

**PRESBYTERY OF
WESTERN
NORTH CAROLINA**



**MINUTES
ONE HUNDRED THIRTY-FIFTH
STATED MEETING
April 25, 2023**

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**The Presbytery of Western North Carolina
135th Stated Meeting
April 25, 2023
Montreat Conference Center, Montreat, NC**

CALL TO ORDER

Teaching Elder Mark Stanley, Moderator, convened the 135th Stated Meeting of the Presbytery of Western North Carolina at 9:00 a.m. with prayer.

CONSTITUTION

The Moderator, Mark Stanley, opened the 135th Meeting of the Presbytery of Western North Carolina with the prayer of invocation.

LAND ACKNOWLEDGEMENT

The General Council has adopted a motion that we begin our meetings with an acknowledgment of some of the traditional native inhabitants of the land in which we live and minister. The indigenous peoples of the Americas are the inhabitants of the Americas before the arrival of the European settlers in the 15th century, and the ethnic groups who now identify themselves with those peoples. By so doing, we offer recognition and respect and seek to cultivate a deeper awareness of the history that has led to the present moment, and we invite reflection on our responsibilities as descendants of that history.

Today we continue our acknowledgment by specifically remembering that we live, worship, and serve in the region of the native lands of the Catawba, Sugaree, and Cherokee peoples among others, paying our respects to elders of the past and present, known and unknown. Let us do our faithful work mindful of them.

MONTREAT CONFERENCE CENTER

Richard DuBose, President of Montreat Conference Center, welcomed the body to the Conference Center, called attention to the upcoming events at the Conference Center, and invited commissioners to visit the shops.

WELCOME

Rev. Keith Grogg, Pastor at Montreat Presbyterian Church, brought greetings from their church.

APPOINTMENT OF STANDING COMMITTEES

Standing Committees:

Resolution of Thanks:

- Holly Davis, Teaching Elder, First Presbyterian Church, Waynesville
- Ron Tingle, Ruling Elder, First Presbyterian Church, Waynesville

Presbytery in Brief:

- Rick Leissner, Ruling Elder, First Presbyterian Church, Morganton

Bills and Overtures:

- Allan Purtil, Teaching Elder
- Ellen Phillips, Ruling Elder, Black Mountain Presbyterian Church
- Bob Ayala, Commissioned Pastor, PWNC

Tellers:

- Nancy Spann, Ruling Elder, New Hope Presbyterian Church, Asheville
- Steve Runholt, Teaching Elder, Warren Wilson Presbyterian Church
- Ellen Dean, Ruling Elder, Montreat Presbyterian Church
- Gill Campbell, Ruling Elder, Montreat Presbyterian Church
- Mike Ballard, Ruling Elder, Black Mountain Presbyterian Church

ATTENDANCE

The Stated Clerk affirmed that a quorum was present by referencing our registration data and observing those in attendance.

The following MINISTERS WERE ENROLLED (P = Present; E = Excused; A = Absent without excuse):

Robert M. Abel	P	Kat Achtemeier	P	Mark Achtemeier	P
Jefferson Aiken, Jr.	E	Wyatt Aiken, Jr.	E	Merriam Alexander	E
Terry Alexander	E	Stephen Aschmann	P	James Aydelotte	P
Patricia Bacon	E	Tony Baker	E	Edna Banes	E
Ashley Beavers	E	Joseph Bennett	E	Cynthia M. Benz	E
Lynn Bledsoe	E	Randall Boggs	E	David Bonnema	P
Ronald Botsford	E	Lee Bowman	E	Richard Boyce	P
Grace Boyer	E	David Bradley	A	Ryan Brakemeyer	E
Ronald Brauer	E	Hayden Britton	E	Sandra Brown	E
Thomas Brown	P	William Buchanan	P	Monty Burnham	E
Constance Button	P	Joey T. Byrd	A	David Cameron	E
Kathryn J. Cameron	P	John T. Campbell	E	Kathy Campbell	E
Amy Cantrell	A	Rebekah Carpenter	P	H. Pride Carson	E
Dwight Christenbury	P	William Christian	E	Richard Coble	E
Sarah Coburn	E	James Cockerham	E	Jeffrey R. Coffey	E
Evelyn Coleman	A	J. Hunter Coleman	E	Daniel Commerford	P
Monty Cook	E	Thomas C. Cook, Jr.	E	Donald L. Cooper	E
W. Riley Covin	P	Robert Bruce Cumming	P	James Dale	E
Blake J. Daniel	P	Dent C. Davis	E	Heather Wood Davis	A
Holly K. Davis	P	Arthur DeJong	E	Susan Denne	E
Janet DeWater	P	Edward D. Donnell	E	Ellen H. Dozier	E
Steven Eason	E	Robert Edmunds	E	Stephen Elderbrock	A
Leah E. Epps	P	Lee S. Feero, Jr.	E	David Carter Florence	P
Richard Floyd	P	Clarence D. Fouse, III	E	Kevin E. Frederick	E
Keith B. Freeman	P	Alice Schaap Freeman	P	John L. Frye, Jr.	E
Laurie Furr-Vancini	P	R. Curtis Fussell, III	E	Tempe Fussell	E
Willis Gaines	E	Paul Galbreath	E	Lewis F. Galloway	E
Robert D. Gamble	A	David Garnett	E	Lisle Garrity	A
Tee G. Gatewood	P	Denise Geiger	E	David Germer	P
Samantha Gonzalez-Block	E	Gregory Grana	E	Theodore Grant	E
Keith Grogg	P	Decherd Guess	P	Rebecca Gurney	P
John Hagmann	P	Samuel W. Hale	E	Michal H. Hall	E
Terry L. Hanna	P	Patrick Hardy	P	Randall A. Hardy	A
Martin L. Harkey, III	P	William G. Heck	E	Julie Hester	E
J. Robert Hewett	E	J. Richard Hobson	E	J. Samuel Hobson, Jr.	E

James J. Holeman	P	David Holloway	A	James S. Hornsby	E
David Hosick	E	Carol Hovis	A	William R. Hoyt, III	E
George B. Hutchins	E	Dennis Eugene Hysom	P	Jill V. Isola	E
Lindsay Jacaruso	A	Donald Jafvert	E	William M. Janes	E
Esta M. Jarrett	P	Cecil M. Jividen	E	Caitlin Johnson	E
G. Wallace Johnson	E	Katherine B. Johnson	P	Patrick Johnson	P
Franklin Jones	A	Rebecca S. Jones	A	Shannon D. Jordan	P
Kimberly L. Justice	A	Joseph Kang	A	Lynne Keel	P
David Kennedy	E	Ira K. Kennerly	E	R. Paul Kercher	E
William L. Kirk	E	Albert D. Kissling	E	Janice Krouskop	E
Lee Kruse	A	Michael Lamm	E	John H. LaMotte	E
John C. Laughlin	E	Margaret P. Lauterer	E	James E. Layman	P
Thomas G. Lewis	E	J. William Lindeman	E	John P. Lindsay	E
Gene Linton, Jr.	E	Deneise Deter Liss	A	Jamie Bibee Lloyd	P
Neal Lloyd	P	Laura Long	P	Billy T. Lowe	E
William Lowery	E	Robert L. Lowry	E	Alexandra Lusak	P
David R. Lytle	A	Kathleen Madigan	P	J. Whit Malone	P
Andrew Mangione	P	Marjorie Marsh	P	Joan C. Martin	E
Roberta Martin	E	W. Tyler Martin	E	John S. McCall	P
Sandra McClinton	A	Robert A. McCully, Jr.	A	David W. McKee	E
Michael T. McKee	A	Megan McMillan	P	Alex P. McNeill	A
Kenyon Meeks, Jr.	E	C. Lynn Michie	A	Beth Ann Miller	P
Robert L. Montgomery	E	Sarah Grace Montgomery	E	Anne Morgan	E
S. Keith Morrison	E	David E. Mulford	E	D. Cameron Murchison	P
David Nash	E	Wanda Neely	E	William K. Neely	E
Thomas G. Nelson	E	Elizabeth D. Newman	P	Richard Nygren	E
Daniel J. Oedy	A	O'Hyun Park	E	Albert G. Peery, Jr.	E
Margaret B. Peery	E	Lance Perry	P	Martha Jane Petersen	E
J. Thomas Phillips	P	James N. Poling	E	Michael J. Poulos	P
Donald G. Price	E	Caroline Proctor	A	E. Allen Proctor, Jr.	E
Edyth P. Pruitt	A	Tamara Puffer	P	Allan Purtill	P
Jay K. Rabuck	E	Daria L. Ragan	A	Earl M. Rash	E
Mary Elizabeth Ray	E	Patricia Reid	P	Calvin Rice	E
G. Harriss Ricks	E	Don Robb, III	E	Mary Katherine Robinson	P
William (Billy) Robinson	A	David Roquemore	E	Steven Runholt	P
T. Feild Russell	P	Donald Scofield	E	Henry D. Scoggins	E
Carol N. Seaman	E	Dana V. Seiler	P	Caroline Sell	A
Nathan Sell	E	William Serjak	E	Albert D. Shaw	E
Michael Shepard	P	Rachel Shepherd	A	Marcia Mount Shoop	P
Mary Elizabeth Sigmon	P	Wirt Skinner	E	Allen Smith	P
David B. Smith	E	Paul S. Smith	A	John N. Somerville	E
Becky B. Stanley	P	J. Mark Stanley	P	Margie B. Stansell	P
Carol Steele	P	Daniel G. Stitt	E	Cynthia R. P. Strickler	E
Dana Sutton	P	William B. Sweetser, Jr.	E	Christopher Taylor	E
Beverly Thompson	P	George Thompson, Jr.	P	Keith J. Thompson	P
Denise Thorpe	A	Yvonne M. Thurmond	A	Russell D. Tillotson, Sr.	E
Daniel Tipton	A	Kathleen Rankin Tompkins	A	Margaret Torrence	E
Lynn Turnage	P	Christina B. Tutterow	E	Robert J. Tuttle	E

Melissa Anne Upchurch	E	Gary Van Brocklin	E	Lauren S. Vanacore	E
Susan Verbrugge	A	Byron A. Wade	P	Rockwell P. Ward	E
Samuel P. Warner	A	Robert M. Warren	P	Lynn Webber	P
Judith Weger	E	Kimberleigh E. Wells	P	Joseph Welker, Jr.	E
Barbara R. White	P	Parker T. Williamson	E	Emily L. Wilmarth	E
V. Otis Wilson, Jr.	E	Victor M. Wilson	E	Chris Wingard	A
W. Graham Wood, Jr.	E	Donaldson Woods	E	Rebecca Young	A

The following COMMISSIONED PASTORS WERE ENROLLED at this meeting of Presbytery:

Linda Abel	E	Philip Adams	A	Phillip Ashley	A
Robert Ayala	P	John Bates	P	Sally Beghtol	E
Kerry Border	P	Mildred Bruns	A	Vickie Burgess	P
John Hall	P	Beth Hall	A	Lynn Honeycutt	P
Robin Honeycutt	P	Kenneth Humphreys	A	Linda Johnson	A
James Koone	E	Peggy Koone	P	James Millsaps	A
Marla Patchel	A	Randy Patterson	A	John Pea	P
Marcia Reighley	A	Russell Reighley	A	James Tate	A
James Taylor	P	William M. Upchurch, Jr.	E	Sheila Renee Warthen	A
Roger Wise	P				

The following MEMBERS OF THE GENERAL COUNCIL, COMMITTEE ON MINISTRY, ADVOCATES and COMMITTEE CHAIRS WERE ENROLLED at this meeting of Presbytery:

John Auten	A	Royce Browder	A	Bill Carpenter	A
Ellen Cinq-Mars	P	Don Coleman	A	Dorothy Descieux	E
Peggy Ferguson	A	Betsy Fonvielle	A	Bob Forsythe	P
Corise Gambrell	P	Rob Groves	A	Dennis Howell	A
Dick Larson	A	Tom Karoven	A	Melvin Meares	P
Katherine Mull	A	Roger Rizk	A	Julia Rush	A
Laura Carringer Russell	A	Katrina Shambaugh	A	Laura Sigmon	A
Becky Stevens	A	Sarah Thornburg	E	Ron Tingle	P
Paula Wallace	A				

The following CERTIFIED CHRISTIAN EDUCATORS WERE ENROLLED for this meeting of Presbytery:

Melinda Christian	A	Betty Davenport	A	Angela Drummond	A
Vivian Hare	A	Margarette Kennerly	E	Leslie McLeod	A
Mary Lou Nash	A	Heath Rada	A	Lynn Thomas	A
Patricia Tuttle	A	Jane Vann	A		

The following CHURCHES WERE ENROLLED by the attendance of their elder commissioners:

Arbor Dale (1)	A		
Asheville, First (3)	Alice Lentz		
Banner Elk (1)	Laura Russell		
Belmont, First (3)	Sue Johnson	Dave Comstock	
Bessemer City, First (1)	A		
Black Mountain (2)	Ellen Phillips	Steve Riley	
Brevard-Davidson River (2)	Virginia Bradford	Richard Black	
Bridgewater (1)	A		

Brittain (1)	A		
Brittain's Cove (1)	A		
Bryson City (1)	A		
Buladean (1)	A		
Burnsville, First (1)	A		
Calvary (2)	E		
Canton (1)	A		
Cherryville, First (1)	A		
Clinchfield (1)	A		
Columbus (1)	A		
Crossnore (1)	A		
Dallas, First (1)	Gerald Burgess		
Dixon (1)	A		
Dorland Memorial (1)	A		
Dulatown (2)	A		
Etowah (1)	A		
Fletcher (1)	A		
Forest City, First (1)	A		
Franklin, First (1)	A		
Gastonia, First (4)	Coleman Efir Becky Vorheer	Jamie Farris	Julie Craig
Good Hope (3)	A		
Grace Covenant (3)	A		
Grassy Creek (2)	A		
Green Mountain (2)	A		
Green Street (3)	A		
Greenway (2)	Teddie Bowen	Joe Reese	
Hayesville (2)	E		
Hendersonville, First (2)	John Lampley		
Hickory, First (4)	A		
Highlands, First (2)	A		
Ironton (2)	E		
Jack's Creek (2)	A		
Kenilworth (2)	Leslie Peterson		
Korean Church of Asheville (3)	A		
Lenoir First (2)	Beverly Beal	Judy Beal	
Long Creek (2)	Ken Unnasch		
Love's Chapel (3)	A		
Lowell (2)	Dennis Godfrey		
Marion, First (2)	A		
Marshall (2)	Carolyn Ogburn	Cathy Seiler	
Micaville (2)	A		
Mills River (2)	A		
Montreat (2)	Ellen Dean	William Brown	
Morganton, First (3)	Libba Belton	Rick Leissner	
Morrison (2)	A		
Mount Holly, First (2)	Paul Bumgarner		

New Hope (Asheville) (2)	Nancy Spann		
New Hope (Gastonia) (2)	Edwin Lewis		
Newdale (2)	Roger Burns		
Newland (2)	A		
Newton First (2)	Doug Michael		
Northminster (2)	A		
Oak Forest (1)	A		
Oakwood (1)	A		
Old Fort (1)	A		
Olney (1)	A		
Pine Street (2)	A		
Pineola (1)	A		
Quaker Meadows (1)	A		
Reems Creek-Beech (1)	Karen Border		
Ridgeview (1)	A		
Robinson Memorial (1)	A		
Rutherfordton (2)	A		
Ryburn Memorial (2)	A		
Saluda (1)	A		
Shelby (2)	Larry Wilson	Laura Lampley	
Sherrill's Ford (1)	A		
Shiloh, Grover (1)	A		
Siloam (1)	A		
Southminster (2)	A		
Spruce Pine, First (1)	A		
Sweetwater (1)	Lewis Bruner		
Sylva, First (1)	James McManus		
Third Street (2)	Allen Lowery	Lois Camp	
Trinity (2)	Kathryn Forsythe		
Tryon (2)	Catherine Lynch		
Union (1)	A		
Union Mills (1)	A		
Unity (2)	A		
Vians Valley (1)	A		
Waldensian (2)	Mary Louise Hatley	Willie Pascal	
Walnut (1)	A		
Warren Wilson (1)	Sharon Lytle		
Waynesville, First (1)	A		

Ministers	94
Elders	44
Council/Committees	5
DCE	
Visitors	22
TOTAL	165

The following corresponding member was in attendance:

- Rev. John Rogers, a member of the Presbytery of Charlotte.

APPROVAL OF DOCKET

Rev. Dr. Cam Murchison, the Stated Clerk, presented the docket and moved the approval of the docket as presented in the Presbytery Packet. The motion was approved by common consent.

9:00 Call to Order

Mark Stanley
Moderator

Convene with Prayer of Invocation

Mark Stanley
Moderator

Land Acknowledgement

Mark Stanley

Appointment of Standing Committees

Mark Stanley

Resolution of Thanks

Bills and Overtures

Tellers

Recognition of Elders Attending for First Time, Visitors, and Corresponding Members

Certification of Quorum

Cam Murchison, Stated Clerk

Approval of Docket

Consent Agenda

A

(Consent Agenda is a consent motion. Any commissioner may pull any item from the Consent Agenda for any reason. Simply state the item to be removed from the Consent Agenda and it will be dealt with as part of the committee report from which it was drawn.)

Stated Clerk's Report

Cam Murchison

B

Reports Submitted for Information and/or Included in the Consent Agenda

Nominating Committee

I

Committee on Preparation for Ministry

K

Finance Committee

BB

Personnel Committee

FF

251st Synod of Mid-Atlantic Stated Meeting

II

Presbyterian Women

LL

9:30 Service of Worship, including Celebration of the Lord's Supper

(Worship leaders: Blake Daniel, Michael McKee, special guest preacher, Rev. Dr. Richard Ray)

10:15 Greetings from G.A. (3 minutes)

Sy Hughes, Ministry Engagement & Support

General Council (20 minutes)

Sarah Thornburg

C

(Work of the committee 5 minutes)

Proposed Amendments to Constitution (15 minutes)

22-O (adds language regarding boundary training);

22-T (adds to list of appropriate actions);

22-U (adds language regarding invitation to baptism for those who come to table);

Committee on Ministry (30 minutes)

Jim Taylor

D

(Introduce new ministers (10 minutes), and recommendations for Presbytery approval (5 minutes))

- Presentation of Dana Sutton, Member at Large
- Presentation of Michael Shepard, Honorably Retired

Proposed Amendments to Constitution (15 minutes)

22-E (remove “honorably” before “retired.”);

22-I (12 weeks paid family leave in TOC);

22-Q (authorizes minimum requirements for severance in TOC);

Report from our Mission Co-worker in Taiwan (10 minutes) John McCall

PJC -Proposed Amendments to Constitution (20 Minutes) James Aydelotte J

22-CC (disciplinary process continues when accused renounces jurisdiction); (5 minutes)

22-GG (complete revision of Rules of Discipline) (15 minutes)

Final Proposed Amendments to Constitution (10 minutes) James Holeman L

22-P (requires antiracism policy);

Youth Committee (5 minutes) Sarah Grace Montgomery Y

Guatemala Partnership (10 minutes) Marie Palacios/Linda Abel

Mission Committee (5 minutes) Stephen Aschmann S

Report of the General Presbyter (5 minutes) Byron Wade GP

Prayers of Intercession Keith Grogg

Benediction and Adjournment Mark Stanley

CONSENT AGENDA

The Moderator, Rev. Dr. Mark Stanley, explained the rules for the Consent Agenda. He then moved the consent agenda as presented on pages 10 and 11 of the packet for the meeting. The consent agenda and committee reports were approved by common consent. (Appendix A)

Reports submitted for information and/or included in the Consent Agenda:

Nominating Committee (Appendix B)

Committee on Preparation for Ministry (Appendix C)

Finance Committee (Appendix D)

Personnel Committee (Appendix E)

251st Synod of the Mid-Atlantic (Appendix F)

Presbyterian Women (Appendix G)

STATED CLERK’S REPORT

Rev. Dr. Cam Murchison, the Stated Clerk, presented recommendations 1-6 included in the Stated Clerk’s report, stating that these recommendations had previously been approved in the Consent Agenda.

He then referred to items 7-9 as items for information.

The Stated Clerk presents the following:

- CA 1. **THAT Mark Stanley, Cam Murchison, and Robbin Buchanan be requested to prepare the minutes of this Presbytery meeting for approval at the July 29, 2023 Presbytery meeting.**
- CA 2. **THAT the minutes of the January 28, 2023 Stated Meeting of Presbytery be approved as submitted.**
- CA 3. **THAT the April 2023 report of the following Administrative Commissions be received and entered into the permanent record of Presbytery. (Appendix H)**
Administrative Commission for West Asheville
Administrative Commission for Churches Concluding Ministry
Administrative Commission for Oak Forest
- CA 4. **THAT the minutes of the ordination of the following be placed into the record of Presbytery:**
Maxwell Michaels (Appendix I)
- CA 5. **THAT the minutes of the installation of the following be placed into the record of Presbytery:**
Elizabeth Newman (Appendix J)
6. **THAT a designated spokesperson be allowed to speak succinctly pro or con on each of the nine proposed amendments as they are presented in various reports on the docket. Thereafter, an opportunity will be given for one person to speak succinctly on the opposite side. Unless additional members or commissioners ask to speak to the amendment at that point, the moderator will put the question on the amendment to a vote following these two statements. If it appears that more time is needed on a particular amendment, the moderator may determine that action on such an amendment will be docketed for a subsequent called meeting of Presbytery, to be held virtually prior to the deadline of July 9, 2023.**

FOR INFORMATION:

7. **THAT the 136th Stated Meeting of the Presbytery of Western North Carolina will be held on Saturday, July 29, 2023, virtually. *THAT the deadline for written reports for this meeting is Thursday, July 6, 2023. THAT the deadline for an overture is Monday, June 26, 2023.***
8. **THAT meetings for Clerks of Session who wish to do the review in-person with fellow clerks have been scheduled for May 13, 2023, at Reems Creek-Beech Presbyterian Church and May 20, 2023, at the Presbytery Office in Morganton. Both sessions are scheduled from 10:00-11:30 a.m.**
9. **THAT persons who are due for Sacred Boundaries Training in 2023 will soon receive a reminder and notice of online opportunities to complete that training.**

SERVICE OF WORSHIP

The Rev. Blake Daniel, Pastor of First Presbyterian Church, Sylva, and Rev. Michael McKee, Pastor at Newland Presbyterian Church, Newland, and Rev. Dr. Richard Ray, led us in worship. Others assisting

with worship included the Reverends Lynne Keel, Lynn Turnage, and Rebecca Gurney. Dr. Ray's sermon was entitled "The Authority of Jesus." The scripture and sermon were taken from Luke 13:1-9.

Worship concluded with a celebration of the Sacrament of the Lord's Supper, led by the Reverend Rebecca Gurney. Our musician for the day was Aaron Price.

A special offering for Presbyterian Disaster Assistance (Earthquake Relief) was received at the end of the Service of Worship.

GREETINGS FROM GENERAL ASSEMBLY

Sy Hughes, Mission Engagement Advisor with the PCUSA, brought greetings from the General Assembly. He is the Mission Engagement Advisor for the Southeast region, which includes the Synods of the Mid-Atlantic and South Atlantic. He thanked the Presbytery for our support, also noting the per capita and Pentecost Offering. His goal is to connect the passion, leadership, and excitement of congregations, individuals, and presbyteries to the mission and ministries of the wider Presbyterian Church (U.S.A.).

GENERAL COUNCIL

On behalf of the General Council, Teaching Elder Dana Seiler presented items 1 through 8 for information that required no action.

Teaching Elder Dana Seiler presented items 5 through 14 for information that required no action.

- 1. THAT the General Council presents three (3) amendments to the Presbytery as part of their report for your consideration. (Appendix K)**
 - 22-O (adds language regarding boundary training)
 - 22-T (adds to list of appropriate actions)
 - 22-U (adds language regarding invitation to baptism for those who come to the table)
- 2. THAT the General Council approved a request from the Montreat Presbyterian Church that an offering to be received at the Presbytery meeting on April 25, 2023 and to be designated for Presbyterian Disaster Assistance (PDA) Earthquake Relief.**
- 3. THAT the General Council granted permission to the First Presbyterian Church, Burnsville in Burnsville, NC, to sell a piece of property that is not being utilized in the church's ministry.**
- 4. THAT the following Small Church Synod Grant was awarded at the 251st Synod of the Mid-Atlantic Assembly in March 2023:**
 - Sweetwater Presbyterian Church - \$5,000
- 5. THAT the General Council approved the grant application developed by the Missions Committee for the \$200,000 fund previously created by General Council.**
- 6. THAT a list of upcoming PWNC events of the Presbytery can be found on the back of the Presbytery Docket.**

7. THAT the following dates have been set for 2023 and 2024 Presbytery Meetings:

2023

Tuesday, April 25, 2023 – Montreat Conference Center

Saturday, July 29, 2023 - Virtual

Tuesday, October 24, 2023 – Southminster Presbyterian Church

2024

Saturday, January 27, 2024 – Virtual

Tuesday, April 30, 2024 – Montreat Conference Center

Saturday, July 27, 2024 – Virtual

Tuesday, October 29, 2024 – Brevard-Davidson River Presbyterian

8. THAT the General Council reports approval of the following Regional and International Daily Change Hunger Grants:

Agency	Requested Amount	Approved Amount
Regional Requests		
Feeding Avery Families	\$10,000	\$5,000
Clay Co Food Pantry	\$5,000	\$5,000
Haywood Christian Ministry (Healthy Food)	\$7,000	\$5,000
LINC Home Meals	\$5,000	\$5,000
N Buncombe Snack Sacks	\$3,100	\$3,000
International Requests		
Nkhoma Hospital-Malawi (Children's Ward/patient nutrition)	\$23,000	\$15,000

On behalf of the General Council, Teaching Elder Dana Seiler then presented the following Proposed Amendments to the Constitution for discussion and vote:

- 22-O (adds language regarding boundary training) – Passed
 - The Presbytery voted in favor of the amendment.
- 22-T (adds to list of appropriate actions) – Failed
 - The Presbytery voted against the amendment.
- 22-U (adds language regarding invitation to baptism for those who come to the table) – Failed
 - The Presbytery voted against the amendment.

CHURCHES AND PASTORS

COMMITTEE ON MINISTRY

I. WORK OF THE COMMITTEE

Ruling Elder James Taylor reported on the actions taken by the Committee on Ministry on behalf of the Presbytery. (Appendix L)

Ruling Elder James Taylor reported that the following ministers requested honorable retirement:

- Curtis Fussell, effective January 31, 2023.
- Tempe Fussell, effective March 6, 2023.

COMMITTEE ON MINISTRY
II. VALIDATION OF MINISTRIES

On behalf of the Committee on Ministry, Ruling Elder James Taylor moved that the Presbytery validate the ministries of the following: (Appendix L)

- Allen Proctor as Director of the Haden Institute through April 25, 2024.
- Carol Steele as Vice-President for Programs at Montreat Conference Center through April 25, 2024.
- Susan Verbrugge as Hospice Chaplain for Care Partners through April 25, 2024.
- David Bradley as Pastoral Counselor, Marriage and Family Therapist through April 25, 2024.

COMMITTEE ON MINISTRY
III. INTRODUCTION OF NEW MINISTERS

Elder James Taylor introduced the following as new ministers in the Presbytery on behalf of the Examinations Sub-Committee and Committee on Ministry. They spoke briefly. Their Statements of Faith and Biographical Statements were included in the report of the Committee on Ministry. (Appendix L)

- Dana Sutton from the Presbytery of West Virginia to Presbytery of WNC as a member-at-large, effective March 7, 2023.
- Lindsay Jacaruso from the Minnesota Valley Presbytery to the Presbytery of WNC as a member-at-large, effective March 7, 2023. (Was not present at this meeting)
- Michael Shepard from the Redstone Presbytery to the Presbytery of WNC as Honorably Retired, effective April 11, 2023.

COMMITTEE ON MINISTRY
IV. PROPOSED AMENDMENTS TO THE CONSTITUTION

Elder James Taylor, on behalf of the Committee on Ministry, presented the following three (3) amendments to the Presbytery as part of their report for your consideration. (Appendix M)

- 22-E (remove “honorably” before “retired.”) – Passed
 - The Presbytery voted in favor of the amendment, 48 – 41.
- 22-I (12 weeks paid family leave in TOC) – Passed
 - The Presbytery voted in favor of the amendment.
- 22-Q (authorizes minimum requirements for severance in TOC) – Passed
 - The Presbytery voted in favor of the amendment.

REPORT FROM OUR MISSION CO-WORKER IN TAIWAN

Rev. John McCall, Mission Co-Worker in Taiwan, shared some of his experiences in the mission field and expressed his appreciation for the PWNC support.

PERMANENT JUDICIAL COMMISSION (PJC)
PROPOSED AMENDMENTS TO CONSTITUTION

Dr. James Aydelotte and members of the PJC presented and discussed proposed amendments 22-CC (Disciplinary process continues when accused renounces jurisdiction) and 22-GG (complete revision of the Rules of Discipline). Following their presentation regarding the amendments and allowing for further discussion, the Presbytery voted accordingly. (Appendix N)

- 22-CC (Disciplinary process continues when accused renounces jurisdiction) – Failed
 - The Presbytery voted against the amendment.
- 22-GG (complete revision of Rules of Discipline) – Passed
 - The Presbytery voted in favor of the amendment.

Moderator Stanley thanked the members of the PJC for their presentation of the amendments.

FINAL PROPOSED AMENDMENTS TO CONSTITUTION

Moderator Stanley called on the Rev. James Holeman, who had recommended the removal of Amendment 22-P from the Special Consent Agenda in our January 2023 meeting to present Proposed Amendment 22-P, an anti-racism policy for all PCUSA councils. He gave a mixed but balanced analysis of the amendment. Following the presentation and allowing for further discussion, the Presbytery voted in favor of the amendment. (Appendix O)

- 22-P (requires anti-racism policy) – Passed

YOUTH MINISTRIES

On behalf of the Youth Ministries Committee, Beth Gunn reported on the work of the committee and shared highlights of upcoming events. She announced the following events: (Appendix P)

- April 29, 2023 – Adventure Day that will be held at Camp Grier, Old Fort, NC.
- August 5, 2023 – Soul Shop that will be held at First Presbyterian Church, Hickory, NC.
- September 24, 2023 – Presbytery Youth Day will be held at Montreat, NC.

GUATEMALA PARTNERSHIP

On behalf of the Guatemala Partnership, Ruling Elders Doug Michaels and Ken Unnasch reported on the work of the Guatemala Partnership. They shared that there are currently seven partnerships open and asked churches to consider this as an opportunity for mission. Dr. Michaels and Mr. Unnasch expressed thanks and appreciation for all the service that Marie Palacios has dedicated to the Guatemala Partnership and welcomed new Guatemala Partnership Coordinator Sarah Robinson.

Sarah Robinson, our new Guatemala Partnership Coordinator, spoke briefly sharing that she and her family lived in Asheville, NC before moving to Guatemala in 2019. She shared that her interest and love for Guatemala began in 2006 when she served for a year as a Young Adult Volunteer with the PC(USA).

MISSION COMMITTEE

Rev. Stephen Aschmann, chair of the Mission Committee, reported on the work of the committee stressing and describing the new Affordable Housing Grants. The General Council has approved \$200,000 from church property sales for this program. He also highlighted the Matthew 25 Initiative Eradicating Systemic Poverty initiative. (Appendix Q)

REPORT OF THE GENERAL PRESBYTER

Rev. Dr. Byron Wade, General Presbyter, gave an upbeat and positive report on the work of the Presbytery. He shared that sometimes in life, as well as in ministry, there is a point in which we have to decide what direction to go in and we have to be confident enough to take the first step, trusting that God is leading us. The Presbytery of WNC is at that point.

Dr. Wade shared that the Personnel Committee has conducted interviews and extended offers to three new Presbytery Associates, which were accepted. The new associates are Tom Phillips, Schaap Freeman and George and Beverly Thompson. They were introduced and made brief statements at Presbytery. In addition to the three Presbytery Associates, he shared that the Presbytery has also hired a Director of Communication, John Pea and a new Guatemala Partnership Coordinator, Sarah Robinson.

The Revisioning Task Force continues to take steps in discerning the Presbytery design for ministry. They have accomplished three of their six tasks (communication specialist in place, launch of pastoral cohorts, and assessed staff needs).
(Appendix R)

PRAYERS OF INTERCESSION

Keith Grogg, Pastor at Montreat Presbyterian Church, Montreat, led the Presbytery in prayers of intercession.

RESOLUTION OF THANKS

Submitted by Rev. Holly Davis, pastor at First Presbyterian Church, Waynesville, and Ron Tingle, elder at First Presbyterian Church, Waynesville, **on behalf of the Resolution of Thanks Committee:**

We give thanks to the Montreat Conference Center, Montreat Presbyterian, Black Mountain Presbyterian, Warren Wilson, and New Hope (Asheville) Churches for graciously and generously hosting the 135th Stated meeting of the Presbytery of Western North Carolina.

We give thanks for the outstanding leadership and organization accomplished by our General Presbyter, Clerk, Moderator, Councils, and the Presbytery Staff for this meeting.

We give thanks for the meaningful worship service ordered by Blake Daniel and Michael McKee and for the challenging words of scripture and sermon by Rev. Dr. Richard Ray.

We give thanks with much joy for our new presbytery leadership: Tom Phillips, Schaap Freeman, and George & Beverly Thompson, serving us as Presbytery Associates. Also, Sarah Robinson, Guatemala Partnership Coordinator, and John Pea, Director of Communications.

We give thanks for each pastor and elder who travelled from all corners of the Presbytery of Western North Carolina to attend this meeting, and for their faithful commitment to the work of the church and our denomination.

We give thanks with deep gratitude to our Gracious Lord for being present with us and for guiding us as we prayed and praised, listened, celebrated, deliberated and voted – all to the glory of God!

BENEDICTION AND ADJOURNMENT

With the business of the 135th Stated Meeting of the Presbytery of Western North Carolina completed, and adjournment voted, Moderator Stanley adjourned the meeting at 12:09 p.m. with prayer.

NEXT MEETING

The 136th Stated Meeting of the Presbytery of Western North Carolina will be held on Saturday, July 29, 2023 virtually via ZOOM.

These minutes were prepared by the following:

Mark Stanley, Moderator

D. Cameron Murchison, Stated Clerk

Robbin Buchanan, Assistant Stated Clerk

These minutes are to be approved by Presbytery on July 29, 2023, at the 136th Stated Meeting, to be held virtually via ZOOM.

