# The Presbytery of Coastal Carolina Policy For Congregations Seeking To Separate From The Presbyterian Church (USA)

## **Introductory Comment**

There is one body and one spirit, just as you were called to the one hope of your calling, one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all." Ephesians 4:1-5

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This policy addresses the <u>process</u> by which the Presbytery of Coastal Carolina and its member congregations face discernment regarding separation from the Presbyterian Church (USA). We have the difficult challenge to honor the shared witness of faith in Jesus Christ, even amongst differences of interpretation and practice. This policy strives to maintain integrity of denominational obligations of the Presbyterian Church (USA) while recognizing that some congregations find it difficult to continue their faithful witness to Jesus Christ as part of this denomination. Therefore, the policy intends to create a gracious path for congregations to reaffirm their connection with the denomination or to proceed with requesting dismissal from the denomination. The intent of the policy is to be a bridge, not a stumbling block, and to be fair, not punitive.

Dwelling in a divided world, we realize that separation is painful but sometimes necessary and healing. We pray that institutional separation does not destroy the unity of the greater church and our participation in it as brothers and sisters of Christ. We trust that all who participate in this process will be upheld in prayer through the strong and sure power of the Holy Spirit.

# I. Principles of Presbyterian Order

- 25 A. "The Foundations of Presbyterian Polity" in the first part of the Book of Order are sufficient to guide the Presbyterian Church (USA) and the Presbytery of Coastal Carolina 26 27 in any crisis if honored by all in the church including its officers and congregations. The 28 Presbyterian Church (USA), the Presbytery of Coastal Carolina, and its particular 29 churches are members of the Body of Christ. Faith-group affiliation does not alter such 30 membership. Should a congregation, through the action of its session, express a desire to 31 separate from the Presbyterian Church (USA), the Presbytery of Coastal Carolina under 32 the guidance of the Holy Spirit shall maintain communications and a relationship in 33 service of Our Lord to the extent possible. The Presbytery of Coastal Carolina does not 34 intend to appeal to civil authorities to judge or decide its relationship and responsibilities with its member churches. 35
- 36 "The Foundations of Presbyterian Polity," Part One of the *Book of Order*, is the recommended foundation for discussion.
- Separation from the Presbyterian Church (USA) is a serious issue for the congregation and for the Presbytery of Coastal Carolina. Even if a congregation is dismissed to another Reformed body, it is the intent of the Presbytery of Coastal Carolina that the relationship not be permanently broken. In an effort to enable a proper discussion during the process, the following topics in Part One of the *Book of Order* are recommended for careful
- 43 consideration.

- 1. **The Head of the Church**. All power in heaven and earth is given to Jesus Christ who calls the church into being and who gives his church its faith and life, its unity and mission, its officers and ordinances. (See F-1.02)
  - 2. **The Great Ends of the Church**. The areas listed focus on the proper tasks and mission of a Presbyterian Church. These are "the proclamation of the gospel for the salvation of mankind; the shelter, nurture, and spiritual fellowship of the children of God; the maintenance of divine worship; the preservation of the truth; the promotion of social righteousness; and the exhibition of the Kingdom of Heaven to the world." (F-1.0304)
  - 3. **The Historic Principles of Church Order**. The following are brief references to the concepts in this section that may be subject matter for any discussion.
    - a. (F-3.0101a, b) "God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of Men..." "Therefore, we consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: We do not even wish to see any religious constitution aided by civil power..."
    - b. (F-3.0104) "That truth is in order to goodness..." and its tendency is to promote holiness. "And that no opinion can either be more pernicious or more absurd than that which brings truth and falsehood upon a level, and represents it as of no consequence what a man's opinions are....we are persuaded there an inseparable connection between faith and practice, truth and duty."
    - c. (F-3.0105) "...we also believe that there are truths and forms with respect to which men of good characters and principles may differ. And in all these we think it the duty of both of private Christians and societies to exercise mutual forbearance toward each other."
    - d. (F-3.0107) "That all Church power, whether exercised by the body in general or in the way of representation by delegated authority, is only ministerial and declaration; that is to say, that the Holy Scriptures are the only rule of faith and manners:..."
    - e. (F-3.0108) "Since ecclesiastical discipline must be purely moral or spiritual in its object and not attended with any civil effects, it can derive no force whatever but from its own justice, the approbation of an impartial public, and the countenance and blessing of the great Head of the Church Universal."

