The Presbytery of Santa Barbara

Policy for a Process for Reconciliation or Gracious Separation of a Congregation from the Presbyterian Church (U.S.A.)

DRAFT - as amended at the February 9, 2013 presbytery meeting and approved as guidelines

INTRODUCTION

The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.), hereinafter PC(USA), approved Commissioners' Resolution Item 04-28 which urged (adapted for the 2011-2013 Book of Order): "that presbyteries and synods develop and make available to lower governing bodies and local congregations a process that exercises the responsibility and power 'to divide, dismiss, or dissolve churches in consultation with their members' (Book of Order, G-3.30301a) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency. Believing that trying to exercise this responsibility and power through litigation is deadly to the cause of Christ, impacting the local church, other parts of the Body of Christ and ecumenical relationships, and our witness to Christ in the world around us, the General Assembly urges congregations considering leaving the denomination, presbyteries and synods to implement a process using the following principles:

• Consistency: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
• Pastoral Responsibility: The requirement in G-3.30301.a to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility, which must not be submerged beneath other responsibilities.
• Accountability: For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.200) and specific issues of schism within a congregation (G-4.0207). But, full accountability also requires preeminent concern with 'caring for the flock.'
• Gracious Witness: … Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
• Openness and Transparency: Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness, and work against seeking civil litigation as a solution."

The rationale supporting this resolution stated that it is easy to "emphasize the property trust responsibilities of presbytery/synod oversight to the exclusion of the pastoral responsibility of caring for the congregations (members staying and leaving) and the responsibility of public witness to Christ with the larger body of Christ and the community and world." Secondly, it was suggested that presbyteries should be consistent in communicating how they will respond to congregations seeking dismissal and that all parties should engage in a more grace-filled exchange.

The VISION OF THE PRESBYTERY OF SANTA BARBARA

The vision of the Presbytery of Santa Barbara is to grow congregations that passionately engage their community to make disciples. Our mission is to -

Confess Jesus Christ as Lord
Connect one another in ministry
Challenge one another for mission.

The Presbytery of Santa Barbara seeks to facilitate worship, mission, and other shared ministries by engaging all of the churches in our bounds to be united in carrying out our vision and mission. Naturally, the presbytery wants to retain all of its member congregations within the PC(USA). However, in some cases, the desire to withdraw entirely from the PC(USA) may be so deeply felt and widely held that the best thing is to honor the will of the congregation while fairly protecting the interests of all parties involved.

The Presbytery of Santa Barbara is committed to pursuing reconciliation with pastors, sessions, and congregations who are considering dismissal from the denomination. Whether that reconciliation takes the form of dismissal, mutually accepted re-commitment to the presbytery-congregational relationship, or something in-between, it is the will of this presbytery to create a gracious context and process in which the will of God is sought for the life, ministry, and calling of the particular congregation. All congregations of this presbytery are invited to commit to this broad understanding of reconciliation with a graciousness befitting those who claim Jesus as Lord.

The presbytery and congregations will be continually guided by these principles:

The Mission of God as expressed in the Great Ends of the Church is greater than the PC(USA)

We affirm that should presbytery dismiss a congregation to another Reformed body, the unity of the one Church of Jesus Christ has not been diminished. (F-1.0302 and F-1.0304)

The exercise of “mutual forbearance” is of utmost importance in our process. Therefore, all will treat each other with respect regardless of theological and ecclesiological differences. We will pray and work for fairness to all parties in our decisions.

In matters of controversy, a larger part of the Church (or a representation of it) should govern a smaller. Our system of councils in regular gradation reflects this understanding (F-3.0203).

In accordance with G-4.0207, the presbytery has the right and responsibility to assess the situation in cases of conflict in a congregation. Accordingly, the presbytery needs to inquire and make an informed judgment as to: the possibilities of reconciliation; what or who is preventing reconciliation; approximately how many people are determined to leave and how many wish to remain in the PC(USA); does the congregation understand what it is being asked to consider and have the implications of leaving the PC(USA) been fully and fairly explained; and has the process been open and fair to all concerned? This assessment shall be made via open forums and discussion. It is important that the process of discernment be conducted in a way that seeks the

truth and is fair to all parties. Requests made by the congregation will not be considered valid unless the presbytery has first met with and received the cooperation of the session and any installed teaching elders and determined that the principles and procedures herein outlined will be fairly implemented.

