

## **MINISTERS OF THE WORD AND SACRAMENT**

### **P-100.01**

## **ORDINATION PROCESS FOR MINISTERS OF THE WORD AND SACRAMENT AND COMMISSIONED LAY PASTORS (October 2017)**

### **I. PROCESS FOR ORDINATION**

- A. The Continuing Preparation for Ministry Task Group (CPMT) will create a step-by-step process for ordination in our Presbytery as a Minister of the Word and Sacrament or as a Commissioned Lay Pastor (CLP). Persons who are interested will consult the Presbytery of the Northern Plains' Handbook for Inquirers, Candidates and CLPs.
- B. The Care for Congregations Pod shall carry out the following for CLPs:
  1. Oversee the process by which a congregation seeking a ruling elder commissioned as pastor gets matched with a suitable candidate.
  2. Work with the parties in developing a written local commission.
- C. The Care for Pastoral Leaders Pod shall carry out the following for CLPs.
  1. Arrange for the commissioning service.
  2. Oversee the annual review

### **II. THE COMMISSIONING OF CLPs**

- A. Administration of the CLP Program
  1. The Care for Congregations Pod shall be notified when a learner has completed the examination and been placed by the Care for Congregations Pod on the Trained Lay Pastor (TLP) list.
  2. The Care for Congregations Pod shall work with the TLP and any session or ministry desiring to contract for his or her services in developing a local commission
  3. Once the Care for Congregations Pod approves the local commission, the learner shall be presented to presbytery for commissioning. This will take place at a meeting of the presbytery but a service of recognition will be planned for the local site.
- B. Annual Review

An annual review of the work of the Commissioned Lay Pastor shall be conducted by the employing body and reported to the Care for Pastoral Leaders Pod. Attention will be given to the way in which the Commissioned Lay Pastor has made use of continuing education opportunities.
- C. Commissioning of CLPs
  1. A Trained Lay Pastor shall not be commissioned to serve as the pastor of a congregation in which they are a member.
  2. The Care for Pastoral Leaders Pod can grant a commission to a TLP, when a church, the presbytery or another approved institution (such as a hospital, nursing home, prison, or police department), or regional commission, extends an invitation to serve a local commission to a Trained Lay Pastor. The Pod will report the new commission to the Presbytery at the next called meeting.
  3. In considering this recommendation, the presbytery shall receive from the candidate being considered for a first commission a statement of personal faith and a description of her or his sense of call to this ministry. Presbyters may ask the candidate questions based on these statements.

4. If the brief examination by Presbytery is sustained and the motion passes to commission the candidate for the specified ministry, the Moderator of Presbytery will ask the candidate the constitutional questions in accord with W-4.4003. Following affirmative answers, a brief charge shall be given, followed by a prayer from the Moderator.
5. When a Trained Lay Pastor who has been previously commissioned is offered a new commission, Care for Congregations Pod shall review the proposed local commission and, if it accords with the guidelines in this policy, may approve the new relationship and subsequently report its decision to the presbytery.
6. The Care for Pastoral Leaders Pod and Care for Congregations Pod will work with the congregation or other institution extending the commission to assure that a service of recognition is held to mark the new relationship and to seek the guidance and power of the Holy Spirit.

D. Expectations regarding the local commission

1. The Presbytery of the Northern Plains shall approve no commissions without a written local commission.
2. The terms in the local commission will meet the guidelines in Presbytery's policies regarding minimum compensation.
3. The terms of the local commission will annually:
  - i. Be spread upon the minutes of the session, or other institution, which is extending the commission;
  - ii. Be sent to the Care for Congregations Pod for review and filing.
4. If there is difficulty in determining the terms of the local commission, either party may request the assistance from either the Care for Pastoral Leaders Pod and/or Care for Congregations Pod.

E. Opportunities for Learners and Trained Lay Pastors

1. Lay Pastor Learners in this program may, under the guidance of their Mentors, be allowed to preach occasionally when invited by sessions to do so.
2. Trained Lay Pastors (TLPs) will be listed on the Presbytery's Pulpit Supply List and authorized to preach whenever so invited.

F. Expectations regarding annual Review of Commissioned Lay Pastors

1. As required by the *Book of Order* (G-2.1001) an annual review shall be conducted of the work of Commissioned Lay Pastors.
2. The review will be conducted by the session or other commissioning body making use of forms provided for this purpose by the Care for Congregations Pod.
3. A written report of the review will be submitted annually to the Care for Pastoral Leaders Pod. This report shall consist of a mentor, session and self-evaluation of the CLP.
4. Failure to comply will be reported at the next presbytery meeting for presbytery consideration and inclusion in the minutes. Failure to comply with the above expectation may result in the revocation of the CRE's commission.

G. Renewal or Termination of the local commission

1. The Presbytery may renew a local commission when it expires if all the parties agree that it is in the best interest of all that the commission continue.
2. Renewal of a local commission will be marked by a letter from Care for Pastoral Leaders Pod to session confirming renewal.
3. The Care for Congregations Pod may revoke the commission of any Commissioned Lay Pastor who does not abide by the provisions contained in the *Book of Order* or in this policy. Care for Congregations Pod will then report its action to the Presbytery at the next called meeting.

**P-100.02****ORDINATION/INSTALLATION (April 1990, Revised October 2017)****THE ORDER OF WORSHIP**

The order of worship is to be planned by the person to be ordained or installed with aid given by the Installations/Ordinations Task Leader. It shall then be submitted in working form (not the printed bulletin) to the presiding officer of the commission for approval no less than two weeks before the service is to be held. The presiding officer will make any necessary additions or corrections before the bulletins are printed.

The order of worship shall be consistent with The Directory for Worship (W-4.4003). The following elements must be included in the service:

Call to Worship; Opening Statement by the Presiding Officer; Scripture Reading; Sermon Appropriate to the Occasion; The Questions as given in G 14.0405 and 14.0510 (2005 Edition); The Laying on of Hands with Prayer (ordination service); Prayer of Installation (installation service); Statement of Ordination or Installation by the Presiding Officer; A Welcome by Members of Presbytery and others; A Benediction by the Person Being Ordained and Installed.

Other elements may be added to the service as appropriate such as hymns by the congregation, by a choir, prayers, a charge to the minister of the Word and Sacrament and/or the congregation, and a brief statement by the person being ordained or installed before the benediction is given. Taking an offering for the purpose of funding seminary scholarships is encouraged.

A helpful order of worship, prayers and scripture readings suitable for ordination or installation may be found in The Worship Book, "A Service of Ordination and Installation." Helpful prayers may be found in The Book of Common Worship. Questions from The Form of Government must be used.

Particular care must be taken to assure that language used throughout the service is inclusive.

**THE OFFERING**

Funds received during the offering would be maintained in an account under the control and disbursed at the discretion of the Leadership Pod in consultation with the Care for Pastoral Leaders Pod.

**THE COMMISSION**

The Commission will consist of at least five members, one of whom shall be the Moderator of the Presbytery or his/her designee, who will act as the presiding officer. Presbytery will reimburse travel expenses for these five commissioners. Please try to select commissioners close to the worship site. The candidate or congregation may invite others to serve on the commission or to participate in the service. Their expenses will be the responsibility of the inviting party.

**P-100.03****MEMBERSHIP ADMISSION AND DISSOLUTION  
(October 2017)****I. PASTOR CONTEMPLATES RESIGNATION OR RETIREMENT**

A. Leader of the Care for Pastor Leaders Pod is to be informed, especially as the contemplated resignation becomes imminent. Pod Leader may designate a representative to be in communication

with the pastor.

- B. The pastor may also wish to consult with colleagues and trusted lay people.
- C. Pastor and Leader of the Care for Pastor Leaders Pod (or representative) discuss:
  - 1. Reasons for this intended resignation
  - 2. Approximate resignation time frame
  - 3. Steps involved in resignation procedure
  - 4. Issues related to continuity of pastoral care for the congregation.

## II. PASTOR MAKES DECISION TO RESIGN

- A. Inform Leader of the Care for Pastor Leaders Pod immediately; "EXIT CHECK SHEET" is mailed to the pastor, if not already done. Leader of the Care for Pastor Leaders Pod will notify Leader of the Care of Congregations of resignation.
- B. Determine if it will be possible to follow the preferable procedure to have a Care for Pastor Leaders Pod representative present at the Session meeting when the pastor presents resignation request.
- C. Discuss with Care for Pastor Leaders Pod representative the proposed date for the congregational dissolution meeting.
- D. Arrange with the Presbytery Moderator for a substitute moderator for the congregational meeting (See G-2.0903).

## III. ROLES OF THE SESSION

- A. Concur with the request of the pastor to set the date and the time for the congregational meeting and the effective date for the resignation.
- B. Determine that all financial obligations to pastor will be fulfilled.
- C. Be informed of Presbytery's supportive role which will be carried out through the Care for Congregations Pod:
  - 1. Another Minister of the Word and Sacrament from the Presbytery may be present, if needed, to serve as moderator of the congregational meeting.
  - 2. Presbytery will take final action on pastor's request.
  - 3. Presbytery will provide a moderator for the Session.
  - 4. Presbytery will provide guidance in establishing a Pastor Nominating Committee and work with that Committee.
  - 5. Presbytery will recommend provision for pastoral leadership and care.
- D. Only if Care for Congregations Pod gives permission - recommend to the special meeting of the Congregation a method for electing the Pastor Nominating Committee (PNC):
  - 1. Determine how many persons shall constitute the PNC.
  - 2. Discuss concerns necessary in assuring a representative committee is elected.
  - 3. Decide how the PNC will be nominated.
  - 4. Make it known that the pastor shall in no way be involved in the influencing the nominating process for the PNC.
  - 5. Make it clear that the PNC can be elected only after an irrevocable resignation date has been set and approved by the Presbytery.

## IV. EXIT CHECK SHEET FOR PASTORS

### A. TWO DISSOLUTION VARIATIONS

#### 1. Retirement by Pastors

- a. Notify Leader of the Care for Pastors Leadership Pod of retirement decision and effective date and arrange a time at a meeting of Presbytery to recognize the faithful service of the retiring minister of the Word and Sacrament.
- b. Ask Session to call a congregational meeting to act on resignation request.
- c. Advise Session, only with Care for Congregations Pod approval, to recommend to

- congregation a procedure for nominating the PNC.
- d. Elect a PNC at the congregational meeting ONLY under two conditions: 1) Presbytery has set an irrevocable date when the Pulpit will be declared vacant; and 2) the proposed election is included in the Call.
- 2. Resignation by Pastor to accept a Call, or for other reasons.
  - a. Notify Leader of the Care for Pastors Leadership Pod of intent to resign.
  - b. Request Session to call a congregational meeting and recommend effective resignation date.
  - c. Notify Leader of the Care for Pastors Leadership Pod when definite resignation date has been set.

## B. ADDITIONAL STEPS FOR ALL DISSOLUTION PROCEDURES

1. Request Session to call special meeting of congregation.
2. Inform Session of steps for terminating pastoral relationship that have been worked out with Leader of the Care for Pastors Leadership Pod.
  - a. Arrange for meeting of Session and Care for Pastors Leadership Pod Representative.
  - b. Have Session arrange for nominations for PNC.
  - c. Elect two elders to attest to action taken by the congregation. This will be done by attendance at a Presbytery Meeting or a letter to the Leader of the Care for Pastors Leadership Pod.
  - d. Pastor should also be prepared to speak at a Presbytery Meeting or to the Care for Pastors Leadership Pod regarding the dissolution.
  - e. Immediately following congregational meeting pastor will send a completed copy of dissolution request to Leader of the Care for Pastors Leadership Pod.
  - f. Assemble statistics helpful to Pastoral Nominating Committee in completing the Ministry Information Form.
    - (1) Membership today and five years ago.
    - (2) Annual giving today and five years ago.
    - (3) Current debt of church and annual payments.
    - (4) Average attendance at worship services and church school.
    - (5) List of major organizations of the church.
    - (6) List of curriculum for Christian Education programs.
3. Request Presbytery Moderator to appoint a moderator for congregational meeting, if circumstances make it impractical for the pastor to moderate.
4. Attend congregational meeting and present formal resignation.
  - a. Fulfill all your responsibilities promptly:
    - (1) Clear out all personal books and belongings from study.
    - (2) Clean Manse after movers have gone.
    - (3) Pay all bills.
    - (4) Arrange for transfer of any debts.
    - (5) Notify Board of Pensions.
5. Have pulpit supply committee appointed by the Session.
  - a. Make a clear and final break with the congregation so far as pastoral duties and services are concerned. You will have close friends you will keep in touch with, but refrain from any pastoral functions unless you are invited by the Session.

**P-100.04****PROCESS FOR EXAMINATION OF MINISTERS OF THE WORD AND SACRAMENT SEEKING MEMBERSHIP IN THE PRESBYTERY OF THE NORTHERN PLAINS (April 1984, Revised October 2017)**

“The Presbytery, shall examine each minister of the Word and Sacrament or candidate who seeks membership in it on his or her Christian faith and views in theology, the Sacraments, and the government of this church.” (G-3.0306)

**I. ACTIVE MINISTERS OF THE WORD AND SACRAMENT FROM OTHER PRESBYTERIES SEEKING MEMBERSHIP****A. Initial Contact**

1. Membership Admissions and Departures Task Leader and a representative will interview each minister of the Word and Sacrament at the earliest possible time prior to that person being invited to be a candidate for a minister of the Word and Sacrament position in this Presbytery.

**B. The purpose of the contact is:**

1. To provide each candidate with information about this Presbytery,
2. To inquire if the candidate has questions about the congregation or community that may be served,
3. To inform the candidate that the Care for Pastoral Leader Pod is required to make a value judgment on the candidacy of every minister of the Word and Sacrament seeking membership in this Presbytery, and
4. To alert the candidate to the required examination interview and explain the procedures.

**C. Examination Interview**

1. After a minister of the Word and Sacrament has been invited to become a candidate, the Membership Admissions and Departures Task Leader and a representative, ordinarily a ruling elder and a minister of the Word and Sacrament, will meet with that candidate:
  - a. To review the written responses (see #2 below),
  - b. To discuss any items of mutual concern, and
  - c. To make a recommendation to the Care of Pastoral Leaders Pod regarding this person's membership in this Presbytery.
2. Each candidate may submit a written response of no more than one page in length to each of the examination areas stated in the Form of Government (G-3.0306):
  - a. "Christian Faith" Summarize your faith pilgrimage and identify the "growing edge" of your faith at this time.
  - b. "Views in Theology" State your understanding of the theological views set forth in the first three Constitutional Questions (a, b, c) addressed to elders, deacons, and teaching elder at the time of their ordination or installation (W-4.4000).
  - c. "The Sacraments" How important are the Sacraments in the life of the Church, as you understand them, and why?
  - d. "The Government of the Church" Read through the entire Book of Order and note a minimum of three items that you wish to discuss with the Membership Admissions and Departures Task Leader and representative. Identify these as items of your strong endorsement, concern, confusion, or reluctance compliance.

## **II. MEMBER-AT-LARGE MINISTERS OF THE WORD AND SACRAMENT FROM OTHER PRESBYTERIES**

These ministers of the Word and Sacrament will be examined according to the procedure for active ministers of the Word and Sacrament as set forth under #I-B above, including why do they seek membership in this Presbytery?

## **III. MINISTERS OF THE WORD AND SACRAMENT FROM OTHER DENOMINATIONS WHO SEEK MEMBERSHIP**

- A.** Examination of from other denominations will follow the same procedure as examination of active members from other presbyteries.
- B.** In addition, the Care for Pastoral Leaders Pod may requests written responses to the following questions:
  1. Why do you seek membership in the Presbyterian Church (U.S.A.)?
  2. Why are you leaving your present denomination?
- C.** These persons are to be informed that as part of their examination they must be prepared to answer questions posed by members of the Presbytery at the same time they are being presented for membership. Such questions will normally be confined to the area of the minister of the Word and Sacrament's belief.

## **IV. POLICY ON INTEGRATION OF NON-PRESBYTERIAN MINISTERS OF THE WORD AND SACRAMENT INTO OUR MEMBERSHIP (April 1996)**

All non-Presbyterian ministers of the Word and Sacrament/clergy appointed to serve congregations of this Presbytery shall be required, prior to being admitted to membership to complete study of Presbyterian polity and reformed theology under the direction of the Care for Pastoral Leaders Pod and in accordance with a process to be developed by the pod and approved by Presbytery. Successful completion of the study shall be determined by the results of a review conducted under the supervision of the Care for Pastoral Leaders Pod by the Ecumenical Relations Task Leader.

Following the successful completion of the review, such ministers of the Word and Sacrament may be admitted to temporary membership in Presbytery under the provisions of G-2.0506, upon recommendation by the Care for Pastoral Leaders Pod.

Such ministers of the Word and Sacrament/clergy shall be offered the option of installation to service (if appropriate) following admission to membership in Presbytery.

Such ministers of the Word and Sacrament/clergy may be named as moderators of sessions only after successful completion of the review of polity and admission to Presbytery membership.

## **V. HONORABLY RETIRED AND INACTIVE MINISTERS OF THE WORD AND SACRAMENT FROM OTHER PRESBYTERIES**

Examination of Honorably Retired ministers of the Word and Sacrament and inactive ministers of the Word and Sacrament who seek membership in this Presbytery will be considered by the Care of Pastoral Leadership Pod on an individual basis at the time of application.

**P-100.05****CONTINUING EDUCATION FOR CHURCH PROFESSIONALS****(April 1990)****I. REQUIREMENTS**

In light of the historical importance placed on formal education and training of the teaching elder leadership in the Presbyterian tradition and the importance to have this training and education continuously updated, the Presbytery of the Northern Plains requires:

- A. When a call is extended to a teaching elder, and all others whose terms of employment are approved by Presbytery, it shall include as a term of the call, two weeks each year for continuing education. During this time the employed person is relieved of all duties but the time is not considered to be part of his/her vacation.
- B. That all present employing agencies of the churches or of the Presbytery are encouraged to change the call to their present teaching elder(s) or church professional(s) whose terms of employment are approved by Presbytery to include two weeks per year for continuing education.
- C. That the church, parish, or employing agency budget a minimum of \$500 each year to apply toward continuing education expenses of their teaching elder(s) and church professional(s).
- D. That the two weeks of annual study leave be cumulative for a maximum of six weeks.
- E. That the annual study leave grant be cumulative to a maximum of the total amount of three years.
- F. That all Minister of the Word and Sacrament and church professionals confer with their appropriate board before enrolling in a continuing education program or event.
- G. That there shall be an annual accounting to the employing agency of the utilization of continuing education time and monies with reported balances of accrued time and monies each year. This data shall be included in the annual report on teaching elder compensation and changes in terms of call.
- H. That continuing education be a concern in the triennial visits with sessions and annual visit to parish and non-parish ministers of the Presbytery.
- I. That a Minister of the Word and Sacrament or other church professional whose terms of employment are approved by Presbytery forfeits his/her accumulation of time and allowance for continuing education if it has not been used prior to the dissolution of the Minister of the Word and Sacrament relationship.
- J. That employing agencies be encouraged to provide that unused continuing education monies at the end of the three-year cumulative term and continuing education monies forfeited at the end of the dissolution of the employment relationship shall be placed in a Presbytery Fund which shall be designated for continuing education events and/or scholarship aid to those serving in Presbytery approved positions.

**II. GUIDING PRINCIPLES**

The Presbytery of the Northern Plains recognizes that educational needs vary with individuals and that those needs correlate with both experience and the situations of employment. The Presbytery further recognizes that continuing education opportunities encompass a broad range of events and programs, some involving portions of a day and others requiring several years. The nature of the program and the duration obviously has direct bearing on associated costs. While considerable effort is made to provide close access of continuing education programs particular needs often require substantial travel costs. Special circumstances sometimes require inclusion of a spouse or members of a family. Careful consideration is encouraged of all persons utilizing continuing education time and monies and all employing agencies that provide the funds.



**P-100.06****SEPARATION ETHICS: WHEN PASTOR AND CONGREGATION SAY GOODBYE**

*Background and guidelines for pastors, sessions, and congregations concerning relationships and responsibilities upon the dissolution of the pastoral relationship. Based upon a document approved by the Presbytery of the Twin Cities Area on October 12, 1993. Book of Order references are to the 2011-2013 Book of Order of the Presbyterian Church (U.S.A.).*

**TABLE OF CONTENTS**

- I. THE BACKGROUND TO THESE GUIDELINES P-100**
  - A. Introductory Comments P-100
  - B. Some Biblical Assumptions P-100
- II. THE GUIDELINES P-101**
  - A. Saying Goodbye P-101
    - 1. Saying Goodbye to Accept a Call a Distance Away P-101
    - 2. Saying Goodbye But Remaining a Neighbor P-101
    - 3. When One is Elected Pastor Emeritus P-102
    - 4. When a Pastor's Family Stays Behind
  - B. Responsibilities in Saying Goodbye P-102
    - 1. Responsibilities of the Departing Pastor P-103
    - 2. Responsibilities of the Session P-105
    - 3. Responsibilities of the Committee on Ministry P-105
- III. BIBLIOGRAPHY P-16**
- IV. RELEVANT BOOK OF ORDER REFERENCES P-16**

**I. THE BACKGROUND TO THESE GUIDELINES****A. Introductory Comments**

The pastoral relationship is very important, often deeply personal, and, in some cases, lifesaving to people in a congregation. This relationship evolves through study, teaching, preaching, administering the sacraments of baptism and the Lord's Supper, weddings, funerals, presence in crises, and praying with and for members of the congregation. With the leadership of a congregation and particularly with the elders, the pastor works to encourage the people in the worship and service of God, equipping them for their tasks within the church and their mission in the world. In all of these dimensions of the pastoral relationship there are the elements of trust, confidence, admiration, affection, fondness, caring, and love.

The ending of the pastoral relationship is often a trying and traumatic experience for both the pastor and the members of a congregation. It always means change for the life of the pastor involved and the congregation. Therefore, in the light of our Book of Order and the best of our traditions, the following guidelines represent what the departing pastor and the congregation will want to do as they face the situation of pastor and congregation saying "Goodbye."

**B. Some Biblical Assumptions**

Any church "policy" concerning the separation of a Pastor and Congregation must be informed and

illuminated by insights gained from such fields as organization and human resource management, the behavior of groups and congregations, and the dynamics of change. Such a policy also must arise from, and be under girded by, the truth of Scripture, as the church humbly submits to the authority of God's Word in all its actions. This policy on "Separation Ethics" represents an effort to derive specific codes of action from the overall teachings of the Bible, and specifically from the books of 1 and 2 Timothy.

