

# Guide to the Complaints Process

February 2026  
The Eastern Canada Presbytery

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## 1. Introduction

The purpose of this booklet is to provide church members and sessions of the Eastern Canada Presbytery (ECP) of the Presbyterian Church in America (PCA) assistance in understanding the complaint process of the of the PCA. It has been recognized by the ECP that this process can be intimidating at times, and it is the intention of the Presbytery, through this booklet and other resources, to assist all parties involved to be more knowledgeable of and comfortable with this process.

In using this booklet, the reader is referred to and encouraged to familiarize themselves with the Book of Church Order (BCO) for the PCA,<sup>1</sup> more specifically, Part II The Rules of Discipline, and in particular, Chapter 43 Complaints.

Complaints are one component of Church discipline, as outlined in the BCO, and discipline is an important and beneficial exercise given the Church by Christ, who is its head. Discipline seeks the keeping and reclaiming of disobedient sinners. The goal or desired outcome of Church discipline is to see God glorified, error corrected, scandal removed, Christ's honour vindicated, and peace and purity promoted. For these reasons, the process is one that demands that all involved examine themselves to ensure that their intent and action at each step in the process are

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<sup>1</sup> See Appendix I.

rooted in a desire to build up, not tear down, to mercifully and lovingly correct, not wrathfully admonish.

It is recognized that a complaint can sometimes be tied to an emotionally difficult situation or circumstance and that all parties are encouraged to seek reconciliation and restoration, following the resolution of a complaint. A particular responsibility for this lies with the court, and the individual officers of the court, in their role as shepherds to their flock. Appendix I (Biblical Conflict Resolution) of the BCO provides helpful guidance on this.

## 2. Complaints and the Complaint Process

A complaint is a formal written representation made against an action taken or decision made by a court of the Church. The courts of the Church, in ascending authority, are the Session, the Presbytery, and the General Assembly.

Any communing member of the Church in good standing may make a complaint against any action of a court to whose jurisdiction she/he is subject.

This is to say that a member of the local Church can make a complaint against an action or decision of the Session of that Church. Likewise, any member of Presbytery (a Teaching Elder or Ruling Elder) can make a complaint against the actions or decisions of the Presbytery.

A complaint normally contends that the action or decision is not in keeping with the teaching of the Bible, the Westminster Confession of Faith, the Catechisms, or that it contradicts the provisions of the BCO.

### *Example*

A Session calls a congregational meeting for Friday, May 6, and gives public notice of it on Sunday, May 1, in the bulletin and by announcement before the worship service. A member makes a complaint against the action of the Session contending that it violates BCO 25-2 which states, “The Session shall call such meeting and give public notice of at least one week.”

Complaints as defined in BCO 43 are not directed at the actions of individuals or congregations as a whole. For this reason, a decision made in the forum of a congregational meeting cannot be subject to the complaint process. As well, issues of the actions or personal behaviour of members or officers of the Church is not subject to the complaint process. These situations may rise to the level of an offence as defined in BCO 29 and could be properly addressed through discipline as outlined in BCO 27.

A complaint needs first be submitted to the court whose action or decision is alleged to be in error. That is, a member of the local Church would first submit their complaint to the Session of their Church, whose action or decision they believe is incorrect. The written complaint and supporting reasons are submitted to the clerk of the court, in this case, the clerk of the Session. (Each court of the Church has a clerk.)

A complaint can be submitted within sixty (60) days of the decision or action of a church court. However, if the action or decision of the court is in the process of being appealed to a higher court, then a complaint may not be made.

After a complaint is filed with the clerk of a court, that court shall consider the complaint at its next stated (scheduled) meeting or at a called (special) meeting, held before the next stated meeting. However, if the complaint is received by the clerk less than ten (10) days before the next stated meeting of the court, the court can then consider the complaint at a later meeting, but the meeting must occur within the next sixty (60) days.

*Example*

The Session of a local church makes a decision at its stated meeting on May 1 and also schedules its next stated meeting for June 15. A member of that church files a complaint against the Session's decision with the clerk of the Session on June 10, within sixty days of the decision, as required, but less than ten days before the next stated meeting. The Session may choose not to consider the complaint at the June 15 meeting but needs to consider the complaint at a Session meeting to be held by August 14.

To consider a complaint, the court does not necessarily have to decide the complaint, but it must take some action in relation to it.

The court may hear and debate the complaint and/or appoint a committee (a smaller group of members of the court) to study the complaint and report back to the court. Alternatively, the court may appoint a commission (a smaller group of members of the court) to render a decision on the complaint on the court's behalf. Also, the court may schedule a hearing on the complaint to occur at a later time. These examples are not exhaustive.

One step that should occur is that a determination will be made as to whether or not the complaint is in order. There are both judicial and administrative elements necessary for a complaint to be found in order.

The judicial element includes issues noted already, eligibility of complainant, timeliness of complaint, object of the complaint and stated reasons for the complaint relating to the teachings of the Bible, the Westminster Confession of Faith, the Catechism, or that it contradicts the provisions of the BCO.

The administrative element includes but is not limited to the following of the provisions of BCO Chapter 43, a clear statement of the action(s) or delinquency(s) complained about and the reasons supporting said complaint along with formatting of the complaint documents for ease of reference.

The provision to consider the complaint at the next meeting is to ensure that a decision on the complaint is not unduly delayed.

The court whose action or decision is alleged to be in error, and to whom the complaint has been made may make three possible decisions. First, it may deny the complaint and affirm the court's original action in whole. Second, it may deny the complaint and affirm the court's original action in part, thereby sustaining the complaint in part. Third, it may sustain the complaint in whole. In the latter two instances, the court must then decide upon appropriate steps to rectify the error.

