

ADVISORY OPINION: ADMINISTRATIVE REVIEW

WHAT IS ADMINISTRATIVE REVIEW?

The *Book of Order* notes, “all councils of the church are united by the nature of the church and share with one another responsibilities, rights, and powers as provided in this Constitution.”¹ In the spirit of this connectional polity, “a higher council shall have the right of review and control over a lower one and shall have power to determine matters of controversy upon reference, complaint, or appeal.”² However, this connectional nature not only moves from higher to lower councils, but also from lower to higher councils. “Through their members and elected commissioners, lower councils participate in planning and administration work of higher councils, and in consultation between bodies concerning mission, budget, staffing and fair employment practices, and matters of equitable compensation.”³ The mutual and relational nature of our councils makes an action by one of them an action of the whole church.⁴ Accordingly, administrative review is a collaborative and communicative process involving a set of peers who come together to faithfully serve the mission of the PC(USA).

WHAT DOES ADMINISTRATIVE REVIEW ENTAIL?

General Administrative Review:

Each council shall review annually or biennially, based on the body’s meeting frequency, the proceedings and actions of all entities related to the body, all officers able to act on behalf of the body, and lower councils within its jurisdiction. In reviewing the procedures of the lower council, the higher body shall determine whether the proceedings have been correctly recorded, have been in accordance with this Constitution, have been prudent and equitable, and have been faithful to the mission of the whole church. It shall also determine whether lawful injunctions of a higher body have been obeyed.⁵

Special Administrative Review:

“If a higher council learns at any time of an alleged irregularity or delinquency of a lower council, it may require the lower body to produce any records and to take appropriate action.”⁶ An irregularity is defined as “an erroneous decision or action.”⁷ A delinquency is defined as “an omission or failure to act.”⁸

HOW DOES ADMINISTRATIVE REVIEW RELATE TO ADMINISTRATIVE COMMISSIONS AND THE RULES OF DISCIPLINE?

The *Book of Order* provides for both judicial and administrative review processes. These processes are not sequential, but alternative processes to address alleged irregularities or delinquencies.⁹ A member of the council, a sister council or an employee of the council which has committed an irregularity or delinquency may challenge the alleged irregularity through judicial process.¹⁰ A higher council that has notice that a lower council may have committed an irregularity or delinquency may not use judicial process, but must use an administrative review process.¹¹

When a higher council has notice that a lower council has committed an irregular or delinquent action, the higher council may continue administrative review by appointing an administrative commission for the purpose of making inquiry so as to gather additional information and to explore the possibilities for reconciliation.¹² A commission may be given authority to act on behalf of the governing body. “A commission is empowered to consider and conclude matters

referred to it by a council. The designating council shall state specifically the scope of the commission's powers and any restrictions on those powers."¹³ In contrast, a committee or task force can only be given authority to gather information and make recommendations to the governing body.¹⁴ A commission may also be given the power to assume original jurisdiction over the council that has acted irregularly or in a delinquent manner.¹⁵

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¹ F-3.0203

² F-3.0206

³ G-3.0106

⁴ G-3.0101

⁵ G-3.0108(a)

⁶ G-3.0108(b)

⁷ D-2.0202(a)

⁸ D-2.0202(b)

⁹ PJC (1995, 207-08) [Session of Mt. Auburn Church v. Pby of Cincinnati, Remedial Case 207-8, 11.060](#)

¹⁰ D-6.0202(a)+(b). While a higher council may not use judicial process through the Rules of Discipline to correct an irregular or delinquent action in an administrative review, any individual with standing may initiate judicial process. G-3.0108(c). *See also* [Session of Mt. Auburn Church v. Pby of Cincinnati, Remedial Case 207-8, 11.060](#)

¹¹ D-6.0202(a) +(b)

¹² PJC (1995, 207-08) [Session of Mt. Auburn Church v. Pby of Cincinnati, Remedial Case 207-8, 11.060](#)

¹³ G-3.0109(b)

¹⁴ *See* G-3.0109

¹⁵ G-3.0303(e) for presbytery power to take original jurisdiction and GA (2003, 68, 232, Item 03-04, Req 03-4); *See also* PJC (2012, 220-05, *Hwang v. Synod of S. CA and Hawaii*) for a synod's power to take original jurisdiction.