

GRACIOUS DISMISSAL POLICY - 1

Presbytery of San Francisco Policy for Dismissing Churches

Adopted September 15, 2009

1. Introduction

The 218th General Assembly (2008) of the Presbyterian Church (USA) urged 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-11.0103i) 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, it 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-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*: 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.

2. Statement of Values the Presbytery of San Francisco

- a. Commitment to the ministry of churches and acknowledging good will of parties in dispute

The Presbytery of San Francisco seeks to uphold one another, respect each other's integrity, affirm freedom of conscience, even as we acknowledge significant differences in our views on what the Bible teaches about a number of issues. We desire to encourage peace and unity while minimizing confrontation between and among our congregations and members as we seek together to find and represent the will of Christ. In all that we do, it is our prayer to strive to be a church modeled on the body of Christ, a church made up of many different parts, all of which are necessary for its mission to the world, for its building up, and for its service to God and on our organic spiritual unity found in the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit.

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In order to achieve the goals of servanthood, encouragement and support the Presbytery has historically seen its role as being a resource. The Book of Order of the Presbyterian Church (U.S.A.), (G-11.0103), challenges the Presbytery to order all resources ...for the mission and government of the church throughout its geographical district. It therefore has the responsibility and power to develop strategy for the mission of the church in its area consistent with (G-3.0000) and to coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility. As a result, the Presbytery has an abiding interest in the location and facilities of the member churches as an expression of the missions of the Presbytery.

b. Specific exposition of what "Held in trust" means to us

According to the Book of Order of the Presbyterian Church (U.S.A.):

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.).
(G-8.0201)

The Trust Clause is meant to reflect the church's organic unity as it fulfills "The Great Ends of the Church", strengthening its ability to guide its member churches into their witness to the broader community. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to act ministerially rather than adversarially to its member churches in regard to its provisions. It is also the right of a congregation to seek and to request dismissal with its property to another Reformed denomination.

We affirm these principles that will guide the Presbytery's use of the Trust Clause:

- It will not be used to shackle churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart.
- It will not be used as a weapon to threaten civil action against a congregation over issues of conscience. (G-1.0300)
- It reflects a tangible exhibition of the inter-connected relationship organically existing between the Presbytery and its congregations.

c. Commitment to avoid litigation

Scripture calls us to seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel and Christ's body when Christians resort to civil litigation rather than love for neighbor. The Trust Clause will not be used by Presbytery to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery.

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d. Commitment to dialogue and openness without the threat of punishment

The goal of this Presbytery will always be reconciliation and continued engagement in relationship for 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 disaffiliation.

1 John 4:18 states *“There is no fear in love. But perfect love drives out fear, because fear has to do with punishment. The one who fears is not made perfect in love.”* The Presbytery’s commitment to this passage in how we dialogue with each other means that we are committed to engage either the leaders of the congregation or the congregation as a whole, as circumstances dictate, without threat of punishment. We encourage congregations wrestling with these issues to share their concerns with Presbytery leadership and know that the response will not be hostile, but instead one of prayerful dialogue and a commitment to act in love and in the best interest of that congregation.

3. Outline of Process for Engagement with Presbytery

a. Initial Contact and Dialogue

When the leadership of the presbytery becomes aware, either through formal session action or discussion, or through informal contacts with church leaders or members, that a congregation is in serious disagreement with the denomination to the extent of considering leaving the PC (USA), a Presbytery Engagement Team (PET), formed for such a purpose, will offer to meet with the session and jointly, or subsequently, with the congregation as the church tries to discern God’s will for denominational affiliation. This process is meant to insure that the congregation is fully informed on the issues at hand, equipped with knowledge of this Presbytery’s process, as well as the processes and values that have guided other churches and presbyteries in their decision making. In doing so, the Presbytery hopes to creatively engage the concerns of the congregation, and enable them to make decisions based on facts and not assumptions, which could cause suboptimal decisions to be made.

b. Prayerful discussion of differences and determination of possibility of reconciliation

The PET will attempt to “bridge the gap” with the congregation through discussion of possibilities for reconciliation and likely impacts in the case where dismissal is the course decided upon. The PET will outline the process and likely consequences of the congregation requesting dismissal from the Presbytery, and will use the following principles to guide the PET’s dialogue with the church:

- 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

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understanding the issues of the session/congregation that desire that their congregation be dismissed, and also to hear from those congregation members who wish to remain within the PC (USA).