The example of the apostles and of the early Church is authoritative in dealing with such matters. The Council at Jerusalem engaged in a process of discernment as it exercised leadership and oversight over the missionary activities of Paul and Barnabas. The role of testimony, prayer, discussion, deliberation, and collective discernment of the will of God were, and are, important. The process by which a congregation comes to decide that it is being called by God to seek dismissal and realignment shall respect dissent and should safeguard and provide sufficient time and opportunities so that the will of God can be received by the whole congregation. A rush to judgment is not consistent with Biblical principles or Reformed polity.

THE PROCESS

The following process incorporates these principles with the clear understanding that, in particular cases, circumstances may require modification and flexibility in the interest of fairness and practical wisdom.

In the Presbyterian tradition, an inter-connected relationship is assumed between the presbytery and its congregations. Therefore, no congregation will be dismissed to another Reformed body unless and until, at a minimum, the following process is followed. A congregation can be dismissed with property to another Reformed body recognized by the PC(USA) and/or the Presbytery of Santa Barbara. It cannot be dismissed to “independency.”

As noted under “Other Book Provisions below, failure to follow this process may result in the appointment of an Administrative Commission and assumption of original jurisdiction in accordance with G-3.0109b.

The Session and the Presbytery Response Team

The Session and its pastor/moderator, after consideration, prayer and a minimum two-thirds majority vote of the Session, notifies the presbytery so it may form a Presbytery Response Team (PRT) in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience. Once action has been initiated to form a PRT, the Session shall provide the PRT with the membership roll. All deletions and additions of active members of the congregation shall be open to review by the PRT to determine the appropriateness of these changes.

The PRT will consist of a Chairperson appointed by the Presbytery Council in consultation with the Committee on Ministry skilled in conflict resolution; and at least two others chosen by the Council, including at least one ruling elder and one teaching elder. When the PRT meets with the Session, such meetings will be moderated by the PRT Chairperson. On occasion, the PRT Chairperson may ask the pastor(s)/session moderator to excuse him or herself from a particular meeting.

The PRT will not determine the merits of the concerns raised by the Session, but will work to assure the issues have been addressed fairly and accurately. The PRT will promptly report the results of the initial meeting with the Session and its recommendations to the Presbytery Council. The PRT may then work with the Session to convene a congregational gathering for the purpose of hearing from the members and discerning how many members desire that the congregation be dismissed to another Reformed body with which the presbytery deems itself to be in fellowship.

The Initial Meeting of the Congregation

The PRT expects that at least fifty percent of the active membership will participate in this initial gathering meeting which will be moderated by a teaching or ruling elder appointed for this purpose by the Presbytery Council. The members of the PRT will attend this gathering and will be allowed sufficient time to speak on behalf of the PC(USA). During this gathering the PRT will ensure that the members of the congregation have been informed regarding the polity and practice of the Reformed body to which they may be going, including any practical implications this might mean for the congregation.

If the PRT determines that a significant proportion (estimated at more than 2/3) of the attending members wish to be dismissed, a second gathering will be convened. After the initial congregational gathering, at least three months will pass before this second gathering. This allows the PRT to carry out the following functions:

1. Negotiate the terms of separation with the Session in accordance with the requirements of the presbytery. These agreed upon terms will be voted on at the second congregational gathering as an integral part of any request for dismissal.

2. Meet with the members of the congregation who wish to remain within the PC(USA) to best strategize how to either maintain an existing mission presence, incorporate members into nearby Presbyterian congregations, or create a new entity.

3. Meet with Teaching Elders currently called or employed by the congregation to determine whether they shall remain with the congregation and transfer their ministerial status to the new denomination, whether they shall remain within the PC(USA) and need to request permission from the Committee on Ministry to serve in another Reformed body, or whether they shall remain in the PC(USA) and have *been* enrolled as a member at large of the presbytery. Teaching Elders shall be encouraged to review the Board of Pension policies. Reasonable steps shall be taken to provide support and care to those Teaching Elders wishing to stay in the PC(USA) and not desiring to serve in a congregation of the other Reformed body.

4. Meet with any members of the congregation who are preparing for ministry and are under the care of presbytery. Each member under care together with his/her liaison from the Committee on Preparation for Ministry shall be advised immediately of the congregation's possible dismissal. The member under care will be given the option of being dismissed with the congregation or transferring their membership to another

congregation within the PC(USA). If transfer to another congregation within the PC(USA) is requested, presbytery and the CPM liaison will assist the member in seeking a waiver of the usual six-month requirement for church membership in order to maintain care status.

