

**POLICY  
FOR THE DISSOLUTION  
OF PASTORAL TIES**

**The Presbyterian Church in Canada**



## **Policy for the Dissolution of Pastoral Ties**

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# The Policy for the Dissolution of Pastoral Ties

## Table of Contents

I.	Introduction.....	1
II.	The Nature and Scope of the Policy.....	1
III.	Theological Basis.....	3
IV.	Guiding Principles.....	5
V.	Church Law and Civil Law.....	6
VI.	An Overview of the Process.....	7
VII.	Procedures	
	Category 1.....	8
	The presbytery has determined that the pastoral relationship between the minister and the congregation is no longer viable through conducting a review of ministry.	
	Category 2.....	14
	The presbytery has accepted the session's assessment that the congregation cannot support the ministry position financially at its current level.	
	Category 3.....	19
	The presbytery has approved the session's request to dissolve the pastoral tie of a minister who has served continuously in the same term-limited position in the congregation for three or more years.	
	Category 4.....	25
	The presbytery has determined that the minister has committed a very serious offence.	

## APPENDICES

APPENDIX A: Preventative Measures .....	28
APPENDIX B: Appeals.....	30
APPENDIX C: Bibliography.....	31
APPENDIX D: Settlement Agreement.....	32



## I. INTRODUCTION

The *Policy for the Dissolution of Pastoral Ties* provides direction to the church in situations where the pastoral tie between a minister and a congregation is dissolved and the congregation's responsibility for continuing financial support of the minister must be determined. The policy sets out the terms of the dissolution to be approved by the presbytery and accepted by the session and the minister. Using an income continuance model, it specifies the number of months the congregation must provide a transition allowance to assist the minister in making the transition from the former ministry position.

## II. THE NATURE AND SCOPE OF THE POLICY

The first question when the decision is made to dissolve a pastoral tie is whether the situation requires the implementation of this policy. The policy is not used when the minister has requested the dissolution for reasons such as the following:

- The minister wishes to accept a call or appointment to another ministry in the church, to pursue further education, to focus on family child or elder care, to retire, to accept employment outside the church or to resign upon approval of his or her claim for long-term disability benefits.
- The minister has completed the term of the call or appointment and has not requested its renewal.

Other situations that do not require implementation of the policy occur when it is the session that has requested the dissolution, as follows:

- The assistant minister has served continuously in the same position in the congregation for less than three years. The date when the call was scheduled to end has been reached. The minister has requested renewal of the call, but the congregation has chosen not to pursue this course.
- The stated supply minister has served continuously in the same position in the congregation for less than three years. The date when the appointment was scheduled to end has been reached. The minister has requested renewal of the appointment, but the congregation has chosen not to pursue this course.
- The interim minister has served continuously in the congregation for two years – the maximum permitted for interim ministry appointments.
- The interim minister has served continuously in the congregation for less than two years. The date when the appointment was scheduled to end has been reached. The minister has requested renewal of the appointment to extend it to the two-year point, but the session has chosen not to pursue this course.
- The presbytery agrees to grant the request of the session for early termination of a stated supply or interim ministry appointment. The terms of the appointment include an early termination clause with a notice period of a minimum of 60 days; the inclusion of this clause was permitted because the appointment, when concluded, would not extend the minister's continuous service in the same position in the congregation beyond the three-year threshold.

The *Policy for the Dissolution of Pastoral Ties* must be implemented when a pastoral tie is dissolved in the following contexts:

- The presbytery has determined that the pastoral relationship between the minister and the congregation is no longer viable through conducting a review of ministry (Category 1).

- The presbytery has accepted the session's assessment that the congregation cannot support the ministry position financially at its current level (Category 2).
- The presbytery has approved the session's request to dissolve the pastoral tie of a minister who has served continuously in the same term-limited position in the congregation for three or more years (Category 3).
- The presbytery has determined that the minister has committed a very serious offence (Category 4).

There are two additional contexts in which the dissolution of a pastoral tie is handled as a Category 1 situation:

- The presbytery chooses not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and dissolving the pastoral tie on those grounds.
- The presbytery chooses not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and in that context accepts the minister's resignation.

When a pastoral tie is dissolved in one of the contexts noted above, the terms of the dissolution must meet the standards established for the appropriate category of the policy. It is imperative that presbyteries choose the correct category since the different categories set different standards. In particular, the dissolution of pastoral ties for disciplinary reasons is unique in imposing only minimal requirements on congregations. For this reason, disciplinary processes against a minister must be completed before the presbytery decides which category of the policy applies.

The policy applies to all ministers serving in congregations, regardless of whether they were settled by congregational call and presbytery induction or by presbytery appointment. The word "minister" is used in this document to refer to an individual ordained to the ministry of Word and Sacraments, designated to the Order of Diaconal Ministries, or serving as a lay missionary by appointment of the presbytery. Moreover, while the document speaks in terms of congregational ministry, the policy also applies to ministers serving in non-congregational ministries as executive staff of presbyteries, synods or General Assembly agencies.

This policy may be used as a guide in similar situations involving servants of the church not covered in the above statements.

### **III. THEOLOGICAL BASIS**

#### **1. Ministry**

The *Policy for the Dissolution of Pastoral Ties* is set in the framework of The Presbyterian Church in Canada's understanding of ministry. As a church, we affirm the Lordship of Jesus Christ and acknowledge him as the church's only King and Head.

All ministries of the church proceed from and are sustained by the ministry of the Lord Jesus Christ. He is our Prophet, Priest and King, the Minister of the covenant of grace. By the operation of God's Word and Spirit the church is gathered, equipped, and sent out to participate in this ministry. (Preamble, 1970, ordination vows for teaching and ruling elders)

Christ has called all who claim his name to share in his reconciling mission in the world. At the same time, Christ renews and nurtures the church by calling individuals to serve as pastors, as teachers, and in specialized ministries of equipping the saints.

#### **2. The Church's Relationships**

The church seeks to express the mind of Christ as it obeys his calling. We believe that Jesus' command "You shall love your neighbour as yourself" is basic to all our dealings with each other.

We have this command from Christ; whoever loves God must love their fellow Christian too. (1 John 4: 21)

Love means seeking the best for others and is the mark of a Christian. (Living Faith 8:3:2)

The command to love our neighbour includes the imperative of dealing justly with one another.

God's justice is seen when we deal fairly with one another. (Living Faith 8:4:2)

Our understanding that we are called to serve carries with it the implication that we must be committed to each other and accountable to each other.

Calling means the necessity to deny selfish ambition and desire in order to minister to others. (Living Faith 1:3:1)

This means that, when it is living faithfully, the church demonstrates commitment to love and justice in all its relationships.

#### **3. The Relationship between the Church and its Ministers**

The relationship between the church and its ministers is one of covenant: a three-fold covenant involving the presbytery, the congregation and the minister. The congregation calls the minister, and the congregation and the minister covenant to work together in ministry. The presbytery reviews the terms of the call, including the guarantee of stipend and benefits that the congregation commits to provide the minister. If the presbytery finds everything to be satisfactory, it approves the call and inducts the minister into the position.

In the service of induction, the minister answers the ordination questions as an indication of his or her readiness to serve God faithfully. The third question is the promise to accept the government of this Church by session, presbyteries, synods and General Assemblies, and to be subject to these courts, seeking the peace and unity of Christ within the church. The members and adherents of the congregation, for their part, affirm that they receive the minister as from Christ and pledge themselves to be co-servants with the minister under Christ.

The presbytery is responsible for the pastoral oversight of both the minister and the congregation. The presbytery is authorized to guide and instruct both the minister and the congregation, who are, in turn, accountable to it. The session of a congregation cannot entertain a complaint against its moderator, nor against any of its ordained ministers in multi-staffed congregations, nor against any member of the Order of Diaconal Ministries (Book of Forms, section 127). It is the presbytery that decides whether to sustain complaints against ministers or diaconal ministers, and disciplines them when appropriate. It is also an action of the presbytery that dissolves the pastoral tie between a minister and a congregation.

