

Salem Presbytery
Policy for Congregations
Considering Requesting Dismissal
From the Presbyterian Church (USA)

Preamble

1. The mission of Salem Presbytery is to serve God by nurturing, supporting, and providing oversight to the Presbyterian (USA) congregations within its midst. This responsibility includes ministries of reconciliation when a congregation questions PCUSA doctrine, policy or practice to the extent that being dismissed from the denomination, in order to become part of some other Reformed denomination recognized by the Presbyterian Church (USA), is being discussed or considered.
2. The most recent General Assembly (218th, June 2008) has expressed its will that presbyteries and synods 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. In response, this policy is hereby established by Salem Presbytery, in the fervent hope that its use shall never be necessary.
3. This policy seeks to honor Salem Presbytery’s very name, Salem, in that in all cases where a congregation or some of its members express unhappiness with the presbytery, or with other parts of the denomination, the goal shall be loving, honest, compassionate reconciliation, so that harmony may be restored, and mission strengthened. It shall be the policy of the presbytery to treat decisions of congregations considering or seeking dismissal as a matter for pastoral care, and not for discipline, or judicial process.
4. We believe and affirm as a basic principle of our unity that the property chapter of the Book of Order (Chapter 8), is not the basis of our unity, nor is it to be used as an opportunity to accentuate division among us. Our Book of Order reminds us that the civil power of the state should not be used to enforce the provisions of a religious constitution (G-1.0301b), and that our constitution sets forth the principle that our collective organization as a worshipping community should not burden or infringe on existing property rights (Westminster Confession 6.148).
5. As a presbytery, we recognize that Chapter 8 of the Book of Order provides that congregations may leave the Presbyterian Church (USA) in possession of their

property. We further recognize that a congregation has the right to seek dismissal under chapters 8 and 15 of the Book of Order. We are all reminded that the Presbytery itself is the only body empowered to approve a congregation's dissolution, split, or dismissal. We ask all congregations to act with love, forbearance, dignity, and discretion, should they find themselves led by the Spirit of God to pursue this right. We ask our congregations to defer litigation against the presbytery in civil courts. In the spirit of the Apostle Paul, we peacefully seek first to discuss and arbitrate any disagreements, as brothers and sisters in Christ, before seeking any civil remedies afforded by law.

6. The fact that the various congregations within Salem Presbytery have their origin from different earlier arrangements of congregations within the United States has a bearing on this entire matter:
 - a) Some congregations were formerly members of the United Presbyterian Church (USA), which had a long-standing held-in-trust property provision in its constitution;
 - b) Some congregations were formerly members of the Presbyterian Church (US), and exercised the exemption clause of the Property chapter of the Book of Order; (G-8.0701). The exemption from this provision, claimed by some formerly PCUS congregations pursuant to Article 13 of the Plan of Union (1983), covered only exemption from the requirement to obtain Presbytery's consent to buy, sell, or encumber church property; and it did not confer sole ownership of property upon the congregation.
 - c) Some congregations were formerly members of the Presbyterian Church (US) but did not exercise the exemption clause of the property chapter of the Book of Order;
 - d) And some congregations were organized after re-union, and therefore have no relationship to earlier property clauses in existence prior to re-union.

7. The Stated Clerk of the General Assembly has drawn the attention of the Church to the strong scriptural admonition (First Corinthians 6:1ff) against the use of civil lawsuits to settle issues of dispute between believers, cautioning congregations and governing bodies alike to avoid civil cases. Accordingly, Salem Presbytery, by the means of this policy statement, covenants with its congregations that it shall not initiate civil lawsuits against congregations, their pastors and officers or members, where a congregation has pursued dismissal in accordance with The Book of Order and this policy statement, except for the purpose of collection of outstanding legal financial indebtedness (any existing loan) to the congregation in question by the Presbytery, Synod, or General Assembly. Any and all persons, staff, officers, or volunteers, representing or speaking for the Presbytery shall be bound by all provisions of this policy.

8. It is the will of this presbytery to create both a setting and a process of graciousness, in which the will of God is sought, in which reconciliation is the goal, and through which it will be accomplished with a graciousness befitting those who claim Jesus as Lord. With believers in every time and place, we rejoice that nothing in life or death can separate us from the love of God in Christ Jesus our Lord (Romans 8:38-39 – paraphrased).
9. In all matters relating to this subject, the following two questions will be deemed paramount:
 - a) Is God leading this particular congregation to seek dismissal from the Presbyterian Church (USA), or to be restored fully to the Presbyterian Church (USA)? And,
 - b) If God is leading this congregation toward dismissal from the Presbyterian Church (USA), how can that be accomplished in a way that honors Jesus Christ, and that strengthens both the congregation and the presbytery?