#### 4. The Principles of Presbyterian Government

(F-3.02) "That the several different congregations of believers taken collectively constitute one Church of Christ, called emphatically the Church;" All parts of the Church are to be united and the majority shall govern with the minority having right of appeal but ultimately decisions are to be made "...by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles and the practice of the primitive Church are considered authority."

5. **Historic Presbyterian Polity Regarding Property** Held in Trust as Expressed in the *Book of Order*.

86 All property held by or for a congregation, a Presbytery, a synod, the General 87 Assembly, or the Presbyterian Church (USA), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the 88 89 property is used in programs of a congregation or of a higher council or retained for 90 the production of income, is held in trust nevertheless for the use and benefit of the 91 Presbyterian Church (USA). (G-4.0203). Because the trust clause is a means of 92 witness to our unity in the covenant of common mission, it is incumbent upon the 93 Presbytery to exercise forbearance, not coercion, to act graciously rather than adversely to its member congregations in regard to its provisions. (See addendum.) 94

## 95 II. Principles of Resolution

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- In times of dispute over issues of conscience, the Presbytery will adhere to, and member churches are encouraged to adhere to, these Principles of Resolution. Guided by our Presbyterian form of government:
- A. We affirm the mission of the Kingdom of God and not the maintenance of any particular institution as our highest calling;
  - B. We believe that the local congregation is the primary mission unit of Presbytery, and that issues of property and money are always secondary to people and mission;
- 103 C. We will not abdicate all decisions regarding property and finance to the local congregation;
- D. We understand that property is maintained and administered locally by the congregation on behalf of the denomination;
- E. We maintain accountability and connection by shared, representative leadership and oversight;
- F. We understand that regarding issues of conscience, "Divorce" can be a relevant analogy in releasing congregations. Each side must confront difficult realities, confront what it perceives to be a broken trust, speak of those realities to each other, and be forced to consider the ongoing health and viability of the other;
- G. While upholding the Constitution of the Presbyterian Church (USA), we will not approach property issues in such a way as to constrain local congregations in their ability to do mission and ministry;
- H. We may use Pastoral Teams and Negotiating Teams as described in Section IV below instead of the use of an Administrative Commission, where appropriate;
- I. We will encourage all presbyters and congregations to "concur with or passively submit to" (G-6.0108(b), footnote 1, the old *Book of Order*) concerning the vote and wisdom of the majority of the Presbytery. If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal, which will include dismissal to another Reformed body in accordance with the Trust Clause (see addendum);
- J. Throughout this process, teaching and ruling elders, in accordance with their ordination vows, will "be governed by our church's polity" and "abide by its discipline" (BOO W-4.4003 e);

- 127 K. The Presbytery, through the Pastoral Team, shall determine whether or not a viable
  128 continuing congregation committed to remaining as a part of the Presbyterian Church
  129 (USA) exists which may make use of the property, and if that should not be the case,
  130 what provisions have been made for the care of congregation members who will continue
  131 their membership in the Presbyterian Church (USA);
- L. The intent of any dispute within the life of the church is to achieve reconciliation. The
  Presbytery of Coastal Carolina wishes to make clear our intention to seek that goal. We
  assure any congregation that should separate from us of our continuing prayers for them
  and willingness to welcome them back to that part of God's family known as the
  Presbyterian Church (USA).