1. "I thank Christ Jesus our Lord, who has given me strength, that he considered me faithful, appointing me to his service" (I Tim. 1:12). God calls leaders for the church, and appoints and equips them for service. In our sin and pride, we may neglect to hold onto this promise, replacing trust in God to provide for the church with employment models and vocabularies drawn from the culture. At times, however, and especially during periods of transition, all involved must strive to discern the will of God.
2. "We have put our hope in the living God, who is the Savior of all people, and especially of those who believe." (I Tim. 4:10). God alone is worthy of the church's hope! However thankful we may be to God for providing faithful and gifted ministers, ministers and congregants alike must not ascribe to mere humans the glory and honor worthy of God alone. We must be quick to let go. We cling only to Christ.
3. "Set an example for the believers in speech, in life, in love, in faith and in purity." (I Tim. 4:12). Although all involved in a pastoral transition (minister, session, congregation, and presbytery) have particular roles and responsibilities, yet the minister is accountable in a special way to set an example of mature faithfulness in all matters pertaining to the change in ministry. He/she is a model and mentor for others throughout the process, and is expected to live-up to this high calling, even if others do not.
4. "Until I come, devote yourself to the public reading of Scripture, to preaching and to teaching." (I Tim. 4:13). During periods of transition in church leadership ("Until I come . . .") a great many organizational tasks must be completed and corporate issues managed. However, such tasks and issues must not be permitted to take on greater importance than the central calling to which the church is called, which is to proclaim the Word of God.
5. "Avoid godless chatter, because those who indulge in it will become more and more ungodly" (2 Tim. 2:16). God's Word teaches that one of the greatest threats to the health and strength of the church is undisciplined speech. Idle chatter, gossip and criticism are causes and manifestations of ungodliness, and are especially dangerous during periods of transition. Great care must be taken to assure that speech be faithful, truthful, loving, encouraging and kind."

## II. THE GUIDELINES

### A. Saying Goodbye

The need to say goodbye to a congregation occurs for one of several reasons. A pastor may receive a call to another field of service. A pastor may decide to retire. A pastor may decide to leave the pastoral ministry and enter another area of service. The presbytery may, for cause, take the initiative to dissolve the relationship. This break can be a difficult time for both the pastor and the congregation. Whatever the cause, it becomes the occasion when pastor and congregation find they must say goodbye.

#### 1. **Saying Goodbye to Accept a Call a Distance Away**

When a pastor accepts a call to a ministry a distance from the congregation which she or he is leaving, the opportunity for contact with members of the former congregation is quite limited, often non-existent. However, there frequently arise certain circumstances which pose questions for the departing pastor as to what is appropriate and what can be most helpful to the congregation and the interim and following pastors. It is always incumbent upon the departing pastor to make sure that parishioners know that her or his pastoral relationship with the congregation *will come to an end*. It is important that parishioners understand that this

change of relationship is necessary in order that the congregation be free, in all respects, to welcome the future God has planned (see Section 2, "Responsibilities in Saying Goodbye," below).

## 2. **Saying Goodbye but Remaining a Neighbor**

When a pastor says goodbye and remains nearby, there are particularly sensitive aspects of separation which require careful attention on the part of the departing pastor. The experience of pastors and congregations over the years has led many to believe that when a pastor ends a ministry with a congregation, it is best for the pastor to move out of the community. However, this is not always possible or advisable. Thus, it is particularly important when a departing pastor remains in the community and in proximity to the former congregation, that he or she, with care and forethought, pay particular attention to what is said below with reference to a departing pastor's responsibilities to the congregation, individual members of the congregation, and to the interim and subsequently installed pastors (see Section B, below).

The departing pastor should neither participate in the life of a ministry setting which he/she left or from which she/he retired, nor provide pastoral services for a congregation which he/she left or from which she/he retired, except as directed by presbytery (*Standards* 3-4.). The departing pastor will not start, or participate in, new worship opportunities within the community where they have served. A retiring pastor who remains in the proximity of the congregation, from which he or she has retired, will need to give careful consideration to the responsibilities that follow below in Section B.

## 3. **When One is Elected Pastor Emeritus**

When a pastor retires, the congregation may bestow upon him or her the title of **Pastor Emeritus**. The provision for this is found in the *Book of Order* as follows: "When any pastor or associate pastor retires, and the congregation is moved by affection and gratitude to continue an association in an honorary relationship, it may, at a regularly called congregational meeting, elect him or her as pastor emeritus or emerita, with or without honorarium, but *with no pastoral authority or duty*. This action shall be taken *only after consultation with the committee on ministry of the presbytery concerning the wisdom of this relationship for the peace of the church*. This action shall be subject to the approval of presbytery, and may take effect upon the formal dissolution of the pastoral or associate pastoral relationship or anytime thereafter. (*Book of Order*, G-14.0605. Emphasis added.)

To elect one as pastor or associate pastor emeritus:

- is evidence of a long and loving, mutually caring pastoral relationship;
- is a congregation's way of saying to the church-at-large and to the world that they love this person and are thankful for his or her time with them; and
- is a gift to the retired pastor which says something special to him or her.

However, the *pastoral* relationship has been dissolved. The relationship of *pastor* to people has ended and there is no expectation of the person to be present with the congregation because of the election.

All expectations related to the former pastor of a congregation apply to a pastor emeritus (see Section B, below).

## 4. **When a Pastor's Family Stays Behind**

Work, school, health, or other lifestyle considerations can result in situations where

member(s) of the pastor's immediate family do not leave the community for some period of time after dissolution. While it may be in the best interest of the pastor's family that they be able to continue to worship in the church, it may not be in the best interest of the church, as the church will be entering into a time of searching and retrospection regarding the former pastor's call. This can be an emotional time for a church and having family still participating in the life of the church, can make it difficult for the church to move on.

Thus, allowing a Pastor's family to continue to participate in the life of the church should be carefully considered by the Chair of the committee on ministry. The following is potential course of action:

- The preferred choice is that when a Pastor leaves the church, the spouse and minor children should leave as well.

## **B. Responsibilities in Saying Goodbye**

This paper speaks of "Separation Ethics." The use of the term "ethics" implies certain values which are important to consider during this often highly charged experience of the dissolution of the pastoral relationship. Such values include:

- effective leadership;
- congregational health and stability;
- the growth of pastor and members in dealing with the pain, the problems, and the possibilities of separation; and
- the ability of the session and congregation to move positively and effectively toward the next phase of their life together.

These values instruct the conduct and responsibilities of both the pastor and the congregation regarding their separation.

The material which follows is addressed to pastor, session, and congregation as appropriate, and finally, the committee on ministry of the presbytery. However, the pastor is the one in the professional leadership role and, therefore, the one who has the responsibility, along with a spouse or significant other, for making sure that the separation that occurs is anticipated and carried through with effectiveness.

### **1. Responsibilities of the Departing Pastor**

Because of the sensitivity of the pastoral relationship, it is important that the departing pastor, in **any** dissolution, assume certain responsibilities to the former congregation, to the remaining staff and personnel of the church, to individual members of that congregation, and to the interim and next installed pastors.

#### **a. To the Congregation**

When the date has been set for the dissolution of the pastoral relationship, the departing pastor must take the lead in beginning to prepare the congregation for their separation. Certain things will need to be communicated clearly to the congregation in order to avoid confusion on the part of members in the days ahead.

This communication can be accomplished in several ways. A letter could be addressed to the members of the congregation spelling out clearly the matters below which are part of the separation and the time that follows. A sermon might contain references to the approaching separation and speak to these matters. In casual conversation one-on-one or in groups, in public presence, in newsletters, in all contacts with people of the congregation, it is important that these matters be communicated and every effort made to have them understood. These matters are:

- (1) that all pastoral and professional relationships and responsibilities of the pastor

- with the congregation will end as of the effective date of the dissolution;
- (2) that the pastor will not be involved in any way in the selection process of either the interim pastor or the next installed pastor. Neither will he or she be involved in any way with the selection of any search team or pastor nominating committee or in discussion and deliberation concerning the future ministry of the church.
  - (3) that the pastor, after leaving, will not become engaged in conversations with church members or staff which, in any way, offer opinions or criticism about the life of the congregation or the performance of the interim or any subsequent installed pastors;
  - (4) that any desire on the part of members of the congregation for the departing pastor to participate in congregational life or services should be discussed not with the departing pastor, but with the interim pastor or subsequent installed pastor;
  - (5) that the departing pastor may participate in a wedding, a funeral, or a baptism of the congregation, after the date of dissolution, only under the direction of presbytery and with the invitation of the interim pastor or installed pastor, who shall be the officiant.

b. **To Individual Members of the Congregation**

It is important that, with particular friends, it be made clear that the pastoral relationship will come to an end. This does not mean that friendships must come to an end. Friendships are priceless and are to be preserved, but there is a special responsibility on the part of the departing pastor to prevent friendships from becoming confused with the pastoral relationship. The pastoral functions of counseling, calling, conducting weddings, funerals, or baptisms and planning, hosting and attending worship or prayer gatherings or Bible study with or for members of the former congregation are not appropriate. Neither is the rendering of opinions or judgments about the ministry of the former church or its pastor. It is the departing pastor's responsibility to see that this *really* happens. Particular attention should be paid to ways that social media use might encumber a healthy dissociation.

If the former pastor receives a request to return to the congregation for a particular occasion, it is important for her or him to remind those making the request that the present pastor is the one to whom the request should be made.

In any social context, where the former pastor is with friends or other members of the former congregation, it is the responsibility of the former pastor to be sure that he or she voices no criticism or evaluative comments about the new leadership of the congregation. It is not appropriate for the former pastor to comment on the "state of the congregation" or to be involved in any way in the selection of a successor, once she or he has departed.

c. **To the Remaining Staff and Personnel of the Church**

The former pastor has a responsibility to the remaining staff and personnel of the church at least in the following ways: 1) to prepare them for the separation that will occur; 2) to encourage them to receive and welcome the interim pastor and next installed pastor and be prepared to alter working patterns and relationships as may be needed; and, 3) to make clear that he or she will not be available for counsel or advice regarding the life and work of the church.

d. **To the Interim and Subsequent Installed Pastors**

The former pastor has a responsibility to the interim pastor and to subsequent installed pastors to make sure that any requests that come to him or her for services in the former congregation be redirected by the requesters to the interim pastor or installed pastor. It

is important that, when any request comes to the former pastor, she or he be in touch with the current pastor to let it be known what contacts have been made with him or her. This is a courtesy which is important to be extended to the current pastor. There should be no pastoral functions of any kind performed by the former pastor without the prior invitation or request of the current pastor.

Should any community non-church function call the former pastor back into the community for public appearance of whatever nature, as a courtesy, the former pastor should inform the current pastor of the fact and the nature of the occasion.

## **2. Responsibilities of the Session**

### **a. To the Departing Pastor**

Following the pastor's decision to request dissolution of the pastoral relationship, the session can give support and encouragement to the pastor in the implementation of the decision. This can be done by assisting the pastor in interpreting the meaning of the end of the pastoral relationship to the congregation and, if need be, to the wider community.

As a caring expression of closure, it is appropriate for the session to arrange for an occasion when the congregation and pastor may formally say goodbye.

### **b. To the Congregation**

The session will want to be sensitive to the feeling of loss experienced by members of the congregation while demonstrating through their actions the meaning of the end of the pastoral relationship.

Additional session leadership may be needed in the transition period so that worship, congregational life, and fellowship may continue.

The session can help the members of the congregation by encouraging them to see this time as an opportunity for growth and change. It can be a time for listening to individuals and groups in the congregation. It can be a time for examining present life, ministry, and service, and to be open to new possibilities. It is important that the congregation be prepared for change and for new pastoral leadership.

The session should explain to the congregation the role of the presbytery during this transitional period. This role includes the naming of a session moderator and through its committee on ministry providing guidance during the subsequent processes of obtaining an interim minister and calling an installed pastor.

## **3. Responsibilities of the Committee on Ministry**

### **a. To the Departing Pastor**

Upon learning of the pastor's intention to retire or resign, a representative of the committee on ministry shall meet with the pastor to discuss these guidelines.

### **b. To the Session and Congregation**

Committee on ministry representative(s) are available to be present at the meeting of the session when the pastor announces his or her resignation. The meeting shall include informing the session fully of these guidelines and orienting the session to the process of seeking pastoral leadership following the departure of the present pastor.

A representative of the committee on ministry shall be present at the meeting of the congregation when the pastor requests concurrence in her or his plans to leave, to

inform the congregation of the process for obtaining subsequent pastoral leadership.

When a congregation plans to elect a retiring pastor as Pastor Emeritus, the material in II.A.3. on pages five and six of this document, concerning the meaning of "Pastor Emeritus," will be sent to the congregation and a representative of the committee on Ministry will be available to interpret the statement if that is desired.

**c. To the Interim and Next Installed Pastors**

It will be important for the committee on ministry to review these guidelines with the interim pastor and the next installed pastor and to be available for counsel should any difficulties arise regarding relationships with the former pastor.

This paper (policy) has been prepared in the hope that it will provide guidance, support, and encouragement to pastors, sessions, and congregations in those situations in which a pastor and congregation discover that they must say goodbye.

### III. BIBLIOGRAPHY

Kirk, R. J. "Pastor and Congregation Face Retirement" in *Special Papers and Research; Reports*. Bethesda, MD: Alban Institute.

Presbyterian Church (U.S.A.). *Standards of Ethical Conduct* (Approved by the 210<sup>th</sup> General Assembly, 1998, Presbyterian Church U.S.A.). Louisville: Office of General Assembly, 1998.

Oswald, Roy M. *Running Through the Thistles: Terminating a Ministerial Relationship with a Parish*. Bethesda, MD: Alban Institute, 1998

White, Edward. *Saying Goodbye, A Time of Growth for Congregation and Pastors*. Bethesda, MD: Alban Institute, 1998.

### IV. RELEVANT BOOK OF ORDER REFERENCES

#### G-2.0801 Pastoral Vacancy

When a congregation has a vacancy in a pastoral position, or after the presbytery approves the effective date of the dissolution of an existing pastoral relationship, the congregation shall, with the guidance and permission of the presbytery, proceed to fill the vacancy in the following manner.

#### G-2.0802 Election of a Pastor Nominating Committee

The session shall call a congregational meeting to elect a pastor nominating committee that shall be representative of the whole congregation. The committee's duty shall be to nominate a pastor for election by the congregation.

#### G-2.0803 Call Process

According to the process of the presbytery and prior to making its report to the congregation, the pastor nominating committee shall receive and consider the presbytery's counsel on the merits, suitability, and availability of those considered for the call. When the way is clear for the committee to report to the congregation, the committee shall notify the session, which shall call a congregational meeting.

#### G-2.0504b. Temporary Pastoral Relationships

Temporary pastoral relationships are approved by the presbytery and do not carry a formal call or installation. When a congregation does not have a pastor, or while the pastor is unable to perform her or his duties, the session, with the approval of presbytery, may obtain the services of a teaching elder, candidate, or ruling elder

in a temporary pastoral relationship. No formal call shall be issued and no formal installation shall take place. Titles and terms of service for temporary relationships shall be determined by the presbytery. A person serving in a temporary pastoral relationship is invited for a specified period not to exceed twelve months in length, which is renewable with the approval of the presbytery. A teaching elder employed in a temporary pastoral relationship is ordinarily not eligible to serve as the next installed pastor, co-pastor, or associate pastor.

#### G-2.0905 Officiate by Invitation Only

After the dissolution of the pastoral relationship, former pastors and associate pastors shall not provide their pastoral services to members of their former congregations without the invitation of the moderator of session.

### **P-100.07**

## **MINISTER OF THE WORD AND SACRAMENT MEMBER PARTICIPATION IN SOCIAL SECURITY (Oct 1988, Revised October 2017)**

It is assumed that all minister of the Word and Sacrament members of the Presbytery will participate in Social Security. This policy relates to the policies and practices of the Board of Pensions whose benefits and extended coverage schedules are predicated on their participation in Social Security.

Furthermore, the Presbytery also recognizes that minister of the Word and Sacrament, for reasons of conscience only, may waive their coverage under Social Security; but where that waiver is exercised the Presbytery, in relationship to the Board of Pensions, is released from any financial liabilities incurred by those who exercise their right of waiver.

When Social Security participation is waived by a minister of the Word and Sacrament of the Presbytery, a copy of the Waiver of Social Security, required by the Board of Pensions, becomes part of that minister of the Word and Sacrament's file.

### **P-100.08**

## **POLICY OF UNDERSTANDING ON RULING ELDERS SERVING COMMUNION (March 2012, Revised October 2017)**

According to the Book of Order G-3.0301b and W-3.0410:

- A. Ruling elders authorized to administer or preside at the Lord's Supper will obtain appropriate training from an authorized PC(USA) teaching elder who is a validated member of the presbytery. Appropriate training and education will include:
  - Pertinent reference to the Lord's Supper in the *Book of Confessions*, the *Directory for Worship*, and liturgical text as in the *Book for Common Worship*.
  - Talking through and observed practice in presiding over the Lord's Supper, demonstrated ability to administer the Sacrament and model it for others, and informal certification to the Congregational Pod by the Minister of the Word and Sacrament providing training.
  
- B. Ruling elders will not be authorized to administer or preside at the Lord's Supper in congregations actively served by a Minister of the Word and Sacrament. Authorization "just in case" there is an absence of a teaching elder, or to administer the Sacrament during vacations of a teaching elder, shall



not occur.

- C. Ruling elders authorized to administer or preside at the Lord's Supper will cease to be authorized upon the arrival of a called pastor to the congregation, or when a temporary pastor relationship is established.
- D. Ruling elders are authorized for one year only but can be re-authorized for one year periods by presbytery action.
- E. Refresher training will be encouraged every three years prior to reauthorization by presbytery.

## CHURCHES

### **P-200.01**

### **GUIDELINES FOR PROPERTY SALE, PURCHASE, OR MORTGAGE**

(Revised May 2000 and October 2017)

"A congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation." (G-4.0206a)

"A congregation shall not lease its real property used for purposes of worship, or lease for more than five years any of its other real property, without the written permission of the presbytery transmitted through the session of the congregation." (G-4.0206b)

- I. **Building, Remodeling and Purchase.** Any congregation within the bounds of the Presbytery of the Northern Plains which is initiating plans to build onto or remodel their current structure or to purchase any building additions or other real property shall:
  - A. Submit the proposal to the Stated Clerk prior to securing preliminary drawings or engaging the services of an architect, or contractor except as provided in paragraph 1D below. The proposal shall include the legal description of the property.
  - B. If the proposal is to involve a mortgage or encumbrance the total amount of the proposed mortgage must be included either in the original proposal or in a subsequent request for permission to mortgage the property. The actual amount of the mortgage may be less than the limit approved or may exceed the approved limit up to 10% if due to inflation or unavoidable delay. If the final amount of the mortgage is to exceed the approved limit by more than 10% a new request for a revised limit must be made to Presbytery through the Leadership Pod.
  - C. The Stated Clerk will submit the proposal to the Leadership Pod (see B-5.0400b) or to Presbytery.
  - D. Remodeling plans may be handled by the local church without Presbytery action unless the cost of the remodeling exceeds 25% of the appraised value of the building or the cost involves a mortgage or other encumbrances.
- II. **Sale of Property.** Request for permission to sell a manse or other real property shall include the following information:
  - A. The reason for selling a manse or other real property and if the sale involves a manse, what arrangement is to be made for the housing of the pastor.
  - B. The proposed minimum selling price or the words "at approximately the value set by a professional

appraiser." The selling price may be as much over the minimum as it is possible to obtain and may be as much as 10% under the minimum if necessary to close the sale without additional approval of Presbytery. If the actual selling price must be more than 10% below the minimum a new approval must be obtained from Presbytery.

- C. The proposed use to be made of the proceeds of the sale.
- D. Whether or not there are any outstanding mortgages or encumbrances against the property and if so, the amount of the mortgage or encumbrance and the holder of such mortgage.

All requests to Presbytery for permission to buy, sell, build, or mortgage or whatever, a statement of what local actions have been taken by Session, Trustees, congregation or other, or a copy of these actions shall be included. The statement shall show how any votes were taken and the result of such voting and shall be up to date to the time the request is made.

The Stated Clerk and/or the Leadership Pod may request any other information it deems necessary for it to make an informed recommendation to the Presbytery.

After the sale of any real property, a written report will be submitted to the Stated Clerk outlining the sale price, the reason for the sale, to whom it was sold and the proposed use of the proceeds. In case of a lease, the statement of the terms of the lease, the reason for leasing and the proposed use by the lessee should be reported to the Stated Clerk.

## **P-200.02**

### **POLICY ON CLOSING A CHURCH (October 1996. Revised October 2017)**

The primary task and responsibility of the Presbytery is to encourage the growth, nurture and vitality of its congregations. The Presbytery is also charged with the responsibility of protecting the assets of the churches within its bounds for the extension and outreach of the mission of Jesus Christ.

Therefore, when a congregation determines that it can no longer continue its ministry and mission it is the responsibility of the Presbytery to assist the congregation to move to its closing.

Presbytery has the responsibility for the following:

#### **A. Membership**

To provide for letters of transfer of the members to the Christian communities of their choice; or to continue, for a period of two years, their membership on the at-large roll of the Presbytery.

#### **B. Records preservation (see G-3.0107)**

#### **C. Property and Continuing Financial Responsibilities**

At the time discussions begin about closure the Presbytery is immediately involved to insure a faithful and adequate disposition of all its property (see G-4.0203). In particular:

1. The assets of a congregation can continue to assist in the mission and outreach of the whole church.
2. To provide for the sale of the building, other assets and all real property.
3. To insure that the building is used appropriately so that the original intention of the building is not desecrated or becomes an eyesore or other liability and hazard to the community.
4. Where possible, to return the property to the tax rolls.
5. Provide for the final year payment of the per capita apportionment.

#### **D. Procedures**

1. A request to close the church will come from the congregation itself. This request should be the outcome of a vote, taken by ballot, at a special meeting called by the session for this purpose.

- The report of this action shall be transmitted by the clerk of the session to the Stated Clerk.
2. Upon receipt of this information, the Stated Clerk shall consult with the Moderator of Presbytery, the Congregational Pod Leader, and the moderator of the session, concerning the appropriateness of the request. If the request is found to be in order, this group shall propose a list of nominees to the Presbytery for election to an administrative commission named for the purpose of responding to the request. Ordinarily, at least one member of the commission will be a ruling elder from the congregation making the request.
  3. The administrative commission will be charged with the responsibilities described in Sections A, B, and C above. The administrative commission will also arrange a final worship service to be held by the Presbytery to complete the life of the congregation, and to provide for its members to rededicate their lives to continuing service to Jesus Christ.

