Principles and Processes  
For New Harmony Presbytery  
When Churches Seek to Separate From Presbytery

I. Principles of Mission and Property in Times of Dispute

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

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

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

• Strengthen,

• Nurture,

• Sustain its congregations and ministers,

• And to participate in the wider mission of the church through its higher governing bodies.

Therefore in matters of Property and conscience, the Presbytery sees its role in terms of Mission Strategy first and foremost. The goal of this presbytery will always be reconciliation and continued relationship for all congregations within the presbytery.
B. The Presbytery and Mission Strategy
The Book of Order of the Presbyterian Church (U.S.A.), (G-3.0301), states the following: The Presbytery is responsible for the government of the church throughout its district, and for assisting and supporting the witness of congregations to the sovereign activity of God in the world, so that all congregations become communities of faith, hope, love, and witness. As it leads and guides the witness of its congregations, the presbytery shall keep before it the marks of the Church (F-1.0302), the notes by which Presbyterian and Reformed communities have identified themselves through history (F-1.0303) and the six Great Ends of the Church (F-1.0304).

As a result, the Presbytery has an abiding interest in the location and facilities of the member churches as an expression of the mission of the Presbytery.

C. The Presbytery and the Trust Clause
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 pastorally rather than adversarially to its member churches in regard to its provisions.

D. The Presbytery and Covenant Life
Because the Trust Clause is understood by the Presbytery as a means of displaying organic unity in common mission, there are common principles that will guide the Presbytery’s use of it:

- 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.
- It will not be used as a weapon to threaten civil action against a congregation in keeping with 1st Corinthians 6: 1-11 over issues of conscience. (F-3.0101)
- It reflects a tangible exhibition of the inter-connected relationship organically existing between the Presbytery and its congregations

II. Principles of Resolution
The Trust Clause will not be used to initiate civil litigation preemptively. If a church initiates a civil action, the Presbytery will take legal action to defend its mission strategy for the Presbytery. In times of dispute over issues of conscience, the Presbytery will adhere to, and member churches are encouraged to adhere to, these Principles of Resolution.

Guided by our Presbyterian form of government, we:

1. Affirm the mission of the Kingdom of God and not the maintenance of any particular institution as our highest calling;

2. Believe that the local congregation is the primary mission unit of Presbytery, and that issues of property and money are always secondary to people and mission;

3. Will not abdicate all decisions regarding property and finance to the local congregation;
4. Understand that property is maintained and administered locally by the congregation on behalf of the denomination;

5. Maintain accountability and connection by shared, representative leadership and oversight;

6. Understand that regarding issues of conscience, "Divorce" can be a relevant analogy in releasing congregations. Each side must confront difficult realities, confront what it perceives to be a broken trust, speak of those realities to each other, and be forced to consider the ongoing health and viability of the other;

7. While upholding the Constitution of the Presbyterian Church (U.S.A.), will not approach property issues in such a way as to constrain local congregations in their ability to do mission and ministry;

8. May use the Presbytery Response Team procedure described in III-A below instead of the use of an Administrative Commission, where appropriate;

9. Will encourage all presbyters and congregations to "concur with or passively submit to" (G-6.0108(b), footnote 1, the old B.O.) concerning the vote and wisdom of the majority of the Presbytery. If their consciences will permit neither, the Presbytery will be generous in allowing congregations and presbyters with strong issues of conscience to pursue peaceable withdrawal, which may include dismissal to another Reformed body in accordance with our interpretation of the Trust Clause, found in section III below.

G-6.0108(b), footnote 1: Very early in the history of the Presbyterian Church in the United States of America, even before the General Assembly was established, the plan of reunion of the Synod of New York and Philadelphia contained the following sentences: "That when any matter is determined by a major vote, every member shall either actively concur with or passively submit to such determination; or if his conscience permit him to do neither, he shall, after sufficient liberty modestly to reason and remonstrate, peaceably withdraw from our communion without attempting to make any schism. Provided always that this shall be understood to extend only to such determination as the body shall judge indispensable in doctrine or Presbyterian government." Hist. Dig. (P) p. 1310.) (Plan of Union of 1758, par. II.)
III. Processes for Resolution

A. The Process of Discernment Leading to Possible Dismissal

In the Presbyterian tradition, an inter-connected relationship is assumed between the Presbytery and its congregations. Therefore, no congregation will be dismissed to another Reformed body unless and until, at a minimum, the following process is followed:

1. The Session and its pastor/moderator, after consideration, prayer and a majority vote invites the Presbytery to form a Presbytery Response Team (PRT) in order to engage the congregation in discussions about potential resolution or dismissal for identified reasons of conscience.

