

DISSOLUTION AND SEPARATION GUIDELINES FOR NORTHUMBERLAND PRESBYTERY

PURPOSE: TO PROVIDE GUIDELINES FOR SESSIONS, PASTORS, AND THE COM

Anger, fear, and frustration combine with many other emotions when a congregation and its pastor disagree about the continuance or dissolution of the pastoral relationship. In the midst of the difficult time, people search for direction. These guidelines are intended to provide that guidance.

The Presbytery is aware that every situation will have its own unique circumstances and dynamics. But, there are also many similarities which can be addressed through these suggested guidelines.

Therefore, these guidelines are offered to: speed up and smooth out the dissolution process; ease tensions and limit destructive exchanges between individuals; assure that the needs of both the congregation and the pastor are met; and protect all parties involved from civil litigation.

These guidelines apply only to the dissolution of a pastoral relationship.

GUIDELINES:

1. The Presbytery expects parties in disagreement first to seek a mutually acceptable resolution of the disagreement through the counsel and mediation of the Committee on Ministry.
2. Any of the following parties in disagreement may request the counsel and mediation of the Committee on Ministry:
 - the pastor involved;
 - the pastor’s immediate family;
 - the session, as a governing body;
 - a number of elders equal to a quorum of the session; and
 - a number of members equal to a quorum of the congregation.

This request shall be made in writing to the Executive Presbyter or Stated Clerk of the Presbytery. The Committee on Ministry may initiate an offer of counsel and mediation if it deems an offer prudent or necessary.

3. All dissolution/ separation agreements shall be compatible with the provisions of the Book of Order and these suggested Dissolution and Separation Guidelines.
4. A dissolution / separation agreement shall be documented in writing by the session to the Executive Presbyter or Stated Clerk of the Presbytery. A plan to cover the costs of an agreement must be included in this document.
5. A dissolution / separation agreement must be approved by both the congregation and the Presbytery before it can take effect.
6. All dissolution / separation agreements approved by the vote of the congregation, and approved by the Presbytery shall be considered final and binding upon all parties. *Book of Order*, G-14.0603, “If the pastor does not concur, the presbytery shall hear from him or her the reasons why the presbytery should not dissolve the relationship. If the pastor fails to appear, or if the reasons for maintaining the relationship are judged insufficient, the relationship may be dissolved.” It shall be a duty of the Committee on Ministry to monitor compliance with the agreements.

DISSOLUTION / SEPARATION PROCESS AND TERMS:

The Committee on Ministry shall use the following guidelines for counseling with pastors, sessions, and congregations regarding dissolution / separation agreement.

The process for approving agreements ordinarily will be as follows:

1. The session and pastor negotiate and sign a written agreement with the counsel of the Committee on Ministry; the COM liaison is there to help facilitate the process, and to provide clarity and COM approval in regards to the separation agreement.

2. Ordinarily a separation agreement will include:
 - the date upon which the dissolution / separation agreement is to become effective;
 - the date upon which all understanding shall have been completed;
 - at least, three months continuation of effective salary but will not exceed six months continuation of effective salary, or a cash settlement based on at least three months not to exceed six months continuation figures; or one month for each year served by the pastor not to exceed 12 months total.
 - continuation of payment of dues to the Board of Pensions for the same period as the agreed upon salary continuation;
 - provision for loan repayment or a shared equity arrangement (where applicable)
 - use of the manse (where applicable) normally not to exceed two months.
 - provision for use of office, equipment, etc., not to exceed 30 days from the effective date of separation;
 - terms and time limits on physical presence on church premises, not to exceed 30 days from the effective date of separation;
 - a statement that if the pastor finds full-time call or comparable employment prior to the end of the term of the agreement, the church's financial obligations for the continuation of effective salary end as of the date said full-time call or employment begins. A part-time call or employment will result in appropriate prorated adjustments in financial payments;
 - a statement that financial arrangements will be conducted through the presbytery office after the pastor's departure from the church. The church will make separation payments to the presbytery at least seven days prior to the respective due dates for said payments to the former pastor, and the presbytery office will make respective payments to the former pastor after receipt of payments from the church.
3. The Committee on Ministry approves the written agreement.
4. Copies of the written agreement are to be made available to members of the congregation no later than the date of the first call for the congregational meeting at which the dissolution of the pastoral relationship and the separation agreement is to be considered.
5. The congregation votes on the dissolution / separation agreement.
6. The presbytery votes on the dissolution / separation agreement.

DISSOLUTION ABSENT AN AGREEMENT:

1. If parties to a disagreement are unable to reach a mutually acceptable dissolution agreement through the counsel and mediation of the Committee on Ministry, and if the committee finds that the church's mission under the Word imperatively demands the dissolution of the pastoral relationship, then the Committee on Ministry shall recommend a dissolution to the presbytery with terms of dissolution of its devising. Presbytery shall then proceed, according to the *Book of Order* G-11.0103c, and shall decide the terms of dissolution.
2. If presbytery dissolves a pastoral relationship under terms with which the pastor disagrees, the pastor may appeal the presbytery's decision by filing for remedial action against the presbytery with the synod.
3. If presbytery dissolves a pastoral relationship with terms of dissolution that the congregation has disapproved, or if presbytery dissolves a pastoral relationship that the congregation has not yet approved, then, the presbytery shall seek the participation of the congregation in meeting the financial terms of the dissolution, but shall be finally responsible for the terms it (presbytery) approves.
4. If presbytery dissolves a pastoral relationship with terms of dissolution that the congregation has approved, then the presbytery's responsibility under this provision is canceled.