- If the team determines that progress can be made toward reconciliation through continued and constructive dialogue, the session and the team will establish a mutually agreeable timeline of talks to be held and proceed to engage in such dialogue.
- In its dialogue with the church session and/or congregation, the team will share implications for a church considering leaving the PC (USA). The PET will discuss with all minister members the likely impacts on their benefits and ordination status of the various options available to them, so that they fully understand the implications of their transfer to another Reformed body, or staying as a member of Presbytery.
- The best goal of presbytery team conversations with congregations when there is a group that desires to remain within the PC (USA) and a group that desires to be dismissed to another Reformed body, is to discuss financial, property and other issues that will enable both members of congregations (groups) to be as healthy as possible in the aftermath of separation.

If after a period of dialogue, the PET and the leadership of the congregation are not able to establish a process for reconciliation, the PET and the leaders of the congregation will begin the process of negotiation of the terms of dismissal, and the validation of the true desire of the members of the congregation with regards to denominational affiliation.

4. Process for a congregation to request dismissal

a. Negotiation of terms of dismissal

The dismissal of a church from the Presbytery will be a traumatic event in the life of the congregation and the Presbytery. The actions of the Presbytery are truly focused on the preservation and even the advancement of ministry through the process of negotiation and after the congregation is dismissed.

The PET will engage with a special committee of the congregation (SCC) to negotiate the terms of dismissal. The Presbytery strongly recommends that the congregation's committee be comprised of a mixture of pastoral leadership and elders, with representatives from the congregation's finance, property, and personnel committees, and should be selected with a goal of being representative of the congregation. Every effort should be made to represent those desiring to remain with the PC (USA). This will better prepare the leadership of the church to converse with the PET and also avoid being disconnected with the broader congregation, so that any vote to request dismissal would not be divisive and lead to long term harm to the community of believers.

It is expected that once the process has reached this stage, the negotiations should be able to progress relatively quickly and be able to be completed within 60 days.

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i. Terms for release to another body

Consistent with PC(USA) polity and General Assembly actions taken in Anderson v. Synod of Florida, and Strong vs. Bagby, congregations seeking dismissal from the Presbytery may only be dismissed with their property to another reformed body.

1. Policy for releasing claims to property

If a church seeking dismissal has outstanding loans to the Synod or other PC(USA) body, before the actual transfer of title occurs, the loans must be paid back or transferred to another creditor as part of the loan being repaid. Since the church being dismissed will no longer be under the authority of PC(USA), the denomination body that holds the loan should not be placed in the position of being exposed to loss without having a position of oversight of the church, or having the Presbytery being able to act as a guarantor of the loan. This repayment does not have to be made before the Presbytery acts on the request to dismiss, but must be made within 90 days of the Presbytery vote to dismiss. If the PET does not believe a viable plan for repayment exists, the PET shall recommend to the SCC that the process be put on hold before the congregational vote until a viable plan to repay the loan is established.

Prior to the Presbytery voting on the dismissal, the SCC shall provide the PET details regarding to whom the church property shall be transferred, such that the appropriate legal documentation can be prepared. Such transfer should occur no later than 90 days of the vote taken by Presbytery to dismiss.

2. Status of minister members of Presbytery

If a church is dismissed by Presbytery, one of the paramount concerns of this process is to assure that the rights and status of minister members are considered and properly handled.

Ministers may choose to remain as members of Presbytery and not transfer to the other reformed body that the church is being dismissed to, or to request transfer along with the congregation. Such transfers may be requested concurrent with the church requesting dismissal, or may occur separately. If the transfer is not requested concurrently, the minister(s) shall be placed on inactive status. This allows them to continue to seek calls within the PC(USA) during the period of inactive status, or request to become members at large if their call at the church ends. At the end of 3 years of inactive status, the COM will normally remove the member from the roles of the Presbytery.

Transfers to another reformed body shall normally be approved, unless the minister member is the subject of a pending judicial or investigative action. Members under discipline of the Presbytery may not be transferred until the administrative process is complete and any required remedial actions completed. At that point the transfer may be completed, but a record of IC or PJC must be transmitted to the other body prior to the transfer being requested so proper disclosure of any issues can occur.

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3. Status of members of the congregation being dismissed

Members of the church being dismissed shall be notified by mail after the vote by Presbytery to dismiss of the action being taken, and the church shall inform them of the process available to them to have their membership transferred to another PC(USA) church. The church being dismissed must provide a list of members whose membership is not being transferred to the new body to the PET, so as to make sure they are invited to join another PC(USA) congregation. This list should be provided within 30 days of the vote by Presbytery to dismiss the congregation. It is important that throughout the process that both the PET and SCC communicate well so that both the members who transfer out of PC(USA) and the members who remain are properly ministered to so that the level of divisiveness and conflict can be minimized, and that the ministry of both groups may continue.

