the records of the proceedings of the next lower governing body. If any lower governing body shall fail to send up its records for this purpose, the higher governing body shall order them to be produced at a specified time. The moderator, stated clerk, the councils, commissions, committees, boards, agencies, and organizations of the General Assembly shall report at least biennially all proceedings and actions to the General Assembly, which shall review them.~~”

3. Shall a new section, “G-9.0407d,” be added to read as follows:

“d. *Every governing body above a session shall review the records of the proceedings of the next lower governing body.*

“(1) *Presbyteries shall review the records of sessions annually. If a session shall fail to submit its records for this purpose, the presbytery shall order them to be produced at a specific time.*

“(2) *Synods shall review the records of presbyteries annually. If a presbytery shall fail to submit its records for this purpose, the synod shall order them to be produced at a specific time.*

“(3) *The General Assembly shall review the records of synods at least biennially. If a synod shall fail to submit its records for this purpose, the General Assembly shall order them to be produced at a specific time.*”

## ***Background and Rationale***

See the general background for Amendments 03-A.1.–A.5. (see p. 1, above).

The language currently contained in the *Book of Order* relates to annual review of all records. These proposed changes are needed to allow the assembly to review records biennially, while still maintaining the current standard of annual reviews of lower governing body records.

The proposed amendments to G-9.0407b–d were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 110, *Item 02-01*, assembly committee report: p. 02-2—section II.A.1.), which recommended approval by a vote of 53/0/2. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

**03-A.3. Determining the Number of Commissioners to a  
General Assembly—On Amending G-13.0102**

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Amend G-13.0102 by adding an “a” and amending the text, and by adding new sections *b* and *c* to read as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

***“a. When ~~The~~ General Assembly meets annually, it shall consist of equal numbers of elders and ministers from each presbytery, in the following proportion: Each presbytery consisting of not more than 10,000 members shall elect one elder and one minister; and each presbytery consisting of more than 10,000 members shall elect one elder and one minister for each additional 10,000 members, or for each additional fractional number of members not less than 5,000; and these persons, so elected, shall be called commissioners to the General Assembly. ~~Each person elected Moderator shall be enrolled as a member of the General Assembly until a successor is elected and installed, and then shall be enrolled as a corresponding member of the General Assembly.~~***

***“b. When the General Assembly meets biennially, it shall consist of equal numbers of elders and ministers from each presbytery, in the following proportion: Each presbytery consisting of not more than 8,000 members shall elect one elder and one minister. Presbyteries consisting of more than 8,000 members shall elect one additional elder and one additional minister for each additional 8,000 members, so that:***

***“Presbyteries of 8,001 to 16,000 members shall elect 2 elders and 2 ministers;***

***“Presbyteries of 16,001 to 24,000 members shall elect 3 elders and 3 ministers;***

***“Presbyteries of 24,001 to 32,000 members shall elect 4 elders and 4 ministers;***

***“Presbyteries of 32,001 to 40,000 members shall elect 5 elders and 5 ministers;***

***“Presbyteries of 40,001 to 48,000 members shall elect 6 elders and 6 ministers;***

***“Presbyteries of 48,001 to 56,000 members shall elect 7 elders and 7 ministers.***

***“These persons, so elected, shall be called commissioners to the General Assembly.***

[Note: The provisions of this amendment would not take effect until the adjournment of the 217th General Assembly (2006).]

***“c. Each person elected Moderator shall be enrolled as a member of the General Assembly until a successor is elected and installed, and then shall be enrolled as a corresponding member of the General Assembly.”***

## ***Background and Rationale***

See the general background for Amendments 03-A.1.—A.5. (see p. 1, above).

The 214th General Assembly (2002) directed that a new formula for determining the number of commissioners to a General Assembly be recommended for biennial meetings. After considering various formulas, COGA agreed that this one with breaks at 8,000 members seemed to address the issues raised. Based on 2001 membership figures, it would mean a total of 816 commissioners as opposed to the 554 commissioners at the 214th General Assembly (2002). The formula results in 121 presbyteries having a net gain in number of commissioners. Assuming the number of advisory delegates remains constant, the formula also addresses the issue of the increasing proportion of advisory delegates at the assembly, bringing the percentage down from 39.9 to 27.1.

If approved by the presbyteries, the amendment proposed as G-13.0102b would not take effect until the adjournment of the 217th General Assembly (2006), which is the first biennial assembly. That assembly is to be held concurrently with the assemblies of the Cumberland Presbyterian Church and

the Cumberland Presbyterian Church in America in Birmingham, Alabama. Given the hotel and meeting facilities in Birmingham, it would be virtually impossible, logistically, to add more commissioners to the assembly held in 2006.

### **ACC ADVICE**

The Advisory Committee on the Constitution noted that the intent of the 214th General Assembly (2002) was to increase the number of commissioners at the same time the change was put into effect. The delay of this provision for one assembly appears necessary in light of contractual obligations.

The proposed amendments to G-13.0102 were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 112–13, *Item 02-01*, assembly committee report: p. 02-2—section II.A.5.), which recommended approval by a vote of 52/2/1. The 215th General Assembly (2003) approved the committee's recommendation by a voice vote.