Additional resources on closing a church located in Care for Congregations Pod Handbook.

## **P-200.03**

### **POLICY FOR GRACIOUS SEPARATION (2014)**

#### **I. STATEMENT OF VALUES THE PRESBYTERY OF THE NORTHERN PLAINS**

##### **A. Scripture Passages**

1. “When any of you has a grievance against another, do you dare to take it to court before the unrighteous, instead of taking it before the saints? Do you not know that the saints will judge the world? And if the world is to be judged by you, are you incompetent to try trivial cases? Do you not know that we are to judge angels – to say nothing of ordinary matters? If you have ordinary cases, then, do you appoint as judges those who have no standing in the church? I say this to your shame. Can it be that there is no one among you wise enough to decide between one believer and another, but a believer goes to court against a believer – and before unbelievers at that? In fact, to have lawsuits at all with one another is already a defeat for you. Why not rather be wronged? Why not rather be defrauded?” (I Corinthians 6: 1-7) NRSV
2. “For you were called to freedom, brothers and sisters; only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another. For the whole law is summed up in a single commandment, “You shall love your neighbor as yourself.” If, however, you bite and devour one another, take care that you are not consumed by one another.” (Galatians 5: 13-14) NRSV
3. “For just as the body is one and has many members, and all the members of the body, though many, are one body, so it is with Christ! For in the one Spirit we were all baptized into one body-- Jews or Greeks, slaves or free--and we were all made to drink of one Spirit. Indeed, the body does not consist of one member but of many. If the foot would say, “Because I am not a hand, I do not belong to the body” that would not make it any less a part of the body. If the ear would say, “Because I am not an eye, I do not belong to the body” that would not make it any less a part of the body. If the whole body were an eye, where would the hearing be? If the whole body were hearing, where would the sense of smell be? But as it is, God arranged the members of the body, each one of them, as he chose. If all were a single member, where would the body be? As it is there are many members, yet one body. The eye cannot say to the hand, “I have no need of you,” nor again the head to the feet, “I have no need of you.” On the contrary, the members of the body that seem to be weaker are indispensable, and those members of the body we think less honorable we clothe with greater honor, and our less respectable members are treated with greater respect; whereas our more respectable members do not need this. But God has so arranged the body, giving the greater honor to the inferior member, that there may be no dissension within the body, but the members may have the same care for one another. If one member suffers, all suffer together with it; if one member is honored, all rejoice together with it. Now you are the body of Christ and individually

members of it.”

These scripture passages help to guide our work in the times when conversations about separation become necessary.

## B. Introduction

The 218th General Assembly (2008) of the Presbyterian Church (USA) urged that presbyteries and synods develop and make available to lower councils and local congregations a process that exercises the responsibility and power “to divide, dismiss, or dissolve congregations in consultation with their members” (Book of Order, G-3.0303b) 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. While each conversation with a local congregation will require unique responses and sensitivities which are dictated by the circumstances encountered, we commit to act with consistency to provide a just and caring resolution for all parties concerned.

*Pastoral responsibility:* The requirement in G-3.0301a to consult with the members of a church seeking dismissal highlights the presbytery's pastoral responsibility that must not be submerged beneath other responsibilities. The pastoral responsibility of the Presbytery of Northern Plains extends to all parties affected by a request to separate from the PC(USA). This means that provision for pastoral care is made for both those desiring to leave, and those desiring to remain in the PC(USA) in any given congregation.

*Accountability:* For a governing body, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.02) and specific issues of schism within a congregation (G-4.0207). But full accountability also requires preeminent concern with “caring for the flock”. Both the Presbytery of Northern Plains and the leadership within a local congregation are held to this standard of accountability. Particularly those who are ordained as presbyters (Teaching and Ruling Elders) are accountable to live within the restraints of the Constitution of the PC(USA). If they should find it impossible to live within those restraints it is their duty to renounce their ordination and withdraw while promoting the peace, purity, and unity of the church.

While the Constitution honors that “God alone is the Lord of Conscience” [F-3.0101], it immediately follows with a statement about the right of the larger church to govern [F-3.0102]:

That, in perfect consistency with the above principle of common right, every Christian Church, or union or association of particular churches, is entitled to declare the terms of admission into its communion, and the qualifications of its ministers and members, as well as the whole system of its internal government which Christ hath appointed; that in the exercise of this right they may, notwithstanding, err, in making the terms of communion either too lax or too narrow; yet, even in the case, they do not infringe upon the liberty or the rights of others, but only make an improper use of their own.

Further, we acknowledge that belief and behavior are distinguishable. Free expression of conscience is limited for officers and pastors under G-2.0105. Calling congregational meetings, moving churches to seek dismissal from the denomination or obstructing the constitutional governance of the church are actions, not expressions of free conscience. (For more on this see the GA PJC Remedial Case Decision and Order 219-03)

*Gracious witness:* Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism. The calling to live with one another, particularly in times of disagreement extends to the presbytery and the local church community. We are instructed by the Constitution of the church “That truth is in order to goodness; and the great touchstone of truth, its tendency to promote holiness,” and “we also believe that there are truths and forms with respect to which [people] of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other” [F3.0104-0105].

*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.

Once again it is important to notice that this principal applies equally to both the presbytery and to the local congregation seeking dismissal. Only a cooperative spirit, and a collegial commitment to fairly assess the needs of all involved, and the assets available to meet those needs, will promote unity and peace within the church.<sup>1</sup>

### III. POLICY OF THE PRESBYTERY OF THE NORTHERN PLAINS: FUNDAMENTAL UNDERSTANDINGS AND COMMITMENTS OF THE POLICY

- A. The authority to dismiss congregations resides unambiguously in the presbytery. Basic to Presbyterian polity is the understanding that a more inclusive body has authority over a less inclusive body. “The larger part of the church, or a representation thereof, shall govern the smaller” (F-3.0203). It is only the presbytery that has authority to: “control the location of new congregations and of congregations desiring to move as well as divide, dismiss, or dissolve congregations in consultation with their members (G-3.0303b.).

Holding a Congregational Meeting for the purpose of “voting” to leave the denomination is, at best misleading, and at worst out of order. (for more information see section II of GA PJC Remedial Case 219-03)<sup>2</sup>

The Constitution of the PC(USA) carefully delineates the items which are subject to a congregational vote and voting to leave the denomination is not one of those duties given to a congregation [G1.0503]. While it is useful to determine the disposition of feeling within a local community about the question of dismissal - this policy discourages congregational meetings for the purpose of vote-taking in preference of other forms of information gathering.

- B. The rights of those who wish to stay within the PC(USA) will be guaranteed. An effort shall be

<sup>1</sup> “Our unity in Christ and the relational nature of our polity require dialogue between and among governing bodies.... Dialogue requires participation by both parties...” (Johnston, et al. v. Heartland Presbytery, Minutes, 2006, p. 462, 466). This obligation and mutual responsibility for dialogue was made explicit by the 218th General Assembly when it adopted the Resolution for a Gracious, Pastoral Response (Minutes, 2008, Item 04-28, p. 49), expressing its will that all governing bodies and persons dealing with members of a church seeking dismissal act in a consistent and pastoral manner, with accountability and due consideration for fiduciary and connectional concerns, with open and transparent communication in the context of gracious witness to one another. Presbyteries and congregations have a **reciprocal obligation** for this process (G-4.0302). Whether the presbytery’s power “to divide, dismiss, or dissolve churches in consultation with their members” (G-11.0103i) is retained or delegated to an administrative commission, it is to be exercised in a pastoral manner, with litigation seen as a last resort, “deadly to the cause of Christ” (Item 04-28, section 2).

Any privilege to seek dismissal is conditioned on the cooperation of the congregation, the session and the pastor(s) with the presbytery in a process that operates in the manner set forth in Item 04-28. There shall not be any secret or secretive acts by sessions, pastors or congregations; bylaw changes or transfers of assets effectively negating the Book of Order or diminishing a church’s connection to the PC(USA); or curtailment of communications with the presbytery as a prelude to dismissal. Congregational meetings called or conducted by sessions for the purpose of voting on dismissal without the involvement of the presbytery are improper and have no binding effect. *From:* GA PJC Remedial Case Decision and Order 219-03

<sup>2</sup> “In 2008, the 218th General Assembly adopted Item 04-20 (Minutes, 2008, p. 48), which refers to G-7.0304 and states, “Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting.

This does not mean that a congregation is prohibited from requesting dismissal. However, it is the presbytery (or its duly appointed administrative commission or its Committee on Ministry) that has the responsibility to consult with the members of a church about dismissal (G-11.0103i). The presbytery is required to afford all persons affected by a dismissal notice and an opportunity to be heard on the subject (G-9.0503b(2); Item 04-20). These consultations (which may be in the form of listening sessions, hearings or other consultations) are for the benefit of informing the presbytery as it considers a request for dismissal, but are not meetings at which any business of the congregation may be conducted (id.; see also Gaba v. Presbytery of Eastern Virginia, Minutes, 2003, p. 269, (The purpose of this provision is not merely matter of fairness or information gathering, but also exercise of pastoral oversight of churches by the presbytery to facilitate reconciliation.)).”

made by the Presbytery to determine if there is a group who wishes to stay within the PC(USA) (G-4.0207) that is capable of maintaining the ministry of the congregation. Ordinarily, the property and assets may be retained by this group as a continuing congregation within the PC(USA).

- C. The presbytery holds all property “in trust” for congregations within the presbytery. Please consult the “FAQ” found in the resource section of this policy for further information regarding the trust clause. (G-4.0203)
- D. **PRESBYTERY GOALS IN THIS PROCESS:**
1. The presbytery’s goal in this process is to glorify God, and to work together to maintain a powerful witness to the love of Christ as we seek to discern God’s will.
  2. The presbytery has the responsibility to identify groups or individual members who wish to remain in the PC(USA) and shall guard their peace, strength and unity.
  3. The presbytery shall guard the peace, strength and unity of the group seeking dismissal.
- E. **GUIDING PRINCIPALS**
1. The presbytery is not bound to release real and personal property based solely upon the vote of a congregation regardless of the percentage of members who vote to leave (G-4.0207).
  2. The presbytery is bound by the Book of Order and the property clause (G-4.0203) to be certain that all property is held in trust for the denomination. The presbytery will consider the congregation’s financial position and valuation of property and take into consideration the PC(USA)’s use and benefit of the property in every decision concerning disposition of property. (Tom vs. Presbytery of San Francisco, November 1, 2012).
  3. Decisions about property shall be determined on the basis of mission in the community. The presbytery may require financial compensation as a part of an agreement to dismiss a church with its property.
  4. The presbytery shall not ordinarily institute civil law suits regarding property issues, but shall defend its interests through mediation or other alternate dispute resolution if drawn into civil cases.
  5. In the case of a congregation that refuses to follow these principles and processes, the presbytery will take all steps necessary to defend and enforce the trust clause, and all other rights, defenses, and remedies afforded under the Constitution of the PC(USA).
  6. For a congregation that wishes to separate from the PC(USA), all debts owed to the PC(USA) and Northern Plains Presbytery must be fully satisfied and the presbytery and PC(USA) removed from all legal documents/agreements if a church is to be dismissed.
  7. Upon dismissal, all rights to use or display the seal of the PC(USA) are ended.
  8. The name of a dismissed congregation shall be negotiated with the negotiating team.
  9. Upon dismissal all original church records become the property of the PC(USA). A congregation being dismissed may arrange to have records copied at their expense.
  10. Ordinarily, the legal costs incurred by the presbytery to dismiss a congregation will be borne by the dismissed congregation, including preparation of deeds, appraisals, recording fees, etc. However, these costs may be negotiated between the congregation and the negotiating team.
  11. No congregation can be dismissed into “independence.” Transfers can only be made to another denomination in the Reformed Tradition. (F.1.0303, G.3.0301).
  12. A congregation that is considering the possibility of separating from the PC(USA) should contact the Committee on Ministry of the presbytery as early as possible so that consultation, discernment and separation can be started with them. Discernment is a process that requires all parties to be involved - congregation and presbytery. However, discernment cannot take place if decisions have already been made.
  13. The process used to respond to a request for separation from the PC(USA) should be resolved in

a reasonable amount of time, without acting too quickly or too slowly. This decision is of major significance for the congregation and the presbytery and adequate time needs to be taken to ensure that an appropriate process has been followed.

#### IV. **Outline of Process for Engagement with Presbytery**

- A. The session needs to vote 2/3 or more in the affirmative to request the Presbytery of the Northern Plains (PNP) begin the Gracious Separation (GS) process to leave the PC(USA).
- B. The process begins as a **Consultation**. The PNP will form an Initial Consultation Team (ICT) which will meet with the session over no more than a four-month period.
  1. The ICT should have no less than one Ruling and one Teaching Elder, but not more than three Ruling and two Teaching Elders.
  2. Members of an ICT should have strong experience in the polity of the PC(USA), working with or within a congregation, and be fully knowledgeable about the PNP process of Gracious Separation (GS).
  3. The ICT shall meet with the session corporately and separately to understand the position of the elders as to why they wish to leave.
  4. The ICT will fully explain the details of the GS and the implications for the church and the PNP.
  5. The ICT will then ask the session to confirm their desire to continue in the GS process by taking another vote. Only an affirmative 2/3 vote of session or more will constitute a valid request to continue to seek separation.
  6. If the ICT finds the request to be valid, they will recommend to the PNP that the church be allowed to move to the next phase of GS. The ICT will be dissolved.
- C. The next phase of GS is **Discernment**. The PNP will appoint members to a Discernment Team (DT), keeping one to two people from Initial Consultation Team, which will join with a like number of elders from the church. The purpose of this body is to meet with the leadership of the church and the church membership at large to understand the theological and/or polity reasons for seeking dismissal.
  1. The Discernment phase will last no more than eight months.
  2. By engaging in the discernment phase, all parties are committing to avoid litigation.
  3. The PNP will appoint at least two Ruling Elders and one Teaching elder to the DT. This number can be expanded to three Ruling and two Teaching Elders at the discretion of the PNP.
  4. The church will appoint three to five people to serve on the DT. These appointees should represent the diversity of opinion within the congregation. The DT will elect two moderators, one from the PNP and the other from the church.
  5. The Co-Moderators will lead the DT.
  6. The DT will be responsible for setting up and carrying out listening sessions corporately and individually to understand the desire of the church membership to leave the PC(USA).
  7. The DT will be responsible for educating the church on the implications of leaving the PC(USA).
    - a. The DT will be responsible for designing a canvassing scheme to accurately and efficiently gauge the desire of the membership to leave.
    - b. Before canvassing commences, the DT will be required to develop a reconciliation plan, should the canvass fail. A part of that reconciliation plan should be a commitment by the church to not to seek GS again for at least two years.
    - c. A reconciliation plan will outline the next steps should the canvas fail or pass.
    - d. The DT will canvass the church active membership. Ordinarily, active membership is defined by the most recent statistical report filed with the General Assembly. If adjustment

- to that bare-number need to be made to account for deaths, transfers, and newly received active members, the DT may make those adjustments provided that there is consensus on the DT about the appropriateness of the adjustment. All church members on record will be canvassed. An affirmative reply of 60% or more of the active membership shall constitute a valid response to continue the GS process. Failure to respond to the canvass, an abstention, or a NO answer, shall be counted as a desire to stay with the PC(USA).
- e. If the response of the canvass does not meet the 60% threshold, then the church will implement the reconciliation plan and the DT will be dissolved.
  - f. If the canvass exceeds the 60% threshold, then the DT will recommend that the PNP allow the church to continue to the next phase of GS. The DT will be dissolved.
8. The next phase of GS is the *Negotiation of Separation*. The PNP will appoint members to a Separation Negotiation Team (SNT) which will join with a like number of elders from the church. The purpose of this body is to meet with the leadership of the church and the church membership at large to develop the terms of separation.
- a. The Negotiation of Separation phase will last no more than 10 months.
  - b. The PNP will appoint at least three Ruling Elders and two Teaching elders to the SNT. This number can be expanded to four Ruling and three Teaching Elders at the discretion of the PNP.
  - c. The church will appoint five to seven elders to serve on the SNT. The SNT will elect two moderators, one from the PNP and the other from the church.
  - d. The Co-Moderators will lead the SNT.
  - e. The SNT will be responsible for:
    - (1) Agreeing to a transparent protocol for valuing the assets of the church.
    - (2) Developing a fair, unbiased plan for taking a vote of the congregation to be conducted by mail.
    - (3) Creating a financial plan for separation which shall take into consideration the value of the real property, any outstanding per capita payments, and the ability of a church and the remnant of the church to remain financially viable after separation. (Should there be any division of funds be made between those wishing to stay in the PC(USA) and those who wish to leave, the funds received by the PNP shall be held in trust to support the mission of that part of the church membership who do not wish to leave the PC(USA).)
    - (4) The SNT will verify that the church has developed a plan to pay in full any loans outstanding to either the PNP or the PC(USA) and that they have also created a plan to address the satisfactory payment of other liabilities such as utility bills, payroll taxes, staff salaries, vacations accrued
    - (5) The SNT will require the church declare to what reformed body they wish to be dismissed.
    - (6) SNT will be required to develop a reconciliation plan with the members of the congregation, should the vote of the congregation fail. A part of that reconciliation plan should be a commitment by the church to not seek GS again for at least two years.
    - (7) SNT will be required to develop a membership care plan for those who choose to remain in the PC(USA) should the vote of the congregation pass.
  - f. This plan shall include at least the following three areas:
    - (1) Provide space and time for worship.
    - (2) Coordinate with the Presbytery appointed leadership for pastoral care and leading worship.
    - (3) Provide a safe, open environment for those who attend these services or seek our



pastoral care from the Presbytery appointed leadership.

- (a) The SNT will be responsible for educating the church on the implications of leaving the PC(USA).
- g. In the case of a multi-point parish, all parties must determine if they wish to remain in a multi-point parish. If there is any change to the current structure the SNT is responsible for negotiating the terms of dissolution of the parish and the impact on the financial viability of all parties. The SNT must contact Board of Pensions to determine the ramifications for the congregations and the minister, regardless of whether the parish is dissolved or the original agreement is modified.
- h. The SNT will be responsible for carrying out a vote of the congregation. All church active members on record will be eligible to vote as determined in III.C.7c. An affirmative reply of 60% or more of the active membership shall constitute a valid response to leave the PC(USA). Failure to return a ballot, an abstention, or a NO vote, shall be counted as a desire to stay with the PC(USA).
- i. If the response of the vote does not meet the 60% threshold, then the church will implement the reconciliation plan and the SNT will eventually be dissolved.
- j. If the vote exceeds the 60% threshold, then the SNT will recommend that the PNP dismiss the church to the previously declared reformed body under the terms developed by the SNT and agreed to by the church. The SNT will eventually be dissolved.
- k. Terms for the release of a congregation to another body. Consistent with the PC(USA) polity and General Assembly actions taken in Anderson v. Synod of Florida, and Strong v. Bagby, congregations seeking dismissal from the Presbytery may only be dismissed with their property to another Reformed body. If a congregation wishes to end its affiliation with the PC(USA) without transferring to another Reformed body, that congregation must seek to be dissolved as a congregation of the PC(USA), under the current policies for church closure of the presbytery, and would, as of any request to be dissolved, no longer be engaged in the dismissal process or subject to this policy. After such closure, the people of that community would be free to constitute themselves as a new congregation with non-Reformed affiliation or independent status.
- l. Once the PNP has received a report to dismiss, from the SNT, the PNP Moderator shall schedule a vote by the Presbytery to be held within three months. This can be a regularly scheduled meeting of presbytery or a special stated meeting of presbytery. A vote to dismiss, will require only a simple majority of presbytery.
- m. If the PNP votes to dismiss the church, the church will have 60 days to fulfill the terms of the SNT report. Failure to do so will nullify the vote of the PNP and the church will not be allowed to leave the PC(USA).
- n. If the PNP votes to NOT dismiss the church, the PNP will direct the SNT to review the terms of their report and submit appropriate revisions with a new request to dismiss within 60 days. Upon receiving a revised report, the PNP will again take up the request to dismiss as in point number five.

## RESOURCES

### **FREQUENTLY ASKED QUESTIONS GRACIOUS DISMISSAL POLICIES AFTER TOM V. PBY OF SAN FRANCISCO**

#### **(GAPJC Remedial Case 221-03)**

#### **WHAT ARE GRACIOUS DISMISSAL POLICIES?**

In 2008, at the direction of the 219th General Assembly, the Stated Clerk of the Presbyterian Church (U.S.A.) sent a resolution to the presbyteries, synods and sessions, “indicating the will of the assembly 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’ with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.”<sup>1</sup> Accordingly, Gracious Dismissal Policies may be used by councils to offer clarity and guide their process when discerning whether and how a particular congregation could be dismissed from the PC(USA).

#### **HOW DO GRACIOUS DISMISSAL POLICIES RELATE TO THE TRUST CLAUSE (G-4.0203)?**

In the recent General Assembly Permanent Judicial Commission (GAPJC) case, Tom v. Pby of San Francisco, the GAPJC authoritatively interpreted how the Trust Clause found in the Book of Order at G-4.0203 interacts with Gracious Dismissal Policies.<sup>2</sup> The GAPJC held that while a presbytery has broad discretionary authority under the Book of Order to determine property rights [within the context of determining the mission of Jesus Christ in the world (G-4.0201) and in its district (G-3.0303a) to dismiss a particular congregation within its geographic region (G-3.0301a)], the presbytery must fulfill its fiduciary duty under the Trust Clause (G-4.0203) to consider the interest of the PC(USA) as a beneficiary of the property.

#### **WHAT MUST BE IN A GRACIOUS DISMISSAL POLICY?**

A presbytery has broad discretionary authority to determine the mission of Jesus Christ in its district and may take into account many issues such as the spiritual needs of the congregation and community as well as the Marks, Notes and Great Ends of the Church.<sup>3</sup> The presbytery must also consider a congregation’s financial position and valuation of property and take into consideration the PC(USA)’s use and benefit of the property in every decision concerning disposition of property. Accordingly, the Gracious Dismissal Policy should include this duty among the procedures listed within the Policy.