It is crucial for the church to realize that the covenant is a dynamic entity. True, the covenant begins at a clearly defined point, namely at the induction service, and its terms have been described on the printed pages of the call. But in fact the covenant is lived in the context of the relationships that result from it. Covenants depend upon mutual trust and respect. All who are involved must recognize the importance of nurturing the covenant relationships. Presbyteries are enjoined to fulfill their responsibilities for pastoral oversight of both ministers and congregations faithfully.

#### **IV. GUIDING PRINCIPLES**

The church will demonstrate commitment to love and justice in all its relationships.

Presbyteries will provide adequate and ongoing pastoral care to ministers and congregations under their care.

When significant conflict arises between a minister and a congregation:

1. Such situations will be recognized and dealt with honestly, fairly and prayerfully. Dealing with conflict will necessitate careful efforts to identify and address the root problems, and not merely to focus on the symptoms.
2. Strenuous and sincere efforts will be made to effect reconciliation by facilitating honest and caring communication between all parties and rigorous avoidance of rumour and innuendo. Whenever possible, the desired outcome is the rebuilding of the pastoral relationship so that ministry can carry on under the terms of the call or appointment.
3. The principles and procedures for judicial process outlined in the Book of Forms will be observed (Book of Forms, 313-443).

When a pastoral tie is dissolved in a context to which this policy applies:

1. Presbytery actions will be consistent with the principles and procedures laid down in the Book of Forms, while taking into account information that may be pertinent to the situation. (See Book of Forms, 199.3, 249, 252 and 313-443.)
2. Presbyteries will provide the minister and the congregation with appropriate support and information.
3. The procedures for the dissolution of pastoral ties will be carried out in a manner that is fair, orderly and caring to all involved.

## **V. CHURCH LAW AND CIVIL LAW**

The Presbyterian Church in Canada has the authority to make its own decisions regarding the forming and dissolving of pastoral ties between ministers and congregations. Nevertheless, the church is also subject to civil law and will ensure that the processes by which presbyteries decide to dissolve pastoral ties are transparent and fair to all parties. With this provision, the church should feel free to set and follow its own policy. Once the General Assembly adopts a policy, the church is well advised to follow it, meeting at least its minimum requirements.

The church's rules for judicial process are set out in sections 313 – 443 of the Book of Forms. Actions leading up to and including the removal of ministers from office should be consistent with the principles and procedures outlined in these sections.

### **Legal Counsel**

The distinction should be made between seeking legal counsel and using a lawyer in church courts or taking recourse to a civil court. Section 360 of the Book of Forms provides that during a trial, the accused has the right to be represented by an advisor but that such an advisor may not be remunerated, thus precluding the participation of professional legal counsel. Seeking legal counsel is permitted. In fact in certain circumstances, it may be prudent. Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

## **VI. AN OVERVIEW OF THE PROCESS**

### **Categorizing the Situation**

The policy categorizes the situations in which presbyteries dissolve pastoral ties and the congregation's responsibility for continuing financial support of the minister must be determined. The feature that distinguishes the different categories is the context in which the pastoral tie is being dissolved:

**CATEGORY 1** The presbytery has determined that the pastoral relationship between the minister and the congregation is no longer viable through conducting a review of ministry.

**CATEGORY 2** The presbytery has accepted the session's assessment that the congregation cannot support the ministry position financially at the current level.

**CATEGORY 3** The presbytery has approved the session's request to dissolve the pastoral tie of a minister who has served continuously in the same term-limited position in the congregation for three or more years.

**CATEGORY 4** The presbytery has determined that the minister has committed a very serious offence.

As explained in the sections on procedures, there are two scenarios that are handled as Category 1 transitions where the presbytery dissolves the pastoral tie without conducting a review of ministry.

It is imperative that presbyteries choose the correct category since the different categories set different standards. In particular, the dissolution of pastoral ties for disciplinary reasons is unique in imposing only minimal requirements on congregations. For this reason, disciplinary processes against a minister must be completed before the presbytery decides which category of the policy applies.

### **Matters to be Addressed**

The presbytery must address the following:

1. providing pastoral care
2. seeking legal advice
3. setting the terms of the dissolution
4. preparing the settlement agreement
5. informing the minister of the decisions of the presbytery
6. informing the session of the decisions of the presbytery and securing session acceptance of the settlement agreement
7. securing acceptance of the settlement agreement by the minister

## VII. PROCEDURES

### Category 1:

**The presbytery has determined that the pastoral relationship between the minister and the congregation is no longer viable through conducting a review of ministry.**

In Category 1 situations, the presbytery has determined that the pastoral relationship between the minister and the congregation is no longer viable through conducting a review of ministry (Book of Forms, 336-340). A review of ministry takes place in the later stages of a non-disciplinary case (Book of Forms, 324-344).

A non-disciplinary case is initiated by a complaint against the minister by the session or a member of the congregation or by a presbytery visitation team. Such complaints may include several minor acts of negligence, unsuitable actions, differences of opinion and personal misunderstandings or disputes that, when taken together, undermine effective ministry. When meetings of the presbytery investigative committee with the involved parties do not bring resolution, the presbytery conducts a review of ministry over a period of four or more months. The review of ministry is designed to provide opportunity for changes within the ministry that help improve the pastoral relationship or to determine fairly that the pastoral relationship is no longer viable.

To conduct a review of ministry, the presbytery assigns a ministry review team to work with the minister and the congregation over a period of four or more months (Book of Forms, 336-340). Through such means as fostering communication, facilitating shared problem solving and setting of expectations, mentoring and skill development, the ministry review team seeks to guide and support the minister and the congregation in making changes that will improve the pastoral relationship. In the best outcome, the viability of the pastoral relationship is affirmed and the minister and congregation continue serving together. Even when the pastoral relationship is not affirmed, the participants in the review of ministry may have benefited from the learning they have experienced. Moreover presbyteries are enjoined to ensure that the viability of a pastoral relationship is assessed through a process that is fair and transparent. A review of ministry holds the potential to be such a process. One significant feature is that participants are informed at the beginning of a review of ministry that a possible outcome is a determination that the pastoral relationship is no longer viable.

When a presbytery dissolves a pastoral tie having determined that the pastoral relationship is no longer viable through a review of ministry, the congregation provides a transition allowance. The congregation's responsibility for continuing financial support of the minister must meet the standard established for Category 1.

### **Category 1 Situations when a Review of Ministry is not Conducted**

Although a review of ministry is the established procedure for assessing the viability of a pastoral relationship, experience indicates that sometimes presbyteries do not conduct a review of ministry before dissolving the pastoral tie on the grounds that the pastoral relationship is no longer viable. Two different scenarios are possible:

- The presbytery chooses not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and dissolving the pastoral tie on those grounds.

- The presbytery chooses not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and in that context accepts the minister's resignation.

It is essential in such cases that all parties understand that the minister has the right to engage in a review of ministry, with its potential for rebuilding the pastoral relationship, before the decision is made to terminate the minister's employment. It is critically important as well that a minister not feel pressured to relinquish this right, especially given the vulnerability ministers may experience at such times. It must be recognized also that the congregation has the right to engage in a review of ministry before the decision is made to dissolve the pastoral tie with its minister.

