

Presbytery of Milwaukee

Advisory Opinion

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Member of the General Assembly Advisory Committee on the Constitution

July 1, 2023

RE: Meetings of Church Councils, Open or Closed

Question:

Are Session meetings open or closed – in other words, are members of the church (or even the general public) permitted to attend the meetings?

Answer:

This may sound surprising to readers who are used to “sunshine laws” in civil government, but the Presbyterian Church (U.S.A.) has no Constitutional “sunshine law” when it comes to meetings of church councils (session, presbytery, synod, and General Assembly), or their commissions and committees.

The Constitution of the Presbyterian Church (U.S.A.), *Book of Order*, “Form of Government” defines the members of each council of the church who have the right of attendance and participation in the deliberative bodies, as well as addresses directly the meetings of all councils (session, presbytery, synod, and General Assembly).

G-3.0105 “Meetings of councils shall be opened and closed with prayer. **Meetings shall be conducted in accordance with the most recent edition of *Robert’s Rules of Order Newly Revised*, except when it is in contradiction to this Constitution.** Councils may also make use of processes of discernment in their deliberations prior to a vote as agreed upon by the body.”

G-3.0203 “The session shall hold stated meetings at least quarterly. The moderator shall call a special meeting when he or she deems necessary or when requested in writing by any two members of the session. The business to be transacted at special meetings shall be limited to items specifically listed in the call for the meeting. There shall be reasonable notice given of all special meetings. The session shall also meet when directed by presbytery. Sessions shall provide by rule for a quorum for meetings; such quorum shall include the moderator and either a specific number of ruling elders or a specific percentage of those ruling elders in current service on the session.”

G-3.0304 “The presbytery shall hold stated meetings at least twice each year, shall meet at the direction of synod, and may call special meetings in accordance with its own rules. A presbytery may set its own quorum, but it shall be not fewer than three ministers of the Word and Sacrament who are members of the presbytery and three ruling elder commissioners from three different congregations.”

G-3.0405 “The synod shall hold stated meetings at least biennially, shall meet at the direction of the General Assembly, and may call special meetings in accordance with its own rules. A synod may set its own quorum, but it shall include an equal number of ruling elders and ministers of

the Word and Sacrament representing at least three presbyteries or one-third of its presbyteries, whichever is larger.”

G-3.0503 “The General Assembly shall hold a stated meeting at least biennially. The Moderator, or in the event of the incapacity of the Moderator, the Stated Clerk of the General Assembly, shall call a special meeting at the request or with the concurrence of at least one fourth of the ruling elder commissioners and one fourth of the minister of the Word and Sacrament commissioners to the last preceding stated meeting of the General Assembly representing at least fifteen presbyteries, under the jurisdiction of at least five synods. Commissioners to the special meeting shall be the commissioners elected to the last preceding stated meeting of the General Assembly or their alternates. Notice of special meetings shall be sent no fewer than sixty days prior to convening and shall set out the purpose of the meeting. No other business than that listed in the notice shall be transacted. A quorum of the General Assembly shall be one hundred commissioners, fifty of whom shall be ruling elders and fifty ministers of the Word and Sacrament, representing presbyteries of at least one fourth of its synods.”

As one may note, nowhere within the “Form of Government” does it mandate a council is open to the public. *The Book of Order* is silent. Therefore, the question is not so much a polity issue as it is a parliamentary one. Therefore, the matter of meetings falls under the most recent edition of *Robert’s Rules of Order Newly Revised*. Chapter 1 of *Robert’s Rules of Order* makes it very clear that membership of a deliberative body is defined and only those who are members of the deliberative body may not be deprived of being present and exercising their right to voice and vote. If someone is not a member of the deliberative body, only by action of the body, or provision made in bylaws, standings rules, or policy enables non-members of a deliberative body ability to attend meetings, and perhaps voice.

The Advisory Committee on the Constitution advised the 210th General Assembly (1998), and the General Assembly affirmed (Minutes, 1998, Part I, p. 652):

The Book of Order provides that “governing bodies possess whatever administrative authority is necessary to give effect to duties and powers assigned by the Constitution of the church” (G-4.0301i). In 1995, the Permanent Judicial Commission, in a case (*Bolton v. Alamance Presbyterian Church*) involving this provision of the Constitution, noted that “the Book of Order is not a straightjacket that prevents a governing body from exercising its powers in a reasonable way so as to carry out its basic functions and duties with efficiency to avoid a waste of time of its members” (Minutes, 1995, Part I, p. 118). The session of a local church, as a governing body of this denomination, is neither a public forum nor a debating society to be used as a mechanism by which a representative communicates with his or her constituents. Nor is it a town meeting, in which citizens question their elected representatives. The current language of the *Book of Order* is permissive; the session, whenever it perceives that the “rich variety of form, practice, . . . and service” necessary in “its corporate life” (G-4.0401) includes opening its meetings to an observer role for congregational members, has the authority to do that. Equally, when the session perceives that such openness is not in the best interests of the congregation, it has the right to close its meetings. The “suspicion” or lack of friendliness that such meetings are asserted to produce will be affected more by the quality of the decisions taken in them than by whether the meetings are open or closed.

Roberts’ Rules of Order, Newly Revised (RRONR), latest edition, states “. . . board or committee meetings are customarily held in executive session. . . . sometimes nonmembers . . . may be

invited to attend, perhaps to give a report, but they are not entitled to attend” (RRONR, p. 95). The privacy protects the debate, which should be free and unencumbered (RRONR, 95--96). Currently, the General Assembly does have an “open meeting” policy; however, the policy of the General Assembly, while binding on the General Assembly and its entities, is only advisory to, not mandatory on, the rest of the church.

Therefore, if a session, presbytery, synod, or General Assembly has taken no action to open their meetings, under *Robert’s Rules*, the Constitution of the Presbyterian Church (U.S.A.)’s named parliamentary authority, it is presumed the meetings are closed to non-members of the council.

Councils of the church as deliberative bodies may vote at any time to open its meetings, either by adopting a policy or standing rule to that effect, such as the General Assembly has done, or by voting to open individual meetings to the public. In the case of a closed meeting, the deliberative body may vote to invite particular individuals (such as a church member who’s making a report) to attend all or a portion of the meeting. This applies also to all commissions and committees of the deliberative bodies, especially those composed of elected members by the deliberative bodies, and which as designated as administrative.

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