

**A Covenant for
Gracious Discernment and Mutual Accountability
For New Harmony Presbytery
When Churches Consider the Future of
Their Relationship with the PC(USA)**

I. Principles of Mission and Property in Times of Dispute

A. The Presbytery, Property and Conscience

New Harmony Presbytery seeks to develop, encourage and nurture the denominational affiliation and presbytery membership of each of its particular member churches based on our organic spiritual unity found in *the grace of the Lord Jesus Christ, the love of God, and the fellowship of the Holy Spirit*. (2 Corinthians 13:14) In all of our relationships, we strive to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing, missional congregations.

This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections frayed over issues of conscience to the point of considering disaffiliation.

In order to achieve the goals of servanthood, encouragement and support (that are keys to ministering in times of dispute), New Harmony Presbytery has historically seen its role as being a resource to:

- Strengthen,
- Nurture,
- Sustain its congregations and ministers,
- And to participate in the wider mission of the church through its higher governing bodies.

Therefore in matters of Property and conscience, the Presbytery sees its role in terms of Mission Strategy first and foremost. The goal of this presbytery will always be reconciliation and continued relationship for all congregations within the presbytery.

B. The Presbytery and Mission Strategy

The Book of Order of the Presbyterian Church (U.S.A.), (G-3.0301), states the following: *The Presbytery is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness. As it leads and guides the witness of its congregations, the presbytery shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).*

As a result, the Presbytery has an abiding interest in the location and facilities of the member

churches as an expression of the mission of the Presbytery.

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

All property held by or for a congregation, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (G-4.0203).

1. The Trust Clause, one of the most historic principles of Presbyterian polity, is meant to reflect the church's organic unity as it fulfills "The Great Ends of the Church," strengthening its ability to guide its member 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. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the Presbytery to exercise forbearance, not coercion, to act graciously rather than adversely to its member congregations in regard to its provisions.
2. Under the Trust Clause, a congregation's property, including land, buildings, and fixtures, is held in trust for the PC(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, historic 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 PC(USA) and retain its property.
3. 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.
4. 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.

5. The Trust Clause should not be used to bind congregations to the institution of the PC(USA) if a congregation genuinely desires to depart over matters of conscience. At the same time, matters of conscience may not be asserted to contradict or nullify the general, historic polity of the Church that all property of a congregation is held in trust, as set out above
6. Presbytery will not preemptively initiate civil litigation based on the Trust Clause. If a congregation initiates civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery and the interests of the whole Church.

II. Principles of Resolution

The Trust Clause will not be used to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery will take legal action to defend its mission strategy for the Presbytery. 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, we:

1. Affirm the mission of the Kingdom of God and not the maintenance of any particular institution as our highest calling;
2. 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;
3. Will not abdicate all decisions regarding property and finance to the local congregation;
4. Understand that property is maintained and administered locally by the congregation on behalf of the denomination;
5. Maintain accountability and connection by shared, representative leadership and oversight;
6. 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;
7. While upholding the Constitution of the Presbyterian Church (U.S.A.), will not approach property issues in such a way as to constrain local congregations in their ability to do mission and ministry;
8. May use the Presbytery Response Team procedure described in Section IV below instead of the use of an Administrative Commission, where appropriate;
9. Will encourage all presbyters and congregations to “concur with or passively submit to” (G-6.0108(b), footnote 1, the old B.O.) 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 may include dismissal to another Reformed body in accordance with our interpretation of the Trust Clause, found in I.C, above.

G-6.0108(b), footnote 1: 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 and Philadelphia contained the following sentences: "That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such 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 attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government." Hist. Dig. (P) p. 1310.) (Plan of Union of 1758, par. II.)

10. Understand that pastors and ruling elders shall act in accordance with their ordination vows in the upholding of this covenant as established between the churches of the Presbytery of New Harmony;
11. The Presbytery, through the Presbytery Response Team or other entity assigned by the Administrative Council, shall determine whether or not a viable continuing congregation loyal to the PC(USA) exists which may make use of the property, and if that should not be the case, what provisions have been made for their care of congregation members who will continue their membership in the PC(USA);
12. The intent of any dispute within the life of the church is to achieve reconciliation. The Presbytery of New Harmony 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).

III. 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:

- The Presbytery recognizes that “the church” in a particular area is not its building or financial assets, but the people of the congregation;
- 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 (U.S.A.);
- The Presbytery must honor any historic covenants on the property;
- The best goal of Presbytery negotiations with congregations, 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, is to enable both congregations to be as healthy as

possible in the aftermath of separation;

- Specific requirements for dismissal are listed in section IV.D.4-5, below;
- 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 (U.S.A.) in that locale, for new church development elsewhere within the presbytery, or for other mission work of the presbytery;

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 insure that the congregation is fully informed on the issues at hand, equipped with knowledge of this Presbytery's process, as well as the processes and values that have guided other 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. The Session and its pastor/moderator, after consideration, prayer and a majority vote may invite the Presbytery to form a Presbytery Response Team (PRT) in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience.
- B. When churches engage and complete a process of discernment concerning issues with the PC(USA) prior to involvement in the process with the Presbytery, such unilateral action disregards the covenant established by and between the churches of the Presbytery in developing our current gracious discernment guidelines. 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 PC(USA), the Presbytery may respond with any of the following actions:
 - 1) The Administrative Council may appoint a Presbytery Response 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 action taken by a Session and congregation is deemed to be in serious violation of the covenantal intent of the current guidelines, the Administrative Council is given permission by the Presbytery to 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).
- C. The Presbytery Response Team: Assignment of Members, and Preliminary Responsibilities with the Session.
 - 1) The PRT will consist of a Chairperson nominated by the Administrative Council and specifically trained by the Presbytery in conflict resolution; and three other members chosen by the Administrative Council.
 - 2) The Session of the congregation shall appoint a liaison to the PRT who may be invited by

the PRT to attend its meetings from time to time.

