

PROCEDURE 14: TROUBLE IN A LOCAL CHURCH

14.1 THE COMPLAINT

- 14.1.1 When the Secretary of a Synod/Regional Council has reason to believe that there is serious trouble in a local church, he/she reports it to the Administrative Committee of the Synod/Region concerned which institutes a full investigation.
- 14.1.2 A local church must receive any commission appointed by the Synod/Regional Council to conduct an investigation in terms of the procedure set out below.
- 14.1.3 The Administrative Committee of the Synod/Region may, at its discretion, institute a full investigation after receiving a complaint signed by not less than fifteen members of the church in good standing at the time, which the trouble began. In such cases the complainants must agree to bear the cost of the investigation should their complaints fail and, as an earnest of their intention must lodge with the Treasurer of the Synod/Region a sum acceptable to the Administrative Committee of the Synod/Region.

14.2 THE INVESTIGATION

- 14.2.1 The grounds for the investigation must be clearly stated in writing by the complainant/s.
- 14.2.2 The investigation takes place in the presence of the members of the church who must have been officially notified with adequate notice concerning the hearing of the case.
- 14.2.3 The party making the charges is heard in the presence of the church and the church, through its minister or church Secretary, has the right to reply.
- 14.2.4 Witnesses for and against the charges are heard and evidence taken in chief and cross-examination. Witnesses are allowed to be present in the investigation only during and after evidence have been heard.
- 14.2.5 The complainants and the official spokesmen for the church are entitled to speak in the final summing up of the case.
- 14.2.6 A record of the proceeding is kept and signed by those conducting the investigation. The report is submitted to the Administrative Committee of the Synod/Region in writing as soon as possible after the investigation has been completed.
- 14.2.7 When the Administrative Committee of the Synod/Region is satisfied from the written report of the investigation that there is serious trouble in the church; it reports its findings to the local church, the complainants and the Assembly Executive Committee.
- 14.2.8 The decision of the Administrative Committee of the Synod/Region is final unless appealed against within thirty days of receipt of such decision. Only the local church or persons directly concerned in the matter at issue have the right to appeal. Appeal is to the Assembly Executive Committee through the General Secretary of the Church.

14.2.9 The Assembly Executive Committee has the authority to hear the appeal and to receive the case by the appointment of a Special Committee, which reports back to the Assembly Executive Committee. The decision of the Assembly Executive Committee is final and binding and there can be no further right of appeal.

14.2.10 Should a local church refuse to accept a full investigation or to abide by the award given, such local church may, by the decision of the Assembly, upon the recommendation of the Synod/Regional Council concerned, be disassociated from the United Congregational Church of Southern Africa.

14.3 GENERAL

14.3.1 Where members of a local church make a complaint in terms of 17.1.3, it is not competent for the church to discipline them in respect of such action until the case is settled and then only if their complaint is found to be malicious.

14.3.2 A local church, or members of the church, may not resort to legal proceedings on any matter covered under these proceedings before it has been settled in terms of the procedures as set out above.