

Sovereign Grace Rules for Parties in Adjudications

Sovereign Grace Churches
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Rules of Procedure for Adjudications

For the Sovereign Grace Churches¹

1 Purpose

The purpose of these Rules of Procedure is to clarify how to hold an adjudication (a formal dispute between two parties) in the Sovereign Grace churches. The *Book of Church Order of the Sovereign Grace Churches* stipulates if and when an adjudication should take place.

These Rules are intended to help us engage in a distinctly *Christian* adjudication as we help people resolve disputes in an orderly and biblically faithful manner. We desire to create a fair, just, and biblical process that is clear and helpful for all plaintiffs, defendants, and adjudicators. Adjudication is a serious matter that can have serious consequences in the church and even in the civil courts. Further, these matters can impact our unity in the church, our Christian testimony, and our integrity before God. For all these reasons the greatest care should be taken in these matters. It is hoped that the following Rules of Procedure furthers all of these aims.

2 Use and Oversight of Rules

The *Book of Church Order of Sovereign Grace Churches* (BCO) prescribes the use of adjudication for certain kinds of disputes. As authorized by BCO-21.7, these *Rules of Procedure for Adjudications* shall guide adjudication processes for Sovereign Grace.

Although individual Sovereign Grace churches have the authority to govern their own affairs (BCO 1.3), Sovereign Grace churches are encouraged to use these rules for their own adjudication processes.

The Polity Committee shall exercise oversight over the *Rules of Procedure for Adjudications* (cf. BCO-21.7). The Polity Committee may change the *Rules of Procedure* as it deems wise, and such changes are immediately binding without being subject to any further vote by the Council of Elders. Such changes must, however, be consistent with the *Book of Church Order of Sovereign Grace Churches*. The Council of Elders may nullify changes to the *Rules of Procedure* by simple majority vote (BCO-15.3.9).

¹ In this document, "Sovereign Grace" will typically refer to the denomination officially called Sovereign Grace Churches, Inc. It is the ecclesiastical entity that is comprised of all those churches who have signed the Partnership Agreement (BCO-19). "Denomination" simply means a group of churches distinct in their faith and practice and typically joined together for mission, etc. Thus, it is equivalent to how we used "family of churches" in the past.

3 Definitions and Rules of Construction

3.1 Definitions of Terms

- 3.1.1 Adjudication – the submission of a dispute to a single adjudicator or a panel of adjudicators for a legally and ecclesiastically binding decision that may become and have the same effect as a judgment of a civil court. Adjudication processes include decisions made by Moderators for just cause, local church eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Court of Appeal. Elders who enter into a partnership agreement with all the other Sovereign Grace churches submit without exception to the explicitly mandated polity practices of the *Book of Church Order of Sovereign Grace Churches*, which includes the adjudicatory processes described in these Rules.
- 3.1.2 Adjudicator – refers to one who serves in an adjudicatory role either as an individual or as a panel of adjudicators. Persons serve as adjudicators in Moderators for just cause, local church eldership Panels, Regional Judicial Review Committee Panels, and Sovereign Grace Courts of Appeal.
- 3.1.3 Advisors – one or two persons to assist and advise a party during an adjudication process. An advisor must be a member in good standing of a Sovereign Grace church unless prior approval is obtained from the Panel, Regional Judicial Review Committee Panel, or Sovereign Grace Court of Appeal, as appropriate (BCO-24.7.3).
- 3.1.4 Appellate Elders – members of the Sovereign Grace Court of Appeal (BCO-26.1).
- 3.1.5 BCO or Book of Church Order – the most recent edition of the Book of Church Order of Sovereign Grace Churches.
- 3.1.6 Censure – an official reprimand of erring parties, a statement of rebuke or disapproval. Censure provides a method of warning and restoring the wayward, short of removal (BCO-13.2.3.1).
- 3.1.7 Charge – formal claim made against a member or an elder that may lead to removal as a member or an elder. Charges against an elder must be made in writing. Charges must meet the requirements for bringing a charge under BCO-22, BCO-23 and BCO-24. A charge must be leveled by a member in good standing of a Sovereign Grace church (BCO-24.2.2.1).
- 3.1.8 Cleared of Charges – the defendant is not found to be at fault or there is insufficient evidence to prove guilt by clear and convincing evidence (BCO-24.9.1).
- 3.1.9 Counsel for the Plaintiff – a godly advisor, such as a small group leader or perhaps a member of the Regional Judicial Review Committee, who can