## 137III. Principles of Negotiation

- The Presbytery, through the process of negotiating issues of conscience and property with congregations, will act in such a manner that will reflect its primary concern for the ongoing mission and vitality of Christian witness in the area impacted by ministry of that congregation. Therefore:
- A. The Presbytery recognizes that "the church" in a particular area is not its building or financial assets, but the people of the congregation;
- B. The Presbytery must be mindful both of congregation members who, for reasons of conscience, desire that their congregation be dismissed to another denomination, and also those congregation members who wish to remain within the Presbyterian Church (USA);
- 147 C. The Presbytery must honor any legal restrictions or reversion clauses as well as historic covenants on the property;
- D. When there is a group that desires to remain within the Presbyterian Church (USA) and a group that desires to be dismissed to another Reformed body, the goal of any negotiations is that both congregations be as healthy as possible in the aftermath of separation;
  - E. Specific requirements for dismissal are listed in **Section IV. D.** below;
- F. The financial settlement portion of a dismissal agreement between the Presbytery and a particular church will be used to maintain or re-establish a mission of the Presbyterian Church (USA) in that locale, for new church development elsewhere within the Presbytery, or for other mission work of the Presbytery as directed by the Presbytery.

### 157 IV. Processes for Resolution

- In the Presbyterian tradition, an inter-connected relationship is assumed between the
- Presbytery and its congregations. Our process is meant to ensure that the congregation is
- fully informed on the issues at hand, equipped with knowledge of this Presbytery's process,
- as well as the processes and values that have guided other congregations and presbyteries in
- their decision-making. Therefore, no congregation will be dismissed to another Reformed
- body unless and until, at a minimum, the following process is followed:
- A. If after prayer and study, the Session and its pastor/moderator by a majority vote decide that they have serious concerns about matters of conscience, they shall invite the
- Presbytery to form a Pastoral Team in order to engage the congregation in discussions about potential resolution of the issue(s) or dismissal of the congregation to another
- Reformed body.

- B. If a church decides to the leave the Presbyterian Church (USA) without involvement of the Presbytery in the process, such action disregards the covenant relationship established by our partnership in the gospel as members of the PCUSA.
  - C. When the leadership of the Presbytery becomes aware, either through formal session action or discussion, or through informal contacts with congregational leaders or members, that a significant number of members in a congregation are in serious disagreement with the denomination to the extent of considering leaving the Presbyterian Church (USA), the Presbytery may respond with any of the following actions:
    - 1. The Committee on Ministry may appoint a Pastoral Team to begin work with the session and congregation in order to fulfill the covenantal intent established in the current guidelines for mutual discernment;
    - 2. If the Presbytery determines that the actions taken by a session and congregation are in serious violation of the covenantal intent of these guidelines, the Presbytery may appoint an Administrative Commission to work with the session and congregation. The Administrative Commission will be given powers in accordance with those authorized by the *Book of Order* (G-3.0109.b.5, G-3.0303.e, D-3.0101.b). Specific approval of Presbytery is required before the Administrative Commission dissolves a pastoral relationship. (*Book of Order*, G-3.0109.b.5)
  - D. **The Pastoral Team**: Assignment of Members, and Preliminary Responsibilities with the Session.
    - 1. The Pastoral Team will be appointed by the Committee on Ministry and specifically trained by the Presbytery in their tasks.
    - 2. The session will be required to submit an active membership roll to the Pastoral Team that is based on the number of active members reported in the previous year's statistical report to the General Assembly.
    - 3. The Pastoral Team will meet with the session and pastor(s), with a member of the Pastoral Team acting as moderator. The first action in that initial meeting will be to agree to the Principles of Negotiation listed in **Section III** above.
    - 4. The Pastoral Team and the session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.
    - 5. The Pastoral Team will not determine the merits of the concerns raised by the session, but will work to assure that before the issues are brought before the congregation, they have been addressed fairly and accurately.
    - 6. The Pastoral Team will promptly report the results of the initial meeting and its recommendations to the Committee on Ministry through its Chairperson.
    - 7. The Pastoral Team will hold a series of conversations with the session and with members of the congregation in small group affording to all persons affected fair notice and an opportunity to be heard. (*Book of Order*, G-3.0109)
    - 8. The Pastoral Team will respond in written form and/or in a town hall gathering(s) to the questions and issues raised in the small group conversations.
    - 9. If the Pastoral Team discerns that a large majority of the congregation desires to seek dismissal to another reformed body they shall ask the Mission Cabinet to appoint a

