

**Policy for Discernment toward  
Reconciliation or Separation of Congregations in Shenandoah Presbytery  
Approved by Presbytery November 1, 2016**

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- I. Preamble

The General Assembly of the Presbyterian Church USA in 2008, took action to encourage and give guidance to its presbyteries to devise a policy for dismissal of congregations to other reformed bodies approved by Presbytery with 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-11.0103i 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-8.0000) and specific issues of schism within a congregation (G-8.0600). But, full accountability also requires preeminent concern with caring for the flock.*

***Gracious Witness:** It is our belief that 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. (Minutes, 2008, Part I, p. 284-285)”*

The Holy Scriptures, Confessions and Book of Order also guide Shenandoah Presbytery in forming this policy:

*“ I therefore, a prisoner in the Lord, beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with all patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace.” Ephesians 4:1-3*

*“We believe in one holy catholic and apostolic Church.” (Nicene Creed, Book of Confessions 1.3.) “The institutions of the people of God vary as their mission requires in different times and places. The unity of the Church is compatible with a wide variety of forms, but it is hidden and distorted when variant forms are allowed to harden into sectarian divisions, exclusive denominations, and rival factions.” (Confession of 1967, Book of Confessions 9.34.)*

*“The Church is to be a community of love, where sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down.” (Book of Order F-1.0301)*

Our unity is in Jesus Christ our Lord and Savior. Together the Presbytery and congregation seek to discern how best to fulfill our shared mission to serve God as brothers and sisters in Christ. We

seek to do so through honest and compassionate communication, prayerful discernment, and loving reconciliation where possible, so that harmony may be restored and mission strengthened. The whole Church belongs to our one Lord, Jesus Christ, though it is possible, and at times even desirable, that we may differ from one another in matters of faith and practice while remaining one in Christ.

There may be circumstances in which members within a congregation believe that mutual reconciliation within the Presbyterian Church (U.S.A.) [hereafter PCUSA] is no longer tenable. In such instances, the parties may seek to discern whether a separation is appropriate, and the Presbytery shall regard decisions with respect to congregations considering or seeking dismissal as a matter for pastoral care and not primarily for discipline. In some instances the presbytery may dismiss congregations from the PCUSA to join with a Reformed denomination whose organization is conformed to the doctrine and order of the PCUSA and approved by Shenandoah Presbytery. Such authority resides with the Presbytery alone (*Book of Order* G-3.0303b, G-4.0203, G-4.0207), and no action regarding possible dismissal shall be undertaken without a thorough evaluation exercising due diligence and prayerful consideration by the Presbytery and congregation. In the spirit of the Apostle Paul, we seek together to discuss and arbitrate any disagreements peaceably as brothers and sisters in Christ before seeking any civil remedies afforded by law (I Corinthians 6:1-8).

The various congregations and governing bodies of the PCUSA are organically connected as parts of one body; it is the Presbytery that charters and formally recognizes congregations. We are a connectional church, bound not only to one another, but also in a historical sense to generations past and future. The intentions of Presbyterians now dead must be honored in order to safeguard church life for Presbyterians not yet born. We must not assume that any controversies that divide us in the present age will be the marks of permanent division for all time. When faced with the possibility of any kind of separation, the Presbytery shall maintain the integrity of Presbyterian ministry and governance as set forth in the Constitution of the PCUSA including those provisions of the *Book of Order* with regard to property:

*All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (Book of Order G-4.0203) See also G-4.0207.*

This provision places on the Presbytery a fiduciary responsibility to see that decisions with regard to church property are made in ways that reflect the best interests of the whole Presbytery and PCUSA, as well as those of the particular congregation, for the future as well as for the present. These same fiduciary responsibilities are held by the Presbytery with respect to congregations that exercised their option for exemption pursuant to *Book of Order* G-4.0208. Section G-4.0208 preserves the right of those former congregations in the Presbyterian Church in the United States (PCUS) that made that election to buy, sell, or mortgage real property without seeking the permission of the Presbytery, but does maintain the fiduciary responsibilities to hold the property and its proceeds in trust for the benefit of the PCUSA as provided in the *Book of Church Order* in the former PCUS to which those congregations were subject. (*A list of those congregations within Shenandoah Presbytery that exercised the right to that exemption is attached hereto.*)