#### **MUST A GRACIOUS DISMISSAL POLICY OR IMPLEMENTATION OF A GRACIOUS DISMISSAL POLICY INCLUDE CONSULTATION WITH ANY OF THE NATIONAL ENTITIES OF THE GENERAL ASSEMBLY?**

No, a presbytery has discretionary authority to determine the mission of Jesus Christ in its district when deciding whether to organize, merge, dismiss or dissolve a congregation. This discretionary authority includes the presbytery’s consideration of a congregation’s financial position and valuation of the property.

#### **HOW MUST A GRACIOUS DISMISSAL POLICY BE IMPLEMENTED?**

Even if the presbytery’s Gracious Dismissal Policy does not include the fiduciary duty under the Trust Clause, the presbytery should ultimately exercise this fiduciary duty before making its decision about dismissal. In Tom v. Pby of San Francisco, the GAPJC stated that this would include exercising due diligence regarding the value of the property of the congregation seeking dismissal which would include doing a financial analysis of the value of the property.<sup>5</sup> The presbytery must be informed of this financial analysis before it votes on a dismissal. Providing this information gives the presbytery and congregation the information needed to make an informed decision regarding dismissal of the congregation. (This is not all that different from presenting the financial implications for decisions to be made at the General Assembly).

#### **WHAT TYPES OF GRACIOUS DISMISSAL POLICIES WOULD NOT BE CONSTITUTIONAL?**

Any Gracious Dismissal Policy that precludes a presbytery from taking into account the Trust Clause fiduciary duty before deciding whether to dismiss a congregation on a case-by-case basis would be unconstitutional.

Possible examples of policies that would preclude this analysis on a case-by-case basis are:

Policies that only require a percentage vote from the congregation for the presbytery’s approval of terms of

dismissal including only taking into account the spiritual needs or desires of current membership and not the breaking of the historic relationship of the members who came before.

Policies that only require the consideration of per capita and/or mission financial obligations are not sufficient to meet the fiduciary duty under the Trust Clause to consider the interest of the PC(USA) as a beneficiary of property.

Policies that require the payment by the congregation of a set percentage of assets prior to approval for dismissal. This would serve to preclude a case-by-case analysis.

## UPDATED NOVEMBER 2012

1 GA (2008, 49, 51, 284, Item 04-28) The 218th General Assembly (2008) of the Presbyterian Church (U.S.A.)

1. Directs the Stated Clerk to send this resolution to the presbyteries, synods, and sessions, indicating the will of the assembly 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.
2. 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-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.

2 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)

3 See F-1.0302; F-1.0303; F-1.0304.

4 However, in considering each congregation on a case-by-case basis, it is important to recognize that one of the entities of the General Assembly or a synod may have created with the congregation and the presbytery a direct financial interest in the property or assets and thus must be consulted by the presbytery. For example, The Presbyterian Church (U.S.A.) Investment and Loan Program (PILP) regularly extends loans to congregations which are secured by the property and/or guarantee of payment from a presbytery. A presbytery that is considering the dismissal or dissolution of a congregation with a secured or unsecured loan from PILP must, as a part of the presbytery's fiduciary interest under the Trust clause, consult with the Presbytery Investment and Loan Program. See also Advisory Opinion: Trust Clause and Gracious Separation: Implementing the Trust Clause for the Unity of the Church for a more extensive discussion of this particular duty.

5 PJC (2014, 221-03, Tom et al v. Pby of San Francisco)

## RULING ELDER CONDUCT IN A CHURCH CONSIDERING OR SEEKING GRACIOUS SEPARATION

Two passages from the Book of Order, questions for Ruling Elders at ordination are especially relevant when a church is seeking Gracious Separation (GS) from the denomination:

G-14.0207e. *Will you be governed by our church's polity, and will you abide by its discipline?* Will you be a friend among your colleagues in ministry, working with them, subject to the ordering of God's Word and Spirit?

G-14.0207i. *Will you be a faithful elder, watching over the people,* providing for their worship, nurture, and service? *Will you share in government and discipline, serving in governing bodies of the church,* and in your ministry will you try to show the love and justice of Jesus Christ?

### Two Essential Responsibilities

Ruling Elders are called by God to be servants of the people. They share in the governance of the church and they do so under the framework of the rules of the Book of Order. Therefore, it is the obligation of the Ruling Elders to:

- Diligently and with energy educate themselves on the rules that govern the church. Ruling Elders are not typically formally trained in the polity of the church, but they are expected to abide by its discipline. In order to accomplish this, they need to study and work aggressively to know what the rules are and what

authority they and others in governance have been given.

- The Presbyterian form of governance is based on Biblical principles dating back to the time of Moses. As in olden times and today, Elders are raised up from the people, to represent the interests of the people, before governing bodies of the church. Thus they must earnestly seek to understand the views and aspirations of all the people of the church, whether they are for, against, or conflicted about the necessity to leave the denomination.

### **The Necessity for Ruling Elders to Rule The Responsibility to Seek the Will of God**

God's will is supreme in the life of the church. So earnestly seeking to understand God's will for a congregation is critical. On the one hand, this seems to be a difficult goal to achieve. After all, God's reasons are often not knowable or understandable. But Ruling Elders have an obligation to try, especially in the case of a GS. Thankfully, God has given us the means to understand in part his will for our lives through pray, study, and contemplation. When praying, Ruling Elders should:

- Set aside a time each day to really focus on the God. Put aside the distractions and devote significant energy to prayer.
- Before you pray, remind yourself of what it is to be an Elder. Read passages from the letters Paul wrote to Timothy and Titus.
- When you pray, ask God to reveal His will for you and your church. Be patient. Do not expect an answer right away.

### **PASTOR CONDUCT IN A CHURCH CONSIDERING OR SEEKING GRACIOUS SERARATION**

Pastors (Ministers of the Word and Sacrament) play a unique and dynamic role in the life of any congregation. Primarily they are the spiritual leader of the local church. They preach and teach the Word. Next, they provide pastoral care to members and friends of the church who are seeking difficult answers to their faith, or are troubled by personal grief, sickness, or challenges from destructive behavior. Finally, they are appointed by the Presbytery to be the Moderator of the ruling body of the church, the Session. All the while, there are significant facts and or tensions involved in their relationship with the Congregation and the Presbytery:

1. The Pastor is not a member of the Congregation.
2. The Pastor's salary is covered by all the members of the Congregation whether those members desire to leave the denomination, stay in the denomination, or are conflicted.
3. The Pastor is, by the nature of the call, a transitory figure in the life of the Congregation.
4. The Pastor is a member of Presbytery and only the Presbytery can approve or dissolve a call.
5. The Pastor is appointed to be Moderator of the Session by the Presbytery.
6. The Pastor, as the Moderator of the Session, is responsible to see to it that the decisions of the Session are arrived at with the counsel and wisdom of the Holy Spirit, as well as conducting business within the bounds of decent and good order as described in the polity of the larger church.
7. The Pastor, as Moderator of the Session, does not have authority over the Session. The primary authority of the Session is in the hands of God and this is entrusted to duly nominated and elected representatives of the Congregation. These are the Ruling Elders and they are called Ruling, because they rule.

### **With these facts in mind, how should the Pastor conduct him or herself within a Congregation that is considering or seeking Gracious Separation (GS)?**

With probity and rectitude. Probity is the adherence to the highest principles and ideals and rectitude is the quality or state of being correct in judgment or procedure.

Pastors are humans and as such, they are sinful. Thus they must appeal to the Holy Spirit unceasingly to act in a Christ like way to all the members of the Congregation (whether those members are for, against, or conflicted about seeking dismissal). This is a tremendous burden especially as the Pastor will likely have strong opinions about GS. No matter what those opinions are, they need to be carefully and properly conveyed to the Session, the membership of the Congregation, and to the Presbytery. This will be an almost impossible task and one the Pastor should not shoulder alone. They should earnestly seek the counsel of the Holy Spirit and also advice, in confidence, with respected mentors and colleagues.

### **How should the Presbytery interact with the Pastor?**

The Presbytery should engage with the Pastor early on in the consultation phase of a GS to remind them of the facts above and to offer support and advice in navigating the rough waters he or she is passing through. Reminding the Pastor of his/her unique position in the local church should not be done in a threatening or chilling way. How to do that must be done delicately, privately, and in a non-threatening manner.

Once, the GS process moves beyond consultation. The stakes for the Pastor, the Congregation, and the Presbytery becomes much greater. Thus a Pastor should be discouraged by the Presbytery from participating as a member of the Discernment Team. If the process goes to the Separation phase, the Pastor will NOT be allowed to participate as a member of the Separation Negotiation Team. The reasons are obvious. At this point in the process, the Presbytery and the Congregation are at odds and the Pastor, who is not a member of the Congregation, and is a member of Presbytery, is inherently in conflict.

In sum, the Pastor is a transitory figure in the life of any Congregation. With the stakes being so high in a GS, it is the leaders of the Congregation, the Ruling Elders, who should be responsible for actions that will have consequences long after the Pastor has moved on to another call.

### **A comment on the responsibility of Ruling Elders to Rule**

Sadly, in many churches in the PNP, Ruling Elders are overly deferential to a called Pastor. The Pastor is formally trained in the faith, is often well spoken, and because of this, Ruling Elders, either consciously or not, often cede authority that they have been given to the Pastor. In the case of a GS, this is unacceptable for the reasons outlined above. Ultimately, the membership of the church will have to live with the actions taken in a GS long after the Pastor has moved on to another denomination or church. Thus, during the consultation phase of any GS, Ruling Elders should be reminded of the gravity of their responsibility and be encouraged to take the long view with respect to what God and the Congregation are calling and asking them to do.

### **Guiding Principles for the Development of a Reconciliation Plan**

- The Bible is full of diversity and conflict.
- Conflict is often an opportunity to learn something about God.
- Authentic peace requires both conversation and justice.
- Reconciliation is God's:
  1. Overriding concern for human beings throughout history.
  2. Primary responsibility, not ours.
  3. Gift to us. The church's role is not to make reconciliation happen (God does that), but to create an environment where God's reconciliation has a better change of happening.

People in conflict often behave like enemies...and scripture calls us to find ways of loving them, including our sisters and brothers in the church.

Example:

1.<sup>16</sup> From now on, therefore, we regard no one from a human point of view;<sup>[a]</sup> even though we once knew Christ from a human point of view,<sup>[b]</sup> we know him no longer in that way. <sup>17</sup> So if anyone is in Christ, there is a new creation: everything old has passed away; see, everything has become new!<sup>18</sup> All this is from God, who reconciled us to himself through Christ, and has given us the ministry of reconciliation; <sup>19</sup> that is, in Christ God was reconciling the world to himself,<sup>[c]</sup> not counting their trespasses against them, and entrusting the message of reconciliation to us. <sup>20</sup> So we are ambassadors for Christ, since God is making his appeal through us; we entreat you on behalf of Christ, be reconciled to God. <sup>21</sup> For our sake he made him to be sin who knew no sin, so that in him we might become the righteousness of God. (2 Corinthians 5:16-21)

<sup>15</sup> “If another member of the church<sup>[d]</sup> sins against you,<sup>[e]</sup> go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one.<sup>[f]</sup> <sup>16</sup> But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. <sup>17</sup> If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector. <sup>18</sup> Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. <sup>19</sup> Again, truly I tell you, if two of you agree on earth about anything you ask, it will be done for you by my Father in heaven. <sup>20</sup> For where two or three are gathered in my name, I am there among them.” (Matthew 18: 15-20)

### **Forgiveness**

<sup>21</sup> Then Peter came and said to him, “Lord, if another member of the church<sup>[g]</sup> sins against me, how often should I forgive? As many as seven times?” <sup>22</sup> Jesus said to him, “Not seven times, but, I tell you, seventy-seven<sup>[h]</sup> times.

### **How to Begin**

God intends us to live in Peace. Peacemaking starts with our brothers and sisters.

1. Conflict is inevitable and normal.
2. The question is not IF we have conflict, but rather how we respond to it.
3. Direct communication is better than triangulating.
  - a. People are called to speak to one another rather than talking about one another or around the problem.
  - b. The process is not done in isolation; rather members join together in the process.
4. “if two of you agree on earth about anything you ask, it will be done for you by my Father in heaven.”
5. “for where two or three are gathered in my name, I am there among them.” Even in the face of conflict.
6. Jesus emphasizes abundant grace and forgiveness to Peter.
7. God is present for the purpose of helping people resolve their differences. Before a church can progress to the negotiation stage, they must formulate two concurrent plans for reconciliation that takes the following things into consideration:
  - a. Provide Space for worship for all members, which may mean holding two services, one PC(USA) and the other for those who wish to leave.
  - b. Coordinate with the Presbytery for pastoral care and leading worship for those wishing to remain within the PC(USA).
  - c. Provide a safe, open environment for those who attend these services or seek out pastoral care.

Two plans will need to be developed in order to anticipate two potential outcomes; 1) the canvass fails and the congregation remains within the PC(USA) or 2) the canvass indicates that a minority of members want to remain within the PC(USA).

It is essential that the congregation consider the needs and emotions of their brothers and sisters who do not agree with the outcome of the canvass. The goal of the reconciliation plan is to find a way forward for the congregation and ALL of its members.

The session will formulate a reconciliation plan in collaboration with the Separation Negotiation Team. The following resource is from the Lombard Mennonite Peace Center. Their model heavily emphasizes the use of “Interest Based Bargaining” for situations such as this. The following outline is not comprehensive and should not be treated as such. It is offered as a guideline to assist the session and the SNT in the process of developing a reconciliation plan.

#### INTEREST BASED BARGAINING:

1. Principled negotiating style
  - a. Parties are the expert on their congregation and come to the table as problem solvers.
  - b. Goal is a wise outcome; reached efficiently and amicably.
2. Separate the issues from the people.
  - a. Be hard on issues, soft on people.
  - b. Clearly define your concerns in a non-reactive way.
  - c. Listen actively.
3. Focus on interests, ignore positions.
  - a. Explore the underlying interests of both parties.
  - b. Highlight shared interests.
4. Invent options for mutual gain.
  - a. Brainstorm alternatives, without premature evaluation. (AKA; ‘oh that will never work’)
  - b. Creatively search for alternative ways of meeting both parties’ interests.
5. Insist on using objective criteria.

Reach agreement based on fair standards, seeking to satisfy the interests of both parties.

### **P-200.04**

## **THE FORMATION OF LARGER PARISHES (October 1996, Revised October 2017)**

A larger parish may consist of two or more congregations from either Presbyterian or other denominations with whom we are in correspondence. Each congregation maintains its own identity, organizational structure, and denominational relationship. In addition, each congregation agrees to cooperate with the other congregations as a member of the parish in certain aspects of ministry. The parish responsibilities may include, but need not be limited to, the support and oversight of a pastor.

When a session wants to consider becoming part of a larger parish, it will invite the Congregational Pod to assist with the process with the Parish Formation Guidelines.

### **P-200.05**

## **COMPENSATION OF MODERATORS (Revised October 2017)**

- A. All sessions are required to compensate moderators who serve them and who are not called or otherwise contracted by the congregations or sessions.
- B. Compensation will be \$50 per hour (for meeting and phone time but not travel time) plus mileage according to the IRS rate to and from meetings.

### **P-200.06**

## **POLICY FOR CHURCHES WITH A MANSE**

Many of our churches in the Presbytery of Northern Plains own manses. Committee on Ministry is eager for session and those living in the manse to share mutual goals and views on the maintenance of the manse and any improvements which may be required. This can be accomplished with open and continuing communication between all involved.

Enclosed is a Manse Appraisal Form which shall be filled out annually and sent to the Presbytery Office, 5555 S. Washington St., Suite A, Grand Forks, ND 58201. This is particularly important at the beginning of a new pastorate, when it is a critical and opportune time for conversation about the manse. Committee on Ministry suggests that session and the newly called pastor have conversation even before moving into the manse. Here are questions to consider:

- What committee is responsible for any matters regarding the manse? Who is the contact person for that committee?
- Typically, the church pays for heat, electricity and water. Are there any other utilities for which the church pays? What are the emergency phone numbers for the utilities services?
- Does the church insurance policy cover the contents of the manse belonging to the pastor? If so, what is the coverage? If not, can someone suggest the name of an insurance agent who can write a tenants' policy? Does the church insurance policy cover the pastor's books and other things which would be kept in an office at the church? If so, what is the coverage? If not, what can be done?
- What is the Session's expectation as to what condition the manse will be left in at the end of the pastor's service?
- Will the pastor's family have any pets housed in the manse? Does the Session have any reservations about that?
- Does the Session have any expectation about any meetings or social events which should take place in the manse, perhaps because of tradition?
- Other than the pastor and his/her family, who will have access to the manse? With what notice?

The pastor and the Session should agree to meet at least annually, usually in the fall prior to the budget process, to discuss needed manse maintenance and ideas for improvements.

A formal inspection by a certified inspector shall occur prior to an occupancy change, and such formal inspection would be encouraged every ten years. Otherwise an annual inspection by the occupant and a church representative should occur.



**MANSE APPRAISAL FORM - PRESBYTERY OF NORTHERN PLAINS**

**Care for Congregations Pod**

**Church** \_\_\_\_\_ **Location** \_\_\_\_\_

**Manse Address** \_\_\_\_\_ **Email Address** \_\_\_\_\_

**Occupied by** \_\_\_\_\_ (pastor, vacant, rental, purpose of other use)

**House Type** \_\_\_\_\_ **Number of Bedrooms** \_\_\_\_\_ **Year Built** \_\_\_\_\_

**Value of Manse \$** \_\_\_\_\_ **How determined?** \_\_\_\_\_ **By Whom?** \_\_\_\_\_

**Inspected by (please print name)** \_\_\_\_\_ **Phone #** \_\_\_\_\_ **Date** \_\_\_\_\_

The annual inspection is to be conducted by II person jointly chosen by the Pastor/CLP and Session. Inspection upon any change of occupancy is to be a formal, certified inspection and the same is recommended every ten years.

**Pastor's/CLP's signature** \_\_\_\_\_

**ENVIRONMENTAL AND HEALTH ISSUES**

Who replaces **light bulbs**? \_\_\_\_\_ Are they being replaced with fluorescent bulbs? \_\_\_\_\_

**Radon Testing** No/Yes When? \_\_\_\_\_ Results \_\_\_\_\_

**Thermostats?** Manse zoned for heating/cooling? **Yes/No** Do the thermostats work? **Yes/No**

**Filters on furnace?** Changed quarterly **Yes/No/Not Applicable**

**Insulation?** Is it installed throughout the house? **Yes/No**

Any evidence of **lead paint** inside or outside? **No/Yes** If yes, where? \_\_\_\_\_

Manse  **fueled** by?  **Gas/Oil** Yearly cost to **heat** the manse \$ \_\_\_\_\_

Furnace last professionally cleaned and inspected? \_\_\_\_\_ Efficiency \_\_\_\_\_%

Is there a fuel tank in the ground? **Yes/No** Age \_\_\_\_\_ In use? **Yes/No** If yes has it been inspected? \_\_\_\_\_ When? \_\_\_\_\_ Is it insured? **Yes/No.**

If not on city sewage, when was the septic system last pumped out? Date \_\_\_\_\_

Source of drinking water?  **City/Well** If well water, date of last analysis? \_\_\_\_\_

Please list the location of all **smoke detectors** \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

Do they all work (fresh batteries) **Yes/No** Location of **CO detectors** \_\_\_\_\_

Does the **basement** ever have water in it? **Yes/No** Smell of **mold** **Yes/No** If yes, explain: \_\_\_\_\_

Is there a sump pump? **Yes/No** Is it in good working order? \_\_\_\_\_

Any sign of friable (flaking, crumbling) **asbestos**? **Yes/No** If yes, where? \_\_\_\_\_

Has the manse been inspected for termites/carpenter ants/rodents/bats? **No/Yes** Date \_\_\_\_\_

Results \_\_\_\_\_

**EXTERIOR OF MANSE**

**Roof:** Type \_\_\_\_\_ Last Replaced \_\_\_\_\_ Siding Type \_\_\_\_\_ Asbestos tiles? \_\_\_\_\_

If yes to asbestos tiles, condition \_\_\_\_\_

Manse last painted/power washed \_\_\_\_\_

Dry wells: Any present? **Yes/No** If so, do they work? **Yes/No**

**Landscaping:** Neat and clean appearance? **Yes/No**

Are trees and shrubs trimmed regularly? **Yes/No** Comments? \_\_\_\_\_

Any areas of the yard constantly wet or damp? **Yes/No**

All roof surfaces, rain, gutters and down spouts: Do they lead away from the manse? **Yes/No**

Is the manse inspected annually for potential leaks, water damage or water back-up, and are necessary repairs promptly made? **Yes/No** Explain: \_\_\_\_\_

Condition:

Doors **Good/Poor** Windows and Sills **Good/Poor** Storms and Screens **Good/Poor**

Porches **Good/Poor** Railings and Steps **Good/Poor** Lead Paint **Yes/No**

Explain: \_\_\_\_\_

**GENERAL PLUMBING**

All pipes, boilers, valves, water heaters, dishwashers, sinks and plumbing fixtures checked at least annually for potential cracks, leaks, or related problems.