If a court denies a complaint, the complainant can then take the complaint to the next highest court.

If a court fails to consider the complaint in the timeframes noted, the complainant may take the complaint to the next highest court.

The three possible decisions of the original court as outlined three paragraphs above are the same possible outcomes in situations where a complaint is taken to a higher court.

It is important to note that a pending complaint will not have the effect of suspending the action or decision against which the complaint is made, except under specific circumstances outlined in BCO 43-4.

The complaint process has similarities in its formality and adherence to the requirements outlined in the BCO, to matters before civil courts. For this reason, it can at times be challenging and stressful for complainants. It is oft times prudent for a complainant to seek out another communing member of the PCA, who has experience with the complaint process, to assist the complainant in preparing their complaint, guiding them through the process, and/or presenting their complaint, should the complainant not wish to present it themselves.

### **3. Summary**

Appendix I of this booklet contains references for resources related to the topic of complaints and Church discipline which may further assist complainants to understand this process.

Appendix II and Appendix III of this booklet contain suggested procedures for sessions and presbyteries to follow in relation to the handling of complaints. They are based upon the procedures as outlined in the Operating Manual for Standing Judicial Commission (OMSJC) which is part of the BCO document found in Appendix I. In general terms, these form the basis by which complaints heard in the ECP and its sessions will be handled. As such, these appendices also serve to guide the complainant step by step through the complaint process and the expectations upon them therein.

Both complainants and Sessions are reminded that the Committee on Constitutional Business is available as a consultant resource in relation to the complaint process and can be accessed by contacting the Presbytery Stated Clerk at the email address found in Appendix I.

In closing, the complaint process is a necessary and important mechanism of Church government and discipline. Your interest and participation in that process is welcome, for as is aptly stated in the Preface to the BCO, “It is the duty both of private Christians and societies to exercise mutual forbearance toward each other.”<sup>2</sup>

It is the sincere desire of the ECP that this booklet and its referenced resources have been helpful to you.

Peace in Christ.

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<sup>2</sup> BCO Preface II. Preliminary Principles 5.

## Appendix I: Further Resources



### Christ Church PCA

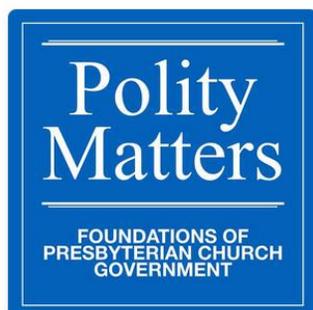
Pembroke, NH

<https://www.ccpcanh.org/bco-videos/>

### MORE in the PCA

“12. What Are Complaints and Appeals?”

<https://youtu.be/q6Y4CKGStso?si=yGcc86TtjySPjHFe>



### Polity Matters: Foundations in Presbyterian Church Government

<https://www.politymatters.org/2215222/episode/s/17888992-102-we-do-have-a-time-limit-bco-43>

### The Book of Church Order

<https://www.pcaac.org/bco>



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## Appendix II

# Suggested Procedures for Handling a Complaint by the Court Complained Against<sup>1</sup>

A Complaint must be considered either at the next stated meeting of the court or at a called meeting before the stated meeting. “If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later.” (*BCO* 43-2)

To consider a complaint, the court does not necessarily have to decide the complaint, but it must act upon it. For example, the court may declare the complaint in order and appoint a commission to decide the complaint, the court may schedule a hearing for the complaint, or the court may hear and debate the complaint and appoint a committee to study and report back on a question before making the final decision. This provision of consideration at the next meeting is to ensure timely action upon the complaint, so any action taken to consider the complaint must be a means of doing something other than unnecessarily delaying the deciding of the complaint.<sup>2</sup>

There is no Record of the Case (ROC) in a Complaint being heard by the court whose action is being complained against as there has been no action by a lower court in the matter, the record of which forms the basis of the ROC (*BCO* 43-6). The process of adjudicating the Complaint by the original court forms core of the Record of the Case for any carrying of it up to a higher court.

1 Determination of Who Will Adjudicate the Complaint	
1.1	Presbyteries and larger Sessions need to determine if the Complaint will be adjudicated by the Presbytery/Session as a whole or by a commission. <i>BCO</i> 15-3
	Some options: <ol style="list-style-type: none"> <li>1. Commission erected to hear and adjudicate</li> <li>2. Committee appointed to hear and recommend a response to the Presbytery/Session</li> <li>3. Presbytery/Session hears and adjudicates</li> <li>4. Presbytery/Session hears and a committee recommends a response to the Presbytery/Session</li> </ol>
1.2	If the action complained against was the action of a commission, that commission must adjudicate the complaint. <i>BCO</i> 15-1

<sup>1</sup> These procedures are based upon the *OMSJC* procedures for a Complaint heard by the SJC. They have been modified to fit a Session or Presbytery context and to adjust to the adjudication by the original court as opposed to a higher court reviewing a lower court’s ruling on a Complaint. Not all components of this procedure are constitutionally mandated, but following these procedures aids the court in complying with both the spirit and the letter of the *BCO*.

<sup>2</sup> Almquist, C.S. Per, *Our Bond of Union: A Commentary on the Book of Church Order of the Presbyterian Church in America* (Committee on Discipleship Ministry, 2025), 360.

1.3	A court may assign one or more members to defend its action or decision, acting as Respondent's on the court's behalf—e.g., filing a brief and presenting oral arguments defending the court's action(s).	If the complaint is being heard by a commission (not including the circumstances of 1.2), these representatives are not members of the commission.
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<b>2 Suspension of the Action Against Which Complaint is Made</b>		
2.1	“Notice of complaint shall not have the effect of suspending the action against which the complaint is made, unless one-third (1/3) of the members present when the action was taken shall vote for its suspension, until the final decision in the higher court.” <i>BCO 43-4</i>	This step only needs to be taken if a member of the court makes a motion to suspend the action.