Only the Presbytery has the power to organize, dissolve or dismiss a particular church to another Reformed body approved by Presbytery. (*Book of Order* G-3.0301a) The Session and/or congregation may not act unilaterally to separate itself from the PCUSA. A presbytery is required to consult with the membership of a church to aid it in its discernment about whether or not to dismiss that congregation. Any congregational “votes” are advisory only and have no inherent

civil or ecclesiastical force (*Book of Order* G-1.0503, G-3.0301). After the aforementioned consultation with the congregation, the Presbytery, in its sole discretion, shall determine such terms and conditions of dismissal as may assure it of the faithful stewardship of the particular church and its property.

The goal of this Presbytery will always be reconciliation and continued engagement in relationship with all congregations within the presbytery without the threat of isolation, estrangement, or blame. The Presbytery is to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing congregations. This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections frayed over issues of conscience to the point of considering separation. Presbytery and session are to work together in good faith towards reaching a mutually agreeable resolution. Working in good faith includes the following commitments:

- A. Both the Presbytery and the congregation shall covenant to pray for each other, to bless the work each does for the gospel, and to seek diligently the will of God for the sake of the church's witness to Jesus Christ.
- B. Both the Presbytery and the congregation's teaching and ruling elders shall be open and honest in all their dealings with each other.
- C. The congregation's Teaching and Ruling Elders shall provide all requested information and documents to the Administrative Commission on a timely basis.
- D. The congregation's Teaching and Ruling Elders shall protect the rights of those members who desire that the congregation remain loyal to the PCUSA, or who desire to remain congregants of another PCUSA church.
- E. The congregation's Teaching and Ruling Elders shall refrain from any unauthorized unilateral changes in the way the congregational assets are held or managed.

## **II. The Process of Engagement Between the Presbytery and a Congregation Considering Dismissal**

When a congregation is in some degree of turmoil or serious disagreement with either the Presbytery or the denomination, and/or it appears there is significant desire within the congregation to consider separation from the PCUSA, the following steps shall be taken:

### **A. *Initial Phase – Contact and Dialogue***

When the Moderator of a Session or leadership of the Presbytery becomes aware by any means that a congregation is in any significant degree of turmoil or harbors such disagreement with the Presbytery or PCUSA that it is considering a separation from the PCUSA, members of the **Committee on Relational Ministry (hereafter CRM)** and the leadership of the Presbytery, and/or other representatives of the Presbytery shall be appointed by the CRM as soon as possible to:

1. Meet with the Moderator of the Session to determine the breadth and depth of the disagreement, determine the role and position of the Moderator in this matter, explain this policy, and seek an appropriate time to meet with the session as soon as possible, and
2. Meet with the Session to determine the breadth and depth of the disagreements, bring Presbytery and PCUSA position papers relevant to the disagreement, seek reconciliation, and explain the dynamics of this policy, and
3. If determined appropriate, recommend to the CRM to appoint an Administrative Commission to proceed to implement this policy with the Session and the congregation.

## 1. *The Formation of an Administrative Commission.*

If resolution is not reached between the CRM representative and the Session, the CRM shall recommend that the presbytery appoint an Administrative Commission [hereafter AC]. In order to avoid unnecessary delay in the process, the Transitional Presbyter, Moderator, and Stated Clerk of the Presbytery shall compose a list of persons to be nominated as members of the AC, which the Presbytery may elect at its next stated meeting. Those nominated to the AC may begin their work prior to their election by the Presbytery, but any actions taken by them prior to their election as a commission shall be reviewed and approved by the Presbytery at its next stated meeting. The Transitional Presbyter, the Chair of CRM, and the Stated Clerk, shall provide training of the AC members.