- serve as a confidant and counselor during the handling of a charge against an elder (BCO-24.2.4).
- 3.1.10 Defendant – a member, elder, eldership, church, or region whom or which has been charged in order to remove from membership or recognition of ordination.
- 3.1.11 Disavowal – Sovereign Grace revokes its approval of a man’s qualification for eldership and no longer recognizes him as an elder (BCO-25.2.11.1).
- 3.1.12 Elder – a man ordained in a church to lead, teach, care for, and protect that local church. Also referred to as “pastor/shepherd,” “overseer/bishop” (BCO-1.3, 1.4).
- 3.1.13 Eldership – all the elders of a local church, who together have primary responsibility to govern the church’s affairs under the Lordship of Christ and the authority of Scripture (BCO-1.4).
- 3.1.14 Electronic communication – information sent by fax, email, scanning, texting, blogging, or other forms of communication using electronic means (BCO-24.8.2.1).
- 3.1.15 Evidence – all documentation, physical objects, oral testimony and other information given that is relevant and reliable for presenting charges or defenses in preparation for and during a hearing or trial (see Rule 13 for additional information).
- 3.1.16 Excommunication – a defendant is found to be at fault and is not repentant and is removed as a member of his or her church (BCO-23.1).
- 3.1.17 Just Cause – a decision by a Moderator that a charge against an elder has sufficient weight for a trial (BCO-24.3).
- 3.1.18 Legally Binding – As 34.5 indicates, the decisions of an adjudication panel are both ecclesiastically *and* legally binding. This means their decisions carry authority within our churches. Yet, because there is an official agreement by both parties to submit to such arbitration, there is also a legal side to these decisions. The Panel in an adjudication may decide to file their decision with the civil courts, something they would do by contracting with an attorney.
- 3.1.19 Mediation – utilizes one or more neutral intermediaries who assist the parties in arriving at their own voluntary and mutually satisfactory resolution. Mediators may provide the parties with an advisory opinion, but that opinion shall not be legally binding (an example of some other process as referenced in BCO-24.3.9).
- 3.1.20 Moderator of Just Cause – a member of the Regional Judicial Review Committee who reviews charges before they are adjudicated by a Panel and determines whether the charges call for a trial, dismissal, personal

- reconciliation, or some other process (BCO-24.3). (For the distinct role of "Moderator of the Panel" see 3.1.22).
- 3.1.21 Ordination – a collaborative effort between the elders and members of a local church and the Regional Assembly of Elders. The local church ordains a man who has met certain requirements by the Regional Assembly of Elders (BCO-9.1).
- 3.1.22 Panels – Panels are comprised of three persons (adjudicators) and exist to hear a case and render a decision. From among its membership a panel selects a "Moderator of the Panel" who serves as the chair for that Panel.
- 3.1.22.1 Local church eldership Panels may be formed for discipline cases of adjudication. Such Panels must include a minimum number of three elders serving as adjudicators. If an insufficient number of local church elders is eligible to serve, then the Regional Judicial Review Committee shall supply from among its own members enough elders so that three men preside over the case (BCO-13.2.2.5; BCO-22.1.2).
- 3.1.22.2 Regional Judicial Review Committee Panels include three members (BCO-13.2.2.2).
- 3.1.22.3 Sovereign Grace Court of Appeal panels include three members except when hearing a case involving censure or removal of a Region from Sovereign Grace, in which case the panel includes five members (BCO-26.1; BCO-26.2.3.3).
- 3.1.23 Party – a person or party includes an individual or an entity, corporate or otherwise.
- 3.1.24 Plaintiff – the party bringing a charge against another.
- 3.1.25 Private Rebuke – the defendant is found to be at fault, but the offense is not sufficient grounds for removal from office or it was not deemed appropriate to make the matter public, especially for one who is repentant (1 Tim. 5:20) (BCO-24.9.2).
- 3.1.26 Public Rebuke – the defendant is found to be at fault, and the offense is serious enough to warrant public reporting but not sufficient grounds for removal from office, especially for one who is repentant (1 Tim. 5:20). The public or grievous nature of the sin, while not disqualifying, warrants a public reporting (BCO-24.9.3).
- 3.1.27 Regional Judicial Review Committee – five to seven members nominated by the Nominating Committee of each region and confirmed by the Regional Assembly of Elders. Three men are chosen by blind draw to serve on each case assigned. They may serve as an original level of hearing or an appeal level from local churches (BCO-13.2.2.2; BCO-25.1).