APPENDICES

- A. Consent Agenda**
- B. Nominating/Representation Committee Report**
- C. Committee on Preparation for Ministry**
- D. Finance Committee**
- E. Personnel Committee**
- F. 251st Report of Synod of the Mid-Atlantic**
- G. Report of the Presbyterian Women**
- H. Administrative Commission Report for West Asheville Presbyterian Church, Oak Forest Presbyterian Church, and Churches Concluding Their Ministry**
- I. Minutes of the Ordination of Maxwell Michaels**
- J. Minutes of the Installation of Elizabeth Newman**
- K. Proposed Amendment to the Constitution: 22-O, 22-T, and 22-U**
- L. Report of the Committee on Ministry**
- M. Proposed Amendments to the Constitution: 22-E, 22-I, and 22-Q**
- N. PJC- Proposed Amendments to the Constitution: 22-CC and 22-G**
- O. Final Proposed Amendment 22-P**
- P. Report of the Youth Committee**
- Q. Report of the Mission Committee**
- R. Report of the General Presbyter**

CONSENT AGENDA

For the purpose of expediting some of Presbytery's decisions which are routine and non-controversial, a Consent Agenda will be used. These motions are included throughout the packet.

PLEASE READ THESE MOTIONS BEFORE PRESBYTERY!

Matters may be removed from the Consent Agenda when:

- A. Any member of the governing body requests removal of an item included in the CA whereupon that item shall be removed and presented to the governing body as part of the report from which it originated.*
- B. When the Consent Agenda is presented on the floor, opportunity shall be given for members of the governing body to request, without comment or debate, for removal of specific items from the CA.*

A FAVORABLE VOTE ON THE CA SHALL BE RECORDED AS A FAVORABLE VOTE ON ALL MATTERS INCLUDED IN THE MOTION. THEREFORE, PLEASE READ AND PRAYERFULLY CONSIDER ALL MOTIONS BEFORE PRESBYTERY.

**THAT THE CONSENT AGENDA, INCLUDING THE FOLLOWING
RECOMMENDATIONS, BE ADOPTED:**

RECOMMENDATIONS 1 thru 5 FROM THE STATED CLERK'S REPORT

(See Stated Clerk's Report (B) for contents of recommendations.)

- CA 1. THAT Mark Stanley, Cam Murchison, and Robbin Buchanan be requested to prepare the minutes of this Presbytery meeting for approval at the July 29, 2023 Presbytery meeting.**
- CA 2. THAT the minutes of the January 28, 2023 Stated Meeting of Presbytery be approved as submitted.**
- CA 3. THAT the April 2023 report of the following Administrative Commissions be received and entered into the permanent record of Presbytery. (Stated Clerk Attachment 1)**
 - Administrative Commission for West Asheville
 - Administrative Commission for Churches Concluding Ministry
 - Administrative Commission for Oak Forest
- CA 4. THAT the minutes of the ordination of the following be placed into the record of Presbytery:**
 - Maxwell Michaels

- CA 5. THAT the minutes of the installation of the following be placed into the record of Presbytery:

Elizabeth Newman

**RECOMMENDATIONS 1- 2 FROM THE
NOMINATING/REPRESENTATION COMMITTEE REPORT**
(See Nominating/Representation Committee Report (I)
for contents of recommendations)

- CA 1. **Finance Committee**
Herbert “Hub” Hickson (Gastonia, First) (D) Class of 2025
- CA 2. **The Nominating/Representation Committee places the following teaching elder commissioner in nomination to serve as a delegate for a three-year term (2023-2025) for the Stated Meetings of the Synod of the Mid-Atlantic:**
Rev. Dr. Becky B. Stanley (C)
265 Raventop Dr.
Pemrose, NC 28766
bckystanley@gmail.com

NOMINATING/REPRESENTATION COMMITTEE

Peggy Ferguson, Chair

April 25, 2023

The Nominating/Representation Committee presents the following nominations to fill the class of 2025 and other class vacancies. The next meeting of the committee will be May 20, 2023.

The Nominating/Representation Committee is responsible for filling the slate for each committee throughout the year. To this end, we are asking you to discern your wishes in regard to a Presbytery committee on which you would like to serve, or suggest someone for a committee of Presbytery.

It is important to note Presbytery by-laws which state, "Terms of committee members shall be for three (3) years, in equal classes, and no committee member shall serve more than two (2) consecutive terms. Ordinarily, a person may serve on only one Presbytery committee at any time."

To all of you, we give praise to God and our heartfelt thanks for your faithful service.

- CA 1. **Finance Committee**
Herbert "Hub" Hickson (Gastonia, First) (D) Class of 2025
- CA 2. **The Nominating/Representation Committee places the following teaching elder commissioner in nomination to serve as a delegate for a three-year term (2023-2025) for the Stated Meetings of the Synod of the Mid-Atlantic:**
Rev. Dr. Becky B. Stanley (C)
265 Raventop Dr.
Pemrose, NC 28766
bckystanley@gmail.com

FOR INFORMATION:

3. **THAT the Nominating/Representation Committee is in search of individuals to represent the Presbytery of WNC on synod committees and commissions. We are currently looking to fill vacancies at the synod level for the following:**
- Committee on Representation
 - Nomination Committee
 - Jubilee Fund Committee
- If you would be willing to serve on one of these committees, please contact Peggy Ferguson, Chair of the Presbytery Nominating/Representation Committee. (828/387-7223 or pegferg@yahoo.com)**

4. **THAT the Nominating/Representation Committee is in search of individuals to serve on the following committees of the Presbytery of WNC.**
- Nominating/Representation
 - Christian Education
 - Examinations
 - Committee on Ministry

APPENDIX C

K-1

**THE PRESBYTERY OF WESTERN NORTH CAROLINA
COMMITTEE ON PREPARATION FOR MINISTRY
THE REV. DWIGHT CHRISTENBURY, CHAIR
APRIL 25, 2023**

The Committee on Preparation for Ministry shares the following information with the Presbytery of Western North Carolina:

FOR YOUR INFORMATION:

- Erin Tolar, a member of the Grace Covenant Presbyterian Church, was certified ready to receive a call on March 15, 2023.
- Will Upchurch, a member of the Cherryville Presbyterian Church, was certified ready to receive a call on March 15, 2023.

Finance Committee
Tom Karvonen & Feild Russell – Co-Chairs
April 25, 2023

For information only the Finance Committee presents:

- ◆ The ‘Operating Budget Summary’ of the Presbytery of Western North Carolina as of March 31, 2023, BB-2.
- ◆ The ‘Operating Budget Summary’ of the Presbytery of Western North Carolina as of December 31, 2022, BB-3.
- ◆ A portion of the 2022 audited financial statements, BB-4 thru BB-8.

For the complete financial statements contact the Presbytery office at 828/438-4217 or lpressley@presbyterywnc.org

APPENDIX D

BB-2

PRESBYTERY OF WESTERN NORTH CAROLINA OPERATING BUDGET SUMMARY AS OF MARCH 31, 2023

ACCOUNT	2023 ANNUAL BUDGET	2023 YTD BUDGET	2023 YTD ACTUAL	% OF Annual Budget	2022 YTD ACTUAL	2021 YTD ACTUAL	2020 YTD ACTUAL	2019 YTD ACTUAL	2018 YTD ACTUAL
INCOME:									
Unified Giving from churches	\$695,431	\$173,858	139,214	20.0%	170,937	205,577	149,827	220,274	\$159,632
Work of Presbytery only-churches	2,750	688	0	0.0%	625	0	0	0	1,000
Other income	23,000	5,750	5,475	23.8%	7,970	4,455	5,250	10,061	6,500
Anticipated Grants/Income	5,000	1,250	5,000	100.0%	5,000	5,000	5,000	0	0
Designated Proceeds for NWC	45,000	11,250	11,250	25.0%	15,183	0	0	4,880	9,840
Income from Investment(5%)	185,061	0	0	0.0%	0	0	0	0	0
Recovery-Admin Commission/Legal	10,000	2,500	0	0.0%	0	1,791	2,900	0	0
TOTAL INCOME	\$966,241	\$195,295	\$160,939	16.7%	\$199,715	\$216,823	\$162,977	\$235,215	\$176,972
EXPENSES:									
General Assembly Per Capita/Unified Giving	\$165,000	\$41,250	33,030	20.0%	39,463	45,943	32,959	47,734	\$34,953
Synod Per Capita	14,944	3,736	2,992	20.0%	3,722	4,477	3,193	3,441	2,499
Institutions & Agencies	4,000	1,000	801	20.0%	1,196	1,392	999	1,447	1,028
Outreach/Mission Development	\$45,900	11,475	3,600	7.8%	2,225	2,250	4,446	6,599	900
Congregational Development	25,829	6,457	4,742	18.4%	4,742	4,867	5,445	11,350	13,366
Artisan NWC	45,000	11,250	11,250	25.0%	15,183	0	0	0	0
Leadership Development	5,800	1,450	935	16.1%	(470)	19	(382)	1,269	450
Youth Ministries	16,950	4,238	(613)	-3.6%	2,489	1,411	7,608	10,787	7,704
Committee on Ministry	3,600	900	207	5.7%	86	217	727	655	1,011
Preparation for Ministry	3,400	850	1,289	37.9%	49	677	804	904	210
General Council	3,500	875	750	21.4%	750	750	798	4,478	840
Nominating/Representation	525	131	0	0.0%	0	0	0	0	0
Finance	52,589	13,147	15,410	29.3%	12,728	12,908	14,428	15,193	14,713
Personnel	504,504	126,126	89,961	17.8%	110,995	111,030	97,461	112,825	122,877
Joint Outdoor Ministries	16,000	4,000	0	0.0%	8,000	8,500	8,500	5,000	5,750
Permanent Judicial	250	63	0	0.0%	0	0	3	0	3
Supplies, Equip,Serv/Comm	34,450	8,613	6,779	19.7%	7,026	7,153	8,374	9,183	7,086
Stated Clerk	12,000	3,000	747	6.2%	683	988	1,981	737	730
Administrative Commissions	2,000	500	88	4.4%	412	0	(1,569)	5,082	504
Legal Fees	10,000	2,500	0	0.0%	0	1,791	2,900	0	866
TOTAL EXPENSES	\$966,241	\$241,560	\$171,967	17.8%	\$209,278	\$204,372	\$188,676	\$236,685	\$215,490
NET INCOME/(LOSS)									
		(\$46,265)	(11,028)		(\$9,564)	\$12,451	(\$25,699)	(\$1,470)	(\$38,518)

APPENDIX D

BB-3

PRESBYTERY OF WESTERN NORTH CAROLINA OPERATING BUDGET SUMMARY AS OF DECEMBER 31, 2022

ACCOUNT	2022 ANNUAL BUDGET	2022 YTD ACTUAL	% OF Annual Budget	2021 YTD ACTUAL	2020 YTD ACTUAL	2019 YTD ACTUAL	2018 YTD ACTUAL	2017 YTD ACTUAL
INCOME:								
Unified Giving from churches	\$714,709	703,700	98.5%	750,633	747,869	773,296	\$756,855	\$787,720
Work of Presbytery only-churches	3,250	2,750	84.6%	4,000	3,250	2,500	\$6,250	4,250
Other income	24,200	25,889	107.0%	25,827	20,747	57,571	\$33,000	37,850
Anticipated Grants/Income	5,000	5,000	100.0%	5,000	5,000	0	\$0	1,500
Designated Proceeds for NWC	52,500	52,500	100.0%	32,500	0	11,103	\$34,041	35,060
Income from Investment(5%)	185,118	106,965	57.8%	58,652	0	84,141	120,354	110,832
Recovery-Admin Commission/Legal	10,000	295	3.0%	12,423	15,227	14,384	\$18,891	53,487
TOTAL INCOME	\$994,777	\$897,099	90.2%	\$889,035	\$792,094	\$942,994	\$969,391	\$1,030,699
EXPENSES:								
General Assembly Per Capita/Unified Giving	\$165,000	162,458	98.5%	167,755	164,515	167,577	\$165,723	\$174,694
Synod Per Capita	15,563	15,563	100.0%	16,077	16,084	11,895	\$12,152	12,094
Institutions & Agencies	5,000	4,923	98.5%	5,084	4,985	5,078	\$4,874	5,990
Outreach/Mission Development	\$40,750	47,739	117.2%	32,891	28,006	34,144	\$32,232	26,997
Congregational Development	26,079	20,968	80.4%	24,467	23,279	35,788	\$62,755	70,139
Lincolnton NWC	52,500	52,500	100.0%	32,500	0	0	0	0
Leadership Development	8,800	1,190	13.5%	1,605	(696)	639	\$504	6,032
Youth Ministries	23,860	14,661	61.4%	10,540	7,783	17,052	\$23,316	15,647
Committee on Ministry	9,200	2,099	22.8%	1,114	1,382	6,623	\$4,524	3,511
Preparation for Ministry	4,150	2,224	53.6%	3,006	2,744	5,043	\$4,989	4,948
General Council	3,741	4,000	106.9%	3,011	3,124	7,246	\$9,068	5,848
Nominating/Representation	525	14	2.7%	0	17	330	\$519	293
Finance	53,150	45,069	84.8%	49,097	46,264	55,181	\$67,375	63,506
Personnel	511,909	469,019	91.6%	476,193	400,313	482,160	\$489,361	511,613
Joint Outdoor Ministries	16,000	16,000	100.0%	17,000	17,000	20,000	\$23,000	25,000
Permanent Judicial	250	0	0.0%	0	3	0	\$3	0
Supplies, Equip,Serv/Comm	33,300	29,456	88.5%	29,386	40,448	39,229	\$37,509	36,221
Stated Clerk	13,000	7,409	57.0%	5,827	7,754	8,575	\$10,550	13,303
Administrative Commissions	2,000	1,513	75.6%	1,058	280	32,051	\$2,045	1,376
Legal Fees	10,000	295	3.0%	12,423	15,227	14,384	\$18,891	53,487
TOTAL EXPENSES	\$994,777	\$897,099	90.2%	\$889,035	\$778,513	\$942,994	\$969,391	\$1,030,699
NET INCOME/(LOSS)		(0)		(\$0)	\$13,581	(\$0)	(\$0)	\$0

Lowdermilk Church & Co., L.L.P.
Certified Public Accountants

121 North Sterling Street
Morganton, North Carolina 28655
Phone: (828) 433-1226
Fax: (828) 433-1230

Independent Auditors' Report

To The Presbytery of Western North Carolina
Morganton, North Carolina

Opinion

We have audited the accompanying financial statements of The Presbytery of Western North Carolina (a nonprofit organization), which comprise the statement of financial position as of December 31, 2022 and 2021, and the related statements of activities, functional expenses and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Presbytery of Western North Carolina as of December 31, 2022 and 2021, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of The Presbytery of Western North Carolina and to meet our other ethical responsibilities in accordance with the relevant ethical requirements to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management for the Audit of the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about The Presbytery of Western North Carolina's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not absolute assurance, and, therefore, is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of control. Misstatements, including omission, are material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

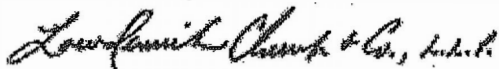
In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of The Presbytery of Western North Carolina's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about The Presbytery of Western North Carolina's ability to continue as a going concern for a reasonable period of time

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Supplementary Information

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The supplementary information, on pages 14-29, are presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements, and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements, or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the financial statements as a whole.



Morganton, North Carolina
April 6, 2023

THE PRESBYTERY OF WESTERN NORTH CAROLINA

BB-6

Schedule of Financial Position

December 31, 2022

	Without Donor Restrictions					With Donor Restrictions	
	General Fund	Restricted Fund	Loan & Grant Fund	Plant Fund	Total	Conley And Reid	Total All Funds
Assets:							
Cash	\$ 476,636	\$ (308,655)	\$ 237,500	\$ -	\$ 405,481	\$ 5,154	\$ 410,635
Receivables	521	-	-	-	521	-	521
Loans receivable	-	1,434,763	-	-	1,434,763	-	1,434,763
Investments	-	4,905,069	-	-	4,905,069	-	4,905,069
Property, plant and equipment at cost-net	-	-	-	360,482	360,482	-	360,482
Total assets	<u>\$ 477,157</u>	<u>\$ 6,031,177</u>	<u>\$ 237,500</u>	<u>\$ 360,482</u>	<u>\$ 7,106,316</u>	<u>\$ 5,154</u>	<u>\$ 7,111,470</u>
Liabilities and Net Assets:							
Benevolences payable	\$ -	\$ 4,436,713	\$ -	\$ -	\$ 4,436,713	\$ -	\$ 4,436,713
Accounts payable and payroll withholdings	6,074	-	-	-	6,074	-	6,074
Total liabilities	<u>6,074</u>	<u>4,436,713</u>	<u>-</u>	<u>-</u>	<u>4,442,787</u>	<u>-</u>	<u>4,442,787</u>
Net assets							
Without donor restrictions:							
Undesignated	459,283	1,554,052	-	360,482	2,373,817	-	2,373,817
Board designated	11,800	40,412	237,500	-	289,712	-	289,712
With donor restrictions	-	-	-	-	-	5,154	5,154
Total net assets	<u>471,083</u>	<u>1,594,464</u>	<u>237,500</u>	<u>360,482</u>	<u>2,663,529</u>	<u>5,154</u>	<u>2,668,683</u>
Total liabilities and net assets	<u>\$ 477,157</u>	<u>\$ 6,031,177</u>	<u>\$ 237,500</u>	<u>\$ 360,482</u>	<u>\$ 7,106,316</u>	<u>\$ 5,154</u>	<u>\$ 7,111,470</u>

APPENDIX D

THE PRESBYTERY OF WESTERN NORTH CAROLINA

BB-7

Schedule of Revenue and Expenses Compared to Budget - General Fund
For the Year Ended December 31, 2022
(With Comparative Totals for the Year Ended December 31, 2021)

	2022		Over (Under)	2021
	<u>Budget</u>	<u>Actual</u>	<u>Budget</u>	<u>Total</u>
<u>Revenue</u>				
Presbytery support:				
Unified giving	\$ 529,146	\$ 520,755	\$ (8,391)	\$ 561,718
Total (page 15)	<u>529,146</u>	<u>520,755</u>	<u>(8,391)</u>	<u>561,718</u>
Program receipts and other income:				
Receipts to support legal fund	10,000	295	(9,705)	12,423
Synod support for HAE	5,000	5,000	-	5,000
Designated proceeds	64,500	64,425	(75)	45,955
Church receipts PWNC only	3,250	2,750	(500)	4,000
PWNC only individuals	12,200	13,845	1,645	12,250
Interest		120	120	122
Transfer from other funds	<u>185,118</u>	<u>106,965</u>	<u>(78,153)</u>	<u>58,652</u>
Total	<u>280,068</u>	<u>193,400</u>	<u>(86,668)</u>	<u>138,402</u>
Total revenue	<u>\$ 809,214</u>	<u>714,155</u>	<u>(95,059)</u>	<u>700,120</u>
<u>Expenses</u>				
Congregational development division	\$ 78,579	73,467	\$ 5,112	56,967
Outreach division	40,750	47,739	(6,989)	32,891
Leadership development division	8,800	1,190	7,610	1,605
Youth ministries	23,860	14,661	9,199	10,540
Administration division	565,059	514,088	50,971	525,291
Special division	16,250	16,000	250	17,000

APPENDIX D

BB-8

Schedule of Revenue and Expenses Compared to Budget- General Fund (continued)

	2022			
	<u>Budget</u>	<u>Actual</u>	Over (Under) <u>Budget</u>	2021 <u>Total</u>
Book of order division	\$ 3,741	\$ 4,000	\$ (259)	\$ 3,011
Nominating/representation division	525	14	511	-
Ministry division	13,350	4,323	9,027	4,121
Office support division	<u>58,300</u>	<u>38,672</u>	<u>19,628</u>	<u>48,695</u>
Total expenses (page 23)	<u>\$ 809,214</u>	<u>714,155</u>	<u>95,059</u>	<u>700,120</u>
Excess revenue over (under) expenses per budget		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

APPENDIX E

FF-1

Personnel Committee Report

Rev. Connie Button, Chair

April 25, 2023

We give thanks to God for the dedication, enthusiasm, and faithful service of all our staff in the first quarter of 2023 to the Presbytery, which serves 94 congregations in 23 counties.

Your Personnel Committee has been hard at work with the help of Presbytery Staff to fill three Presbytery Associate positions, Guatemala Partnership Coordinator, and to secure a new position of Director of Communications. (Attachment FF-1). There will be a time of orientation for our new staff members on April 26, 2023. They will begin their time of service to the Presbytery by May 1, 2023.

We have also completed and received approval from the General Council for the review and update of the PWNC Personnel Manual which had not been updated since 2006. Each new Staff member receives a copy, and present Staff will receive one as well.

Submitted by Connie Button, Chair, PWNC Personnel Committee



APPENDIX 1

NEW PWNC

STAFF MEMBERS

oooo



We are blessed to have new Presbytery staff members! Each of these persons have impressive gifts and skills, and a commitment to work for the Presbytery. And most importantly, to work with you! The associates will be working in specific geographical regions of the Presbytery with the main purpose of building relationships with pastors and congregations, and providing training opportunities (mission studies, PNCs, etc.).

In addition, you will have the opportunity to meet everyone at our Presbytery meeting in Montreat on April 25th. Please make sure you introduce yourself to them!



Tom Phillips

Presbytery Associate



Schaap Freeman

Presbytery Associate



George & Beverly Thompson

Presbytery Co-Associates



Sarah Robinson

Guatemala Partnership Coordinator

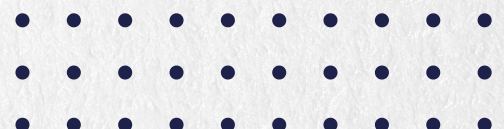


John Pea

Director of Communications



www.presbyterywnc.org





JOHN THOMAS (TOM) PHILLIPS, PRESBYTERY ASSOCIATE FOR CLUSTERS A & C

I was born and grew up and received my primary education in education Mills River, NC where my family was very active in the Mills River Presbyterian Church. We were very much a rural family and raised much of our own food with our own cow for milk (and yes, I milked her from age 9) and raised pigs, chickens and a huge garden. It was an idyllic childhood which I did not appreciate until I was an adult.

I received my first call to ministry as a young teen and quickly dismissed such an absurd idea – don't make God laugh unless you are prepared for the consequences! My second call was as a senior in high school and could NOT be ignored and was received into the former Asheville Presbytery as a Candidate for Ministry at age 18. I attended Brevard College for two years and graduating from Gardner Webb College in 1974. My wife of 49 years (Karen) and I were married in 1974 and went off to Columbia Theological Seminary together, in the fall of 1974. I graduated with my MDiv 1977.

I have been blessed to have served in four churches over the course of my ministry and was further blessed to know and work with talented, giving and forgiving women and men over 41 years of ministry.

We retired in the fall of 2018 and moved back to Mills River and to be near family. After following me for a lifetime in 4 different churches we decided that Karen would choose our retirement church. So I currently attend Etowah Presbyterian Church where Karen is an member and a newly elected, first time Elder.

We have two married daughters, the oldest with her husband and our only granddaughter Isla, lives in Ontario Canada. Our second daughter lives with her husband in nearby Pisgah Forest with a grand dog. We are enjoying retirement and I enjoy traveling, walking/hiking and working out of doors.

I look forward to working with churches in the Presbytery in my assigned area as needed/wanted and hope over the year to visit most of them at least once.

SCHAAP FREEMAN, PRESBYTERY ASSOCIATE FOR MADISON, BUNCOMBE, MCDOWELL, BURKE & CALDWELL COUNTIES

Rev. Schaap Freeman earned a B.A. in Economics at Davidson College and worked in banking in Charlotte, NC prior to attending Columbia Theological Seminary.

She has served congregations and ministries in Charleston Atlantic Presbytery, Charlotte Presbytery, Providence Presbytery, the Presbytery of Greater Atlanta, Holston Presbytery, Abingdon Presbytery, and the Presbytery of Western North Carolina. Schaap has also served the church in retreat settings as a keynote speaker, conference chaplain, workshop leader, and worship leader. Rev. Freeman lives in Black Mountain, NC where she enjoys trail running and hiking. (Pronouns: She/Her/Hers)

GEORGE & BEVERLY THOMPSON, PRESBYTERY CO-ASSOCIATES FOR CATAWBA, LINCOLN & GASTON COUNTIES

The Rev. Dr. George B. Thompson, Jr. George has served in a pastoral role with several congregations over the years. For 14 years, Thompson was Professor of Leadership and Ministry Practice at the Interdenominational Theological Center in Atlanta. His Ph.D. dissertation explores the dynamics of congregational decline and renewal. Among his several books are *How to Get Along with Your Church*, *How to Get Along with Your Pastor*, *Church on the Edge of Somewhere*, and—with Beverly Thompson—*Grace for the Journey: Practices and Possibilities for In-Between Times*. George's latest book was written for general audiences, *Welcome to the One Great Story! Tracing the Biblical Narrative from Genesis to Revelation*. With Beverly, he continues to provide coaching and training to pastors and churches.

The Rev. Dr. Beverly A. Thompson Beverly is a third-career pastor with experience in gerontology and hospice chaplaincy. She has served several congregations and is a certified spiritual director, earning a D.Min. degree in Spirituality. She and George served as the Missional Transformation Coaches in the Presbytery of Coastal Carolina for seven years. Beverly's writings include *A Spiritual Companion to 'How to Get Along with Your Church'*; she is co-author with George of *Grace for the Journey and Ready to Lead: Harnessing the Energy in You and Around You*. Beverly provides Sacred Circles and grief share groups via Zoom and in person. They live in Black Mountain NC.

SARAH ROBINSON, GUATEMALA PARTNERSHIP COORDINATOR

Sarah Robinson Bryan is originally from Columbia, SC but spent 10 years in Asheville, NC before moving to Lake Atitlan, Guatemala with her family in 2019. Sarah's love for Guatemala started in 2006 when she served for a year as a Young Adult Volunteer with the PC(USA). She lived with a host family in Coatepeque and served with the Presbyterian Women's groups in the Presbytery of Sur Occidente. With her husband and 2 young boys, she travels regularly from Guatemala to NC and is looking forward to supporting the Guatemalan Partnership in both places.

JOHN PEA, DIRECTOR OF COMMUNICATIONS

John Pea takes on the new position of temporary director of communications for the Presbytery. Pea serves as commissioned pastor for Robinson Memorial Presbyterian Church in Gastonia, a role held since graduating from the Church Leadership School in 2015. He served on the Committee of Ministry for nine years including three as moderator and two as vice moderator. He currently serves on the Committee on Preparation for Ministry and was a commissioner to the 222nd General Assembly. He has been both a broadcast and print journalist since 1980 including leading newsrooms at three newspapers, including 10 years as editor of The Gaston Gazette.



SYNOD OF THE MID-ATLANTIC 251st ASSEMBLY HIGHLIGHTS UNION PRESBYTERIAN SEMINARY

An amazing planning team contributed to an impactful Hybrid Synod Assembly held on Union Presbyterian Seminary Campus, March 10-11, 2023. The Team included WD Hasty, Moderator Addie Peterson, Stephen Scott, and Vice Moderator David Cho. But when one adds Cindy Kohlmann, Connectional Presbyter (NEW) who staged and provided technical support, and Preacher and Presenter Cesar Carhuachin, March Madness had nothing on this Dream Team. The synod is blessed to have such talented leadership who willingly promote the mission of the Presbyterian Church (USA).



LAND ACKNOWLEDGEMENT: The Synod Stated Clerk challenged the assembly to move beyond simple land acknowledgement to the next action step of repair and to provide reparation for Native American church properties. In October 2022, twelve Synod Executives traveled to Utah, New Mexico and Arizona to view the buildings, churches and sacred land. The 223rd General Assembly called upon the Presbyterian Mission Agency to document the physical needs of all Native American church properties and create a fund for repairing those churches. The result documented that approximately \$5.5 million dollars in repairs are needed to various churches. A Native American and Native Alaskan Fund <https://www.presbyterianfoundation.org/nativeamericanchurches/> held at the Presbyterian Foundation has been established for funding the effort to rebuild. The 225th General Assembly (2022) took action on Directing the Office of the General Assembly to Issue Apologies and Reparations for the Racist Closure of the Memorial Presbyterian Church, Juneau, Alaska. This action includes the reparation of \$220,000 to the Native American and Native Alaskan Fund which will be received from the PMA in 2023. Commissioners, Churches and Presbyteries are encouraged to contribute to the fund using the link above.



WORSHIP AND COMMUNION: Vice Moderator David Cho introduced Rev. Dr. César G. Carhuachín, Mission Co-Worker in Baranquilla, Colombia at the School of Theology, Reformed University of Colombia as the preacher. The sermon was titled “Mission and Poverty.” The Assembly was reminded of the missionary journeys of Barnabas and Mark to Cypress and Asia Minor and also how the Holy Spirit guided them to Macedonia. César is on a seven-month interpretation assignment in the United States which will allow him and his wife (Dania) to visit churches, presbyteries, synods and other groups to share the work they are doing in Colombia, South America. The Lord’s Supper was observed.



SMALL GROUP DISCUSSION: During the Hybrid Assembly, Commissioners, Corresponding Members and Guests had several opportunities to participate in small group discussions in response to the five plenaries; even those on zoom, vigorously engaged in dynamic discussions. During plenary one and two, Dr. Alonzo Johnson, Coordinator for the PCUSA Self Develop of People Program, challenged all to explore ways that Matthew 25 intersects with the Poor People’s Campaign.



The Synod and the Presbyterian Mission Agency previously drew on the knowledge and expertise of Dr. Liz Theoharis, Co-Chair of the National Poor People's Campaign in order to connect the dots. Dr. Theoharis was the key-note presenter during the 250th Synod Assembly last September. Alonzo's power packed an information filled presentation; it used professional and personal stories to illustrate how poverty connects to justice and how racism intersects with poverty. His guiding questions for breakout group discussions included (1) When you heard the word "Poor" for the very first time, what did it mean to you; and (2) Where do you see Christ among the poor? One commissioner raised a question during plenary as to what can the CHURCH do beyond discussion of these issues to impact laws and public policies? One way is to register and attend Ecumenical Advocacy Days which will focus on bringing about a more peaceful world. "Swords into Plowshares: Achieving Enough for All & Pursuing Peace" is the theme of the April 25-27 conference, [Presbyterian Office of Public Witness](#) in Washington, D.C.

PLENARIES THREE AND FOUR provided a deep dive into Matthew 25. David Eunil Cho and WD Hasty



delivered an eye-opening presentation on the Demystification of Matthew 25. Too many Presbyterians view the Vision of Matthew 25 as a political movement of the Left and because of this misguided understanding, resistance results. Some churches and presbyteries are already doing Matthew 25 work, but don't realize it. David and WD went to extreme measures to state what Matthew 25 is NOT! They provided conversation and strategies to implement Matthew 25 into churches and presbyteries. Three myths illustrated were (1) Matthew 25 is a Liberal and Political Agenda: Matthew 25 comes from Matthew 25:31-46, The parable of the Sheep and Goats "Truly I tell you, just as you did it to one of the least of these brothers and sisters of mine, you did it to me". (2) Systemic Issues are Not Real: Do you believe there is systemic racism in America survey poll (Harris Poll – 2022) revealed that ¼ people did not believe and 53% white people were unconvinced that it existed. (3) We can never be Matthew 25 Churches for ??? Reasons: whether you identify as Matthew 25 or not, following God and doing what matters to God is a principle and calling, we've all been doing something that matters to God. This video and slides are posted on the website!

CELEBRATING MATTHEW 25: Dr. Cho highlighted stories and videos from churches and presbyteries

across the Synod that demonstrated the implementation of Matthew 25 and commissioners were captivated by them. CCC highlighted its Bilingual Youth Event, "When did we see you?" The program is providing workshops for youth to connect their passions with God. AKAP, Bethany Korean PC celebrates its Mission Team's building an indoor gym and multi-purpose center in Honduras for education and worship. SHE, Trinity PC celebrates its Step-by-Step and Brick by Brick- unearthing the walls of a building to find bricks that were originally laid by enslaved people, uncovering building's past and the history of those indigenous and enslaved people of the land. WNC celebrates eight Matthew 25 churches and the presbytery addressing poverty, affordable housing, healthcare, and early childcare grants. Grants will help establish and develop building living space, and properties to serve those with low incomes. EVA, Kings Grants PC celebrates its Hunger Ministry Team and educational programs that support various efforts to



dismantle racism. It feeds the hungry and advocates for the marginalized. NHO, St. Paul PC is less than 40 members situated in rural Franklin County NC. 20% of the children here live in food insecure families. Hunger is one of the first signs of poverty. Since March 2020, 35 bag lunches are provided for the homeless; it consistently hosts full-service events that feed hundreds. In 2022, they served 5137 families that represented



- Building congregational vitality
- Dismantling structural racism
- Eradicating systemic poverty

www.presbyterianmission.org/ministries/matthew-25/

14,819 individuals. They have self-service facilities in two refrigerators in our walk-up pavilion that are on a 'take what you need basis'. The church has resumed serving hot meals once a week to 50 – 60 people

in Blessings Soup Kitchen. Synod of the Mid-Atlantic celebrates allocating \$150,000.00 to support presbyteries (a) Becoming a Matthew 25 Presbytery, and/or (b) Move Matthew 25 to the next level, or (c) Assist Churches to become Matthew 25. Black, Indigenously and People of Color Churches (BIPOC) are allocated \$52,500.00 to develop leadership skills. Many congregations in presbyteries are doing Matthew 25 work, but have not formally embraced being Matthew 25. We wait for other churches to fully embrace the Vision of the Presbyterian Church USA to share your stories.

PLENARY FIVE: Mission Co-Worker César Carhuachín shared an international perspective on poverty from the ministry which he serves. Steps away from the Reformed University where he teaches, he comes face to face with some of Columbia's most marginalized people. He encounters Venezuelan refugees who seek to survive by selling candy on the streets. The United Nations estimated that 3.4 million Venezuelans have fled their homeland, where political repression has created severe economic hardship and shortages of food and medicine. Carhuachín expounded on biblical themes such as neighbor love and God's concern for impoverished people. Beyond the Barranquilla campus, he puts the teaching into practice among the refugees. He engages them on the streets and in their homes, in his home and in Columbia's Presbyterian congregations. According to the United Nations, the highest number of Venezuelan refugees-more than 1 million- are living in Columbia.