The following powers are granted to an AC dealing with a congregation considering dismissal to another Reformed body:

- a. **Powers granted the AC prior to Presbytery's vote to dismiss a congregation:**
  - i. to convene the session and any subsidiary boards or committees of the church.
  - ii. to interview the pastor(s) and employed staff.
  - iii. to consult with the church's membership about the congregation's future and the relationship of the congregation to the PCUSA.
  - iv. to interview individual members of the congregation.
  - v. to require the production of session minutes, church rolls, financial records, and any other documents the commission deems to be relevant in conducting its work.
  - vi. to propose to the presbytery any recommendation for resolution of the issues within the congregation, including the dissolution or dismissal of the church, the disposition of property held by or for the church, the status or transfer of any teaching elders related to the congregation seeking dismissal, and the transfer of members wishing to remain in the PCUSA after the dismissal of the congregation.
  - vii. to call a congregational meeting for any purpose appropriate under the *Book of Order* of the PCUSA.
  - viii. to recommend what persons, if any, compose a continuing congregation of the PCUSA under the authority of the presbytery.
  - ix. to assume original jurisdiction, upon appointment by the COM, in any case it determines the session is unable or unwilling to manage wisely the affairs of its church, providing the due process required in the *Book of Order* G-3.0303e.
- b. **Consultative powers granted an AC in conducting its work:**
  - i. to engage the services of and consult with Presbytery staff, the Stated Clerks of presbytery, Synod and/or General Assembly.
  - ii. to retain legal counsel.
  - iii. to secure and study minutes and records of the Presbytery and congregation.
  - iv. to consult with any appropriate committees of Presbytery or its representatives in the process of doing its work and preparing its recommendations.
  - v. to have a budget and to authorize expenditures from those budgeted funds in order to do its work.
- c. **Powers granted to the AC pursuant to Presbytery's vote to dismiss a congregation:**
  - i. to dissolve pastoral relationships [*Book of Order* G-2.0901, G-3.0109b(5)].
  - ii. to transfer members of the dissolved congregation to other congregations in the Presbytery, pending action of those sessions to receive them (*Book of Order* G-3.0301c).

- iii. to dissolve the congregational corporation and dispose of any remaining legal matters arising from the dissolution of the congregation.

## **B. Discernment Phase: Administrative Commission**

The AC shall engage with the session and, as appropriate, with members of the congregation as it tries to discern God's will with respect to the relationship with the Presbytery and/or the PCUSA. The AC shall seek to identify the nature of the congregation's concerns, seek possible paths to reconciliation, and assure accurate congregational information with regard to Presbyterian polity and the Presbytery's process. The desired outcome of this engagement will be to assess whether resolution of the expressed concerns can be reached so that the fellowship of the congregation within the Presbytery remains intact.

### **1. Discernment Phase: Prayerful Determination of the Possibility of Reconciliation**

The AC shall meet with the session with reasonable haste in order to hear the concerns of the Session. If resolution can be reached with the Session, the AC will report back to the CRM the nature of the concerns and the resolution reached. The Stated Clerk will then report the actions of the AC to the next presbytery meeting, moving that the AC be dissolved with thanks on behalf of the presbytery.

When the initial contact indicates that the concerns cannot be quickly resolved, the AC will ask the Session to provide a clear statement of the reason they seek to discuss separation and the benefits separation would offer to the health of the congregation. The AC engagement with the session and congregation shall have the following purposes:

- a. To engage either the leaders of the congregation or the congregation as a whole, as circumstances dictate, in a time of prayer and conversation aimed at understanding the nature and breadth of the issues within the Session and/or congregation that have given rise to the turmoil and/or desire that the congregation be dismissed to another Reformed body, and also to hear from those congregation members who wish to remain within the PCUSA.
- b. To establish a timeline and engage in dialogue with the congregation if the AC determines that progress can be made toward reconciliation through continued and constructive dialogue.
- c. To share with the Session and congregation implications for a congregation considering leaving the PCUSA if such separation is being contemplated.
- d. To share with all Teaching Elders called, serving in, or related to the congregation the likely impact on their benefits and ordination status within the PCUSA, in the event of transfer to another Reformed body approved by Presbytery, or remaining members of the Presbytery.
- e. To identify financial, property and other issues recognizing that church property is a tool for the accomplishment of the mission of Christ in the world (*Book of Order* G-4.0201) and is neither the basis of our unity nor to be used to promote division among us.

If after a period of dialogue, the AC and the congregation are not able to make progress toward reconciliation and separation continues to be considered, the AC will report this information to the Stated Clerk and to the Chair of the CRM in order to move forward with the process for considering dismissal or dissolution.

The AC shall work to hear from all members of the congregation. The AC shall work with the session to organize and set dates for congregational hearings. These hearings shall provide opportunity for open discussion about any concerns, disputes, or disagreements within the congregation or between the congregation and the Presbytery or PCUSA and about the relationship between the congregation and the PCUSA including

possible dismissal to another Reformed body or dissolution. The agenda shall be decided by the AC in consultation with the Session, and the AC shall be responsible for providing a Moderator. Areas to be discussed may include education about the issues which have brought the congregation to this point. During the congregational hearings, if an active church member is unable to attend, he/she may correspond with the AC in writing or by phone. These hearings are for the purpose of seeking input from the congregation and the Presbytery, but they are not congregational meetings (*Book of Order* G-1.05). It shall be announced to the congregation that, in accordance with the Authoritative Interpretation of the 218th General Assembly (2008), “*withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.*” After fair and open discussion, if the AC deems it advisable to conduct a survey of the active members to gauge support for separation within the congregation, it may do so.

**C. *Resolution Phase: Recommendations of the Administrative Commission***

The AC shall report to Presbytery its recommendations with regard to proceeding with consideration of dismissal.

1. If the AC recommends not proceeding with dismissal or dissolution, then it shall report its recommendation to Presbytery and move forward as it deems appropriate within its powers in order to bring healing and reconciliation within the congregation.
2. If the AC recommends dismissal, then before reporting to Presbytery, the AC and the Session shall discuss the following points for a plan of separation.
  - a. A congregation may be dismissed only to another Reformed body approved by the presbytery (*Strong and Bagby v. Synod of the Mid-South*, PCUS 1976, pp.92-96).
  - b. Property (real and liquid)
    - i. The Session shall provide a list of all assets and liabilities with verification as requested, as due diligence requires that the Presbytery consider not only an evaluation of the spiritual needs of the congregation and its circumstances, but also a financial analysis of the property at stake.
    - ii. The Presbytery has an abiding interest in and responsibility for the location and facilities of the member churches, since they are an expression of the mission of the larger church (*Book of Order* G-1.0103), and decisions with regard to church property shall reflect the best interests of the whole Presbytery and PCUSA, as well as those of the particular congregation, for the future as well as for the present.
    - iii. All parties shall recognize that “the church” in a particular area is not its building or financial assets, but the members of the congregation.
    - iv. In considering any resolution requiring sale or mortgaging of real estate, the congregation shall approve the proposal prior to its submission to Presbytery (*Book of Order* G-1.0503).
  - c. Status of Elders  
Being a member of the presbytery and the presence of the presbytery to the congregation they serve, a Teaching Elder is to be especially circumspect in his/her role within the discernment phase of the AC with the Session and congregation, and will be expected to conduct him/herself with the highest degree of decorum and moderation. If, however, the TE is contemptuous or disingenuous to the AC and the Presbytery in this discernment, he or she may be subject to charges, and/or challenged to renounce the jurisdiction of the PCUSA.