- 3.1.28 Remedy and Relief – When adjudicators rule in favor of a party in a dispute they may decide that one party should receive a suitable Remedy for their situation or Relief from a burden or hardship. These remedies and reliefs could include financial compensation (or relief from a financial burden), a rehabilitation plan (or relief from such a plan), or any number of options. Per Rule 34.2 there is a wide latitude in how these Remedies/Reliefs are defined and awarded.
- 3.1.29 Removal from Office of Elder – the defendant is found to be at fault for an offense that warrants removal. Written and public explanation of the charges and grounds for guilt should be provided to the local church, the Regional Assembly of Elders, Director of Church Development, and Sovereign Grace. The elder may be repentant, but the scandalous nature of the sin still requires removal (e.g., serious criminal behavior, adultery, etc.). The elder’s ordination is revoked in such a circumstance as well (BCO-24.9.4). A member of the Regional Judicial Review Committee or the Sovereign Grace Court of Appeals must be appointed as a Moderator of Just Cause to review the process before a decision is final or an ordination is revoked.
- 3.1.30 Resignation of Elder from Office – Circumstances may arise such that an elder chooses to resign from office willingly, whether confessing to serious sin, acknowledging significant doctrinal disagreement, or for personal reasons. While this is a local situation, a Moderator of Just Cause appointed by the Regional Judicial Review Committee must review whether or not the resignation is fair and mutually agreed upon. The review must be in keeping with the Rules of Procedure 44.2, addressing the issues found in Rules of Procedure 40.2.
- 3.1.31 Settlement Negotiations – All communications that are made to settle a dispute during a private dispute resolution process (e.g., negotiation, mediation, or adjudication) are protected as confidential and inadmissible for any purpose in a court of law, except as provided in Rule 15. Communications include oral, written, and electronic communications. Those documents that existed prior to the adjudication process and were otherwise open to discovery apart from the adjudication process would not be protected under settlement negotiations.
- 3.1.32 Sufficient Weight for a Trial – a charge against an elder that represents a serious breach of *sound doctrine* (as defined by the Sovereign Grace Statement of Faith) or the *biblical qualifications* for office. Decision will be made by a Moderator to determine if there is just cause for a trial (BCO-24.2.6).
- 3.1.33 Sovereign Grace Court of Appeal – drawn from the members of the Regional Judicial Review Committees, nominated by the Sovereign Grace Nominating Committee, and confirmed by vote of the Council of Elders; also called

Appellate Elders. The number of Appellate members corresponds to the number of Regions. Three members drawn by blind draw serve on a case except for charges against a region, in which five members serve. Serves as the highest level of appeal in Sovereign Grace (BCO-26.1; BCO-26.2.2).

- 3.1.34 Witness – one who gives testimony in a case either in favor of or against a defendant. A witness may be a member in good standing of a Sovereign Grace church or a credible witness from outside Sovereign Grace. However, a charge must be leveled by a member in good standing of a Sovereign Grace church (BCO-24.2.2).
- 3.1.35 Written Communication – communication that is delivered in person, by US mail or by commercial carrier. Written communication specifically excludes electronic communication (BCO-24.8.2.1).
- 3.2 Any time the word “may” is used in these Rules, it indicates that a person has complete and sole discretion in deciding whether to take certain action or actions. Any time the words “shall” or “will” are used in these Rules, it indicates that a person must follow the prescribed procedures.
- 3.3 Unless indicated otherwise, a word used in the plural form shall be understood to include the singular form (e.g., "adjudicators" includes "adjudicator").

4 Application of Law

Adjudicators shall take into consideration any state, federal, or local laws that the parties bring to their attention, and any provisions of the *Book of Church Order of Sovereign Grace Churches*, but the Holy Scriptures (the Bible) shall be the supreme authority governing every aspect of the adjudication process.

5 Commencing Adjudication

- 5.1 A disciplined member of a Sovereign Grace church may appeal the elders’ decision and the church’s action to their Regional Judicial Review Committee, according to the procedures described in BCO-23.2. An appeal must be made within 30 days.
- 5.2 All Sovereign Grace churches will agree to a shared grievance policy for bringing charges against an elder, according to the procedures described in BCO-24.
- 5.3 Either the plaintiff or defendant may appeal a local eldership Panel’s judgment to either a Regional Judicial Review Committee Panel or the Sovereign Grace Court of Appeals, according to the procedures described in BCO-24.12. An appeal must be made within 30 days.
- 5.4 Decisions of the Regional Judicial Review Committee Panel may be appealed to the Sovereign Grace Court of Appeals, according to the procedures described in BCO-24.12. An appeal must be made within 30 days.
- 5.5 The Rules of Procedure for Adjudication in effect when adjudication is initiated shall apply.

5.6 If legal action is pending at the time adjudication is commenced, the Panel may require that the parties take steps to stay or postpone proceedings pending the conclusion of adjudication.

5.7 If a party believes that property or rights may be irreparably harmed by delay, he or she may request temporary (injunctive) relief or action (see Rule 23).

6 Involvement of Insurer

If a dispute or claim submitted to adjudication involves an alleged injury or damage that may be covered by a party's insurance, the insurer shall be invited to participate in the adjudication process in order to facilitate a prompt and equitable resolution. A participating insurer shall sign an adjudication agreement that includes the issues to be resolved.

7 Withdrawal

It may be that a party wishes to withdraw once an adjudication process begins. Should a party do so, the decision of whether or not to continue the adjudication in that party's absence will rest solely in the hands of the Panel. Their decision will be based upon the process that will best promote justice and wisdom as they see it. In the case of an appeal, the party making the appeal may withdraw their appeal at any time prior to the Opening of the Hearing.

8 Fees and Costs

8.1 The parties shall bear their own expenses in any adjudication process.

8.2 The expenses of a local eldership Panel shall be borne by the local church.

8.3 The expenses of Regional Judicial Review Committee Panel members or a Moderator shall be borne by the Regional Assembly of Elders.

