

**Motion Adopted by the
Erskine College & Theological Seminary Board of Trustees
Friday, May 25, 2013**

[Text in red indicates the new language approved by Erskine trustees]

WHEREAS, the Board of Trustees of Erskine College and Theological Seminary desires to maintain faithfulness in its relationship with the General Synod of the Associate Reformed Presbyterian Church while advancing the missions of the college and seminary; and

WHEREAS, the Board acknowledges that in furtherance of these mutually beneficial goals, the General Synod has a legitimate role in Member removal and the Board has an obligation to exercise its independent judgment with respect to the governance of the institution while respecting the institution's historical and theological underpinnings; and

WHEREAS, these obligations work together best in a way that is healthy for the institution when Member removal is pursuant to clearly stated grounds and processes;

MOTION:

We move that the Board of Trustees approve the following Charter Change Language for the Charter of Erskine College and Seminary and that it forward such language on to the General Synod of the ARPC for their approval. The Committee recognizes that for a Charter change to take place, both groups must approve the exact same language.

*“All members of the Board of Trustees of Erskine College shall be appointed by the General Synod of the Associate Reformed Presbyterian Church. **Members may only be removed by the Erskine Board and/or the Synod of the Associate Reformed Presbyterian Church for the stated causes and pursuant to the mutually agreed process:***

Stated Causes:

- 1. **Neglect of Duty** (defined as a failure to carry out the responsibilities of a trustee or board member)*
- 2. **Breach of Fiduciary Duty** (defined as a failure to avoid conflicts of interest, failure to maintain the confidentiality of the Board or Committee, or similar breaches)*
- 3. **Physical or Mental Incapacity** (defined as an inability to serve because of physical or mental conditions that severely limit a person's ability to be involved or to make reasoned judgments)*
- 4. **Moral Failure** (defined as the failure to avoid immoral or criminal behavior)*
- 5. **Doctrinal Deviation** (defined as failure to uphold the Synod's statements of belief for Erskine Trustees subscribed to at the time of appointment)*

Process of removal by the Erskine Board of Trustees:

If the case is initiated by the Board of Trustees, the process will be according to the institution's Bylaws.

Process of removal by the General Synod of the ARPC:

1. Based upon the enumerated causes referenced above, any Pastor in good standing in a Presbytery of the ARP Church or any Elder in good standing in an ARP Session may file a Petition for Removal against a member of any Board of the Associate Reformed Presbyterian Church.
2. Prior to initiating a petition for removal, in the spirit of Matthew 18:15-17, a concerned Pastor or Elder should attempt to resolve his concerns with the board/committee member.
3. If the matter is unresolved and the Petitioner feels further action should be initiated, he should in the same spirit of Matthew 18:15-17, notify the board member immediately of the intent to file a Petition for Removal.
4. The Petition for Removal shall include the following:
 - A. The contact information and church status of the Petitioner;
 - B. The name of the member or members being charged and the board they represent;
 - C. The nature of the charge and the evidence to support the charge;
 - D. A statement that the requirements of 1-3 above have been met;
 - E. The names and contacts of at least two additional Elders in good standing that support and confirm the accuracy and truthfulness of the Petition; and,
 - F. The Petitioner's signature under the following - "I submit this Petition in good faith and Christian conscience. I understand and accept that should this Petition be found untrue or frivolous, that the Ecclesiastical Commission on Judiciary Affairs may recommend to my Presbytery the initiation of proceedings against me."
5. The Petition for Removal shall be filed with the Stated Clerk of the Associate Reformed Presbyterian Church. The Stated Clerk shall present the Petition for Removal within 14 days to the Moderator who shall call a special meeting of the Executive Board of the Associate Reformed Presbyterian Church to consider the matter, unless a meeting of the Executive Board is scheduled to occur within six (6) weeks of the filing of the Petition for Removal, in which case the matter shall be considered at the regularly scheduled meeting.

6. The Executive Board shall review the Petition for Removal for conformity to this policy and determine by a preponderance of the evidence and by majority vote whether or not the Petition for Removal warrants further investigation. Should the Executive Board find the petition frivolous or without merit, no further action shall be taken on the Petition for Removal. If the petition is found to be untrue or frivolous the Executive Board may refer the matter to the Ecclesiastical Commission on Judiciary Affairs for appropriate action against the petitioner.

7. Upon the finding that the Petition for Removal has merit the Executive Board shall refer the matter to the appropriate Board unless the Board has already considered the matter. The Board shall review the Petition and report back within ninety (90) days to the Executive Board the Board's findings and the actions taken. If the actions of the Board are satisfactory to the Executive Board of Synod, then the issue is closed.

8. Should the Executive Board by majority vote not be satisfied with the Board's report and actions, then the Executive Board of the Associate Reformed Presbyterian Church shall refer the matter to the Ecclesiastical Commission on Judiciary Affairs for investigation and adjudication on the merits of the case.

9. Should the Ecclesiastical Commission on Judiciary Affairs, by majority vote, approve the Petition for Removal, the member is considered "removed for cause" and shall be immediately ineligible to participate in the work of the Board or Committee until such time as the General Synod shall reverse the decision of the Executive Board on appeal from the member removed for cause.

10. The member "removed for cause" by Synod shall have the right of appeal to the General Synod at its annual meeting. Said appeal shall be in writing and filed with the Stated Clerk of the Associate Reformed Presbyterian Church within 10 days of the final adjudication of the matter by the Ecclesiastical Commission.

The maximum number of members which comprise the Board and the terms of office shall be set forth in the By-Laws of this Corporation. Any Change to this section of this charter must have prior approval of both the General Synod of the Associate Reformed Presbyterian Church and the Board of Trustees of this corporation.