Comments \_\_\_\_\_ Are the

clothes washer and dryer energy efficient? **Yes/No** (older than 10 years)

Are the hoses to the clothes washer metallic reinforced? **Yes/No**

Is the dryer exhaust pipe metal? **Yes/No** Clear of lint? **Yes/No**

Is there central air conditioning? **Yes/No** Wall unit(s)? **Yes/No** Is the AC working? **Yes/No**

**Electrical Service (amps)** Circuit Breakers: **Yes/No** Circuit Labels: **Yes/No**

Sufficient Circuits: **Yes/No**

**Water Pipes** Valves: **Good/Poor** (corroded or leaking; able to turn off and on)

Clearly marked? **Yes/No** Comments: \_\_\_\_\_

**Master Bath** GFCIOutlets: **Yes/No** Tile: **Good/Poor** Walls: **Good/Poor**

Floor/Ceiling: **Good/Poor** Any leaks? \_\_\_\_\_

Any recommendation/comments: \_\_\_\_\_

**2nd Bath** GFCIOutlets: **Yes/No** Tile: **Good/Poor** Walls: **Good/Poor**

Floor/Ceiling: **Good/Poor**

Any recommendation/comments: \_\_\_\_\_

Additional Baths? Condition? \_\_\_\_\_

**3RD FLOOR/ATTIC**

**Bedroom** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floor/Carpet: **Good/Poor**

Ceiling: **Good/Poor** Heated: **Yes/No**

**Hallway** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floor/Carpet: **Good/Poor**

Ceiling: **Good/Poor** Heated: **Yes/No** Bannister firm and secure: **Yes/No**

**Stairway** Carpet/Treads: **Yes/No** Condition: **Good/Poor** Lighting: **Good/Poor/None**

Any recommendations/comments \_\_\_\_\_

**2ND FLOOR**

**Master Bedroom** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floors: **Good/Poor**  
Ceiling: **Good/Poor** Heated: **Yes/No**

**Bedroom 2** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floors: **Good/Poor**  
Ceiling: **Good/Poor** Heated: **Yes/No**

**Bedroom 3** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floors: **Good/Poor**  
Ceiling: **Good/Poor** Heated: **Yes/No**

**Bedroom 4** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floors: **Good/Poor**  
Ceiling: **Good/Poor** Heated: **Yes/No**

**Hallway** Grounded Outlet: **Yes/No** # Outlets \_\_\_\_\_ Floor/Carpet: **Good/Poor**  
Ceiling: **Good/Poor** Heated: **Yes/No**

**Bannister** Firm and Secure: **Yes/No**

**Stairway** Carpet/Treads: **Yes/No** Condition: **Good/Poor** Lighting: **Good/Poor/None**

**1ST FLOOR**

**Living Room** Grounded Outlet: **Yes/No** Floors/Carpet: **Good/Poor** Ceiling: **Good/Poor**  
Heating: **Good/Poor**

**Dining Room** Grounded Outlet: **Yes/No** Floors/Carpet: **Good/Poor** Ceiling: **Good/Poor**  
Heating: **Good/Poor**

**Hallway** Grounded Outlet: **Yes/No** Floors/Carpet: **Good/Poor** Ceiling: **Good/Poor**  
Heating: **Good/Poor**

**Kitchen** GFCI Outlets **Yes/No** Floor Type: \_\_\_\_\_ Condition: **Good/Poor**  
Kitchen Last Updated: \_\_\_\_\_ Stove Exhaust System Type: \_\_\_\_\_  
Working? **Yes/No** Is vent interior clean? **Yes/No** Fire Extinguisher? **Yes/No**

**Add') rooms** Grounded Outlet: **Yes/No** Floors/Carpet: **Good/Poor** Ceiling: **Good/Poor**  
Heating: **Good/Poor**

**BASEMENT**

Any finished rooms? **Yes/No** Grounded Outlet: **Yes/No** Floors/Carpet: **Good/Poor**  
Ceiling: **Good/Poor** Heating: **Good/Poor**

Is the foundation in good condition? **Yes/No** Comments \_\_\_\_\_

Are the walls "bowing?" **Yes/No** Comments \_\_\_\_\_

Is there mold? **Yes/No** Comments \_\_\_\_\_

**GARAGE**

Attached: **Yes/No** Lights: **Yes/No** working? \_\_\_\_\_ Clean: **Yes/No** Termites/Rot: **Yes/No**

**CHIMNEY (please provide answers for each chimney)**

Date last cleaned \_\_\_\_\_ Never Hood: **Yes/No** Metal Liner **Yes/No** Exterior: **Good/Poor**

**FIREPLACE**

Type \_\_\_\_\_ Working: **Yes/No** Damper works: **Yes/No** Brickwork ~ any damage? \_\_\_\_\_

**RETURN COMPLETED FORM TO THE PRESBYTERY OFFICE**

## PERSONNEL

### **P-300.01**

## **PERSONNEL POLICIES AND PROCEDURES STATEMENT (Jan 1980)**

### **I. STYLE OF THE PRESBYTERY PERSONNEL SYSTEM**

The basic style of the Presbytery of the Northern Plains personnel system is based on a commitment to use the full human resources available. It reflects a management style that is supportive, seeking to secure and maintain the cooperation of all staff that perform certain Presbytery functions. It is a style of shared rights, responsibilities, and accountability.

#### **A. EMPLOYER RIGHTS AND RESPONSIBILITIES**

##### **RIGHTS**

1. to establish basic work goals consonant with the purpose of the Presbytery;
2. to establish an overall structure designed to best accomplish the basic goals as best it can;
3. to establish and administer a personnel system which can meet the personnel needs of the structure;
4. to establish position descriptions and qualifications for particular functions and determine who is qualified and/or qualifiable to perform such functions;
5. to establish and administer processes for compensation, career development, benefits, working conditions, promotions, transfers, dismissals, and other phases of employment;
6. to expect employees to be productive in their assigned functions;
7. to exercise suitable discipline.

##### **RESPONSIBILITIES**

1. to be faithful to the purpose of the organization;
2. to provide opportunity for employee participation in the development and administration of the personnel system allowing adequate time during the regular working hours for such participation;
3. to assure that policies and administration of the personnel system are consonant with the rights of the employees and are supportive of their career objectives;
4. to provide Equal Opportunity and fair employment practices for all employees in all aspects of every phase of the personnel system and to implement an Affirmative Action Program;
5. to provide adequate and equitable compensation to employees;
6. to assist the employees in meeting their career goals and objective;
7. to conduct for all employees' regular performance reviews and evaluations which relate their work objectives to goals of the Presbytery and which give them an opportunity to participate in evaluating their own performance in relation to these objectives;
8. to provide benefits and working conditions for the general welfare and well-being of all employees in an equitable manner;
9. to establish and maintain open communication with employees on matters concerning their welfare and the Presbytery's interests so that the formulation of personnel policies, procedures and practices is a responsibility in which all levels of management and employee representatives may cooperate;
10. to establish and administer a process which provides for the hearing and resolution of complaints and grievances.

**B. EMPLOYEE RIGHTS AND RESPONSIBILITIES****RIGHTS**

1. to receive adequate information from which to develop an understanding of one's role and function in the total structure of the Presbytery;
2. to receive regular information on the quality of one's performance;
3. to have as much control as possible over one's own career development;
4. to be kept informed of proposed changes in personnel policies and procedures in order to provide input into the process;
5. to participate in establishing personnel policies;
6. to participate in the administration of personnel policies; where appropriate, to insure objectivity and fairness (e.g. grievance procedures, job classifications, performance review and evaluation);
7. to have working conditions that promote the general welfare and encourage productivity;
8. to receive adequate compensation and other benefits under a fair and open process.

**RESPONSIBILITIES**

1. to give one's best possible performance in one's assigned functions;
2. to provide requested representation to, and to participate fully in, any committee or group on which employees are given representation;
3. to see that employee opinion is sought and presented to any appropriate forum dealing with the personnel system;
4. to give adequate time and thought to the input which is provided to such forums;
5. to understand their roles and functions in the context of the goals of the Presbytery;
6. to honor their commitment to goals and objectives agreed upon by their participation in the personnel system.

**II. RESPONSIBILITY OF THE PRESBYTERY FOR THE DEVELOPMENT AND ADMINISTRATION OF PERSONNEL POLICIES AND PROCEDURES****A. EQUAL EMPLOYMENT OPPORTUNITY**

To administer an Affirmative Action plan for Equal Employment Opportunity.

**B. COMPENSATION**

To administer a process of compensation wherein the individual employee's compensation is determined on the basis of a system of job evaluation and classification, uniform and equitable salary scales, and increments determined in light of an annual performance review.

**C. REIMBURSEMENT OF EXPENSES**

To administer a process wherein authorized expenses incurred by employees in the performance of their work assignments are reimbursed in an adequate and uniform manner utilizing a voucher system.

**D. CAREER DEVELOPMENT**

To administer a process of career development which affords employees the opportunity for acquiring new skills/knowledge, and/or refining of old skills/knowledge, consonant with the need of the Presbytery.

**E. BENEFITS**

To provide benefits to satisfy the needs of employees for medical services and insurance, pension coverage, regular vacation, and regular and special leaves, as long as the needs are consonant with the goals and financial capacity of the Presbytery.

**F. WORKING CONDITIONS**

To establish and administer a process wherein the employees are assured of equitable working hours, necessary equipment to perform tasks, and pleasant working conditions, as long as such are compatible with the goals and financial capacity of the Presbytery.

**G. GRIEVANCES AND COMPLAINTS**

To administer a process that will ensure all employees a fair and equitable opportunity, including the right to choose an advocate, for the hearing and resolution of misunderstandings and grievances that may arise in the administration of the total personnel system.

**H. PERSONNEL MANUAL**

Employees shall be given a Presbytery Manual of Operations which shall contain staff rationale, position descriptions, names of persons on the personnel committee, personnel policies, and any other documents pertinent to employment.

**III. PERSONNEL POLICIES****A. BASIC POLICIES****1. DETERMINATION OF PERSONNEL GUIDELINES AND POLICY**

Personnel policies are determined by the Presbytery Council upon recommendation by the Presbytery Personnel Committee after they have been reviewed by the Council on Administrative Services.

**2. EMPLOYMENT PRACTICES**

The Presbytery is committed to fair employment practices and Equal Employment Opportunity for all employees in accordance with the Presbytery AAEEEO policy, the Form of Government, policies of the General Assembly, and in compliance with the Civil Rights Act of 1964 and 1968, the Equal Employment Act of 1972, the Equal Pay Act of 1963, together with any state laws that may apply to the Presbytery as an employer.

**B. EMPLOYMENT CATEGORIES, TERMINOLOGY, AND PROCEDURES****1. EMPLOYER**

The legal corporate employer of all Presbytery staff is the Presbytery of the Northern Plains of the Presbyterian Church (U.S.A.), a legal corporation of the State of North Dakota. The Presbytery staff shall include all employees of the Presbytery.

**2. EXEMPT AND NON-EXEMPT CATEGORIES**

In accordance with the Fair Labor Standards Act there are exempt and non-exempt positions:  
*Non-exempt:* Persons employed in non-exempt positions shall be paid overtime wages for hours worked in excess of 40 hours a week. Overtime pay is at the rate of one-and-a-half times the regular hourly rate. Compensatory time lieu of overtime pay, with the current pay period.

*Exempt:* Persons employed in exempt positions are not paid overtime wages for hours worked in excess of 40 hours a week. They are expected to manage their schedules so that they can have a minimum of one day off each week.

**3. ORDAINED CLERGY**

In accordance with Federal and State statutes and Church Policy, all ordained clergy are considered self-employed persons (exempt) engaged in the exercise of their ministry, and are not subject to withholding for certain taxes, nor are they covered under Unemployment Insurance. They are, however, included in all other policies which apply to "employees".

**4. ELECTED STAFF**

All exempt staff shall be elected to office in accordance with the provisions of the Form of Government (G-3.0110).

**5. EMPLOYMENT OF NON-EXEMPT STAFF**

Non-exempt staff are employed by the Presbytery Personnel Committee.

**C. TENURE****1. FOR ELECTED STAFF**

Election is for an indefinite period. It is understood that in addition to the annual performance review and evaluation, all elected staff shall be subject to a comprehensive review and evaluation at least every five years.

**2. FOR NON-EXEMPT STAFF**

Non-exempt staff shall serve for an indefinite period, and shall receive an annual performance review and evaluation.

**D. POSITIONS WITH THE PRESBYTERY****1. POSITION DESCRIPTIONS**

A position description, subject to periodic review, shall be required for each exempt position. The position description will be in accordance with guidelines established by the Council on Administrative Services. Position descriptions will be provided for non-exempt positions.

**2. VALIDATION OF POSITION**

All new and vacant exempt positions shall be validated by the Presbytery Council.

**3. EVALUATION OF POSITIONS (FACTORING)**

All exempt positions shall be evaluated and factored by the Presbytery Personnel Committee, using those resources available from the Synod and General Assembly of the Presbyterian Church (U.S.A.).

Non-exempt positions will be evaluated and factored by the Presbytery Personnel Committee.

**4. MODIFICATION OF WORK WITHIN A POSITION DESCRIPTION**

In order to enable employees to make use of their skills and to increase their potential abilities, position descriptions or titles may be modified by mutual agreement between the Presbytery and the employee.

**E. RECRUITMENT AND SELECTION****1. FOR ELECTED STAFF**

Exempt staff shall be elected in accordance with the provisions of the Form of Government (G-3.0110), and the Affirmative Action program of the Presbytery.

**2. FOR ALL OTHER STAFF**

The Personnel Committee will actively seek to fill positions in keeping with the Affirmative Action Program of the Presbytery.

**F. PROBATIONARY EMPLOYMENT**

The first three months of employment of non-exempt personnel is a probationary or trial period giving the employee and his/her supervisor an opportunity to evaluate interest and qualifications for the position under actual working conditions. Prior to permanent employment a performance appraisal is prepared and discussed with the employee by his/her supervisor. When all requirements for regular employment are completed satisfactorily, regular employment shall begin with the next pay period.

**G. TERMS OF CONTRACT AND APPOINTMENT**

All exempt staff shall be provided with a written "call." In compliance with the Forms of Government

(G-2.0503a), the call of a teaching elder shall be submitted to the teaching elder's Presbytery for approval.

All non-exempt staff shall be provided with a letter containing title of position, date of employment, salary and benefits, a copy of which is to be signed by the employee and returned to the Personnel Committee.

## **H. SALARY ADMINISTRATION**

### **1. SALARY POLICIES**

Salaries for exempt positions will be determined on the basis of a uniform points-factoring position evaluation and classification system. Non-exempt positions will be determined on the basis of a classification system that is consistent with systems used in areas where the person is employed.

The Presbytery is committed to salary administration principles which will provide fair pay for the work performed; incentive for personal achievement and growth; equity of payment for positions of relative responsibilities; flexibility to meet the many changes in organization, functions, positions, and personnel over a period of time. Exempt salary levels will be consistent with salaries paid by not-for-profit organizations in areas where they are employed.

An incumbent in any position included in the plan will receive a salary that falls within the indicated salary range for the classification which his/her position is assigned. Initial placement within a salary range should reflect a judgment of the qualifications and experience of the appointee relative to the position requirements. An employee will normally start at a salary no higher than the mid-point of the range for the position which he/she is employed.

### **2. ADJUSTMENT OF SALARY SCALES**

Salary scales for non-exempt staff will be reviewed at least once a year. The Commerce and Industry Index of the city in which the employee works will be the basis for determining salary scales for non-exempt salary grades and the seventy-fifth percentile as the top of the range.

Salary scales for exempt staff are reviewed annually, based upon information on cost of living changes, salary information on pastors in the Presbytery from the Board of Pensions, Compensation Plan of the Presbyterian Church (U.S.A.), salaries in other presbyteries and not-for-profit organizations in cities where the employee works, and in other nearby metropolitan areas.

### **3. SALARY REVIEW AND INCREMENTS**

Salary adjustments are normally given to all employees at the same time.

An increase may be given when an individual has improved his/her performance or has consistently maintained a satisfactory level of performance.

Long service alone is not considered a valid reason for an increase. If performance is normally good, an employee can reach the midpoint of his/her salary range. Higher levels of salary ranges are reserved for those whose performance is outstanding over a period of many years.

In accordance with the Form of Government (G-2.0804), changes in terms of call for an ordained staff member must be approved by Presbytery before implementation.

### **4. AVAILABILITY OF SALARY INFORMATION**

Information concerning the position evaluation and salary scale for each position will be confidential information of the Presbytery Personnel Committee and/or Presbytery Council. Employees are entitled to information on the salary range within which their positions fall.



Exempt salaries are published annually in the statistics of General Assembly and the Presbytery.

## **5. MANSE ALLOWANCE**

The Internal Revenue Code provides that a teaching elder can exclude from gross income for income tax purposes any rental allowance paid as part of his/her compensation to the extent that he/she used it for renting or providing a home.

In order to satisfy the requirement of the Internal Revenue Service relative to the Housing or Manse Allowance for ordained teaching elders, it is understood that of the total amount of compensation paid to an ordained teaching elder, a percentage of the salary is designated as a manse or housing allowance. This designation must be done prior to the calendar year in which the salary/housing allowance is to be paid.

If the amount which is designated for manse allowance is not fully used, it is the recipient's responsibility to report the balance to the Internal Revenue Service as taxable income.

## **6. HONORARIA**

All honoraria received having to do directly with the work and program of the Presbytery, should be turned into the Presbytery.

Honoraria received for services not related to the position description may be retained by the Presbytery person in consultation with the Presbytery Moderator or the Stated Clerk.

## **7. SERVICES TO AN EMPLOYER OTHER THAN PRESBYTERY**

Exempt staff who seek employment outside of regular position responsibilities are expected to consult with the Personnel Committee.

# ***I. CAREER OPPORTUNITIES***

## **1. PRESBYTERY'S AFFIRMATIVE ACTION PROGRAM**

All employees will be given an annual opportunity to review and determine their short and long term career goals and objectives as a part of the Presbytery's Affirmative Action program. Such an opportunity will include at least the following:

- a. A sharing of the employee's total career goals and objectives, and his/her career goals and objectives as an employee of the Presbytery.
- b. A sharing of the Presbytery's goals and objectives within the context of the total mission of the Presbyterian Church (U.S.A.) and the Synod of Lakes and Prairies.
- c. A review and analysis of the employee's skills and knowledge in light of his/her current work assignment, and the Presbytery and the employee's goals and objectives.
- d. An analysis of the employee's potential career opportunities within the structure of the Presbyterian Church (U.S.A.) and the Presbytery.
- e. The development of possible career ladders for the employee.
- f. An agreement by the employee and the Presbytery concerning short and long term goals and objectives.
- g. A development of a projected program to help the employee develop new skills and knowledge, or refine old skills and knowledge, which would be helpful in achieving the agreed upon objectives.

## **2. ANNUAL STUDY LEAVE FOR EXEMPT STAFF**

Up to two weeks' annual study leave with pay and assistance in expenses may be granted within the following guidelines:

- a. Study leave is not additional vacation but may be taken in conjunction with vacation.
- b. Study leave is not automatic, but is directly related to career goals and objectives as well as the development of skills that are useful to the Presbytery. Therefore, it is granted only when

- clearly identified targets have been agreed upon for the particular study leave requested.
- c. Satisfactory provision must be made to cover the employee's work.
- d. Study leave, if granted, must be used within the period designated.
- e. A report on the specific accomplishments of the study leave will be required.

### **3. EXTENDED STUDY LEAVE FOR EXEMPT STAFF**

In order to enable employees with specific needs or opportunities to give extended study to subject areas which will contribute to the work of the Presbytery as well as their own technical or professional development, an extended study leave, with pay, may be granted by the Presbytery Council within the following criteria guidelines:

- a. The employee must have completed two years continuous service with the Presbytery.
- b. At least five years have elapsed from the time of any previous extended study leave, and at least one year from any previous two weeks study leave.
- c. A detailed written plan of study, with clearly identified goals and with end-products clearly set forth, must be approved by the Personnel Committee of the Presbytery Council long enough in advance to be covered by the Presbytery's budget and staffing plans.
- d. The maximum length of extended study leave will be four (4) months. This may be taken in conjunction with earned vacation with a particular year, but may not be combined with a two-weeks study leave.
- e. The ongoing work of the particular position and the total Presbytery function will be primary factors in considering and granting of study leave.

### **4. STUDY LEAVE FOR NON-EXEMPT EMPLOYEES**

Under special circumstances, when it can be demonstrated to be for the Presbytery as well as for the employee, the Personnel Committee may approve study leave for non-exempt staff in line with provisions for exempt staff.

## ***J. ANNUAL/COMPREHENSIVE PERFORMANCE REVIEW***

### **1. EXEMPT STAFF**

Review and evaluation of exempt staff shall take place in accordance with guidelines established by the Presbytery.

### **2. NON-EXEMPT STAFF**

An annual performance review and evaluation will be conducted for non-exempt staff in accordance with provisions established by the Presbytery.

## ***K. TERMINATION POLICIES FOR EXEMPT STAFF***

### **1. PRINCIPLES**

- a. All conditions for separation shall be compatible with the provisions of the Form of Government and the Rules of Discipline of the Presbyterian Church (USA).
- b. All matters regarding staff separation shall be reported in writing to the Council Committee on Personnel and to the Chairperson of the Presbytery Council. The reason(s) for staff leaving shall be stated in detail.
- c. The separation process shall be considered incomplete until the appropriate council, or committee, of the hiring body acts upon it.
- d. Immediate discharge for cause shall be made on the basis of substantial evidence. However, the discharge process should not be completed without providing the staff person with the opportunity to be heard by the body that will make the final decision regarding his/her discharge.
- e. The record of events, facts, and discussions regarding the proposed discharge of a judicatory

staff person shall be treated with strict confidentiality.

- f. Provision should be made by the judicatories for staff to appeal separation decisions to the next higher judicatory. The steps of the appeal process shall be consonant with the appeal process outlined in the Rules of Discipline (D-13.0000).
- g. Separation shall be operative in judicatories without discrimination based on race, color, sex national origin, age, and ordination status.

**2. REASONS FOR SEPARATIONS**

- a. *Resignation:* Resignation may take place after one month's written notice to the Personnel Committee and copies to the Chairperson of Presbytery Council. Staff will be paid the cash equivalent of the unused earned vacation at the official date of separation. No severance allowance will be provided. Staff members are urged not to consider resignation with a period of less than one year's employment. Resignations should not take place in less than one month's period. Staff who resign should make arrangement to leave the job from which they have resigned within three months unless special arrangements have been made with the Personnel Committee.
- b. *Reduction of Force:* Separation because of the discontinuation of a project or retrenchment in budget, or for other circumstances arising out of no fault of the employee, is at the discretion of the judicatory. Written notice of such separation will come from the Council of the judicatory after consultation with the Personnel Committee. At least six months' notice or pay in lieu of notice will be given to staff. Should reemployment take place before expiration of the notice period, salary payment will continue only to the actual date when reemployment is achieved.

When notice is given, severance allowance will be given in relation to the length of continued service with the judicatory as follows:

<b>Year of Service</b>	<b>Weeks of Severance Allowance</b>
Less than 1	2
1 but less than 4	4
4 but less than 5	6
5 and over	8*

\*Plus a week's salary for each year over five years, to a maximum of twelve weeks.

- c. *Suspension:* Suspension occurs following consultation with the person involved by his/her immediate supervisor. In the case of the Presbytery Staff, concurrence for suspension is required by the following persons: the Chairperson of the Presbytery Personnel Committee and the Chairperson of the Presbytery Council.

Following the suspension process, the next step is investigation of the facts that led to the suspension. The investigation should be under the aegis of Presbytery Council. The Council shall notify the suspended person of the right to appear before the Council, or representatives thereof, with or without advocate, in order to provide the Council with facts and to defend his/her position.