8.4 The expenses of Sovereign Grace Court of Appeal Panel members shall be borne by Sovereign Grace Churches, Inc.

8.5 The expense of any witness produced by a party shall be paid by the party producing such a witness unless determined otherwise by the adjudicators. The expense of any witness or evidence produced at the request of a Panel shall be borne by that Panel's organization, unless agreed otherwise by the parties, or determined otherwise by the adjudicators.

9 Appointment of Panel Members

9.1 Panel members shall be selected according to the provisions of the BCO:

- For local eldership Panels, BCO-22;
- For Regional Judicial Review Committee Panels, BCO-25.1;
- For Sovereign Grace Court of Appeal, BCO-26.1.

9.2 When required, blind draws shall be made in the presence of a witness, with written record of the date, time, person making the draw, and witness. The written record shall become part of the official record of the hearing. Blind draws shall be made by the following:

- For local churches: The senior pastor, or if not qualified due to conflict of interest, the Regional Leader or his appointee;
- For Regional Judicial Review Committee: The Regional Leader or his appointee;
- For Sovereign Grace Court of Appeal: The Executive Director or his appointee.

10 Replacement of Adjudicators

10.1 In the situation that any adjudicator appointed withdraws, is disqualified, or is unable to perform the duties of his office after being selected, but prior to the beginning of the hearing, another adjudicator shall be selected according to the same procedures. If an adjudicator withdraws, is disqualified, or is unable to perform the duties of his office once the hearing begins, the remaining members of the Panel shall constitute the entire Panel without a replacement adjudicator.

10.2 Any elder selected as an adjudicator shall recuse himself if he cannot impartially hear the case. If either the defendant or the plaintiff believes that any of the elders selected ought to be recused in the case of a local eldership Panel or a Regional Judicial Review Committee Panel, they may appeal to the Regional Judicial Review Committee (for a local eldership Panel) or to the remaining members of the Regional Judicial Review Committee (for a Regional Judicial Review Committee Panel) who shall rule on the matter. If either the defendant or the plaintiff believes that any of the elders selected ought to be recused in the case of a Sovereign Grace Court of Appeal, they may appeal to the remaining members of the Sovereign Grace Court of Appeal who shall rule on the matter.

11 Time and Place of Hearings and Related Meetings

The Panel shall determine the time, place, and other conditions of the hearing and related meetings, after taking into consideration the preferences of the parties. The Panel shall determine the time, place, and other conditions (including adjournments and continuances) of subsequent meetings. The moderator of the Panel shall communicate the time, place, and other conditions to the parties.

12 Right to Legal Counsel

12.1 Adjudication can substantially affect legal rights and responsibilities. Therefore, parties have the right to be assisted or represented by independent legal counsel throughout the adjudication process.

- 12.2 Panel members serve only as impartial adjudicators and will not represent any party or provide the parties with legal advice such as they would receive were they to seek legal advice from an independent attorney. If a party desires legal advice, he or she should consult with his or her own independent attorney, especially concerning a question about the statute of limitations (i.e., how long one can wait to file a legal action before losing the right to do so).
- 12.3 When the Panel is informed that a party has retained an attorney, the Panel moderator may contact the attorney to discuss the procedures of the case and invite his or her cooperation in the adjudication process.
- 12.4 A party must notify the Panel at least ten (10) days in advance if he or she desires to have an attorney present at an adjudication hearing. Such notice shall include the name and address of the attorney. If necessary to fulfill the purpose of Christian adjudication (see Rule 1), the Panel may disqualify an attorney from participating in adjudication, provided his or her client is given reasonable time to secure another attorney.
- 12.5 During adjudication, attorneys shall serve as advisors to their clients, and the clients will be expected to speak for themselves as much as possible. Attorneys may represent and speak for their clients if approved by the Panel. Attorneys will be expected to respect the conciliatory nature of the process and avoid unnecessary advocacy.
- 12.6 No attorney who has served as an adjudicator shall represent any party in a subsequent legal proceeding concerning the matter that was presented for adjudication, nor may such an attorney use in other proceedings any information that was obtained during adjudication.

13 Evidence in Adjudication

- 13.1 The parties shall cooperate with the Panel and each other in providing documents, names of witnesses, and other information that will contribute to an understanding of the dispute.
 - 13.1.1 Parties should prepare three copies of all documents they plan to introduce as evidence in the hearing. One copy should be sent to the other party no later than one week in advance of the hearing. The second copy should be prepared for submission to the Panel. The third copy will be retained for use by the party submitting it.
 - 13.1.2 Parties should submit a list of witnesses to the other party and to the panel at least one week in advance of the hearing.
- 13.2 The parties may offer any evidence that they consider to be fair, relevant, and pertinent to the dispute, and they shall produce any additional evidence that the adjudicators deem necessary for understanding and resolving the dispute.
- 13.3 Adjudicators authorized by law to subpoena witnesses or documents may do so independently or upon the request of any party.

- 13.4 The adjudicators shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary.
- 13.5 The adjudicators may receive and consider the evidence of witnesses by deposition or affidavit, and may make a personal inspection or investigation of relevant premises or objects.
- 13.6 Witnesses during adjudication processes may be present only during their testimony, which shall include time for questioning by the other party and by the Panel members (BCO-24.8.6).