- Negotiating Team, including as many members of the Pastoral Team as possible, to work out terms for dismissal.
  - 10. If representatives from other Reformed denominations are invited by the Session to address the congregation, a representative from Presbytery shall be present as well, and shall be given an opportunity to speak.

#### E. The Negotiating Team

- 1. The Negotiating Team will meet with representatives of the church appointed by the session to discuss terms of dismissal.
- 2. In compliance with the latest decision of the Permanent Judicial Commission of the General Assembly concerning the disposition of church property, a certified appraisal of the real property (land and buildings) is required.
  - a. The church shall be responsible for the cost of the appraisal.
  - b. If the Presbytery determines that the church has received an appraisal for the real property (land and buildings) that is unreasonably low, the Presbytery will also receive a certified appraisal at cost to the Presbytery, and the average of the two appraisals will be used to determine the property value.
  - c. An agreed-upon alternative between the Negotiating Team and the session may be sought in order to establish a valid appraisal value of the property.
  - d. Any negotiation shall reflect the presbytery's desire for a gracious separation that acknowledges the congregation's ministry and mission to the presbytery in the past and seeks to bless and pray for the congregation's future ministry while also providing for the future ministry of the presbytery.
  - e. Any loans or other financial obligations to the Presbytery of Coastal Carolina or any Presbyterian Church (USA)-related group must be paid in full.
  - f. The name of a dismissed congregation may not be entirely identical to the name of the former PCUSA congregation. New signage and all communications (e.g. website, Facebook, brochures, newspaper information) must reflect the new name.
- 3. In accord with the *Book of Order* G-3.0107, all session and congregational minutes, congregational registers, and any other ecclesiastical records of the congregation through the date of dismissal from the PC(USA) shall be deposited with the Stated Clerk of the Presbytery of Coastal Carolina who will transfer them to the Presbyterian Historical Society for permanent safekeeping.
- 4. The ecclesiastical status of all members of the departing congregation who are currently commissioned ruling elders, inquirers or candidates for ministry must be confirmed prior to dismissal.
- 5. **Teaching Elders** (Ministers of Word and Sacrament) If a congregation is dismissed by the Presbytery, one of the paramount concerns of this process is to ensure that the rights and status of teaching elder members are considered and handled properly.
  - a. Teaching elders may request transfer to the Reformed body to which the congregation is requesting dismissal. Transfers may be requested concurrently with the congregation's request.

- b. Transfers to another Reformed body will normally be approved, unless the teaching elder member is the subject of any pending judicial or investigative action. Members under discipline of the Presbytery may not be transferred until the administrative process is complete and any required remedial actions completed. At that point the transfer may be completed, but a record of the Investigative Committee or Permanent Judicial Commission must be transmitted to the other body prior to the transfer being requested so proper disclosure on any issue can occur.