<b>3 Determination as to whether the Complaint is in Order</b>		
3.1	A Complaint is <i>administratively in order</i> if the relevant provisions of <i>BCO 43</i> have been followed, including, but not limited to, a statement of the action(s) or delinquency(s) complained of and the reasons supporting said complaint set forth (preferably in numbered paragraphs for easy reference). <i>BCO 43-2, Appendix G.VI</i> <sup>3</sup>	
3.2	A Complaint is <i>judicially in order</i> if: <sup>4</sup>  (a) The Complainant has standing to file.	It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject. <i>BCO 43-1</i>  The SJC has held that a TE is always a member of Presbytery, but an RE only has standing to file a complaint when an action was taken at a Presbytery meeting at which he was a commissioner. <i>BCO 13-1</i>

<sup>3</sup> *OMSJC 9.1.a(2)*

<sup>4</sup> *OMSJC 10.5*

	<p>(b) The Complaint was timely filed.</p> <p>(c) The action complained against is an act or decision of a court of the Church. <i>BCO 43-1</i></p> <p>(d) A ground or reason has been specified. <i>BCO 43-2</i></p>	<p>Written notice of complaint, with supporting reasons, shall be filed with the clerk of the court within <b>sixty (60)</b> days following the meeting of the court. <i>BCO 43-2</i></p> <p>These courts are church Sessions, Presbyteries, and the General Assembly. <i>BCO 10-2</i></p> <p>A commission acts on behalf of the court that appointed it, so its action may be complained against.</p> <p>A congregation is not a court of the Church so actions of a congregational meeting may not be complained against.</p>
3.3	<p>If the action complained about relates to a judicial case under process, and the Complaint was timely filed, “the court’s adjudication shall be delayed until after the judicial case has been completed, or, if an appeal is filed, after it has been fully adjudicated or withdrawn.” <i>BCO 43-1</i></p>	
<p><b>If the complaint is found to be in order, proceed to Section 5.</b></p>		

4	<b>If the Complaint is Found Not to be in Order:</b>	
4.1	<p>The court/Commission should reduce to writing the ground(s) for such finding, including any conclusion as to whether the case either can or cannot be put in order. This should be sent to the Complainant with a request that the case be put in order, if possible.</p>	<p>Putting it in order may include only formatting, not substantive, changes.<sup>5</sup></p>
4.2	<p>The Complainant may file a Review Brief within <b>15</b> days of such notification. The Review Brief sets out the Complainant’s position regarding whether the Complaint is in order.<sup>6</sup></p>	<p>Guidelines for a Review Brief:<sup>7</sup></p> <ul style="list-style-type: none"> <li>• No longer than two (2) pages</li> <li>• 8½ x 11 pages with 1-inch margins on all sides</li> <li>• No smaller than 12-point font</li> <li>• Line numbering that restarts on each page</li> </ul>

<sup>5</sup> *OMSJC 9.2.a*

<sup>6</sup> *OMSJC 8.1 and 9.2.a*

<sup>7</sup> *OMSJC 8.5*

	A Review Brief that is timely filed but does not meet these standards shall be returned to the Complainant. A revised Review Brief may be submitted within <b>5</b> days of notification that the brief does not meet the standard of form. <sup>8</sup>	
4.3	After the 30-day period described above (4.1 and 4.2) has expired, and after reviewing any Review Brief(s) timely filed, the Presbytery/Commission shall make a secondary determination as to whether the case is in order. <sup>9</sup>	No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Presbytery/Commission. <sup>10</sup>
4.4	If the secondary conclusion is that the case is not in order, no further action shall be taken in relation to the case other than to dismiss the Complaint on the ground that the case is out of order.	This decision should be communicated to both parties and should include a statement setting forth the ground(s) for the conclusion that the case is not in order and either an explanation as to why it cannot be put in order or that the parties have failed to timely put the case in order despite an opportunity to do so.
4.5	Alternatively, the Presbytery/Commission may, based on the Review Brief(s), find that the case is administratively in order and proceed with the case.	

<b>5</b>	<b>Preliminary Briefs once the Complaint is found in order</b>	
5.1	Both parties (if Respondents have been appointed in 1.3 above) may each submit one Preliminary Brief. Any Preliminary Brief from a Complainant shall be filed no later than <b>14</b> days after he receives notice that the Complaint is in order. This brief shall immediately be sent to the Respondent, who may file a Preliminary Brief no later than <b>14</b> days prior to the date set for the hearing. <sup>11</sup>	Failure to file a brief by a party shall not be considered to be an abandonment of the case. <sup>12</sup>

<sup>8</sup> OMSJC 8.5.c

<sup>9</sup> OMSJC 9.2.b and 10.6

<sup>10</sup> OMSJC 9.2.b

<sup>11</sup> OMSJC 8.2.a

<sup>12</sup> OMSJC 8.6

	<p>Such Preliminary Brief should include the party's position with regard to:<sup>13</sup></p> <ol style="list-style-type: none"> <li>(1) A summary of the facts</li> <li>(2) A statement of the issues</li> <li>(3) The proposed judgment and relief</li> <li>(4) Argument in support of the judgment and relief sought</li> </ol>	<p>Guidelines for a Preliminary Brief:<sup>14</sup></p> <ul style="list-style-type: none"> <li>• No longer than ten (10) pages</li> <li>• 8½ x 11 pages with 1-inch margins on all sides</li> <li>• No smaller than 12-point font</li> <li>• Line numbering that restarts on each page</li> </ul>
5.2	<p>A Preliminary Brief that is timely filed but does not meet these standards shall be returned to the Complainant. A revised Preliminary Brief may be submitted within <u>5</u> days of notification that the brief does not meet the standard of form.<sup>15</sup></p>	