**03-A.4. Changing Terms of Office—On Amending G-13.0111a;  
G-13.0112a; G-13.0202a(1)–(5); G-13.0202b(1);  
G-13.0202d; and D-5.0102**

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

**1. *General Assembly Nominating Committee***

Shall G-13.0111a be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“a. To ensure careful nomination of members of such boards, agencies, and committees as the General Assembly shall from time to time designate, the General Assembly Nominating Committee shall propose nominees to the General Assembly for such bodies. Consideration shall be given to the nomination of equal numbers of ministers (both women and men), laymen, and laywomen. The committee shall consist of members equal in number to the synods of the church, each member resident in a different synod, and members distributed so that there are one third ministers (both women and men), one third laymen, and one third laywomen. (G-9.0801, G-11.0501, G-12.0102d, G-13.0202) Members shall be elected by the General Assembly for a term of ~~five~~ *six* years, and the terms shall be so arranged as to provide that one ~~fifth~~ *third* of the members shall complete their service at the conclusion of each regular meeting of the General Assembly. Within thirty days prior to the regular meeting of the General Assembly, the Moderator of the preceding General Assembly shall nominate persons for election by the General Assembly to fill the vacancies occurring at the adjournment of the ensuing General Assembly. The Moderator shall also appoint persons to fill, until the next succeeding General Assembly, vacancies during the year caused by death, resignation, or inability to act. These appointments shall be in consultation with the synod through its regular nominating process and shall reflect the commitment of the inclusive policies of the General Assembly. Such appointments shall not prevent election of the same person to a full term. No person who has served a full term of ~~five~~ *six* years on the committee shall be eligible for reelection or for appointment or nomination to a body for which the committee has submitted nominations to the General Assembly during that person’s term until four years have passed since the expiration of the person’s term on the committee.”**

[Editor’s Note: At the time COGA approved the recommendations to adapt the *Book of Order* for biennial assemblies, a proposed amendment to G-13.0111a had been approved by the 214th General Assembly (2002), and was before the presbyteries for their affirmative or negative votes. At the close of the 215th General Assembly (2003), the amendment took effect. Therefore, the text to be voted upon reflects the current *Book of Order*, changed this year.]

2. *Advisory Committee on the Constitution*

Shall G-13.0112a be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“a. The General Assembly shall establish an Advisory Committee on the Constitution composed of nine persons, ministers and elders in numbers as nearly equal as possible. The Stated Clerk of the General Assembly shall be a member ex officio without vote. The nine voting members shall be former members of the Permanent Judicial Commission of the General Assembly, stated clerks or former stated clerks of synods or presbyteries, or other qualified persons with knowledge of and experience with the *Constitution* and polity of the church. Voting members shall be nominated by the General Assembly Nominating Committee and elected by the General Assembly and shall serve *a* terms of ~~three~~ *six* years in three classes. ~~Members shall be eligible to serve not more than two successive terms.~~ *No person who has served on the Advisory Committee on the Constitution for a full term of six years shall be eligible for reelection until four years have elapsed after the expired six-year term.*”

3. *General Assembly Council*

Shall G-13.0202a(1)–(5) be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“a. The General Assembly Council shall consist of the following voting members, each of whom shall be an active member of a congregation, or a continuing member of a presbytery, of the Presbyterian Church (U.S.A.):

“(1) The Moderator of the General Assembly and the Moderator’s ~~two~~ most recent living predecessors.

“(2) One (1) member proposed for nomination by each synod, after consultation with the General Assembly Nominating Committee in order to ensure inclusiveness and needed skills, elected by the General Assembly for a ~~three~~ *four*-year term and eligible for one additional term. *No member may serve more than two terms, full or partial.*

“(3) One (1) member proposed for nomination by each of those presbyteries constituting the number of presbyteries established in the Manual of Operations of the General Assembly Council as approved by the General Assembly, after consultation with the General Assembly Nominating Committee in order to ensure inclusiveness and needed skills, elected by the General Assembly for a ~~three~~ *four*-year term and eligible for one additional term. *No member may serve more than two terms, full or partial.* Presbyteries chosen to propose nominations will be selected on a rotation system to be established by the General Assembly Nominating Committee.

“(4) The number of members-at-large constituting the members-at-large established in the Manual of Operations of the General Assembly Council as approved by the General Assembly nominated by the General Assembly Nominating Committee, elected by the General Assembly for a ~~three~~ *four*-year term, and eligible for one additional term. *No member may serve more than two terms, full or partial.*

**“(5) Two (2) youth/young adult members, younger than twenty-six years of age when elected, nominated by the General Assembly *Nominating Committee* for a ~~three~~ *four*-year term and eligible for an additional term. *No member may serve more than two terms, full or partial.*”**

**4. *General Assembly Council Advisory Members***

Shall G-13.0202b(1) be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“(1) Four (4) Ecumenical Advisory Members from other churches in the United States and from partner churches in other countries, nominated by the General Assembly Nominating Committee on recommendation of the coordinating body for ecumenical involvement and elected by the General Assembly for a ~~one~~ *two*-year term, with eligibility for ~~two~~ *one* additional ~~one~~ *two*-year terms. However, the General Assembly, on the recommendation of the General Assembly Council, may, from time to time, increase or decrease the number of Ecumenical Advisory Members.”**

