

**Gracious Dismissal Policy
Presbytery of Cayuga-Syracuse**

Adopted May 14, 2016

Background and Theological Foundations

Pastor and theologian Dietrich Bonhoeffer described the Church as being simultaneously the communion of saints and the communion of sinners. We are the Body of Christ, yet that Body is made up of fallible and sinful individuals.

From the beginning, chaos, disagreements, and division have characterized the community of faith. Genesis 11 posits that societal and national divisions arose because of human pride and arrogance. Throughout the time of the Exodus, people grumbled and argued: with each other, with Moses, with God. The Gospels tell us that “an argument arose among (the disciples) as to which one of them was the greatest.” (Luke 9:46) The Book of Acts is filled with accounts of disagreements and divisions within the Church. Throughout history, the Church was embroiled in controversies both big and small, resulting in nothing less than the major divisions that took place in 1054 (the Great Schism between Eastern and Western Christianity) and during the 16th century Reformation.

The Church has gathered in Councils from time to time to address disagreements and to strive to maintain what sometimes can be opposing goals: Church unity and orthodox beliefs. Yet even such Councils sometimes have fallen short. Our own tradition recognizes and confesses this fact:

“All synods or councils since the apostles’ times, whether general or particular, may err, and many have erred; therefore they are not to be made the rule of faith or practice, but to be used as a help in both.” (From The Westminster Confession of Faith, in the *Book of Confessions*, 6.175)

Despite this long history of disagreements, the Presbyterian Church (U.S.A.) nevertheless asserts the following beliefs about the Church:

1. “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... Division into different denominations obscures but does not destroy unity in Christ.” (The *Book of Order*, F-1.0302a)
2. “We...believe that there are truths and forms with respect to which men (*sic*) of good characters and principles may differ. And in all these we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other.” (F-3.0105)
3. “The congregation is the basic form of the church, but it is not of itself a sufficient form of the church. Thus congregations are bound together in communion with one another, united in relationships of accountability and responsibility, contributing their strengths to the benefit of the whole, and are called, collectively, the church.” (G-1.0101)

4. “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 majority vote, every member shall either actively concur with or passively submit to such determination; or if his (*sic*) conscience permit him to do neither, he shall... peaceably withdraw from our communion without attempting to make any schism.’” (From a footnote appended to G-2.0105. It should be noted that footnotes or other addenda to the Constitution of the Church do not have constitutional authority.)

Establishing a Process for Graciously Dismissing a Congregation from this Presbytery

In response to a Commissioners’ Resolution to the 218th General Assembly (2008) of the Presbyterian Church (U.S.A.), the Assembly determined that it was “the will of the assembly that presbyteries and synods develop... a process that exercises the responsibility and power ‘to divide, dismiss, or dissolve congregations in consultation with their members’ (*Book of Order*, G-3.0303a) with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.

The Presbytery of Cayuga-Syracuse therefore establishes and adopts this document – a Gracious Dismissal Policy – as one way to live faithfully with one another during times when one or more of its congregations may consider asking the Presbytery for dismissal to another Reformed body (G-3.0303b).

A Process of Discernment

The goal of the Presbytery of Cayuga-Syracuse is “Equipping Our Churches to Fulfill the Great Commission”. Even in times of conflict, we seek to uphold one another, respecting each other’s integrity as we perceive the Biblical basis and Christian credibility of varied perspectives. It is the Presbytery’s desire to encourage peace and unity while minimizing confrontation between and among its congregations and members as we seek together to find and represent the will of Christ. In all that we do, it is our prayer that they will know we are Christians by our love.

The Presbytery lives to serve and encourage congregations as we seek together to be faithful to our calling to Jesus Christ. Part of service is walking with congregations in the work of discernment, especially in matters that pertain to a congregation’s relationship to the Presbytery and the PC(USA). Discernment is a means by which believers submit themselves to God, relinquishing their own desires in order to understand God’s will for themselves. Seeking God’s will means engaging in a season of disciplined conversation, prayer, and study.

As soon as the Presbytery’s Leadership Team, ordinarily through the Committee on Ministry Work Group, becomes aware that a congregation or its leadership is considering dismissal from the Presbyterian Church (U.S.A.) to another Reformed body, a season of discernment will take place, focusing on the following questions:

1. How is the mission of Christ being accomplished through this congregation?
2. What are the implications for the congregation and the Presbytery should this congregation cease to be a partner in mission with the Presbytery?
3. What are the implications for the congregation and the Presbytery should this congregation remain in the PC(USA), and how can this relationship be nurtured, strengthened, and perhaps reconciled?
4. If God is leading this congregation to seek dismissal from the PC(USA), how can that be accomplished in a way that honors Jesus Christ, strengthens both the congregation and the Presbytery, and provides a positive witness to the larger community?