6	<b>The Hearing</b> <i>OMSJC</i> 10.8 through 10.10 and 14	
6.1	<p>At the time and place set for a hearing of the case, the Moderator of the court or Chair of the Commission shall call the court/Commission to order and proceed as follows:<sup>16</sup></p> <ol style="list-style-type: none"> <li>(1) Prayer should be offered by a member of the court/Commission.</li> <li>(2) All members of the court or Commission should be polled to certify that they have read all briefs timely filed (if any). Any member who cannot so certify shall not participate in any aspect of the proceedings, including deliberations and voting on the case, unless such member can become qualified after a postponement of the hearing.</li> </ol>	

<sup>13</sup> *OMSJC* 8.2.b

<sup>14</sup> *OMSJC* 8.5. *OMSJC* 8.5.b gives twelve (12) pages, but because the SJC only hears complaints raised to a higher court, their briefs include an additional section with a summary of the proceedings in the lower court(s).

<sup>15</sup> *OMSJC* 8.5.c

<sup>16</sup> *OMSJC* 10.8.a

	(3) The Moderator/Chair shall enjoin the members of the court/Commission to recollect and regard their high character as judges of a court of Jesus Christ and the solemn duty in which they are about to engage. <i>BCO 32-12</i>	
6.2	After the hearing shall have been opened and the initial requirements of 6.1 met, but before any arguments of the parties have been presented, the members of the court/Commission shall have the opportunity to question the parties on any matter before the court. <sup>17</sup>	
6.3	<p><b>THE ORAL ARGUMENTS:</b> The arguments of the parties shall be heard in the following order:<sup>18</sup></p> <ol style="list-style-type: none"> <li>(1) the Complainant makes the opening argument</li> <li>(2) the Respondent then replies</li> <li>(3) the Complainant makes the closing argument</li> </ol>	<p>A party shall have a maximum of <b>30</b> minutes to argue his case before the court/Commission (and in the case of the Complainant, this 30 minutes is inclusive of both his opening and closing arguments).<sup>19</sup></p> <p>At any time during which a party is presenting an argument, a member of the court/Commission may ask questions of that party; the time taken for such questions shall not form a part of the argument time of the party questioned.<sup>20</sup></p>
6.4	<p><b>AFTER THE ORAL ARGUMENTS:</b> The court/Commission shall go into closed session and discuss the issues in the matter to:<sup>21</sup></p> <ol style="list-style-type: none"> <li>(1) Frame the issues</li> <li>(2) Vote on a judgment (see 7.1),</li> <li>(3) If the Complaint is sustained, the actions to remedy the error (see 7.2).</li> </ol>	<p>Framing the issues means to render concisely the specific issues being judged. Typically, this is one or more statements: Did the Session/Presbytery/Commission err when it _____?</p>

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<sup>17</sup> *OMSJC 14.3.b*

<sup>18</sup> *OMSJC 14.3.a*

<sup>19</sup> *OMSJC 14.3.c*

<sup>20</sup> *OMSJC 14.3.d*

<sup>21</sup> *OMSJC 10.10*

7	The Judgment	
7.1	<p>When the court/Commission is ready to vote, the vote shall be taken, without further debate, as to what disposition should made of the complaint. The decision may be:<sup>22</sup></p> <ul style="list-style-type: none"> <li>(1) Deny the complaint and affirm the court’s original action in whole</li> <li>(2) Deny the complaint and affirm the court’s original action in part, thereby sustaining the complaint in part</li> <li>(3) Sustain the complaint in whole</li> </ul>	Go to 7.3
7.2	<p>If the complaint is sustained in part or in whole, the court/Commission must determine the appropriate actions to rectify the action(s) in error.</p>	<p>Possible actions may be to:</p> <ul style="list-style-type: none"> <li>• <u>Reconsider</u> the action—places the motion to be reconsidered on the floor in the exact position it occupied the moment before it was voted on originally. RONR (12<sup>th</sup> ed.) 37</li> <li>• <u>Rescind</u> something previously adopted—strikes out the original action entirely. RONR (12<sup>th</sup> ed.) 35</li> <li>• <u>Amend</u> something previously adopted—the form to use when the desire is to change a part or substitute a different action. RONR (12<sup>th</sup> ed.) 35</li> </ul>
7.3	<p>When a decision has been reached, a full statement of the case should be prepared. This statement should include:<sup>23</sup></p> <ul style="list-style-type: none"> <li>(1) A summary the facts</li> <li>(2) A statement of the issues: a concise framing by the court/Commission of the specific issues being judged in the case</li> </ul>	<p>A presentation in chronological order of the relevant history and facts that bear on the case.</p> <p>A concise framing by the court/ Commission of the specific issues being judged. Typically, this is one or more statements such as:</p> <ol style="list-style-type: none"> <li>1. Did the Session/Presbytery/ Commission err when it _____?</li> <li>2. Did the Session/Presbytery/ Commission err when it _____?</li> </ol>