SCHOLARSHIPS: Emails have been received from college/seminary recipients from the 251st Synod Assembly. *"Thank you so much! I am thrilled to know that this support will continue. It is very much appreciated. I will also mail a thank-you note to the Grants Committee."* *"I am so excited!!! The note will be coming shortly."* *"I am sincerely honored to have been selected as the recipient of the Euler scholarship 2023-24. Thank you for your generosity, which will allow me to concentrate more on my studies and fulfill my calling to the Christian ministry."* Stultz and Euler Scholarships awarded \$31,000 to students enrolled in PCUSA colleges and seminaries. They included Rien Freeman (SAL- \$5,000.00), Joshua Gilhart (BAL - \$7,000), Kanyugi Gichuki (JAM - \$7,000), Andrew Hall (NAT - \$6,000), and Donna Graves (EVA - \$6,000).



SMALL CHURCH GRANTS: Totaled \$20,000 and enabled the following churches to address important mission projects: Anderson Memorial (ABI) was awarded \$5,000 for Handicap Accessibility; Hamilton PC (BAL) was awarded \$5,000 for flooring replacement; Reid Memorial PC (SAL) was awarded \$5,000 to replace an HVAC system; and Sweetwater PC (WNC) was awarded \$5,000 for steeple/roof repairs.

KATE B. RENOLDS TRUST: Totaled amount awarded was \$665,765.06. 446 Honorably Retired Ministers in North Carolina Presbyteries each received a distribution of \$1,492.75.

FINANCES: Synod 2022 revenue and expenses were in line with the budget. The Assembly approved the following: (a) Automobile reimbursement was increased to 65.5 cents/mile. (b) Granted \$20,000.00 to AKAP for expenses associated with legal matters. (c) Amended the 2023 budget by \$10,000 to provide for communications/publications costs. (d) Synod per capita rate remains at \$1.15 for 2024. (e) A future discernment discussion be held during Assembly regarding possible per capita increases.

NOMINATIONS: Presbyteries are asked to ensure that your presbytery is represented on synod committees and commissions. The following leadership was approved: WD Hasty and Felicia Hoyle are Administration Committee Co-chairs; Amanda Pine and Cassandra Thomas are Emerging Ideas Co-Chairs, and Tom Holden and George Hall are Committee on Representation Co-Chairs.

Committee Vacancies include:

- Committee on Representation NAT, BAL, SAL and WNC
- Jubilee Fund Committee PEA, WNC, and JAM
- Nomination Committee BAL, PEA, WNC
- Synod Permanent Judicial Commission PEA

SYNOD EXECUTIVE/CLERK: Female Executives and Stated Clerks were recognized for Women's History Month. ABI and BAL are in compliance with synod standing rules. Synod leadership participated in a consultation with AKAP and Office of the General Assembly concerning remedial complaint and civil case. Presbytery updates: ABI – is a Matthew 25 mid-council; NHO - Bruce Grady, Executive Presbyter; NAT - David Baer Stated Clerk; NEW - Gifted the synod with \$30,000; JAM - Steven Hicks, Stated Clerk; SAL - Formed Executive Search Committee. There are nine civil cases that synod is named as a defendant. Presbyterian Leader Formation includes Floretta Watkins, Elyse Hicks and Bruce Grady and synod pays \$1,500 annually for the three-years. SPJC has three remedial complaints. Executive Committee addressing ministry areas: (1) To Enhance Leadership Skills among Committee Chairs; (2) To Develop a Comprehensive Marketing and Communications Plan. (3) To Address Organizational and Structural Changes necessary so that Matthew 25 might flourish across the region.

REMINDER: Every commissioner represents a particular presbytery. Commissioners are the presbytery's access to the work and mission of the synod. Assembly meets twice annually. Commissioners are expected to report synod actions to the appropriate presbytery body following each assembly. Feel free to share this document with the appropriate bodies and churches across your presbytery. Both Word and or PDF copies are included! On behalf of all the commissioners, corresponding members and visitors to the 251st Synod of the Mid-Atlantic Assembly we extend immeasurable gratitude and appreciation to Moderator Addie Peterson and Vice Moderator David Cho for their incredible leadership. In addition, synod staff is ready to assist synod committees and presbyteries as needs arise. Reach out to us! Remember that Cindy Hollingshead's birthday is January 21st and Tami Scott's birthday is January 28th.



HOLD THE DATE: September 10-13, 2023, Massanetta Springs Campus/Conference.

ACRONYM KEY

Abingdon Presbytery	ABI	National Capital Presbytery	NAT
Atlantic Korean American Presbytery	AKAP	New Castle Presbytery	NEW
Baltimore Presbytery	BAL	New Hope Presbytery	NHO
Charlotte Presbytery	CHA	Peaks Presbytery	PEA
Coastal Carolina Presbytery	CCC	Salem Presbytery	SAL
Eastern Virginia Presbytery	EVA	Shenandoah Presbytery	SHE
James Presbytery	JAM	Western North Carolina Presbytery	WNC



PRESBYTERIAN WOMEN OF THE PRESBYTERY
OF WESTERN NORTH CAROLINA
MODERATOR'S REPORT

APRIL 25, 2023

Presbyterian Women of PWNC held a successful Spring Gathering on April 22, 2023 at First Presbyterian Church, Gastonia. We are grateful to Coleman Efird, PW Moderator, Gloria Hickson, Gathering Coordinator, and everyone at First Church, Gastonia, for the welcome.

PW business conducted included accepting the Treasurer's report and approving the 2024 PW Budget. The PW Faith Foundation award went to Mills River PW to assist in providing meals for Transformation Village and to the Brevard-Davidson River PW for their greeting card program which earns money for a non-profit preschool. A PW scholarship was awarded to Sarah Shiflet, a lifelong member of First Presbyterian, Gastonia. The Guatemala Microloan Task Force reported on continued work with Guatemalan women in funding microloans and providing entrepreneurship opportunities. New officers were installed, and women who entered the Church Triumphant in the past year were remembered. The recipient of the Spring Gathering Offering was "Off the Streets," a Gastonia program providing shelter and counseling for women suffering from addiction and abuse.

Our guest speaker was the Reverend Margaret LaMotte Torrence.

As part of my responsibilities in the Synod of the Mid-Atlantic, I chaired the Synod Scholarship Committee. We awarded scholarships of \$2500 each to three seminary students at Union, Richmond, Louisville, and Dubuque,

Corise H. Gambrell, Moderator

PW PWNC

APPENDIX H

STATED CLERK ATTACHMENT 1

West Asheville Presbyterian Church: As previously reported, the AC authorized use of the fellowship hall as an emergency shelter in conjunction with Counterflow and three other churches (Trinity United Methodist, Grace Covenant Presbyterian, and Grace Episcopal) from mid-December 2022 through March 2023. In the meantime, the AC has received a contracted report from the Wesley Community Development Corporation assessing the physical condition of the property. The AC endorsed the report's findings that "Given the age of the building, deferred maintenance, and investment within the district, it is very likely the cost of any meaningful rehabilitation of the property will outweigh the market value of the building."

Accordingly, the AC has determined to begin preparing for the eventual demolition of the facility, restricting any maintenance or upkeep expenses to the bare minimum required for safety and liability. With this change of direction, Don Hawkins has indicated that he will step back from participation on the AC. Thus, the AC is asking the General Council to reorganize it to include at least one or two members who may be well suited to the next phase of its work as it continues to seek a shared lens around racial equity, exploring inviting community partners into the decision-making process for the property's future use. Arrangements continue with daily presence of caretaker at the building to ensure its well-being.

Respectfully submitted,
Marcia Mount Shoop and Patrick Johnson, Co-chairs

Churches concluding their Ministry: This AC currently has oversight of the properties of the former John Knox Presbyterian Church in Shelby and the former Conley Memorial Presbyterian Church in Marion. An Option Agreement has been made with Preservation North Carolina (PNC) for the disposition of the John Knox property in a manner that preserves its historical integrity. In the meantime, a leasing arrangement with a local congregation has been arranged while a buyer for the property is sought. At Conley Memorial, conversations are continuing with a congregation that may have an interest in the property for its ministry in the area.

Respectfully submitted,
Steve Brittain, Chair

Oak Forest Presbyterian Church: This AC has had two meetings since the previous presbytery meeting, at the first of which James Aydelotte was elected as chair. The AC has also organized two meetings led by some of the AC members with persons who have an interest in helping to form a cemetery association for perpetual care of the cemetery on the church property. The AC has voted that the church's trust funds that are being liquidated will be transferred to such a cemetery association for its long-term maintenance. In addition, the AC is recommending to the presbytery that the portion of the church property that comprises the cemetery be conveyed without cost to the cemetery association once it is properly established. The AC has also asked the General Council to consider (within the next 6 months) whether it believes developing a new ministry on this site is viable. At the same time, the AC is proceeding with getting estimates regarding what the property might sell for as is, as well as estimates of what the cost of demolition and creation of several housing lots for sale might be.

Respectfully submitted,
James Aydelotte, Chair

APPENDIX I

MINUTES OF THE PRESBYTERY COMMISSION TO (ORDAIN AND) INSTALL

(Return immediately to Presbytery Stated Clerk)

Rev./Ms./Mr. Maxwell Michaels

As Pastor of the N/A Church(es)

The Commission, according to the appointment of Western North Carolina Presbytery met at the

New Hope Presbyterian Church at 3:40 AM/PM on _____, 20____.

Present were: Ministers

Rev. Dr. Byron Wade Rev. Christopher Vogado Rev. Richard Boyce
Rev. Dana Seiler Rev. Dr. David Roquemore Rev. Carrie Winebrenner

Elders

Risa Brandon Steven Michaels
Jean Piercy

Ministers/Elders invited by Presbytery to serve on the Commission:

A quorum was present, and the meeting was opened with prayer, led by the Presbytery appointed Moderator,

Rev. Dr. Byron Wade Rev. Carrie Winebrenner was elected/appointed to serve as Clerk.

The assigned parts and the Order of Worship were reviewed, and a motion was made and passed that the worship service be approved as carrying out the Commission's assigned responsibilities.

In the service of worship that followed, Risa Brandon assisted in the leadership of worship;

Rev. Dr. Richard Boyce preached the sermon "Forgetting the Bread" from the text Mark 8:14-21;

Rev. Dr. Byron Wade and Rev. Dana Seiler reminded the congregation of the meaning of this service and proposed the Constitutional questions to the minister; N/A proposed the Constitutional questions to the congregation.

These being answered in the affirmative Maxwell Michaels was (ordained with prayer and the laying on of hands, and) installed as pastor of the First Presbyterian Church(es) agreeably to the Word of God and the Book of Order.

The charge to the pastor was delivered by Rev. Carrie Winebrenner, and to the congregation by Rev. Christopher Vogado. The newly installed pastor pronounced the benediction.

Following the service, the Commission reconvened, read and approved the minutes, and adjourned with prayer, led by Rev. Dr. David Roquemore, or a motion was made, and approved, to let the moderator and clerk approve the minutes and be adjourned with the benediction.

Moderator

Byron Wade

Clerk

Carrie Winebrenner

APPENDIX J

MINUTES OF THE PRESBYTERY COMMISSION TO ~~(ORDAIN AND)~~ INSTALL (Return immediately to Presbytery Stated Clerk)

Rev. ~~XXXX~~ Elizabeth Newman

As Pastor of the Bryson City Presbyterian Church(es)

The Commission, according to the appointment of Western North Carolina Presbytery met at the
Byron City Presbyterian Church at 10:30 AM/~~PM~~ on April 23, 20 23.

Present were: Ministers Cam Murchison, Billy Robinson, Jamie Dale

Elders Sarah Thornburg, Collin Caldwell, Edi Cole, Allee Williams

Ministers/Elders invited by Presbytery to serve on the Commission:

A quorum was present, and the meeting was opened with prayer, led by the Presbytery appointed Moderator,
Cam Murchison. Edi Cole was elected/appointed to serve as Clerk.

The assigned parts and the Order of Worship were reviewed, and a motion was made and passed that the worship service be approved as carrying out the Commission's assigned responsibilities.

In the service of worship that followed, Edi Cole and Allee Williams assisted in the leadership of worship;
Cam Murchison preached the sermon The Strange Providence of God from the text Gen 45:1-15; Rom. 8:28-39
Sarah Thornburg reminded the congregation of the meaning of this service and proposed the Constitutional questions to the minister; Collin Caldwell proposed the Constitutional questions to the congregation.

These being answered in the affirmative Elizabeth Newman was ~~ordained to the office of the~~ XXXX
~~XXXX~~ installed as pastor of the Bryson City Presbyterian Church(es) agreeably to the Word of God and the Book of Order.
The charge to the pastor was delivered by Billy Robinson, and to the congregation by
Jamie Dale. The newly installed pastor pronounced the benediction.

~~Following the service the Commission met and approved the minutes of the service and the order of worship as presented by~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ a motion was made, and approved, to let the moderator and clerk approve the minutes and be
adjourned with the benediction.

Moderator S. Cam Murchison

Clerk Edi Cole

22-O — G-3.0106

GENERAL PRINCIPLES OF COUNCILS

G-3.0106 ADMINISTRATION OF MISSION (HSB-05 9)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-3.0106 in the Form of Government be amended as follows?

(Added text is in *italics*.)

“G-3.0106 Administration of Mission

Mission determines the forms and structures needed for the church to do its work. Administration is the process by which a council implements its decisions. Administration enables the church to give effective witness in the world to God’s new creation in Jesus Christ and strengthens the church’s witness to the mission of the triune God.

Councils higher than the session may provide examples of policies and procedures that may be gathered into advisory handbooks. These examples illumine practices required by the Constitution but left to councils for specific implementation. Such handbooks may also offer information that enhances or secures the ministry of the particular council.

Each council shall develop a manual of administrative operations that will specify the form and guide the work of mission in that council.

All councils shall adopt and implement a sexual misconduct policy and a child and youth protection policy. *Each council’s policy shall include requirements for boundary training which includes the topic of sexual misconduct, and child sexual abuse prevention training for its members at least every thirty-six months.*”

Background and Rationale

This proposed amendment originated as a recommendation from the GA Health Safety and Benefits Committee as Recommendation 9 attached to the Survivors of Sexual Misconduct Task Force recommendations. The HSB committee concluded that the denomination needs to mandate boundary training and child protection training for all members of councils including sessions of congregations, presbyteries, synods and the general assembly.

The Assembly Committee on Health Safety and Benefits amended the original Recommendation 4 and then approved Item HSB-05 9, 36/2. The 225th General Assembly (2022) approved Item HSB-05 9, 351/24.

For the full report on HSB-05, go to <https://www.pc-biz.org/#/committee/3000084/business>.

22-T — W-3.0205

GATHERING

W-3.0205 CONFESSION AND FORGIVENESS (TWE-05 1)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall W-3.0205 in the Directory for Worship amended as follows?

(Added text is in *italics*.)

“W-3.0205 Confession and Forgiveness ...

“... Other actions may follow—a song of praise, such as ‘Glory be to the Father’ or ‘Glory to God’; a summary of the law or call to faithfulness; *the sacrament of baptism*; and the sharing of peace as a sign of reconciliation in Christ.”

Background and Rationale

The recommendations in TWE-05 are in response to the following referral: 2018 Referral: Item 14-02. On Amending Portions of the Directory for Worship. Recommendation 1.–10. The Assembly Referred Recommendations 1.–10. To the Presbyterian Mission Agency, Office of Theology and Worship—From the Presbytery of Santa Fe (*Minutes*, 2018, Part I, pp. 14, 17, 355–58 of the print copy, pp. 1198–1205 of the electronic copy). This amendment acknowledges the common practice of celebrating the sacrament of baptism early in the Service for the Lord’s Day while retaining the Reformed emphasis on baptism as a response to the Word.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly (2022) to disapprove Recommendation 1 of Item TWE-05. Recommendation 1 seeks to amend W-3.0205, a section in the Directory for Worship that describes confession and forgiveness as an element of the worship service. The proposed language would articulate the possibility that the sacrament of baptism might be administered following confession and proclamation of forgiveness in the worship service.

Although the language of this recommendation is clear and consistent with its intent, the ACC finds that it is unnecessary. Reformed theology commonly links Word and Sacrament as in W-1.0106, but W-3.0307 already provides for the sacrament of baptism to ordinarily be in response to the Word. It does not require that the sacrament only be administered at that time in the service.

The Assembly Committee on Theology, Worship, and Education approved Item TWE-05 1, 30/2. The 225th General Assembly (2022) approved Item TWE-05 1, 395/4.

For the full report on TWE-05, go to <https://www.pc-biz.org/#/committee/3000081/business>.

22-U — W-3.0409

SACRAMENT

W-3.0409 THEOLOGY OF THE LORD’S SUPPER (TWE-05 2)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall W-3.0409 in the Directory of Worship be amended as follows?

(Added text is in *italics*.)

“W-3.0409 Theology of the Lord’s Supper ...

“... The opportunity to eat and drink with Christ is not a right bestowed upon the worthy, but a privilege given to the undeserving who come in faith, repentance, and love. All who come to the table are offered the bread and cup, regardless of their age or understanding. If some of those who come have not yet been baptized, an invitation, *when appropriate*, to baptismal preparation and Baptism should be graciously extended.”

Background and Rationale

The recommendations in TWE-05 are in response to the following referral: 2018 Referral: Item 14-02. On Amending Portions of the Directory for Worship. Recommendation 1.–10. The Assembly Referred Recommendations 1.–10. To the Presbyterian Mission Agency, Office of Theology and Worship—From the Presbytery of Santa Fe (*Minutes*, 2018, Part I, pp. 14, 17, 355–58 of the print copy, pp. 1198–1205 of the electronic copy).

This amendment provides for gracious hospitality at the Lord’s Supper, emphasizes the theological connection between the sacraments, and underscores pastoral discretion in the invitation to baptism.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly (2022) to disapprove Recommendation 2 of Item TWE-05. This recommendation seeks to amend W-3.0409 to emphasize pastoral discretion regarding an invitation to baptismal preparation when persons who have not previously been baptized participate in the sacrament of the Lord’s Supper. The ACC finds that the proposed change has the potential to weaken the link between baptism and the Lord’s Supper. The use of “should,” rather than the mandatory “shall,” already provides latitude for pastoral discretion in determining the appropriateness of an invitation to baptismal preparation.

The Assembly Committee on Theology, Worship, and Education approved Item TWE-05 2, 30/2. The 225th General Assembly (2022) approved Item TWE-05 2, 395/4.

For the full report on TWE-05, go to <https://www.pc-biz.org/#/committee/3000081/business>.

**THE PRESBYTERY OF WESTERN NORTH CAROLINA
COMMITTEE ON MINISTRY
MR. JAMES TAYLOR, CHAIR
April 25, 2023**

FIRST SECTION

- I. RECOMMEND TO PRESBYTERY THE VALIDATION OF MINISTRY FOR:**
- A. Allen Proctor as Director of the Haden Institute through April 25, 2024.**
 - B. Carol Steele as Vice-President for Programs at Montreat Conference Center through April 25, 2024.**
 - C. Susan Verbrugge as Hospice Chaplain for Care Partners through April 25, 2024.**
 - D. David Bradley as Pastoral Counselor, Marriage and Family Therapist through April 25, 2024.**

SECOND SECTION

The Book of Order provides (G-3.0307) that the Committee on Ministry may be given authority by the Presbytery to find in order calls issued by churches, to approve and present calls for service of ministers, to approve the examination of ministers transferring from other Presbyteries, required by G-3.0306, to dissolve the pastoral relationship in cases where the Congregation and pastor concur, to dismiss ministers to other Presbyteries, and to approve administrative commissions to ordain/install with the provision that such actions be reported at the next stated meeting of the Presbytery. This permission was granted to our Committee on Ministry, most recently on October 26, 2019; therefore, the following actions are hereby reported and are to be admitted to the record.

I. APPROVED FOR TRANSFER OF MEMBERSHIP:

- A. HAROLD BENNETT**
To: Baltimore Presbytery
As: Pastor, Grove Presbyterian Church
Effective: January 8, 2023
- B. DANA SUTTON**
From: Presbytery of West Virginia
As: Member-at-Large
Effective: March 7, 2023
(COM Attachment 1 – Bio and Statement of Faith)
- C. LINDSAY JACARUSO**
From: Minnesota Valley Presbytery
As: Member-at-Large
Effective: March 7, 2023
(COM Attachment 2 – Bio and Statement of Faith)
- D. MICHAEL SHEPARD**
From: Redstone Presbytery
As: Honorably Retired
Effective: April 11, 2023
(COM Attachment 3 – Bio and Statement of Faith)

II. APPROVED TRANSITIONAL PASTOR RELATIONSHIP:

- A. Approved Transitional Pastor Agreement between Lance Perry and Waldensian Presbyterian Church and temporary membership of Lance Perry in PWNC.
May 23, 2023 - May 22, 2024.

III. APPROVED COMMISSIONED PASTOR RELATIONSHIPS:

- A. Peggy Koone and Union Mills Presbyterian Church
Extended: May 1, 2023 - April 30, 2024
- B. James Koone and Union Mills Presbyterian Church
Extended: May 1, 2023 - April 30, 2024
- C. Marla Patchel and Green Street Presbyterian Church
Extended: May 1, 2023 - April 30, 2024

IV. APPROVED THE DISSOLUTION OF PASTORAL RELATIONSHIPS:

- A. Tempe Fussell and Franklin First Presbyterian Church
Effective: March 17, 2023

V. APPROVED STATED PASTOR RELATIONSHIPS:

- A. Kitty Rankin Tompkins and Shiloh Presbyterian Church
Effective: January 1, 2023 - May 31, 2023
- B. Betsy Ray and Old Fort Presbyterian Church
Extended: January 1, 2023 - December 31, 2023
- C. Garland Honeycutt and Green Mountain Presbyterian Church
Extended: November 1, 2022 - October 31, 2023
- D. Christian Wingard and Dorland Memorial Presbyterian Church
Extended: January 1, 2023 - December 31, 2023

VI. APPROVED MINISTRY INFORMATION FORMS:

- A. Grace Covenant Presbyterian Church Associate Pastor
- B. Hickory First Presbyterian Church Associate Pastor

VII. APPROVED MISSION STUDY AND PERMISSION TO ELECT A PNC:

- A. Franklin First Presbyterian Church Pastor
- B. Hendersonville First Presbyterian Church Pastor

VIII. APPROVED AS MODERATOR:

- A. Royce Browder, Franklin First Presbyterian Church
- B. Bobbi White, Quaker Meadows Presbyterian Church

IX. APPROVE OCCASIONAL PASTOR RELATIONSHIP:

- A. Andrew Parkey
From: Abingdon Presbytery
As: Occasional Supply Pastor, Quaker Meadows Presbyterian Church
Effective: January 1, 2023 - December 31, 2023

X. APPROVED THE REQUEST FOR HONORABLE RETIREMENT

- A. Curtis Fussell
Effective: January 31, 2023
- B. Tempe Fussell
Effective: March 6, 2023

APPENDIX L

D-3

XI. APPROVED THE ADMINISTRATIVE COMMISSION FOR THE ORDINATION OF MAXWELL MICHAELS ON SUNDAY, FEBRUARY 26, 2023 AT NEW HOPE PRESBYTERIAN CHURCH, GASTONIA.

<u>Name</u>	<u>Responsibility on Commission</u>	<u>Min./Eld.</u>	<u>Church</u>
Byron Wade	Moderator/Preside	Minister	General Presbyter
Dana Seiler	Propound Constitutional Questions	Minister	Unity
Richard Boyce	Preach Sermon	Minister	PWNC
Risa Brandon	Lead in Worship	Elder	New Hope
<u>Guests</u>			
Chris Vogado	Charge the Minister	Minister	Salem Presbytery
Carrie Winebrenner	Charge the Minister	Minister	Whitewater Valley Presbytery

XII. APPROVED THE ADMINISTRATIVE COMMISSION FOR THE INSTALLATION OF ELIZABETH NEWMAN ON SUNDAY, APRIL 23, 2023 AT BRYSON CITY PRESBYTERIAN CHURCH, BRYSON CITY.

<u>Name</u>	<u>Responsibility on Commission</u>	<u>Min./Eld.</u>	<u>Church</u>
Cam Murchison	Moderator/Preside/Preach the Sermon	Minister	Stated Clerk
Sarah Thornburg	Propound Constitutional Questions	Elder	Asheville First
Collin Caldwell	Propound Constitutional Questions	Elder	Bryson City
Billy Robinson	Charge the Minister	Minister	PWNC
Jamie Dale	Charge the Congregation	Minister	PWNC
Edi Cole	Lead in Worship	Elder	Canton
Allee Williams	Lead in Worship	Elder	Warren Wilson

XIII. THAT the Committee on Ministry presents three (3) amendments to the Presbytery as part of their report for your consideration. (COM Attachment 4)

- 22-E (remove “honorably” before “retired.”)
- 22-I (12 weeks paid family leave in TOC)
- 22-Q (authorizes minimum requirements for severance in TOC)

APPENDIX ATTACHMENT 1

Faith Journey of an Accidental Pastor

Dana W. Sutton

Without going into all the details of my early life, I'll just say that I was raised by an active church-going Presbyterian mom and a lapsed Seventh-Day Baptist (yes, a real - and really small group not to be confused with Seventh Day Adventists) dad who mostly went to church with us, but probably would have preferred to stay at home most of the time.

In high school, a few events greatly shaped the course of my vocational journey:

- Participation in church youth groups, and especially in summer workcamps
- Going to a national youth ministry event (the 1980 Presbyterian Youth Triennium)
- Being asked to preach a sermon for youth Sunday
- Somewhat more embarrassing, especially when they announced over the school PA, being voted the "Outstanding Protestant Young Man of the Year" for the Mahoning Valley (Ohio).

All together, these were enough to convince both my mom and our pastor that I was destined - nay called - to ministry. With some hesitation, I enrolled at Louisville Presbyterian Theological Seminary with the intention of becoming... a lawyer. Yes, confusing, I know. The seminary part was an attempt to honor others, while the law school part seemed more like me. (And yet it wasn't, for a host of reasons). After two years of seminary (where I met and married my wife, Jean), I spent a semester and 3 days in law school, at which point God (in the form of questions, conversations with seminary friends and one "odd" law school professor, and an odd sort of "forcefield" I had to push through to enter the law school building) redirected me back to seminary. It was at this point that I began to sense at least a possibility of serving in ministry (possibility or inevitability??).

After graduation, my wife and I moved to the Chicago area where I served for three years as an Associate Pastor (Lombard Community Pres.). A couple years in, I began wondering once again how/whether I really "fit" in ministry. A solo backpacking trip and a nighttime encounter with the Mysterious pushed me to give it another try. Wanting to spend more time together (be careful what you ask for!), we sought a call as co-pastors, which took us to the Huntington, WV area where we stayed for 30 years in various ministries (12 years as co-pastors - both, 10 years in campus ministry - me, 18 years as a marriage and family therapist - Jean, 8 years as a leadership/ministry coach - me, and 2+ years as a transitional pastor - me). Our two sons, Aaron (29) and Carter (26) live in Richmond, VA.

Sensing a need for growth via "disruption," we recently moved to Candler, NC where I continue to work in coaching, while Jean pursues writing and other opportunities. We continue to experience a certain amount of disorientation after so many years in one place, but are enjoying the Asheville area and all it has to offer (including some good friends from way back in our seminary days). I look forward to opportunities to be more engaged in the Presbytery and to get to know folks here, as well as to experience whatever wonders God might yet have in store for this "accidental pastor."

APPENDIX ATTACHMENT 1

STATEMENT OF FAITH - Dana W. Sutton

Things I strongly, deeply, and somewhat confusedly believe to be True:

- God is love. (1 Jn. 4.8) In theory and in practice, God is most clearly understood and perceived through the power of love. At times, we are aware of this love as it powers the actions of people, both those aware and those unaware of God's being and purposes. At other times, we may be less aware that this love permeates every layer of creation, including some which may be beyond our comprehension. We call the results "miracles," and they are happening all the time, everywhere. The more we attune our minds, hearts, and actions to the power and presence of love, the more we enjoy life, the universe, and everything, and thus, too, do we become more and more a part of its flow and its play/work.
- Uniquely and thus scandalously (as well as completely mysteriously - Conf. of 1967 9.09), as testified by Holy Scripture, God became present in one of us – Jesus of Nazareth, a fully human, yet fully divine, yet fully human... being. Demonstrating the power of love to subvert other claims to power, Jesus healed, taught, welcomed, communed with, and died alongside – and for the sake of – people, every one of whom is a reflection, an image of this same Jesus/God. (2nd Helvetic Conf. 5.034, et. al.) In a confounding, redemptive act, he was raised to life once again so that his presence and love might forever empower and challenge those called to follow. Each follower of Jesus is invited to discern the reflection of Christ's image, not only as it looks in a mirror (the familiar), but also in the face of the other (the unfamiliar). Carefully and prayerfully considering – and especially valuing – the *differences* in those images helps us be open and attentive to the stranger in our midst, who is in every way, Christ. (Brief Statement of Faith 11.3)
- The Bible provides an account of God's efforts to make grace and good the "default" for our world. We continually interpret and learn from its guidance, including ways *to be* and ways *not to be* faithful followers.
- The church, a failed and failing human institution, is also an active, visible sign of God's presence and grace in our world. Always both at the same time. Called to be "salt and light" (Conf. of Belhar 10.5), we are called to witness (in spite of much evidence to the contrary) to that presence and that grace, and to follow Jesus into the work of reconciliation (Conf. of 1967 9.31) between one another and between us and God, peace, and justice for all — with a special emphasis on those with less privilege, power, and influence in our world. (Conf. of Belhar 10.7). To feed us for and remind us of this work, we are offered the sacraments as a sign and seal of God's claim on us and the Spirit's presence with us. (Larger Catechism 7.272)
- Each person gets to decide which is the more compelling, powerful message: that we are created in God's image, collectively part of the "good" that God proclaimed (Heidelberg Cat. 4.006), or that we each – symbolically and literally – fail to project that image, miss the target, sin, break. (Scots Conf. 3.03) Though I believe both are true, the first has a power to inspire, to raise up, and to bring deep and abiding joy to us and others. So I choose to believe that one more strongly than the second; that love has both the first and the last word.
- Always I hope to be: learning, enjoying, playful, hopeful, curious, both welcomed and welcoming, and sharing in the communities of which I'm part. I seek to offer gifts in ways that encourage, enlighten, and invite new awarenesses of grace in the world and in daily life. I have done so my entire life within the context of the Presbyterian Church, benefitting from both its structure and its flexibility (even while occasionally chafing at one or the other). I don't claim to know whether that is part of God's "providential plans" or merely a "happenstance of grace." But I believe God has been, is, and will continue to be involved in claiming and guiding us, our lives, and our work.

APPENDIX ATTACHMENT 2

Lindsay Jacaruso Brief Biography

I grew up a child of the church with pastors that invited me into the work and wonder of being the Church in the world. It was a safe space for me and a place where I relished the opportunity to greet new friends and cherish old friends of all ages and walks of life. I still believe there is no better way to build and stretch your heart than to invest in the community that is the church.

My pastors saw gifts for me in ministry before I had the sense to know what a call into ministry was, yet I learned quickly as the first church I walked into as a college student saw and nurtured those gifts in me as I developed and ran their youth program. From that moment onwards, I was on a journey in ministry.

I worked in downtown Memphis for a summer before starting seminary and learned of my call to love and serve the people who we do not see in many traditional church settings – people who are immigrant, outcast, poor, homeless, queer, native. This community is the part of my call that makes me a bridge builder – healing wounds the church has created and discovering opportunities to reconcile and make new ways of being a better church.

I served several churches and ministry settings in Austin, TX where I graduated from Austin Presbyterian Theological Seminary in 2013. I began my first ordained call as a resident minister at First Presbyterian Church in Ann Arbor, MI. Following that call I served as Associate Pastor for Mission, Young Adults, and Congregational Care at First Presbyterian Church in Burlington, NC. My most recent call had me in Mankato, MN serving as the head of staff at First Presbyterian Church where I got to enjoy using my gifts to create and innovate in church revitalization.

In October of 2022, my spouse Martin and I welcomed our son August, and we completed our move to Western North Carolina that is closer to some family and hosts a dream job for Martin at Western Carolina University in outdoor programs. This also fulfills our mutual dream of living in the mountains. I am taking my own sabbatical from full-time church ministry during this season while I learn to parent and settle into life in the mountains. I have applied to the Spiritual Direction Certification Program at Columbia Theological Seminary that I hope (upon completion) to put to good use in service of ministers and lay people alike in WNC. Additionally, I look forward to being a part of the presbytery, assisting with pulpit supply as my schedule allows, and reconnecting with some old colleagues and friends in the area.

APPENDIX ATTACHMENT 2

LJacaruso – Statement of Faith

I believe in a God who plays.

From the beginning of creation,

when the Spirit marveled over the possibilities.

Building trees like sandcastles and making oceans like splashing puddles -

God played, imagined, breathed creation into being from the creative being God is.

God continues to play creatively in the church and in the world, opening opportunities for us to respond faithfully to the loving imagination that propels the church forward as a beacon of a hope and proclaimers of God's peaceful and glorious reign.

I believe in a Jesus who moves.

Wandering from city to city with faithfully foolish disciples,

Turning tables, disturbing social orders, drawing lines in the sand.

Inviting the deaf and lame, the outcast and sinner,

to get up, take up mats, discard linens of death,

walk, wash, and proclaim the wonders of God.

Jesus cried out with the broken world,

bearing the weight of all sin as he was whipped, stripped and crowned with thorns.

With every created being etched on his heart, Jesus died.

Defeating all hell and sin and death, Jesus rose victorious and claimed a place for all God's beloved in the wonder of what lies ahead.

Jesus still moves - wanders in our midst and can be seen in the faces of the homeless and outcast,

in the body of the church at work in worship and mission. Jesus appears everywhere

God's people are called to fulfill the greatest commandment of love for one another.

I believe in the Holy Spirit who dances.

Meeting Job in a whirlwind, and parting seas for safe passage,

Letting God's beloved go through the furnace unharmed,

releasing a final breath in death on the cross,

and inspiring holy chaos in language and tongues of fire.

The Spirit dances on our hearts until we hear our calls to serve,

frolics through our worship that we might be in awestruck wonder of God, whispers through the searing pain of death promising a resurrection.

God plays and moves and dances.

God laughs and wonders and invites us to do the same. For it is in those moments where we are reminded,

of the beloved of God that we are.

So we come to worship as the Church - bent and broken and beautiful.

We find grace and belonging again and again as Baptism gives us sign and seal.

We humbly approach the table knowing Jesus calls us to Feast even when we are wretched cowards and sinners and hypocrites.

We open the Holy Book - pouring over the story that saves us every day.

And in these things, the haphazard gathering we call the Church begins to learn to play, to move, to dance, and to be - the hands and feet of Jesus in the world.