**5. *Establishing Classes in the General Assembly Council***

Shall G-13.0202d be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“d. In the nominating process, the General Assembly Nominating Committee shall consult with the General Assembly Council to identify needed skills, and shall provide for diversity and inclusiveness in accordance with G-4.0403. It will maintain a goal of at least twenty percent racial ethnic membership for the General Assembly Council. It will also follow the provisions of G-9.0104, G-9.0105, and G-13.0111 and shall ensure that, exclusive of the Moderator and predecessor Moderators, one third of the members are ministers of the Word and Sacrament (both women and men), one third laymen, and one third laywomen. The committee will also provide that members be nominated in such a manner as to provide ~~three~~ *two* classes of approximately equal size. Any vacancy occurring during a term shall be filled pursuant to General Assembly policies.”**

**6. *Members of the Permanent Judicial Commission of the General Assembly***

Shall D-5.0102 be amended to read as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“The term of each member of a permanent judicial commission shall be six years, with the exception that membership on the Permanent Judicial Commission of the General Assembly shall end when that member transfers membership to a church or presbytery outside the synod from which nominated. In each ~~odd-numbered~~ *even-numbered* year, the General Assembly shall elect members for a term of six years to fill the vacancies then occurring. Their terms of office will begin with the dissolution of the General Assembly at which they are elected.”**

## ***Background and Rationale***

See the general background for Amendments 03-A.1.–A.5. (see p. 1, above).

The Committee on the Office of the General Assembly, in proposing the above changes in terms, offered the following rationale:

“Our current system assumes a standard of three-year terms of service, with the possibility of reelection to an additional three-year term. That system does not fit with biennial meetings of the assembly as some terms would expire in years in which the assembly would not be meeting. After much discussion in various venues and consultation with governing boards of the various entities and agencies of the church, it was determined that the best standard for terms of office would be a term of four years, with the

possibility of reelection to one additional four-year term. As is currently the case, there are certain elected positions for which it is appropriate to vary from the standard four-year term.” [These variations are for one six year term, with no reelection provision.]

The proposed amendments to G-13.0111a, G-13.0112a; G-13.0202a(1)–(5); G-13.0202b(1), G-13.0202d; and D-5.0102 were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 110–12, *Item 02-01*, assembly committee report: p. 02-2—sections II.A.1., 2., 3., and 4.), which recommended approval by votes of 53/0/2, 48/0/1, 50/0/2, and 53/0/0, respectively. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

**03-A.5. Advising for and Amending the *Book of Order*—  
On Amending G-13.0112b and G-18.0301c–e**

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

**1. *Meetings of the Advisory Committee on the Constitution***

Shall G-13.0112b be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“b. The Advisory Committee on the Constitution shall meet ~~at least annually in time to prior to each session of the General Assembly and shall~~ submit its report and recommendations no later than sixty days prior to the convening of the next session of the General Assembly.”**

**2. *Amending the Book of Order***

**a. Shall G-18.0301c be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]**

**“c. Proposed amendments must be approved by the General Assembly and transmitted to the presbyteries for their vote. *Presbyteries shall transmit their votes to the Stated Clerk by the next ensuing stated meeting of the General Assembly, but no later than one year following the adjournment of the assembly transmitting the proposed amendments.*”**

**b. Shall G-18.0301d be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]**

**“d. When the ~~next ensuing General Assembly shall have~~ *Stated Clerk has* received written advice that a proposed amendment to the Book of Order has received the affirmative votes of a majority of all the presbyteries, ~~the General Assembly shall declare the amendment made.~~ *said amendment shall become effective as of one year following the adjournment of the assembly transmitting the proposed amendment.*”**

**c. Shall G-18.0301e be deleted.**

**“e. ~~If the General Assembly shall fail to declare such amendment or amendments made after they have received the affirmative vote of a majority of all the presbyteries, such amendments shall nonetheless take effect upon the adjournment of the General Assembly to which the affirmative votes of a majority of all the presbyteries were reported.~~”**

## ***Background and Rationale***

See the general background for Amendments 03-A.1.–A.5. (see p. 1, above).

The Committee on the Office of the General Assembly offered the following rationale for the proposed amendments:

“Currently, when a proposed amendment to the *Book of Order* is passed by a General Assembly, there is a span of approximately one year (the length of time between stated meetings of the assembly) for presbyteries to consider the amendments and vote whether to concur with the amendments. Changing the provisions as indicated keeps that window of time at approximately its current level. This will allow ample time for presbyteries to vote, without leaving the issue of whether the proposed amendments will become part of the *Book of Order* hanging for too long. By setting a fixed date (one year after the adjournment of the assembly), on which the approved amendments will take effect, the *Book of Order* can be published in ‘off’ years.”

In its 2002 proposal for the move to biennial General Assemblies, COGA made the following statement:

“The annual General Assembly spends much of its time in deliberation on issues concerning changes in the *Book of Order*. Most of those changes are proposed through overtures submitted by presbyteries and synods. The biennial discussion of changes to the *Constitution* would allow for a more deliberative process in the presbyteries, which would offer the opportunity to develop a wider consensus throughout the whole church before changes are approved.