<sup>22</sup> OMSJC 14.4.c

<sup>23</sup> OMSJC 10.11

	<p>(3) The judgement</p> <p>(4) The reasoning and opinion of the court/Commission</p> <p>(5) Any remedy or redress taken</p>	<p>A definite conclusion rendered on the specific issues being judged. Typically,</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol> <p>The court/Commission's explanation of the resolution of disputed facts and reasons for the judgment rendered.</p>
7.4	<p>This decision should be sent to the Complainant and, in the case of a Commission, to the court that appointed it. Upon receiving the Commission's report, it becomes part of the court's minutes along with the Commission's minutes. <i>BCO 15-1 and 15-3</i></p>	<p>If the complaint was decided by a Commission, the judgment of the Commission is the judgement of the court, so the court appointing it does not vote on the judgement.<sup>24</sup></p>

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<sup>24</sup> *BCO 15-3*

**Appendix III**

**Suggested Procedures for Handling a Complaint**  
 Against a Session Taken to Presbytery<sup>1</sup>

A Complaint must be considered either at the next stated meeting of the court or at a called meeting before the stated meeting. “If the complaint is filed with less than ten (10) days’ notice, the court may consider the complaint at a later meeting not more than 60 days later.” *BCO 43-3*

To consider a complaint, the court does not necessarily have to decide the complaint, but it must act upon it. For example, the court may declare the complaint in order and appoint a commission to decide the complaint, the court may schedule a hearing for the complaint, or the court may hear and debate the complaint and appoint a committee to study and report back on a question before making the final decision. This provision of consideration at the next meeting is to ensure timely action upon the complaint, so any action taken to consider the complaint must be a means of doing something other than unnecessarily delaying the deciding of the complaint.<sup>2</sup>

1	Determination of Who Will Adjudicate the Complaint	
1.1	<p>The Presbytery needs to determine if the Complaint will be adjudicated by the Presbytery as a whole or by a commission. <i>BCO 15-3</i></p>	<p>Some options:</p> <ol style="list-style-type: none"> <li>1. Commission erected to hear and adjudicate</li> <li>2. Committee appointed to hear and recommend a response to the Presbytery</li> <li>3. Presbytery hears and adjudicates</li> <li>4. Presbytery hears and a committee recommends a response to the Presbytery</li> </ol> <p>If the complaint is heard by a Commission, the members of the Commission are members of the Presbytery other than members of the Session of the church from which the complaint comes.<sup>3</sup> Though Assistant Pastors are not members of the Session, the spirit of the <i>BCO</i> is that assistant pastors of the church from which the Complaint came should not serve on the Commission.</p>

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<sup>1</sup> These procedures are based upon the *OMSJC* procedures for a Complaint heard by the *SJC*. They have been modified to fit a Presbytery context.

<sup>2</sup> Almquist, C.S. Per, *Our Bond of Union: A Commentary on the Book of Church Order of the Presbyterian Church in America* (Committee on Discipleship Ministry, 2025), 360.

<sup>3</sup> *BCO 15-3*

1.2	The Session against whom the Complaint is made shall appoint one or more representatives to defend its action or decision before the Presbytery. A Complainant may present his complaint himself or he may obtain the assistance of a communing member in good standing of the PCA. <i>BCO 43-5</i>	
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2	<b>The Record of the Case (ROC)</b> <i>BCO 43-6</i>	
2.1	The Record of the Case (ROC) shall be prepared by the Clerk of Session and filed with the Stated Clerk of Presbytery not more than <b>30</b> days after receipt of notice of complaint. <i>BCO 43-6</i>	
2.2	<p>Contents:</p> <p>2.2.1 The ROC shall include:<sup>4</sup></p> <ul style="list-style-type: none"> <li>(a) A copy of all the lower court’s proceedings in connection with the complaint, including the notice of complaint and supporting reasons and Minutes of any hearing</li> <li>(b) The response of the lower court, its acts, orders, decisions and judgment</li> <li>(c) All transcribed testimony actually taken before the lower court. <i>BCO 35-9</i></li> <li>(d) Any papers bearing on the Complaint</li> </ul> <p>2.2.2 Only documents provided to the Presbytery Stated Clerk can be included in the Record of the Case. No document shall be included in the ROC that must be accessed through external links, websites, QR codes, file-sharing services, or other external digital platforms.<sup>5</sup></p>	<p>Audio and/or video recordings shall not be admissible or be made a part of the Record of the Case unless the same have been transcribed and authenticated by the Moderator and Stated Clerk of the lower court. <i>BCO 35-10</i></p>

<sup>4</sup> *BCO 43-6 and OMSJC 7.2.b*

<sup>5</sup> *OMSJC 7.2.c*

2.2.3	The Clerk of Session shall work with the Presbytery Stated Clerk to provide an inventory of documents for the Record. <sup>6</sup>	
2.2.4	<p>The Clerk of Session shall provide a summary timeline of the Case. This will include dates that important documents were filed, dates parties received important notifications, significant actions of the original and higher courts related to the matter and dates thereof in the following format.<sup>7</sup></p> <p>MM/DD/YY Session action.  MM/DD/YY John Doe filed complaint with Session.  MM/DD/YY Session called meeting; complaint was considered and denied.  MM/DD/YY Complainant received notification that his complaint was denied.  MM/DD/YY Complainant carried/filed that complaint with Presbytery.  MM/DD/YY Presbytery stated meeting; complaint was considered and denied.  MM/DD/YY Complainant notified Presbytery Clerk he had carried/filed it with the SJC.</p>	
2.3	A copy of the Record of the Case shall be sent to the parties. <sup>8</sup>	
2.4	<p>The parties shall have the right to examine the Record of the Case. Corrections to the Record of the Case shall be considered as follows:<sup>9</sup></p> <p>2.4.1 The Moderator of Presbytery, or the Chairman of the Commission if the case is to be heard by a Commission, shall serve as mediator between the parties with respect to the perfection of the Record.</p>	