APPENDIX ATTACHMENT 3

Michael Shepard

Brief Biography (Faith Journey)

I graduated from college in 1973 with a General Elementary Teaching degree. At the time there were very few jobs available. So I began working at first at a nursing home as an Orderly. That job taught me compassion and care for the elderly. I learned so much about the workings of nursing care and about human need. My dad pushed me to do more and kept telling me I was wasting my degree. Yet no teaching jobs were available. I then took a job at Ciba Pharmaceutical Shipping department to make a little more money. The job was routine and boring, but it helped my wallet. During that time, I volunteered to be the Junior High Advisor at my local church. There my girlfriend (Marcia) and I worked with 2 different seminary students (who attended Princeton Theological Seminary). Both men encouraged me to go to seminary. I did not want to go back to school. I just couldn't bear the thought of studying and reading. One day while I was in prayer, I literally and figuratively, heard the voice of God speak to me. This came to me in April 1974. First, I got the message to marry Marcia. I responded, "I don't have a job, I couldn't support her." Again, it came "marry Marcia". When I accepted that statement I asked, "Lord what do you want me to do?" The response was "Go to Seminary". I said I didn't want to go back to school. I heard it again "Go to seminary" and after I said OK but you better be with me cause I can't do it myself. So I started the process, asked Marcia to marry me and we wed on May 17, 1975. I started Princeton Seminary the summer of 1975. I went to Princeton for 3 years, taking courses throughout the year including summers. All the while I kept seeking God's presence in my life to help me through the 3 years of school. My sense of Call came while working with the Junior High Youth of my church. It came through the encouragement of the many men and women I worked with, from my pastor, the session, the seminary students and the congregation.

I had worked a few years before I went to seminary, so I was able to put some money away to pay for the seminary education. I also got support from my local church through the scholarship money they provided to help me, and my wife pay for Seminary education. I also felt confirmed that this was God Calling me because I applied to only Princeton Seminary in the spring of 1974 to start in 1975. My acceptance came through a month before we were married in April 1975. We got our address for married Student housing the week we got back from our honeymoon. That was faith happening in our lives.

Seminary was a lot of work, and I did well but my faith grew and grew. I took Greek and Hebrew and CPE training in the summer months. When it came to my senior year, I was so scared I would not find a job. My wife was pregnant, and I needed to find a job. I started to interview, and my first interview was with Gettysburg Presbyterian Church and it became my first call into the ministry of Word and Sacrament. I was hired to work with Christian Education and Youth. I was very idealistic with high hopes. I learned very quickly how pastoral ministry worked. The Senior pastor listened to me and helped guide me into how things work. At first, I felt disillusioned, but my faith was very strong, and I kept plugging away at it. God then called me to a pastorate of a small church northeast of Pittsburgh. As a sole pastor, I quickly learned the things you could do and could not do. I worked to enlarge the congregations view of Christ mission outside of themselves. My faith remained strong despite the struggles I faced with members of the session and the congregation. I eventually realized that I worked better with youth and Christian Education. So after 4 ½ years I accepted another call to a large church in Uniontown PA working with children, youth and Christian Education. By this time my wife and I had 3 children, and we were not making enough money, Marcia went to work as a full-time nurse which was a big help. I then left the church to become an interim pastor (before formal training ever was established).

I worked in several churches throughout Redstone Presbytery. I served on CE committee, Youth Committee, and eventually the COM Committee before I moved to North Carolina. I served as a Stated Supply for 27 years at a small church First Presbyterian Church of Fayette City and 13 years at Little Redstone Presbyterian Church. These churches allowed me to perfect the drama of worship and sacraments. This was so appreciated. I developed many Tenebrae and Taizé services until I retired. I then moderated several sessions in the presbytery while living in PA.

My faith journey is one that was an everyday experience. To this day I talk to God in so many ways. I know his presence with me has brought me to where I am today. I wasn't always happy the way life dealt me certain situations, but God was always with me and I am blessed for everything I went through. It makes me the faithful person I am today.

APPENDIX ATTACHMENT 3

Statement of Faith

Michael Shepard

1 I believe in God: as Father, Son, and Holy Spirit. God is one in a holy mystery we call the Trinity. God
2 is the creator and sustainer of the universe and without God's sustaining power nothing can exist. Out of
3 love, God created humans in God's own image to have fellowship with the Trinity. I believe God gave
4 humans freedom so we may choose between good and evil. We also have freedom to choose to delight in
5 God and give God the praise that is due. However, we humans turn away from God, focusing on selfish
6 desires. This alienation from God is called sin.

7
8 I believe God came to earth in the person of Jesus Christ to effect reconciliation between us and God.
9 Jesus, Son of God, born of Mary by the Holy Spirit, accepted and experienced the human condition and
10 gave up His life to save us from sin and reconcile us to God.

11
12 I believe Jesus challenged people to love God. Jesus taught people to respond to God's love for them
13 by repenting and trusting in God. In His love for us, Jesus freely gave up his life on the cross. I believe
14 Jesus' death makes it possible for every person to be free from the bondage of sin. By raising Jesus from
15 death to life, God's great love is expressed and victory over sin and death was won and given to humanity
16 as a gift of hope. Christ redeems us and brings us back into fellowship with God through this free gift of
17 grace. Christ's act of redemption and reconciliation summons us to respond to God with thanksgiving and
18 praise.

19
20 As Christ walked upon the earth, teaching and serving others, we too are called to care for others and
21 proclaim God's love, hope, and salvation. To help us live this life, God sent the Holy Spirit. The Spirit is
22 our companion, comforter, and guide. The Spirit brings to those who trust in Jesus Christ, the hope of
23 final union with God. We learn this through the Holy Scriptures, which are God's word to us.

24
25 The Holy Spirit binds together the body of Christ, the Church. The Church gathers for fellowship and
26 to worship God through the Word and Sacraments. As members of the body, we are empowered by the
27 this fellowship with one another and with God. The worship experience teaches us, challenges us,
28 commissions us and prepares us for works of service. The Church goes out into the world to spread
29 God's word to all people, to be a beacon of light and hope in a world that is hurting, and to share in God's
30 reconciling work. This work is that which seeks justice for all people and peace and unity within the
31 church and throughout the world.

32
33 The Sacraments are given to the church by the Lord and by the Holy Spirit become a means of grace to
34 to us. They express in visible form spiritual truths. The Sacrament of Baptism signifies admittance into
35 the family of God. By baptism, we are shown to be God's children. In the Sacrament of the Lord's Supper
36 the Church celebrates the redemptive life and death of Jesus Christ. In this act of communion with Christ,
37 we are fed, nurtured, and sustained in fellowship with the God, through Christ's Spirit. These are also
38 signs of Christ's continual presence with us and of his promised return.

39
40 I believe the Bible is God's word to us and the authoritative rule of faith and life. Through the Holy
41 Spirit, the Bible instructs, inspires, and transforms us so we may live lives more pleasing to God.

42
43 My acceptance of Jesus Christ as my Lord and Savior has made a great impact on my life. It is now
44 possible for me to live a new life. Jesus Christ has brought me this far, and my faith in Jesus' saving work
45 will continue to go with me, now and always.

22-E — G-2.0503

MINISTERS OF WORD AND SACRAMENT

G-2.0503 CATEGORIES OF MEMBERSHIP (POL-07)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0503 in the Form of Government be amended as follows?

(Deleted text is in ~~strike through~~; added text is in *italics*.)

“G-2.0503 Categories of Membership

A minister of the Word and Sacrament is a member of a presbytery and shall be engaged in a ministry validated by that presbytery, a member-at-large as determined by the presbytery, or ~~honorably~~ retired. ...

... c. ~~Honorably~~ Retired

Upon request of a member of presbytery, the presbytery may designate the member ~~honorably~~ retired ~~because of age or physical or mental disability~~.”

Background and Rationale

The only designation of retirement for ministers of the Word and Sacrament allowed in the current *Book of Order* is “Honorably Retired.” That designation may be perfectly fitting for many Presbyterian ministers as they retire from active pastoral roles, but presbyteries sometimes face situations in which a minister’s service has been marked by difficulties and challenges that do not rise to the level of formal disciplinary charges and censure, but which are hardly worthy of the label “Honorable.”

An example of such a situation might be when a pastor has acted inappropriately but no disciplinary charges are brought because of the belief that the damage to a particular church or harmed person would be more devastating than just letting a pastor leave. Victims are then revictimized when that pastor is granted the status of “Honorably Retired.” Another factor might be that church members or others mistrust or do not understand the processes to bring charges. A third example is when a pastor commits boundary violations after honorably serving and leaving a congregation to move to other endeavors. There may also be situations that occurred during a pastor’s membership in a previous presbytery that could be unreported during a transfer process and only later come to light following retirement in a different presbytery.

So how do presbyteries today respond when ministers with service marked by difficulties or challenges on their records seek retirement? Some may maintain those ministers as members at-large or in other in-between statuses rather than offering retirement, to avoid characterizing the minister’s service as “Honorable.” Other presbyteries may go ahead and honorably retire ministers of all types, regardless of the quality and faithfulness of their service. In doing so, however, the term “Honorably” loses its meaning for anyone. Such a retirement may confuse or, as noted above, revictimize people who have been harmed by a troubled pastorate and who may feel that the presbytery is praising the pastor’s service despite the gravity of its problems.

The proposed amendment would maintain the “Retired” category but remove the mandatory designation of “Honorably” that now applies to all retirements. The new designation of “Retired” would be effective for retirements approved by presbyteries on or after the effective date of the amendment under G-6.04e of the *Book of Order*.

This proposed amendment would have no impact whatsoever on a minister of the Word and Sacrament’s access to Board of Pension retirement benefits. That Board of Pensions process is completely separate from a presbytery granting “Retired” status to a minister on its rolls.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly (2020) that POL-07 presents issues. The item seeks to amend G-2.0503 and G-2.0503c by striking “honorably” before “retired” in the two places where it occurs, and by adding “or other factors satisfactory to the presbytery” to G-2.0503c.

The ACC finds that deleting “honorably” does not alter the substance of those provisions or affect other constitutional provisions.

The ACC advises the assembly, however, that a similar overture was considered by the 210th GA (1998). The overture was referred to the Office of the General Assembly, which presented an amended overture to the 211th GA (1999). That overture would have removed “honorably” but also included a new provision that would have allowed a presbytery to “designate a retired minister as an honorably retired minister if the presbytery is moved by affection and gratitude to do so.” The ACC did not raise any constitutional issues to the proposed amendment, which was subsequently approved by the 211th GA (1999), but then failed to receive the affirmative vote of a majority of the presbyteries.

The amendment as proposed, in addition to striking “honorably” adds “or other factors satisfactory to the presbytery.” The ACC is unaware of any factors other than those already listed in G-2.0503c that would appropriately lead to the retirement of a minister, and the rationale includes no discussion of the additional language. The ACC is concerned that there could be unintended consequences of this language and advises that if the assembly believes that the intent of this overture is appropriate, the additional words “or other factors satisfactory to the presbytery” be stricken.

The Assembly Committee on Polity amended the overture language following advice from the ACC and then approved Item POL-07, 28/2. The 225th General Assembly (2022) approved Item POL-07, 270/128.

For the full report on POL-07, go to <https://www.pc-biz.org/#/committee/3000082/business>.

22-I — G-2.0804

CALL AND INSTALLATION

G-2.0804 TERMS OF CALL (HSB-06)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0804 in the Form of Government be amended as follows?

(Added text is in *italics*.)

“G-2.0804 Terms of Call

The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister’s terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery’s minimum requirements. The call shall include *provision for a minimum of twelve weeks paid family medical leave and participation in the benefits plan of the Presbyterian Church (U.S.A.) including both pension and medical coverage, or any successor plan approved by the General Assembly.*”

Background and Rationale

This proposed amendment originated as a recommendation from the Family Leave Policy Task Force as Recommendation 1. The Family Leave Policy Task Force provided the following edited rationale in part:

Recommendation 2 approved by the General Assembly included a General Assembly policy definition of Family Leave as:

- Leave to accommodate the birth, foster placement, or adoption of a child.
- Leave to provide care to an ill or disabled family member.
- Leave to heal following a loss or tragic event.

In recent years the General Assembly has taken actions to encourage various councils of the church to honor the full humanity of its members and employees. The 221st General Assembly (2014) encouraged presbyteries and churches to create parental leave policies with the minimum of six weeks and 100% pay without using other forms of paid leave. The 222nd General Assembly (2016) also voted to encourage the six agencies of the General Assembly (Board of Pensions, Foundation, Office of the General Assembly, Presbyterian Investment and Loan Program, Inc., Presbyterian Mission Agency, and the Presbyterian Publishing Corporation) to improve their paid parental leave policies in accordance with the advice of the 221st General Assembly (2014). The 223rd General Assembly created a task force with a charge of determining the most effective method for ensuring a robust family leave policy throughout the PC(USA). Through its research and deliberations, the Family Leave Policy Task Force (FLPTF) has determined the most effective method of accomplishing this goal for called and installed ministers is through a constitutional mandate. The task force recommends that family leave be interpreted as a dimension of wholeness, one that responds to the need for time away from work. The task force believes there are theological, developmental, and societal justifications for committing to a denomination-wide family leave policy, and while this specific

recommendation provides for called and installed pastors, the task force would urge adoption of this same provision of care for all PC(USA) workers.

Advice—From the Advisory Committee on the Constitution (ACC)

This item proposed to introduce specific minimum terms of call within the Constitution of the Presbyterian Church (U.S.A.). This step creates constitutional problems, and we recommend disapproval of Item HSB-06. The language of Item HSB-06 introduces administrative-operational detail into the *Book of Order*. Councils have a responsibility and should be trusted to adopt policies appropriate to their circumstances that support and nurture their members, families and staff (see G3.0301c, for example). The choice of twelve weeks reflects the societal sensibilities of the present day toward fair employment practices. Likely changes in those sensibilities mean that G-2.0804, if amended in this fashion now, may well require further and repeated amendment in the years ahead. Such amendments are more appropriate in an operations manual than a constitutional document.

Advice and Counsel—From the Advocacy Committee for Women’s Concerns (ACWC)

The Advocacy Committee for Women’s Concerns recommends the approval of HSB-06. The PC(USA), as an employer from the national level down to the local congregation, has the opportunity to model just employment practices through family leave policies that encourage balance in life between work and family and are consistent with PC(USA) theology and policies on work and workers.

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy advises that the 225th General Assembly (2022) approve item HSB-06. As a denomination, we have affirmed the importance of supporting families. However, in practice, we have created a situation where the majority of our pastors have been left with no parental leave. Without a paid family leave policy, the PC(USA) forces parents to make a choice between proper healthcare for themselves and their children, and adequate income to provide for their families. It forces family members with sick parents or children to choose work over care, which is antithetical to our call to be compassionate to the ill and infirm. By approving this amendment, the PC(USA) can shape our polity in a way that shows the value we place on human life and relationship. Need to care for individuals who are victim of sexual misconduct and the need to hold accountable those who commit sexual misconduct against others. However, we still fall short in identifying and addressing situations where sexual misconduct occurs. This item seeks to strengthen the Church’s response to sexual misconduct and put procedures in place at all levels to prevent sexual misconduct from happening. ACSWP commends the work of the Survivors of Sexual Misconduct Task Force and wholeheartedly lifts up their work presented in this overture.

Advice and Counsel—From the Racial Equity Advocacy Committee (REAC)

The Racial Equity Advocacy Committee advises that the 225th General Assembly (2022) approve this item. The Racial Equity Advocacy Committee (REAC) supports the need to have appropriate time of leave for ministers.

Comment—From the General Assembly Committee on Representation (GACOR)

The General Assembly Committee on Representation (GACOR) acknowledges that the procedures of employment matter. Unfortunately, in the area of parental and family leave, the denominational instruction is not as clear. GACOR has continuously supported efforts to create an equitable family leave policy. Often councils and individual congregations do not have parental/family

leave policies in place and must do so if and when the case arises (putting the individual requesting the leave in a precarious position). This can result in decision-making that focuses on the financial cost of the leave rather than the care of the leader and family. The proposed amendment would provide the framework for individuals needing parental or family leave. Committees on representation at the presbytery and synod levels, or the committees tasked with such work, should serve as a resource to their councils concerning employment practices as stated in G-3.0103.

The Assembly Committee on Health Safety and Benefits amended and approved Item HSB 06, 34/3. The 225th General Assembly (2022) amended and approved Item HSB 06, 346/33.

For the full report on HSB-06, go to <https://www.pc-biz.org/#/committee/3000084/business>.

22-Q — G-3.0303c

THE PRESBYTERY

G-3.0303c RELATIONS WITH SESSIONS (MC-03)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-3.0303c in the Form of Government be amended as follows?

(Added text is in *italics*.)

“G-3.0303 Relations with Sessions ...

“... c. establish minimum compensation standards, *including provisions for dissolution terms, for pastoral calls and for those serving in temporary pastoral service, Certified Christian Educators and Certified Associate Christian Educators within the presbytery;*”

Background and Rationale

[Editor’s note: This rationale was prepared for the original overture, which was significantly amended by the assembly and may or may not apply to the proposed amendment above.]

In 1993, the General Assembly Permanent Judicial Commission ruled in the case Saurbaugh v. the Presbytery of Great Rivers that “the *Book of Order* does not give the presbyteries power to require congregations to pay compensation upon dissolution of pastoral relationships” (*Minutes*, 1994, Part I, p. 155, Remedial Case 206-13,11.094 attached). In subsequent years, the church has maintained that while a presbytery can have guidelines and policies concerning severance for ministers at the dissolution of a pastorate, the presbytery has no authority to enforce those policies. This overture seeks to remedy that omission in the *Book of Order* by making explicit the authority of presbyteries to create and enforce severance policies by linking that authority to the power to set minimum wages and approve calls.

The overture does not attempt to set a national severance policy but rather to clarify the presbytery’s relationship to both the session and the minister during times of transition.

Advice—From the Advisory Committee on the Constitution (ACC)

[Editor’s note: This advice was prepared for the original overture, which was significantly amended by the assembly.]

The ACC advises the 225th General Assembly (2022) to disapprove [original] MC-03. ...

The ACC finds that nothing in the proposed amendment would change the requirement that only agreed-upon [by the congregation approving terms or change to terms of call] terms of dissolution are enforceable

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises that the 225th General Assembly (2022) approve this item.

When a pastor and a church need to end their mutual relationship, there needs to be equity in severance. Sometimes a pastor leaves without a just severance, which creates unfair stress in a time of transition. Some pastors might receive a fair severance package, others might receive none. This overture calls for presbyteries to establish minimums to prevent both undue hardship and retaliation in the moments that lead to the termination of the relationship between pastor and church.

According to the 2009 “God’s Work in Women’s Hands: Just Compensation and Just Compensation,” the PC(USA) defines pay equity as seeking fairness in compensation. While the policy addresses gender discrimination in compensation, this call for equity should apply to severance packages regardless of gender. By requiring presbyteries to set minimum severance policies, the denomination can move toward a more equitable compensation in the church.

The Assembly Committee on Mid Councils amended the overture language and then approved Item MC-03, 32/0. The 225th General Assembly (2022) approved Item MC-03, 386/18.

For the full report on MC-03, go to <https://www.pc-biz.org/#/committee/3000080/business>.

22-E — G-2.0503

MINISTERS OF WORD AND SACRAMENT

G-2.0503 CATEGORIES OF MEMBERSHIP (POL-07)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0503 in the Form of Government be amended as follows?

(Deleted text is in ~~strike through~~; added text is in *italics*.)

“G-2.0503 Categories of Membership

A minister of the Word and Sacrament is a member of a presbytery and shall be engaged in a ministry validated by that presbytery, a member-at-large as determined by the presbytery, or ~~honorably~~ retired. ...

... c. ~~Honorably~~ Retired

Upon request of a member of presbytery, the presbytery may designate the member ~~honorably~~ retired ~~because of age or physical or mental disability~~.”

Background and Rationale

The only designation of retirement for ministers of the Word and Sacrament allowed in the current *Book of Order* is “Honorably Retired.” That designation may be perfectly fitting for many Presbyterian ministers as they retire from active pastoral roles, but presbyteries sometimes face situations in which a minister’s service has been marked by difficulties and challenges that do not rise to the level of formal disciplinary charges and censure, but which are hardly worthy of the label “Honorable.”

An example of such a situation might be when a pastor has acted inappropriately but no disciplinary charges are brought because of the belief that the damage to a particular church or harmed person would be more devastating than just letting a pastor leave. Victims are then revictimized when that pastor is granted the status of “Honorably Retired.” Another factor might be that church members or others mistrust or do not understand the processes to bring charges. A third example is when a pastor commits boundary violations after honorably serving and leaving a congregation to move to other endeavors. There may also be situations that occurred during a pastor’s membership in a previous presbytery that could be unreported during a transfer process and only later come to light following retirement in a different presbytery.

So how do presbyteries today respond when ministers with service marked by difficulties or challenges on their records seek retirement? Some may maintain those ministers as members at-large or in other in-between statuses rather than offering retirement, to avoid characterizing the minister’s service as “Honorable.” Other presbyteries may go ahead and honorably retire ministers of all types, regardless of the quality and faithfulness of their service. In doing so, however, the term “Honorably” loses its meaning for anyone. Such a retirement may confuse or, as noted above, revictimize people who have been harmed by a troubled pastorate and who may feel that the presbytery is praising the pastor’s service despite the gravity of its problems.

The proposed amendment would maintain the “Retired” category but remove the mandatory designation of “Honorably” that now applies to all retirements. The new designation of “Retired” would be effective for retirements approved by presbyteries on or after the effective date of the amendment under G-6.04e of the *Book of Order*.

This proposed amendment would have no impact whatsoever on a minister of the Word and Sacrament’s access to Board of Pension retirement benefits. That Board of Pensions process is completely separate from a presbytery granting “Retired” status to a minister on its rolls.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly (2020) that POL-07 presents issues. The item seeks to amend G-2.0503 and G-2.0503c by striking “honorably” before “retired” in the two places where it occurs, and by adding “or other factors satisfactory to the presbytery” to G-2.0503c.

The ACC finds that deleting “honorably” does not alter the substance of those provisions or affect other constitutional provisions.

The ACC advises the assembly, however, that a similar overture was considered by the 210th GA (1998). The overture was referred to the Office of the General Assembly, which presented an amended overture to the 211th GA (1999). That overture would have removed “honorably” but also included a new provision that would have allowed a presbytery to “designate a retired minister as an honorably retired minister if the presbytery is moved by affection and gratitude to do so.” The ACC did not raise any constitutional issues to the proposed amendment, which was subsequently approved by the 211th GA (1999), but then failed to receive the affirmative vote of a majority of the presbyteries.

The amendment as proposed, in addition to striking “honorably” adds “or other factors satisfactory to the presbytery.” The ACC is unaware of any factors other than those already listed in G-2.0503c that would appropriately lead to the retirement of a minister, and the rationale includes no discussion of the additional language. The ACC is concerned that there could be unintended consequences of this language and advises that if the assembly believes that the intent of this overture is appropriate, the additional words “or other factors satisfactory to the presbytery” be stricken.

The Assembly Committee on Polity amended the overture language following advice from the ACC and then approved Item POL-07, 28/2. The 225th General Assembly (2022) approved Item POL-07, 270/128.

For the full report on POL-07, go to <https://www.pc-biz.org/#/committee/3000082/business>.

22-I — G-2.0804

CALL AND INSTALLATION

G-2.0804 TERMS OF CALL (HSB-06)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-2.0804 in the Form of Government be amended as follows?

(Added text is in *italics*.)

“G-2.0804 Terms of Call

The terms of call shall always meet or exceed any minimum requirement of the presbytery in effect when the call is made. The session shall review annually the minister’s terms of call and shall propose for congregational action (G-1.0501) such changes as the session deems appropriate, provided that they meet the presbytery’s minimum requirements. The call shall include *provision for a minimum of twelve weeks paid family medical leave and participation in the benefits plan of the Presbyterian Church (U.S.A.) including both pension and medical coverage, or any successor plan approved by the General Assembly.*”

Background and Rationale

This proposed amendment originated as a recommendation from the Family Leave Policy Task Force as Recommendation 1. The Family Leave Policy Task Force provided the following edited rationale in part:

Recommendation 2 approved by the General Assembly included a General Assembly policy definition of Family Leave as:

- Leave to accommodate the birth, foster placement, or adoption of a child.
- Leave to provide care to an ill or disabled family member.
- Leave to heal following a loss or tragic event.

In recent years the General Assembly has taken actions to encourage various councils of the church to honor the full humanity of its members and employees. The 221st General Assembly (2014) encouraged presbyteries and churches to create parental leave policies with the minimum of six weeks and 100% pay without using other forms of paid leave. The 222nd General Assembly (2016) also voted to encourage the six agencies of the General Assembly (Board of Pensions, Foundation, Office of the General Assembly, Presbyterian Investment and Loan Program, Inc., Presbyterian Mission Agency, and the Presbyterian Publishing Corporation) to improve their paid parental leave policies in accordance with the advice of the 221st General Assembly (2014). The 223rd General Assembly created a task force with a charge of determining the most effective method for ensuring a robust family leave policy throughout the PC(USA). Through its research and deliberations, the Family Leave Policy Task Force (FLPTF) has determined the most effective method of accomplishing this goal for called and installed ministers is through a constitutional mandate. The task force recommends that family leave be interpreted as a dimension of wholeness, one that responds to the need for time away from work. The task force believes there are theological, developmental, and societal justifications for committing to a denomination-wide family leave policy, and while this specific

recommendation provides for called and installed pastors, the task force would urge adoption of this same provision of care for all PC(USA) workers.

Advice—From the Advisory Committee on the Constitution (ACC)

This item proposed to introduce specific minimum terms of call within the Constitution of the Presbyterian Church (U.S.A.). This step creates constitutional problems, and we recommend disapproval of Item HSB-06. The language of Item HSB-06 introduces administrative-operational detail into the *Book of Order*. Councils have a responsibility and should be trusted to adopt policies appropriate to their circumstances that support and nurture their members, families and staff (see G3.0301c, for example). The choice of twelve weeks reflects the societal sensibilities of the present day toward fair employment practices. Likely changes in those sensibilities mean that G-2.0804, if amended in this fashion now, may well require further and repeated amendment in the years ahead. Such amendments are more appropriate in an operations manual than a constitutional document.

Advice and Counsel—From the Advocacy Committee for Women’s Concerns (ACWC)

The Advocacy Committee for Women’s Concerns recommends the approval of HSB-06. The PC(USA), as an employer from the national level down to the local congregation, has the opportunity to model just employment practices through family leave policies that encourage balance in life between work and family and are consistent with PC(USA) theology and policies on work and workers.

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy advises that the 225th General Assembly (2022) approve item HSB-06. As a denomination, we have affirmed the importance of supporting families. However, in practice, we have created a situation where the majority of our pastors have been left with no parental leave. Without a paid family leave policy, the PC(USA) forces parents to make a choice between proper healthcare for themselves and their children, and adequate income to provide for their families. It forces family members with sick parents or children to choose work over care, which is antithetical to our call to be compassionate to the ill and infirm. By approving this amendment, the PC(USA) can shape our polity in a way that shows the value we place on human life and relationship. Need to care for individuals who are victim of sexual misconduct and the need to hold accountable those who commit sexual misconduct against others. However, we still fall short in identifying and addressing situations where sexual misconduct occurs. This item seeks to strengthen the Church’s response to sexual misconduct and put procedures in place at all levels to prevent sexual misconduct from happening. ACSWP commends the work of the Survivors of Sexual Misconduct Task Force and wholeheartedly lifts up their work presented in this overture.

Advice and Counsel—From the Racial Equity Advocacy Committee (REAC)

The Racial Equity Advocacy Committee advises that the 225th General Assembly (2022) approve this item. The Racial Equity Advocacy Committee (REAC) supports the need to have appropriate time of leave for ministers.

Comment—From the General Assembly Committee on Representation (GACOR)

The General Assembly Committee on Representation (GACOR) acknowledges that the procedures of employment matter. Unfortunately, in the area of parental and family leave, the denominational instruction is not as clear. GACOR has continuously supported efforts to create an equitable family leave policy. Often councils and individual congregations do not have parental/family

leave policies in place and must do so if and when the case arises (putting the individual requesting the leave in a precarious position). This can result in decision-making that focuses on the financial cost of the leave rather than the care of the leader and family. The proposed amendment would provide the framework for individuals needing parental or family leave. Committees on representation at the presbytery and synod levels, or the committees tasked with such work, should serve as a resource to their councils concerning employment practices as stated in G-3.0103.

The Assembly Committee on Health Safety and Benefits amended and approved Item HSB 06, 34/3. The 225th General Assembly (2022) amended and approved Item HSB 06, 346/33.

For the full report on HSB-06, go to <https://www.pc-biz.org/#/committee/3000084/business>.

22-Q — G-3.0303c

THE PRESBYTERY

G-3.0303c RELATIONS WITH SESSIONS (MC-03)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall G-3.0303c in the Form of Government be amended as follows?

(Added text is in *italics*.)

“G-3.0303 Relations with Sessions ...

“... c. establish minimum compensation standards, *including provisions for dissolution terms, for pastoral calls and for those serving in temporary pastoral service, Certified Christian Educators and Certified Associate Christian Educators within the presbytery;*”

Background and Rationale

[Editor’s note: This rationale was prepared for the original overture, which was significantly amended by the assembly and may or may not apply to the proposed amendment above.]

In 1993, the General Assembly Permanent Judicial Commission ruled in the case Saurbaugh v. the Presbytery of Great Rivers that “the *Book of Order* does not give the presbyteries power to require congregations to pay compensation upon dissolution of pastoral relationships” (*Minutes*, 1994, Part I, p. 155, Remedial Case 206-13,11.094 attached). In subsequent years, the church has maintained that while a presbytery can have guidelines and policies concerning severance for ministers at the dissolution of a pastorate, the presbytery has no authority to enforce those policies. This overture seeks to remedy that omission in the *Book of Order* by making explicit the authority of presbyteries to create and enforce severance policies by linking that authority to the power to set minimum wages and approve calls.

The overture does not attempt to set a national severance policy but rather to clarify the presbytery’s relationship to both the session and the minister during times of transition.

Advice—From the Advisory Committee on the Constitution (ACC)

[Editor’s note: This advice was prepared for the original overture, which was significantly amended by the assembly.]

The ACC advises the 225th General Assembly (2022) to disapprove [original] MC-03. ...

The ACC finds that nothing in the proposed amendment would change the requirement that only agreed-upon [by the congregation approving terms or change to terms of call] terms of dissolution are enforceable

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises that the 225th General Assembly (2022) approve this item.

When a pastor and a church need to end their mutual relationship, there needs to be equity in severance. Sometimes a pastor leaves without a just severance, which creates unfair stress in a time of transition. Some pastors might receive a fair severance package, others might receive none. This overture calls for presbyteries to establish minimums to prevent both undue hardship and retaliation in the moments that lead to the termination of the relationship between pastor and church.

According to the 2009 “God’s Work in Women’s Hands: Just Compensation and Just Compensation,” the PC(USA) defines pay equity as seeking fairness in compensation. While the policy addresses gender discrimination in compensation, this call for equity should apply to severance packages regardless of gender. By requiring presbyteries to set minimum severance policies, the denomination can move toward a more equitable compensation in the church.

The Assembly Committee on Mid Councils amended the overture language and then approved Item MC-03, 32/0. The 225th General Assembly (2022) approved Item MC-03, 386/18.

For the full report on MC-03, go to <https://www.pc-biz.org/#/committee/3000080/business>.

22-CC — D-3.0106

JURISDICTION IN JUDICIAL PROCESS

D-3.0106 WHEN JURISDICTION ENDS (ROD-05)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall D-3.0106 in the current Rules of Discipline be amended as follows?

(Deleted text is in ~~strike through~~; added text is in *italics*.)

“D-3.0106 ~~When Jurisdiction Ends~~ *Upon Renunciation of Jurisdiction*

~~Jurisdiction in the~~ *The* judicial process ~~ends~~ *does not end* when a person in an ordered ministry or a member renounces the jurisdiction of the church. Should the accused in a disciplinary case renounce the jurisdiction of the church as provided in G-2.0407 or G-2.0509, the clerk or stated clerk shall report to the council both the renunciation and the status of the matter at that time, including the name of the accused, *and* the date and fact of renunciation during an investigation or trial, ~~and the charges filed~~. The judicial process shall then proceed per the Rules of Discipline.”

Background and Rationale

[Editor’s note: The assembly approved the above proposed amendment to the current Rules of Discipline in the event that the Rules of Discipline will not be replaced by Church Discipline. If Church Discipline is approved by majority vote of presbyteries, it will replace the entire current Rules of Discipline including any amendments to the current Rules of Discipline. The assembly amended D-7.0302e(2) in the proposed Church Discipline to address the underlying concerns (rather than the exact text) of this proposed amendment.]

The stated purposes of the Rules of Discipline are “to honor God by making clear the significance of membership in the body of Christ; to preserve the purity of the church by nourishing the individual within the life of the believing community; to achieve justice and compassion for all participants involved; to correct or restrain wrongdoing in order to bring members to repentance and restoration; to uphold the dignity of those who have been harmed by disciplinary offenses; to restore the unity of the church by removing the causes of discord and division; and to secure the just, speedy, and economical determination of proceedings” (D-1.0101).

Currently in D-3.0106 an accused person may choose to walk away from church nourishment, correction, and restoration by renouncing the jurisdiction of the church. That choice is the individual’s to make. The church cannot and should not prevent that choice. The church should document and report when that choice is made.

However, also currently in D-3.0106, when an accused person renounces the jurisdiction of the church, the accused individual(s) receives the power to deny the wider church full access to promised justice, dignity, and a just, speedy, and economical determination of disciplinary proceedings.

Under the current Rules of Discipline, when the accused renounces jurisdiction, the judicial process ends. Investigating committees stop. ...

This overture seeks to give investigating committees, permanent judicial commissions, and councils the ability to proceed through the remainder of the judicial process, per the Rules of Discipline, while honoring obligations to the accused. The accused would be informed through every step of the continued process and would be invited to participate. All communication to the accused would still be required. Those who renounce jurisdiction would retain the option to fully participate, to observe but remain silent, or to not participate at all. They may choose to send an advocate to represent them in their absence.

However, the amendments recommended in this overture allow the church and the councils to also honor our obligations to the accusers or those in the wider church who may have suffered harm. ...