“In recent years, presbyteries have found it necessary to propose amendments to the *Constitution* to the next General Assembly before they knew the results of presbytery votes on proposed changes from the previous assembly. Biennial assemblies would permit the church to ‘live into’ new amendments before developing proposed additional changes.”  
(*Minutes*, 2002, Part I, p. 161, section II)

The proposed amendments to G-13.0112b and G-18.0301c–e were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 109, *Item 02-01*, assembly committee report: p. 02-2—section II.A.1.), which recommended approval by a vote of 53/0/2. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

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### 03-B. Clarifying Involuntary Dissolutions—On Amending G-9.0505b

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

Shall G-9.0505b be amended to read as follows: [Text to be deleted is shown with strike-through; text to be inserted is shown as italic.]

**“(1) When an administrative commission has been appointed to settle differences within a church, a governing body, or an organization of the church, it shall, before making its final decision, afford to all persons to be affected by the decision fair notice and an opportunity to be heard on the matters at issue. (See G-9.0503a(4), a(6), G-9.0505b–d) Fair notice shall consist of a short and plain statement of the matters at issue as identified by the commission and of the time and place for a hearing upon the matters at issue. The hearing shall include at least an opportunity for all persons in interest to have their positions on the matters at issue stated orally. ~~If the question is dissolution of the pastoral relationship,~~**

**“(2) *Whenever the administrative commission has been empowered to dissolve a pastoral relationship and the administrative commission chooses to exercise that power, there shall always be a meeting of the congregation at which the commission shall hear the positions of the pastor and the members if they choose to speak. The pastor shall be accorded the right to hear the concerns expressed by members in the meeting and to have reasonable time to respond during the meeting. (See G-14.0601, G-14.0602, G-14.0603, G-11.0103o).*”**

#### *Background and Rationale*

The proposed amendments to G-9.0505b arose from a response to a request (*Request 03-5*) for an interpretation of sections G-9.0505b, G-9.0505d, and G-11.0103o of the *Book of Order*. The request, regarding whether multiple hearings were required in an involuntary dissolution of a pastoral relationship, was received by the Advisory Committee on the Constitution from the director of Constitutional Services in the Office of the General Assembly (*Minutes*, 2003, Part I, pp. 234–35, *Item 03-05*).

In order to clarify that G-9.0505b does not require multiple hearings, the

Advisory Committee of the Constitution recommended that the 215th General Assembly (2003) direct the Stated Clerk to send the proposed amendment to G-9.0505b as seen above.

The proposed amendments to G-9.0505b were referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 68, 234–35, *Item 03-05*, assembly committee report: p. 03-2 – section II.D.), which recommended approval by a vote of 55/0/0. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

### 03-C. Participation in Synod—On Amending G-12.0204

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

Shall G-12.0204 be amended by striking the existing text and inserting the following text:

~~“Each presbytery shall have a part in the synod’s responsibilities and service through its elected commissioners in the synod, and through the membership of at least one elder or minister from each presbytery, nominated by the presbytery and elected by the synod, on the synod council when there is a council and, where feasible, on each permanent committee of the synod. The synod may provide that the members from the presbytery on the council and permanent committees shall alternate, with a minister succeeding an elder and vice versa. The synod’s nominating committee shall coordinate this process, keeping in mind the need for presbytery representatives and members from the church at large, and seeing that adherence is given to the principles of participation and representation expressed in G-9.0104. Each presbytery shall participate in the synod’s responsibility and service through its elected commissioners to the synod. Each presbytery shall elect at least one elder and one minister to serve as commissioners to synod. The synod council, if there is one, shall be elected by the synod from the commissioners and non-commissioner ministers and elders from the presbyteries of the synod. The synod shall devise a process of rotation of members on synod council from among the presbyteries to ensure compliance with the provisions of G-9.0104 and G-4.0403. The synod shall provide a process for assuring balance on committees so that all presbyteries are fairly represented and for assuring attention to the principles of participation and representation expressed in G-9.0104.”~~

#### *Background and Rationale*

This proposed amendment to the *Book of Order* came before the 215th General Assembly (2003) by way of consideration of *Overture 03-17* from the Synod of Living Waters (*Minutes*, 2003, Part I, pp. 244–45, *Item 03-15*).

The overture’s rationale stated:

“The provision of G-12.0204 reflects a time when there were more synod commissioners from each presbytery.

“Some synods have chosen to reduce the number of commissioners to one elder and one minister from each

presbytery.

“The language of G-12.0204 is so specific as to require each committee of synod to be composed of one elder and one minister from each presbytery.

“The provision G-12.0204 mandates that the synod nominating committee devise and oversee the system for ensuring compliance with the provisions of G-9.0104 and G-4.0403 in selecting the synod council.

“Some presbyteries would prefer a different entity to devise and oversee the

system for ensuring compliance with the provisions of G-9.0104 and G-4.0403 in selecting the synod council.

“Other provisions in the *Book of Order* (G-9.0104 and G-4.0403) require synod to be in compliance with equal representation and a fair system of rotation.”

### ACC ADVICE

The Advisory Committee on the Constitution suggested alternative language (*Minutes*, 2003, Part I, pp. 245–46) along with this comment:

“The structure and administration of the sixteen synods varies widely. While the proposed language of the overture may be appropriate for the synod submitting the overture, it would dictate a change in structure for other synods. The last sentence of the proposed language would require all who serve on any committee of any synod to be ministers or elders. Some synods have active members on non-ecclesiastical committees and on the committee on representation.

