

CHAPTER VII. REQUEST FOR VINDICATION

OVERVIEW

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What is a Request for Vindication?

A request for vindication is a request made by a member of the Presbyterian Church (U.S.A.) who feels injured by rumor or gossip to investigate erroneous, inaccurate or inflammatory statements made about him or her in order to "clear the record." If the request, made to the clerk of the governing body having jurisdiction over the person, is granted, an investigating committee (IC) is formed. Similar to the task of an IC in a disciplinary case, the committee conducts an inquiry to ascertain the facts and circumstances, and report in writing to the governing body. This report normally concludes the matter. However, if in the course of its work an IC determines that charges should appropriately be filed against the person seeking vindication, the IC proceeds to engage in judicial process by prosecuting the disciplinary case.

May a Governing Body Refuse to Initiate a Request for Vindication?

Upon receiving a request for vindication, the clerk passes the request to the governing body's appropriate committee, usually the committee on ministry in the case of a request for vindication by a minister, which then determines whether or not to initiate vindication proceedings. While the "Rules of Discipline" grant the governing body authority to refuse to initiate the process, the request for vindication should normally be granted unless there are compelling reasons not to do so.

Special Considerations in Making a Request for Vindication

In certain situations, particularly if the person requesting vindication knows the source or sources of the rumors, it may be more appropriate to file accusations against that person or those persons in a disciplinary case rather than request vindication. At the presbytery level, the committee on ministry and/or the stated clerk may help the aggrieved party determine the most appropriate action to take.

When an IC has been named as a result of accusations, and the IC declines to file charges, the accused may feel that further vindication is desirable. In that event, the accused may request vindication.

A request for vindication is a public process. If the request for vindication is granted, the name of the person requesting vindication is reported to the governing body at the time of the naming of the IC.

The report of an IC formed as a result of a request for vindication should include sufficient information to give a clear picture of facts and circumstances. The name of the person seeking vindication should be noted in the report, which is recorded in the minutes of the governing body.

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