14 Decisions by Majority

If there is more than one adjudicator, the decision of any matter shall be decided by majority vote of the adjudicators.

15 Confidentiality

- 15.1 Because of its biblical nature, Christian adjudication encourages parties to openly and candidly admit their offenses in a particular dispute. Thus, adjudication requires an environment where parties may speak freely, without fear that their words may be used against them in a subsequent legal proceeding. Moreover, because adjudication is expressly designed to keep parties out of court, adjudicators serving on a Panel would not do so if they believed that any party might later try to force them to testify in any legal proceeding regarding an adjudication case. Therefore, all communications that take place during the adjudication process shall be treated as settlement negotiations and shall be strictly confidential and inadmissible for any purpose in a court of law, except as provided in this Rule.
- 15.2 This Rule extends to all oral and written communications made by the parties or by the Panel, and includes all records, reports, letters, notes, and other documents received or produced by the Panel as part of the adjudication process, except for those documents that existed prior to the adjudication process and were otherwise open to discovery apart from the adjudication process. The parties may not compel the Panel to divulge any documents or to testify in regard to the adjudication process in any judicial or adversarial proceeding, whether by personal testimony, deposition, written interrogatory, or sworn affidavit.
- 15.3 Mediated settlement agreements reached by the parties and adjudication decisions shall be confidential, except as provided in Rule 16, unless the parties agree otherwise in writing, or unless an agreement or decision must be filed with a civil court for purposes of enforcement, or as provided for in BCO (e.g., BCO-24.2.1.4; BCO-24.7.1; BCO-24.10; and BCO-25.2.10.5.c). If an adjudication decision is contested or appealed pursuant to statute, the Panel, upon written request from a party, shall furnish to such party, at the party's expense, copies of the adjudication agreement (where applicable) and the adjudication decision.

- 15.4 The adjudicators may divulge appropriate and necessary information under the following circumstances, and the parties agree to waive confidentiality and hold the adjudicators harmless for doing so (1) when, as part of their normal operations, the adjudicators consult with their staff members or outside experts regarding particular issues or problems related to a case; (2) when compelled by statute or by a court of law; (3) when an adjudication agreement, adjudication process in the BCO, or decision has been contested or appealed; (4) when an action has been brought against the adjudicators as a result of their participation in an adjudication case; (5) when the adjudicators deem it appropriate to discuss a case with the parties' elders; and (6) when the adjudicators deem it necessary to contact appropriate civil authorities to prevent another person from being harmed.
- 15.5 In spite of these confidentiality protections, some of the information discussed during adjudication may not be confidential as a matter of law or may be discoverable outside the adjudication process and used in other legal proceedings, and the adjudicators shall have no liability therefore.

16 Church Involvement

Unless agreed otherwise, the Panel may discuss a case with the elders of parties. If a party is unwilling to cooperate with the adjudication process or refuses to abide by an agreement reached during mediation or an adjudication decision, the Panel or the other parties may report the matter to the elders of that person's church and request that they actively participate in resolving the dispute. If a church chooses to become actively involved, it may, at its discretion, review what has transpired during mediation or adjudication, obtain such additional information as it deems to be helpful, and take whatever steps it deems necessary to facilitate reconciliation and promote a biblical resolution of the dispute (see Matt. 18:15-20). The Panel may disclose to the church any information that may have a bearing on its investigation or deliberations.

17 Waiver of Right to Object

Any party who proceeds with an adjudication hearing after learning that any provision of these Rules has not been complied with, or who fails to object in writing within three days of learning that any provision of these Rules has not been complied with outside of an adjudication meeting, shall be deemed to have waived the right to object.

18 Interpretation and Application of Rules

The adjudicators shall interpret and apply these Rules insofar as they relate to the adjudicators' powers and duties. The adjudicators shall interpret and apply all other Rules and resolve all other issues and questions pertinent to the adjudication process.

19 Exclusion from Liability

The parties agree that Sovereign Grace Churches, Inc., the local eldership Panel, the Regional Judicial Review Committee, the Sovereign Grace Court of Appeal, and the

adjudicators shall be immune from any liability for any acts or omissions that occur during the adjudication process.

20 Description of Issues and Remedies

At the outset of adjudication, the parties shall describe the issues and desired remedies that they wish the adjudicators to consider. The adjudicators shall consider only those issues that are consistent with the parties' original adjudication or mediation/adjudication agreement, or which are contemplated by an earlier contract between the parties that contains a conciliation clause. In cases heard according to the *Book of Church Order of Sovereign Grace Churches*, the adjudicator responsible for the hearing shall determine the final wording of the statement of the issues (also referred to as issue statements) to be decided after considering the applicable portions of the BCO and the issues and desired remedies that the parties wish the adjudicators to consider. The issue statements shall be written and prepared in advance and submitted to the parties for their preparations for the hearing. Guidelines for preparing issues statements and sample issues statements are included in the appendix of this document.