With this simple overture, councils will be allowed and encouraged to respect and honor all people in and beyond the church, even if one person chooses to break oaths and walk away.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly to disapprove Item ROD-05. ROD-03 requests the amendment of the current Rules of Discipline. The proposed Church Discipline revision is before the same assembly which would, if approved, replace the current Rules of Discipline section of the *Book of Order*. Should the General Assembly affirmatively adopt Church Discipline as proposed by the Rules of Discipline Task Force, the Advisory Committee on the Constitution would recommend to the General Assembly that this overture be answered by the Assembly's action on Church Discipline.

Should the General Assembly not adopt Church Discipline as proposed by the Rules of Discipline Task Force, the Advisory Committee on the Constitution advises the General Assembly that ROD-05 should be disapproved.

The advice given by the Advisory Committee on the Constitution to the 211th General Assembly (1999) Assembly when faced with a similar overture stated:

At the time of renunciation of the accused, the church has no further authority over the accused, nor is the accused any longer accountable to the church (D-10.0102, which defines the parties to a disciplinary case and D-11.0301). Further, continuation of discipline after renunciation of membership could result in liability in the secular courts. The 202nd General Assembly (1990) in response to a request for constitutional interpretation unanimously adopted the following interpretation of renunciation in relation to a disciplinary trial: "The trial would cease immediately should the person renounce the jurisdiction of the church" (*Minutes*, 1990, Part I, p. 239, paragraph 21.129). ...

The disciplinary process is not intended nor designed to discipline people who are not members of the PC(USA). An individual who has renounced the jurisdiction of the church has forsaken the Christian fellowship of the PC(USA) and, further, has given up office in the church, including ordination. The ultimate punishment of the church is exclusion from Christian fellowship. It is difficult to rationalize continuation of a process in a case in which the member has already passed ultimate judgment upon himself or herself. The overture is not clear about how completion of the trial in such a circumstance is redemptive for the church or for the victim.

This advice remains sound. Foundational to our church discipline is that the disciplinary process is undertaken against an individual who has consented by joining a congregation or by ordination to ordered ministry to submit to that jurisdiction. Once that consent has been removed by renunciation of jurisdiction, the councils of the church cannot compel an individual to participate in judicial proceedings or to accept any censure imposed.

Advice and Counsel—From the Advocacy Committee for Women's Concerns (ACWC)

The Advocacy Committee for Women's Concerns recommends that the 225th General Assembly (2022) approve ROD-05. As the creators of 222nd General Assembly (2016)-approved resolution 05-09, to Ensure Adoption and Implementation of Child/Youth Protection Policies and Resources in the PC(USA) and 223rd General Assembly (2018)-approved resolution 11-09 on Sexual Misconduct in the PC(USA), the ACWC has long been on the forefront of advocating for policy changes that will prevent sexual abuse within the PC(USA).

ACWC is in strong support of amendment D-3.0106, which prevents pastor abusers from walking away from the impact of that abuse by renouncing jurisdiction.

The Assembly Committee on Rules of Discipline amended and approved Item ROD-05, 14/9. The 225th General Assembly (2022) approved Item ROD-05, 334/50.

For the full report on ROD-05, go to <https://www.pc-biz.org/#/committee/3000083/business>.

22-GG — CHURCH DISCIPLINE SECTION

REPLACING THE CURRENT “RULES OF DISCIPLINE” WITH A NEW “CHURCH DISCIPLINE” SECTION (ROD-03)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall the current Rules of Discipline be replaced with Church Discipline as follows?

CHURCH DISCIPLINE

CHAPTER I

PRINCIPLES OF CHURCH DISCIPLINE

PREAMBLE

D-1.01 Power Vested in Christ’s Church

The power that Jesus Christ has vested in his Church, a power manifested in the exercise of church discipline, is one for building up the body of Christ, not for destroying it, for redeeming, not for punishing. It should be exercised as a dispensation of mercy and not of wrath, so that the great ends of the Church may be achieved, that all children of God may be presented faultless in the day of Christ.

D-1.02 Church Discipline Defined

D-1.0201 Church Discipline Defined

Church discipline is the church's exercise of authority given by Christ, both to guide, control, and nurture its members, and for the correction and restraint of wrongdoing. The church's judicial process does not exist as a substitute for the secular judicial system, but to do what the secular judicial system cannot do. The Constitution of the Presbyterian Church (U.S.A.) is infused with principles and standards to which all active members of congregations and ministers of the Word and Sacrament voluntarily submit.

D-1.0202 Limits of Church Discipline

Church discipline alone is not adequate to mediate intrinsic differences of theology, polity, policy, power, or trust. Broader issues of conflict are also addressed by constitutional amendment, mediation, administrative review, and administrative commissions. Church discipline through the judicial process shall be used when individuals or councils of the church are unable to bring about settlement of issues or when such settlement would be unwise, unjust, or ineffective, and have determined after prayerful deliberation that judicial process is necessary to ensure that individuals or councils are held accountable for their actions or inactions.

D-1.03 Purpose of Church Discipline

D-1.0301 Purpose of Church Discipline

Thus, the purpose of church discipline is:

- To honor God by making clear the significance of membership in the body of Christ;
- To preserve the purity of the church by nourishing the individual within the life of the believing community;
- To pursue and reveal the truth;
- To achieve justice and compassion for all participants involved;
- To correct or restrain wrongdoing in order to bring members to repentance and restoration;
- To uphold the dignity of those who have been harmed by offenses;
- To restore the unity of the church by removing the causes of discord and division; and
- To secure the just, speedy, and economical determination of proceedings.

D-1.0302 Due Process

In all respects, participants are to be accorded procedural safeguards and due process consistent with these Principles of Church Discipline.

D-1.04 Conciliate and Mediate

The traditional biblical obligation to conciliate, mediate, and adjust differences without strife is not diminished by church discipline. Although these rules describe the way in which judicial process within the church shall be conducted, it is not their intent or purpose to encourage judicial process or to make it more expensive or difficult. Those contemplating the use of judicial process shall recall the biblical duty to “come to terms quickly with your accuser while you are on the way to court . . .” (Matthew 5:25). They shall attempt prayerfully and seriously to bring about an adjustment or settlement of the issue asserted and avoid formal proceedings under judicial process unless after prayerful deliberation, it is determined to be necessary to preserve the peace, unity, and purity, or accomplish the purposes of the church. Nor shall this duty to consider other forms of resolution end upon the commencement of judicial process.

CHAPTER II

JUDICIAL PROCESS DEFINED

D-2.01 Judicial Process

D-2.0101 Processes of Accountability

Church discipline in the Presbyterian Church (U.S.A.) is accomplished through judicial processes of accountability. Accountability of councils is accomplished through remedial process. Accountability of individuals is accomplished through disciplinary process.

D-2.0102 Councils of the Church

The councils of the church are sessions, presbyteries, synods, and the General Assembly. Sessions conduct trials of church members in disciplinary processes. Presbyteries, synods, and the General Assembly conduct trials and appeals of both remedial and disciplinary processes through permanent judicial commissions.

D-2.02 Remedial Process

D-2.0201 Accountability of Councils

Remediation is the process by which councils are held accountable to the church, to their members, and to each other. Through remediation, actions or omissions contrary to the Constitution by a lower council or an entity of the General Assembly may be corrected by a higher council.

D-2.0202 Irregularities and Delinquencies

As defined in D-4.0201, actions contrary to the Constitution of the Presbyterian Church (U.S.A.) are known as “irregularities,” while omissions contrary to the Constitution of the Presbyterian Church (U.S.A.) are known as “delinquencies.”

D-2.03 Disciplinary Process

D-2.0301 Accountability of Individuals

Disciplinary process is the process by which active members of congregations and ministers of the Word and Sacrament are held accountable to the church and to each other, and may be censured for an offense for the purpose of restoring the wholeness of the body of Christ.

D-2.0302 Definition of an Offense

An offense as defined in D-7.0103 is any act or omission by a member of a congregation or a minister of the Word and Sacrament that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.).

D-2.04 Standards and Process

Standards and procedures used in judicial processes are those contained in the Constitution of the Presbyterian Church (U.S.A.).

CHAPTER III

PERMANENT JUDICIAL COMMISSIONS

D-3.01 Election

D-3.0101 Composition

The General Assembly, each synod or set of cooperating synods, and each presbytery shall elect a permanent judicial commission from the ministers of the Word and Sacrament and ruling elders subject to its jurisdiction. Each permanent judicial commission shall be composed of ministers of the Word and Sacrament and ruling elders in numbers as nearly equal as possible, nominated in accordance with the principles for the election of a nominating entity required by G-3.0111 and in conformity to the church’s commitment to unity in diversity (F-1.0403). When the permanent judicial commission consists of an odd number of members, the additional member may be either a minister of the Word and Sacrament or a ruling elder.

a. The General Assembly commission shall be composed of one member from each of its constituent synods.

b. Synod commissions shall be composed of no fewer than eleven members distributed equally, insofar as possible, among the constituent presbyteries. In those synods with fewer than eleven presbyteries, each presbytery shall have at least one member. When a set of two or more synods form a shared permanent judicial commission, the commission shall be composed of no fewer than twelve members, with each synod in the set electing members proportional to the number of the presbyteries in each synod, insofar as possible. The cooperating synods shall designate between them one stated clerk to process the cases filed with the shared permanent judicial commission.

c. Presbytery commissions shall be composed of no fewer than seven members, with no more than one of its ruling elder members from any one of its constituent congregations.

D-3.0102 Reviewers and Effect on Quorum

The moderator of the permanent judicial commission shall designate a special committee of three persons to review any petition for review of the procedures of the investigating committee while the investigation in a disciplinary case is in process (D-7.11), to review any petition for review of the decision not to file charges (D-7.1402), and to determine the need for administrative leave (D-7.0902). The special committee shall be composed of at least one current member of the permanent judicial commission, and may include up to two former members of the permanent judicial commission from the list of former commissioners required by D-3.0602b. The members of the special committee shall not take part in any subsequent trial. When a case proceeds to trial after a review, the quorum of the permanent judicial commission shall be a majority of its members who did not participate in the review, but in no case shall a quorum be fewer than five members (D-3.0602). A session shall refer any petition for review to the presbytery stated clerk, who shall follow this process for the creation of a special committee.

D-3.02 Service

D-3.0201 Classes and Terms

Permanent judicial commissions shall be arranged in three classes of six years each, with each class as equal as possible in size and with one class completing its term every two years.

D-3.0202 Vacancies

Vacancies on permanent judicial commissions shall be addressed as follows:

a. A vacancy on any permanent judicial commission due to resignation, death, or any other cause may be filled by the electing council, which may elect a person to fill the unexpired term at any future meeting.

b. In each even-numbered year, the General Assembly shall elect members for the next class of the General Assembly Permanent Judicial Commission and fill any vacancies then occurring. Such members' terms of office will begin with the dissolution of the General Assembly at which they are elected.

D-3.0203 Eligibility

Eligibility for service on a permanent judicial commission is subject to the following additional conditions:

- a. In filling vacancies for unexpired terms, a member who has served more than half a term is considered to have served a full term, and is ineligible for immediate re-election.
- b. No person who has served on a permanent judicial commission for a full term shall be eligible for reelection until two years have elapsed after the expired six-year term. No person shall serve on more than one permanent judicial commission at the same time. No person who is a member of any other entity elected by the General Assembly shall serve on the permanent judicial commission of the General Assembly until that person shall have resigned such membership. The moderator, stated clerk, or any member of the staff of a council or the staff of any of its entities shall not serve on its permanent judicial commission.
- c. Continuing membership on a presbytery permanent judicial commission is dependent on membership in a congregation of the presbytery or in the presbytery.
- d. Continuing membership on a synod permanent judicial commission is contingent on membership in a congregation or presbytery of the synod and in the case of synods with a shared permanent judicial commission (G-3.0404), in accordance with the rules of representation agreed upon by the cooperating synods.
- e. Continuing membership on the General Assembly permanent judicial commission shall end when that member transfers membership to a church or presbytery outside the synod from which nominated.

D-3.03 Commission Expenses

All necessary expenses of a permanent judicial commission shall be paid by the electing council or councils. A set of cooperating synods shall pay the necessary expenses of its shared permanent judicial commission equally; however, each synod in such a set shall pay the necessary expenses for processing a particular judicial case arising within its bounds.

D-3.04 Officers

Each permanent judicial commission shall meet and elect from its members a moderator and a clerk, according to its rules or the rules of the council or councils electing its members. A permanent judicial commission may also provide by rule for additional officers.

D-3.05 Powers

In the cases transmitted to it, the permanent judicial commission shall have only the powers prescribed by the Constitution of the Presbyterian Church (U.S.A.), and shall conduct its proceedings accordingly.

D-3.06 Meetings

D-3.0601 Times and Places

The meetings of the permanent judicial commission shall be held at such times and places as the electing council or councils shall direct, or, if no directions are given, at such times and places as the commission shall determine.

D-3.0602 Quorum

The quorum of a permanent judicial commission shall be a majority of its members, except that the quorum of a presbytery commission for a disciplinary case shall be a majority of the membership other than those currently serving members assigned responsibilities under D-3.0102. In no instance shall the quorum be fewer than five members. The quorum of a session for judicial process shall be the moderator of the session and a majority of the ruling elder members.

a. Who Shall Not Participate

When a church is a party to a case, members of a permanent judicial commission who are members of that church or persons in permanent or temporary pastoral relationships with that church shall not participate in the case in any way. When a council is a party to a case, members of that council or of churches within that council shall not participate in the case in any way. Members designated under D-3.0102 shall not otherwise participate in the case.

b. Roster of Former Members

The stated clerk shall keep a current roster of those members of the permanent judicial commission whose terms have expired within the past six years. The names shall be arranged alphabetically within classes beginning with the most recent class. The stated clerk shall report the roster annually to the council or councils.

c. Ensuring a Quorum

Whenever a permanent judicial commission is required to meet for a hearing or trial, the stated clerk shall recruit a sufficient number of additional members by rotation from the roster of former members to ensure that a quorum will not be lost during the course of the proceeding. Councils may provide by rule for the method of rotation to incorporate the principles of participation and representation in accordance with G-3.0111 and F-1.0403.

d. Inability to Reach a Quorum

If, through absence, disqualification, or recusal, a sufficient number of members of a permanent judicial commission is not present to constitute a quorum, the permanent judicial commission shall recess until such time as a quorum can be ensured as stated above.

e. Participant Expenses

If a permanent judicial commission is unable to try a case for lack of a quorum, the council in whose geographic boundary the case arose shall reimburse the expenses reasonably incurred by those persons required to be present.

CHAPTER IV

REMEDICATION

D-4.01 Remedial Process

D-4.0101 Purpose

The purpose of remediation is to further the peace, unity, and purity of the church by ensuring that the Constitution of the Presbyterian Church (U.S.A.) is upheld, and that disputes regarding its requirements are addressed in a manner that is both fair and just to all concerned.

D-4.0102 Limitations of Judicial Process

While a remedial complaint may be filed *by* individuals, it can never be filed *against* individuals. Nor may a remedial complaint be filed against a congregation or a committee or commission of a council below the General Assembly. A session is responsible for correcting constitutional errors or omissions by its congregation in accordance with G-3.0201. As explained below, complaints may only be filed against sessions, presbyteries, synods, and entities of the General Assembly, and only by one or more individuals or councils of the church who have standing to complain.

D-4.0103 Deadlines and Filings

a. Deadlines

In determining whether or not a document is timely filed, the day following the event giving rise to the time limit begins the count as day one (for example, the day following the date on which a council action is taken, or on which a party receives a decision). All seven days of every week are included in the count, including holidays, and the document shall be deemed timely filed if it is received by the person or persons to whom it is required to be sent on or before the final day of the count. When the final date of the count falls on a weekend or holiday, the document shall be deemed timely filed if it is received on the next business day after the final day of the count.

b. Methods of Filing

Any document required to be filed may be sent or delivered by United States Postal Service certified mail, return receipt requested; commercial courier, with delivery receipt requested; personal delivery; or electronically when so permitted in these rules.

D-4.02 Filing a Complaint

D-4.0201 Initiation

Remedial process is initiated by the filing of a complaint with the stated clerk of the council having jurisdiction. A complaint shall allege one or more specific irregularities or delinquencies of a council.

a. A decision or action contrary to the Constitution of the Presbyterian Church (U.S.A.) is known as an irregularity.

b. The omission or failure to act on a constitutional requirement is known as a delinquency.

D-4.0202 Stated Clerk Responsibility

The stated clerk shall immediately transmit copies of the complaint to the party against whom the complaint is filed and to the officers of the council's permanent judicial commission. If a different clerk has been designated to process judicial cases for a shared judicial commission, the stated clerk having jurisdiction shall immediately transmit the complaint to that clerk.

D-4.0203 Parties

The parties in a case of remedial process are known as the complainant or complainants (the person or persons who file the complaint) and the respondent(s) (the council(s) complained against).

D-4.0204 Committees of Counsel

a. Composition

When a council or an entity of the General Assembly becomes either a complainant or a respondent, it shall designate no more than three persons to be a committee of counsel. This committee shall represent that complainant or respondent in the case until final decision is reached in the highest council to which the case is appealed. All members of a committee of counsel shall be members of the Presbyterian Church (U.S.A.).

b. Provide by Rule

A council or an entity of the General Assembly may provide by rule for the appointment of a committee of counsel. The membership of the committee of counsel, as well as any changes to its composition that may occur, shall be promptly reported to the stated clerk of the council having jurisdiction, who will notify the other party and the permanent judicial commission.

c. Who Shall Not Serve

Clerks of session or stated clerks shall not serve on a committee of counsel for the council they serve. Employees of the council hearing a case or of a higher council that would have jurisdiction in any appellate proceeding shall also not serve on a committee of counsel.

D-4.0205 Time Limits

In regard to filing a complaint in a remedial case, the following time limits apply:

a. In the case of an alleged irregularity, if a stay of enforcement is also sought, (as described below in section 4.04), then a complaint of an alleged irregularity shall be filed no later than thirty (30) days after the council's action being complained against (or in the case of an appeal, from the date on which the appealing party was notified of the decision of the permanent judicial commission). If no stay of enforcement is being requested, then a complaint of an alleged irregularity shall be filed no later than ninety (90) days after the council's action.

b. In the case of an alleged delinquency, a complaint shall be filed no later than ninety (90) days after the failure or refusal of the council to cure the alleged delinquency at its next meeting, provided that a written request to do so has been made prior to said meeting.

D-4.0206 Standing and Jurisdiction in Remedial Cases

Standing to file a complaint and jurisdiction to deal with a complaint are as follows:

- a. Councils may file complaints against any other council of the same level, to the council immediately higher than the council complained against and to whose jurisdiction the latter council is subject.
- b. Members of a congregation may file complaints against their session, to the presbytery.
- c. Ruling elder commissioners to a presbytery may file complaints to the synod alleging irregularities or delinquencies that occurred during presbytery meetings at which they were present and enrolled.
- d. Minister members of a presbytery and ruling elders elected by and enrolled with the presbytery for terms of service in accordance with G-3.0301 may file complaints against the presbytery to the synod regardless of whether or not they were in attendance when the alleged irregularity or delinquency occurred.
- e. Sessions may file complaints against their presbytery, to their synod.
- f. Commissioners to a synod may file complaints to the General Assembly alleging irregularities or delinquencies that occurred during synod meetings at which they were present and enrolled.
- g. Ministers and ruling elders elected by and enrolled with the synod for terms of service in accordance with G-3.0401 may file complaints against the synod to the General Assembly regardless of whether or not they were in attendance when the alleged irregularity or delinquency occurred.
- h. Presbyteries may file complaints against their synod, to the General Assembly.
- i. Sessions, presbyteries, and synods may file complaints against entities of the General Assembly, to the General Assembly.
- j. When the council of jurisdiction as defined in this section fails to act in a particular remedial case for a period of sixty days after the filing of a complaint or thirty days after the filing of a complaint with a request for a stay of enforcement, the next higher council, at the written request of any party, may assume jurisdiction in the case. It may then either return jurisdiction to the lower council with specific instructions on how to proceed, or it may retain jurisdiction and conclude the matter itself.

D-4.0207 Effects of Jurisdiction

Jurisdiction in remedial process has the following particular effects:

- a. Each council shall recognize and enforce the judgments, decisions, and orders of higher councils which have jurisdiction over them under the provisions of the Constitution of the Presbyterian Church (U.S.A.).
- b. Decisions of the permanent judicial commissions of synods and presbyteries are binding on the parties to the particular cases in which the decisions are rendered unless overturned

on appeal. No synod or presbytery permanent judicial commission is able to make its decisions binding beyond the parties to the particular case by simply declaring it to be so.

c. Only the General Assembly Permanent Judicial Commission has the power to render decisions that are authoritative interpretations binding on the entire church (G-13.0103r).

D-4.03 Contents of a Complaint

D-4.0301 Items to be Included

Items to be included in a complaint are as follows:

- a. The name of the complainant(s) and the name of the respondent(s).
- b. The particular irregularity including the date, place, and circumstances thereof; or the particular delinquency including the dates of the written request to cure the delinquency and of the next meeting at which the respondent(s) failed to do so.
- c. The reasons for complaint of the irregularity or delinquency.
- d. A statement of facts demonstrating that the complainant(s) may file the complaint in accordance with D-4.0206 above.
- e. The remedy or correction requested (called “relief”), which must be within the authority of the council receiving the complaint to grant.

D-4.0302 Method of Filing

The complaint shall be sent or delivered by United States Postal Service certified mail, return receipt requested; commercial courier, with delivery receipt requested; or personal delivery in accordance with D-4.0103b. The complainant(s) shall then file with the stated clerk a receipt signed by the addressee or an affidavit of personal service. At the written agreement of both parties, all further communication may be handled electronically.

D-4.04 Request for a Stay of Enforcement

D-4.0401 Requesting a Stay of Enforcement

A stay of enforcement is a written instruction from the permanent judicial commission having jurisdiction that orders suspension of a decision or an action until a complaint (or appeal) is finally determined. Any such request for a stay of enforcement shall be filed along with the complaint (or notice of appeal) as described above. The request must be made in one of the following forms:

- a. A request signed by one-third of the members recorded as present when the decision or action was taken by the council,
- b. A request signed by one-third of the members of the permanent judicial commission that decided a remedial case that is being appealed, or

c. A request signed by a complainant or appellant requesting that at least three members of the permanent judicial commission having jurisdiction to hear the complaint or appeal sign the stay of enforcement.

D-4.05 Preliminary Ruling

D-4.0501 Examination of Papers

The complaint (or appeal for purposes of processing a request for a stay of enforcement on appeal) shall be promptly transmitted by the stated clerk along with the request for a stay of enforcement, if one has been received, to the permanent judicial commission moderator and clerk for their preliminary determination as to the following questions:

a. For the complaint, whether:

- (1) The council has jurisdiction,
- (2) One or more of the complainants has standing to file the case,
- (3) The complaint was timely filed,
- (4) The complaint alleges facts that if proved true would constitute an irregularity or delinquency, and

(5) The complaint states a claim upon which relief can be granted. Permanent judicial commissions may, but shall not be required, to proceed to trial when they determine that the relief requested cannot be granted but that there is potential relief, declaratory or otherwise, that could potentially be granted. Relief that a council may not grant includes but is not limited to:

- i. Relief that is not within the authority of the council to grant,
- ii. Monetary awards other than those that require councils to honor existing contracts,
- iii. Relief that has been rendered moot,
- iv. Relief that is contrary to the Constitution of the Presbyterian Church (U.S.A.).

b. For the request for a stay of enforcement if made under D-4.0401a or b, whether the request is complete and timely filed.

D-4.0502 Preliminary Ruling

A preliminary ruling is a decision by the moderator and clerk of a permanent judicial commission either to accept a case for trial or to dismiss the case because one or more of the five questions in D-4.0501a is answered in the negative.

a. If a request for a stay of enforcement is made under D-4.0401a or b, a stay of enforcement may be entered immediately by the moderator and clerk if they determine that the request is complete and timely and the preliminary issues are met for the complaint or appeal.

b. In their consideration of the preliminary questions in D-4.0501a, the officers shall assume the truth of the facts alleged.

c. Within ten (10) days after their receipt of the complaint, the officers shall report their determinations to the stated clerk of the council in a preliminary ruling. The stated clerk shall immediately distribute the preliminary ruling to the parties, and to the members of the permanent judicial commission along with the complaint (or appeal, for purposes of processing a request for a stay of enforcement on appeal) and the request for a stay of enforcement, if one has been received.

D-4.06 Processing a Request for a Stay of Enforcement If Made Under D-4.0401c.

D-4.0601 Consideration of Request

If a request for a stay of enforcement is made under D-4.0401c, a stay of enforcement may be entered by three members of the permanent judicial commission that will hear the case within ten (10) days of receiving the request, the complaint (or in an appeal, of the notice of appeal), and the preliminary ruling. Each permanent judicial commission member affirming the request shall include a summary of the specific council action(s) or decision(s) being stayed, and a statement that in their judgment:

- a. Substantial harm will occur if the action or decision is not stayed, and
- b. Probable grounds exist for finding the decision or action erroneous.

D-4.0602 Determination and Filings

In determining whether to grant a stay of enforcement, the following applies:

a. The statements of members of the permanent judicial commission shall be filed with the stated clerk of the council that has jurisdiction to hear the case.

b. If the stated clerk receives three or more statements from members of the permanent judicial commission, the stay shall be granted, and the stated clerk shall send a copy of the stay of enforcement to the parties and to the permanent judicial commission members.

c. The stay of enforcement shall be effective until the permanent judicial commission having jurisdiction has decided the case, except as hereafter provided.

d. If a stay of enforcement is not granted, the stated clerk shall so notify the parties and the permanent judicial commission members.

D-4.07 Response and Next Actions

D-4.0701 If the Preliminary Ruling Accepts the Case

If the officers initially accept the case, the respondent council(s) shall prepare and file its answer as described in D-4.0703 below. When the answer has been received, the officers shall review the answer and may either affirm their preliminary ruling as filed or modify it in light of the new information received. The affirmed or modified preliminary ruling shall then be filed with the stated clerk who shall distribute it to the parties and the permanent judicial commission members, and the answer shall also be distributed to the permanent judicial commission.

a. If the preliminary ruling to accept the case is affirmed, the respondent(s) or a member of the permanent judicial commission may challenge the determination within fifteen (15) days of receiving the notification, in which case the matter proceeds as described in D-4.0704 below.

b. If the modified preliminary ruling dismisses the case, then the case proceeds as described in D-4.0702 below.

D-4.0702 If the Initial or Modified Preliminary Ruling Dismisses the Case

In dealing with a preliminary ruling that dismisses the case, the following applies:

a. Within fifteen (15) days of notification that the officers have dismissed the case, one or more of the complainants or a member of the permanent judicial commission may file a challenge to the dismissal, in which case the respondent(s), if it has not already done so, shall prepare and file its answer as described in D-4.0703 below, which shall be distributed to the permanent judicial commission, and the challenge shall be processed in accordance with D-4.0704 below.

b. If no challenge is received within fifteen (15) days, the case is dismissed and any stay of enforcement is lifted.

D-4.0703 Answer to Complaint

The committee of counsel of the respondent(s) shall file with the stated clerk of the higher council a concise answer within thirty (30) days of its notification of either acceptance of the case by the officers of the permanent judicial commission or receipt of a challenge to the officers' dismissal of the case. The answer shall admit those facts alleged in the complaint that are true, deny those that are not true or are mistakenly stated, and present other facts that may explain the situation identified as an irregularity or delinquency.

a. The answer may also raise any issues related to the determinations contained in D-4.0501a and may include a motion to dismiss the complaint.

b. If a stay of enforcement has been entered, the respondent(s)'s answer may also challenge the stay of enforcement, in which case the matter shall proceed as described in D-4.0704.

c. The stated clerk shall distribute the answer to the complainant(s) and to the permanent judicial commission.

D-4.0704 Challenge to Preliminary Ruling and Stay of Enforcement

If a preliminary ruling or a stay of enforcement is challenged under the provisions of this chapter, opportunity shall be provided to present evidence and argument on the determination(s) in question, or on the stay of enforcement. The parties shall be invited to submit briefs, and may agree to allow the permanent judicial commission to decide the matter on the basis of those briefs in place

of a hearing. The permanent judicial commission shall then enter a final ruling on the matter either dismissing the case or accepting it for trial, and either affirming or lifting the stay of enforcement, if one has been entered.

CHAPTER V

TRIAL IN A REMEDIAL CASE

D-5.01 Pretrial Procedures

D-5.0101 Duties of Respondent Stated Clerk

In pretrial procedures, the duties of the respondent stated clerk are as follows:

a. Within forty-five (45) days after the receipt of a complaint, the clerk of session or stated clerk of the respondent council(s) shall submit in writing to the parties a list of all of the papers and other materials pertaining to the case.

b. Within thirty (30) days thereafter, the complainant may request in writing that the respondent clerk file additional minutes or papers pertaining to the case. Questions as to the relevance or reasonableness of requests shall be decided by the officers of the permanent judicial commission or their designees.

c. Upon notification by the stated clerk of the higher council of jurisdiction that the case has been accepted, the clerk of session or stated clerk of the respondent council(s) shall transmit to the stated clerk of the higher council without delay the minutes and papers pertaining to the case, along with the list of the record.

D-5.0102 Record of the Case

When the minutes and papers have been filed with the stated clerk of the higher council, the stated clerk shall organize and transmit them to the parties and to the permanent judicial commission and give notice to the parties of an estimated date for trial.

D-5.0103 Additional Filings

The permanent judicial commission may require the parties to file statements, also known as briefs, outlining the evidence to be offered at trial and the theories of the parties' respective claims and defenses.

D-5.0104 Pretrial Conference

At any time after a case is received by a permanent judicial commission, the commission may provide for the parties or their counsel, if any, to explore settlement possibilities; or, in a pretrial conference, to seek agreement on a statement of facts and disputed issues, to exchange documents and other evidence, and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution. The moderator and clerk of the permanent judicial commission, or their designees, shall set a date, time and place for the pretrial conference, and conduct it on the commission's behalf.

D-5.02 Conduct of Trial

The trial of a remedial case shall be conducted by a permanent judicial commission. The trial shall be conducted formally with full decorum in a neutral place suitable to the occasion. Except for the provision of electronically received testimony contained in D-5.04 trials should be held in person. When necessary, and at the sole discretion of the permanent judicial commission, trials may be held electronically in accordance with G-3.0105 and provided that the technology employed allows witnesses and parties as well as members of the permanent judicial commission to be seen and heard clearly.

D-5.03 Citations and Testimony

D-5.0301 Citation of Parties and Witnesses

Citations to appear at trial for parties or such witnesses as either party may request shall be signed by the moderator or clerk of the permanent judicial commission and served by the stated clerk of the council. Witnesses may be either fact witnesses or expert witnesses (see D-5.0703b). Fact witnesses in remedial process should have firsthand knowledge.

D-5.0302 Who May Be Cited

Only members of the Presbyterian Church (U.S.A.) may be cited to appear. Persons who are not members of the Presbyterian Church (U.S.A.) and expert witnesses (regardless of their denominational membership) may only be requested to appear.

D-5.0303 Witnesses from Another Council

When it is necessary to summon witnesses who are under the jurisdiction of another council of the church, the clerk or stated clerk of the other council shall, on the application of the permanent judicial commission trying the case, through the stated clerk of its council, issue a citation to the witnesses to appear at the place of trial and give evidence as may be required.

D-5.0304 Expenses

Any witness shall be entitled to receive from the party calling the witness reimbursement of actual expenses incurred in attendance at the trial.

D-5.0305 Service of Citation

A citation shall be delivered in accordance with D-4.0103b, or by electronic delivery acknowledged by the recipient within seven (7) days. The moderator or clerk of the permanent judicial commission trying the case shall keep a record of the date of service or delivery. If a party or a witness who is a member of the Presbyterian Church (U.S.A.) fails to obey a citation to appear or having appeared, refuses without good cause to testify, and after warning continues to refuse, the party or witness shall be considered guilty of disobedience and contempt, and for such offense may be subject to disciplinary action by the person's council of jurisdiction.

D-5.04 Electronically Received Testimony

Witnesses may be granted permission by the permanent judicial commission to appear electronically if unable to attend a trial that is held in person, in accordance with the provisions of G-3.0105 and D-5.02.

D-5.05 Procedures in Trial

D-5.0501 Counsel

Each of the parties in a remedial case shall be entitled to appear and may be represented by counsel. Counsel need not be a paid representative or an attorney. Counsel shall be a member of the Presbyterian Church (U.S.A.). No member of a permanent judicial commission shall appear as counsel before that commission while a member.

D-5.0502 Circulation of Materials and Communication

With regard to materials pertaining to the case and communication regarding the case, the following rules apply:

a. Any materials pertaining to the case shall be filed with the stated clerk of the council hearing the case. Parties to a remedial case, their counsel, or any other person shall not circulate or cause to be circulated directly to the members of the permanent judicial commission any written, printed, electronic, or visual materials of any kind upon any matter pertaining to the case before its final disposition. Notwithstanding this prohibition, the permanent judicial commission may request, or grant leave to file, additional materials.

b. Parties or their counsel shall not communicate with members of the permanent judicial commission regarding any matter related to the case unless the other party and their counsel, if any, are included.

D-5.0503 Control of Conduct of Trial

The moderator of the permanent judicial commission shall have full authority and power to control the conduct of the trial and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained. Rulings of the moderator related to control of the trial are subject to appeal to the full commission by any member of the commission, which shall decide the question by majority vote.

D-5.0504 Procedural Questions

Questions as to procedure or the admissibility of evidence arising in the course of a trial shall be decided by the moderator after the parties have had an opportunity to be heard. A party or a member of the permanent judicial commission may appeal from the decision of the moderator to the commission, which shall decide the question by majority vote.

D-5.0505 Absences

Members of a permanent judicial commission must be present in person at trials. The absence of any member of the permanent judicial commission after a trial has commenced shall be recorded. That member shall not thereafter participate in that case.

D-5.0506 Loss of Quorum

Loss of a quorum shall result in a mistrial and the case shall be tried again from the beginning at a time and place to be determined by the permanent judicial commission.

D-5.06 Trial

D-5.0601 Announcement by the Moderator

The trial of a remedial case shall be opened with prayer, after which the moderator shall read aloud the preamble to Church Discipline (D-1), shall announce that the council is about to proceed to trial, and shall enjoin the members to recollect and regard their high character as judges of a council of the Church of Jesus Christ and the solemn duties they are about to undertake.

D-5.0602 Objections of Parties

The parties or their counsel may object and be heard on the organization and jurisdiction of the permanent judicial commission.

a. A member of a permanent judicial commission is disqualified if the member has a material interest in the outcome of the case, is related by family relationship to any party, has been active for or against any party, or is a member of a church or council which is a party.

b. Any member of a permanent judicial commission may be challenged by any party for conflict of interest, and the validity of the challenge shall be determined by a majority vote of the remaining members of the permanent judicial commission.