The third step is the decision by the Presbytery Council regarding extending the suspension, reinstating the suspended person, or separation for cause.

- d. *Separation for Cause:* Separation for cause shall include but not be limited to: unsatisfactory; performance; insubordination; neglect in the case and use of Presbytery property and funds; unexcused absences and/or repeated tardiness; moral turpitude; violation of Presbytery Policy regarding Personnel Responsibilities.

Persons may be terminated for unsatisfactory performance when the following steps have been followed:

- 1) The person informed by the Personnel Committee that he/she is not performing in a satisfactory manner. Ways should be worked out to indicate how the person might proceed in order to improve performance. There should be a letter to the person, carbon copies to the Presbytery Council indicating what was communicated to the person at the time when the Personnel Committee met with the person.
- 2) Three months after review there should be a progress interview. At that point, if the person is still not performing in a satisfactory manner, there should be agreement as to what the person must do in order to improve performance. There should be a letter to the person after the progress interview indicating what was agreed upon, with carbon copies to the Presbytery Council.
- 3) A staff person may be discharged for continued unsatisfactory performance three months after the progress interview during which his/her lack of acceptable performance was discussed. The Personnel Committee should meet with the person. A recommendation for separation should be made in accordance with the Bylaws (B-5.0400) for exempt staff.

#### ***L. TERMINATION POLICIES FOR NON-EXEMPT STAFF***

The above termination policies for exempt staff in Section K will apply to non-exempt staff, except:

- a. The Presbytery Council is not involved;
- b. Action is taken by the appropriate supervisor;
- c. In separation for cause, notices must be given or pay in lieu of at least two weeks.

#### ***M. GRIEVANCE PROCESS***

For the purpose of this policy, a complaint or grievance is an alleged violation of an approved personnel policy or practice, or of an applicable State or Federal Law not adequately dealt with in these policies or practices. In order to deal promptly and fairly with all complaints or grievances, the following steps are to be taken.

##### **1. PRELIMINARY COMPLAINT PROCEDURE**

Prior to filing a written grievance, several preliminary steps are to be taken:

- a. The complaining party must first discuss his/her problem with his/her immediate supervisor;
- b. If not satisfied with the supervisor's action, the complaining party is to approach the Presbytery's Personnel Committee who will seek to resolve the issue in consultation with all parties involved.

##### **2. FORMAL GRIEVANCE PROCEDURE**

If informal efforts to resolve a grievance have failed, a formal grievance may be filed by submitting a written statement to the Chairperson of the Presbytery Personnel Committee. Formal grievances must be filed within forty-five (45) days of the alleged grievance.

- a. The chairperson of the Presbytery Personnel Committee shall call a meeting of the Presbytery Personnel Committee which shall review the grievance with all parties concerned. It shall make a determination of the grievance.
- b. If the complainant is dissatisfied with the decision of the Presbytery Personnel Committee,

the person may file an appeal within fifteen (15) days to Presbytery Council. The Council, in consultation with all parties concerned, shall make the final determination. It shall supply all parties concerned with its decision in writing.

### **3. RIGHT OF ADVOCACY**

It is understood that the complaining party may arrange to have an advocate with him/her at all steps in the formal process.

### **4. WRITTEN RECORDS**

A written record of all decisions arrived at in all meetings shall be kept. Letters of decision from the Presbytery Personnel Committee of Presbytery Council shall contain provision for the complaining party to indicate his/her acceptance.

## ***N. RETIREMENT***

Retirement age for regular full-time employees is 70, to take effect by the end of the month in which that age is attained. Retirement may be deferred to the end of the calendar year with concurrence by the Presbytery Personnel Committee and Presbytery Council. When Presbytery Council desires to continue the regular full-time employment of an individual beyond the year in which the 65th birthday occurs, Presbytery Council may grant permission for such continued employment on a year to year basis with the concurrence of the Council on Administrative Service.

## ***O. DISABILITY***

Disability is considered to be temporary separation due to physical or mental inability to function on the job. The decision to grant leave shall be made by the Personnel Committee. It shall be based upon the recommendation of a physician, or physicians, and subject to approval of Presbytery Council. Disability allowance shall be up to six (6) months. During the first three (3) months from the time of the affirmative decision the staff person will receive full salary. During the next three (3) months the person will receive one-half of the regular salary.

## ***P. DEATH IN SERVICE***

When the death of a member of the Presbytery Staff occurs, the spouse, or dependents, shall receive a separation allowance. The amount shall be the equivalent of the salary of the deceased for thirty days from time of death.

## ***Q. BENEFITS***

### **1. SOCIAL SECURITY**

All personnel are covered by the Federal Old Age and Survivors Benefits Act (Social Security). The employee's share of the tax is withheld from the wages of non-ordained staff. Ordained staff are considered self-employed and taxes are not withheld, nor paid for them.

### **2. PENSION**

All full-time employees who have completed a probationary period are enrolled in the Presbyterian Pension Plan for which dues are paid by the Presbytery. Non-ordained employees, not previously enrolled in a Pension Plan, are enrolled in a group plan provided by the Board of Pensions.

### **3. HEALTH INSURANCE**

Major medical coverage is provided by the Presbyterian Pension Plan.

### **4. VACATION**

A vacation with pay is provided for all permanent employees for rest, refreshment, and relaxation.

Vacations are not cumulative, must be used within the calendar year, except, when special provisions has been made by the Presbytery Personnel Committee.

Full-time exempt employees are entitled to one full month (22 working days) vacation per year.

Full-time non-exempt employees are entitled to annual paid vacation computed on July 1 of each year, according to the following:

<b>Years of Employment</b>	<b>Vacation Days</b>
1-4 years	10 working days
5-9 years	15 working days
10 + years	22 working days
25 + years	27 working days

Vacation entitlement during the first year of employment will be pro-rated according to length of service as of July 1.

## **5. HOLIDAYS**

There shall be nine (9) paid holidays per year: New Year's Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day, and two other days to be designated by the Personnel Committee at the beginning of each year.

## **6. SICK LEAVE**

Permanent employees are entitled to up to 10 working days of sick leave of each calendar year, cumulative up to 90 days. Sick leave entitlement during the first year of employment will be pro-rated according to length of employment. At the time of termination of employment (either voluntary or involuntary) an employee shall have no claim for pay in lieu of sick leave.

## **7. WORKER'S COMPENSATION INSURANCE**

All employees in all locations are covered by the Worker's Compensation Law of the appropriate state.

## **8. ON-THE-JOB TRAVEL ACCIDENT INSURANCE**

All employees on Presbytery business are covered with travel accident insurance at General Assembly expense in an amount equal to three times their annual salary subject to a minimum principal sum benefit of \$40,000 and a maximum principal sum benefit of \$100,000.

## **9. OFF-THE-JOB DISABILITY BENEFITS INSURANCE**

All employees are covered by a plan which is in conformity with the state off-the-job disability benefits program which provides temporary cash benefits to replace in part, wages lost due to loss of time because of injuries or illness that do not arise out of or in the course of employment. This becomes effective after using all accumulated sick leave.

Disability insurance benefits for permanent, total, and temporary disability are provided by the Presbyterian Pension Plan.

## **10. UNEMPLOYMENT INSURANCE**

All non-ordained employees are covered by the state unemployment insurance, in accordance with the laws of the state in which they are employed.

## **11. LEAVES OF ABSENCE, WITH PAY**

Leaves of absence, with pay, are provided under the following circumstances with approval by the Personnel Committee:

- a. For a regular training period of U. S. Armed Forces (up to two weeks leave);
- b. For marriage of an employee who has been with the Presbytery for one year or longer (up to three days);
- c. For personal or family emergencies or for other personal business which cannot be cared for outside of working hours (up to three days annually).
- d. In addition to other benefits, an elected and non-exempt staff are entitled to parental leave in the period immediately preceding and/or following the arrival (birth, adoption, or guardianship) of a child/children as follows:
  - i. The elected or non-exempt staff should normally apply for the leave at least one month in advance of the expected arrival of the child/children, specifying the amount of time desired.
  - ii. Up to six weeks of parental leave will be at full salary. Additional compensated leave may be negotiated. An additional two weeks is recommended for a woman who has delivered by Caesarean section.

The leave may include a period in advance of the expected arrival of the child/children as recommended by the physician. Return to part-time employment with part-time compensation may be considered.

- iii. The leave should normally be unbroken except for any period of absence for medical reasons.
- iv. Those who take parental leave shall retain their full employment and all other rights pertaining to their employment.

## **12. LEAVE OF ABSENCE, WITHOUT PAY**

Leaves of absence without pay may be provided under the following condition with the approval of the Presbytery Personnel Committee:

- a. For military service of an employee who has been with the Presbytery for three months.
- b. For other special reasons leave may be granted at the discretion of the Personnel Committee.
- c. Upon return every effort will be made by the Presbytery to place the employee in a position with like seniority and status if it is not possible to hold the identical position open.

## **13. MOVING EXPENSES**

Whenever an employee, whether by new employment or by transfer, is required to move his/her place of residence in order to carry out the duties of his/her position, the Presbytery will pay for the cost of packing & crating & moving, temporary storage, and insuring the employee's household goods, and personal effects not in excess of 12,000 pounds. Transportation expenses for the employee and family will be paid to the new location by air (coach fare), rail, or automobile, or some reasonable combination thereof. In the event that travel is by automobile, reimbursement shall be made at the rate currently being paid by the Presbytery for work related travel, and shall cover one automobile with mileage computed by the most direct route.

House hunting expenses will be paid to the transfer site for the employee and spouse for one round-trip covering a period not to exceed three (3) days, in addition to travel lodging, and meals. In unusual circumstances, additional time may be made available upon authorization by the Personnel Committee. Assistance will be provided by the Presbytery in house hunting.

Until the employee is established in his/her new residence, actual and reasonable living expenses

of the employee at the new location will be paid, but not to exceed in the aggregate a sum equal to two-thirds of one month's salary.

#### **14. LOSS INCURRED IN SELLING A PRINCIPAL RESIDENCE OR TERMINATING A LEASE**

Losses incurred in selling a principal residence or in terminating a lease whose term is in excess of ninety (90) days, will be paid to employees who are transferred, but not to new employees, as follows:

- a. If a residence, the residence to be sold shall be first appraised by two responsible appraisers, one selected and paid for by the employee and one selected and paid for by the employer. If there is less than a 10% variance between the two, the two appraisers shall select a third appraiser, paid for by the Presbytery, and the average of the three shall be the appraised value. If the residence, when sold does not sell for a sum equal to, or greater than, the appraised value as so determined after first deducting from the sale price the reasonable cost of the sale, including all appraisal fees, broker's commission, title evidence, reasonable attorney fees, and prepayment penalties on existing mortgages, the difference shall be paid to the employee within thirty (30) days after evidence satisfactory to the Presbytery is presented in support of such transaction; or
- b. If a lease, the actual cost of terminating a lease by the prepayment of a lump sum, or the monthly cost thereof.

#### **15. SECOND MORTGAGE LOANS**

Employees, either new or transferred, may be given assistance in the purchase of a home through the loan of the Presbytery of a second mortgage in accordance with the guidelines established by the Synod of Lakes and Prairies for exempt employees.

#### **16. PERSONAL LOANS**

Personal loans for other than second mortgages or costs incurred because of transfer to a new location in the Presbytery are not available to new employees.

### ***R. PART-TIME EMPLOYEES***

Part-time employees are those who are employed to work less than forty (40) hours per week. If they are not temporary, and are employed at least twenty (20) hours a week, they are eligible for the following:

1. Holiday pay, if the holiday falls on one of the regularly scheduled working days for the part-time employee;
2. Jury duty pay;
3. Merit increases in salary;
4. Regular pay up to forty (40) hours, time-and-a-half pay over forty (40) hours in any work week;
5. Vacation, sick pay, and parental leave in proportion to hours worked each week;
6. Worker's compensation;
7. Off-the-job disability benefits;
8. Social Security participation;
9. Severance allowance in proportion to hours worked each week.

The rules of the Presbyterian Pension Plan do not permit participation of part-time employees.

If a part-time employee is later placed on full-time basis, pro-rated service credit will be given from the first day of his/her part-time employment for sick leave and vacation benefits.



**S. *BENEFITS FOR TEMPORARY EMPLOYEES***

Those employed for a short period, usually less than three months, are not paid for holidays, sick leave, or other leaves, and do not earn vacation leave during their temporary employment. They are not eligible for the Pension Plan. If they work more than forty (40) hours in one work week, they will be paid time-and-a-half for above forty (40) hours. If a temporary employee joins the regular staff, his/her temporary employment is not considered in computing vacation and other benefits.

**P-300.02****POLICIES FOR AAEEEO (April 1990, Revised October 2017)**

The Presbytery of the Northern Plains in accordance with the policy of the General Assembly of the Presbyterian Church (USA) set forth in the "Churchwide Plan for Equal Employment Opportunity," requires that all congregations submit the following Affirmative Action Equal Employment Opportunity form to the presbytery office after the Search Committee has finished its work but before the committee is dissolved in finding a pastoral leader.

Form found in Care for Congregations Pod Handbook.

**P-300.03****PARENTAL LEAVE**

In addition to other benefits, a teaching elder and staff are entitled to parental leave in the period immediately preceding and/or following the arrival (birth, adoption, or guardianship) of a child/children as follows:

- A. The teaching elder or staff should normally apply for the leave at least one month in advance of the expected arrival of the child/children, specifying the amount of time desired.
- B. Up to six weeks of parental leave will be at full salary. Additional compensated leave may be negotiated. An additional two weeks is recommended for a woman who has delivered by Caesarean section.

The leave may include a period in advance of the expected arrival of the child/children as recommended by the physician. Return to part-time employment with part-time compensation may be considered.

- C. The leave should normally be unbroken except for any period of absence for medical reasons.
- D. Those who take parental leave shall retain their full employment and all other rights pertaining to their employment.
- E. For part-time employees, their leave should be proportional to the hours worked each week.

**P-300.04****POLICY FOR ADDRESSING CONCERNS REGARDING PRESBYTERY STAFF (February 2010)**

In order for the Presbytery and its council to conduct its life together effectively and in manner consistent with the Gospel, when issues of concern regarding Presbytery staff arise, the following guidelines are to be followed:

- A. When a member of the Presbytery has a concern about a Presbytery staff person, she/he is to be directed to a member of the Presbytery Personnel Committee. The Personnel Committee member receiving the concern is to ask the person to talk with the staff person directly.
- B. If the person doesn't want to talk directly with the staff person, the Personnel Committee member shall ask, "What would you like me to do with this information?"
- C. If the person desires to have the information transmitted to the Personnel Committee, he/she shall be invited to bring the information/opinion to the next Personnel Committee meeting. The time and date shall be given.
- D. If the member does not wish to appear in person, the Personnel Committee member shall ask the person for permission to use their name in reporting or to have the person write a letter expressing her/his concerns. If permission is not given or the person is unwilling to write a letter, the Personnel Committee member shall say, "I'm sorry but I will not be able to report this to the Personnel Committee since we do not deal with anonymous letters or comments."
- E. If permission is given, the Personnel Committee member shall report the information/opinion to the Personnel Committee and use the person's name.
- F. The Personnel Committee may choose numerous courses of action, including talking with the staff person and hearing her/his perspective, bringing together the person expressing the concern and the staff to seek to bring reconciliation. Actions thereafter may include dismissing the complaint, giving the staff a warning, or writing the incident up and placing it in her/his personnel file.

## **P-300.05**

### **REPORTING CHANNELS (October 1990, Revised October 2017)**

General Assembly and Synod Commissioners shall report to Presbytery in written or verbal form.

## **FINANCIAL**

## **P-400.01**

### **POLICIES FOR COMPENSATION PACKAGES AND REIMBURSEMENT [October 2009, Updated December 2020]**

#### **Compensation Policy Calculations: 2021**

The most recent study, as of May 1, 2020, shows the median effective salary of all Presbyterian Church (U.S.A.) minister members of the Benefits Plan serving U.S. congregations is **\$61,200**, as compared with \$60,800 one year earlier (a .7% increase). Calculations based on the \$61,200 are included in the policy copy below.

#### **Introduction**

In October of 2006, the Presbytery of Northern Plains (PNP) passed a policy on recommended guidelines for compensation packages and reimbursement. It included a formula based on the denominational median for determining, annually, the minimum compensation to be paid to teaching elder and commissioned ruling elders

(CREs). Subsequently, in October of 2007 and 2008, the Committee on Ministry (COM) brought the specific figures, calculated from the formula and the new median salary for that year, to the PNP for approval. But each year, while approving the new figures, there has been confusion about the use of these guidelines, particularly with regards to whether they are mandatory or recommended. This new policy clarifies that issue while affirming the practice of offering specific guidelines each year based on the original formula. This document thus replaces all policies on compensation packages and reimbursement previously passed by the PNP.

**Policy**

The main components of the policy are as follows:

That minimum compensation guidelines be calculated each year based on the formula described below.

1. That these guidelines be considered mandatory for all new calls and commissions.
  2. That these guidelines be sent annually to all the churches with strong encouragement from the COM that they be considered minimum standards for compensation.
  3. That in the same mailing the COM will offer to counsel with sessions and/or teaching elders or CREs who have concerns about compensation issues.
- I. The minimum effective salary will be prorated upward based on the years of service a Minister of the Word and Sacrament or Commissioned Lay Pastor has accrued in service to the denomination and not just a particular church. Effective salary is the combination of salary, housing, and utilities. These amounts may be designated as the Minister of the Word and Sacrament or Commissioned Lay Pastor and Session choose. Using a formula of a percentage based on the denominational median as a guideline, this prorated minimum compensation scale for a Minister of the Word and Sacrament is as follows:

<b>Newly ordained up to two years of service</b>	<b>80 percent of median</b>
<b>Two up to four years service</b>	<b>85 percent of median</b>
<b>Four years up to six years service</b>	<b>90 percent of median</b>
<b>Six years up to eight years service</b>	<b>95 percent of median</b>
<b>Over eight years service</b>	<b>100 percent of median</b>

The minimum compensation will be adjusted annually based on what the denominational median salary is for the current year. Information regarding the current denominational median salary will be sent to churches by COM by October in order to budget for the coming year.

For example, as of May 2021 the denominational median for 2021 is **\$62,100**; therefore, the prorated minimum compensation scale for a Minister of the Word and Sacrament and for Commissioned Lay Pastors would be as follows for (for CLP description see II. below):

<b>Minister and Commissioned Lay Pastors</b>	<b>Minister</b>	<b>Lay Pastor</b>
<b>Newly ordained up to two years of service</b>	<b>\$ 49,700</b>	<b>\$ 44,700</b>
<b>Two up to four years of service</b>	<b>52,800</b>	<b>47,500</b>
<b>Four years up to six years service</b>	<b>55,900</b>	<b>50,300</b>
<b>Six years up to eight years service</b>	<b>59,000</b>	<b>53,100</b>
<b>Over eight years service</b>	<b>61,200</b>	<b>55,900</b>

The Self-Employment Compensation Allowance (SECA) allows a church to reimburse a a of Word and Sacrament or CLP up to half of self-employment taxes which are 15.3%. Therefore, SECA would equal 7.65% of effective salary (combined salary, housing and utilities). The Board of Pensions does not include SECA in determining Pension and Medical dues.

Salary \_\_\_\_\_ (a component of effective salary)  
 Housing \_\_\_\_\_ (a component of effective salary)  
 Utilities \_\_\_\_\_ (a component of effective salary)  
 SECA \_\_\_\_\_ (7.65% of effective salary)  
 Auto Allowance reimbursable at IRS rate  
 Continuing Education \$500 and two weeks annually, cumulative 3 years  
 Pension and Medical Full  
 Vacation Four weeks

- II.** The minimum compensation for full time *Commissioned Lay Pastors* (CLPs) shall be 90 percent of that for a Minister of the Word and Sacrament commensurate with years of service. For CLPs working less than full time the compensation will be prorated to an hourly figure derived from a base of a 40-hour work week.
- III.** Presbytery strongly recommends that a cost of living increase be granted annually. The most common consumer price index (CPI) is issued by the U.S. Dept. of Labor ([www.bls.gov/news.release/cpi.toc.htm](http://www.bls.gov/news.release/cpi.toc.htm)). The category recommended by the Synod of Lakes and Prairies is the expenditures for all items in Table 1: CPI For All Urban Consumers. It is most important that churches and governing bodies use a consistent index from year to year. For years in which the CPI is flat or actually decreases, COM recommends no change to effective salary.
- IV.** Recognizing that some churches would have difficulty reaching salary minimums using this formula, it is recommended that for every 2 percent in a given salary category below the recommended minimum compensation for that category that the Minister of the Word and Sacrament or Commissioned Lay Pastor be given an additional one week paid vacation or paid continuing education leave. This period of time (six workdays) could also, based on negotiation between the clergy/CLP and the Session of the church, be taken on holiday weekends during the year, in lieu of vacation/continuing education time.
- V.** Presbytery recommends that clergy and CLPs receive a minimum three-month paid sabbatical following five years of continual service. This sabbatical would include the amount of vacation and continuing education time allowed the clergy/CLP plus an additional six weeks of sabbatical time. Upon accepting a sabbatical, the clergy/CLP would promise to return to the church of service for at least one year following the sabbatical before accepting a call to another place of service.
- VI.** The Presbytery will maintain a reserve fund for salary support to help congregations pay for pulpit/temporary supply while the clergy/CLP is being paid for sabbatical leave.
- VII.** Part-time employees are those who are employed to work less than forty (40) hours per week. If they are not temporary, and are employed at least twenty (20) hours a week, they are eligible for the following:
- a. Holiday pay, if the holiday falls on one of the regularly scheduled working days for the part-time employee;
  - b. Jury duty pay;
  - c. Merit increases in salary;
  - d. Vacation, sick pay, and parental leave in proportion to hours worked each week;
  - e. Worker's compensation;
  - f. Off-the-job disability benefits;
  - g. Social Security participation;
  - h. Severance allowance in proportion to hours worked each week.

**P-400.02****FINANCIAL ACCOUNTABILITY AND RESPONSIBILITIES POLICY  
(October 2017)**

**ACCOUNTING SYSTEM:** A fund accounting system shall be used to identify and manage the variety of monies which are received by the Presbytery. Fund accounting is an accounting system for recording resources whose use has been limited by the donor, grant authority, governing agency, or other individuals. It therefore emphasizes accountability rather than profitability and is used by nonprofit organizations.