21 Oaths or Vows or Affirmation

Before proceeding with adjudication, each adjudicator may take an oath or vow of office or affirmation. The adjudicators have discretion to require parties or witnesses to testify under oath or vow, provided that making an oath or vow does not violate the person's sincerely held religious beliefs. Oaths or vows may be administered by the adjudicators.

A sample oath or vow that may be used is as follows: "Do you affirm that what you say will be the truth, as God requires?"

22 Pre-hearing Conferences and Preliminary Hearings

22.1 At the request of the parties or at the discretion of the Panel, a preliminary conference with a panel moderator and the parties may be scheduled to arrange for an exchange of information and the stipulation of uncontested facts to expedite the adjudication proceedings.

22.2 In large or complex cases, at the discretion of the adjudicators, a preliminary hearing may be scheduled with the adjudicators (or the moderator of the adjudication panel) and the parties to arrange for the production of relevant evidence, to identify potential witnesses, to schedule further hearings, and to consider other matters that will expedite the adjudication proceedings.

23 Temporary Relief

23.1 A party may request immediate temporary relief (e.g., temporary restraining order, preliminary injunction) to safeguard property or rights that are subject to a contract clause or agreement that requires adjudication under these rules. Such extraordinary

relief will not be granted unless the moving party has demonstrated, by a clear showing (1) a substantial likelihood of prevailing on the merits at adjudication²; (2) a substantial threat of irreparable harm if the temporary relief is not granted; (3) that the threatened injury outweighs any harm that may result to the non-movant from an injunction or other relief; and (4) that the temporary relief will not undermine public interests.

23.2 Temporary relief may be granted at any stage of the adjudication process and shall be fashioned so as not to substantially prejudice the rights of the parties or the final determination of the dispute.

23.3 Matters of temporary relief shall be decided by the Panel, or, if they are not yet appointed, by temporary adjudicators appointed by the Regional Leader (for a local eldership Panel or Regional Judicial Review Committee Panel) or by the Executive Director.

23.4 A request for temporary relief is subject to Rule 34.3.

23.5 Decisions regarding temporary relief may be entered in any court otherwise having jurisdiction.

24 Discovery and Distribution of Documents

Reasonable discovery (including oral depositions, written interrogatories, and production of documents) may be allowed to identify issues, relevant evidence, and names of witnesses. If the parties cannot agree on the scope of discovery or allocation of costs, the issue shall be submitted to the adjudicators for a decision, which shall be final and binding. The Panel may require the parties, at their own expense, to deliver to the Panel and to the other parties copies of the documents they plan to introduce and a list of the witnesses they plan to call (see rule 13.1).

25 Notice of Adjudication Meetings

The moderator of the adjudication panel shall give parties at least five (5) days written notice of the time, place, and conditions of any adjudication meeting, unless the parties agree to modify or waive such notice. It shall be the parties' responsibility to notify their witnesses of the time and place of all adjudication meetings.

26 Delivery and Notice

All documents shall be delivered in person, by US mail, or by private carrier to the last known address of the parties as given to the Panel. Notice and other documents shall be considered to have been received on the day they are personally received, or on the day after

² The point here is that "Relief" will almost surely be granted once adjudication commences. In other words, common sense and obvious wisdom would tell you that there is a "substantial likelihood" the "Relief" will be granted later, so it makes sense to grant it now.

they were postmarked, whichever is earlier. Notice sent by electronic communication is not sufficient for delivery and notice.

27 Communication with Adjudicators

There shall be no direct communication from the parties to an adjudicator other than at joint hearings. Any other oral or written communications from the parties to the adjudicators shall be directed to the moderator of the panel for transmittal to the adjudicators and all other parties.

28 Adjudication Proceedings

28.1 The adjudicators shall have the final authority to determine the specifics of the proceedings. Adjudication proceedings will normally include:

- Opening of Hearing
 - The adjudicator officially opens the hearing
 - Greetings and introductions
 - Review of hearing agenda
 - Statement of ground rules
 - Opening devotions
- Formal Beginning of the Adjudication
 - Oath (optional)
 - Statement of issues to be decided
 - Opening statement by each party
- Testimony
 - Presentation of Plaintiff's evidence, including witnesses if any, and cross-examination
 - Presentation of Defendant's evidence, including witnesses if any, and cross-examination
 - Questioning by adjudicators
- Closing of Hearing
 - Closing statements (summary) by each party
 - Closing statements of adjudicators
 - The adjudicator officially closes the hearing
 - Closing prayer

The adjudicators will then issue a written decision, which shall be binding upon the parties.

- 28.2 The adjudicators shall have the power to rule on their own jurisdiction, including any objections with respect to the existence, scope, or validity of the adjudication agreement or adjudication process of the BCO. A party may object to the jurisdiction of the adjudicators or to the arbitrability of a claim. The adjudicators may rule on such objections as a preliminary matter or as a part of the final award.

