

ADVISORY OPINION: **ADMINISTRATIVE COMMISSIONS**

WHAT IS A COMMISSION?

Commissions may be given authority to act on behalf of a church council and are “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.”¹ The Form of Government recognizes two types of commissions, judicial commissions² and administrative commissions.

WHAT IS AN ADMINISTRATIVE COMMISSION (AC)?

Administrative commissions (ACs) are “designated to consider and conclude matters not involving ecclesiastical judicial process, except that in the discharge of their assigned responsibilities they may discover and report to the designating council matters that may require judicial action by the council.”³ Further, if an irregularity or delinquency detected in administrative review is not corrected by the entity being reviewed, the higher council may appoint an AC to continue that review.⁴

HOW DOES A COMMISSION DIFFER FROM A COMMITTEE OR TASK FORCE?

In contrast to a commission, a committee or task force can only be given authority to gather information and make recommendations to a church council. Along these lines, the committee “shall make a full report to the council that created it, and its recommendations shall require action by that body.”⁵ Regarding both committees and commissions, it is helpful to recognize that “councils may designate by their own rule such committees and commissions as they deem necessary and helpful for the accomplishment of the mission of the church, and may create such structures jointly with other councils, in consultation with the next higher council. In appointing such committees and commissions councils shall be mindful of the principles of unity in diversity consistent with the provisions of this Constitution (F-1.0403, G-3.0103).”⁶

WHAT ARE SOME FUNCTIONS THAT MAY BE ENTRUSTED TO AN ADMINISTRATIVE COMMISSION?⁷

- **Sessions may entrust an AC to:**
 - Ordain and install ruling elders and deacons, receive and dismiss members, and visit organizations within the congregation to settle differences therein.
- **Presbyteries may entrust an AC to:**
 - Ordain and install teaching elders;
 - Examine and receive into membership teaching elders seeking membership in the presbytery, including approval of terms of call and commissions for ordination and installation; and receive candidates under care;
 - Develop immigrant fellowships, organizing new congregations and worshipping communities, merging congregations, or forming union or federated congregations;⁸
- **Presbyteries, synods, and the General Assembly may entrust an AC to:**

- Visit particular councils, congregations, or agencies over which they have immediate jurisdiction reported to be affected with disorder, and inquiring into and settling the difficulties therein, except that no commission of a presbytery shall be empowered to dissolve a pastoral relationship without the specific authorization by the designating body;⁹
- **All Councils may entrust an AC to:**
 - Make pastoral inquiry into persons accused of sexual abuse of another person¹⁰ when jurisdiction in a judicial proceeding against such persons has ended due to death or renunciation of the accused; such inquiries shall not be understood as judicial proceedings but shall seek to reach a determination of truth related to the accusation and to make appropriate recommendations to the designating council.

HOW DOES A COUNCIL CREATE AN ADMINISTRATIVE COMMISSION AND WHO CAN SERVE ON AN ADMINISTRATIVE COMMISSION?

A council may create by their own rule “commissions as they deem necessary and helpful for the accomplishment of the mission of the church.”¹¹ In creating the commission, “the designating council shall state specifically the scope of the commission’s powers and any restrictions on those powers.”¹²

A commission of a presbytery, synod, or the General Assembly shall be composed of “ruling elders and teaching elders in numbers as nearly equal as possible and sufficient to accomplish their work. A quorum of any commission shall be established by the designating council but in no case shall be less than a majority of its members (except as limited by D-5.0204).”¹³

A commission of a session shall be composed of “at least two ruling elders, and a teaching elder in an installed or temporary relationship with the congregation governed by that session or a ruling elder commissioned to pastoral service.”¹⁴ Further, in appointing such commissions, all “councils shall be mindful of the principles of unity in diversity consistent with the provisions of this Constitution (F-1.0403, G-3.0103).”¹⁵

WHAT DOES IT MEAN FOR A PRESBYTERY TO ASSUME ORIGINAL JURISDICTION AND HOW DOES THIS RELATE TO ADMINISTRATIVE COMMISSIONS?

“A presbytery, being composed of the teaching elders and commissioners elected by the session of congregations within its district, has a particular responsibility to coordinate, guide, encourage, support, and resource the work of its congregations for the most effective witness to the broader community.”¹⁶ To this end, a presbytery has the authority to assume original jurisdiction, or full power and responsibility, over a session.¹⁷ In applicable cases and in order to accomplish its responsibility towards the session, a presbytery may:

Assume original jurisdiction in any situation in which it determines that a session cannot exercise its authority. After a thorough investigation, and after full opportunity to be heard has been accorded to the session, the presbytery may conclude that the session of a congregation is unable or unwilling to manage wisely its affairs, and may appoint an administrative commission with the

full power of session. This commission shall assume original jurisdiction of the existing session, if any, which shall cease to act until such time as the presbytery shall otherwise direct.¹⁸

CAN AN ADMINISTRATIVE COMMISSION DISSOLVE A PASTORAL RELATIONSHIP?

Maybe. The presbytery has the power to dissolve a pastoral relationship. “An installed pastoral relationship may be dissolved only by the presbytery. Whether the teaching elder, the congregation,¹⁹ or the presbytery,²⁰ initiates proceedings for dissolution of the relationship, there shall always be a meeting of the congregation to consider the matter and to consent, or decline to consent, to dissolution.”²¹ The Presbytery may delegate this power to the Administrative Commission but must do so explicitly. If the presbytery does not specifically delegate this power to the Administrative Commission, the AC does not have the power to dissolve the pastoral relationship.²²

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¹ G-3.0109

² See G-3.0109(a) discussing judicial commissions.

³ G-3.0109(b)

⁴ G-3.0109(b)

⁵ G-3.0109

⁶ *Id.*

⁷ *Id.* For further discussion on the function and powers of an Administrative Commission, see [Remedial Case 219-03 \(formerly 218-18\), Robert Sundquist et al. v. Heartland Presbytery, Decision and Order.](#)

⁸ G- 5.05

⁹ G-2.0901

¹⁰ D-10.0401(c)

¹¹ G-3.0109

¹² G-3.0109

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ G-3.0303

¹⁷ See G-3.0301. “The presbytery is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness. As it leads and guides the witness of its congregations, the presbytery shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).”

¹⁸ G-3.0303(e)

¹⁹ G-2.0903 states, “if any congregation desires the pastoral relationship to be dissolved, a procedure similar to G_2.0902, above, shall be followed. When a congregation requests the session to call a congregational meeting to dissolve its relationship with its pastor, the session shall call the meeting and request the presbytery to appoint a moderator for the meeting. If the pastor does not concur with the request to dissolve the relationship, the presbytery shall hear from him or her the reasons why the presbytery should not dissolve the relationship. If the pastor fails to appear, or if the reasons for maintaining the relationship are judged insufficient, the relationship may be dissolved.”

²⁰ G-2.0904 acknowledges, “the presbytery may inquire into reported difficulties in a congregation and may dissolve

the pastoral relationship if, after consultation with the minister, the session, and the congregation, it finds the church's mission under the Word imperatively demands it.”

²¹ G-2.0901

22 G-3.0109b (5) (by presbyteries, synods, and the General Assembly) visiting particular councils, congregations, or agencies over which they have immediate jurisdiction reported to be affected with disorder c, and inquiring into and settling the difficulties therein, except that no commission of a presbytery shall be empowered to dissolve a pastoral relationship without the specific authorization by the designating body (G-2.0901);