<sup>6</sup> OMSJC 7.2.d

<sup>7</sup> OMSJC 7.2.e

<sup>8</sup> OMSJC 7.3

<sup>9</sup> OMSJC 7.4

- 2.4.2 The hearing body may delete any portions of the ROC as submitted that violate justice or due process, a provision of the *BCO* or *Robert's Rules of Order*, or that are extraneous to the matter before them. The hearing body may also require the addition of material to the ROC that is relevant to the Case. Deletions and additions shall always be recorded in the minutes of the hearing body, with the approved rationale for the change. Any deletions or additions shall be reported to the parties and may be addressed in argument from the parties in any hearing requested by a party on the ROC.
- 2.4.3 If a party objects to any portion of the Record, the other party shall respond to such objection within **15** days of receipt of notification of the objection. Such response shall be in writing and must be filed with the Presbytery Stated Clerk or the Chairman of the Commission. The response must also be copied to the party that lodged the objection. If a party, having received notice that an objection to the ROC has been filed, fails to respond to that objection within **15** days they shall be deemed to have acceded to the objection.
- 2.4.4 If the other party shall accede to the objection, it shall be so stipulated in writing and made a part of the Record of the Case. Such stipulation shall be filed not more than **30** days after the date the last party received such ROC, obtaining a receipt of acknowledgment.
- 2.4.5 If the other party does not accede to the objection, the Presbytery/Commission shall hold a hearing with respect to the objection.
- (1) In preparation for the hearing the Moderator/Chairman shall:
    - (a) Set a date and time for the hearing, making every reasonable effort to obtain such date and time as may be agreeable to the parties.

- (b) Notify the parties of such date and time for the hearing not less than **14** days prior to the date of hearing, obtaining a receipt of acknowledgement from each party. Such 14-day period may be shortened if the parties agree in writing.
- (c) Notify the parties of their right to submit briefs.

Suggested Guidelines for an ROC Brief:<sup>10</sup>

- No longer than five (5) pages
- 8½ x 11 pages with 1-inch margins on all sides
- No smaller than 12-point font
- Line numbering that restarts on each page

(2) The hearing shall proceed as follows:

- (a) After the hearing has been opened, but before any arguments are presented, the members of the Presbytery/Commission shall have the opportunity to question the parties with respect to the matter at hand. The same shall be true after the conclusion of the time for argument.
- (b) A party shall have a maximum of **20** minutes to address the question, the time divided between opening arguments by the parties in turn, and rebuttal arguments by the parties in turn.
- (c) At any time during which a party is presenting an argument, a member of the Presbytery/Commission may ask questions of that party; the time taken for such questions shall not form a part of the time of the party questioned.

- (3) After oral argument the parties shall be dismissed and the Presbytery/Commission shall make a decision as to whether in fairness and justice the ROC should be corrected.

<sup>10</sup> OMSJC 7.2.4.f(1)(c) and 8.5.a

3 Determination as to whether the Complaint is in Order	
3.1	<p>A Complaint is <i>administratively in order</i> if the relevant provisions of <i>BCO</i> 43 have been followed, including, but not limited to, a statement of the action(s) or delinquency(s) complained of and the reasons supporting said complaint set forth (preferably in numbered paragraphs for easy reference). <i>BCO</i> 43-2, Appendix G.VI<sup>11</sup></p>
3.2	<p>A Complaint is <i>judicially in order</i> if:<sup>12</sup></p> <ul style="list-style-type: none"> <li>(a) The Complainant has standing to file.</li> <li>(b) The Complaint was timely filed.</li> <li>(c) The Complaint was first filed with Session whose act or decision is alleged to be in error. <i>BCO</i> 43-2 and 43-3.</li> <li>(d) A ground or reason has been specified. <i>BCO</i> 43-2</li> <li>(e) The Record of the Case (ROC) appears to be complete and sufficiently documented. <i>BCO</i> 43-6</li> </ul>
<p>If the complaint is found to be in order, proceed to Section 5.</p>	

<sup>11</sup> *OMSJC* 9.1.a(2)

<sup>12</sup> *OMSJC* 10.5

4	If the complaint is found not to be in order:	
4.1	The Presbytery/Commission should reduce to writing the ground(s) for such finding, including any conclusion as to whether the case either can or cannot be put in order. This should be sent to the relevant party with a request that the case be put in order, if possible, within <b>30</b> days. <sup>13</sup>	Putting it in order may include only formatting, not substantive, changes. <sup>14</sup>
4.2	<p>Each party should be allowed to file a Review Brief. The Review Brief sets out the party's position regarding whether the Complaint is in order. In such Review Brief, the parties may allude to those documents that have been supplied by the lower court as the proposed Record of the Case and may additionally allude to any documents that were not submitted as part of the proposed Record of the Case but only if such documents bear on whether the case is in order.<sup>15</sup></p> <p>The Complainant may file a Review Brief within <b>15</b> days of such notification. The Respondent may file a responsive Review Brief within <b>15</b> days of receiving the Complainant's Review Brief.<sup>16</sup></p> <p>A Review Brief that is timely filed but does not meet these standards shall be returned to the sending party. A revised Review Brief may be submitted within <b>5</b> days of notification that the brief does not meet the standard of form.<sup>18</sup></p>	<p>Guidelines for a Review Brief:<sup>17</sup></p> <ul style="list-style-type: none"> <li>• No longer than two (2) pages</li> <li>• 8½ x 11 pages with 1-inch margins on all sides</li> <li>• No smaller than 12-point font</li> <li>• Line numbering that restarts on each page</li> </ul>
4.3	After the 30-day period described above (4.1 and 4.2) has expired, and after reviewing any Review Brief(s) timely filed, the Presbytery/Commission shall make a secondary determination as to whether the case is in order. <sup>19</sup>	No party shall be entitled to an oral hearing on such a jurisdictional question without the consent of the Presbytery/Commission. <sup>20</sup>