29 Record of Proceedings

- 29.1 Parties shall not have the right to make an electronic recording or a stenographic record of any adjudicatory proceeding or have a court reporter present to make a personal transcript of the hearing.
- 29.2 Regional Judicial Review Committee Panels and Sovereign Grace Courts of Appeal shall normally hire a court reporter for the hearing and produce a final manuscript of the proceedings. If a local church can financially support it, it may be wise to hire a court reporter for the hearing and produce a final manuscript of the proceedings. Only the Panel and adjudicatories that review the case on appeal may have access to the recordings or to any transcript kept by a court reporter. These records of the proceedings will be kept on file by Sovereign Grace for at least 20 years.

30 Evidence in Adjudication

Subject to the provisions of Rule 13, all evidence used in adjudication shall be taken in the presence of all of the adjudicators and all of the parties, except where any of the parties has waived the right to be present or when adjudication proceeds pursuant to Rule 31.

31 Adjudication in the Absence of a Party

An adjudication may proceed in the event one of the parties refuses to participate in the process or when a party leaves the proceedings before the closing of the hearing. The adjudicating panel shall receive the testimony and evidence from the remaining party required for the making of a decision. The decision shall not be made in favor of the remaining party solely because of the default of the departing party, but shall be made on the weight of the evidence provided. The adjudicators may, but need not, allow the absent party an opportunity to appear at a subsequent hearing attended by all parties.

32 Legal or Scriptural Briefs

The adjudicators may request or consider briefs or position papers that set forth the parties' understandings of the legal, factual, or scriptural issues.

33 Reopening of Hearings

The adjudicators may reopen a case for good cause at any time before a final decision is rendered.

34 Decisions

34.1 The adjudicators shall render a written decision (award). Decisions of local church Panels shall be reached in no more than ten (10) days and delivered within twelve (12) days after the closing of the final hearing. Decisions of Regional Judicial Review Committees and Sovereign Grace Court of Appeal shall be delivered within thirty (30) days after the closing of the final hearing. Whenever possible, other adjudicatory decisions shall be issued within thirty (30) days after the closing of the final hearing.

Written decisions shall include:

- Documentation of the arrangements of the hearing;
- Issues to be decided;
- Decisions on each of the issues; and
- References for a process of appeal, if applicable.

Reasoned decisions, when provided or required (Rule 34.4), shall include the following additional information:

- The facts most pertinent relating to each issue and sub-issue; and
- The conclusions (or reasons) for each decision based on the facts.

34.2 The adjudicators may grant any remedy or relief that they deem scriptural, just, and equitable, and within the scope of the agreement of the parties, including, but not limited to, specific performance of a contract. Provisions identifying specific remedies in the *Book of Church Order of Sovereign Grace Churches* qualify as “specific performance of a contract” under this rule. In making their decision, the adjudicators shall consider, but are not limited by, the remedies requested by the parties.

34.3 The adjudicators may grant to any party any reasonable fees, costs, and expenses related to the resolution of a dispute, including attorney fees. Grounds for such a decision may include but are not limited to (1) when another party unreasonably refused to settle a dispute and unnecessarily increased the costs of resolving the matter; or (2) when a party necessarily incurred significantly higher costs than another party, such as travel expenses, in order to participate in adjudication. A grant of fees, costs, and expenses may be made only after all parties who may be affected by the decision have had a reasonable opportunity to comment on the proposed decision. However, the following shall apply to adjudication cases governed by the BCO:

- 34.3.1 Local churches shall bear the direct expenses of their own panels, including the costs of the court reporter, the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.
- 34.3.2 The Regional Assembly of Elders shall bear the direct expenses of Regional Judicial Review Committee Panels, including the costs of the court reporter,

the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.

34.3.3 Sovereign Grace Churches, Inc. shall bear the direct expenses of Courts of Appeal, including the costs of the court reporter, the costs of witnesses or advisors called by the panels, the travel and meal expenses of the panel members, and the costs for the hearing venues.

34.4 The adjudicators may, but need not, inform the parties of the reasoning by which the decision was reached, except that the following decisions under the *Book of Church Order of Sovereign Grace Churches* shall require reasoned decisions:

34.4.1 Decisions of a Moderator:

- Whether or not a charge against an elder has just cause (BCO-24.3.8 or BCO-24.3 for specific reasons required);
- Whether or not the resignation agreement is just, fair, and mutually agreed upon.

34.4.2 Decisions of Regional Judicial Review Committee Panels:

- Appeal to reposition a senior pastor;
- Appeal of a church member's excommunication;
- Recommendations for changing a church's bylaws;
- Appeal of the decision of a Moderator whether or not a charge against an elder has just cause;
- Appeal from a pastor found at fault by local Panel;
- Appeal from a plaintiff against an elder regarding a decision by local Panel;
- Restoration of an elder;
- Propose commendation, censure, or comment regarding an eldership and/or church leaving Sovereign Grace Churches;
- Regarding charges for removing an elder;

34.4.3 Decisions of a Sovereign Grace Court of Appeal:

- Appeal of a Regional Judicial Review Committee Panel whether or not a charge against an elder has just cause;
- Appeal by either the Defendant or Plaintiff of the removal of an elder;
- Whether to hear a case involving the removal of a Region;
- Removal of a region;

- Appeal of a church member's excommunication.