Nevertheless there may be times when both the minister and the session waive their right to engage in a review of ministry and ask the presbytery to dissolve the pastoral tie on the grounds that the pastoral relationship is no longer viable (Scenario a). Alternatively, the minister and the session might waive their right to engage in a review of ministry, stating their assessment that the pastoral relationship is no longer viable and asking the presbytery to accept the minister's resignation (Scenario b). The presbytery may have received written submissions to this effect from the minister and the session, or the minister and the session may have made these requests to representatives of the presbytery who were visiting the congregation to investigate difficulties there. In either case, the presbytery representatives meet with the minister and with the session (and with others as appropriate) with a view to understanding the situation. At a later date, when the requests of the minister and the session have been forwarded to the presbytery in written form, the presbytery representatives recommend to the presbytery whether it should grant the requests. Recommendations in favour of these requests might be framed in the following terms:

- a) That the presbytery choose not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and that the presbytery take steps to dissolve the pastoral tie on those grounds.
- b) That the presbytery choose not to conduct a review of ministry at the request of the minister and the session, accepting their assessment that the pastoral relationship is no longer viable, and that the presbytery accept the minister's resignation.

If the presbytery adopts the recommendation, it handles the situation as a Category 1 transition. The congregation provides a transition allowance. The congregation's responsibility for continuing financial support of the minister must meet the standard established for Category 1.

### **1.1 Pastoral Care**

The presbytery needs to make arrangements for pastoral care of the minister and the minister's family whenever a pastoral tie is being reviewed. It is important that the minister and the minister's family do not become isolated or forgotten during the review and decision making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister's family regularly and to offer appropriate pastoral care. In cases when the presbytery withholds the minister's presbyterial certificate until conditions set by the presbytery are met, the presbytery has some responsibility to help the minister fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to pay for or share the cost with the minister.

## Category 1

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

### **1.2 Seeking Legal Advice**

Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

### **1.3 Setting the Terms of the Dissolution**

Representatives of the presbytery meet with the minister and with the session, taking care to understand their needs and concerns with respect to the terms of the dissolution. Matters to be considered include (but are not limited to) the following:

- dates for the minister's last day in the office and last Sunday in the pulpit
- dates for the minister's return of church property and for vacating church premises (office, manse)
- the minister's unused annual vacation entitlement
- the minister's proposed plans for accumulated continuing education funds
- details of the transition allowance
- schedule for the minister's repayment of housing loan provided by the congregation
- restrictions on the minister's certificate (to be completed before the minister is permitted to accept another call or appointment)
- support plans offered to the minister by the presbytery

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may wish to refer to the Sample Settlement Agreement (Appendix, page xx).

#### **Transition Allowance**

The transition allowance is intended to help provide a bridge while the minister fulfills requirements set by the presbytery or searches for another call or other employment.

The transition allowance is:

- an amount equivalent to the stipend and allowances (including housing) the minister was receiving at the time the pastoral tie was dissolved
- given monthly throughout the transition period.

The transition period is the number of months after the dissolution of the pastoral tie that the congregation is required to maintain the minister's employment income at the level of stipend and allowances the minister was receiving at dissolution. The length of the transition period is determined as follows:

- one month for each year of service in the present congregation, with a minimum of four months and a maximum of twelve months, with the following stipulations:
  - The transition allowance is reduced by the amount that the minister's income from new employment (i.e. from a position secured after the decision to dissolve the pastoral tie) exceeds 10% of the transition allowance.
  - The transition period is never shortened to less than two months.

The transition allowance has been designed according to an income continuance model: the goal is to maintain the minister's employment income at the previous level of stipend and allowances for the transition period. For this reason, a minister's employment income during the transition period may affect the size of the transition allowance provided by the congregation and the length of the transition period, as follows:

- Employment income from a position in which the minister was serving when the decision was made to dissolve the pastoral tie is excluded from consideration. For example, for a minister who had been serving as a presbytery clerk or interim moderator and who continues to do so, the honouraria the minister receives during the transition period would have no impact on the transition arrangements.
- New employment income may affect the size of the transition allowance or the length of the transition period. New employment income is defined here as income the minister earns from employment secured after the decision to dissolve the pastoral tie.
- The first 10% of new employment income earned during the transition period has no impact on the transition allowance.
- When new employment income earned during the transition period exceeds 10% of the transition allowance, the minister must report to the presbytery the portion of the new employment income above the 10% threshold. Upon notification by the presbytery, the session may make arrangements for the transition allowance to be reduced by the amount the new employment income exceeds the 10% threshold.
- When new employment income earned during the transition period equals or exceeds the transition allowance and when this situation is expected to continue for the remainder of the transition period – for instance when the minister has accepted a new called position in the church or a permanent position outside the church – the transition period is deemed to be completed. Upon presbytery notification, the session arranges for the transition allowance payments to cease.

When the transition period is deemed to be completed, the session ensures that the Record of Employment (ROE) form marking the end of the minister's congregational employment is submitted.

The transition period begins on the date that the dissolution of the pastoral tie is deemed to be effective. Normally in Category 1 situations, this date follows closely the date when the decision to dissolve the pastoral tie is made, with sufficient delay to accommodate any unused annual vacation entitlement the minister has accrued. Presbyteries may leave the pastoral tie in place for an additional number of days between the date the decision is made and the date the pastoral tie is dissolved, if the minister and the session request this time to bring closure to the ministry.

## **Allowances and Benefits included in Transition Allowance**

- **Manse or Housing Allowance**

The transition allowance includes use of the manse or a cash housing allowance, one of which all ministers receive. When the minister receives a housing allowance, the situation is straightforward: the minister continues to receive that allowance monthly for the transition period.

When the minister lives in the housing owned by the church, a transition arrangement must be made. Presbyteries should consult with both the minister and the congregation, keeping in mind the legal notice period in the province of residence. For example, the minister may be given 60 days to find other accommodation, after which the minister is provided a housing allowance for the remainder of the transition period.

In either case the transition allowance includes the cost of utilities.

- **Travel Allowances**

Basic travel or car allowance has for some years been included in the basic minimum stipend. In all cases when the minister has been receiving such allowance as an integral part of stipend, without reference to the distance that has been driven in a given period, the congregation will be required to continue to give the full stipend until the transition period ends.

However, in cases when the minister has been receiving basic travel allowance as a separate allowance, calculated on a per kilometre basis, the congregation will not be required to give the basic travel allowance throughout the transition period. Similarly, congregations in multi-point charges will not be required to continue to give the minister the Sunday mileage allowance (an amount calculated on a per kilometre basis to cover the distance between points).

- **Group Benefits Plan**

Enrolment in and coverage under the church's benefit plans continue until the transition period ends. The usual monthly deductions are taken off the monthly income continuance.

- **Pension**

The minister continues to accrue increments of pensionable service until the transition period ends. The usual monthly deduction is taken off the monthly income continuance.

- **Continuing Education**

A minister is allowed to retain entitlement for up to 50% of any accumulated continuing education money allowance when he or she leaves a congregation if requested for a specific program and approved by the presbytery at the time when the pastoral tie is dissolved. (A&P 1990, p. 432, 433)

## **Special Note**

Congregations and presbyteries are reminded that there is always room in the church for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Congregations may choose to give a more generous transition allowance.

Presbyteries must be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

#### **1.4 Preparing the Settlement Agreement**

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may refer to the Sample Settlement Agreement (Appendix, p. 29-33).

#### **1.5 Informing the Minister of the Decisions of the Presbytery**

Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery arrange to meet with the minister, in the company of the individual providing the minister with pastoral care if appropriate. Given that the meeting may be an emotionally charged situation for all participants, the presbytery representatives are advised to communicate clearly the purposes for the meeting. These are:

- to inform the minister of the decisions of the presbytery
- to give the minister a copy of the settlement agreement outlining the terms of the dissolution approved by the presbytery
- to confirm lines of communication and next steps.

During the meeting the presbytery representatives should endeavour to stay on topic, communicating in a clear and respectful manner while reviewing the details that must be covered. They should resist the inclination to defend or justify the presbytery's actions or to allow the discussion to digress to performance issues or grievances. The minister should be encouraged to take time to review the terms of the settlement.

