

**A Covenant for  
Gracious Discernment and Mutual Accountability  
For Charleston Atlantic Presbytery  
When Churches Seek to Separate from Charleston Atlantic Presbytery and the PC (U.S.A.)**

**I. Principles of Mission and Property in Times of Dispute**

A. The Presbytery, Property and Conscience

Charleston Atlantic 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), Charleston Atlantic Presbytery has historically seen its role as being a resource to:

1. Respond to the needs and challenges of the world in our Lord's name;
2. Conduct constitutionally required responsibilities of a presbytery;
3. Coordinate its mission with that of the Synod of South Atlantic, General Assembly; and appropriate ecumenical agencies;
4. Serve as a channel of communication with other governing bodies;
5. Fill a fellowship and pastoral function for its members and congregations;
6. And work diligently to fulfill the "great ends of the church." F-1.0304.

Therefore in matters of Property and conscience, Charleston Atlantic 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 (U.S.A.). 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 exempted 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 (U.S.A.) 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 agree 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” footnote 1 of G-2.0105, the *Book of Order* below; 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-2.0105, 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 Charleston Atlantic Presbytery;
11. The Presbytery, through the Presbytery Response Team (PRT) or other entity assigned by the Presbytery, shall determine whether or not a viable continuing congregation loyal to the PC (U.S.A.) 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 (U.S.A.).
12. The intent of any dispute within the life of the church is to achieve reconciliation. Charleston Atlantic Presbytery 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 (U.S.A.).

### **III. Principles of Negotiation**

Charleston Atlantic 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:

1. The Presbytery recognizes that “the church” in a particular area is not its building or financial assets, but the people of the congregation;
2. 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.);
3. The Presbytery must honor any historic covenants on the property;
4. The best goal of Presbytery negotiations with congregations, when there is a group that desires to remain within the Presbyterian Church (U.S.A.) 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;
5. Specific requirements for dismissal of a congregation may be made on a case by case basis.
6. The financial settlement portion of a dismissal agreement between Charleston Atlantic Presbytery and a particular church may 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 revitalization of an existing congregation.

#### **IV. Process 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 process 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.
- 1) Presbytery recognizes that some churches have engaged in and have completed a process of discernment concerning issues with the PC (U.S.A.) 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 the members of a congregation are considering leaving the PC (U.S.A.), the Presbytery may respond by appointing a Presbytery

Response Team (PRT) to begin work with the session and congregation in order to fulfill the covenantal intent established in the current guidelines for mutual discernment;

**B. If any action taken by a Session and congregation is deemed to be in serious violation of the covenantal intent of the current guidelines, the Presbytery may call a special presbytery meeting to appoint an Administrative Commission to work with the Session and congregation. The Administrative Commission will be given specific powers in accordance with the Book of Order.**

**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 Coordinating Committee and specifically trained by the Presbytery in conflict resolution and three other members chosen by the Coordinating Committee.
- 2) The Session of the congregation shall appoint a three-member liaison team who may be invited by the PRT to attend its meetings as needed 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 invite 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 the issues to be brought to the congregation are addressed fairly and accurately.
- 7) The PRT will promptly report the results of the initial meeting and its recommendations to the Presbytery through the Coordinating Committee.

**D. The Presbytery Response Team and Congregational Hearings: Process and Requirements.**

- 1) After the PRT, and 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 hearing for the purpose of providing an opportunity for members of the congregation to express their opinions and ask questions
- 2) Any congregational hearing called for the purpose of considering the congregation's relationship with the PC (U.S.A.) shall be moderated by a member of the PRT.
- 3) The PRT and other representatives of the Presbytery as invited by the PRT to express their opinions and address positive aspects of being a member of the PC (U.S.A.), and the PCUSA's policies,

beliefs and actions. No vote will be taken.

- 4) Following the initial congregational hearing, the PRT will work with the Session for a minimum of three months of continuing discernment work between the PRT and the session (or congregation if necessary), during which time the PRT and the Session will provide sufficient opportunity to receive further questions, and address any unresolved issues and concerns;
- 5) After a process of diligent prayer and discernment, the PRT will work with the Session to call a congregational hearing 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 hearing;
  - Determine how many members will likely leave the Presbyterian Church (U.S.A.) and how many members will likely stay within the Presbyterian Church (U.S.A.).
- E. The PRT may continue its work until they are ready to make an appropriate recommendation to the presbytery.
- F. If a recommendation to disapprove this congregation's dismissal is appropriate, the PRT will submit the recommendation with its rationale to the presbytery.
- G. If a recommendation to dismissal of this congregation is appropriate, the PRT will develop a term of dismissal that is in compliance with the Book of Order and its interpretations, which are guided by the GA-PJC decisions.
- H. If a recommendation to dismissal of this congregation is appropriate, the PRT will also 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.
- I. The Presbytery, at a regular or special called meeting, will discuss, debate, and 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.
- J. If the presbytery decision is to dismiss the congregation to another Reformed body, the PRT 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 (U.S.A.). The session 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 Charleston Atlantic Presbytery. The Presbytery will then ensure that a provision is made for those members wishing to remain in the PC (U.S.A.).

**Sample of Term of Dismissal: for Case by Case use**

1. The presbytery must review the term of dismissal to ensure that all property is properly distributed for the benefits of the Presbyterian Church (U.S.A.) as directed by the GA-PJC decisions.
2. The presbytery may approve a financial settlement as appropriate based on the mission, history, relationship, calling, and location of the congregation. The financial settlement may include, but not limited to:
  - All undesignated Mission Giving Pledges (includes per capita) not paid for the past three years must be paid in full, and the current year's undesignated Mission Giving Pledge must be paid in full.
  - Pay in full projected undesignated Mission Giving for the next \_\_\_\_\_ years, based on the average giving of the church during a normal \_\_\_\_\_ year period.
  - An amount of \_\_\_\_ % of the property value, based on appraisal value, may be paid to the presbytery for establishing a new congregation or maintaining existing congregation.



3. Any loans or other financial obligations to \_\_\_\_\_ Presbytery or any PC (U.S.A.)-related group must be paid in full.
4. 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.
5. 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 (U.S.A.) and its predecessor denominations) shall be turned over to the Presbytery for transmission to the historical archives of the PC (U.S.A.).
6. The ecclesiastical status of all members of the departing congregation who are currently inquirers or candidates for ministry must be confirmed prior to dismissal.
7. If the pastor(s) currently serving the departing congregation do not wish to be dismissed from the PC (U.S.A.), 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 \_\_\_\_ months of salary, housing, and Board of Pensions benefits, which will be administered to the pastor(s) over the \_\_\_\_ months following dismissal.

*Approved May 17, 2016*

*Spring Stated meeting*