D-5.0603 Preliminary Determinations and Objections

The permanent judicial commission shall place all preliminary determinations and any objections on the record and shall decide all such matters by majority vote. Any objections to the preliminary determinations and any other objections affecting the order or regularity of the proceedings shall also be made part of the record and shall be decided by majority vote. A final decision on the merits of the complaint is not permissible until the permanent judicial commission has heard the evidence and arguments of the parties, unless the parties have agreed in writing or at a pretrial conference on certain stipulated facts or about issues on which there is no dispute, and waive their right to present additional evidence at a trial, and are willing to have the dispute settled on the basis of their briefs and written submissions.

D-5.0604 Amendment of Complaint

The complainant shall be permitted to amend the complaint at the time of the trial, provided that the amendment does not change the substance of the complaint or prejudice the respondent(s).

D-5.0605 Opening Statements

The parties shall be given an opportunity to make opening statements.

D-5.07 Evidence

D-5.0701 Definition

The complainant and respondent(s) shall be accorded the opportunity to present evidence on their behalf. Evidence, in addition to oral testimony of witnesses, may include records, writings,

material objects, or other items presented to prove the existence or nonexistence of a fact. Evidence must be relevant to be received. No distinction should be made between direct and circumstantial evidence as to the degree of proof required.

D-5.0702 Records as Evidence

Written records of a council or permanent judicial commission and authenticated records of testimony are admissible as evidence.

a. The authenticated written records of a council or permanent judicial commission shall be admissible in evidence in any proceeding.

b. An authenticated record or transcript of testimony taken by a council or permanent judicial commission shall be admissible in any proceeding in another council.

D-5.0703 Witnesses

With regard to witnesses, the following applies:

a. Any party may challenge whether a witness may testify, and the moderator of the permanent judicial commission shall determine the competence of the witness. The ruling of the moderator may be appealed by any party or a member of the permanent judicial commission and decided by majority vote of the permanent judicial commission.

b. Each witness called to testify must be competent to testify. To be received by the permanent judicial commission, any testimony from any witness must be relevant and must have a proper foundation. An expert opinion or other testimony may be offered by any witness upon adequate proof of the qualifications of the witness as an expert in the field of such testimony and that such opinion or other testimony will assist the resolution of the case.

c. No counsel for a party involved may be compelled to testify about any confidential matter, nor may any such counsel testify concerning any matter without the express permission of the party they represent.

d. Credibility means the degree of belief that may be given to the testimony of a witness. In determining the credibility of a witness, the permanent judicial commission may consider any matter that bears upon the accuracy of the testimony or the truthfulness of the witness.

D-5.0704 Testimony

Receiving the testimony of witnesses shall proceed as follows:

a. At the direction of the moderator or on the request of either party, no fact witness shall be present during the examination of another witness. This shall not limit the right of any party, counsel, or witness previously designated to offer only expert testimony, to be present.

b. Witnesses shall be examined first by the party producing them, and then they may be cross-examined by the opposing party. The moderator may permit additional questions from the parties (including both re-examination, followed by re-cross-examination) if so requested. Thereafter, any member of the permanent judicial commission may ask additional questions.

c. Prior to giving testimony, a witness shall make an oath by answering the following question in the affirmative: “Do you solemnly swear that the evidence you will give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?”

d. If a witness objects to making an oath, the witness shall answer the following question in the affirmative: “Do you solemnly affirm that you will declare the truth, the whole truth, and nothing but the truth in the matter in which you are called to testify?”

e. The testimony of each witness shall be accurately and fully recorded by a qualified reporter or other means that can be accurately transcribed, including digital voice recording.

f. Witnesses may appear electronically if unable to attend the trial in person, in accordance with the provisions of D-5.04.

g. A member of the permanent judicial commission before which the case is pending may testify, but thereafter shall not otherwise participate in the case.

D-5.08 Final Statements

The parties shall be given an opportunity to make final statements, the complainant having the right of opening and closing the argument, after which the trial shall be closed with prayer.

D-5.09 Decision

D-5.0901 Deliberation

The following considerations apply in deliberations:

a. At the close of the trial, the permanent judicial commission shall then meet privately to deliberate. All persons not members of the commission shall be excluded.

b. No complaint in a remedial case shall be sustained unless it has been proved by a preponderance of the evidence. Preponderance means such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth. After careful deliberation the permanent judicial commission shall vote by counted vote on each alleged irregularity or delinquency accepted for trial and record the vote in its minutes. A majority vote is required to sustain each irregularity or delinquency.

D-5.0902 Decision

Decisions of permanent judicial commissions are reached and communicated as follows:

a. The permanent judicial commission shall then decide the case. If the complaint is sustained either in whole or in part, the commission shall order such action as is appropriate.

b. The questions presented for decision shall be fully debated and voted upon while all participating permanent judicial commission members are present. A written outline of a decision shall be prepared and adopted while in session. A written decision shall be reviewed by all participating members of the permanent judicial commission, which may take place either while

the participating permanent judicial commission members are present or by meeting within ten (10) days of the close of the trial, either in person, or electronically in accordance with G-3.0105.

c. The decision shall become the final decision of the permanent judicial commission when a copy of the written decision is signed by the moderator and clerk of the permanent judicial commission. A copy of the written decision shall immediately be delivered to the parties in accordance with D-4.0103b, or electronically, if agreed upon in advance by the parties.

d. Within thirty (30) days of the conclusion of the trial, the decision shall be filed with the stated clerk of the council that appointed the permanent judicial commission.

e. The moderator or clerk of the permanent judicial commission shall disseminate the decision as the permanent judicial commission may direct.

D-5.0903 Effect of Decision

Decisions of the permanent judicial commissions of presbyteries and synods are binding on the parties to the particular cases in which the decisions are rendered unless overturned on appeal. No decision of a permanent judicial commission of a presbytery or synod is binding beyond the parties to the particular case.

D-5.0904 New Evidence

New evidence can be considered either prior to an appeal or following the filing of an appeal.

a. Prior to filing a notice of appeal, but without extending the time for appeal, any party against whom an order or decision has been entered may apply for a new trial on the basis of newly discovered evidence. The permanent judicial commission – when it is satisfied that such evidence could reasonably have resulted in a different decision and that in the exercise of reasonable diligence it could not have been produced at the time of trial – may grant such application. An appeal filed while such an application is pending shall be held in abeyance until such time as the permanent judicial commission that conducted the trial has made its determination. The higher council shall be notified of the determination by the stated clerk of the lower council.

b. If, subsequent to the filing by any party of a notice of appeal, new evidence is discovered which in the exercise of reasonable diligence could not have been discovered prior to the filing of the notice of appeal, the permanent judicial commission receiving the appeal may remand the case for a new trial, in which case the appeal shall be stayed until the permanent judicial commission that conducted the trial reports its decision in the new trial.

c. The application for admission of newly discovered evidence shall be made to the permanent judicial commission with copies to the other party. That application shall be accompanied by a summary of the evidence. The permanent judicial commission shall conduct a hearing on the application for admission of newly discovered evidence not less than thirty (30) days after the application.

D-5.0905 Appeal

Rules of appeal are found in D-6. The following applies to time limits and standing to file an appeal:

a. For each party, the time for filing an appeal shall run from the date the decision is delivered to, or refused by, that party.

b. An appeal may be initiated only by one or more of the original parties.

D-5.10 Record of Proceedings

D-5.1001 Duties of the Clerk of the Permanent Judicial Commission

The clerk of the permanent judicial commission shall do the following:

a. Arrange in advance for the accurate verbatim recording of all testimony and oral proceedings (which may be accomplished through a digital voice recording);

b. Identify and maintain all exhibits offered in evidence (noting whether or not they were accepted as evidence) and keep a list of all exhibits;

c. Record minutes of the proceedings, which shall include any actions or orders of the permanent judicial commission relating to the case with the vote on each;

d. Prepare the record of the case, which shall consist of:

(1) The complaint and the answer;

(2) All minutes and papers filed in the case;

(3) A certified transcript, if requested;

(4) All properly marked exhibits, records, documents, and other papers;

(5) The written decision; and

(6) Any actions or orders of the permanent judicial commission relating to the case with the vote on each.

e. Within thirty (30) days after the decision becomes final, certify and transmit the record of the case to the stated clerk of the electing council, who shall preserve it for at least five years, and in accordance with the policy of the council for the preservation of records;

f. Upon the request, and at the expense of any requesting party, the clerk shall cause to be prepared, as promptly as circumstances permit, a true and complete transcript of all the testimony and oral proceedings during the course of the trial. When the person making the transcript has certified it to be true and complete, a copy shall be delivered to each party requesting one upon satisfactory arrangement for payment, and one additional copy shall be made for inclusion in the record to be sent forward upon any appeal pursuant to D-6.0802.

D-5.1002 Additions to the Record

No person may supplement or add to the record in a case except for good cause as determined by the moderator and clerk of the permanent judicial commission responsible for

conducting the trial. No request to supplement the record shall be considered until received in writing by the stated clerk of the council conducting the trial, who shall transmit it to the moderator and clerk of the permanent judicial commission. A copy of the request shall be delivered to all parties and every party shall have ten (10) days to respond in writing.

D-5.1003 Duty of the Stated Clerk

If the council is meeting when the decision is received from the clerk of the permanent judicial commission, the stated clerk shall report the decision immediately and enter the full decision upon the minutes of the council. If the council is not meeting, the stated clerk shall report the decision to the council at its first stated or adjourned meeting or at a meeting called to hear the decision, whichever comes first, and enter the full decision upon the minutes of the council.

CHAPTER VI

REMEDIAL APPEALS

D-6.01 Filing an Appeal

D-6.0101 Definition

An appeal of a remedial case is the transfer to the next higher council of a case in which a decision has been rendered in a lower council, for the purpose of obtaining a review of the proceedings and a decision to correct, modify, set aside, or reverse the decision.

D-6.0102 Initiation of Appeal

Only the parties to an original complaint (one or more of the complainants or the respondent(s)) may appeal a ruling of a permanent judicial commission.

a. The ruling must be the permanent judicial commission's final order disposing of the complaint, whether that order is a dismissal in accordance with D-4.0702b, or a written decision in accordance with D-5.09.

b. The parties in a remedial appeal are the appellant or appellants, and the appellee or appellees.

D-6.02 Notice of Appeal

D-6.0201 Notice Filed

A written notice of appeal shall be filed with the stated clerk of the next higher council within forty-five (45) days after a copy of the final order was received by the appealing party. The written notice may be delivered by means of electronic communication, provided that the stated clerk certifies receipt of the notice, which may also be communicated electronically. If filing the notice electronically, care should be taken to deliver the notice in a manner that can clearly demonstrate timely filing. By written agreement of the parties, all additional filings may be electronic. The appealing party shall provide a copy of the written notice of appeal to the stated clerk of the council whose permanent judicial commission issued the ruling, as well as to the stated clerk of the council that would hear the appeal, who shall distribute the notice to the other party or parties.

D-6.0202 Items to be Included

The items to be included in a notice of appeal are as follows:

- a. The name of the party filing the appeal (the appellant or appellants) and their counsel, if any;
- b. The name of the other party (the appellee or appellees) and their counsel, if any;
- c. The council from whose decision the appeal is taken;
- d. A copy of the ruling;
- e. A statement and description of the errors alleged to have been made in the ruling that are the grounds for the appeal. The grounds for which an appeal may be filed are:
 - (1) Irregularity in the proceedings;
 - (2) Refusing a party reasonable opportunity to be heard or to obtain or present evidence;
 - (3) Receiving improper, or declining to receive proper, evidence or testimony;
 - (4) Hastening to a decision before the evidence or testimony is fully received;
 - (5) Manifestation of prejudice in the conduct of the case;
 - (6) Injustice in the process or decision; and
 - (7) Error in constitutional interpretation.
- f. A certification that a copy of the notice of appeal is being sent as required by D-6.0201 to the stated clerk of the council from whose decision the appeal is taken, which may be in the form of an electronic communication if agreed upon in advance by the parties.

D-6.03 Duty of Stated Clerk

Upon receipt of the written notice of appeal, the stated clerk of the council that will hear the appeal shall transmit it to the officers of that council's permanent judicial commission and the other party.

D-6.04 Effect of Appeal

D-6.0401 If No Stay of Enforcement

The filing of a notice of appeal shall not suspend any action of a council taken to implement the ruling being appealed unless a stay of enforcement was obtained with the original complaint, or one is obtained as described in the next paragraph, in which case the implementation of the ruling being appealed is stayed until the appeal is finally disposed of.

D-6.0402 Seeking Stay of Enforcement

If no stay of enforcement was in place when the ruling being appealed was rendered, one may be requested by means of a request filed along with the notice of appeal in any of the methods described in D-4.04, and processed as described in D-4.05 or D-4.06.

D-6.05 Withdrawal of Appeal

The parties in a remedial appeal are encouraged to seek resolution of their differences in a manner acceptable to all parties and consistent with the Constitution of the Presbyterian Church (U.S.A.). If at any time in the appeal process the parties to a remedial appeal jointly file with the stated clerk of the council hearing the appeal a petition for the withdrawal of the appeal, the stated clerk shall inform the members of the permanent judicial commission that the appeal has been withdrawn, which shall end the judicial process unless within seven (7) days any member of the permanent judicial commission challenges the withdrawal. If the withdrawal is so challenged, a majority of the commission at a duly constituted meeting may conclude that the withdrawal would defeat the ends of justice or conflict with the Constitution of the Presbyterian Church (U.S.A.) and deny the request.

D-6.06 Preliminary Process

D-6.0601 Examination of Notice of Appeal

Upon receiving the notice of appeal, the moderator and clerk of the permanent judicial commission of the council that will hear the appeal shall promptly examine the notice of appeal to determine whether:

- a. The council has jurisdiction;
- b. The appellant has standing to file the appeal;
- c. The appeal was timely and properly filed; and
- d. The appeal states and describes one or more of the grounds for appeal listed in D-6.0201d.

D-6.0602 Preliminary Ruling

The officers of the permanent judicial commission shall report their determinations to the parties and to the members of the commission in a preliminary ruling.

D-6.0603 Challenge to Preliminary Ruling

Within thirty (30) days after their receipt of the preliminary ruling, the parties and members of the permanent judicial commission may challenge the determination, in which case opportunity shall be provided for the parties to present evidence and argument on the determination(s) in question. A hearing may be requested either by a party or by a member of the permanent judicial commission for the purpose of hearing the challenge, or if all parties agree, the matter may be decided by the permanent judicial commission on the basis of documents submitted by the parties. If a hearing is requested, it should be held at least thirty (30) days prior to the hearing on the appeal, unless the officers of the permanent judicial commission determine that the

circumstances, including expenditures of time and resources, warrant disposition of the challenge immediately prior to the hearing on the appeal. If the permanent judicial commission determines the answer to any of the four preliminary questions has been answered in the negative, the commission shall dismiss the appeal.

D-6.0604 When No Challenge is Received

When there are no challenges to the determination in the preliminary ruling, the following shall apply:

a. If no challenge is made to the determinations of the officers that one or more of the requirements in D-6.0701 are answered in the negative, the case shall be dismissed without further action or order of the permanent judicial commission.

b. If no challenge is made to the determinations of the officers that all of the points in D-6.0601 are answered in the affirmative, the stated clerk of the council shall schedule a hearing at a time acceptable to the parties and at which a quorum of the permanent judicial commission can be present.

D-6.0701 List of Papers

Within forty-five (45) days after receipt of a notice of appeal, the stated clerk of the lower council shall list in writing to the parties all of the papers and other materials that would constitute the record of the case (see D-5.1001d & e). Within fifteen (15) days thereafter, either party may challenge the completeness or accuracy of the record as listed by the stated clerk. The stated clerk may, but is not required, to amend the list at the request of a party; however, any such challenge shall be added to the record when it is filed.

D-6.0702 Filing of Record on Appeal

Upon notice by the stated clerk of the council whose permanent judicial commission will hear the appeal that the case has been accepted, the stated clerk of the council from which the appeal is taken shall compile and file the record of the case with the stated clerk of the higher council, who shall distribute it to the members of the permanent judicial commission.

D-6.0703 Correction of the Record

If anything material to either party is omitted from the record by error or accident, or is misstated therein, the omission or misstatement may be corrected. The parties may stipulate to the correction, or the stated clerk of the lower council may certify and transmit a supplemental record, or the permanent judicial commission of the higher council may direct that the omission or misstatement be corrected. All other questions as to the form and content of the record shall be presented to the permanent judicial commission of the higher council, which shall be decided by majority vote at a duly constituted meeting at least forty-five (45) days prior to the hearing on the appeal, which may be held electronically in accordance with G-3.0105.

D-6.08 Briefs

D-6.0801 Filing of Appellant Brief

Within thirty (30) days after the date of receiving the record on appeal, the appellant shall file with the stated clerk of the higher council a written brief containing specifications of the errors alleged in the notice of appeal and arguments, reasons, and citations of authorities in support of the appellant's contentions. Copies of the brief shall be distributed by the stated clerk to the members of the permanent judicial commission and to the other party.

D-6.0802 Failure of Appellant to File Brief

Failure of the appellant to file a brief within the timeline allowed, without good cause, shall be deemed by the permanent judicial commission as an abandonment of the appeal.

D-6.0803 Filing of Appellee Brief

When an appellant files a brief, the appellee can respond as follows:

a. Within thirty (30) days of the receipt of the appellant's brief, the appellee shall file with the stated clerk of the council whose permanent judicial commission will hear the appeal a brief in response to the appellant's brief.

b. In its brief, an appellee may raise additional issues related to the decision being appealed. Copies of the brief shall be distributed by the stated clerk to the members of the permanent judicial commission and to the other party.

D-6.0804 Failure of Appellee to File Brief

Failure of the appellee to file a brief within the time allowed, without good cause, shall constitute waiver of the rights to file a brief, to appear, and to be heard.

D-6.0805 Appellant Supplemental Brief

If additional issues are raised by the appellee, then the appellant may file within thirty (30) days a supplemental brief in response to those issues, in the same manner as its original brief was filed. Copies of the supplemental brief shall be distributed by the stated clerk to the members of the permanent judicial commission and to the other party or parties.

D-6.09 Extensions

For good cause shown, the stated clerk of the higher council may extend any of the time limits contained in D-6.07 or D-6.08 for a reasonable period.

D-6.10 Transmittal of Record and Briefs

Upon receipt of the record and the briefs, or upon the expiration of the time for filing them, the stated clerk of the council hearing the appeal shall transmit the record and briefs to the clerk of the permanent judicial commission.

D-6.11 Prehearing Conference

At any time after an appeal has been received by a permanent judicial commission, the commission may determine or may provide by rule for the parties or their counsel, if any, in a prehearing conference, to seek agreement on any of the disputed issues in the appeal, and to take

other action which might reasonably and impartially narrow the dispute and expedite its resolution. Such conference may also result in a settlement agreement including a request for withdrawal of the appeal, which is then processed in accordance with D-6.05.

The moderator or clerk of the permanent judicial commission shall notify the parties of the date when they may appear in person or by counsel before the permanent judicial commission to present the appeal. Failure of a party to appear in person or by counsel shall constitute a waiver of participation in the hearing of the appeal. At the hearing, the permanent judicial commission shall give opportunity to be heard on the grounds of the appeal to those parties who have not waived that right. The appellant has the right of opening and closing the argument.

D-6.13 Decision of the Permanent Judicial Commission

D-6.1301 Standard of Review

Factual determinations by the permanent judicial commission that tried the case shall be accorded a presumption of correctness in appeals. Factual determinations are not to be disturbed unless they are plainly wrong, without supporting evidence, or manifestly unjust. Determinations related to the correct interpretation and application of provisions of the Constitution of the Presbyterian Church (U.S.A.) are not accorded the same presumption of correctness.

D-6.1302 Voting Procedure

After the hearing and after private deliberation, the permanent judicial commission shall vote separately on each specification of error alleged. The vote, which shall be by counted vote, shall be on the question, “Shall the specification of error be sustained?” The minutes shall record the vote on each specification of error. A majority vote sustains each specification of error.

D-6.1303 Decision

The decision of the permanent judicial commission shall include the determination of errors specified, and state the remedy as provided in D-6.0101. The permanent judicial commission may prepare its decision in a manner that will dispose of all substantive questions without redundancy. It should include an explanation of its determinations.

- a. Decisions of permanent judicial commissions other than the General Assembly’s Permanent Judicial Commission are binding only on the parties to the case.
- b. If none of the specifications of error is sustained, and no other error is found, the decision of the lower council shall be affirmed.
- c. If one or more errors are found, the permanent judicial commission may conclude that despite the errors found, the decision of the lower council is affirmed. Alternatively, it may reverse the decision of the lower council either completely or in part, and if reversed in part, it may determine whether the decision of the lower council shall be modified or set aside, or the case remanded for a new trial.
- d. The questions presented for decision shall be fully debated and voted upon while all participating permanent judicial commission members are present. A written outline of a decision shall be prepared while in session. A written decision shall be reviewed by all participating members of the panel, which may take place either while the participating commission members

are present or by meeting within ten (10) days either in person, or electronically in accordance with G-3.0105.

e. The decision shall become the final decision when a copy of the written decision is signed by the moderator and clerk of the permanent judicial commission. A copy of the decision shall immediately be delivered to the parties to the case in accordance with D-4.0103b, or electronic communication if agreed upon in advance by the parties.

CHAPTER VII

DISCIPLINARY PROCESS

D-7.01 Disciplinary Process

D-7.0101 Purpose

The disciplinary process provides for the accountability of individuals to the church. When it is alleged that trust is broken by an individual, it is important to restore that trust within the community of faith. Church discipline is not punishment; rather, it is the exercise of authority given by Christ, both to guide, control, and nurture the church's members and for the correction and restraint of wrongdoing. The purpose of the discipline is to honor God by making clear the significance of membership in the body of Christ, to achieve justice and compassion for all participants involved, to correct or restrain wrongdoing in order to bring members to repentance and restoration where possible, to restore peace and unity in the body of Christ, and to secure the just, speedy, and economical determination of proceedings.

D-7.0102 Initiation

The disciplinary process begins when a written statement alleging that an active member of a congregation or a minister of the Word and Sacrament of the Presbyterian Church (U.S.A.) has committed an offense is submitted to the clerk of session or stated clerk of the presbytery having jurisdiction over the member. If, after investigation by an investigating committee and trial by a session or permanent judicial commission, the offense is proved true, the person found guilty is subject to censure by the Presbyterian Church (U.S.A.).

D-7.0103 Definition of an Offense

An offense is any act or omission by a member of a congregation or a minister of the Word and Sacrament that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.). The mere act of participating in decisions ultimately made by a committee, a commission, or by a council is not an offense.

D-7.0104 Deadlines and Filings

The method of determining filing deadlines and methods of filing are as follows:

a. Deadlines

In determining whether or not a document is timely filed, the day following the event giving rise to the time limit begins the count as day one (for example, the day following the date of the first meeting of an investigating committee, or on which a party receives a decision). All seven days of

every week are included in the count, including holidays, and the document shall be deemed timely filed if it is received by the person or persons to whom it is required to be sent on or before the final day of the count. When the final date of the count falls on a weekend or holiday, the document shall be deemed timely filed if it is received on the next business day after the final day of the count.

b. Methods of Filing

Any document required to be filed may be sent or delivered by United States Postal Service certified mail, return receipt requested; commercial courier, with delivery receipt requested; personal delivery; or electronically when so permitted in these rules.

D-7.02 Filing an Allegation

D-7.0201 Allegation

For filing an allegation in a disciplinary matter, the following applies:

a. Time Limit

No written allegation shall be filed later than five years from the time the alleged offense was discovered except in cases of sexual abuse of another person as defined in D-7.0901, in which case the five-year time limit shall not apply. There is also no time limit to file an allegation that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-7.0901 failed to take reasonable steps to minimize the risk.

b. Who May File

Any member of the Presbyterian Church (U.S.A.) may file a written allegation against a member of a congregation of the Presbyterian Church (U.S.A.) or a minister of the Word and Sacrament. Anyone who is not a member of the Presbyterian Church (U.S.A.) may request that a member file a written allegation on their behalf.

c. Contents of Allegation

The allegation shall include:

- (1) A written statement of the alleged offense or offenses; and
- (2) Facts which, if proved true, would likely result in censure.

d. Submitting an Allegation

An allegation shall be submitted in writing to the clerk of session or stated clerk of the council with jurisdiction over the individual who is accused.

(1) If the allegation is against a member of a congregation not serving as a commissioned pastor at the time of the alleged offense, the allegation shall be sent to the clerk of session with jurisdiction over the accused member.

(2) If the allegation is against a minister member of a presbytery or a commissioned pastor in a validated ministry at the time of the alleged offense, the allegation

shall be sent to the stated clerk of the presbytery with jurisdiction over the accused member of the presbytery or commissioned pastor.

e. Members Receiving Allegations from Any Source

Members of the Presbyterian Church (U.S.A.) who receive an allegation from any source against a member of the Presbyterian Church (U.S.A.) should file a written allegation with the clerk of session or stated clerk of the council with jurisdiction over the individual who is accused. Clerks of session and stated clerks who receive a written statement of offense from a non-member of the Presbyterian Church (U.S.A.) that contains sufficient information to allow an investigation and to suggest that an offense has been committed, should file a written allegation on behalf of the non-member. In this case they shall not be considered to be disqualified from continuing to serve in their role as the clerk of session or stated clerk. Councils may provide by rule for who shall fulfill the role of the “accuser” in such cases.

f. Self-Accusation

A member of the Presbyterian Church (U.S.A.) may self-accuse by filing an allegation with the clerk of session or stated clerk of the council with jurisdiction over the individual member.

D-7.0202 Initiating a Request for Vindication

A member of the Presbyterian Church (U.S.A.) who feels injured by a rumor or gossip which is from an unidentified source or is from a source not accountable to the Presbyterian Church (U.S.A.) may request an investigation for the purpose of vindication. Requests for vindication should not be used for matters that can be resolved by filing an allegation.

a. A member requesting vindication shall submit a written statement of the rumor or gossip to the clerk or stated clerk of the council with jurisdiction over the member.

b. The council shall appoint an investigating committee in accordance with its rule as defined in D-7.0501a.

c. The investigating committee shall conduct an inquiry to ascertain the facts and circumstances and shall:

(1) Report its determinations in writing to the council within one year of its first meeting. The council will include the written report in its minutes and that will conclude the matter,

(2) File charges as described in D-7.15 with the session or permanent judicial commission against the individual who initiated the investigation if the investigating committee finds that a comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true that the individual has committed an offense contrary to Scripture or the Constitution of the Presbyterian Church (U.S.A.), or

(3) Determine that one or more other individuals who are members of the Presbyterian Church (U.S.A.) may have committed an offense, and file one or more written allegations against those individuals with appropriate clerks of session or stated clerks.

D-7.03 Jurisdiction

D-7.0301 Primary Jurisdiction

Each council is responsible for the discipline of its members and has primary jurisdiction over any allegation against one of its members including any trial, except as provided in D-7.0201d(2).

D-7.0302 Exceptions to Primary Jurisdiction

Exceptions to Primary Jurisdiction as described in D-7.0301 are as follows:

- a. Ruling elders commissioned to service by presbyteries are accountable as provided in D-7.0201.
- b. When ministers of the Word and Sacrament are engaged in work or reside within the geographic bounds of a presbytery other than the presbytery of membership, the presbytery of membership may request the presbytery within whose bounds the member works to investigate any allegation and file a report of the investigation with the stated clerk of the presbytery of membership and cooperate with the presbytery of membership in any disciplinary inquiry, alternative resolution, or trial. If the councils involved appoint a joint investigating committee, the expenses of that committee shall be shared. Jurisdiction for trial remains with the council of membership.
- c. If an allegation involves events that originated within a council other than the council with jurisdiction over the individual who is accused, the clerk of session or stated clerk of the council of jurisdiction shall report to the clerk of session or stated clerk of the other council or councils if charges are filed, and of the outcome of any trial.
- d. If the council of jurisdiction fails to act in a particular case for a period of sixty (60) days after the filing of charges in a disciplinary case, the next higher council, on the request of any party, may assume jurisdiction in the case. It may either issue specific instructions to the lower council as to its disposition or conclude the matter itself.
- e. Jurisdiction in a disciplinary process ends when a church member or a minister of the Word and Sacrament against whom an allegation has been filed renounces the jurisdiction of the Presbyterian Church (U.S.A.) in accordance with G-2.0407 or G-2.0509. In this case, the clerk of session or stated clerk of the presbytery shall report to the council both the renunciation and the status of the matter at that time, including the name of the accused, the date and fact of renunciation during an investigation or trial, and the charges, if filed. If no charges have been filed, the report shall include the nature of the alleged offense.
 - (1) A person alleged to have been harmed may make the request for a pastoral inquiry in accordance with G-3.0109b(6) at any time to the clerk of session or stated clerk, and it shall be brought to the council for consideration. In the interest of continuity, the council by its rules may appoint members of a former investigating committee to the membership of any subsequent committee or commission appointed to make inquiry into the matter.
 - (2) If an accused has died or is no longer under the jurisdiction of the Presbyterian Church (U.S.A.), the investigating or prosecuting committee shall ask the

accuser, and if reasonably possible, those alleged to have been harmed, if they request the council to continue a pastoral inquiry under the provision in G-3.0109b(6) or to undertake a separate pastoral inquiry for other offense(s). If they choose to make that request, or if the investigating or prosecuting committee deems it necessary, the investigating or prosecuting committee shall communicate it to the clerk of session or stated clerk, who shall bring the matter before the council for consideration. Any information collected in the course of such a pastoral inquiry shall be retained by the council and shall be made available as evidence if at some point the circumstances related to D-7.1501c apply.

f. A minister of the Word and Sacrament transferred from one presbytery to another presbytery shall be subject to the jurisdiction of the first until received by the second. A minister of the Word and Sacrament transferred by the presbytery to another denomination shall be subject to the jurisdiction of the presbytery until received by the new denomination.

g. When a congregation is dissolved, the presbytery shall determine any case of discipline begun by the session and not concluded.

D-7.04 Reference

D-7.0401 Definition of Reference

A reference in a disciplinary process is a written request, made by a session or a permanent judicial commission of a presbytery or synod to the permanent judicial commission of the next higher council to assume jurisdiction of the case, for:

- a. Investigation of an alleged offense and all subsequent proceedings (D-7.05 and following),
- b. Proceedings subsequent to the filing of charges (D-7.15 and following), or
- c. A hearing on the appeal of a disciplinary case from a lower council.

D-7.0402 Duty of Lower Council

With its written request for reference to a higher council, the lower council shall specify its reasons for the request and transmit the entire record of proceedings in the case and shall take no further action thereon, unless the higher council's permanent judicial commission returns the matter as provided in D-7.0404b. If the reference is accepted, all proceedings, including the trial or hearing on appeal, shall thereafter be held in the higher council.

D-7.0403 Duty of Higher Council

Upon receipt of a request for reference, the stated clerk of the higher council shall transmit the request to the permanent judicial commission for a decision whether or not to accept the case.

D-7.0404 Action on Request

In taking action on a request for reference, a permanent judicial commission may take either of the following actions:

a. If the permanent judicial commission decides to accept the reference, it shall instruct the stated clerk to proceed with the appointment of an investigating committee, if needed. The permanent judicial commission shall conduct the trial or hearing on appeal.

b. The higher council's permanent judicial commission may decline to accept the case for reference and return it to the lower council, stating its reasons. The session or permanent judicial commission of the lower council shall conduct the investigation, trial, or hearing on appeal and proceed to a decision.

c. While a request for reference is pending, and until the higher council acts to accept or decline to accept the reference for the case, any pending deadlines or periods of time for action by a council, a party, or an investigating committee shall be suspended.

D-7.05 Investigation

D-7.0501 Referral to Investigating Committee

When a clerk of session or the stated clerk of a presbytery receives an allegation, without undertaking further inquiry, that clerk shall then report to the council only that an offense has been alleged without naming the accused or the nature of the alleged offense and refer the statement of allegation promptly to an investigating committee, which shall conduct an inquiry as defined below. The clerk of session or stated clerk shall also inform the accuser of the disciplinary process and their rights and responsibilities in the process.

a. Sessions may and councils above the session shall provide by rule for the appointment of an investigating committee.

b. If a session is notified of the receipt of an allegation, it shall determine whether to proceed with an investigation or request a reference to the presbytery (D-7.04).

c. When an allegation is received by a clerk of session or a stated clerk other than the one of the council having jurisdiction over the member, it shall be the duty of the clerk of that session or the stated clerk of that presbytery to submit the written statement of allegation to the clerk of session or the stated clerk of the presbytery having jurisdiction over the member. The involved councils shall proceed in accordance with D-7.0301c.

D-7.0502 Transfer of Membership

A session shall not grant a transfer of membership to a member, nor shall a presbytery grant transfer of membership to a minister of the Word and Sacrament, while an inquiry or charges are pending. The reasons for not granting transfer of membership may be communicated by the clerk of session or the stated clerk of the presbytery to the appropriate persons.

D-7.06 Membership of the Investigating Committee

An investigating committee shall have no more than five but no fewer than three members, and may include members from another council. Sessions shall not appoint elders currently on the session to an investigating committee. All members of an investigating committee shall be members of the Presbyterian Church (U.S.A.).

D-7.07 Expenses of the Investigating Committee

The expenses of an investigating committee shall be paid by the council which designates it. In cases where the investigation is shared in accordance with D-7.0301c, expenses shall be shared.

D-7.08 Assisting Roles

The following persons may assist in the disciplinary process as described in this section.

D-7.0801 Counsel

Where counsel is referred to in this section, counsel need not be a paid representative or an attorney. Counsel shall be a member of the Presbyterian Church (U.S.A.). No member of a permanent judicial commission shall appear as counsel before that commission while a member of that commission.

D-7.0802 Advocate

The role of advocate is to provide support, consultation, and pastoral care for the accuser, those alleged to be harmed, or those accused. Advocates need not be members of the Presbyterian Church (U.S.A.).

D-7.0803 Mediator

Mediators, if utilized, should be persons known for calm, wise counsel, qualification of diverse cultural competence, and need not be attorneys or certified mediators. Mediators need not be members of the Presbyterian Church (U.S.A.); however, they should be familiar with Section D of the *Book of Order*. Presbyteries may identify in advance potential mediators. Any fees for mediation shall be negotiated in advance and paid for by the council of jurisdiction.