Procedure For A Congregation Seeking Dismissal

1. When it becomes apparent that there is significant desire within a congregation to consider seeking dismissal, or when the leadership of the presbytery becomes aware through informal contacts that a congregation is in some degree of turmoil or serious disagreement with either the presbytery or the denomination, the following steps shall be taken:
 - a) The Presbytery, through its Council, shall appoint a **“Conciliation Team”**, and visitation will be offered to the congregation. It is to be expected, in light of the reconciling nature of this policy, that the congregation, through its Session, will invite or welcome a visit from the Conciliation Team, whose purpose shall be to engage the leaders of the congregation, or the congregation as a whole, as circumstances dictate, in a time of prayer and conversation aimed at understanding the conflict, and identifying steps toward reconciliation.
 - b) If the team determines that progress can be made toward reconciliation through continued and constructive dialogue, the team will engage in such dialogue. In its dialogue with the congregation, the team will share matters for consideration with respect to implications for a congregation considering leaving the PCUSA, and implications for the impact on the status of the Presbyterian pastor(s) of such congregation. The team, in its work, will engage the pastor, the session, and members of the congregation, as it sees

fit, in order both to discover the areas of concern, and to understand them. There is no time limit to such dialogue, (but see subparagraph “1h(4)” below), though either side may bring it to a close by moving toward the next step.

- c) If, after the time of dialogue, the team determines that unresolved issues and concerns remain, the team will report this to the Council, which will then appoint a **“Resolution Team”** to work with the congregation.
 - d) The essential purpose of the Resolution Team shall be to work with the congregation toward achieving a mutually agreeable resolution to any important issues that remain open.
 - e) It is the expectation of the presbytery that members of this team, as well as members and officers of the congregation, shall work together in mutual trust, that they shall be open and honest with each other in all dealings, that they shall provide to each other all relevant and useful information and documents, and that the congregation’s officers and pastor(s) shall refrain from any unauthorized, unilateral, changes in the way that their congregational property and assets are held or managed.
 - f) It is also the expectation of the presbytery that at all times the rights and privileges of those members of the congregation who are in the minority with respect to views held about disaffiliation or related matters shall be affirmed and protected.
 - g) It is within the authority of the Resolution Team to recommend to the Council what action, including dismissal to another Reformed body, if appropriate, should be taken to resolve the continuing problem. All recommendations of the Resolution Team must be submitted to the full Presbytery, together with the advice of the Council with respect to those recommendations. Only the full presbytery, in meeting, has the authority to approve the terms of any congregational dismissal, or to approve any legal action, if such is recommended.
2. A congregation that continues to consider seeking dismissal shall follow this procedure:
- a) The Session shall call for a meeting of the congregation. Advance notice for the meeting shall be by written letter to each member on the Active Roll of the congregation, as well as through Sunday worship announcements. The letter shall be mailed at least thirty days in advance of the meeting date, and public worship announcements shall be made at all wor-

ship services between the date of the call and the actual congregational meeting. Representatives of the Presbytery, (members of the Council, as well as Staff Presbyters) shall also be invited to the meeting, with the right to address the body gathered..

- b) A quorum for this congregational meeting shall be that established by the Book of Order for congregational meetings (currently one-tenth of the Active Roll of membership – G-7.0305), unless the congregation has set a higher requirement for a quorum, in which case this higher quorum requirement will have to be met. While Salem Presbytery recognizes that the Book of Order requires only one-tenth of the active membership to constitute a quorum for a congregational meeting, the Presbytery advises that a decision of such a magnitude as consideration of dismissal should be considered by a large enough proportion of the congregation so as to reflect the true mind of the whole congregation. All of the Active Members present shall be recorded by name.
- c) The Session shall make written proposals to the congregation that it deems to be in fulfillment of the congregation's intentions. All members present, as well as the designated (i.e. designated by Presbytery's Council) representatives of Presbytery, shall have the right to speak. When the discussion is concluded, the vote shall be taken, by written ballot of the active members of the congregation present. At least two-thirds of the active membership must be present and voting in favor of requesting dismissal to another Reformed body, in order for the proposal to be passed, since Salem Presbytery will not consider a request for dismissal that is not supported by at least two-thirds of the active membership of a congregation.
- d) If a motion requesting dismissal is passed with at least the requisite majority, then the Presbytery Council shall begin a process of negotiation with the congregation to determine the terms of dismissal. This process should be concluded within a reasonable time, but at least within twelve months from the time that the first step of the process was instigated by either congregation or presbytery. The terms of dismissal agreed upon in this negotiation process must then be returned to the congregation for a subsequent congregational meeting, called and announced in the same manner as required for the prior meeting, and accepted by a two thirds majority of the active roll membership, in order to be the effective decision of the congregation.
- e) **NOTE:** In the event that the vote for the terms of dismissal, as worked out by the Presbytery and the congregation, does not attain the required level of affirmative votes, then two choices remain open to the congregation at

this time. (1) It may, through its authorized representatives continue to negotiate with the presbytery to seek different terms for dismissal, and then offer these to the congregation for another vote (under the same terms as the previous meeting and voting requirements); or (2) it may choose not to further pursue dismissal at this time, in which case it must, by appropriate congregational meeting and vote, (under the same rules outlined above for congregational meetings), rescind its earlier action requesting dismissal. Should this all take place, Presbytery shall continue to work with the congregation with the goal of reducing dissatisfaction and enhancing the relationship between the presbytery and the congregation.