The Second Gathering of the Congregation

After the PRT has completed these functions, a second gathering will be convened. Written notice shall be given by mail to all members at least 30 days prior to the time of the gathering, as well as announced from the pulpit of the church at regular church services on four successive Sundays immediately prior to the meeting. The gathering shall take place after 3:00 p.m. in the church sanctuary to give the members of the PRT and those traveling from other places sufficient time to attend. A concerted effort should be made to maximize the participation of the congregation in this gathering. There shall be at least 1/2 (50%) of the current active membership in attendance. An affirmative vote of at least *2/3 (two-thirds)* of those in attendance is required in order to further the dismissal process. The Session must provide to the presbytery a list of members not wanting to leave the PC(USA) within 60 days of any vote by the presbytery to dismiss the congregation.

The PRT shall conduct the gathering, which is technically a meeting of the PRT, not a congregational meeting (since the Book of Order does not include seeking dismissal as a purpose for which a congregational meeting may be called). The PRT members shall again be allowed sufficient time to speak on behalf of the PC(USA). This meeting will be moderated by a member of the Committee on Ministry, the executive presbyter, or the stated clerk of presbytery in order to allow the members of the PRT to fulfill their advocacy role.

The Session will outline in detail the terms of the proposed dismissal including the financial terms. A written copy of these terms shall be provided to all attendees at the meeting.

The privilege of the floor is limited to persons who are appointed by the presbytery, active members in good standing of the particular congregation and Teaching Elders currently called and or employed by the congregation. Others will not be heard or allowed to cast a ballot regarding the request for dismissal. After a full and fair discussion, in which each person with the privilege of the floor present who wishes to speak (for up to five minutes) has had an opportunity to do so, a secret ballot of the congregation members will be taken on the categorical question: “Shall the membership of the _____ Presbyterian Church (U.S.A.) request dismissal as a body by the Presbytery of Santa Barbara to _____, another Reformed body in accordance with the terms, including the financial terms as negotiated by the presbytery and Session?” This motion may not be separated.

The ballots shall be counted by two elders from the congregation and two representatives of the presbytery. Only ballots clearly legible shall be counted. In case of ambiguity, the ballot will be counted as “No.” Abstentions count as “No” votes. The ballots shall be counted twice and the results shall be announced at the meeting, and the results shall be communicated in writing by the PRT to the stated clerk of the presbytery.

Within ten days of the second gathering of the PRT with the congregation, any person of the unsuccessful side may contest the regularity of the call for, or the conduct of, or the manner of the request made at the meeting by a written notice to the presbytery. The Presbytery Council shall review the questions at issue and, if the contest is sustained, it shall direct the calling of a new meeting of the PRT with the congregation. The congregation shall continue to be a member church of the PC(USA) until such time as the required meeting takes place and the presbytery votes on any request for dismissal. Once the manner of the request is determined to be fair and regular, the decision of the Presbytery Council shall stand and, ordinarily, no further action should be taken to reconsider the matter for at least 24 months.

THE MEETING OF THE PRESBYTERY

The presbytery shall act in response to the congregation's action. Following notice of any request for dismissal, the Moderator will follow the normal procedures for calling a meeting of presbytery, provided that there is not already scheduled a stated meeting of presbytery within 45 days of the congregational request for dismissal. It should be noted that renegotiation of the terms for dismissal through use of amendments from the floor of presbytery would invalidate months of work between the PRT and the congregation. Therefore, the proposal shall be presented as a whole, with the understanding that the final agreement has been reached by good faith negotiations between the PRT and the congregation.

The PRT shall report the results of its meeting with the congregation, and the presbytery shall determine whether the process for requesting dismissal was fair and represents the will of the congregation. If so, the congregation shall be dismissed to another Reformed denomination, subject to any agreements that may be reached regarding the fair treatment of those members who do not wish to leave the denomination. If the presbytery determines that the request for dismissal was invalid, the request for dismissal should be denied, and the congregation shall remain a member of the PC(USA).

FINANCIAL GUIDELINES

The financial guidelines that are a part of this document are still being worked on in committee and will be provided for presbytery consideration when they become available.

OTHER PROVISIONS

If a congregation or its leadership preemptively files suit in a civil court against the presbytery, the Presbytery of Santa Barbara may answer the suit. The presbytery may seek to preserve its assets and assert its rights.

If the staff or session of a congregation has initiated specific, concrete action to withdraw from this presbytery or the PC(USA), without prior consultation with the presbytery and the initiation of the above-described process, the presbytery may initiate an administrative commission. Such actions could include, but are not limited to, calling a meeting of members of the congregation to discuss the church's withdrawal from the denomination or the session voting to move toward membership in another denomination. The presbytery, at its next stated or called meeting,

whichever occurs first, may appoint an administrative commission to address the situation at that church and attempt to modify the church's activities to follow the processes described above. The administrative commission may be granted any authority permitted in the Book of Order.