- c. If the pastor(s) currently serving the departing congregation do not wish to be dismissed from the Presbyterian Church (USA), their relationship with the departing congregation will be dissolved by the Presbytery upon dismissal of the congregation or at such a time when the Committee on Ministry determines that the pastoral relationship is no longer tenable, whichever comes first. Ordinarily the congregation will pay to the Presbytery, in advance, the amount equal to six months of salary, housing, and Board of Pensions benefits, which will be administered to the pastor(s) over the six months following the dissolution of the pastoral relationship. If the pastor begins another position or retires within these six months, the payments will end, and the remaining funds will be returned to the church in a timely manner.
- d. The presbytery shall vote separately on the dismissal of each teaching elder.
  - 6. **Sessions** The following items need to be considered by the Negotiating Team as they work with sessions and congregations seeking dismissal to another Reformed Body.
    - a. The missional concerns of the Presbytery and the PC(USA) for ministry in the area.
    - b. The spiritual needs of members of the congregation (especially those who wish to remain part of the PC(USA)).
    - c. A full assessment of the financial situation of the congregation including the possession of sufficient resources to maintain the buildings, grounds and ministry. (This information shall be shared with the Presbytery when it is asked to act on the dismissal of the congregation.)
    - d. The covenantal nature of our life together as PC(USA).
    - e. Any special circumstances that might apply in this particular case.
    - f. Any dates for the completion of mutual obligations shall be spelled out in the final agreement reached.
  - 7. **Confirming the Congregation's Will** At the conclusion of negotiations, it will be necessary for the Presbytery to confirm the congregation's desire to be dismissed to the specified Reformed body and upon the terms worked out with the session; to ascertain the congregation's unity in that decision; and to ensure that the interests of those members wishing to stay within the PC(USA) have been fully considered. The Presbytery will gauge that validation through a consultative meeting and an "informational" vote of the congregation. This is an integral part of the requirement for the Presbytery to consult with a congregation in such matters (G-3.0101a). At least two-thirds of the current active membership shall attend the meeting in order for

a vote to be taken. An affirmative vote of at least 75 percent (75%) of those present and voting is required to concur in the Session's request that the Presbytery dismiss the congregation to another Reformed body. This vote shall be taken by secret ballot.

This validation meeting will be called by the Presbytery through the Pastoral Team and members must be notified of the meeting at the congregation's expense at least two full weeks before the meeting. The Presbytery (through the Pastoral Team) shall also arrange for the moderator of such a meeting.

The following steps shall be observed in any congregational gathering:

- a. Forty-five days prior to the congregational vote on the issue a list of the active members of the church shall be provided to the Pastoral Committee.
- b. Five days before the congregational vote, any changes to the active membership shall be provided to the Pastoral Committee.
- c. Whether or not a member voted to separate from the Presbyterian Church (USA) shall not be recorded but each member voting shall sign a roll provided by the Pastoral Committee for the sole purpose of verifying that only active members of the church voted.
- d. Request for dismissal f the Presbyterian Church (USA) to an approved Reformed denomination shall be voted on together with the terms arrived at through the negotiation process. *No amendments to these terms is allowed*. In the case of a negative vote by the congregation, continued dialogue will be sought.
- 8. The Presbytery, at a regular or specially called meeting, will vote on whether to accept the terms of dismissal and to allow the congregation to be dismissed to a specified Reformed body according to G-3.0303 b of the *Book of Order* of the Presbyterian Church (USA). *No amendments shall be allowed to the terms as presented.* In the case of a negative vote of Presbytery, continued dialogue will be sought.
- 9. If the Presbytery concurs with the request of the session and the will of the congregation as expressed in the validation meeting (section 10 above) then the Moderator will lead the Presbytery in a period of worship of Almighty God and thanksgiving for the witness and ministry of the departing congregation. The departing congregation may also invite representatives of the Presbytery to share in a service of worship organized by the congregation.
- 10. Within 30 days of the Presbytery's vote approving dismissal of the congregation or members thereof to another Reformed body, the Presbytery will prepare a letter to members of the congregation informing them of their option to be dismissed with the congregation or to remain in the Presbyterian Church (USA). The congregation will mail the letter to all active members promptly and will bear all costs associated with this mailing. The letter will direct that responses are to be returned to the Presbytery of Coastal Carolina. The Presbytery will then ensure that contact is made with those members wishing to remain in the Presbyterian Church (USA) and that they are assisted in joining a new congregation of their choice, if there is to be no continuing Presbyterian Church (USA) congregation.