- 3) "The Session will be required to submit an active membership roll to the PRT that is based on the number of active members reported in the previous year's statistical report to the General Assembly."
- 4) The PRT will meet with the Session, and the pastor(s)/Moderator will be asked to voluntarily excuse him or herself from the meeting. When the moderator does so, he or she will appoint a member of the PRT to act as moderator in his or her absence. The first action in that initial meeting will be to agree to the Principles of Negotiation listed in Section III.
- 5) Both the PRT and the session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.
- 6) The PRT 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.
- 7) The PRT will promptly report the results of the initial meeting and its recommendations to the Presbytery through the Administrative Council.

D. The Presbytery Response Team and Congregational Meetings: Process and Requirements.

- 1) Any congregational meeting called for the purpose of considering the congregation's relationship with the PC(USA) shall be moderated by a member of the PRT;
- 2) After the PRT, the Session, and the pastor(s)/moderator have addressed the issues fairly and accurately, the PRT will work with the Session to call a congregational meeting for the purpose of providing an opportunity for the members of the congregation, the PRT and other representatives of the Presbytery as invited by the PRT to express their opinions, ask questions and address positive aspects of being a member of the PC(USA) and issues about the PC(USA) and its policies, beliefs and actions. No vote shall be taken. Two-thirds of the congregation's active membership must be present in order to continue with the process of discernment;
- 3) Following the initial congregational meeting in section b) above, the PRT shall work with the Session for a minimum of three months of continuing discernment work between the PRT and the congregation and Session, during which time the PRT and the Session will provide sufficient opportunity to receive further questions, and address any unresolved issues and concerns;
- 4) After a process of diligent prayer and discernment, the PRT will work with the Session to call a congregational meeting in which two-thirds of the active members of the church must be present to consider the following:
 - Review the discernment process since the previous congregational meeting;
 - Proceed to a vote on the question, "Shall the _____ Presbyterian Church request to be dismissed to the _____ with its property? The following requirements must be met for dismissal:

- All per-capita not paid for the past three years must be paid in full,
- The current year's per-capita and shared mission pledge must be paid in full,
- Projected shared mission giving for the next three years, based on the average giving of the church during a normal five-year period. If the church has been giving regularly the past five years will be used to calculate this amount. If the church has declined in its giving or stopped its shared mission giving then a five-year period of the historic normal giving pattern will be used.
- In compliance with the latest decision of the Permanent Judicial Commission of the General Assembly concerning the disposition of church property, an appraisal of the property is required. An amount based on 10% of the property value of the church may be determined with due diligence to be part of the terms of dismissal.
 - The church shall be responsible for the cost of the appraisal.
 - If the Presbytery determines that the church has received an appraisal for the property that is unreasonably low, the Presbytery will also receive an appraisal, and the average of the two appraisals will be used to determine the property value.
 - An agreed-upon alternative between the PRT and the Session may be sought in order to establish a valid appraisal value of the property.
- Any loans or other financial obligations to New Harmony Presbytery or any PC(USA)-related group must be paid in full.
- The historical and present name of the church may not be used by the departing congregation. New signage must reflect the new name and denominational affiliation of the church.
- In accord with the Book of Order G-3.0107, sessional minutes and other historical documents related to the church's life as a Presbyterian church (the PC(USA) and its predecessor denominations) shall be turned over to the Presbytery for transmission to the historical archives of the PC(USA).
- The departing congregation must remain within the denomination to which it is dismissed for at least five years. If the congregation separates for any reason from the body to which it is being dismissed (or its legal successor) within a period of five years from the date of dismissal, the congregation will pay 50% of the agreed-upon appraisal value of the property to the Presbytery within 120 days of leaving, or the property will revert to this Presbytery or its legal successor.
- The ecclesiastical status of all members of the departing congregation who are currently inquirers or candidates for ministry must be confirmed prior to dismissal.
- If the pastor(s) currently serving the departing congregation do not wish to be dismissed from the PC(USA), their relationship with the departing congregation

will be dissolved by the Presbytery upon dismissal of the congregation; the departing 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 dismissal.

- 5) The congregation shall vote on the question by secret ballot. If at least 75% of those present and voting vote in the affirmative, the PRT will, with the permission of the Administrative Council of Presbytery and/or Presbytery, begin to negotiate terms with the congregation.
- 6) During subsequent negotiations the PRT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best strategize how to continue an existing mission presence by maintaining the existing congregation, incorporate members into nearby Presbyterian Church (U.S.A.) congregations, or create a new entity.
- 7) At the conclusion of negotiations, the congregation will hold a Congregational Meeting to vote on a possible dismissal to a specific Reformed body according to the terms of negotiation. At least two-thirds of the current active membership will attend the meeting. An affirmative vote that meets the following requirements is required in order to continue the dismissal process: at least 75 percent of those present and voting must vote to leave the denomination. This vote shall be taken by secret ballot.
- 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-3.0303b of the Book of Order of the Presbyterian Church (U.S.A.). 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) Within 30 days of the Presbytery's vote approving dismissal of the congregation or members thereof to another Reformed body, Presbytery will prepare a letter to members of the congregation informing of their option to be dismissed with the congregation or to remain in the PC(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 returned to the Presbytery of New Harmony. The Presbytery will then ensure that contact is made with those members wishing to remain in the PC(USA) and that they are assisted in joining a new congregation of their choice, if there is to be no surviving PC(USA) congregation.