“It appears from the rationale of

this overture that there is a preference for some committee other than the nominating committee to have responsibility to devise and oversee the system for ensuring compliance with requirements for diversity and inclusiveness. The language of the overture and the language of the proposal from the Advisory Committee on the Constitution would both permit this. However, it is clear that the language of neither would permit the synod to eliminate a nominating committee. Section G-9.0902a would still mandate a nominating committee.”

The proposed amendment to G-12.0204 was referred to the Assembly Committee on Church Polity (*Minutes*, 2003, Part I, pp. 70, 244–46, *Item 03-15*, assembly committee report: p. 03-5—section III.D.), which recommended approval of the overture, with amendment, by a vote of 53/1/0. The 215th General Assembly (2003) approved the committee’s recommendation as part of the consent agenda.

### 03-D. Changing the Number Required to Call a Special Meeting of the General Assembly—On Amending G-13.0104

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

Shall G-13.0104 be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

**“The General Assembly shall hold a stated meeting at least biennially. The Moderator shall call a special meeting at the request or with the concurrence of ~~twenty-five elders and twenty-five ministers~~, *at least one fourth of the elder commissioners and one fourth of the minister commissioners to the last preceding stated meeting of the General Assembly* representing at least fifteen presbyteries, under the jurisdiction of at least five synods, ~~all of whom must have been commissioners to the last preceding stated meeting of the General Assembly~~. Should the Moderator be unable to act, the Stated Clerk shall, under the same conditions, issue the call. If both the Moderator and the Stated Clerk are unable to act, the most recent Moderator shall, under the same conditions, issue the call. Commissioners to the special meeting shall be the commissioners elected to the last preceding stated meeting of the General Assembly or their alternates. A presbytery may, however, elect a commissioner or alternate instead of one who has died or changed presbytery membership. Notice of a special meeting shall be sent not less than sixty days in advance to each commissioner elected to the last preceding stated meeting of the General Assembly and to the stated clerk of each presbytery. The notice shall set out the purpose of the meeting and no other business than that listed in the notice shall be transacted.”**

#### *Background and Rationale*

This proposed amendment to the *Book of Order* came before the 215th General Assembly (2003) in response to *Overture 03-13*, submitted by the Presbytery of Baltimore (*Minutes*, 2003, Part I, pp. 133–34, *Item 02-05*).

In the rationale for this overture, the Presbytery of Baltimore stated:

“The current constitutional requirement of twenty-five minister and twenty-five elder commissioners to the previous assembly is, in fact, less than 10 percent of the commissioners who are elected and present under the current rules of representation. Consequently, the current provisions for a [specially]

called meeting could allow a minority of less than 10 percent of elected commissioners to require the reconvening of the assembly for consideration, reconsideration, or action on any matter it deemed important.

“The General Assembly has acted to begin meeting biennially in 2004... and increase ... the number of elected commissioners. [See Proposed Amendment 03-A.3.] If [passage of] this [amendment] does occur, the current G-13.0104 will allow an even smaller minority to require the reconvening of the assembly for any issue or agenda. ...

“The financial cost of a [specially] called meeting of the General Assembly

is significant, requiring funds that would otherwise be used for mission, congregational services, and support. Prudent stewardship of resources requires us to place reasonable limits and requirements for [specially] called meetings of the whole assembly.

“While it is important to provide the church with the flexibility to respond to issues that a substantial portion of its representatives may believe amount to a crisis requiring immediate action, and it is also important to provide reasonable protection and recourse to minorities within the church; it is equally important to provide protection to an overwhelming majority of the church from the dedicated zeal of a small minority. . . .

“The stability, unity, and peace of the church require that decisions made or accepted by a significant majority be allowed to stand until such time as they may be amended through the normal and standard legislative and judicial processes provided by the *Constitution*.”

The Presbytery of Giddings-Lovejoy and the Presbytery of Northern Plains concurred with *Overture 03-13*.

#### **ACC Advice**

The Advisory Committee on the Constitution advised the 215th General Assembly (2003) with the following comment:

“ . . . If the assembly wishes to increase the required number of commissioners necessary to call for a special meeting of the General Assembly, the language recommended should accomplish that purpose.”

#### **COGA Comment**

The Committee on the Office of the General Assembly concurred with the proposed amendment stating:

“In view of the significant sacrifice of time and indirect expenses for all the General Assembly commissioners, as well as cost to the whole church, it is important that a fair minority of commissioners confirm that the calling of a special meeting warrants such sacrifices and costs. Moving to a percentage of commissioners attending the last stated General Assembly meeting provides an automatic adjustment if the General Assembly were to change the total number of elected commissioners.”

#### **ACREC Advice and Counsel**

The Advocacy Committee for Racial Ethnic Concerns advised the 215th General Assembly (2003) to approve the overture and commented:

“In all governing bodies of the PC(USA), the voice, rights, and vote of the minority are valued and protected, which assumes a productive tension between majority and minority viewpoints in the church. . . .”

The proposed amendment to G-13.0104 was referred to the Assembly Committee on General Assembly Procedures (*Minutes*, 2003, Part I, pp. 34, 133–35, *Item 02-05*, assembly committee report: p. 02-2—section I.B.), which recommended approval by a vote of 50/5/0. The 215th General Assembly (2003) approved the committee’s recommendation by an electronic vote of 436/67/0.