D-7.09 Allegations of Sexual Abuse

D-7.0901 Definition

Sexual abuse is any offense involving sexual conduct in relation to any person under the age of eighteen years or anyone without the capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position. Sexual abuse is contrary to the Scriptures and the Constitution of the Presbyterian Church (U.S.A.), and is therefore always an offense for the purpose of discipline.

D-7.0902 Administrative Leave

In dealing with an allegation against a minister of the Word and Sacrament, the following considerations regarding administrative leave or other restrictions apply:

a. When an allegation of sexual abuse as defined in D-7.0901 has been received against a minister of the Word and Sacrament, the stated clerk receiving the allegation shall immediately communicate the allegation to the three members designated in accordance with D-3.0102.

b. Regardless of the employment status of the minister of the Word and Sacrament, the members designated in accordance with D-3.0102, shall determine as quickly as possible, after reviewing the written allegations and providing the accused the opportunity to be heard, whether

the risk to a congregation and/or to other potential victims of abuse requires administrative leave or other restrictions upon the minister's service, when considered in light of the nature and probable truth of the allegations. Such administrative leave or restrictions will continue until either the matter is resolved in one of the ways prescribed in the disciplinary process or until the leave or restrictions are altered or removed by the members of the commission.

D-7.0903 Effect of Administrative Leave

While administrative leave is in effect, the minister of the Word and Sacrament shall not perform any pastoral, administrative, educational, or supervisory duties, and shall not officiate at any functions such as the administration of Sacraments, funerals, or weddings. The effect of administrative leave for a minister of the Word and Sacrament in a validated ministry beyond the jurisdiction of the Presbyterian Church (U.S.A.) is the suspension of the validation of the ministry until the matter is resolved, which shall be communicated to the employer by the stated clerk of the presbytery.

D-7.0904 If Leave is Not Required

If the members of the permanent judicial commission designated in accordance with D-3.0102 determine that no administrative leave or restriction is required, the investigating committee appointed to investigate the allegations shall be free at any point in its investigation to present additional evidence to the designated members supporting the imposition of administrative leave or other restrictions.

D-7.0905 Presbytery Policies on Administrative Leave

Nothing in this section shall preclude a presbytery from establishing its own rules for administrative leave or other restrictions on a minister's service.

D-7.10 Rights and Responsibilities of the Persons in a Disciplinary Process

D-7.1001 Rights of the Accuser

The investigating committee shall inform the person submitting the allegation of the following rights:

- a. The right to be treated with fairness and respect.
- b. The right to be accompanied by an advocate whenever asked to meet with the investigating committee, the prosecuting committee, and the session or permanent judicial commission. The role of the advocate is to provide support and pastoral care. The advocate shall not be permitted to address the committees, session or permanent judicial commission on behalf of the accuser.
- c. If charges are filed, the right to reasonable and timely notice of, and to be present at, all public proceedings related to the charges, unless the prosecuting committee determines that testimony by the accuser would be materially affected if they heard other testimony at trial.

D-7.1002 Rights of Those Alleged to Have Been Harmed

When it is possible to do so while also maintaining appropriate confidentiality, the investigating committee shall notify individuals named in the allegation who are alleged to have been harmed by the offense of the following rights:

- a. The right to be treated with fairness and respect.
- b. The right to be accompanied by an advocate whenever asked to meet with the investigating committee, the prosecuting committee, and the session or permanent judicial commission. The role of the advocate is to provide support and pastoral care. The advocate shall not be permitted to address the committees, session or permanent judicial commission on behalf of those alleged to have been harmed.
- c. If charges are filed, the right to reasonable and timely notice of, and to be present at, all public proceedings related to the charges, unless the prosecuting committee determines that testimony by those alleged to have been harmed would be materially affected if they heard other testimony at trial.

D-7.1003 Rights of the Accused

At the beginning of each and every conference with an investigating committee, the prosecuting committee, and the session or permanent judicial commission, the person against whom an allegation has been made shall be informed by the investigating committee of the following rights:

- a. The right to remain silent throughout the entire disciplinary process,
- b. The right to be treated with fairness and respect.
- c. During the investigation, the right to be represented by counsel at their own expense and to be accompanied by an advocate. The role of the advocate is to provide support and pastoral care. The advocate, if not also counsel, shall not be permitted to address the committee, session, or permanent judicial commission.
- d. If charges are later filed, the right to reasonable and timely notice of, and to be present at, all public proceedings related to the charges, to be represented by counsel (D-7.0104), and to have counsel appointed if unable to afford counsel.

D-7.1004 Responsibilities of All Participants

All participants in an investigation have the responsibility to work cooperatively in the investigation. This includes, but is not limited to, the preservation of records which may be pertinent, and maintaining appropriate confidentiality throughout the process (see D-7.1003).

D-7.11 Investigating Process

D-7.1101 Preliminary Review

The investigating committee shall hold its first meeting within sixty days of its appointment to review the allegation and determine whether it alleges any facts that, if true, constitute an offense, as defined in D-7.0103.

a. If no offense is alleged, the investigating committee shall report this fact to the clerk of session or stated clerk of the council and shall end its inquiry.

b. If the investigating committee determines that the allegation repeats allegations previously made against the accused, it shall report to the clerk of the council that it will not file charges unless the allegation contains new information warranting investigation or is the subject of an investigation that has not been concluded, and shall end its inquiry.

c. The clerk shall communicate the decision not to move to an investigation to the person who filed the allegation and to the person against whom the allegation was filed.

d. Within thirty (30) days of receipt of the report, the person who submitted the allegation may petition the session or permanent judicial commission for a review of the decision of the investigating committee not to file charges (D-7.1402).

D-7.1102 Notification to Participants

If the investigating committee determines that an offense as defined in D-7.0103 is alleged, the investigating committee shall, as quickly as it is practical,

a. Notify the accused in writing of:

(1) The date of the investigating committee's first meeting, which begins the one-year timeline for filing charges (D-7.1501);

(2) The reason for the investigation, including a copy of the statement of alleged offense, excluding the name of the accuser at the discretion of the investigating committee;

(3) The confidentiality of the investigating process; and

(4) The rights and responsibilities of the accused defined in D-7.1003 and D-7.1004.

b. Notify the person making the allegation in writing of:

(1) The date of the investigating committee's first meeting which begins the one-year timeline for filing charges (D-7.1501);

(2) The confidentiality of the investigating process;

(3) The rights and responsibilities of the accuser and of those alleged to have been harmed, if known, as defined in D-7.1001, D-7.1002, and D-7.1004; and

(4) The investigating committee's commitment to keep the person making the allegation informed as the investigation proceeds including, whenever possible, if charges will be filed.

D-7.1103 Conduct of Investigation

The investigating committee shall make a thorough inquiry into the facts and circumstances of the alleged offense. The investigation is presumed to be confidential. Information is shared only

on a need to know basis as determined by the investigating committee in consultation with the clerk or stated clerk of the council. In the event that information is shared, it shall be stated that the accused is presumed innocent. The investigating committee shall keep the clerk or stated clerk of the council informed of its progress in the process.

The investigating committee shall:

- a. Examine all relevant papers, documents, and records available to it;
- b. Ascertain all available witnesses who have knowledge of the alleged offense and inquire of them;
- c. Determine, in accordance with G-3.0102 and D-7.0103, whether there are reasonable grounds to believe that an offense was committed by the accused;
- d. Decide whether the offense alleged can be proved so that the comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true.
- e. Report to the council having jurisdiction over the accused, or in the case of a joint investigation, report to both councils, only whether or not the investigating committee will file charges;
- f. If charges are to be filed, prepare them in accordance with the procedures described in D-7.1503 and designate one or more of its members to prosecute the case; and
- g. Determine if alternate resolution to a trial on the charges should be pursued (see D-7.16).

D- 7.1104 Request for Reference

If within sixty (60) days of its first meeting the investigating committee determines that it is unable for any reason to conduct a thorough and fair investigation, it may ask the council to request a reference in accordance with D-7.04.

D-7.12 Review of Investigating Procedures

At any time during the course of the investigation, the person against whom an allegation has been made may petition the session or permanent judicial commission to review procedures of the investigating committee.

D-7.1201 Subject of Review

The subject of such a petition for review shall be limited to whether the committee has followed the procedures required by D-7.1003, whether the committee has followed a proper trail of evidence, whether the evidence being considered is properly in the hands of the investigating committee, and whether the committee has examined relevant evidence proposed by the accused.

D-7.1202 Conduct of Review

The review shall be conducted by the three members designated in accordance with D-3.0102. The review may include a hearing at the discretion of the three designated members at which the investigating committee and the accused may appear. The review shall be completed within forty-five (45) days of the filing of the petition, and the decisions shall be communicated to the investigating committee, the accused, the moderator and the clerk of the permanent judicial commission, and the clerk of the council.

D-7.13 Investigating Committee Conclusion

The investigating committee may determine:

- Not to file charges (D-7.14),
- To file charges and proceed to trial (D-7.15), or
- To file charges together with an alternative resolution (D-7.16).

D-7.14 If Charges Are Not Filed

D-7.1401 Written Report

If no charges are filed, the investigating committee shall file a written report of that fact alone with the clerk of session or stated clerk of the presbytery. The clerk of session or stated clerk of the presbytery shall notify the person who submitted the allegation and the accused that charges will not be filed.

D-7.1402 Review of Decision

Review of a decision not to file charges shall proceed as follows:

a. Within thirty (30) days of receipt of the report, the person who submitted the allegation may petition the session or permanent judicial commission to review the decision of the investigating committee not to file charges.

b. The petition shall allege those instances in which the investigating committee has not fulfilled the duties specified in D-7.10.

c. The investigating committee shall submit a written response to the facts alleged in the petition within thirty (30) days.

d. The members of the permanent judicial commission designated in accordance with D-3.0102 shall consider the petition and the response, giving attention to the duties specified in D-7.10 and to the question of whether the purposes of the disciplinary process will be preserved by the decision of the investigating committee not to file charges. The decision of the designated members of the permanent judicial commission upon the petition and response shall be rendered within ninety (90) days.

e. If the designated members sustain the petition, a new investigating committee shall be appointed by the session or presbytery. The new investigating committee shall have until the original deadline or until six (6) months from its first meeting, whichever is later, to determine whether to file charges.

f. If the designated members do not sustain the petition, or if a second investigating committee determines not to file charges, the disciplinary process is concluded. The investigating committee's records shall be preserved in accordance with session or presbytery policy for a minimum of ten years.

D-7.15 If Charges Are Filed

D-7.1501 Time Limits for Filing Charges

Once a written allegation has been submitted, no charges shall be filed later than one year from the date of the investigating committee's first meeting, except as noted below.

a. In those instances where secular proceedings against the accused pertinent to the subject of the investigation have commenced, the investigating committee may request of its session or permanent judicial commission and may receive an extension of its time for filing charges of up to six months from the conclusion of any investigation or resulting trial undertaken by the civil authorities. The clerk of session or stated clerk of the council shall maintain contact with civil authorities to determine when such secular proceedings have concluded.

b. For instances of sexual abuse of another person as defined in D-7.0901 the five-year time limit for filing an allegation shall not apply. There is also no time limit for alleging that a person who knew or reasonably should have known of the reasonable risk of sexual abuse of another as defined in D-7.0901 failed to take reasonable steps to minimize the risk. Charges in these instances may be brought regardless of the date on which an offense is alleged to have occurred.

c. When a former minister of the Word and Sacrament or a former active member of a congregation again becomes an active member of a congregation (G-1.0402) or a member of a presbytery (G-2.0502, G-2.0503) after having renounced jurisdiction while in the disciplinary process, allegations shall be brought forward again. The process would then begin anew with the one-year time limit in effect. The time limit begins on the date when the stated clerk or clerk of session becomes aware that the renounced member has rejoined the Presbyterian Church (U.S.A.). If charges had been filed at the time of renunciation, the prosecuting committee shall have at least six months to proceed forward before trial. If a new prosecuting committee must be formed, it shall have at least nine months to proceed forward before trial. The accused shall not serve in an ordered ministry of the church while an investigation or trial is pending.

D-7.1502 Duties of the Investigating Committee

If the investigating committee decides to file charges, it shall:

- a. Inform the accused in writing that charges will be filed, and list each charge separately;
- b. Include a summary of the facts it expects to prove at trial to support the charges; and
- c. Designate one or more of its members to serve as the prosecuting committee. The prosecuting committee shall prosecute the case and represent the church during any appeals. The prosecuting committee may include additional members at the council's discretion.

D-7.1503 Charges

Each charge shall state only one offense.

a. An offense is any act or omission by a member of a congregation or a minister of the Word and Sacrament that is contrary to the Scriptures or the Constitution of the Presbyterian Church (U.S.A.) as defined in D-7.0103.

b. Each charge shall state the specific provision or provisions of Scripture and/or the Constitution that have been violated.

c. Each charge shall be numbered, and state (as far as possible) the time, place and circumstances of the commission of the offense. Multiple occurrences of the same offense may be consolidated in one charge.

d. Each charge shall be accompanied by a summary of the facts expected to be proved at trial.

e. The investigating committee shall file the charges with the clerk of session or the stated clerk of the presbytery.

(1) If the charges are filed with the clerk of session, upon its receipt, the clerk shall present the charges to the session at its next meeting and determine whether it will try the case or request a reference to the presbytery (D-7.04).

(2) If the charges are filed with the stated clerk of the presbytery, the stated clerk shall immediately forward the charges to the permanent judicial commission.

D-7.16 Alternative Resolution

D-7.1601 Initiation of Alternative Resolution

If it deems appropriate, the investigating committee may initiate alternative resolution after the investigation has been completed and the charges have been drafted, but before the charges have been filed.

The investigating committee shall report any agreement for alternative resolution to the session or permanent judicial commission for its approval together with the charges to be filed. The outcome of any alternative resolution shall be a signed agreement between the accused and the investigating committee, to be filed together with the charges with the session or the permanent judicial commission. Terms of an alternative resolution shall be agreed upon and submitted within the one-year time limit for filing charges, except as provided in D-7.1603 for Restorative Justice. By mutual agreement the investigating committee and the accused may petition the permanent judicial commission for an extension of the deadline to file charges of up to 60 days while efforts at alternative resolution are being pursued.

Should efforts at alternative resolution fail, or the agreement is not accepted by the session or permanent judicial commission, no statements, written or oral, made at or in connection with this process, shall be admissible in evidence at a subsequent investigation or trial.

Any fees for mediation or for facilitating restorative justice processes shall be negotiated in advance and paid for by the council of jurisdiction.

D-7.1602 Forms of Alternative Resolution

Alternative resolution may take one of three forms: restorative justice, mediation, or other negotiated agreements.

D-7.1603 Restorative Justice

At the discretion of the investigating committee, in those instances where the accused will plead guilty and take responsibility for harm done, and those alleged to have been harmed are willing to find outcomes that repair damage and address the reasons for the offense, the investigating committee may initiate a process of restorative justice to bring closure to the persons involved and restoration to the community of faith.

When a process of restorative justice is initiated, an investigating committee may request of its session or permanent judicial commission one or more extensions of time to file charges to determine if justice for all can be achieved within a reasonable period.

a. The Purpose of Restorative Justice

(1) Restorative justice is a process by which both those alleged to have committed an offense and those alleged to have been harmed seek to restore the wholeness of the Body of Christ. Restorative justice may be employed prior to trial, or as part of a process of healing after an accused has been found guilty, when the guilty party has had time to accept responsibility and those harmed have had time for personal healing. Should restorative justice not be employed as an alternative resolution prior to trial, the council shall be open to the process at any time if those harmed request and are willing to engage the process.

(2) Restorative justice is not primarily about forgiveness or reconciliation. There should be no pressure on those harmed to forgive or be reconciled. The decision to forgive or be reconciled must be made by the participants at their own initiative.

b. The Practice of Restorative Justice

Restorative justice is guided by four basic questions:

- Who has been harmed?
- What needs do they have?
- Who shares the responsibility to address the needs, to repair the harm, and to restore relationships?
- What is needed to restore wholeness to the community?

The process should be facilitated by a person trained in restorative justice, and shall respect the needs and roles of each participant, including:

(1) Those who have been harmed, who have a need for real information through facilitated direct or indirect contact with offenders; the opportunity for truth-telling by sharing their stories; empowerment by having a voice in the process of justice; support for personal healing from trauma; and vindication through acts of symbolic restitution, which may include a public statement of apology by the offender and/or from the community.

(2) Offenders, who have a need for accountability that focuses on the harm done, encourages compassion, and transforms shame; support for personal healing from trauma, addictions, or other issues that may have contributed to the harmful actions; the development of personal capabilities and boundaries; encouragement and support for restoration to the community; and when necessary, temporary or permanent restrictions or removal to prevent future offenses.

(3) Communities, who have a need to attend to the harm and trauma experienced; to employ resources and opportunities to rebuild communal accountability and trust; to honor their obligation to care for their members including those harmed and offenders; to have reasonable assurance that offenders will not offend again; and to take preventative measures to protect others in the future.

D-7.1604 Mediation

In those instances where the accused will plead guilty and takes responsibility for harm done, but a process of restorative justice is not possible or appropriate, the investigating committee may initiate an alternative resolution process of mediation in the hope of achieving justice and compassion for all involved and repentance and restoration to the accused. It shall also take into consideration the broken trust in the larger community of faith, and the time and energy that will be necessary for its trust to be restored. Mediators and facilitators utilized in this process should be persons known for calm, wise counsel, and need not be attorneys or certified mediators. Anyone serving as a mediator or facilitator must be familiar with Section D of the *Book of Order*. Where harm has been done to another person, presbyteries should utilize persons who have specialized training and skills. Any mediated agreement shall include a specification of charges to which the accused will plead guilty, together with a recommendation for censure.

D-7.1605 Other Negotiated Agreements

When the interests of justice demand it, an investigating committee may submit a negotiated agreement as part of an alternative resolution. All such agreements shall include a specification of charges to which the accused will plead guilty, together with a recommendation for censure. Prior to entering into any negotiation with the accused or counsel for the accused, the investigating committee shall consult with the accuser and those alleged to have been harmed, if known, regarding reasons for a negotiated agreement. Ordinarily, negotiated agreements should not be used to resolve allegations of sexual abuse.

D-7.1606 Session or Permanent Judicial Commission Action

Upon receipt of a signed alternative resolution, the session or permanent judicial commission shall convene to:

a. Receive the agreement and the charges together with a statement of the investigating committee's rationale for adoption of the agreement;

- b. Vote to approve it by at least two-thirds of the members eligible to vote (D-3.0602);
- c. Make a record of its proceedings according to the provisions of D-8.1201d, including the name of the accused, the substance of the charge(s), and censure if any; and
- d. Transmit its decision to the clerk of session or the stated clerk, who shall report it according to the provisions of D-9.0102.
- e. If the session or permanent judicial commission does not approve the alternative resolution agreement by a two-thirds vote, the investigating committee may seek another alternative resolution to present to the session or the permanent judicial commission within the one-year deadline, or
- f. If an alternative resolution agreement is not reached, the investigating committee shall designate a prosecuting committee and the matter shall proceed on the charges filed.

CHAPTER VIII

TRIAL IN A DISCIPLINARY CASE

D-8.01 Pretrial Procedures

D-8.0101 Parties

All disciplinary cases shall be filed and prosecuted by a council through a prosecuting committee in the name of the Presbyterian Church (U.S.A.). The prosecuting committee is the representative of the church and, as such, has all of the rights of the appropriate council in the case. The only parties in a disciplinary case are the prosecuting committee and the accused.

D-8.0102 Circulation of Materials and Communication

With regard to materials pertaining to the case and communication regarding the case, the following rules apply:

a. Any materials pertaining to the case shall be filed with the clerk of session or stated clerk of the presbytery hearing the case. Parties to a disciplinary case or their counsel or any other person shall not circulate or cause to be circulated directly to the members of the session or permanent judicial commission any written, printed, electronic, or visual materials of any kind upon any matter pertaining to the case before its final disposition. Notwithstanding this prohibition, the session or permanent judicial commission may request, or grant leave to file, additional materials.

b. Parties or their counsel shall not communicate with members of the session or permanent judicial commission regarding any matter related to the case unless the other party and their counsel, if any, are included.

D-8.0103 Pretrial Conference

A pretrial conference shall be scheduled, which may be held electronically in accordance with G-3.0105.

a. The session or permanent judicial commission which is to try the case shall hold a pretrial conference no later than forty-five (45) days after confirmation of the receipt of the charge(s). The moderator and clerk of the session, or their designees, or the moderator and clerk of the permanent judicial commission, or their designees, shall set a date, time and place for the pretrial conference, and conduct it on the session's or commission's behalf.

b. The clerk of session or the stated clerk shall notify the accused, the counsel for the accused, if any, and the prosecuting committee of the date, time and place of the pretrial conference and request their presence.

c. The accused is expected to attend the pretrial conference. If the accused is unable or unwilling to attend, the pretrial conference shall proceed regardless of the accused's absence.

d. At the pretrial conference, the moderator or the moderator's designee shall:

(1) Read aloud the Preamble to Church Discipline (D1);

(2) Inform the accused of the right to counsel and the right to remain silent throughout the process;

(3) If the accused is unable to afford counsel, the session or permanent judicial commission shall review the financial records of the accused, and if it determines that financial need exists, shall appoint counsel for the accused. Fees, if any, for this representation at the expense of the council shall be agreed upon in writing.

(4) Read the charges to the accused, and;

i. Determine with the accused and the prosecuting committee those charges that are not in dispute and discuss alternatives to a full trial;

ii. Hear any challenges to the appropriateness of charges, make recommendations to dismiss some of the charges, consolidate the charges, or permit amendments to the charges. The moderator and clerk of the session, or their designees, or the moderator and clerk of the permanent judicial commission, or their designees, shall refer all disputes of fact to the trial.

iii. Ask the accused to plead guilty or not guilty to each charge for the record.

(5) Furnish the accused with a description of the records and documents that may be offered to support each charge, and a list of witnesses then known and their relevance to the matter at trial; and

(6) Review any reports of petitions for review conducted in accordance with D-7.10.

(7) The session or permanent judicial commission may consult with the parties and their counsel on any other pending or anticipated pretrial motion or matter that will need to be addressed before the commencement of the trial. The session or permanent judicial commission should establish deadlines and a trial date accordingly.

All actions taken at the pretrial conference are preliminary and shall be referred to the session or permanent judicial commission for approval at trial.

D-8.0104 Between the Pretrial Conference and the Trial

In regard to actions to be taken between a pretrial conference and a trial, the following applies:

a. The moderator of the session or permanent judicial commission shall schedule a trial, to be held no sooner than sixty (60) days following the pretrial conference. If the accused pleads guilty to all charges, no trial shall be held and a censure hearing shall be held no sooner than thirty (30) days following the pretrial conference.

b. At least forty-five (45) days in advance of the trial, the prosecuting committee shall provide the clerk of session or clerk of the permanent judicial commission and the other party with their list of witnesses and an outline of the evidence to be presented at trial. The accused shall provide the clerk of session or clerk of the permanent judicial commission and the other party with a preliminary list of witnesses. Parties or their representatives shall not contact the other party's witnesses prior to the trial.

c. At any time, the session or permanent judicial commission shall be open to alternative resolution between the parties and at its sole discretion may continue the trial to allow for an alternative resolution process as described in D-7.16.

D-8.02 Conduct of Trial

D-8.0201 Trial of a Disciplinary Case

The trial of a disciplinary case shall be conducted by a session or permanent judicial commission of a presbytery.

a. The trial shall be conducted formally with full decorum in a neutral place suitable to the occasion.

b. Except for the provision of electronically received testimony contained in D-8.04, trials should be held in person. When necessary, and at the sole discretion of the session or permanent judicial commission, trials may be held electronically in accordance with G-3.0105 and provided that the technology employed allows witnesses and parties as well as members of the session or permanent judicial commission to be seen and heard clearly.

c. The accused in a disciplinary case is presumed to be innocent unless a determination of guilt is rendered by two-thirds of the session or permanent judicial commission eligible to vote (see D-3.0602).

D-8.03 Citations and Testimony

D-8.0301 Citations

Citations to appear at trial for parties or such witnesses as either party may request shall be signed by the moderator or clerk of the session or the permanent judicial commission and served by the clerk of the council. Witnesses may be either fact witnesses or expert witnesses (see D-8.0704b).

D-8.0302 Who May Be Cited

Only members of the Presbyterian Church (U.S.A.) may be cited to appear. Persons who are not members of the Presbyterian Church (U.S.A.) and expert witnesses (regardless of their denominational membership) can only be requested to attend.

D-8.0303 Witnesses from Another Council

When it is necessary to summon witnesses who are under the jurisdiction of another council of the church, the clerk or stated clerk of the other council shall, on the application of the session or permanent judicial commission trying the case, through the clerk of the council, issue a citation to the witnesses to appear at the place of trial and give evidence as may be required.

D-8.0304 Expenses

Any witness shall be entitled to receive from the party calling the witness reimbursement of actual expenses incurred in attendance at the trial.

D-8.0305 Service of Citation

A citation shall be delivered in accordance with D-7.0104b, or by electronic delivery acknowledged by the recipient within seven (7) days. The moderator or clerk of the session or permanent judicial commission trying the case shall keep a record of the fact and date of service or delivery. If a party or a witness who is compelled to attend (D-8.0302) fails to obey a citation to appear or having appeared, refuses without good cause to testify, and after warning continues to refuse, the party or witness shall be considered guilty of disobedience and contempt, and for such offense may be subject to disciplinary action by their council of jurisdiction.

D-8.04 Electronically Received Testimony

Witnesses may be granted permission by the session or permanent judicial commission to appear electronically if unable to attend a trial that is held in person, in accordance with the provisions of G-3.0105 and D-8.02.

D-8.05 Procedures in Trial

D-8.0501 Counsel

Each of the parties in a disciplinary case shall be entitled to appear and may be represented by counsel. Counsel need not be a paid representative or an attorney. Counsel shall be a member of the Presbyterian Church (U.S.A.). No member of a permanent judicial commission shall appear as counsel before that commission while a member.

D-8.0502 Control of Conduct of Trial

The moderator of the session or permanent judicial commission shall have full authority and power to control the conduct of the trial and of all parties, witnesses, counsel, and the public, including removal of them, to the end that proper dignity and decorum shall be maintained. Rulings of the moderator related to control of the trial are subject to appeal to the full

session or permanent judicial commission by any member of the session or permanent judicial commission, which shall decide the question by majority vote.

D-8.0503 Procedural Questions

Questions as to procedure or the admissibility of evidence arising in the course of a trial shall be decided by the moderator after the parties have had an opportunity to be heard. A party or a member of the session or permanent judicial commission may appeal from the decision of the moderator to the body, which shall decide the question by majority vote.

D-8.0504 Absences

Members of a session or permanent judicial commission must be present in person at trials. The absence of any member of the session or permanent judicial commission after a trial has commenced shall be recorded. That person shall not thereafter participate in deliberation and decision in the trial.

D-8.0505 Closed Proceedings

The proceedings shall ordinarily be conducted in open session; however, at the request of any party, or on its own initiative, the session or permanent judicial commission may determine at any stage of the proceedings, by a vote of two thirds of the members present, to exclude persons other than the parties and their counsel.

D-8.0506 Loss of Quorum

Loss of a quorum shall result in a mistrial and the case shall be tried again from the beginning at a time and place to be determined by the session or permanent judicial commission.

D-8.06 Trial

D-8.0601 Announcement by the Moderator

The trial of a disciplinary case shall be opened with prayer, after which the moderator shall read aloud the Preamble to Church Discipline (D-1), shall announce that the council is about to proceed to trial, and shall enjoin the members to recollect and regard their high character as judges of a council of the Church of Jesus Christ and the solemn duties they are about to undertake.

D-8.0602 Objections of Parties

The parties or their counsel may object and be heard on the organization and jurisdiction of the session or permanent judicial commission.

a. A member of a session or permanent judicial commission is disqualified if the member is personally interested in the outcome of the case, is related by family relationship to any party, or has served as counsel for or against any party.

b. Any member of a session or permanent judicial commission may be challenged by any party for conflict of interest, and the validity of the challenge shall be determined by majority vote of the remaining members of the session or permanent judicial commission

D-8.0603 Preliminary Determinations and Objections

The session or permanent judicial commission shall place all preliminary determinations and any objections on the record and shall decide all such matters by majority vote. Any objections to the preliminary determinations and any other objections affecting the order or regularity of the proceedings shall also be made part of the record and shall be decided by majority vote. A final decision is not permissible until the session or permanent judicial commission has heard the evidence and closing arguments.

D-8.0604 Plea

The accused shall be called upon to plead “guilty” or “not guilty” to each charge. The plea shall be entered on the record. If the accused declines to answer or pleads “not guilty,” a plea of “not guilty” shall be entered on the record and the trial shall proceed. If the accused pleads “guilty” to all charges, the council shall proceed in accordance with D-8.0903 unless the parties request an opportunity to seek an alternative resolution in accordance with D-7.16.

D-8.0605 Opening Statements

The parties shall be given an opportunity to make opening statements, beginning with the prosecuting committee.

D-8.07 Evidence

D-8.0701 Definition

The parties shall be accorded the opportunity to present evidence on their behalf. Evidence, in addition to oral testimony of witnesses, may include records, writings, material objects, or other items. Evidence must be relevant to be received, and may include evidence that lays a foundation for the admissibility of other evidence. Relevant evidence is evidence that tends to prove or disprove a fact necessary to determine the outcome of a case. Laying a foundation means presenting preliminary evidence to show the authenticity and relevance of the evidence proposed. Evidence of authenticity goes to show the item is what the proponent claims it is. No distinction should be made between direct and circumstantial evidence as to the degree of proof required.

D-8.0702 Records as Evidence

Written records of a council or permanent judicial commission and authenticated records of testimony are admissible as evidence.

a. The authenticated written records of a council or permanent judicial commission shall be admissible in evidence in any proceeding.

b. An authenticated record or transcript of testimony taken by a council or permanent judicial commission shall be admissible in any proceeding in another council.

D-8.0703 Hearsay Evidence

Hearsay is a statement made outside the presence of the session or permanent judicial commission hearing the case, whether written or oral, and which is offered to prove the truth of whatever it asserts. Because of the limitations of a council’s authority to compel witnesses to testify

in a disciplinary process, as well as the limitations of resources in investigations, hearsay evidence is allowed. The session or permanent judicial commission shall determine the credibility or weight of hearsay evidence.

D-8.0704 Witnesses

With regard to witnesses, the following applies:

a. Any party may challenge whether a witness may testify, and the moderator of the session or permanent judicial commission shall determine the competence of the witness. The ruling of the moderator may be appealed by any party or a member of the session or permanent judicial commission and decided by majority vote of the session or permanent judicial commission.

b. Each witness called to testify must be competent to testify. To be received by the session or permanent judicial commission, any testimony from any witness must be relevant. An expert opinion or other testimony may be offered by any witness upon adequate proof of the qualifications of the witness as an expert in the field of such testimony and that such opinion or other testimony will assist the resolution of the case.

c. No counsel for a party involved may be compelled to testify about any confidential matter, nor may any such counsel testify concerning any matter without the express permission of the party they represent.

d. A person duly appointed by a council to provide counseling services for persons within the jurisdiction of the council shall not testify before a session or permanent judicial commission, except that the restriction may be waived by the person about whom the testimony is sought.

e. Credibility means the degree of belief that may be given to the testimony of a witness. In determining the credibility of a witness, the session or permanent judicial commission may consider any matter that bears upon the accuracy of the testimony or the truthfulness of the witness.

f. A married person, otherwise competent to testify, may be a witness for or against the spouse, but shall not be compelled to testify against the other.

g. The session or permanent judicial commission may recognize other privileges including, but not limited to therapist-patient, doctor-patient, pastor-penitent, and attorney-client privileges as a basis for not compelling the testimony of a witness.

D-8.0705 Testimony

Receiving the testimony of witnesses shall proceed as follows:

a. At the direction of the moderator or on the request of either party, no fact witness shall be present during the examination of another witness. This shall not limit the right of any party, counsel, or witness previously designated to offer only expert testimony to be present.

b. Witnesses shall be examined first by the party producing them, and then they may be cross-examined by the opposing party. The moderator may permit additional questions from the parties (including both re-examination, followed by re-cross-examination) if so requested.

Thereafter, any member of the session or permanent judicial commission may ask additional questions.

c. Prior to giving testimony, a witness shall make an oath by answering the following question in the affirmative: “Do you solemnly swear that the evidence you will give in this matter shall be the truth, the whole truth, and nothing but the truth, so help you God?”

d. If a witness objects to making an oath, the witness shall answer the following question in the affirmative: “Do you solemnly affirm that you will declare the truth, the whole truth, and nothing but the truth in the matter in which you are called to testify?”

e. The testimony of each witness shall be accurately and fully recorded by a qualified reporter or other means that can be accurately transcribed, including digital voice recording.

f. Witnesses may appear electronically if unable to attend the trial in person, in accordance with the provisions of D-8.04.

g. A member of the session or permanent judicial commission before which the case is pending may testify, but thereafter shall not otherwise participate in the case.

D-8.08 Final Statements

The parties shall be given an opportunity to make final statements, the prosecuting committee having the right of opening and closing the argument, after which the trial shall be closed with prayer.

D-8.09 Decision

D-8.0901 Deliberation

The session or permanent judicial commission shall then meet privately to deliberate. All persons not members of the session or permanent judicial commission shall be excluded.

D-8.0902 Decision on Guilt

Decisions in disciplinary cases are reached and communicated as follows:

a. After careful deliberation, the session or permanent judicial commission shall vote on each charge separately and record the vote in its minutes. Members of the session or permanent judicial commission may find that the accused is guilty when a comparison and consideration of all the evidence compels an abiding conviction that the material facts necessary to prove the charge are true. No decision of guilt may be found on a charge unless at least two-thirds of the members of the session or permanent judicial commission eligible to vote agree on the judgment (see D-3.0602).

b. A written decision stating the judgment on each charge shall be prepared while in session. It shall become the final decision when signed by the moderator and clerk of the session or the permanent judicial commission.

c. When a session or permanent judicial commission has arrived at a decision, the moderator shall, in open meeting, announce the verdict for each charge separately.

D-8.0903 Decision on Degree of Censure

If the accused is found guilty or after a guilty plea, the session or permanent judicial commission shall hear evidence within thirty (30) days of the decision as to the extent of the injury suffered, mitigation, rehabilitation, and redemption. This evidence may be offered by either party, or the original accuser or that person's representative. Each person who was directly harmed by the offense may submit a victim impact statement, which shall become part of the record. The statement shall not be subject to cross-examination. The accused may offer a plan to address the harm done and to seek reconciliation with the victim(s) and the church. The session or permanent judicial commission shall then meet privately to determine the degree of censure to be imposed. Following such determination and in an open meeting, the moderator of the session or permanent judicial commission shall then pronounce the censure.