#### **1.6 Informing the Session of the Decisions of the Presbytery and Securing Session Acceptance of the Settlement Agreement**

During the process of drafting the terms of the dissolution to be recommended to the presbytery, the presbytery representatives consult with the session so that any concerns of the congregation can be considered fully. Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery meet with the session. The session is provided with a copy of the settlement agreement and arrangements are made for it to be signed on behalf of the session. The presbytery representatives discuss with the session its plans to inform the congregation.

#### **1.7 Securing Acceptance of the Settlement by the Minister**

For the transition allowance to be provided for longer than two months, the minister must sign his or her acceptance of the settlement agreement, releasing the church from any future claims.

## Category 2

### **VII. PROCEDURES**

#### **Category 2:**

**The presbytery has accepted the session's assessment that the congregation cannot support the ministry position financially at its current level.**

In Category 2 situations, the presbytery has accepted the session's assessment that the congregation cannot support the ministry position financially at its current level and moves to dissolve the pastoral tie between the minister and the congregation. Examples of Category 2 situations would include:

- closing a congregation
- amalgamating two or more congregations
- reducing the size of the pastoral staff team, for example, from two minister positions to one.

The congregation provides a transition allowance. The congregation's responsibility for continuing financial support of the minister must meet the standard established for Category 2.

Special mention must be made of situations when, for reasons of a congregation's reduced finances, a presbytery agrees to change the terms of the minister's call or appointment from full-time to part-time, or from a higher to a lower percentage of part-time service, and the minister agrees to continue serving under these changed terms. The pastoral tie is not dissolved and the minister remains the minister of the congregation. Presbyteries and congregations are advised to ensure that the minister is given sufficient notice of the reduction in stipend and allowances. In some cases, notice of one month for every year of the minister's service in the congregation might be appropriate.

#### **2.1 Pastoral Care**

The presbytery needs to make arrangements for pastoral care of a minister and a minister's family whenever a pastoral tie is being reviewed. It is important that the minister and the minister's family do not become isolated or forgotten during the review and decision making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister's family regularly and to offer appropriate pastoral care.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

#### **2.2 Seeking Legal Advice**

Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

### 2.3 Setting the Terms of the Dissolution

Representatives of the presbytery meet with the minister and with the session, taking care to understand their needs and concerns with respect to the terms of the dissolution. Matters to be considered include (but are not limited to) the following:

- dates for the minister's last day in the office and last Sunday in the pulpit
- dates for the minister's return of church property and for vacating church premises (office, manse)
- the minister's unused annual vacation entitlement
- the minister's proposed plans for accumulated continuing education funds
- details of the transition allowance
- schedule for the minister's repayment of housing loan provided by the congregation
- restrictions on the minister's certificate (to be completed before the minister is permitted to accept another call or appointment)
- support plans offered to the minister by the presbytery

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may wish to refer to the Sample Settlement Agreement (Appendix, page xx).

#### Transition Allowance

The transition allowance is intended to help provide a bridge while the minister fulfills requirements set by the presbytery or searches for another call or other employment.

The transition allowance is:

- an amount equivalent to the stipend and allowances (including housing) the minister was receiving at the time the pastoral tie was dissolved
- given monthly throughout the transition period.

The transition period is the number of months after the dissolution of the pastoral tie that the congregation is required to maintain the minister's employment income at the level of stipend and allowances the minister was receiving at dissolution. The length of the transition period is determined as follows:

- one month for each year of service in the present congregation, with a minimum of four months and a maximum of twelve months, with the following stipulations:
  - The transition allowance is reduced by the amount that the minister's income from new employment (i.e. from a position secured after the decision to dissolve the pastoral tie) exceeds 10% of the transition allowance.
  - The transition period is never shortened to less than two months.

The transition allowance has been designed according to an income continuance model: the goal is to maintain the minister's employment income at the previous level of stipend and allowances for the transition period. For this reason, a minister's employment income during the transition period may

## Category 2

affect the size of the transition allowance provided by the congregation and the length of the transition period, as follows:

- Employment income from a position in which the minister was serving when the decision was made to dissolve the pastoral tie is excluded from consideration. For example, for a minister who had been serving as a presbytery clerk or interim moderator and who continues to do so, the honouraria the minister receives during the transition period would have no impact on the transition arrangements.
- New employment income may affect the size of the transition allowance or the length of the transition period. New employment income is defined here as income the minister earns from employment secured after the decision to dissolve the pastoral tie.
- The first 10% of new employment income earned during the transition period has no impact on the transition allowance.
- When new employment income earned during the transition period exceeds 10% of the transition allowance, the minister must report to the presbytery the portion of the new employment income above the 10% threshold. Upon notification by the presbytery, the session may make arrangements for the transition allowance to be reduced by the amount the new employment income exceeds the 10% threshold.
- When new employment income earned during the transition period equals or exceeds the transition allowance and when this situation is expected to continue for the remainder of the transition period – for instance when the minister has accepted a new called position in the church or a permanent position outside the church – the transition period is deemed to be completed. Upon presbytery notification, the session arranges for the transition allowance payments to cease.

When the transition period is deemed to be completed, the session ensures that the Record of Employment (ROE) form marking the end of the minister's congregational employment is submitted.

In cases where the pastoral tie is being dissolved because of the congregation's financial constraints, it is expected that the decision to dissolve the pastoral tie will be made well in advance of the actual date of the dissolution. In these cases, the transition period begins on the date that the dissolution of the pastoral tie becomes effective.

### **Allowances and Benefits included in Transition Allowance**

- **Manse or Housing Allowance**  
The transition allowance includes use of the manse or a cash housing allowance, one of which all ministers receive. When the minister receives a housing allowance, the situation is straightforward: the minister continues to receive that allowance monthly for the transition period.

When the minister lives in the housing owned by the church, a transition arrangement must be made. Presbyteries should consult with both the minister and the congregation, keeping in mind the legal notice period in the province of residence. For example, the minister may be given 60 days to find other accommodation, after which the minister is provided a housing allowance for the remainder of the transition period.

In either case the transition allowance includes the cost of utilities.

- **Travel Allowances**

Basic travel or car allowance has for some years been included in the basic minimum stipend. In all cases when the minister has been receiving such allowance as an integral part of stipend, without reference to the distance that has been driven in a given period, the congregation will be required to continue to give the full stipend until the transition period ends.

However, in cases when the minister has been receiving basic travel allowance as a separate allowance, calculated on a per kilometre basis, the congregation will not be required to give the basic travel allowance throughout the transition period. Similarly, congregations in multi-point charges will not be required to continue to give the minister the Sunday mileage allowance (an amount calculated on a per kilometre basis to cover the distance between points).

- **Group Benefits Plan**

Enrolment in and coverage under the church's benefit plans continue until the transition period ends. The usual monthly deductions are taken off the monthly income continuance.

- **Pension**

The minister continues to accrue increments of pensionable service until the transition period ends. The usual monthly deduction is taken off the monthly income continuance.

- **Continuing Education**

A minister is allowed to retain entitlement for up to 50% of any accumulated continuing education money allowance when he or she leaves a congregation if requested for a specific program and approved by the presbytery at the time when the pastoral tie is dissolved. (A&P 1990, p. 432, 433)

### **Special Note**

Congregations and presbyteries are reminded that there is always room in the church for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Congregations may choose to give a more generous transition allowance. Presbyteries must be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

## **2.4 Preparing the Settlement Agreement**

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may refer to the Sample Settlement Agreement (Appendix, p. 29-33).