### 03-E. Expanding the Category of “In Correspondence”—On Amending G-15.0201

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

Shall G-15.0201 be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

#### *“G-15.0201a*

*“a. The General Assembly of the Presbyterian Church (U.S.A.) is in ~~correspondence with the highest governing body of those churches with which it has had historical relations outside the United States, and of those churches that are members of the ecumenical bodies in which the Presbyterian Church (U.S.A.) holds membership; and is in~~ full communion with those churches so recognized by ecumenical agreements approved by the General Assembly.*

#### *“G-15.0201b*

*“b. The General Assembly is in correspondence with the highest governing body:*

*“(1) of those churches with which it has had historical relations outside the United States,*

*“(2) of those churches that are members of the ecumenical bodies in which the Presbyterian Church (U.S.A.) holds membership, and*

*“(3) of those churches with which the Presbyterian Church (U.S.A.) has formal ecumenical dialogue approved by the General Assembly.”*

#### *Background and Rationale*

These proposed amendments came before the 215th General Assembly (2003) in response to a recommendation by the General Assembly Committee on Ecumenical Relations (*Minutes*, 2003, Part I, pp.346–47, *Item 05-05*).

In proposing the amendments, the General Assembly Committee on Ecumenical Relations, in the rationale for the recommendation, stated:

“The 213th General Assembly (2001) voted to instruct the General Assembly Committee on Ecumenical Relations to acknowledge the Catholic

[C]hurch as part of the body of Christ and instructed the General Assembly Committee on Ecumenical Relations to form the appropriate language to describe the character of this relationship. Our current constitutional language refers to our ecclesiastical relationships in two basic categories. These categories are ‘Full Communion’ and ‘In Correspondence.’ Full Communion specifically refers to our relationships as defined by the Formula of Agreement with the Evangelical Lutheran Church in America, the Reformed Church in America, and the United Church of Christ. ‘In

Correspondence' refers to our relationships with those churches with which we have had historical relationships outside the United States and of those churches that are members of the ecumenical bodies in which the PC(USA) holds membership (G-15.0202).

“While ‘Full Communion’ agreements require mutually acceptable agreements and reciprocity, ‘In Correspondence’ does not carry the same requirement. It does suggest that there is an established relationship. Therefore, the General Assembly Committee on Ecumenical Relations proposes the above amendment to the *Book of Order* related to expanding the category of ‘In Correspondence.’”

### ACC Advice

The Advisory Committee on the Constitution advised the 215th General Assembly (2003) that the amendment to the Form of Government, G-15.0201, proposed by the General Assembly Committee on Ecumenical Relations presented no constitutional problems. The Advisory Committee on the Constitution proposed an alternate resolution with editorial changes, which was approved.

The proposed amendment to G-15.0201 was referred to the Assembly Committee on Catholicity and Ecumenical Relations (*Minutes*, 2003, Part I, pp. 14–15, 346–47, *Item 05-05*, assembly committee report: p. 05-4—section IV.A.), which recommended approval of the language suggested by the Advisory Committee on the Constitution by a vote of 55/0/0. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

### 03-F. Obtaining a Stay of Enforcement—On Amending D-6.0103

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

1. Shall D-6.0103 be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

#### “D-6.0103 Stay of Enforcement

“The action or decision of a governing body, of its permanent judicial commission, or of a respondent named in D-6.0202b may be suspended by a stay of enforcement. A stay of enforcement is a written ~~statement~~ *instruction, obtained in the manner described in D-6.0103a, that requests orders* the implementation of a decision or action be delayed until a complaint or appeal is finally determined.”

2. Shall D-6.0103a be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

~~“a. Any person or governing body qualified to file a complaint or appeal may stay enforcement by filing with the governing body, commission, or respondent whose action or decision is to be stayed, A stay may be entered in any of the following manners after the filing of a complaint or notice of appeal, but no later than forty-five days after the decision or action, one of the following:~~

“(1) *From an action of a governing body, by delivering to the stated clerk of the governing body whose action the complainant seeks to stay, and the stated clerk of the governing body whose permanent judicial commission has jurisdiction, (a) a complaint concerning the irregularity signed by one or more persons or governing bodies having standing to challenge the action taken, and (b) a request for a stay of enforcement signed by at least one third of the members recorded as present when the decision or action was made by the governing body; or*

“(2) *From a decision of a permanent judicial commission, by a stay of enforcement signed by at least one third of the members of the permanent judicial commission who decided the case, obtained by means of a request directed to the commission through the clerk of the permanent judicial commission or the stated clerk of the permanent judicial commission’s governing body; or*

“(3) *From an action of a governing body or a decision of a permanent judicial commission, by a stay of enforcement signed by at least three of the members of the permanent judicial commission having jurisdiction to hear the complaint or appeal on the decision or action, provided there has been submitted to such members of the permanent judicial commission through the stated clerk of the governing body of that permanent judicial commission. The following procedure shall be followed for seeking a stay under this subsection:*

**“(a) The complainant or appellant shall deliver to the stated clerk either in person or by certified mail directed to the stated clerk’s office address either a copy of the complaint or notice of appeal, or the substance of the complaint or appeal to be filed, with the reasons therefor, and a request for stay containing a short statement of the basis for challenging the decision or action, a short statement of the harm that will occur if the decision or action is not stayed, and a list of telephone numbers and addresses for the complainant or appellant and the opposing party or governing body;**