2. The PRT will consist of a Chairperson nominated by the Administrative Council and specifically trained by the Presbytery in conflict resolution; and four other members including a person agreed upon by the Session of the congregation and three other members chosen by the Administrative Council.

3. The PRT will meet with the Session, and the pastor(s)/Moderator will be asked to either voluntarily excuse him or herself from the meeting or to voluntarily decline his or her right to voice and vote. If the moderator does so, he or she will appoint a member of the PRT to act as moderator in his or her absence. The first action in that initial meeting will be to agree to the terms of Section B, (Favorable Terms).

4. Both the PRT and the session and the pastoral staff will be encouraged to seek ongoing dialog in the hope of resolution.

5. The PRT will not determine the merits of the concerns raised by the Session, but will work to assure that before the issues are brought before the congregation, they have been addressed fairly and accurately.

6. The PRT will promptly report the results of the initial meeting and its recommendations to the Presbytery through the Administrative Council.

7. The PRT may work with the Session which shall call a Congregational Meeting for the purpose of hearing from the members and discerning, possibly by a non-binding written “straw ballot,” how many members desire that, should the way be clear, the congregation be dismissed to another Reformed body.

8. While the quorum for congregational meetings is set by the bylaws of particular congregations, the PRT requires that at least fifty percent of the active membership will participate in the meeting for the process of resolution to go forward.

9. If the PRT believes that a significant proportion wish to be dismissed (estimated at more than 75% of those present and voting with that number being greater than a majority of the total active membership), they will, with the permission of the Administrative Council of Presbytery and/or Presbytery, begin to negotiate favorable terms with the congregation under the terms of Section B., below. This vote shall be taken by secret ballot.

10. During subsequent negotiations the PRT will meet with members of the congregation who wish to remain within the Presbyterian Church (U.S.A.) to best strategize how to continue an existing mission presence by maintaining the existing congregation, incorporate members into nearby Presbyterian Church (U.S.A.) congregations, or create a new entity.

11. At the conclusion of negotiations, the congregation will hold a Congregational Meeting to vote on a possible dismissal to a specific Reformed body according to the terms of negotiation. At least fifty percent of the current active membership will attend the meeting. An affirmative vote that meets the following requirements is required in order to continue the dismissal process: at least seventy-five percent of those present and voting with that number also being greater than one-half of the total active membership must vote to leave the denomination. This vote shall be taken by secret ballot.

12. The Presbytery, at a regular or specially called meeting, will vote on whether to accept the terms of dismissal and to allow the congregation to be dismissed to a specified Reformed body according to G-3.0303b of the Book of Order of the Presbyterian Church (U.S.A.). No
amendments shall be allowed to the terms as presented. In the case of a negative vote of
Presbytery, continued dialogue will be sought.

B. Favorable Terms

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

• The Presbytery recognizes that “the church” in a particular area is not its building or financial
assets, but the people of the congregation.

• The Presbytery must be mindful both of congregation members who, for reasons of conscience,
desire that their congregation be dismissed to another denomination, and also those
congregation members who wish to remain within the Presbyterian Church (U.S.A.).

• The Presbytery must honor any historic covenants on the property.

• The best goal of Presbytery negotiations with congregations, when there is a group that desires
to remain within the Presbyterian Church (USA) and a group that desires to be dismissed to
another Reformed body, is to enable both congregations to be as healthy as possible in the
aftermath of separation.

• In cases where a financial settlement is a part of a dismissal agreement between the presbytery
and a particular church, that settlement will be used to maintain or re-establish a mission of the
Presbyterian Church (U.S.A.) in that locale, for new church development elsewhere within the
presbytery, or for other mission work of the presbytery.