# 339 V. Adoption of This Policy

Since this policy specifies that the terms of dismissal are not open to amendment by either the congregation or the Presbytery (see sections IV. D. 10. d. and IV. D. 11 above) when they meet to approve them, this is a limit on the usual right of members to offer amendments. For that reason, this policy must be adopted by a two-thirds majority of members present and voting at the Presbytery meeting where this policy is presented.

345 Addendum

The Trust Clause reflects the church's organic unity as it fulfills "The Great Ends of the Church," strengthening its ability to guide its member congregations into their witness to the broader community. "Unity is God's gift to the Church in Jesus Christ. Just as God is one God and Jesus Christ is our one Savior, so the Church is one because it belongs to its one Lord, Jesus Christ." (F-1.0302a) We believe our unity and our true connection comes from Christ, our Chief Cornerstone, and that our unity in Christ serves as an essential basis for evangelism. (John 17:20-23) It is our prayer that we would all be one in Christ, just as Christ and the Father are one.

- Under the Trust Clause, a congregation's property, including land, buildings, and fixtures, is held in trust for the Presbyterian Church (USA). Generally speaking, a congregation cannot sell, lease, or encumber real property without the permission of Presbytery. A congregation may not take property with it to another denomination unless Presbytery voluntarily releases its beneficial interest in the property. The fact that a congregation may have exercised its limited right, created at the time of reunion, to be exempt from the requirement of Presbytery approval of certain property transactions (G-4.0208) does not affect or supersede the general polity of the church that all property of a congregation is held in trust, as set out above, and does not create the right for a congregation to be dismissed from the Presbyterian Church (USA) and retain its property.
- 1. The Trust Clause also reflects our understanding of the church as a communion of saints across time, with responsibilities not only to those within the congregation today, but also to those who came before and, maybe even more importantly, to those who will follow. When a congregation seeks to leave the Presbytery, it is breaking what is often a significant historic relationship spanning centuries in some instances; it is also departing from a fellowship in which its officers have freely and joyously participated, by whose polity they all solemnly vowed to be governed (W-4.4000), and with which many members may feel bonds of devotion and affection. This policy therefore cautions any congregation seeking to separate from the Presbytery to consider its actions carefully.
- 2. The Trust Clause should not be used as a weapon to threaten civil action against a congregation. In considering enforcement of the provisions of the Trust Clause, it is important that Presbytery and its member congregations act with grace rather than as adversaries. Scripture calls us to seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel and Christ's body when Christians resort to civil litigation and public disputes over property.
- 377 3. The Trust Clause should not be used to bind congregations to the institution of the
  378 Presbyterian Church (USA) if a congregation genuinely desires to depart over matters of
  379 conscience. At the same time, matters of conscience may not be asserted to contradict or
  380 nullify the general, historic polity of the Church that all property of a congregation is held in
  381 trust, as set out above.

- 382 4. Presbytery will not preemptively initiate civil litigation based on the Trust Clause. If a 383 congregation initiates civil action, the presbytery may take legal action to defend its mission 384 strategy for the presbytery and the interests of the whole Church. 385 5. Footnote – Principles of Resolution, I. 386 G-6.0108(b), footnote 1: 387 Very early in the history of the Presbyterian Church in the United States of America, even before the General Assembly was established, the plan of reunion of the Synod of New York 388 389 and Philadelphia contained the following sentences: "That when any matter is determined by 390 a major vote, every member shall either actively concur with or passively submit to such 391 determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without 392 393 attempting to make any schism. Provided always that this shall be understood to extend only 394 to such determination as the body shall judge indispensable in doctrine or Presbyterian 395 government." Historical Digest (P) p. 1310.) (*Plan of Union of 1758*, paragraph II.) 396 [End of Policy] 397 398 Approved & adopted at the 6/18/09 Stated Presbytery Meeting 399 Edited 2/17/12 for conformity to *Book of Order* amendments
- 400 This DRAFT edited and revised on 5/14/15 following the PJC rulings known as "Tom" and
- 401 "McGee"
- 402 Revised and Approved by Presbytery on June 11, 2015
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