As a congregation decides on its future, the Teaching Elder(s) serving that congregation must decide if they will remain with the PCUSA or separate from the denomination to another denomination. The AC shall work with the Teaching Elder(s) in reaching a decision, recognizing that dismissal of a congregation to another Reformed body approved by Presbytery terminates the call of the pastor(s) of that congregation within the PCUSA.

- i. In the case of a Teaching Elder serving in any installed position within a congregation which requests dismissal, the Teaching Elder's relationship with that congregation shall be dissolved at a time to be negotiated and specified in the plan of separation. Teachings Elders who decide to stay in the PCUSA shall be provided, by the departing congregation, a severance package that is in accord with the presbytery's policy.
  - ii. Teaching Elders who request dismissal from the PCUSA shall be dismissed to the receiving denomination upon request from the receiving denomination.
  - iii. In the case of a Commissioned Ruling Elder, if the church where they are commissioned requests dismissal, the Commissioned Ruling Elder's relationship with that congregation shall be dissolved at a time to be negotiated and specified in the plan of separation.
  - iv. If the church in which a Commissioned Ruling Elder is a member requests dismissal, the Commissioned Ruling Elder shall decide whether to be dismissed with that congregation or move his/her membership to another congregation.
  - v. in all circumstances teaching elders and ruling elders are always subject to the Rules of Discipline of the current edition of the Book of Order and will be held accountable to their ordination vows.
- d. Congregation members who wish to stay in the PCUSA shall receive support and care. The amount of resources to be provided shall be the subject of negotiations and shall involve issues such as, but not limited to: number of members wishing to remain, proximity of existing PCUSA congregations, and the need for pastoral leadership.
  - e. When the AC and Session have agreed on a plan of separation, the AC shall report to the Presbytery its recommendation for the plan and its supporting rationale. The plan shall be submitted and distributed to all minister members and commissioners at least two weeks prior to the meeting at which the presbytery will consider the report of the AC.
  - f. The Presbytery shall consider and vote on the proposed plan (*Book of Order* G-3.0109b), including the congregation's request for separation. A simple majority is required (*Book of Order* G-3.0303b and the Authoritative Interpretation of the 218th General Assembly). Following discussion and prayer, the presbytery shall vote by a written ballot on this question:

*"Shall the \_\_\_\_\_ Presbyterian Church be dismissed to \_\_\_\_\_ based on the proposed plan?"*

The ballot choices for the Presbytery shall read: **Yes No**

The terms of dismissal, the result of the vote, along with a written report from the AC, and the vote count shall be recorded in the minutes of the Presbytery meeting.

- g. In the event that the Presbytery approves the proposed plan, the AC shall be Presbytery's representative in implementing the plan with the dismissing congregation.

- h. In the event that the Presbytery amends the proposed plan, the Session shall report to the AC its response to the amended plan. Dismissal of the congregation shall be delayed until Presbytery has received a report from the AC in consultation with the Session regarding the acceptability of the new terms. If any part of the amended plan is unacceptable to the Session, the AC will bring a new report to the next stated meeting of the Presbytery with recommendations. Final determination will be made at that Presbytery meeting.
- i. In the event that the Presbytery does not approve the proposed plan, the AC shall be Presbytery's representative in reporting this action back to the congregation and reviewing with the session and congregation the next step.
- j. If no resolution can be negotiated with the Presbytery and a church seeking to be separated, the AC may consider taking original jurisdiction and recommending dissolving the congregation, if it has not already done so.

### **III. Other Items**

- A. In the event that either party files suit in civil court or while proceedings under this policy are pending, those proceedings shall be suspended pending the resolution of the civil court action.
- B. Nothing in this policy supersedes the Rules of Discipline of the current edition of the Book of Order
- C. The original Session minutes and all other official records related to the church's life as a church in the PCUSA or its predecessors will become the property of the Presbytery (*Book of Order* G-3.0107).
- D. Amendments to this policy shall be reviewed by CRM for recommendation to Presbytery.