- f) If more than ninety percent of those present and voting vote for dismissal, the Presbytery shall agree to the dismissal, permitting the congregation to depart with all of its property intact. If the majority percentage is between sixty-six and two-thirds percent and ninety percent, then the congregation and the Council shall work to determine a fair money and/or property amount to be given to presbytery, in order for the congregation to depart with its property. Several suggested methods of resolution are here offered for consideration by Council and the congregation in resolving the matter, but are not stipulated as mandatory:

(1)The congregation may be dismissed and take with it property equal in value to the percentage of members voting (i.e. if eighty per cent voted for dismissal, the congregation may retain and take with it eighty percent of the value of its assets, and must prepare a schedule in conjunction with the Council for the time frame for remitting the remaining twenty percent to the Presbytery. Alternatively,

(2)The congregation could volunteer to make payments of money to the Presbytery over a five year period to replace the lost mission and per capita money that the Presbytery would otherwise have expected to receive during those five years, either on a straight line basis or on a declining basis (i.e. 100% the first year, 80% the second year, etc.). Alternatively,

(3)A congregation that attains a greater than ninety percent vote, and is thus to be permitted to depart with all of its property, shall be encouraged to volunteer to make some monetary contributions to the Presbytery for several years as a way of expressing its gratitude for the historic and on-going work of its life as a congregation of the PCUSA through Salem Presbytery, and to aid in providing ministry for those members of the departing congregation

who decide that they want to remain within the PCUSA, or to aid in initiating new PCUSA ministry in the community.

- (g) A congregation that is approved for dismissal may take its name with it.
 - (h) In the event that any congregation is approved for dismissal under the terms of this policy, the presbytery and the congregation shall take all steps possible in order to provide for the pastoral care and congregational life of those members who do not wish to depart the Presbyterian Church (USA). Their protection and nurture shall be a matter of paramount concern to both the departing congregation and to the Presbytery.
 - (i) In the event that any congregation's request for dismissal is approved under the terms of this policy, the presbytery shall, in conjunction with the congregation, hold a final worship service of Commissioning, to celebrate our common life in Jesus Christ and to pray for the effectiveness and well-being of both the congregation and the Presbytery. Those departing the PCUSA will be commissioned by the Presbytery to further their work for the kingdom as they go forward in ministry. The service will be jointly planned by members of Presbytery's Council and the Session, and all congregations of Salem Presbytery shall be invited.
3. Should the congregation (or its leadership) refuse visits and discussions with the Conciliation Team and/or the Resolution Team, the Council shall, at its earliest opportunity, recommend to the Presbytery that the Presbytery appoint an Administrative Commission with authority to act for the Presbytery, to tentatively resolve all matters. No final action of dissolution, dismissal, division through schism, or discipline shall be taken until the Presbytery in a full meeting shall approve such final action. Any Administrative Commission appointed under the authority of this policy shall be charged with addressing all of the issues addressed above, and with working toward ultimate resolution of the matter with the congregation. All of the policy considerations listed above in this policy statement apply to such an Administrative Commission as well as to the Conciliation and the Resolution Teams.
 4. A congregation being dismissed will be required to pay off any loans outstanding to any entity of the Presbyterian Church (USA). Matters of loans of the congregation held by non-Presbyterian entities are the responsibility of the congregation, and the presbytery shall be legally relieved of any responsibility related to such loans.

5. A congregation being dismissed will be required to close out its financial and membership books as of the official date of dismissal, and to file all reports required by the presbytery for statistical record-keeping.
6. A congregation being dismissed will be required to work with the Presbyterian Board of Pensions to effect a clean break as of the date of the dismissal.
7. A congregation being dismissed will work closely and diligently with the Presbytery to assist in the transfer of membership of members who do not desire to remain with the congregation being dismissed.
8. There are some practical considerations to be addressed, should a congregation be approved for dismissal. These are listed as an attachment below, for information, but are not binding for the purposes of this policy.
9. This policy shall take effect immediately upon being approved by the Presbytery.

Approved by Salem Presbytery in meeting,

July 18, 2009

ATTACHMENT

1. The status of the minister(s) currently called by the congregation: whether they shall remain with the congregation and transfer their ministerial status to the new denomination, or whether they choose to remain within the PCUSA, and thus need to look forward to seeking a new call.
2. The status of any insurance policies held by the congregation with instrumentalities of the PCUSA may need to be changed.
3. The tax status of a congregation as a 501©(3) non-profit tax-exempt organization may need to be re-established under the new denomination to which the congregation is being dismissed.
4. The corporate status of the congregation may need to be revised.