In order to engage in discernment around these questions, the Leadership Team shall appoint a Presbytery Discernment Team (PDT) whose purpose is to join the Session and the members of the congregation in prayerful conversations about potential resolution or dismissal. The request for forming a PDT may also come by initiative of the Session of the congregation, after consideration of the issues, prayer, and a majority vote. This PDT will consist of eight members:

1. A chairperson, appointed by the Leadership Team. (It is preferred that this person have at least some training in conflict resolution.)
2. Three members from the Presbytery at large, at least one of whom shall be a ruling elder from one of the congregations of the Presbytery (other than the congregation that will be engaging in this process).
3. Three members from the congregation, all of whom shall be active members of the church, at least one of whom shall be a ruling elder currently serving on the Session.
4. The pastoral leader of the congregation. (If there is no current pastoral leader, then the Session shall name one additional ruling elder from its membership to serve on the PDT.)
5. The Moderator of the Session, in a case where there is no installed pastoral leader, shall be a part of conversations between the PDT, the Session, and the congregation, but shall decline his/her right to voice and vote.

The PDT will meet with the Session on at least one occasion to allow for times of prayer together, and for candid and open sharing of viewpoints, of fears, and of concerns, all with the hope of resolution. The PDT and the Session members will work to make sure that all have the opportunity to not only share their thoughts, but also to be assured that things they have said have been understood by others. The goal is not to engage in argumentation, but to practice compassionate listening and to make sure that concerns have been identified fairly and accurately.

The PDT, working with the Session, will ensure that structured, congregation-wide opportunities are offered for:

- a. Questions to be raised and concerns to be expressed in considering dismissal and implications of dismissal, including implications on the pastor(s) and other staff;
- b. Prayer, seeking the guidance of the Holy Spirit in conversations and discernment;
- c. Estimating the numbers of members of the congregation who seem to be seeking dismissal, and those who seem to be seeking to remain in the PC(USA);

- d. Consultation of outside sources of wisdom, if needed.

If, after a time of discernment which includes the above elements, it is determined that the Session and congregation are called to remain in the Presbytery and PC(USA), the Presbytery Discernment Team shall report the closure of its work to the Leadership Team, which may then dissolve the PDT. A public service of worship and reaffirmation to shared fellowship and ministry will be held at the church, with participation from the Presbytery and the congregation. During this service, there will be opportunity provided for blessing and commissioning any minority members who have decided to leave the congregation, in the hopes of maintaining bonds of peace.

If, after the time of discernment, the Session and Presbytery Discernment Team determine that, in obedience to Jesus Christ, under the authority of the Scriptures and guidance of the Confessions, the congregation senses a call to separate from the PC(USA), the PDT will report this decision to the Leadership Team. This will then be reported to the Presbytery, who shall consider and act upon the terms of dismissal. (Note: The decision to dismiss a congregation must be made by the Presbytery itself at a stated or special meeting. That decision may not be delegated to any group within the Presbytery.) The Presbytery then, in conjunction with the congregation, will hold a final worship service of commissioning, to celebrate our common life in Jesus Christ and to pray for the effectiveness and well-being of both the congregation and the Presbytery. Those departing the Presbyterian Church (U.S.A.) will be commissioned by the Presbytery to further their work for the kingdom as they go forward in ministry. The service will be jointly planned by members of Presbytery's Leadership Team, the Presbytery Discernment Team, and the Session, and all congregations of the Presbytery shall be invited to attend.

A Process for Dismissal

After the process of discernment described above, if it seems clear to the PDT and the Session that the majority of the congregation still desires to request that the congregation be dismissed to another Reformed body, then the following steps will be taken:

1. The PDT will work with the Session to call a Congregational Meeting for the purpose of hearing from the members and discerning how many members desire that, should the way be clear, the congregation be dismissed to another Reformed body.
2. While the quorum for congregational meetings is set by the bylaws of particular congregations, the PDT expects that at least fifty percent of the active membership will participate in the meeting.
3. If the PDT believes that a significant proportion (estimated at more than 75%) of the attending members wish to be dismissed, they will, with the permission of the Presbytery Leadership Team and/or Presbytery, begin to negotiate with the Session the terms of dismissal that will be presented to the congregation and the Presbytery.
4. During the negotiations the PDT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best strategize how to maintain an

existing mission presence, incorporate members into nearby Presbytery congregations, or create a new entity.