## **2.5 Informing the Minister of the Decisions of the Presbytery**

Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery arrange to meet with the minister, in the company of the individual providing the minister with pastoral care if appropriate. Given that the meeting may be an emotionally charged situation for all participants, the presbytery representatives are advised to communicate clearly the purposes for the meeting. These are:

## Category 2

- to inform the minister of the decisions of the presbytery
- to give the minister a copy of the settlement agreement outlining the terms of the dissolution approved by the presbytery
- to confirm lines of communication and next steps.

During the meeting the presbytery representatives should endeavour to stay on topic, communicating in a clear and respectful manner while reviewing the details that must be covered. They should resist the inclination to defend or justify the presbytery's actions or to allow the discussion to digress to performance issues or grievances. The minister should be encouraged to take time to review the terms of the settlement.

### **2.6 Informing the Session of the Decisions of the Presbytery and Securing Session Acceptance of the Settlement Agreement**

During the process of drafting the terms of the dissolution to be recommended to the presbytery, the presbytery representatives consult with the session so that any concerns of the congregation can be considered fully. Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery meet with the session. The session is provided with a copy of the settlement agreement and arrangements are made for it to be signed on behalf of the session. The presbytery representatives discuss with the session its plans to inform the congregation.

### **2.7 Securing Acceptance of the Settlement by the Minister**

For the transition allowance to be provided for longer than two months, the minister must sign his or her acceptance of the settlement agreement, releasing the church from any future claims.

## VII. PROCEDURES

### Category 3:

**The presbytery has approved the session's request to dissolve the pastoral tie of a minister who has served continuously in the same term-limited position in the congregation for three or more years.**

Category 3 situations involve term-limited ministerial positions, of which there are three types:

- Assistant ministers are called by the congregation and inducted by the presbytery to serve in the congregation for a specified term.
- Stated supply ministers are appointed by the presbytery to serve in the congregation for a specified term of up to 1 year.
- Interim ministers are appointed by the presbytery to serve in the congregation for a specified term of up to 2 years.

While term-limited positions are valued because they give the minister and the congregation maximum flexibility and they appear to limit the congregation's commitment to the minister, the reality is not always so simple. After a minister has served in the same term-limited position in the congregation for a number of years, it would be considered fair and appropriate for the congregation to provide a transition allowance under the same circumstances that it would provide one to a minister serving in a permanent, open-ended position. This is particularly the case because ministers serving in the two types of positions are treated equally in all other respects. They receive the same stipend, allowances and benefits, and their congregations perform the same functions with respect to payroll, remittances to government and church, and contribution to benefits.

In the interest of fairness, the threshold of three years of continuous service has been chosen as the point at which ministers serving for a term become eligible for a transition allowance. There is provision for early termination of appointments at the request of the session. Presbyteries are permitted to include an early termination clause with a notice period of a minimum of 60 days in the terms of appointment of a stated supply or interim ministry, provided the appointment, when concluded, would not extend the minister's continuous service in the same position in the congregation beyond the three-year threshold. These provisions lead to the following conclusions.

The congregation has no responsibility for continuing financial support of the minister when the presbytery dissolves a pastoral tie in the following situations. A transition allowance is not required when:

- The minister has requested early termination of the call or appointment for reasons such as accepting a call or appointment to another ministry in the church, pursuing further education, focusing on family child or elder care, retiring, accepting employment outside the church or resigning upon approval of his or her claim for long-term disability benefits.
- The minister has completed the term of the call or appointment and has not requested its renewal.
- The assistant minister has served continuously in the same position in the congregation for less than three years. The date when the appointment or call was scheduled to end has been reached. The minister has requested renewal of the call, but the congregation has chosen not to pursue this course.

### Category 3

- The stated supply minister has served continuously in the same position in the congregation for less than three years. The date when the appointment or call was scheduled to end has been reached. The minister has requested renewal of the appointment, but the congregation has chosen not to pursue this course.
- The interim minister has served continuously in the congregation for two years – the maximum permitted for interim ministry appointments.
- The interim minister has served continuously in the congregation for less than two years. The date when the appointment was scheduled to end has been reached. The minister has requested renewal of the appointment to extend it to the two-year point, but the session has chosen not to pursue this course.
- The presbytery approves the request of the session for early termination of a stated supply or interim ministry appointment. The terms of the appointment include an early termination clause with a notice period of a minimum of 60 days; the inclusion of this clause was permitted because the appointment, when concluded, would not extend the minister's continuous service in the same position in the congregation beyond the three-year threshold.

The congregation provides a transition allowance when the presbytery dissolves the pastoral tie in the following situations. The congregation's responsibility for continuing financial support of the minister must meet the standard established for Category 3 when:

- The assistant minister has served continuously in the same position in the congregation for three or more years. The date when the call was scheduled to end has been reached. The minister has requested renewal of the call, but the congregation has chosen not to pursue this course.
- The stated supply minister has served continuously in the same position in the congregation with a series of appointment renewals for three or more years. The date when the call was scheduled to end has been reached. The minister has requested renewal of the appointment, but the congregation has chosen not to pursue this course.

#### **3.1 Pastoral Care**

The presbytery needs to make arrangements for pastoral care of the minister and the minister's family whenever a pastoral tie is being reviewed. It is important that the minister and the minister's family do not become isolated or forgotten during the review and decision making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister's family regularly and to offer appropriate pastoral care. In cases when the presbytery withholds the minister's presbyterial certificate until conditions set by the presbytery are met, the presbytery has some responsibility to help the minister fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to pay for or share the cost with the minister.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

### 3.2 Seeking Legal Advice

Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

### 3.3 Setting the Terms of the Dissolution

Representatives of the presbytery meet with the minister and with the session, taking care to understand their needs and concerns with respect to the terms of the dissolution. Matters to be considered include (but are not limited to) the following:

- dates for the minister's last day in the office and last Sunday in the pulpit
- dates for the minister's return of church property and for vacating church premises (office, manse)
- the minister's unused annual vacation entitlement
- the minister's proposed plans for accumulated continuing education funds
- details of the transition allowance
- schedule for the minister's repayment of housing loan provided by the congregation
- restrictions on the minister's certificate (to be completed before the minister is permitted to accept another call or appointment)
- support plans offered to the minister by the presbytery

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may wish to refer to the Sample Settlement Agreement (Appendix, page xx).

#### Transition Allowance

The transition allowance is intended to help provide a bridge while the minister fulfills requirements set by the presbytery or searches for another call or other employment.

The transition allowance is:

- an amount equivalent to the stipend and allowances (including housing) the minister was receiving at the time the pastoral tie was dissolved
- given monthly throughout the transition period.

The transition period is the number of months after the dissolution of the pastoral tie that the congregation is required to maintain the minister's employment income at the level of stipend and allowances the minister was receiving at dissolution. The length of the transition period is determined as follows:

- one month for each year of service in the present congregation, with a minimum of four months and a maximum of twelve months, with the following stipulations:
  - The transition allowance is reduced by the amount that the minister's income from new employment (i.e. from a position secured after the decision to dissolve the pastoral tie) exceeds 10% of the transition allowance.

### Category 3

- The transition period is never shortened to less than two months.

The transition allowance has been designed according to an income continuance model: the goal is to maintain the minister's employment income at the previous level of stipend and allowances for the transition period. For this reason, a minister's employment income during the transition period may affect the size of the transition allowance provided by the congregation and the length of the transition period, as follows:

- Employment income from a position in which the minister was serving when the decision was made to dissolve the pastoral tie is excluded from consideration. For example, for a minister who had been serving as a presbytery clerk or interim moderator and who continues to do so, the honouraria the minister receives during the transition period would have no impact on the transition arrangements.
- New employment income may affect the size of the transition allowance or the length of the transition period. New employment income is defined here as income the minister earns from employment secured after the decision to dissolve the pastoral tie.
- The first 10% of new employment income earned during the transition period has no impact on the transition allowance.
- When new employment income earned during the transition period exceeds 10% of the transition allowance, the minister must report to the presbytery the portion of the new employment income above the 10% threshold. Upon notification by the presbytery, the session may make arrangements for the transition allowance to be reduced by the amount the new employment income exceeds the 10% threshold.
- When new employment income earned during the transition period equals or exceeds the transition allowance and when this situation is expected to continue for the remainder of the transition period – for instance when the minister has accepted a new called position in the church or a permanent position outside the church – the transition period is deemed to be completed. Upon presbytery notification, the session arranges for the transition allowance payments to cease.