<sup>13</sup> OMSJC 8.1 and 10.6

<sup>14</sup> OMSJC 9.2.a

<sup>15</sup> OMSJC 8.1

<sup>16</sup> OMSJC 8.1 and 9.2.a

<sup>17</sup> OMSJC 8.5

<sup>18</sup> OMSJC 8.5.c

<sup>19</sup> OMSJC 9.2.b and 10.6

<sup>20</sup> OMSJC 9.2.b

4.4	<p>If the secondary conclusion is that the case is not in order, no further action shall be taken in relation to the case other than to dismiss the Complaint on the ground that the case is out of order.</p> <p>If, however, the defect is due to the neglect or failure of the lower court to provide a Record of the Case that is “complete and sufficiently documented” as defined in <i>BCO</i> 43-6 and <i>OMSJC</i> 7, then the Presbytery/Commission shall suspend the act or decision complained against until the proceedings are produced so that the Presbytery/Commission can fairly consider the complaint.<sup>21</sup></p>	<p>This decision should be communicated to both parties and should include a statement setting forth the ground(s) for the conclusion that the case is not in order and either an explanation as to why it cannot be put in order or that the parties have failed to timely put the case in order despite an opportunity to do so.</p>
4.5	<p>Alternatively, the Presbytery/Commission may, based on the Review Brief(s), find that the case is administratively in order and proceed with the case.</p>	

5	<h2 style="margin: 0;">Preliminary Briefs</h2> <p style="margin: 0;">once the Complaint is found in order</p>	
5.1	<p>Each party may submit one Preliminary Brief. Any Preliminary Brief from a Complainant shall be filed no later than <b>14</b> days after he receives notice that the Complaint is in order. This brief shall immediately be sent to the Respondent, who may file a Preliminary Brief no later than <b>14</b> days prior to the date set for the hearing.<sup>22</sup></p> <p>Such Preliminary Brief should include the party’s position with regard to:<sup>24</sup></p> <ol style="list-style-type: none"> <li>(1) A summary of the facts</li> <li>(2) A summary of the proceedings at the Session</li> <li>(3) A statement of the issues</li> </ol>	<p>Failure to file a brief by a party shall not be considered to be an abandonment of the case.<sup>23</sup></p> <p>Guidelines for a Preliminary Brief:<sup>25</sup></p> <ul style="list-style-type: none"> <li>• No longer than twelve (12) pages</li> <li>• 8½ x 11 pages with 1-inch margins on all sides</li> <li>• No smaller than 12-point font</li> <li>• Line numbering that restarts on each page</li> </ul>

<sup>21</sup> *BCO* 43-6 and *OMSJC* 10.6

<sup>22</sup> *OMSJC* 8.2.a

<sup>23</sup> *OMSJC* 8.6

<sup>24</sup> *OMSJC* 8.2.b

<sup>25</sup> *OMSJC* 8.5

	<p>(4) The proposed judgment and relief</p> <p>(5) Argument in support of the judgment and relief sought</p>	
5.2	A Preliminary Brief that is timely filed but does not meet these standards shall be returned to the Complainant. A revised Preliminary Brief may be submitted within <u>5</u> days of notification that the brief does not meet the standard of form. <sup>26</sup>	

6	The Hearing	
6.1	<p>At the time and place set for a hearing of the case, the Moderator of the Presbytery or Chair of the Commission shall call the Presbytery/Commission to order and proceed as follows:<sup>27</sup></p> <ol style="list-style-type: none"> <li>(1) Prayer should be offered by a member of the Presbytery/Commission.</li> <li>(2) All members of the Presbytery/Commission should be polled to certify that they have read the ROC and all briefs timely filed (if any). Any member who cannot so certify shall not participate in any aspect of the proceedings, including deliberations and voting on the case, unless such member can become qualified after a postponement of the hearing.</li> <li>(3) The Moderator/Chair shall enjoin the members of the Presbytery/Commission to recollect and regard their high character as judges of a court of Jesus Christ and the solemn duty in which they are about to engage. <i>BCO 32-12</i></li> <li>(4) Remind the Presbytery/Commission members that they should disregard all</li> </ol>	

<sup>26</sup> OMSJC 8.5.c

<sup>27</sup> OMSJC 10.8

	<p>evidence not in the Record of the Case (<i>BCO</i> 32-18); even though such evidence may be found in the briefs of the parties or in oral argument (See <i>OMSJC</i> 8.3).</p> <p>(5) Read to the Presbytery/Commission members the principles of Review set forth in <i>BCO</i> 39-3.</p>	
6.2	<p>After the hearing shall have been opened and the initial requirements of 6.1 met, but before any arguments of the parties have been presented, the members of the Presbytery/Commission shall have the opportunity to question the parties on any matter before the court.<sup>28</sup></p>	
6.3	<p><b>THE ORAL ARGUMENTS:</b> The arguments of the parties shall be heard in the following order:<sup>29</sup></p> <ol style="list-style-type: none"> <li>(1) the Complainant makes the opening argument</li> <li>(2) the Respondent then replies</li> <li>(3) the Complainant makes the closing argument</li> </ol>	<p>A party shall have a maximum of <b>30</b> minutes to argue his case before the Presbytery/Commission (and in the case of the Complainant, this 30 minutes is inclusive of both his opening and closing arguments).<sup>30</sup></p> <p>At any time during which a party is presenting an argument, a member of the Presbytery/Commission may ask questions of that party; the time taken for such questions shall not form a part of the argument time of the party questioned.<sup>31</sup></p>
6.4	<p><b>AFTER THE ORAL ARGUMENTS:</b> The court/Commission shall go into closed session and discuss the issues in the matter to:<sup>32</sup></p> <ol style="list-style-type: none"> <li>(1) Frame the issues</li> <li>(2) Vote on a judgment (see 7.1),</li> <li>(3) If the Complaint is sustained, the actions to remedy the error (see 7.2).</li> </ol>	<p>Framing the issues means to render concisely the specific issues being judged. Typically, this is one or more statements: Did the Session/Presbytery/Commission err when it _____?</p>