**“(b) The stated clerk shall promptly transmit the request for stay by the most expeditious means available to all members of the permanent judicial commission eligible to participate in consideration of the complaint or appeal;**

**“(c) Any member who determines that entry of a stay is appropriate shall sign and return to the stated clerk a certification stating that such members certify that in their her or his judgment probable grounds exist for finding the decision or action erroneous and for finding that harm will occur if the decision or action is not stayed;**

**“(d) Upon receipt of certifications finding a stay is appropriate from three or more members of the permanent judicial commission, the stated clerk shall immediately advise the parties that a stay has been entered.”**

### ***Background and Rationale***

These proposed amendments arose from a response to a request (*Request 03-3*) for an interpretation of the *Book of Order* received by the Advisory Committee on the Constitution from the stated clerk of the Presbytery of Miami (*Minutes*, 2003, Part I, pp. 229–31, *Item 03-03*).

*Request 03-3* asked for clarification on the procedure for distribution of a stay of enforcement to a permanent judicial commission.

The Advisory Committee on the Constitution offered the proposed amendment above with the following rationale:

“Section D-6.0103 currently does not contain any express requirement that the stated clerk of a governing body forward a request for stay to members of the permanent

judicial commission of that governing body. Nor do the provisions of the Rules of Discipline provide any clerk basis for implying such a duty. To the contrary, where duties are imposed upon stated clerks in the Rules of Discipline, those duties are specifically defined in D-6.0307. Moreover, D-6.0103a(1), (2), and (3) are currently written in parallel language. There is no contemplation that a stated clerk could be required to transmit a request for stay to all members of a governing body recorded as present under D-6.0103a(1). Since subsections (2) and (3) are written in parallel language, there is no basis to imply any different obligation of a stated clerk when stays are sought under these provisions. Accordingly, D-6.0103a cannot be read to impose an obligation on stated clerks to

forward a request for a stay of enforcement to members of the permanent judicial commission of that governing body.

“However, transmission of the request for a stay by a complainant directly to members of the permanent judicial commission may raise concerns about *ex parte* contacts with members of the commission (i.e., contacts outside the presence of other parties to the judicial process in which improper attempts to influence the members might occur). This process for seeking a stay risks improper attempts to influence the decision-making of a permanent judicial commission and is inconsistent with the prohibition in D-7.0302 upon the circulation of papers to members of the permanent judicial commission. Accordingly, the Advisory

Committee on the Constitution believes that amendment to the current process for seeking a stay of enforcement is advisable. This amendment will place additional obligations upon stated clerks, and will require that each clerk make appropriate arrangements to insure that communications sent to them in their official capacity are properly managed when she or he is unavailable for an extended period of time.”

*Request 03-3* was referred to the Assembly Committee on Church Polity (*Minutes*, 2003, Part I, pp. 67, 229–31, *Item 03-03*, assembly committee report: p. 03-2—section II.B.), which recommended approval of the Advisory Committee on the Constitution’s recommendation by a vote of 54/0/0. The 215th General Assembly (2003) approved the committee’s recommendation as part of the consent agenda.

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**03-G. Administrative Leave in Cases Alleging Sexual Misconduct  
Towards a Minor—On Adding Section D-10.0106**

The 215th General Assembly (2003) directed the Stated Clerk to send the following proposed amendments to the presbyteries for their affirmative or negative votes:

Shall Chapter 10 of the Rules of Discipline be amended by add a new section “D-10.0106” to read as follows:

“D-10.0106

*“When a written statement of an alleged offense of sexual misconduct towards a minor under the age of 18 or towards a person it is alleged lacked the mental capacity to consent has been received, the governing body receiving the allegation will immediately place the minister or other employee on administrative leave. Such leave will continue until resolution of the matter in one of the ways prescribed in the Rules of Discipline. While administrative leave is in effect, a minister or other employee may not perform any pastoral, administrative, educational, or supervisory duties, and may not officiate at any functions such as Baptisms, funerals, or weddings.”*

***Background and Rationale***

This proposed amendment to the *Book of Order* was generated in response to *Overture 03-06* from the Presbytery of Hudson River (*Minutes*, 2003, Part I, pp. 326–27, *Item 04-09*).

In offering rationale for the overture, the Presbytery of Hudson River stated:

“Sexual misconduct by church professionals with children has caused great pain to children. The scars of such experiences are borne throughout their lives, causing untold problems with self and with relationships with others. The church needs to take a firm stance of protecting the victims of crimes of sexual misconduct towards children.

“Recent, very public revelations of grave offenses against children by priests in the Roman Catholic Church have caused many other denominations to re-examine

their policies regarding sexual misconduct towards children. This is true within the Presbyterian Church (U.S.A.). There is greater awareness that the protection of children must be the highest priority in disciplinary matters.”

**ACC ADVICE**

The Advisory Committee on the Constitution advised the General Assembly to answer *Overture 03-6* with an alternate resolution (*Minutes*, 2003, Part I, pp. 327–28), and offered these comments:

“Issues of sexual abuse must always be of great concern in our covenant community. Recent allegations of sexual abuse in other denominations and within our own have heightened the sensitivity to this issue throughout our denomination. On the other hand, our denomination has a long history of affording its officers due process

before decisions restricting or removing officers from the exercise of ordained office. ...