**AUTHORIZATION:** The Leadership Pod shall determine who shall be authorized to sign checks and vouchers. The Treasurer, or anyone authorized by the Leadership Pod to handle Presbytery funds or other assets of the Presbytery, shall be bonded at the expense of Presbytery in amounts to be determined by the Leadership Pod upon recommendation from the Financial Task Leader.

**BUDGET:** An annual budget will be prepared by the Treasurer with the assistance of the Financial Task Leader to be presented to the Leadership Pod prior to the Fall Presbytery Meeting. The Leadership Pod will review the budget to ensure it supports the essential ecclesiastical function and priorities of the Presbytery and will bring it to the fall Presbytery meeting for approval.

Requests for expenditures beyond the budgeted amount must be accompanied by a statement of proposed funding for the additional expenditures. The Leadership Pod shall have authority to adjust the budget as necessary during the year in consultation with groups and/or persons involved in any of the proposed adjustments.

The Leadership Pod shall be responsible for making recommendations as to priorities of the Presbytery at the Spring Stated Meeting of the Presbytery.

**GRANTS:** The Leadership Pod shall supervise and approve all grants on behalf of the Presbytery. All grant requests should be submitted in writing to the Leadership Pod.

**INVESTMENT:** The Treasurer is responsible for oversight of investments and shall make recommendations of the presbytery's investment strategy to the Leadership Pod. The primary place of investment shall normally be the approved bank serving as the Presbytery's principal depository.

**PER CAPITA:** A per capita apportionment is established annually by the Presbytery upon recommendation from the Leadership Pod to support the essential function of the Presbytery. The intent is to kept per capita as low as possible.

**PER DIEM AND REIMBURSEMENTS** - Expenses for the following items shall be reimbursed at a rate to be recommended by the Leadership Pod and approved by the Presbytery at its Fall Meeting:

1. All expenses incurred from attending presbytery meetings including mileage, housing and meal expenses for RULING ELDER POD LEADERS AND OFFICERS OF PRESBYTERY.
2. Members of a Presbytery entity doing the work of the Presbytery may submit mileage to be reimbursed at 60% of the IRS rate.
3. A daily meal allowance of \$35 divided approximately by \$10 each for breakfast and lunch and \$15 for dinner. No reimbursement shall be granted for alcoholic beverages.
4. Hotel room rate of \$100 per night, unless prior permission has been granted by the appropriate pod leader.
5. When overnight meetings require hotel accommodations and roommate arrangement can be made, they

will share a room with two beds. Those preferring not to share a room will be asked to pay the difference.

**RESTRICTED FUNDS:** All restricted and trust funds received by the Presbytery shall be administered strictly in accordance with the stipulations of the restrictions and the provisions of the trusts.

All funds for Presbytery Programs shall be received and expended by the Treasurer of the Presbytery. No entity or persons shall hold funds for Presbytery programs or establish bank accounts for such funds without approval from the Treasurer and the Leadership Pod.

**REPORTING:** The Treasurer shall prepare and submit to the Presbytery at each Stated Presbytery Meeting a full statement/report of expenses and income as compared to the budget for that period and the most recently completed fiscal period.

**REVIEWS:** The Financial Task Leader will be responsible to ensure that a full financial review is completed annually according to the Book of Order G-3.0113. Results will be reported to the Presbytery at the spring meeting.

**RESERVE:** The Presbytery will maintain minimum financial reserves (cash and investments) equal to:

1. The Presbytery will maintain a minimal operating reserve of \$ 100,000; plus
2. The total of all permanently restricted funds.

## **P-400.03**

### **PRESBYTERY ENDOWMENT FUND (Revised October 1997 and October 2017)**

WHEREAS, Christians are called to be faithful stewards of all of the gifts of God; and

WHEREAS, the Church is called to be Christ's body therefore extending the Good News to all it touches; and

WHEREAS, the Presbytery of the Northern Plains is an agent of the mission the Church is called to do; and

WHEREAS, there are women and men of faith who have been richly blessed and look for opportunities to witness to their faith through financial gifts which will bless others; and

WHEREAS, gifts held as endowment generate income which make mission possible for generations to come:

THEREFORE, BE IT RESOLVED that the Presbytery of the Northern Plains, as of October 6, 1992 approve and establish a fund to be known as the PRESBYTERY OF THE NORTHERN PLAINS ENDOWMENT FUND.

#### **Article I: Names and Definitions**

- A. The name of this Endowment Fund is the Presbytery of the Northern Plains Endowment Fund.

#### **Article II: Governance**

- A. This Endowment Fund is administered under the Presbyterian Church (U.S.A.) Book of Order and the operating policies and procedures of the Presbytery of the Northern Plains.
- B. It is understood that gifts given with restriction will be honored once they have been received by the Presbytery.

**Article III. Purpose**

- A. The Endowment Fund is created exclusively for the purposes of accumulating gifts, designated and undesignated. Unless otherwise restricted the principal of all gifts will be held as permanently invested funds.
- B. Income will be disbursed to support the mission of the Presbytery, and for its congregations where gifts are designated for a particular congregation.
- C. No funds shall be disbursed from this Endowment except for the purposes described herein and reasonable administrative expenses associated herewith.

**Article IV: Administration**

- A. The Presbytery of the Northern Plains is the final authority.
- B. The Endowment Fund shall be administered by the Leadership Pod.
- C. The Fund will normally be invested in a fiduciary approved by the Presbytery with the Presbytery as owner of the Fund.
- D. Segregated funds may be held under this plan which have been restricted by donor or by the Presbytery.

**Article V: Audit**

- D. The Endowment Fund will be audited annually according to the policies and procedures of the Presbytery of the Northern Plains.

**Article VI: Use of Income**

- A. Supplementing Presbytery annual programming
- B. Investors designations
- C. Special congregational projects

**P-400.04****WILLS EMPHASIS DEFERRED GIFTS STEWARDSHIP PROGRAM  
(April 1986, Revised October 2017)**

The Presbytery of the Northern Plains recognizes the many benefits to individuals and families which are derived from responsible estate planning. The Presbytery also knows the unlimited potential of financial support for the mission causes of the Church available through the conscientious charitable estate planning of Presbyterians. Therefore, the Presbytery of the Northern Plains Leadership Pod adopts the following:

**I. CONGREGATIONAL SUPPORT**

- A. Each congregation is encouraged to implement a Wills Emphasis and Deferred Gifts Program and to adopt a plan for receiving, managing and disbursing such gifts as are received for the benefit of congregational, Presbytery, Synod and General Assembly mission.
- B. All donors and Sessions are encouraged to name the Presbytery of the Northern Plains as a secondary remainderman in their agreements, plans, or other instruments in the eventuality that the congregation (as the first beneficiary) ceases to exist or to be related to the Presbyterian Church (U.S.A.).
- C. Congregations are encouraged to use the services and program materials of the Presbyterian Church (USA) Foundation (Indiana) or its successor for assistance in the implementation of a Wills Emphasis and Deferred Gifts Program.
- D. Donors are encouraged to consult with a representative of the Foundation for assistance in the consideration of making a bequest or a deferred gift.

**II. THE PRESBYTERY OF THE NORTHERN PLAINS ENCOURAGES INDIVIDUALS TO**

**SUPPORT THE PRESBYTERY'S MISSION THROUGH A BEQUEST, A DEFERRED GIFT, OR OTHER DEVICE IN THE FOLLOWING:**

- A. An endowment gift in which the corpus is held in perpetuity and the income only is expended.
- B. An unrestricted gift which will be disbursed by the presbytery where the need is greatest.
- C. A restricted gift which will be used for designated work within the Presbytery. Restricted gifts should be made carefully and, where possible, in consultation with the Presbytery, with the understanding that needs may change. It is often best when planning to make a restricted gift to use a phrase such as "preference is to be given to [state purpose]" but the assets may be used for other similar mission purposes.

**III. THE PRESBYTERY IS RESPONSIBLE FOR THIS POLICY IN THE FOLLOWING WAYS:**

- A. Endowment Fund monies may be invested with a fiduciary approved by the Presbytery, with the intent of insuring the future buying power of the fund. All income from investment will be administered by the Leadership Pod.
- B. Restricted and unrestricted gifts will be administered by the Leadership Pod.
- C. The Treasurer will assist congregations in developing their Wills Emphasis and Deferred Gifts programs.

**P-400.05**

**FUND RAISING REQUESTS (April 1986, Revised October 2017)**

All requests for permission to raise funds by non-Ministry teams within the bounds of the Presbytery come to the Mission Pod for Presbytery action. All requests for permission to raise funds within the bounds of the churches require permission of the sessions of the particular congregations.

**OTHER**

**P-500.01**

**COMMITTEE ON NOMINATIONS POLICY (January 2006, March 2013, October 2015)**

**I. Introduction.**

The Book of Order [G-3.0111] states: "All councils higher than the session shall have a process for nominating persons to serve in positions requiring election by the council. The process shall ensure that nominations are made by an entity broadly representative of the constituency of the council, and in conformity with the church's commitment to unity in diversity (F-1.0403)." To fulfill this task the following policies and procedures have been developed.

**II. Requests for Nominees.**

The Nominating Committee shall regularly bring before the Presbytery and its constituent congregations the ongoing need for qualified persons to serve the Church. Each year the Nominating Committee shall notify each session, in writing, of its responsibility to submit names to the Nominating Committee for service on Presbytery committees, boards, councils, and affiliated corporations; for service on General Assembly or Synod Commissioners; for service as General Assembly and Synod Youth Advisory Delegates (YADs). This information will become part of the Presbytery's skills bank inventory. Each session shall determine its own methods of selecting nominees and shall submit such nominations to the



Nominating Committee. All nominations shall be accompanied by relevant data indicating why the nominees should be considered for particular positions.

### **III. Nominating Criteria.**

- A. In nominating people as Presbytery officers, committee members, and for service with other governing bodies and affiliated corporations, the Committee will follow these criteria:
1. It shall seek the most qualified person available for the position. Primary consideration will be given to those seeking re-nomination.
  2. It shall give consideration to the nomination of equal numbers of lay women, lay men, and teaching elders (i.e., 1/3 each).
  3. It shall seek to make possible the implementation of the Church's commitment to inclusiveness and participation by working to correct patterns of discrimination on the basis of race, sex, age, disability, or marital status.
  4. It will attempt to give each committee a geographical distribution of membership, keeping in mind the cost of travel and potential for carpooling.
  5. Council and committee chairs shall be nominated from the existing membership, wherever possible.
  6. Nominees for Vice-Moderator and Moderator shall be persons actively involved in and familiar with the mission and ministry of this Presbytery.
  7. Each nominee will be provided with an appropriate job description and will also be informed of the time and travel requirements of the position.
- B. In nominating people for Synod Council, Synod Committees, and other Synod responsibilities, or General Assembly positions, it will inform the nominees of the job descriptions and time commitments for these positions and the relationship and communication channels to the Presbytery.
- C. In nominating teaching elders and ruling elders as commissioners and alternates for Synod and General Assembly, the following criteria will be followed:
1. Functionally, these shall be 3 year nominations for Synod commissioners and 4 year nominations for General Assembly commissioners. Synod commissioners shall be eligible for a second term and first alternates to General Assembly will be the commissioners to the next meeting, unless extenuating circumstances prevent such service.
  2. Consideration will be given to (i) the qualifications which will make the nominee an effective representative, (ii) service in Presbytery and other governing bodies, and (iii) the nominee's availability to report to Presbytery.
  3. The Committee shall seek to implement the Church's commitment to inclusiveness and participation by working to correct patterns of discrimination on the basis of race, sex, age, disability, marital status, membership in large or small congregations, geographical location, and representation at previous meetings of Synod or General Assembly.
  4. Nominees shall be informed of the obligation to participate in an orientation program and to report to Presbytery at the first stated meeting following their service as a commissioner. They shall also be informed of their obligation to visit churches upon invitation to bring directly to the local congregations reports of the Synod and General Assembly meetings.
- D. Youth Advisory Delegates (YADs) to Synod and General Assembly. In nominating YADs we will consider:
1. Service in the church, in the Youth Connection Council, involvement in Presbytery youth activities, ability to report to Presbytery, and desire to be a YAD.
  2. First consideration shall be given to the previous year's alternates.
  3. Care shall be taken to select youth who will be effective (i.e., conscientious, informed) representatives to General Assembly or Synod.

**IV. Elections.**

Elections to fill vacancies on Presbytery Committees shall be held at the Fall Stated Meeting. Elections to all other vacant offices will normally be held at the annual meeting.

**V. Vacancies.**

- A. The Committee will work with the Moderator and Council to fill vacancies needing immediate attention.
- B. Vacancies not needing immediate attention will be dealt with during the next meeting of the Nominating Committee.
- C. When a person leaves the Northern Plains Presbytery or the denomination the Nominating Committee will fill that position. The committee does not have to wait for a person to resign the position.

**VI. Committee and Chair Policy.**

- A. Committee and Ministry Teams shall be elected directly by the Committees and Teams. The Nominating Committee will nominate for committee membership only.
- B. Chairs will be elected for a three-year term and can be re-elected. After two consecutive terms, a chair must step down for at least one year.
- C. Should a Committee or Team wish to develop an alternative leadership system (i.e. co-Chairs or the like), they shall notify Council of this change and it shall be reconsidered every year as with a Chair.

**P-500.02****SESSION RECORDS POLICY (October 2017)**

Each Session shall keep a full and accurate record of its proceedings [G-3.0204] for review annually of the proceedings and actions of Sessions within Presbytery's jurisdiction. [G-3.0108a]. The Records Task Leader will serve as a resource person to provide contact information, if needed, for clerks and moderators to fulfill this requirement. At least one clerk of session or moderator of session trained (attended two or more record reviews) shall set up a record review with other clerk(s) of session or moderator(s) of session annually, to read each other's record books. The Records Task Leader will report to Presbytery in a formal annual report naming complying and non-complying congregations.

**P-500.03****SEXUAL MISCONDUCT POLICY AND PROCEDURES**

(Approved by Presbytery Feb 2011, Revised October 2017)

**INTRODUCTION**

The Presbytery of the Northern Plains strives to promote the peace, unity and purity of the church by preventing sexual misconduct through the promotion of professional and ethical behavior consistent with the Reformed tradition and by adjudging sexual misconduct according to the procedure of and in conformity with church law and secular law, specifically including Chapter 604 of the Minnesota Statutes.

**I. Policy Statement**

Scripture asserts that church professional leadership is a covenantal relationship which presumes the trustworthy exercise of power on behalf of those in our care. Ministry involves shared expectations that persons in position of religious leadership will use their skills and authority for the wholeness and well-being of others.

As God who called you is holy,  
be holy yourselves in all your conduct.

. . . .

Tend the flock of God that is in your charge,

not under compulsion but willingly,  
 not for sordid gain but eagerly,  
 do not lord it over those in your charge  
 but be examples to the flock.

. . . .

Know that we who teach  
 shall be judged with greater strictness.  
 I Peter 1:15; 5:2; James 3:1 (NRSV)

It should be clear that in all interpersonal relationships the church professional is in a position of power based on trust. A betrayal of trust by the abuse of power is more than a personal tragedy for the alleged victim(s). It is also a personal tragedy for the offender.

The church professional's role provides the opportunity for a high level of trust and intimacy. Church professionals are responsible for their professional behavior and the emotional, spiritual, and physical protection of persons who come to them for help or over whom they have any kind of authority. Breach of this protective relationship is improper and unethical. The mutual consent necessary for an appropriate sexual relationship is not possible in a context in which power is inherently unequal.

The high level of intimacy present in the relationship between church professionals and those whom they are serving provides the potential for sexual misconduct. Therefore, the purpose of the policy on sexual misconduct is to offer guidance in behavior that is appropriate, and to suggest procedures for accountability when allegations of misconduct are made as well as to assure appropriate care for all involved.

## II. Purpose and Scope

### A. Purpose

It is the purpose of this policy:

1. to define sexual misconduct in the Presbytery of Northern Plains;
2. to provide standards for behavior applicable to all members of the Presbytery;
3. to provide for measures to prevent the occurrence of sexual misconduct;
4. to provide the basis for policies to be adopted by church Sessions dealing with church members and non-ordained employees;
5. to have a system which provides for an expeditious, professional, confidential, and caring response in sexual misconduct situations;
6. to serve as a companion to the Book of Order but not to supersede any of its provisions.

### B. Scope

The persons governed by this policy are all members of the Presbytery of Northern Plains: its ministers of the Word and Sacrament, ruling elders trained as pastors (with or without commission), committee members, candidates, inquirers, volunteers, employees, or any other person carrying out the programs of the Presbytery of the Northern Plains or offering pastoral care in one of its churches.

1. Particular Churches: This policy does not claim to regulate sexual conduct within the particular churches of the Presbytery of the Northern Plains. It is recommended that Sessions adopt policies similar to this one.
2. Child Protection: Because of the unique issues involved in monitoring youth and child activities, this policy is not intended to serve as a full child protection policy.

### C. Other Policies and Procedures

This policy is to be interpreted and applied consistently with any and all other applicable policies of the Presbytery of Northern Plains, the Presbyterian Church (U.S.A.), and federal, state, and local law.

### III. Definitions

#### A. Sexual Misconduct

Sexual misconduct is a comprehensive term used in this policy to include, but not be limited to:

1. **Child sexual abuse** includes, but is not limited to, any contact or interaction between a child under the age of 18 and an adult when the child is being used for the sexual stimulation of the adult person or of a third person or any risqué jokes, innuendo, unacceptable visual contact, inappropriate casual touch, inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult. The behavior may, or may not, involve touching. Sexual behavior between a child and an adult is always considered forced whether consented to by the child or not.
2. **Inappropriate Use of the Internet** to communicate with another to commit sexually abusive activity, including but not limited to sexual activities defined in this policy.
3. **Physical sexual contact** as defined respectively by North Dakota, Minnesota and Montana state law within a ministerial, professional, or employment relationship, or a relationship between church officers or volunteers and persons for whom they are responsible.
4. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution.
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions influencing such individual, or,
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.
5. **Sexual Malfeasance** is sexual conduct within a ministerial or professional relationship (e.g., clergy with anyone in or out of the church, counselor with a client, lay employee with a church member, presbytery staff person with a committee member). Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual conduct, unwelcome touching) that is injurious to the physical or emotional health of another may include unwelcome sexual advances, request for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having mutual, social, intimate, or marital relationships.

#### B. Presumed Consent

Presumed consent is the assertion that a particular act was between consenting adults. It may apply to relationships where there is no disparity of power, such as spouses or single adults functioning as peers or colleagues. Within this policy presumed consent does not apply between ministers of the Word and Sacrament and parishioners, supervisors and supervised, or with anyone involved with performance review, compensation, promotion or continued employment, even though the parties claim that a consensual agreement exists. The inherent imbalance of power between the minister of the Word and Sacrament and the lay person undermines the validity of such consent. If a minister of the Word and Sacrament and lay person wish to pursue a consensual romantic relationship, one or the other must change churches so that the professional relationship is no longer in place.

#### C. Additional Definitions

1. **Accused:** Person against whom a claim of sexual misconduct is made.
2. **Accuser:** The person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser and/or victim may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend or colleague of the victim may be the accuser whose information initiates an inquiry.
3. **Mandated Reporter:** Described by state law as persons who are required to report all suspected

incidents of child abuse, including child sexual abuse, that come to their attention. Within the Presbytery, all persons covered by this policy have a duty to report suspected child sexual abuse to the employing entity, supervisor, or Presbytery representative.

4. **Persons Covered:** Includes presbytery members, officers, ministers of the Word and Sacrament, and nonmembers who are employees or volunteers under the supervision of the Presbytery, including those who are accused of sexual misconduct under circumstances in which (a) access to the accuser and/or victim is related to some form of service to or appointment by the Presbytery, or (b) sexual misconduct in a non-church related situation raises questions of character and effectiveness for the Church. (For example, this policy covers a non-member adult who sexually abuses a non-member teenager while 'helping out' on a presbytery-sponsored trips.)
5. **Sexual Exploitation:** Most often occurs in situations where one person abuses the power he/she has over another person, thereby violating the boundaries and trust implicit in the relationship. Sexual abuse can occur between equals.

## IV. Roles

### A. Presbytery Entities Involved in the Sexual Misconduct Cases

1. Care for Pastoral Leaders Pod continues in its constitutional role as a resource to ministers of the Word and Sacrament and congregations, particularly where pastoral vacancies occur. When appropriate, the Care for Pastoral Leaders Pod is to facilitate the employment of interim leadership competent to manage any conflict associated with the sexual misconduct case. The Pod facilitates the relations among congregations, ministers of the Word and Sacrament, and the Presbytery, and resolves difficulties on behalf of the Presbytery when possible and expedient.
2. **The Pastoral Response Team** is a group of clergy and laity, up to six people, whose role is to work with the accuser, the accused and the affected governing body (in a congregation the Session).
3. The **Permanent Judicial Commission** is the continuing body elected by the Presbytery to conduct trials when an investigating committee files charges. The commission's structure and duties are described in D-5.0100.
4. The **Special Investigating Committee** is a group appointed by the Presbytery Moderator in accordance with B-3.0100, whenever a written statement of offense is received by the Stated Clerk (D-10.0103). The Special Investigating Committee is charged, under the Rules of Discipline, with conducting a full investigation of an allegation of sexual misconduct, determining whether or not charges are to be filed, and prosecuting the case if there is one.
5. The **Stated Clerk** receives the initial complaint and notifies the Presbytery commissioners that a complaint has been received. The Clerk consults with the Leader of Care for Pastoral Leader Pod on whether the complaint warrants an administrative leave. (See Section VI, 1 B, below). The Clerk refers recommendations from the Special Investigating Committee to the Permanent Judicial Commission.

### B. Others with Involvement and Needs

1. **Victims and Families.** The Presbytery, Session, and other entities will seek to ensure treatment for and care of the alleged victims of sexual misconduct and their families.
2. **Congregations or Employing Entity.** The Presbytery, Session, entity, and response committee should be aware of the problems a congregation or entity may experience resulting from allegations of sexual misconduct, by a minister of the Word and Sacrament, employee, or volunteer.
3. **The Accused.** The Presbytery shall offer treatment and care for the accused and his/her family as well as alleged victims and families. When a person is acquitted it is important for the governing body or entity to see that the acquittal is publicized as widely as possible, within their power to do it, when requested to do so by the accused; and deliberate efforts must be made to repair the

damage done to the reputation, work, family and feelings of the acquitted.