When the transition period is deemed to be completed, the session ensures that the Record of Employment (ROE) form marking the end of the minister's congregational employment is submitted.

The transition period begins on the date that the dissolution of the pastoral tie is deemed to be effective. Normally in Category 3 situations, this date follows closely the date when the term-limited call or appointment is scheduled to end, with sufficient delay to accommodate any unused annual vacation entitlement the minister has accrued.

#### **Allowances and Benefits included in Transition Allowance**

- **Manse or Housing Allowance**  
The transition allowance includes use of the manse or a cash housing allowance, one of which all ministers receive. When the minister receives a housing allowance, the situation is straightforward: the minister continues to receive that allowance monthly for the transition period.

When the minister lives in the housing owned by the church, a transition arrangement must be made. Presbyteries should consult with both the minister and the congregation, keeping in mind the legal notice period in the province of residence. For example, the minister may be given 60 days to find other accommodation, after which the minister is provided a housing allowance for the remainder of the transition period.

In either case the transition allowance includes the cost of utilities.

- **Travel Allowances**

Basic travel or car allowance has for some years been included in the basic minimum stipend. In all cases when the minister has been receiving such allowance as an integral part of stipend, without reference to the distance that has been driven in a given period, the congregation will be required to continue to give the full stipend until the transition period ends.

However, in cases when the minister has been receiving basic travel allowance as a separate allowance, calculated on a per kilometre basis, the congregation will not be required to give the basic travel allowance throughout the transition period. Similarly, congregations in multi-point charges will not be required to continue to give the minister the Sunday mileage allowance (an amount calculated on a per kilometre basis to cover the distance between points).

- **Group Benefits Plan**

Enrolment in and coverage under the church's benefit plans continue until the transition period ends. The usual monthly deductions are taken off the monthly income continuance.

- **Pension**

The minister continues to accrue increments of pensionable service until the transition period ends. The usual monthly deduction is taken off the monthly income continuance.

- **Continuing Education**

A minister is allowed to retain entitlement for up to 50% of any accumulated continuing education money allowance when he or she leaves a congregation if requested for a specific program and approved by the presbytery at the time when the pastoral tie is dissolved. (A&P 1990, p. 432, 433)

### **Special Note**

Congregations and presbyteries are reminded that there is always room in the church for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Congregations may choose to give a more generous transition allowance. Presbyteries must be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

### **3.4 Preparing the Settlement Agreement**

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may refer to the Sample Settlement Agreement (Appendix, p. 29-33).

### **3.5 Informing the Minister of the Decisions of the Presbytery**

Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery arrange to meet with the minister, in the company of the individual providing the minister with pastoral care if appropriate. Given that the meeting may be an emotionally charged situation for all participants, the presbytery representatives are advised to communicate clearly the purposes for the meeting. These are:

- to inform the minister of the decisions of the presbytery
- to give the minister a copy of the settlement agreement outlining the terms of the dissolution approved by the presbytery
- to confirm lines of communication and next steps.

During the meeting the presbytery representatives should endeavour to stay on topic, communicating in a clear and respectful manner while reviewing the details that must be covered. They should resist the inclination to defend or justify the presbytery's actions or to allow the discussion to digress to performance issues or grievances. The minister should be encouraged to take time to review the terms of the settlement.

### **3.6 Informing the Session of the Decisions of the Presbytery and Securing Session Acceptance of the Settlement Agreement**

During the process of drafting the terms of the dissolution to be recommended to the presbytery, the presbytery representatives consult with the session so that any concerns of the congregation can be considered fully. Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery meet with the session. The session is provided with a copy of the settlement agreement and arrangements are made for it to be signed on behalf of the session. The presbytery representatives discuss with the session its plans to inform the congregation.

### **3.7 Securing Acceptance of the Settlement by the Minister**

For the transition allowance to be provided for longer than two months, the minister must sign his or her acceptance of the settlement agreement, releasing the church from any future claims.

## VII. PROCEDURES

### Category 4:

**The presbytery has determined that the minister has committed a very serious offence.**

In Category 4 situations, the determination by the presbytery that the minister has committed a very serious offence is the result of a disciplinary case (Book of Forms, 345-380) or adjudication of a complaint under the *Policy for Dealing with Sexual Abuse or Sexual Harassment*.

In church law, an offence (Book of Forms, 317) is defined as any doctrine held, act or omission, contrary to the scriptures or the standards and subscriptions (Book of Forms, sections 444-451) of The Presbyterian Church in Canada.

Examples of offences would include:

- the minister is convicted of a criminal offence, such as theft, fraud or assault
- the presbytery sustains a complaint of sexual abuse or sexual harassment against the minister
- the presbytery finds the minister to be guilty of leading a scandalous life or of teaching corrupt doctrine.

In these cases, the presbytery has conducted judicial process resulting in the finding that the minister has committed a very serious offence. The presbytery disciplines the minister by administering some form of censure that includes dissolving the pastoral tie.

### 4.1 Pastoral Care

The presbytery needs to make arrangements for pastoral care of the minister and the minister's family whenever a pastoral tie is being reviewed. It is important that the minister and the minister's family do not become isolated or forgotten during the review and decision making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister's family regularly and to offer appropriate pastoral care. In cases when the presbytery withholds the minister's presbyterial certificate until conditions set by the presbytery are met, the presbytery has some responsibility to help the minister fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to pay for or share the cost with the minister.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations. The presbytery must also consider how best to preserve confidentiality while balancing the safety and security issues that may arise in cases of alleged offences. In rare cases, it may be necessary to contact the local police and ensure that measures are taken to ensure the safety of a member of the congregation or the minister.

#### **4.2 Seeking Legal Advice**

Presbyteries are advised to obtain professional legal advice any time they face one of these cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

#### **4.3 Setting the Terms of the Dissolution**

Representatives of the presbytery meet with the session and seek to meet with the minister, taking care to understand their needs and concerns with respect to the terms of the dissolution. Matters to be considered include (but are not limited to) the following:

- dates for the minister's last day in the office and last Sunday in the pulpit
- dates for the minister's return of church property and for vacating church premises (office, manse)
- the minister's unused annual vacation entitlement
- the minister's proposed plans for accumulated continuing education funds
- details of the transition allowance, if any
- schedule for the minister's repayment of housing loan provided by the congregation
- restrictions on the minister's certificate (to be completed before the minister is permitted to accept another call or appointment)
- support plans offered to the minister by the presbytery

In cases where the presbytery has determined that the minister has committed a very serious offence, the presbytery usually dissolves the pastoral tie to be effective immediately. The presbytery may consider placing restrictions on the minister's access to church property. Although the transition allowance is intended to help provide a bridge while the minister fulfills requirements set by presbytery or searches for another call or other employment, in these cases the congregation is not required to provide a transition allowance. If the minister is living in housing belonging to the congregation, the minister will be given 60 days, or the duration of time legally required in the province of residence, to find other accommodation.

While the financial requirement in this case is minimal, nevertheless congregations and presbyteries are reminded that there is always room in the church for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Congregations may choose to give a transition allowance. Presbyteries must be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to offer financial assistance to a congregation.

#### **4.4 Preparing the Settlement Agreement**

The terms of the dissolution, once approved by the presbytery, will be inserted into a settlement agreement. Presbyteries may refer to the Sample Settlement Agreement (Appendix, p. 29-33).