<sup>28</sup> *OMSJC* 14.3.b

<sup>29</sup> *OMSJC* 14.3.a

<sup>30</sup> *OMSJC* 14.3.c

<sup>31</sup> *OMSJC* 14.3.d

<sup>32</sup> *OMSJC* 10.10

7	The Judgment	
7.1	<p>When the court/Commission is ready to vote, the vote shall be taken, without further debate, as to what disposition should made of the complaint. The decision may be:<sup>33</sup></p> <ol style="list-style-type: none"> <li>(1) Deny the complaint and affirm the court’s original action in whole</li> <li>(2) Deny the complaint and affirm the court’s original action in part, thereby sustaining the complaint in part</li> <li>(3) Sustain the complaint in whole</li> </ol>	Go to 7.3
7.2	<p>If the complaint is sustained in part or in whole, the court/Commission must determine the appropriate actions to rectify the action(s) in error.</p>	<p>Possible actions may be to:</p> <ul style="list-style-type: none"> <li>• <u>Reconsider</u> the action—places the motion to be reconsidered on the floor in the exact position it occupied the moment before it was voted on originally RONR (12<sup>th</sup> ed.) 37</li> <li>• <u>Rescind</u> something previously adopted—strikes out the original action entirely RONR (12<sup>th</sup> ed.) 35</li> <li>• <u>Amend</u> something previously adopted—the form to use when the desire is to change a part or substitute a different action RONR (12<sup>th</sup> ed.) 35</li> </ul>
7.3	<p>When a decision has been reached, a full statement of the case should be prepared. This statement should include:<sup>34</sup></p> <ol style="list-style-type: none"> <li>(1) A summary the facts</li> <li>(2) A statement of the issues: a concise framing by the court/Commission of the specific issues being judged in the case</li> </ol>	<p>A presentation in chronological order of the relevant history and facts that bear on the case.</p> <p>A concise framing by the court/ Commission of the specific issues being judged. Typically, this is one or more statements such as:</p> <ol style="list-style-type: none"> <li>1. Did the Session/Presbytery/ Commission err when it _____?</li> <li>2. Did the Session/Presbytery/ Commission err when it _____?</li> </ol>

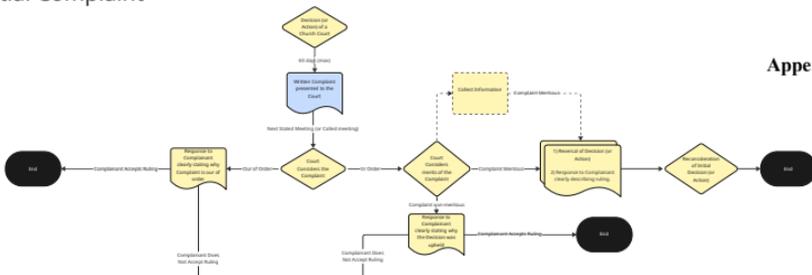
<sup>33</sup> OMSJC 14.4.c

<sup>34</sup> OMSJC 10.11

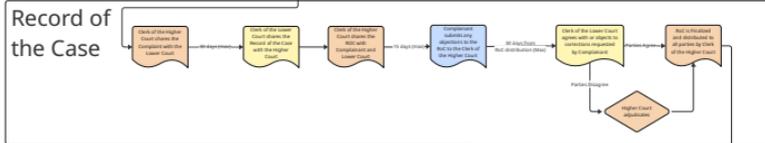
	<p>(3) The judgement</p> <p>(4) The reasoning and opinion of the court/Commission</p> <p>(5) Any remedy or redress taken</p>	<p>A definite conclusion rendered on the specific issues being judged. Typically,</p> <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol> <p>The court/Commission's explanation of the resolution of disputed facts and reasons for the judgment rendered.</p>
7.4	<p>This decision should be sent to the Complainant and, in the case of a Commission, to the court that appointed it. Upon receiving the Commission's report, it becomes part of the court's minutes along with the Commission's minutes. <i>BCO 15-1 and 15-3</i></p>	<p>If the complaint was decided by a Commission, the judgment of the Commission is the judgement of the court, so the court appointing it does not vote on the judgement.<sup>35</sup></p>

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<sup>35</sup> *BCO 15-3*



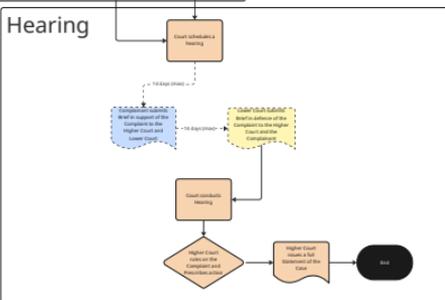
Complaint Escalated to Higher Court



In Order



Hearing



**Legend**

**Action**

- Process (rounded rectangle)
- Decision (diamond)
- Document (wavy-bottom rectangle)
- Termination (circle)

**Action Taker**

- Lower Court (orange box)
- Higher Court (light orange box)
- Complainant (blue box)

— Required Step —  
 - - - Optional Step - - -