4. **The Non-Victim Accuser.** In many cases, the non-victim accuser is the parent, guardian, or other advocate for a child who has been the victim of the sexual misconduct. Because of the child's minority status, an adult is requested to file the action on behalf of the child. In cases where the victim is an adult, the non-victim accuser shall observe the following guidelines:
  - i. For his or her own protection, the non-victim accuser should have something in writing from the victim detailing the nature of the misconduct.
  - ii. The non-victim accuser should be certain that the victim is willing to come forward to testify if an action is filed.
  - iii. Some objective evidence should be available to substantiate the charges of sexual misconduct (e.g., medical test results, motel receipts, proof of repeated telephone calls, etc.). Otherwise, the victim and/or the non-victim accuser could be subject to a suit for filing a false charge that may damage a person's reputation and diminish his/her ability to obtain future employment. For this reason, it is not wise for staff of any governing body or entity to be the accuser unless that person is also the victim.

## V. Preventive Actions

### A. Education and Training.

The Presbytery urges all sessions and related entities to establish policies, procedures, and practices related to sexual misconduct. The Presbytery will take appropriate steps to inform ministers of the Word and Sacrament, church members, employees, and volunteers of the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct. The Presbytery will cooperate with secular authorities in the investigation and prosecution of violations of law. Implementation of this policy will require Presbytery to adopt educational programs that will aid in the prevention of sexual misconduct, and to provide training in pastoral and disciplinary procedures. All ministers of the Word and Sacrament and ruling elders trained as pastors (with or without commission) shall receive a copy of this policy and be briefed by the Membership Admissions and Departures Task Leader. Within three years of initial briefing all clergy and ruling elders commissioned as pastors will have participated in an appropriate workshop related to sexual misconduct approved by the Care for Pastoral Leaders Pod. Reminder of the required workshop participation shall be mailed out by the Presbytery office. Compliance with this requirement shall be reported to the Care for Pastoral Leaders Pod.

### B. Employment Practices

#### 1. Pastors, Associate Pastors, Ruling Elders Trained as Pastors (with or without commission) and those in Temporary Pastoral Relationships

Prior to the approval of pastoral, associate pastoral, ruling elder commissioned as pastor or temporary pastoral relationships, the Presbytery of the Northern Plains shall make written inquiries of the person's employers for the previous five years regarding any occurrence of illegal sexual contact as defined in Minnesota Statutes, Chapter 604 (See Appendix A.). *This inquiry shall proceed in the following manner:*

- i. All candidates for such positions will be required to authorize release of information concerning occurrences of illegal sexual contact and shall provide names and addresses of all employers for the previous five years. Failure to do so shall be understood as terminating the call or employment process.
- ii. The Presbytery office/Stated Clerk shall send a letter of inquiry to all such employers along with a written response form. Inquiries shall ordinarily be sent to clerks of session of congregations or chief executive officers of other places of employment.
- iii. The Presbytery office/Stated Clerk shall report the results of this inquiry to the Care for Congregations Pod.

- a. If no illegal sexual contact is reported, it shall be noted in the minutes of the Care for Congregations Pod and the Pod shall proceed to process the call or appointment if the way is otherwise clear.
  - b. If illegal sexual contact is reported, the Care for Congregations Pod shall not proceed to process the call or appointment until further investigation demonstrates to the Pod's satisfaction that there are adequate safeguards to prevent a reoccurrence of such activity.
  - iv. Copies of all authorizations for release of information, inquiries, and responses shall be confidentially maintained by the Presbytery for at least five years.
- 2. Other Members of Presbytery**
- i. The Presbytery of the Northern Plains shall not grant membership status to any person seeking to enter the Presbytery to assume responsibilities in a non-parish setting until it has conducted such an inquiry using the same procedure as above.
  - ii. Persons granted membership in the Presbytery without employment shall not seek employment as a "psychotherapist" as defined in Statute 604 until the Presbytery has conducted the required inquiry using the above procedure.

**C. Responsibilities of Congregations**

Congregations are reminded that they are potentially liable in the event that persons in their employ engage in certain forms of sexual contact with persons with whom they have been, or are, in a counseling relationship. Congregations who employ marriage and family therapists, mental health service providers, or other counselors are instructed to develop a policy whereby they will make inquiry of past employers of prospective employees, as required by M.S.A. Chapter 604.

**VI. Procedures and Implementation**

**A. Response Procedures**

**1. Initial Report Procedures**

Allegations of sexual misconduct are made in variety of ways. It is important that officers, employees, and persons highly visible to church members and visitors understand how allegations of incidents are to be processed.

An accuser may report alleged sexual misconduct to any of the following:

- i. the pastor of the church to which the accuser and/or accused belongs;
- ii. a member of the Care for Congregations or Care for Pastoral Leader Pod;
- iii. the Stated Clerk of the Presbytery

The first person to learn of alleged sexual misconduct must take the allegations seriously and confidentially. This person shall complete the Report of Suspected Sexual Misconduct (See Appendix C). The report shall be delivered to and called to the attention of the Stated Clerk of the Presbytery.

**2. Presbytery Judicial Response**

Immediately upon receipt of the Report of Suspected Sexual Misconduct, the Clerk shall inform the Moderator and the Leaders of the Care for Congregations Pod and Care for Pastoral Leaders Pod, and an Investigating Committee (I.C.) shall be appointed as set forth in the Presbytery Bylaws (B-3.0100).

The I.C. must promptly begin its inquiry into the allegations, having received orientation by the Stated Clerk, as delay may cause further harm to all parties involved. The I.C. will conduct a thorough investigation as called for in D-10.0200.

Administrative leave for the accused shall be evaluated, and recommended when appropriate by the I.C. to the Stated Clerk, Presbytery Moderator and the Leaders of the Care for

Congregations Pod and Care for Pastoral Leaders Pod, who together shall determine a response and take appropriate action. If administrative leave is deemed appropriate, the Care for Congregations Pod shall immediately begin work with the session and congregation to provide appropriate replacement services. If the allegation involves alleged sexual abuse toward any person under the age of eighteen, or who it is alleged lacked the mental capacity to consent, the Stated Clerk shall immediately communicate such allegation to the permanent judicial commission (PJC). The PJC shall make the determination regarding administrative leave in accordance with D-10.0106.

## **B. The Role of the Pastoral Response Team**

1. When first notified of an accusation, the Presbytery Moderator and the Stated Clerk shall form and train the Pastoral Response Team. The Pastoral Response Team shall coordinate pastoral care as needed for the accuser/victim(s), the accused, their families, the congregation, and all other involved parties. The Pastoral Response Team's responsibilities are to:
  - i. notify the affected parties of the Pastoral Response Team's role;
  - ii. confirm that civil authorities have been notified, when appropriate;
  - iii. assess the needs of the affected parties, congregations, entities, agencies and governing bodies, including the need for advocates and/or an attorney or counsel.
    - a. The Accuser/Victim(s): At least two persons from the Pastoral Response Team will meet with the accuser/victim(s) and their family to listen to their concerns and ascertain their needs. There shall be a determination if an advocate is necessary.
    - b. The Accused: The Pastoral Response Team, through its moderator, shall consult with the Moderator and his or her designee, to determine what support and resources should be offered to the accused. The Presbytery Moderator or his or her designee will offer to arrange for at least two persons from the Pastoral Response Team to provide support, as well as make available to the accused a list of advocates, if requested.
    - c. The Congregation: When a congregation is involved, the Pastoral Response Team, in consultation with the Care for Congregations Pod and the Presbytery Moderator or his/or her designee, shall determine if it would be helpful to offer the congregation support and services. When appropriate, members of the Pastoral Response Team may be called upon to meet with the Session to advise the congregation on the kind of support and resources that are available and to help the Session plan a response to the situation.
    - d. Resources: The Pastoral Response Team will identify the resources available for professional counseling. If the victim and /or the accused do not have insurance and are unable to assume the costs of counseling, the Presbytery shall accept responsibility for payment of counseling fees, for a reasonable time, up to a maximum of one year.
2. At no time will there be only one person in possession of knowledge of any matters pertaining to a case. At least two members of the Pastoral Response Team will be present when meeting with the accuser, victim, accused, or witnesses. Such consultations shall always include at least one person who is of the same gender as the person being interviewed.
3. Members of the Pastoral Response Team will make reasonable efforts to guard the privacy of persons involved. Material information will be made available only to authorized persons on a need-to-know basis.
4. Members of the Pastoral Response Team will not investigate the accusations or attempt to establish the facts of the case.

## **C. The Role of the Special Investigating Committee**

1. The Special Investigating Committee is charged, under the Rules of Discipline, with conducting an inquiry to determine whether charges should be filed (D-10.0201).



2. The Special Investigating Committee is appointed by the Moderator of Presbytery, in consultation with the Stated Clerk and the Vice-Moderator, for that particular case.
3. The Special Investigating Committee will provide the accused with a copy of the statement of the alleged offense (D-10.0202a).
4. The Special Investigating Committee will determine whether sufficient grounds exist to bring the complaint to trial. If the committee determines that grounds exist, and they can reasonably be proved (D-10.0202g), the investigating committee will prosecute the case before the Presbytery Permanent Judicial Commission.
5. After the investigation is complete, the Special Investigating Committee, if appropriate, will initiate alternative forms of dispute resolution (D-10.0202i), or proceed to filing of charges (D-10.0302) and the prosecution of the case (D-10.0402).

#### **D. Appeal Process**

If the defense in a case alleges that grounds exist for an appeal (D-13.0106), the appeal shall be made to the Permanent Judicial Commission of the Synod. During the appeal process, any level of censure invoked by the Presbytery shall remain in force.

#### **E. Unsupported Allegations**

If the accused is acquitted of charges or if the investigating committee determines that the allegations are unsupported by evidence, the Presbytery Moderator and his or her designee will consult with the accused to decide how best to repair any damage that may have been done to the reputation of the accused. If an allegation is found to have been submitted maliciously or without grounds, the accuser may be named and disciplinary action may be initiated. The Special Investigating Committee and the Pastoral Response Team should encourage the accused to file a request for vindication under D-9.0000.

#### **F. Additional Responsibilities of the Presbytery**

1. Copies of this policy shall be provided to all ministers of the Word and Sacrament, candidates and inquirers, ruling elders trained as pastors (with or without commission), and moderators of any of the Presbytery's entities and who shall be required to sign an acknowledgment of receipt. (See Appendix D) Such a signature constitutes an agreement by the signatory, that having received the policy they will abide by the policy and be governed by its terms.
2. The document shall be available on request to all church members and to the public.
3. All ministers of the Word and Sacrament and ruling elders trained as pastors (with or without commission) shall be required to participate in an appropriate workshop related to sexual misconduct every three years. Persons who propose to take training offered by other entities, such as another presbytery or synod, seminary or other institution, or through the internet to satisfy this requirement should seek prior approval from the Care of Pastoral Leaders Pod.
4. Liability and insurance. The Presbytery shall periodically obtain from its insurance agents, confirmation that the liability insurance policy covers sexual misconduct liability for its programs and activities, if such coverage is available.
5. A Session or the Presbytery is constitutionally prohibited from granting a certificate of transfer to a member while an inquiry or charges are pending. The reasons for not granting a transfer may be communicated by the Clerk of Session or the Stated Clerk to the appropriate persons. Should a minister of the Word and Sacrament under investigation for sexual misconduct renounce jurisdiction of the Presbyterian Church (U.S.A.) under G-2.0509, the Stated Clerk shall report both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges filed, if any to the presbytery at its next regular meeting. (D-3.0106) Though formal proceedings against the accused would thus be terminated, the presbytery may decide, in

accordance with G-3.0109b to appoint an administrative commission to make further inquiry, reach a determination as to the truth of the accusations and make the appropriate recommendations. If no such commission is appointed, the Care for Congregations Pod shall make all reasonable efforts to provide pastoral care and justice to the accuser/victim and the congregation

6. At the conclusion of a case, the records and files of all allegations and their disposition shall be delivered to the Stated Clerk as the designated custodian of all files concerning the case. No committee or its members shall keep copies of a file.

## APPENDIX A MINNESOTA STATUTES CHAPTER 604

### **CHAPTER 604** **ACTION FOR SEXUAL EXPLOITATION; PSYCHOTHERAPISTS**

Section 604.20 Definitions

Section 604.201 Cause of action for sexual exploitation

Section 604.202 Liability of Employer

Section 604.203 Scope of discovery (not printed)

Section 604.204 Admission of evidence (not printed)

Section 604.205 Limitation period (not printed)

#### **604.20 DEFINITIONS**

Subd. 1. **General** The definitions in this section apply to sections 604.20 to 604.205.

Subd. 2. **Emotionally dependent.** "Emotionally dependent" means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to believe that the patient or former patient is unable to withhold consent to sexual contact by the psychotherapist.

Subd. 3. **Former patient.** "Former patient" means a person who was given psychotherapy within two years prior to sexual contact with the psychotherapist.

Subd. 4. **Patient.** "Patient" means a person who seeks or obtains psychotherapy.

Subd. 5. **Psychotherapist.** "Psychotherapist" means a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, licensed professional counselor, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Subd. 6. **Psychotherapy.** "Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

Subd. 7. **Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

1. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the psychotherapist's body or by any object used by the psychotherapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the psychotherapist's body by any part of the patient's or former patient's

body or by any object used by the patient or former patient for this purpose, if agreed to by the psychotherapist;

2. kissing of, or the intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;
3. kissing of, or the intentional touching by the patient or former patient of the psychotherapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.

"Sexual contact" includes requests by the psychotherapist for conduct described in clauses 1 to 3.

"Sexual contact" does not include conduct described in clause (1) or (2) that is a part of standard medical treatment of a patient.

**Subd. 8. Therapeutic deception.** "Therapeutic deception" means a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient's or former patient's treatment.

#### **604.201 CAUSE OF ACTION FOR SEXUAL EXPLOITATION.**

A cause of action against a psychotherapist for sexual exploitation exists for a patient or former patient for injury caused by sexual contact with the psychotherapist, if the sexual contact occurred:

- a. during the period the patient was receiving psychotherapy from the psychotherapist; or
- b. after the period the patient received psychotherapy from the psychotherapist if (a) the former patient was emotionally dependent on the psychotherapist; or (b) the sexual contact occurred by means of therapeutic deception.

The patient or former patient may recover damages from a psychotherapist who is found liable for sexual exploitation. It is not a defense to the action that sexual contact with a patient occurred outside a therapy or treatment session or that it occurred off the premises regularly used by the psychotherapist for therapy or treatment sessions.

#### **604.202 LIABILITY OF EMPLOYER.**

- a. An employer of a psychotherapist may be liable under section [604.202](#) if:
  - i. the employer fails or refuses to take reasonable action when the employer knows or has reason to know that the psychotherapist engaged in sexual contact with the plaintiff or any other patient or former patient of the psychotherapist; or
  - ii. the employer fails or refuses to make inquiries of an employer or former employer, whose name and address have been disclosed to the employer and who employed the psychotherapist as a psychotherapist within the last five years, concerning the occurrence of sexual contacts by the psychotherapist with patients or former patients of the psychotherapist.
- b. An employer or former employer of a psychotherapist may be liable under section [604.202](#) if the employer or former employer:
  - i. knows of the occurrence of sexual contact by the psychotherapist with patients or former patients of the psychotherapist;
  - ii. receives a specific written request by another employer or prospective employer of the psychotherapist, engaged in the business of psychotherapy, concerning the existence or nature of the sexual contact; and
  - iii. fails or refuses to disclose the occurrence of the sexual contacts.
- c. An employer or former employer may be liable under section [604.202](#) only to the extent that the failure or refusal to take any action required by paragraph (a) or (b) was a proximate and actual cause of any damages sustained.
- d. No cause of action arises, nor may a licensing board in this state take disciplinary action, against a psychotherapist's employer or former employer who in good faith complies with this section

**APPENDIX B  
REPORTING OF SUSPECTED CHILD ABUSE**

For suspected child abuse occurring with the Presbytery of the Northern Plains, contact the local child protective services in your respective state. A website giving contact information for each state is: [www.childwelfare.gov](http://www.childwelfare.gov).

**APPENDIX C  
ACCUSATION OF SEXUAL MISCONDUCT**

Date of Report: \_\_\_\_\_ Date Received by Stated Clerk: \_\_\_\_\_

**1. ACCUSER INFORMATION** (please print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Ordination: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Currently serving: Yes: \_\_\_\_\_ No: \_\_\_\_\_

**2. ALLEGED VICTIM INFORMATION** (if different from accuser) (please print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Ordination: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Currently serving: Yes: \_\_\_\_\_ No: \_\_\_\_\_

**3. ACCUSED INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_

Church Membership: \_\_\_\_\_

Position: Ruling Elder \_\_\_\_\_ Deacon \_\_\_\_\_ Minister of the Word and Sacrament \_\_\_\_\_

CLP \_\_\_\_\_ Other \_\_\_\_\_ Presbytery Staff: \_\_\_\_\_ Presbytery Volunteer \_\_\_\_\_

**4. ALLEGATION**

Being as specific as possible, please list incident(s) of sexual misconduct, including date(s), time(s), and location(s). If more space is needed, please staple additional comments to this form.

---

---

---

---

---

---

---

**5. POSSIBLE WITNESSES**

Please list the name, address, and phone number of persons who may have information related to or pertinent to this accusation.

---

---

---

---

---

---

---

---

**6. OTHER INFORMATION**

Please identify any additional information that may be helpful to the investigation.

---

---

---

---

---

---

---

**APPENDIX D  
RECEIPT AND ACKNOWLEDGMENT OF  
SEXUAL MISCONDUCT POLICY AND PROCEDURES**

*I have received the Presbytery of Northern Plains Sexual Misconduct Policy and Procedures and acknowledge its contents.*

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Position(s): \_\_\_\_\_

\_\_\_\_\_

*I agree to abide by the standards of the Presbytery of Northern Plains Sexual Misconduct Policy and Procedures as long as I remain a minister of the Word and Sacrament, minister of the Word and Sacrament candidate or inquirer, ruling elder trained as a pastor (with or without commission), employee, volunteer, or work in a position carrying out programs of the Presbytery of Northern Plains.*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **P-500.04**

### **CHILDREN AND YOUTH PROTECTION POLICY (October 2017)**

Each entity within the Presbytery that provides care and/or supervision of children must have in place procedures to provide protection to both the caregivers and children; and provide a reporting mechanism of consequences.

## **P-500.05**

### **POLICY ON PRESBYTERY MEETINGS (October 2017)**

#### ***LOCATION AND FREQUENCY***

The meeting days (e.g., Monday, Friday, Saturday) are varied to allow more commissioners to attend at least one meeting each year. Meetings when possible will attempt to be scheduled during the better driving months of the year when weather is less threatening. Special presbytery meetings may be called as needed for the work of the presbytery.

#### ***AGENDA***

The Presbytery Bylaws (B-5.0500e) provide that the agenda for meetings of the Presbytery be prepared by the Leadership Pod, with the assistance of the Stated Clerk. For stated meetings the agenda will include worship with communion, education, fellowship and business. The actual agenda for each meeting is drawn up according to the demands of its particular business.

#### ***CONSENT CALENDAR***

A consent calendar may be used to dispose of routine business at stated meetings of the Presbytery. Such matters will be proposed to Presbytery at the time the agenda is considered for adoption. Any item on the consent calendar may be withdrawn (without debate or vote) upon the request of any member and items withdrawn from the consent calendar will be dealt with at their regularly scheduled time. Items remaining on the consent calendar will be adopted by Presbytery in an omnibus motion prior to the consideration of reports.

#### ***ACCESSIBILITY TO PERSONS WITH DISABILITIES***

In a spirit of hospitality and with a desire to welcome all, presbytery meetings will be held in locations accessible to persons with disabilities when possible.

#### ***CHILD CARE***

Child care is provided on site at stated presbytery meetings at no cost to presbytery attendees. Attendees who need child care must contact the Presbytery Office two weeks prior to the meeting. Nursing babies may be brought to these meetings; however, their care will be the complete responsibility of the parent. The presbytery will not provide child care at other meetings (i.e. pods, committees, task groups or ministry teams).

#### ***HOSTING***

Since hosting presbytery can be a very pride-filled experience and a wonderful opportunity to build stronger relationships between our congregations in the presbytery, it is desired that every congregation be given the opportunity at some point to host. Meeting locations will seek to reflect the

range of ministry realities within Northern Plains (small to large, rural to urban, etc.). The Leadership Pod will be responsible to secure meeting locations and provide host congregations with the Information for Hosting Presbytery Sheet.

## **P-500.06**

### **FORMATION OF TASK FORCES (October 1997, Revised October 2017)**

Any pod/committee may establish a task force in order to accomplish their work. Each task force shall report to the pod/committee that established it. Task forces that are established by Presbytery shall report directly to Presbytery.

## **P-500.07**

### **SEEKING TO BE FAITHFUL TOGETHER: GUIDELINES DURING TIMES OF DISAGREEMENT (October 1995, Revised October 2017)**

In a spirit of trust and love, we promise we will...

*Give them a hearing...listen before we answer. John 7:51 and Proverbs 18:13*

- A. Treat each other respectfully so as to build trust, believing that we all desire to be faithful to Jesus the Christ;
  - 1. we will keep our conversations and communications open for candid and forthright exchange.
  - 2. we will not ask questions or make statements in a way which will intimidate or judge others.
- B. Learn about various positions on the topic of disagreement.
- C. State what we think we heard and ask for clarification before responding, in an effort to be sure we understand each other.

*Speak the truth in love. Ephesians 4:15*

- D. Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus' teaching.
- E. Focus on ideas and suggestions instead of questioning people's motives, intelligence or integrity;
  - 1. we will not engage in name-calling or labeling of others prior to, during, or following the discussion.
- F. Share our personal experiences about the subject of disagreement so that others may more fully understand our concern.

*Maintain the unity of the spirit in the bond of peace. Ephesians 4:3*

- G. Indicate where we agree with those of other viewpoints as well as where we disagree.
- H. Seek to stay in community with each other though the discussion may be vigorous and full of tension;
  - 1. we will be ready to forgive and be forgiven.
- I. Follow these additional guidelines when we meet in decision-making bodies:



1. urge persons of various points of view to speak and promise to listen to these positions seriously;
  2. seek conclusions informed by our points of agreement;
  3. be sensitive to the feelings and concerns of those who do not agree with the majority and respect their rights of conscience;
  4. abide by the decision of the majority, and if we disagree with it and wish to change it, work for that change in ways which are consistent with these guidelines.
- J. Include our disagreements in our prayers, not praying for triumph of our viewpoint, but seeking God's grace to listen attentively, to speak clearly, and to remain open to the vision God holds for us all.