#### **4.5 Informing the Minister of the Decisions of the Presbytery**

Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery arrange to meet with the minister, in the company of the individual providing the minister with pastoral care if appropriate. Given that the

meeting may be an emotionally charged situation for all participants, the presbytery representatives are advised to communicate clearly the purposes for the meeting. These are:

- to inform the minister of the decisions of the presbytery and to state briefly in writing the grounds for the dissolution, i.e. the reasons that led the presbytery to determine that the minister had committed a very serious offence.
- to give the minister a copy of the settlement agreement outlining the terms of the dissolution approved by the presbytery
- to confirm lines of communication and next steps.

During the meeting the presbytery representatives should endeavour to stay on topic, communicating in a clear and respectful manner while reviewing the details that must be covered. They should resist the inclination to defend or justify the presbytery's actions or to allow the discussion to digress to performance issues or grievances. The minister should be encouraged to take time to review the terms of the settlement.

#### **4.6 Informing the Session of the Decisions of the Presbytery and Securing Session Acceptance of the Settlement Agreement**

During the process of drafting the terms of the dissolution to be recommended to the presbytery, the presbytery representatives consult with the session so that any concerns of the congregation can be considered fully. Once the presbytery has approved the terms of the dissolution and these have been inserted into the settlement agreement, representatives of the presbytery meet with the session. The session is provided with a copy of the settlement agreement and arrangements are made for it to be signed on behalf of the session. The presbytery representatives discuss with the session its plans to inform the congregation.

#### **4.7 Securing Acceptance of the Settlement Agreement by the Minister**

In situations when a transition allowance is not provided, it may not be possible to secure the minister's acceptance of the settlement agreement.

In situations when a transition allowance is provided, for the minister to receive any transition allowance, the minister must sign his or her acceptance of the settlement agreement, releasing the church from any future claims.

## **APPENDIX A: PREVENTATIVE PROCEDURES**

### **Problem Identification, Communication and Conflict Resolution**

Most congregations, ministers and presbyteries have ample opportunity to recognize issues well before they reach a crisis level. When difficulties arise they can usually be traced to poor communications, lack of attention to the warning signals, ignorance of good communication and/or conflict resolution techniques and sometimes the misguided assumption that, given time, the problem will go away.

These attitudes and responses to the early signs of difficulties can no longer be accepted. Mechanisms must be put in place to foster improved personnel policies and procedures to minimize or eliminate the incidence of the more critical problems. Presbyteries, congregations and ministers must share the responsibility for these policies and procedures.

#### **1. Ministers**

The minister has a responsibility to keep lines of communication open within the session and within the congregation. Also, many ministers have “mentors” outside of the congregation with whom they can discuss, in confidence, their own concerns or concerns that have surfaced within the congregation.

#### **2. Congregations**

As stated in section 127.1 of the Book of Forms, the session cannot entertain a complaint against its moderator. When a situation has reached the complaint stage, “all processes against any minister or member of the Order of Diaconal Ministries are to begin before the presbytery to which he/she belongs.”

However, session meetings provide ample opportunity for discussion of expectations and concerns before they reach a critical stage.

#### **3. Presbyteries**

To fulfill their responsibility for the care and good order of the congregations within their bounds (Book of Forms, 200), presbyteries often assign the role of liaison with congregations to the Presbytery Pastoral Relations, Congregational Care or Ministry Committee. The goal is to enable timely communication and intervention, so that problems are recognized and addressed at an early stage before they reach crisis proportions. The better prepared the court is to deal with such matters, the better the chance of the issue being resolved in the spirit of Book of Forms section 325, for example, “by friendly conference.”

Presbyteries may choose to assemble helpful resources in advance of any crisis and have a committee or individuals who are well versed in the church’s policy and the procedures to follow if the dissolution of the pastoral tie becomes necessary. Such preventative measures might include the following:

1. Identify and orient a small presbytery resource team to be ready for situations requiring presbytery’s intervention in matters involving ministers and congregations.

When conflict situations emerge, often they do not allow much lead time for presbytery to prepare to handle them. As a result, sometimes these situations are handled by well-meaning individuals with inadequate training or knowledge of guidelines or techniques.

While the Book of Forms makes it clear (section 315) that the church should not be “interfering with matters which are purely civil,” church courts must exercise wisdom and judgment when issues are raised. So-called civil matters, when left unattended, can grow to be the subject of conflict and potentially result in the dissolution of a pastoral tie.

2. Review the presbytery visitation program to ensure congregations are visited regularly according to a timetable set by the presbytery. The suggested questions for presbytery visitation contained in the appendices of the Book of Forms provide a good base for these discussions, which can expose tensions between a congregation and a minister. Presbyteries may wish to include additional questions to give the parties every opportunity to raise their concerns. When problems are identified, secure agreement from those involved on a way to proceed, and provide adequate follow-up to monitor progress. Be available to visit as regularly as necessary, providing assistance with repeated attempts to renegotiate expectations and solve problems. Be sure that presbytery’s interventions are carried out in a manner that is fair, orderly and caring to all involved.

## Appeals

### **APPENDIX B: APPEALS**

The question has been asked whether a congregation might be required to give a minister a transition allowance throughout the entire time when an appeal of the decision to dissolve the pastoral tie is heard by a higher court. The answer is no. No situation is anticipated that would lead to such a requirement.

The judicial process outlined in the Book of Forms indicates who may appeal the dissolution of a pastoral tie and under what circumstances the appeal will halt proceedings (Book of Forms, 341-344, 376.)

## APPENDIX C: BIBLIOGRAPHY

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**APPENDIX D: SETTLEMENT AGREEMENT**

**[Settlement Agreement in the Case of the Dissolution of a Pastoral Tie.]**

*[This document is provided as a sample on a ‘without prejudice’ basis by the Assembly Office, to assist presbyteries. It has been prepared in consultation with the denomination’s legal counsel, but will need to be adapted in each case that it is to be used. In this regard, it is our recommendation that local legal counsel be sought to insure that the document is appropriate in its final form.]*

*[Square brackets will need to be amended or removed, and there may be other sections, such as the preamble, that may need to be altered more significantly to suit the specific case.]*

**AGREEMENT BETWEEN:**

The Presbytery of [xx], The Presbyterian Church in Canada (hereinafter, the “Presbytery”, which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)  
OF THE FIRST PART;

-and-

The Congregation of [name – if more than one, list], [place] (hereinafter, the “Congregation”, which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)  
OF THE SECOND PART;

-and-

The Reverend [xx] (hereinafter, the “Minister”)  
OF THE THIRD PART.

**PREAMBLE**

WHEREAS the Minister was [appointed/called] by [Canada Ministries/the Presbytery of xx /the Congregation] as minister of the Congregation and [recognized/inducted] into this ministry by the Presbytery on [date], and

WHEREAS the Minister was [and continues to be in good standing as] a minister of Word and Sacraments within the government of The Presbyterian Church in Canada, and

WHEREAS at a regular meeting of the Presbytery held on [date], wherein representatives from the Congregation, representative elders and other ministers were present (the “Meeting”), a resolution was adopted that [accepted the resignation of the Minister from [his/her] appointment as Minister of the Congregation and] dissolved the pastoral tie between the Minister and the Congregation effective [date], and

WHEREAS the parties hereto wish to set out their obligations to each other as a result of the dissolution of the pastoral tie;

THEREFORE, in consideration of the obligations, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties acknowledge, confirm and agree that the foregoing recitals are true.