Members of the church being dismissed who are on Presbytery committees shall have their terms of service end on the day the Presbytery votes to dismiss the congregation. The Presbytery welcomes former elder commissioners' participation at Presbytery meetings as a way of continuing shared ministries and mission in the Presbytery of San Francisco, but such participation will be limited as visitors without standing or voice.

4. Mitigation of financial impact on mission and ministry of the Presbytery

Just as this process is designed to aid in Presbytery's ability to respectfully deal with the congregation's desire to be dismissed, and to have that happen in a way that minimizes the impact on that congregation's ministry, it is also important for the congregation to act in a way as to minimize the impact on the mission and ministry of the Presbytery.

Recognizing that the Presbytery's ability to sustain ministry is related to its financial health, it is assumed that the congregation that is being dismissed would want to minimize the financial impact of its departure on Presbytery. This comes in two forms: per capita giving and mission giving. The dismissal of the church shall not be conditioned on these payments being made, as they are intended to be voluntary contributions driven by this reciprocal concern for ministry.

It is encouraged that the congregation agree to a declining per capita contribution over the span of 5 years so that the Presbytery can adequately adjust to a smaller base of per capita contributions. The first year after the dismissal is granted, the contribution should be 80% of the last per capita payment the church made before it's dismissal, followed by 60% the following year, followed by 40% the following year, followed by 20% the following year, and nothing in year 5.

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A similar sort of declining contribution to the mission budget of the Presbytery is likewise encouraged. The first year after the dismissal is granted, the contribution should be 80% of the last per capita payment the church made before its dismissal, followed by 60% the following year, followed by 40% the following year, followed by 20% the following year, and nothing in year 5. The congregation may want this contribution targeted at ministries that the congregation has previously supported. It may even be the case that the ministry integration is such that declining contributions would not be necessary and that the congregation may want to continue to support these ministries at the 100% level or more over a long period of time. This is completely consistent with the goal of remaining in fellowship and continuing to serve together even after the dismissal is complete, just as many PC(USA) churches work closely with non-PC(USA) churches on mission today.

b. Validation of Congregation's desire and discernment to request dismissal

After the PET and the congregation's SCC have met and negotiated the terms of dismissal, the next step in the process is to validate the congregation's desire for dismissal, and to ascertain the congregation's unity in that decision. That validation must be performed through a congregational vote.

While the quorum for congregational meetings is set by the Book of Order and by the bylaws of particular congregations, the PET should expect at least 50% of the active members of the congregation be in attendance for a congregational meeting where the vote to accept the terms of the dismissal agreement are voted on and thereby voting to leave the PC(USA). This should be relatively easy for a smaller congregation, but impractical for a larger one, and the PET can negotiate a more practical number if 50% is deemed unreasonable.

Such a called meeting of the congregation must be noticed at least 30 days in advance, and every action should be taken to maximize the participation of the congregation in this meeting. It is also expected that representatives of the PET would have an opportunity to address the congregation and be able to discuss specific issues that would enable the congregation to make an informed decision based on the facts of the situation and prayerful discernment.

If the results of the vote to request dismissal and to accept the terms of the negotiated agreement is 75% or greater, the dismissal request is considered validated and, and then will be scheduled for a vote at an upcoming Presbytery meeting.

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5. Process for the Presbytery to vote to dismiss a congregation

Once the congregation has voted to request dismissal from Presbytery and accepted an agreement on terms of dismissal, the Presbytery will vote on accepting the terms of the negotiated agreement and the dismissal of the congregation to another reformed body.

To do this and maintain the trust and integrity of the process, it's essential that the motion be a "thumbs up or thumbs down" vote. Renegotiation of the terms of dismissal through the use of amendments on the floor would essentially invalidate months of work between the PET and the congregation, and destroy any trust built between the Presbytery and the congregation. Therefore, the following steps shall be taken by the Presbytery to avoid this outcome

- The vote shall be scheduled at a regular meeting of Presbytery.
- The proposal will be presented as a whole, with the understanding that the agreement was arrived by good faith negotiations between both the PET and the congregation
- The proposal will be preceded by a 2/3rds vote required to limit debate and amendments or tabling

It should be assumed that after following through the steps of this process that if the Presbytery votes down the proposal, that the outcome would be the initiation of civil litigation to force a separation, with all that entails, as well as a deep sense of betrayal by the Presbytery. Our prayer above all, through the above process is to ultimately avoid and in good faith attempt to resolve differences reasonably and civilly.