“... Due process to an accused is a basic principle of the Rules of Discipline. Guarantees of due process for officers of the church date at least as far back as 1758 (*Digest*, UPCUSA, at 1311).

“... False accusations of sexual abuse, particularly if given the appearance of being validated by a governing body by placement of the accused on a leave of absence, can irreparably damage the reputation of the accused and deprive the church of that person’s gifts for ministry. Current concern over the legal risk and moral obligation of congregations and governing bodies when faced with allegations of sexual abuse place these values in increased tension.

“... *Overture 03-06* would add to the Rules of Discipline a unique and unprecedented provision that would provide no due process protection for an accused before being deprived of the right to exercise the responsibilities of ordained office.”

Out of an immediate concern, in order to address this issue until the *Constitution* may be amended, the 215th General Assembly (2003), in answer to related *Item 04-08*, directed:

“... the Stated Clerk to urge all

presbyteries to take immediate action to include in the terms of call for all ministers within their bounds provisions for the immediate supervision of the accused, and [for] placing the accused on a leave of absence after a prompt preliminary investigation, with an opportunity for the accused to be heard, into whether it is probable that the charges have merit and there is a risk of further abuse .... [and offered an example of terms the presbyteries might include in all terms of call.] (*Minutes*, 2003, Part I, p. 63)

### **ACWC Advice and Counsel**

The Advocacy Committee for Women’s Concerns (ACWC) advised that the overture be referred to ACWC for inclusion in its study of the denomination’s sexual misconduct policy.

*Overture 03-6* was referred to the Assembly Committee on Church Orders and Ministry (*Minutes*, 2003, Part I, pp. 65, 326–28, *Item 04-09*, assembly committee report: p. 04-6—section III.E.), which recommended approval of the overture by a vote of 51/13/1. The 215th General Assembly (2003) approved by a show of hands the committee’s recommendation, with an amendment from the floor that added the words “or towards a person it is alleged lacked the mental capacity to consent” after the words “under the age of 18.”

**03-H. Granting an Extension of Time for an Investigating Committee to File Charges  
When Civil Authorities Become Involved—On Amending D-10.0401a**

In response to this recommendation, the 215th General Assembly (2003) approved the following resolution:

The 215th General Assembly (2003) directed the Stated Clerk to send the following amendment to the presbyteries for their affirmative or negative votes:

“Shall D-10.0401 be amended as follows: [Text to be deleted is shown with a strike-through; text to be added or inserted is shown as italic.]

“D-10.0401

“Time Limit

~~“Except in the instance where the offense alleged is sexual abuse of another person, no~~ *No* charges shall be filed later than three years from the time of the commission of the alleged offense, nor later than one year from the date the investigating committee was formed, whichever occurs first, *except as noted below.*

*“a. In those situations where civil proceedings have commenced, the investigating committee may request of its permanent judicial commission or session and receive an extension of its time for filing charges of up to six months from the conclusion of any investigation or resulting trial undertaken by the civil authorities. The investigating committee shall maintain contact with civil authorities to determine when such civil proceedings have concluded.*

~~“a. b. For instances of sexual abuse of another person, the only time limit for filing charges shall be one year from the date the investigating committee was formed,~~ *three year time limit shall not apply. Charges may be brought regardless of the date on which an offense is alleged to have occurred.*

~~“b. c. Sexual abuse of another person is any offense involving sexual conduct in relation to~~

~~“(1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or~~

~~“(2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position.”~~

[Historical Note: The original text of D-10.0401c was stricken by action of the 214th General Assembly (2002).]

## ***Background and Rationale***

These proposed amendments to the *Book of Order* came by way of response to *Overture 03-01* from the Presbytery of Donegal (*Minutes*, 2003, Part I, pp. 238–39, *Item 03-11*).

The rationale for the overture’s recommendation stated:

“Investigations of sexual abuse allegations by both civil authorities and presbytery investigating committees usually coincide. The civil investigation of a sexual allegation may cause the presbytery investigating committee’s process to be delayed because that committee was barred from or asked to refrain from interviewing witnesses or proceeding with its investigation by civil authorities. The civil investigation may cause the time of the presbytery’s investigation process to extend beyond one year from the point of formation of that presbytery’s investigating committee, thus causing the investigating committee to be unable to proceed with its investigation as related to that specific case.”

## **ACC ADVICE**

The Advisory Committee on the Constitution advised the 215th General Assembly (2003) to answer *Overture 03-1* with an alternate resolution, much of which was approved in the recommendation.

## **ACWC Advice and Counsel**

The Advocacy Committee for Women’s Concerns (ACWC) advised that the overture be referred to ACWC for inclusion in its study of the denomination’s sexual misconduct policy.

*Overture 03-1* was referred to the Assembly Committee on Church Polity (*Minutes*, 2003, Part I, pp. 68–69, 238–40, *Item 03-11*, assembly committee report: p. 03-3—section III.A.), which recommended approval of the Advisory Committee on the Constitution’s alternate resolution with the exception of re-lettering of “section c,” inasmuch as it had been stricken by action of the 214th General Assembly (2002), by a vote of 56/0/0. The 215th General Assembly (2003) approved the committee’s recommendation by a voice vote.

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