

1 **OVERTURE 6** from Missouri Presbytery (to CCB and OC)
2 “Amend *BCO* 31-2 Regarding Procedures for Investigating a Teaching Elder”
3

4 **Whereas** Christ has called elders to shepherd his own precious sheep by Word, sacrament,
5 and discipline; and
6

7 **Whereas** this responsibility is rooted in Christ’s call to office, which requires a Christian
8 character that is “above reproach” (1 Timothy 3:2; Titus 1:6, 7); and
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10 **Whereas** reports reflecting negatively upon the Christian character of a minister are
11 damaging both to him and to the flock entrusted to his care; and
12

13 **Whereas** our *BCO* has a provision to allow presbyteries to investigate such reports which
14 affect a teaching elder’s Christian character; and
15

16 **Whereas** our *BCO* currently allows teaching elders to continue in active ministerial duties
17 while presbytery engages in such an investigation of injurious reports; and
18

19 **Whereas** some reports are so potentially damaging that the continuance of active ministerial
20 duties by a teaching elder could prove to be harmful to the minister’s or the
21 Presbytery’s credibility, effectiveness, or reputation as well as to the church’s peace
22 and unity; and
23

24 **Whereas** our present polity already allows a church officer to be suspended from his official
25 functions even before a verdict is rendered on his guilt or innocence—but only once
26 formal charges have been brought and the trial process begun (*BCO* 31-10);
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28 **Therefore be it resolved** that *BCO* 31-2 be amended as follows (additions in bold):
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30 **31-2. a.** It is the duty of all church Sessions and Presbyteries to exercise care
31 over those subject to their authority. They shall with due diligence and great
32 discretion demand from such persons satisfactory explanations concerning
33 reports affecting their Christian character. This duty is more imperative when
34 those who deem themselves aggrieved by injurious reports shall ask an
35 investigation.
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37 **b.** When such reports affecting a teaching elder’s Christian
38 character come to light, presbytery shall, with as little delay as possible,
39 assemble a committee or a judicial commission to investigate whether
40 adequate grounds for censure exist (cf. *BCO* 15-3). At any time while its
41 investigation is in process, the presbytery may suspend the teaching elder
42 from active ministerial duties if it believes the man’s credibility,
43 effectiveness, or fitness for office has been seriously compromised by
44 these reports. Such a suspension shall never be done in the way of
45 censure, since it is not tantamount to a judgment of guilt in the

1 **investigation; rather, it is a means of protecting the integrity of the gospel**
2 **as well as the peace and unity of the church. Great care should be**
3 **exercised not to invoke this provision too hastily or without sufficient**
4 **grounds and careful deliberation. Such a suspension shall only be**
5 **imposed when two-thirds (2/3) of those present and voting concur in the**
6 **action. The investigation shall proceed with all reasonable speed, and if it**
7 **does not result in a strong presumption of guilt, presbytery shall lift the**
8 **suspension with all due haste.**
9

10 **c. If ~~such~~ an investigation, however originating, should result in raising a**
11 **strong presumption of the guilt of the party involved, the court shall institute**
12 **process, and shall appoint a prosecutor to prepare the indictment and to**
13 **conduct the case. This prosecutor shall be a member of the court, except that**
14 **in a case before the Session, he may be any communing member of the same**
15 **congregation with the accused.**
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17 *Adopted by Missouri Presbytery at the stated meeting on January 15, 2008*

18 *Attested by /s/ TE David R. Stain, Stated Clerk*