- 34.5 The adjudicators' decision shall be legally and ecclesiastically binding on the parties, except as provided by law, and may be filed as a judgment and enforced by a court of law. It shall be the sole responsibility of the parties to file a decision with the court and, if necessary, to have it enforced.
- 34.6 If the parties settle their dispute during the course of adjudication, the adjudicators may set forth the terms of the agreed settlement in a decision.
- 34.7 The adjudication decision is final and cannot be reconsidered or appealed except as provided by Rule 35 and/or the *Book of Church Order of Sovereign Grace Churches* and/or civil law.
- 34.8 The results of the decision will be made known to the local Sovereign Grace Church, the Regional Assembly of Elders, and the Sovereign Grace Director of Church Development. (BCO 24.8.1, BCO 24.11, BCO 25.2.10.5, BCO 25.2.11.4). In the case of an innocent verdict the local church need not be informed (BC 24.8.1 last paragraph).

35 Request for Reconsideration

As defined by the *Book of Church Order of Sovereign Grace Churches*, the following requests for appeal may be made within thirty (30) days after the decision has been received by the parties. An extension not exceeding 30 days may be granted to either party at the discretion of the Panel (BCO-24.12).

- 35.1 A Senior Pastor may appeal a local church panel decision to reposition him to the Regional Judicial Review Committee (BCO-7.2.3);
- 35.2 A congregant may appeal a decision to excommunicate him/her to the Regional Judicial Review Committee (BCO-23.2.1 and BCO-23-2.2);
- 35.3 A congregant may appeal a decision made by the Regional Judicial Review Committee to uphold excommunication to the Sovereign Grace Court of Appeal (BCO-23.2);
- 35.4 The local eldership may appeal a decision by the Regional Judicial Review Committee to reverse or reconsider an excommunication to the Sovereign Grace Court of Appeal (BCO-23.2.4);
- 35.5 A plaintiff may appeal a decision by the Moderator to not admit a charge to the Regional Judicial Review Committee (BCO-24.4);
- 35.6 An elder may appeal a decision for elders not recusing themselves to the Regional Judicial Review Committee (BCO-22.1.2);
- 35.7 An elder may appeal a local Panel decision to remove him as elder to the Regional Judicial Review Committee (BCO-13.2.2.6; cf. BCO-24.6.7; BCO-24.12; BCO-25.2.5);

- 35.8 A local Panel may appeal any judgment by the Regional Judicial Review Committee that overturns their prior verdict to the Sovereign Grace Court of Appeal (BCO-25.2.7);
- 35.9 An elder may appeal a decision by the Regional Judicial Review Committee Panel to the Sovereign Grace Court of Appeal (BCO-24.12);
- 35.10 A plaintiff may appeal the decision of the local Panel, if not satisfied, regarding the charges against an elder to the defendant's Regional Judicial Review Committee (BCO-24.7.3; BCO-24.12);
- 35.11 A plaintiff may appeal the decision of the Regional Judicial Review Committee, if not satisfied, with the Sovereign Grace Court of Appeal (BCO-24.7.3; BCO-24.12);
- 35.12 A regional leader may appeal the decision by the Regional Judicial Review Committee regarding charges of heterodoxy or sin that pertain uniquely to the performance of his duties as an extra-local leader to the Sovereign Grace Court of Appeal (BCO-25.2.9);
- 35.13 An eldership can appeal the ruling of the Regional Assembly of Elders to affirm the disavowal of an eldership to the Sovereign Grace Court of Appeal (BCO-25.2.11.2.c);
- 35.14 Other appeals as identified in the Book of Church Order of Sovereign Grace Churches.

36 Conflict of Rules

Should these Rules vary from state or federal adjudication statutes, these Rules shall control except where the state or federal rules specifically indicate that they may not be superseded. Should these Rules vary from the *Book of Church Order of Sovereign Grace Churches*, the BCO shall control.

Appendix I: Revision History of the Rules of Procedure

Note on the First Edition: These rules and documents were developed and adapted from *Rules of Procedure for Christian Conciliation* developed by the Institute for Christian Conciliation, a division of Peacemaker Ministries. Used by permission from Peacemaker[®] Ministries. www.HisPeace.org. Original development made by Ambassadors of Reconciliation in February 2014. Subsequent changes were made by the Sovereign Grace Polity Committee.

2015—Updated references to *The Book of Church Order of the Sovereign Grace Churches, 3rd Edition*; 3.1.8; 3.1.30; 34.8.

2018—Updated references to *The Book of Church Order, 7th edition*; changes were made to 3.1.20, 3.1.22-23, 3.1.30, 3.1.31, 7, 13, 24, 31, 34.4.1, 34.8, 35.

2020—4th edition changes impacted the following sections: References updated according to *The Book of Church Order (2020 ed.)*; also 34.4.2, 8th bullet point

2021—2021 edition changes impacted the following sections: Switched from numbered edition to year edition. References updated according to *The Book of Church Order (2021 ed.)*

