

## **Response to the Complaint of Mr. Jason R. against the Session of New Hope OPC**

Session responds to the Complaint of March 25, 2020 as follows:

*(Note: the use of the word “action(s)” in this response is usually synonymous with “motions” recorded in session minutes, BD 9.1)*

### **Regarding The Complaint:**

1. Session finds it problematic that the error alleged in the Complaint is presented in vague and imprecise terms, namely, “in connection with the public statements and censure of Ruling Elder Jason R..” No date is mentioned for any specific action of the Session alleged to be in error; nor is there any specific reference to which specific public statements, spoken by whom, are alleged to be errors committed by the Session.
2. Session finds it problematic that the alleged error of “censure” imposed upon the complainant by the Session does not refer to any action which the Session has taken. The minutes of Session clearly record on multiple occasions that Session “recommended to Mr. R. to voluntarily and immediately step back from all eldering duties for six months” (Minutes 1/15/20, 1/25/20; note Mr. R.’s objection of the use of the word “immediate”). Session asked Mr. R. to take this voluntary stepping back, requesting his agreement. There was no censure. Session never instituted judicial process. No charges were contemplated or presented to the judicatory. All of Session’s doings in connection with this stepping back were taken in the context of administrative discipline rather than judicial. (Book of Discipline 1.2, 1.3) In other words, informal. With respect to the alleged error of “censure,” Session, therefore, finds the Complaint out of order.

Session agrees that it erred in that, while its action “to inform the congregation of the reasons Session asked Mr. R. to step back from all eldering duties” (Minutes 2/8/20) was legitimate and appropriate, the letter itself publicly disclosed areas of concern which the Session had with Mr. R. which were inappropriate as public statements (unless we had been following official policy within a formal divestiture proceeding). Session admits that it was wrong to address matters of perceived sinfulness in such a public manner, and humbly requests Mr. R.’s forgiveness.

Session agrees to grant the amend to make an announcement to the congregation that session erred by making an announcement as follows, “While its action to inform the congregation of the reasons Session asked Mr. R. to step back from all eldering duties (Minutes 2/8/20) was legitimate and appropriate, the announcement itself publicly disclosed areas of concern which the Session had with Mr. R. which were inappropriate as public statements. This type of detail would only be appropriate if we had been following a formal divestiture process. Session admits that it was wrong to address matters of perceived sinfulness in such a public manner, and humbly requests Mr. R.’s and the congregation’s forgiveness. We deeply regret the pain, hurt and confusion this caused Mr. R., his family, and the congregation.”

### **Regarding The Grounds:**

3. Session finds it problematic that ground 1 in support of the complaint is itself the allegation of a specific error, but the action of Session alleged to be in error (“Session disciplined Ruling Elder Jason R.”) never took place. There was no formal, judicial

discipline. Furthermore, many of the sub-grounds, identified by lower case “a” through “l,” refer to private and informal communication and correspondence, none of which support any allegation of error in terms of actions of the judicatory.

4. With specific reference to the ground identified as 1h, Session notes that the letter which it sent to Mr. R. was an administrative action identifying what other session members believed to be legitimate issues for fellow elders to discuss with one another in the context of their mutual vow of submission. There was no formal action taken, no action against which a formal complaint can be made. Rather, in its conclusion to that letter, the elders communicated a very personal and constant concern to Mr. R., “if you are not able to recognize the significance of our concerns, then it does not appear we will be able to work together as elders. If this is the case, the Session recommends that you resign your position as an elder at New Hope.”

5. With specific reference to ground identified as 1i, Session acknowledges that, while its action “to inform the congregation of the reasons Session asked Mr. R. to step back from all eldering duties” (Minutes 2/8/20) was legitimate and appropriate, the letter itself publicly disclosed areas of concern which the Session had with Mr. R. which were inappropriate as public statements (unless we had been following official policy within a formal divestiture proceeding). Session admits that it was wrong to address matters of perceived sinfulness in such a public manner. Session deeply regrets this action and the hurt it caused to Jason, his family, and members of the congregation. We ask Mr. R.’s and his family’s forgiveness in this matter and will acknowledge this error publicly before the congregation as well.

6. Session finds it problematic that ground 2 in support of the complaint is itself the allegation of a specific error, but the statement of the ground (error) is inherently contradictory. The complaint as a whole alleges the error of Session pronouncing censure, yet this ground also acknowledges that “session was not doing formal discipline” (ground 2.a.). The complainant then adds parenthetically that session “should have been” doing formal discipline. However, Session notes that the whole focus of its interactions and doings with regard to Mr. R. have been self-consciously and intentionally non-judicial. Thus the complaint contradictorily proclaims what the Session “should” have done but didn’t do, then complains against the Session by alleging that they actually did what he says they “should” have done.

7. Session finds it problematic that ground 3 in support of the complaint is itself the allegation of a specific error, yet mistakenly characterizes the actions of Session as “threats to force discipline and censure without a trial.” To the contrary, Session has consistently asked Mr. R. to step back voluntarily from his eldering duties. Nonetheless, Session retains the constitutional authority to originate the process of divestiture if an officer’s services “do not appear to be edifying to the congregation” (Form of Government 26.4). Such a process as outlined in our Form of Government is mischaracterized by the complainant as a “threat to force discipline.”

8. Session finds it problematic that ground 4 in support of the complaint is itself the allegation of a specific error, though as such, essentially accuses the Session of sinful disregard of Scripture. Such allegations of sin are not appropriate as “grounds” for a complaint.

9. Session finds it problematic that ground 5 in support of the complaint is itself the allegation of a specific error, though in essence it simply expresses the opinion and attitude of the complainant without reference to an error against our governing documents.

10. Session finds it problematic that ground 6 in support of the complaint is itself the allegation of a specific error, though in essence it simply expresses the opinion and attitude of the complainant without reference to an error against our governing documents. Session notes that this ground touches upon the root of Mr. R.'s objection to Session's actions. The Session has consistently recognized that in the midst of their concerns for Mr. R., some of the options available to them were, in the order of perceived decreasing severity:

- i. Institute judicial process by filing charges.
- ii. Originate the process of divestiture.
- iii. Request that Mr. R. resign from his office.
- iv. Request that Mr. R. "step back" from his duties for a time in order to address the matters of concern informally.
- v. Do nothing.

Session did not choose option v, and sought to address their matters of concern beginning with what we believed to be the least severe option. The thrust of the argument of the Complainant is that Session did de facto discipline through the public announcements, whereas Session believes it may inform the congregation about concerns of an elder (short of alleging sin).

11. Session grants the amend as defined by # 2 (third paragraph) and #5 above, admitting that it was wrong to address matters of perceived sinfulness in such a public manner as the February 9 public announcement, and would request Mr. R.'s forgiveness, acknowledging that error to the congregation.

12. Session is not otherwise convinced that it has erred.