#### GENERAL

2. The parties hereto confirm that sufficient notice of the Meeting was provided and that each person in attendance had sufficient opportunity to express his or her opinions and all procedures adopted at such Meeting were proper.
3. The parties further acknowledge and confirm that each party shall continue to be bound by the “Policy for the Dissolution of Pastoral Ties” published in the Acts and Proceedings of the General Assembly of The Presbyterian Church in Canada, 1998, as may be amended from time to time.
4. The parties confirm that the minutes of the Meeting attached hereto as Schedule “A” are an accurate record of the decision of the Presbytery that confirmed the dissolution of the pastoral tie between the Congregation and the Minister.
5. The parties confirm that the [Business Committee] of the Presbytery was under authority to prepare this agreement [in consultation with professional legal advisors].

#### RIGHTS AND OBLIGATIONS OF THE MINISTER

6. The Minister shall receive the following benefits for the period commencing [date] and terminating not earlier than [date] [Note: The transition Period must be no less than 2 months] and not later than [date] (the “Transition Period”):
  - (a) Subject to the terms set out in this paragraph and in paragraph 8, the stipend which the Minister has received on a monthly basis during the [2003] calendar year shall continue until the end of the Transition Period.
  - (b) The Minister shall continue to be paid [his/her] stipend by the Congregation on a monthly basis, on the first day of the month for that month.
  - (c) There shall be deducted from the Minister’s stipend all standard deductions and remittances in the ordinary course.
  - (d) The Minister [shall continue to be paid his/her housing allowance and the cost of utilities by the Congregation] [or] [and his/her dependants shall be permitted the use of the manse, with the cost of utilities covered by the Congregation].
  - (e) The Minister and [his/her] dependants shall continue to be eligible to receive medical and dental insurance coverage issued through The Presbyterian Church in Canada, subject to any changes which may arise under such plan.
  - (f) The Minister shall continue to receive long-term disability coverage, pension and life insurance issued through The Presbyterian Church in Canada, subject to the usual deductions from [his/her] stipend.

## Settlement Agreement

- (g) The Minister shall be able to make use of study leave funds accumulated up to the beginning of the Transition Period pursuant to the regulations of the General Assembly of The Presbyterian Church in Canada for the portability of continuing education allowances, and must seek approval from the Presbytery, through the Interim Moderator, for the use of said funds.
- (h) The Minister shall remove all personal effects from church premises and return any church property in the Minister's possession to the church by [date] subject to the terms of section 6 (d).
- 7. It is understood and agreed that during the Transition Period, the Minister will exercise all diligence in obtaining another Call within The Presbyterian Church in Canada, or such other ministerial calling as he may choose, or a non-ministerial position. The Minister agrees immediately to notify the Presbytery in the event that [he/she] secures another position, ministerial or non-ministerial, at any time after the decision to dissolve the pastoral tie.
- 8. If, after the decision to dissolve the pastoral tie, the Minister secures another position in which, during the Transition Period, [he/she] receives new remuneration, or benefits in lieu of remuneration, which is considered permanent employment and which remuneration is the same as or exceeds the remuneration set out in paragraph 6 herein, the Minister agrees to notify immediately the Presbytery and all remuneration and benefits hereunder shall cease at the end of the month in which such other position commences, but in no case shall the remuneration and benefits outlined in this agreement be provided for less than two (2) months. The final payment of the remuneration set out in paragraph 6 herein marks the conclusion of the Transition Period. In no event shall the remuneration and benefits outlined in this agreement continue beyond the end of the Transition Period.
- 9. If, after the decision to dissolve the pastoral tie, the Minister secures another position in which, during the Transition Period, [he/she] receives new remuneration, or benefits in lieu of remuneration, which remuneration exceeds 10% of the remuneration set out in paragraph 6 herein, the Minister agrees to notify immediately the Presbytery and all remuneration and benefits hereunder shall be reduced by the amount the remuneration exceeds the 10% threshold at the end of the month in which the new remuneration is received, but in no case shall the remuneration and benefits outlined in this agreement be provided for less than two (2) months. In no event shall the remuneration and benefits outlined in this agreement continue beyond the end of the Transition Period.
- 10. For greater certainty, it is understood and agreed that the Minister shall not be disentitled to receive the remuneration and benefits outlined in paragraph 6 unless, during the Transition Period, the Minister receives remuneration or compensation/benefits outlined in paragraphs 8 and 9 herein.
- 11. Upon receipt of a written request by the Presbytery, the Minister agrees to provide to the Presbytery an accounting of all amounts or benefits received by the Minister from ministerial or non-ministerial functions during the Transition Period. Such written request shall be given to the Minister by personal delivery, or by registered mail. The Minister agrees to provide such accounting within five (5) days following notification by the Presbytery to the Minister.
- 12. During the Transition Period, the Minister shall not be required to perform any ministerial functions within the Presbytery nor on behalf of the Congregation [except for the following, : xx].
- 13. During the Transition Period, the Minister shall continue to be a member of the Presbytery and will be listed on the Appendix to the Roll of Presbytery [as "Without Charge"].

14. The parties hereto agree to co-operate with each other in fulfilling their respective obligations herein.

#### ACKNOWLEDGEMENT AND RELEASE BY THE MINISTER

15. The Minister acknowledges and confirms the following:
  - (a) this agreement has been prepared in accordance with the decisions made at the Meeting;
  - (b) [he/she] accepts the terms of this agreement and in consideration of the payments and benefits provided herein, he hereby releases and forever discharges the Presbytery and the Congregation jointly and severally from and against any and all manner of claims, demands, actions, causes of action, liabilities, complaints, damages and otherwise which he had, now has, or hereafter may have, arising from, out of, or in connection with [his/her] ministry to the Congregation or the dissolution of the pastoral tie, including without limiting the generality of the foregoing, any remedies which may subsist in law, equity or under legislation, including *The Workplace Safety and Insurance Act*, *The Ontario Human Rights Code*, *The Employment Standards Act 2000* and in particular payments for "severance", "notice" and "termination pay" under that Act's sections 57 and 64;
  - (c) [he/she] understands that if [he/she] should make any further claim or demand or commence or threaten to commence any action, proceeding or make any claim against the Presbytery and or the Congregation in respect of any matter contemplated by this agreement, this document may be raised as an estoppel and complete bar to any such claim, demand, action, proceeding or complaint;
  - (d) [he/she] will not appeal to the Synod of [name] within The Presbyterian Church in Canada, nor to the General Assembly of The Presbyterian Church in Canada, nor to any branch of the Synod of [name] within The Presbyterian Church in Canada or the General Assembly of The Presbyterian Church in Canada;
  - (e) [he/she] has been given an opportunity to obtain independent legal advice with respect to the contents of this agreement and has done so or failed to do so of his own volition; and
  - (f) [he/she] acknowledges having read and understood the terms of this agreement, and [he/she] is signing this agreement freely, voluntarily, and without duress.

#### MISCELLANEOUS

16. Any notices or demands hereunder shall be deemed to be received on the date of personal delivery or facsimile transmission, or five (5) business days following the date of mailing.
17. This agreement constitutes the entire agreement between the Minister, the Presbytery and the Congregation with respect to the subject matter of this agreement.
18. This agreement may not be amended except by a written instrument signed by all parties hereto.
19. This agreement shall be binding upon all parties hereto, and shall enure to the benefit of each of the parties, and their respective heirs, executors, administrators, trustees, successors and assigns.

Settlement Agreement

20. This agreement shall be construed in accordance with and governed by the laws of the Province of [name].

_____	_____	_____
Name of Minister	Signature	Date

_____	_____	_____
Name of Witness	Signature	Date

I have authority to bind the Presbytery of [name], The Presbyterian Church in Canada.

_____	_____	_____
Name of [officer]	Signature	Date

_____	_____	_____
Name of Witness	Signature	Date

I have authority to bind the Congregation of [name, place].

_____	_____	_____
Name of [officer]	Signature	Date

_____	_____	_____
Name of Witness	Signature	Date