5. At the conclusion of negotiations, the congregation will hold a Congregational Meeting to vote on a request for dismissal to a specific Reformed body according to the terms of negotiation. At least fifty percent of the current active membership will attend the meeting. An affirmative vote of at least seventy-five percent is required in order to further the dismissal process.
6. The Presbytery, at a regular or specially called meeting, will vote on whether to accept the terms of dismissal without amendments and to allow the congregation to be dismissed to a specified Reformed body

Negotiating Terms of Dissolution

The Presbytery, through the process of negotiating issues of conscience and property with congregations, will act in such a manner that will reflect its primary concern for the ongoing mission and vitality of Christian witness in the area impacted by ministry of that congregation. Therefore:

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. In cases where a financial settlement is a part of a dismissal agreement between the presbytery and a particular church, that settlement will be fairly and proportionately based on a measure such as how many congregation members remain within the Presbyterian Church (U.S.A.) and how many elect to be a member of the departing congregation.
4. The goal of Presbytery negotiations with a congregation, when there is a group that desires to remain within the Presbyterian Church (USA) and a group that desires to be dismissed to another Reformed body, is to enable both congregations to be as healthy as possible in the aftermath of separation.
5. If a financial settlement is agreed upon, that settlement will be used, in its entirety and for no other purpose, to maintain or re-establish a mission of the Presbyterian Church (U.S.A.), or to enable those remaining within the Presbyterian Church (USA) to find a receiving congregation within or near the specific area served by that particular congregation.

Practical Considerations Should a Congregation Be Dismissed

There are several practical considerations to be addressed should a congregation be approved for dismissal. These are listed for information, and are not all-inclusive or binding for the purposes of this Presbytery policy:

1. The status of the pastor(s) currently serving the congregation. Do they choose to remain with the congregation and transfer their ministerial status to the new denomination, or will they choose to remain within the PC(USA) and thus need to seek a new call?
2. Tax status. A congregation which ceases to be a PCUSA church is no longer included in the PCUSA's "group revenue ruling" by which a Presbyterian congregation is granted 501(c)(3) non-profit tax-exempt status. Such status is required not only for exemption from tax payments to state and federal authorities and the filing of certain tax forms, but is required also for real estate tax exemption, for U. S. Postal Service bulk mailing permits, for grant-making foundations, and for the receipt of many forms of grants and bequests. Gifts to a church which does not have valid tax-exempt status may not be claimed as charitable contributions. Legal and other services will be needed to secure new 501(c)(3) status.
3. Corporation status. A congregation which ceases to be a PCUSA church will need to revise its corporate status (which may require the filing of new articles of incorporation and bylaws).
4. Insurance. Since many PCUSA congregations have property and liability insurance which is available only to PCUSA congregations, new insurance provisions will need to be made, and it is an unwise congregation which is uninsured for even a minute.
5. Debts, loans, and other encumbrances. Before final dismissal of a congregation, all financial commitments of the church to the Presbytery, Synod, General Assembly, any PC(USA) entity, the Board of Pensions, and any secular financial institutions shall be satisfied, and documents attesting to the satisfaction of all such financial commitments shall be presented to the Presbytery through its Stated Clerk.
6. Church name. A congregation that is approved for dismissal may take its name with it, provided that it is clearly and publicly made known that the church no longer is affiliated with the Presbyterian Church (U.S.A.).
7. Other legal issues. In New York State, churches associated with the PC(USA) are incorporated under Article 4 of the Religious Corporation Law. An attorney for the congregation should explore any other implications or legal considerations that should be addressed by the congregation.

Civil Litigation

In adopting and agreeing to this Policy, the Presbytery and any congregation engaging in this discernment process agree not to initiate civil litigation proceedings against the other.

The Property Issue

According to the Book of Order of the Presbyterian Church (U.S.A.), "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).

The Trust Clause 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 churches into their witness to the broader community. 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 act ministerially rather than adversarially to its member churches in regard to its provisions.

There are common principles that will guide the Presbytery’s use of the Trust Clause:

1. It will not be used to shackle churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart.
2. It will not be used as a weapon to threaten civil action against a congregation over issues of conscience.
3. It reflects a tangible exhibition of the inter-connected relationship organically existing between the Presbytery and its congregations.
4. The Trust Clause will not be used to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery may take legal action to defend its mission strategy for the Presbytery.

What Happens if the Discernment Process Fails or is Abandoned

The Presbytery has established this Gracious Dismissal Policy for member churches considering dismissal from the denomination, and strongly encourages pastors, sessions, and congregations to engage in the process outlined in this policy.

Recognizing that there may be churches that either choose to seek dismissal from the PC(USA) without covenanting to abide by the Gracious Dismissal Policy, or that may choose to abandon that process before completing it while continuing to seek dismissal from the denomination, the Presbytery shall proceed to the election of an Administrative Commission to resolve all matters properly before it, guided by G-4.0207 in the *Book of Order*. The Administrative Commission may assume original jurisdiction “in any situation in which it determines that a session cannot exercise its authority... (or) is unable or unwilling to manage wisely its affairs.” (G-3.0303e)

The intent of this alternative process is to provide guidelines for a gracious, decent, and orderly interaction between the Presbytery and churches seeking dismissal outside of the process defined in the Gracious Dismissal Policy.