D-8.10 Filing and Notification of Parties***D-8.1001 Filed Promptly***

The decision shall be filed promptly with the clerk or stated clerk of the council.

D-8.1002 Notification of Parties

Notification of a decision shall be as follows:

a. The clerk of session or clerk of the permanent judicial commission shall deliver a copy of the decision to the parties in accordance with D-7.0104b, or by electronic communication if agreed upon in advance by the parties.

b. The moderator or clerk of the session or permanent judicial commission shall disseminate the decision as the session or permanent judicial commission may direct.

D-8.11 New Evidence Received***D-8.1101 Prior to the Filing of a Notice of Appeal***

Prior to filing a notice of appeal, but without extending the time for appeal, the person found guilty may apply for a new trial on the ground of newly discovered evidence. The permanent judicial commission – when satisfied that such evidence could reasonably have resulted in a different decision and that in the exercise of reasonable diligence it could not have been produced at the time of trial – may grant such application. A notice of appeal filed while such an application is pending shall be held in abeyance until such time as the session or permanent judicial commission that conducted the trial has made its determination. The higher council shall be notified of the determination by the clerk of session or stated clerk of the lower council.

D-8.1102 Subsequent to the Filing of a Notice of Appeal

If, subsequent to the filing by a person found guilty of a notice of appeal, new evidence is discovered by the person found guilty which in the exercise of reasonable diligence could not have been discovered prior to the filing of the notice of appeal, the permanent judicial commission receiving the appeal may, in its discretion, remand the case for a new trial, in which case the appeal shall be stayed until the session or permanent judicial commission that conducted the trial reports its decision in the new trial. The application for admission of newly discovered evidence shall be

made to the permanent judicial commission at least thirty (30) days prior to the hearing with copies to the other party. That application shall be accompanied by a summary of the evidence.

D-8.12 Record of Proceedings

D-8.1201 Duty of Clerk

The clerk of session or the clerk of the permanent judicial commission shall do the following:

- a. Arrange in advance for the accurate verbatim recording of all testimony and oral proceedings. This may be accomplished through a digital voice recording.
- b. Identify and maintain all exhibits offered in evidence (noting whether or not they were accepted as evidence) and keep a list of all exhibits.
- c. Record minutes of the proceedings, which shall include any actions or orders of the session or permanent judicial commission relating to the case with the vote thereon.
- d. Prepare the record of the case, which shall consist of:
 - (1) The charges;
 - (2) A record of the plea entered by the accused on each charge;
 - (3) A certified transcript, if requested;
 - (4) All properly marked exhibits, records, documents, and other papers;
 - (5) The written decision, including the verdict for each charge and the degree of censure, if any, to be imposed by the council; and
 - (6) Any actions or orders of the session or permanent judicial commission relating to the case, with the vote on each.
- e. The clerk of session shall preserve the record of the case for at least ten (10) years, and in accordance with the policy of the council for the preservation of records. The clerk of the permanent judicial commission shall, within thirty (30) days after the decision becomes final, certify and transmit the record of the case to the stated clerk of the electing presbytery, who shall preserve it for at least ten (10) years, and in accordance with the policy of the council for the preservation of records.
- f. Upon the request, and at the expense of any requesting party, the clerk of the session or the clerk of the permanent judicial commission shall cause a true and complete transcript be prepared of all the testimony and oral proceedings during the course of the trial. A copy of this transcript, when certified by the person making the same to be true and complete, shall be delivered to each party. One additional copy shall be made for inclusion in the record to be sent forward upon any appeal pursuant to D-10.0602.

D-8.1202 Additions to the Record

No person may supplement or add to the record in a case except for good cause as determined by the moderator and clerk of the session or of the permanent judicial commission responsible for conducting the trial. No request to supplement the record shall be considered until received in writing by the clerk of session or the stated clerk of council that conducted the trial, who shall transmit it to the moderator of the session or moderator and clerk of the permanent judicial commission. A copy of the request shall be delivered to all parties and every party shall have ten (10) days to respond in writing.

D-8.13 Enforcement

When a session or presbytery has completed the trial and found the accused guilty and the decision has been pronounced in accordance with the censure imposed in the following chapter, the session or presbytery shall proceed to enforce the decision regardless of an appeal, including supervision of any rehabilitation required in the censure, unless there has been a full or partial stay of enforcement.

CHAPTER IX

CENSURE AND RESTORATION IN A DISCIPLINARY CASE

D-9.01 Censure

D-9.0101 Degrees of Censure

The degrees of church censure are rebuke, rebuke with supervised rehabilitation, temporary exclusion from exercise of ordered ministry (for deacons, ruling elders, and ministers of the Word and Sacrament) or membership rights (for non-ordained church members), and removal from ordered ministry or membership. Whatever the censure is, it is never given with malice and vindictiveness but in Christian love to offer correction in error and restoration of the community. A censure is about the accountability of an individual to the church and should not include names of persons who have been harmed.

D-9.0102 Reporting of Decision and Censure

Public oral reports of decisions and censure in disciplinary cases shall be as follows:

a. When a censure is imposed on a church member, a congregational meeting shall be called by the session in accordance with G-1.0503g for the purpose of receiving the decision and censure. The verbal report to the congregation may contain only a summary of the decision and censure, but shall contain a statement of the nature of the offense, the name of the person being censured, and the censure. The summary shall be recorded in the minutes of the congregational meeting.

b. When a presbytery imposes a censure, if the council is meeting when the decision and censure are received from the clerk of the permanent judicial commission, the stated clerk shall report the decision and censure immediately and enter the full decision upon the minutes of the council. If the council is not meeting, the stated clerk shall report the decision to the council at its first stated or adjourned meeting or at a meeting called to hear the decision, whichever comes first, and enter the full decision upon the minutes of the council. The verbal report to the council may contain only a summary of the decision and censure, but shall contain a statement of the nature of

the offense, the name of the person being censured, and the censure. If the censure is imposed on a church member, the provision of D-9.0102c shall also be followed.

c. If the censure imposed by a presbytery was on a church member, rather than a minister of the Word and Sacrament, either because the member was a commissioned pastor at the time the offense was committed or because a higher council assumed jurisdiction under either D-7.0301d or D-7.0401, once the decision and censure have been reported in accordance with D-9.0102b, the decision and censure shall be distributed to the clerk of session of the church of membership. The clerk of session shall report the decision at the first stated or adjourned meeting of the session or at a meeting called to hear the decision, whichever comes first, and enter the full decision upon the minutes of the session. The verbal report to the session may contain only a summary of the decision and censure, but shall contain a statement of the nature of the offense, the name of the person being censured, and the censure. The session shall call a congregational meeting in accordance with G-1.0503g and report the decision as described in D-9.0102a above.

D-9.0103 Rebuke

Rebuke is the lowest degree of censure for an offense and is completed when pronounced. It consists of setting forth publicly the character of the offense, together with reproof, which shall be pronounced in the following or like form:

“Whereas, you, (Name) _____, have been found guilty of the offense(s) of _____ (here insert a summary of the offense), and by such offense(s) you have acted contrary to the Scriptures and/or the Constitution of the Presbyterian Church (U.S.A.); now, therefore, the Session or the Permanent Judicial Commission of the Presbytery of _____, in the name and authority of the Presbyterian Church (U.S.A.), expresses its condemnation of this offense, and rebukes you. This rebuke is given not with malice or vindictiveness but in Christian love to offer you correction in error and restoration that you may be more watchful and avoid such offense in the future. We urge you to use diligently the means of grace to the end that you may be more obedient to our Lord Jesus Christ.”

This formal rebuke shall be followed by intercessory prayer to Almighty God.

D-9.0104 Rebuke with Supervised Rehabilitation

Rebuke with supervised rehabilitation is the next to lowest degree of censure. It consists of setting forth the character of the offense, together with reproof and mandating a period of supervised rehabilitation imposed by the session or permanent judicial commission as described at item b. of this section.

a. **Communicate Goals** – The session or permanent judicial commission shall formally communicate to the supervising entity and the person censured the goals of the rehabilitation and the specific authority conferred on the supervisor(s).

b. **Supervised Rehabilitation** – An outline of the rehabilitation program shall include a clear statement of how progress will be evaluated and how it will be determined when and if the supervised rehabilitation has been satisfactorily completed.

c. **Voluntary Acts of Repentance** – The rehabilitation program may include a voluntary act or acts of repentance by the person censured on their own initiative. Such acts may include, for example, public acknowledgement of guilt, community service, or symbolic or monetary restoration

of what was lost or expended by the person who was harmed. No session or permanent judicial commission may require or recommend any voluntary act of repentance, but may, in extraordinary circumstances, forbid such act.

d. **Censure Pronouncement** – This censure shall be pronounced in the following or like form:

“Whereas, you, (Name) _____, have been found guilty of the offense(s) of _____, and by such offense(s) you have acted contrary to the Scriptures and/or the Constitution of the Presbyterian Church (U.S.A.); now, therefore, the Session or the Permanent Judicial Commission of the Presbytery of _____, in the name and authority of the Presbyterian Church (U.S.A.), expresses its condemnation of this offense, rebukes you, and orders you to complete a program of supervised rehabilitation supervised by _____ as described below: _____. This rebuke is given not with malice or vindictiveness but in Christian love to offer you correction in error and the possibility of full community restoration. You are enjoined to be more watchful and avoid such offense in the future. We urge you to use diligently the means of grace to the end that you may be more obedient to our Lord Jesus Christ.”

This formal rebuke shall be followed by intercessory prayer to Almighty God.

D-9.0105 Temporary Exclusion

Temporary exclusion is a higher degree of censure for a more aggravated offense and shall be for a period defined by completion of supervised rehabilitation imposed by the session or the permanent judicial commission, which may include a minimum defined period of time. Temporary exclusion is from the exercise of ordered ministry for ordained members, and from membership rights for non-ordained members. During temporary exclusion membership may not be transferred.

a. **Communicate Goals** – The session or permanent judicial commission shall formally communicate to the supervising entity and the person censured the goals of the rehabilitation and the specific authority conferred on the supervisor(s).

b. **Supervised Rehabilitation** – An outline of the rehabilitation program shall include a clear statement of how progress will be evaluated and how it will be determined when and if the supervised rehabilitation has been satisfactorily completed.

c. **Voluntary Acts of Repentance** – The rehabilitation program may include a voluntary act or acts of repentance by the person censured on their own initiative. Such acts may include, for example, public acknowledgment of guilt, community service, or symbolic or monetary restoration of what was lost or expended by the person who was harmed. No session or permanent judicial commission may require or recommend any voluntary act of repentance, but may, in extraordinary circumstances, forbid such act.

d. **Effects of Temporary Exclusion from the Exercise of Ordered Ministry** – During the period of temporary exclusion from ordered ministry, the person under this exclusion shall refrain from the exercise of any function of ordered ministry. While under this exclusion, the person remains a member of their congregation or presbytery, but may not participate or vote in meetings of any council of the church, hold office, or serve on committees or commissions, except that the member may be present and may speak on matters related to that member. The person under this

exclusion shall not preach, teach, administer Sacraments, preside at other services of worship, or moderate sessions.

e. **Effects of Temporary Exclusion from Membership Rights** – During the period of temporary exclusion from membership rights of non-ordained church members, the person under this exclusion may continue to participate in the worship and life of the congregation of membership, but shall refrain from participating and voting in meetings of the congregation and from serving on committees, or holding any office or position of leadership in the congregation or in any council of the church.

f. **Effect of Temporary Exclusion of a Pastor** – If a minister of the Word and Sacrament serving in a pastoral relationship in a congregation (G-2.0504) is temporarily excluded from the exercise of ordered ministry, the presbytery may, if no appeal from the case is pending, declare the pastoral relationship dissolved.

g. **Notice of Temporary Exclusion** – When the censure of temporary exclusion has been pronounced with respect to a minister of the Word and Sacrament, the stated clerk of the presbytery shall immediately send the information of the action taken to the Stated Clerk of the General Assembly, who shall make a quarterly report of all such information to every presbytery of the church.

h. **Termination of Censure of Temporary Exclusion** – A person under the censure of temporary exclusion shall apply in writing to the council, through the clerk of session or stated clerk, for restoration upon the completion of the supervised rehabilitation pronounced. The council that imposed the censure may approve the restoration when the council is fully satisfied that the supervised rehabilitation pronounced has been successfully completed. The censure may include a time limit for the completion of all terms, after which, if the terms have not been met, the council may, at its discretion, grant an extension for a specified time or make the temporary exclusion permanent.

i. **Early Restoration** – A person under the censure of temporary exclusion from the exercise of ordered ministry or from membership may apply in writing to the council that imposed the censure (through its clerk) to be restored prior to any minimum period of time included in the censure. The council may approve such a restoration when it is fully satisfied that the action is justified.

j. **Censure Pronouncement** – This censure shall be pronounced in the following or like form:

“Whereas, you, (Name) _____, have been found guilty of the offense(s) of _____ (here insert the offense), and by such offense(s) you have acted contrary to the Scriptures and/or the Constitution of the Presbyterian Church (U.S.A.); now, therefore, the Session or the Permanent Judicial Commission of the Presbytery of _____, in the name and by the authority of the Presbyterian Church (U.S.A.), does now declare you temporarily excluded from _____ for a period of at least _____, and until completion of the following rehabilitation program supervised by _____, as described below: _____. This exclusion is given not with malice or vindictiveness but in Christian love to offer you correction in error and the possibility of full community restoration.”

This formal declaration shall be followed by intercessory prayer to Almighty God.

D-9.0106 Removal from Ordered Ministry and/or Membership

Removal from ordered ministry and/or membership is the highest degree of censure. Removal from ordered ministry is the censure by which the ordination and election of the person found guilty are set aside, and the person is removed from all ordered ministries without removal from membership. Removal from membership is the censure by which the membership of the person found guilty is terminated, the person is removed from all rolls, and the person's ordination and election to all ordered ministries are set aside.

a. **Consequences of Removal from Ordered Ministry** – If a minister of the Word and Sacrament is removed from ordered ministry without removal from membership, the presbytery shall transfer the minister's membership to a Christian congregation of the minister's choice with the approval of the session or governing body of that congregation. If the minister is serving in a pastoral relationship in a congregation (G-2.0504), the pastoral relationship is automatically dissolved by the censure.

b. **Notice of Removal** – When the censure of removal has been pronounced with respect to a minister of the Word and Sacrament, the stated clerk of that presbytery shall immediately send the information of the action taken to the Stated Clerk of the General Assembly, who shall make a quarterly report of all such information to every presbytery of the church.

c. **Censure Pronouncement** – This censure shall be pronounced in the following or like form:

“Whereas, you, (Name) _____, have been found guilty of the offense(s) of _____ (here insert the offense), and by such offense(s) you have acted contrary to the Scriptures and/or the Constitution of the Presbyterian Church (U.S.A.); now, therefore, the Session or the Permanent Judicial Commission of the Presbytery of _____, acting in the name and under the authority of the Presbyterian Church (U.S.A.), does hereby set aside and remove you from _____ (here state whether removal is from all ordered ministries and elected offices or from membership). This removal is given not with malice or vindictiveness but in Christian love to offer you correction in error and to restore the unity of the church by removing from it the discord and division the offense(s) have caused.”

This formal declaration shall be followed by intercessory prayer to Almighty God.

D-9.02 Restoration

D-9.0201 Restoration to Membership or Ordered Ministry

A person under the censure of removal from ordered ministry or from membership may be restored by the council imposing the censure when the council is fully satisfied that the action is justified. The person makes a reaffirmation of faith for restoration of membership and/or is again ordained for restoration to ordered ministry.

D-9.0202 Restoration to Membership

The restoration to membership shall be announced by the moderator in a meeting of the council in the following or like form:

“Whereas, you, (Name) _____, have manifested such repentance as satisfies the church, the Presbytery (or Session) of _____ does now restore you to full membership in the church by this act of reaffirmation.”

a. Thereafter, the act of reaffirmation shall take place and the name of the person shall be restored to the appropriate roll or a certificate of membership shall be issued to a Christian church of that person's choice.

b. If the member is also to be restored to an ordered ministry, the procedure prescribed in Restoration to Ordered Ministry (D-9.0203) shall be followed.

D-9.0203 Restoration to Ordered Ministry

The restoration to ordered ministry shall be announced by the moderator in the following or like form:

“Whereas, you, (Name) _____, have manifested such repentance as satisfies the church, the Presbytery of _____ (or Session of this church) does now restore you to the ordered ministry of _____ and authorize you to perform the functions of that ministry in accordance with the Constitution of this church by this act of ordination.”

Thereafter, a full service of ordination shall take place in accordance with W-4.04 and the individual's name shall be restored to the appropriate roll.

CHAPTER X

DISCIPLINARY APPEALS

D-10.01 Filing an Appeal

D-10.0101 Definition

An appeal of a disciplinary case is the transfer to the next higher council of a case in which a decision has been rendered in a lower council, for the purpose of obtaining a review of the proceedings and decision in order to correct, modify, set aside, or reverse the decision.

D-10.0102 Initiation of Appeal

The time for filing an appeal shall begin from the date the decision is delivered to, or refused by, the person found guilty.

- a. Only the person found guilty of an offense may initiate the first level of appeal.
- b. Once the first appeal has been decided, either party may initiate the next level of appeal.

D-10.0103 Parties

The parties in a disciplinary appeal are the person found guilty and the Presbyterian Church (U.S.A.) through the prosecuting committee of the council that issued the censure.

D-10.02 Notice of Appeal

D-10.0201 Notice Filed

A written notice of appeal shall be filed with the stated clerk of the next higher council within forty-five (45) days after a copy of the final order was received by the appealing party. The written notice may be delivered by means of electronic communication, provided that the stated clerk certifies receipt of the notice, which may also be communicated electronically. If filing the notice electronically, care should be taken to deliver the notice in a manner that can clearly demonstrate timely filing. By written agreement of the parties, all additional filings may be electronic. The appealing party shall provide a copy of the written notice of appeal to the clerk of session or stated clerk of the council that issued the ruling, as well as to the stated clerk of the council that would hear the appeal, who shall distribute the notice to the other party or parties.

D-10.0202 Items to be Included

Items to be included in a notice of disciplinary appeal are as follows:

- a. The name of the party filing the appeal (the appellant) and their counsel, if any;
- b. The name of the other party (the appellee) and their counsel, if any;
- c. The council from whose decision the appeal is taken;
- d. A copy of the ruling; and
- e. A statement and description of the errors alleged to have been made in the ruling that are the grounds for appeal. The grounds for which an appeal may be filed are:

- (1) Irregularity in the proceedings,
- (2) Refusing a party reasonable opportunity to be heard or to obtain or present evidence,
- (3) Receiving improper, or declining to receive proper evidence or testimony,
- (4) Hastening to a decision before the evidence or testimony is fully received,
- (5) Manifestation of prejudice in the conduct of the case,
- (6) Injustice in the process or decision,
- (7) Error in constitutional interpretation, and
- (8) Undue severity of censure.

- f. A certification that a copy of the notice of appeal has been sent as required by D-10.0201 to the clerk of session or stated clerk of the council from whose decision the appeal is taken.

This certification may be in the form of an electronic communication if agreed upon in advance by the parties.

D-10.03 Duty of Stated Clerk

Upon receipt of the written notice of appeal, the stated clerk of the council that will hear the appeal shall transmit it to the officers of that council's permanent judicial commission and the other party. The notice of appeal, if properly and timely filed, shall suspend further proceedings by lower councils, until the appeal is finally decided, except that any censure may be enforced.

D-10.04 Withdrawal of Appeal

The parties in a disciplinary appeal are encouraged to seek resolution of their differences in a manner acceptable to all parties and consistent with the Constitution of the Presbyterian Church (U.S.A.). If at any time in the appeal process the parties to a disciplinary appeal jointly file with the stated clerk of the council hearing the appeal a petition for the withdrawal of the appeal, the stated clerk shall inform the members of the permanent judicial commission that the appeal has been withdrawn, which shall end the judicial process unless within seven (7) days any member of the permanent judicial commission challenges the withdrawal. If the withdrawal is so challenged, a majority of the commission at a duly constituted meeting may conclude that the withdrawal would defeat the ends of justice or conflict with the Constitution of the Presbyterian Church (U.S.A) and deny the request.

D-10.05 Preliminary Process

D-10.0501 Examination of Notice of Appeal

Upon receiving the notice of appeal, the moderator and clerk of the permanent judicial commission of the council that will hear the appeal shall promptly examine the notice of appeal to determine whether:

- a. The council has jurisdiction,
- b. The appellant has standing to file the appeal,
- c. The appeal was timely and properly filed, and
- d. The appeal states and describes one or more of the grounds for appeal listed in D-10.0202e.

D-10.0502 Preliminary Ruling

The officers of the permanent judicial commission shall report their determination to the parties and to the members of the commission in a preliminary ruling.

D-10.0503 Challenge to Preliminary Ruling

Within thirty (30) days after their receipt of the preliminary ruling, the parties and members of the permanent judicial commission may challenge the determination, in which case opportunity shall be provided for the parties to present evidence and argument on the determination(s) in question. A hearing may be requested by either party for the purpose of

hearing the challenge, or if the parties agree, the matter may be decided by the permanent judicial commission on the basis of documents submitted by the parties. If a hearing is requested, it should be held at least thirty (30) days prior to the hearing on the appeal, unless the officers of the permanent judicial commission determine that the circumstances, including expenditures of time and resources, warrant disposition of the challenge immediately prior to the hearing on the appeal. If the permanent judicial commission determines the answer to any of the four preliminary questions has been answered in the negative, the commission shall dismiss the appeal.

D-10.0504 When No Challenge is Received

When there are no challenges to the determination in the preliminary ruling, the following shall apply:

a. If no challenge is made to the preliminary ruling of the officers that one or more points in D-10.0501 are answered in the negative, the case shall be dismissed without further action or order of the permanent judicial commission.

b. If no challenge is made to the preliminary ruling of the officers that all of the points in D-10.0501 are answered in the affirmative, the stated clerk of the council shall schedule a hearing at a time acceptable to the parties and at which a quorum of the permanent judicial commission can be present.

D-10.06 Record of the Case

D-10.0601 List of Papers

Within forty-five (45) days after receipt of a notice of appeal, the clerk of session or stated clerk of the lower council shall list in writing to the parties all of the papers and other materials that would constitute the record of the case (see D-8.1201d & e). Within fifteen (15) days thereafter, either party may challenge the completeness or accuracy of the record as listed by the clerk of session or stated clerk. The clerk of session or stated clerk may, but is not required, to amend the list at the request of a party; however, any such challenge shall be added to the record when it is filed.

D-10.0602 Filing of Record on Appeal

Upon notice by the stated clerk of the council whose permanent judicial commission will hear the appeal that the case has been accepted, the clerk of session or stated clerk of the council from whose ruling the appeal is taken shall compile and file the record of the case with the stated clerk of the higher council, who shall distribute it to the members of the permanent judicial commission.

D-10.0603 Correction of the Record

If anything material to either party is omitted from the record by error or accident, or is misstated therein, the omission or misstatement may be corrected. The parties may stipulate to the correction, or the clerk of session or stated clerk of the lower council may certify and transmit a supplemental record, or the permanent judicial commission of the higher council may direct that the omission or misstatement be corrected. All other questions as to the form and content of the record shall be presented to the permanent judicial commission of the higher council, which shall

be decided by majority vote at a duly constituted meeting at least forty-five (45) days prior to the hearing on the appeal, which may be held electronically in accordance with G-3.0105.

D-10.07 Briefs

D-10.0701 Filing of Appellant Brief

Within thirty (30) days after the date of receiving the record on appeal, the appellant shall file with the stated clerk of the higher council a written brief containing specifications of the errors alleged in the notice of appeal and arguments, reasons, and citations of authorities in support of the appellant's contentions. Copies of the brief shall be distributed by the stated clerk to the members of the permanent judicial commission and to the opposing party.

D-10.0702 Failure of Appellant to File Brief

Failure of the appellant to file a brief within the timeline allowed, without good cause, shall be deemed by the permanent judicial commission as an abandonment of the appeal.

D-10.0703 Filing of Appellee Brief

Within thirty (30) days of the receipt of the appellant's brief, the appellee shall file with the stated clerk of the council whose permanent judicial commission will hear the appeal a brief in response to the appellant's brief. Copies of the brief shall be distributed by the stated clerk to the members of the commission and to the opposing party.

D-10.0704 Failure of Appellee to File Brief

Failure of the appellee to file a brief within the time allowed, without good cause, shall constitute waiver of the rights to file a brief, to appear, and to be heard.

D-10.0705 Filing of Appellant Reply Brief

Within fifteen (15) days of receipt of the appellee's brief, the appellant may file a reply brief limited to the issues raised in the appellee's brief. Copies of the brief shall be distributed by the stated clerk to the members of the permanent judicial commission and to the other party.

D-10.08 Extensions

For good cause shown, the stated clerk of the higher council may extend any of the time limits contained in D-10.06 or D-10.07 for a reasonable period.

D-10.09 Transmittal of Record and Briefs

Upon receipt of the record and the briefs, or upon the expiration of the time for filing them, the stated clerk of the higher council shall transmit the record and briefs to the clerk of the permanent judicial commission.

D-10.10 Prehearing Conference

At any time after an appeal has been received by a permanent judicial commission, the commission may provide for the parties and their counsel, if any, for the opportunity in a

prehearing conference to seek agreement on any of the disputed issues in the appeal and to take other action which might reasonably and impartially narrow the dispute and expedite its resolution.

D-10.11 Hearing of Appeal

The moderator or clerk of the permanent judicial commission shall notify the parties of the date when they may appear in person or by counsel before the permanent judicial commission. Failure of a party to appear in person or by counsel shall constitute a waiver of participation in the hearing of the appeal. At the hearing, the permanent judicial commission shall give opportunity to be heard on the grounds of the appeal to those parties who have not waived that right. The appellant has the right of opening and closing the argument.

D-10.12 Decision of the Permanent Judicial Commission

D-10.1201 Standard of Review

Factual determinations by the session or permanent judicial commission that tried the case shall be accorded a presumption of correctness in appeals. Factual determinations are not to be disturbed unless they are plainly wrong, without supporting evidence, or manifestly unjust. Determinations related to the correct interpretation and application of provisions of the Constitution of the Presbyterian Church (U.S.A.) are not accorded the same presumption of correctness.

D-10.1202 Voting Procedure

After the hearing and after deliberation, the permanent judicial commission shall vote separately on each specification of error alleged. The vote, which shall be by counted vote, shall be on the question, “Shall the specification of error be sustained?” The minutes shall record the vote on each specification of error. A majority vote sustains each specification of error.

D-10.1203 Decision

The decision of the permanent judicial commission shall include the determination of errors specified, and state the remedy as provided in D-10.0101. The permanent judicial commission may prepare its decision in a manner that will dispose of all substantive questions without redundancy. It should include an explanation of its determinations.

a. Decisions of permanent judicial commissions other than the General Assembly’s Permanent Judicial Commission are binding only on the parties to the case.

b. If none of the specifications of error is sustained, and no other error is found, the decision of the lower council shall be affirmed.

c. If one or more errors are found, the permanent judicial commission may conclude that despite the errors found, the decision of the lower council is affirmed. Alternatively, it may reverse the decision of the lower council either completely or in part, and if reversed in part, it may determine whether the decision of the lower council shall be modified or set aside, or the case remanded for a new trial.

d. The questions presented for decision shall be fully debated and voted upon while all participating permanent judicial commission members are present. A written outline of a decision shall be prepared while in session. A written decision shall be reviewed by all participating members of the panel, which may take place either while the participating permanent judicial commission members are present or by meeting within ten (10) days either in person, or electronically in accordance with G-3.0105.

e. The decision shall become the final decision when a copy of the written decision is signed by the moderator and clerk of the permanent judicial commission. A copy of the decision shall immediately be delivered to the parties to the case in accordance with D-7.0104b, or electronic communication if agreed upon in advance by the parties.

D-10.1204 Effect of Reversal on Appeal in Disciplinary Case

If the permanent judicial commission reverses all determinations of guilt, it becomes an acquittal and the person is automatically restored to ordered ministry or membership in the church. This declaration shall be made in the lower council and recorded in the minutes of the lower council with jurisdiction over the person found guilty.”

Background and Rationale

The Presbytery of Chicago sent an overture to the 223rd General Assembly (2018) to revise the Rules of Discipline to make them more accessible to the church, to preserve and enhance the accountability of councils and individuals to the church, to expand the role of mediation and alternate dispute resolution, and to provide flexibility in crafting censures and remedies, particularly in the light of recent learnings in ethical and social development and experiments by the secular legal system with alternative sentencing. The Rules of Discipline Task Force was appointed by the General Assembly moderators in 2017 to bring the revision to the 224th General Assembly for consideration.

The task force presents a revision which responds to its charge in the following ways:

1. To make this portion of the *Book of Order* more accessible to the church, the revision:
 - a. Divides it into three major sections. Section I contains the Preamble, a chapter on judicial process and a chapter on the composition and function of permanent judicial commissions. The second section describes remedial process start to finish. The third section describes disciplinary process start to finish.
 - b. Brings into the Constitution of the Presbyterian Church (U.S.A.) authoritative interpretations which are frequently used in deciding judicial cases and are currently available only in the annotated version of the *Book of Order*.
 - c. Changes the name of the section to Church Discipline to emphasize that this process is for the internal discipline of the Presbyterian Church (U.S.A.), its members and councils.
 - d. Restructures the Preamble to begin with the theological grounding of church discipline, to clarify that it is for the internal discipline of the church. The purposes of church discipline are set apart with bullet points. They are the same purposes listed in the current rules but set apart to make them easier to find and identify.

e. Clearly defines the steps in each process, responsibilities of those involved, and time limits.

f. Allows for the use of electronic communication not available the last time the Rules of Discipline were revised in 1996, thus creating potential savings of cost and time for the church.

2. To preserve and enhance the accountability of councils and individuals this revision:

a. Is ordered to make it easier to understand and follow.

b. Preserves rules that have guided the church for generations.

c. Stresses that Church Discipline is based on Scripture and the Constitution of the Presbyterian Church (U.S.A.), not on secular standards of jurisprudence.

d. Defines rules and process in language accessible to members not well-versed in church discipline, and as far as possible removes language also used in secular judicial process to prevent confusion.

e. Emphasizes repeatedly that those engaged in this process, those who file complaints, those who bring allegations, those who seek vindication, those accused, and those who act as counsel for any of the first groups must be Presbyterian. Mediators and facilitators and those who act as advocates need not be Presbyterian but do need to be familiar with Church Discipline of the Presbyterian Church (U.S.A.). Presbyterians can file allegations on behalf of persons who are not Presbyterian.

f. Moves the rules on vindication into the section on discipline. Those seeking vindication seek to be vindicated from rumor and gossip by persons unknown or outside the jurisdiction of the church. If in the process, members of the Presbyterian Church (U.S.A.) are identified against whom allegations should be filed, the section specifically spells out the provisions for filing those allegations.

g. Calls attention to provisions in the Form of Government for pastoral response when disciplinary cases are ended by death or renunciation of jurisdiction by the accused.

h. Provides for the nomination of permanent judicial commissions broadly representative of the makeup of a council and for the inclusion of former members of permanent judicial commissions with attention to the principles of full participation and inclusion to make up a quorum in trying cases.

3. To expand the role of mediation and alternate dispute resolution, the revision:

a. Adds an alternative resolution based on principles of restorative justice and spells out what is involved in that process.

b. Provides for three forms of alternative resolution: Restorative Justice, Mediation, and Other Negotiated Agreements. The more appropriate of the first two forms is provided for those instances when an accused agrees to plead guilty to charges and seeks to make restitution. The third is only for those instances when it is necessary to negotiate a plea before charges and a guilty plea can be filed. Sessions and presbytery permanent judicial commissions can take the

three into account when determining degree of censure.

c. Defines mediators as persons known for calm, wise counsel who need not be certified. This opens the possibility of mediation in areas where certified mediators are not available.

4. To provide flexibility in crafting censures and remedies, the revision:

a. Adds language to remind the guilty and the session or presbytery that censure in church discipline is given not with malice or vindictiveness but in Christian love to offer correction in error and restoration or in the case of removal from office or membership to restore the unity of the church by removing from it the discord and division the offense(s) have caused.

b. Spells out specific remedies appropriate to each degree of censure.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises the 225th General Assembly (2022) to approve ROD-03 with amendment.

The Advisory Committee on the Constitution makes the following preliminary observations:

1. As it considers this document, the Assembly is reminded that in this *Book of Order*:

a. SHALL and IS TO BE/ARE TO BE signify practice that is mandated,

b. SHOULD signifies practice that is strongly recommended,

c. IS APPROPRIATE signifies practice that is commended as suitable,

d. MAY signifies practice that is permissible but not required.

e. ADVISORY HANDBOOK signifies a handbook produced by agencies of the General Assembly to guide synods and presbyteries in procedures related to the oversight of ministry. Such handbooks suggest procedures that are commended, but not required.

... The Advisory Committee on the Constitution advises the 225th General Assembly (2022) as follows concerning item ROD-03. Silence regarding any particular provision may be interpreted, in this instance, as the Advisory Committee on the Constitution's advising the assembly to approve the provision without amendment.

D-3.0201 Classes and Terms

The Advisory Committee on the Constitution advises this provision presents issues:

“Permanent judicial commissions shall be arranged in three classes of six years each, with each class as equal as possible in size and with one class completing its term every two years” is substantially different than the current Rules of Discipline requirement that “no more than one half of the members to be in one class.”

The Advisory Committee on the Constitution questions whether a provision for transition is necessary.

Chapter 4, Opening Paragraph (and following)

The Advisory Committee on the Constitution advises that the paragraph be approved with amendment as follows:

Strike the word “file” (and its conjugations) throughout Chapter 4 and replace it with the word “submit” (and its conjugations).

“File” raises the question of timeliness, as it may mean either the date on which a document was submitted or the date on which the document was received. “Submit” clarifies that timeliness is defined by the date on which the parties sent a document. It further removes potential unpredictability from the work of delivery services.

D-4.0703

The Advisory Committee on the Constitution advises approving this provision with amendment:

“The committee of counsel of the respondent shall file with [submit to] the stated clerk of the higher council...”

The idea of a committee of counsel has not yet been introduced in the document. In all other places in Chapter 4, the respondent is the one acting. Any actions by a committee of counsel still are understood as the actions of the respondent itself.

Chapter 5

D-5.0101b

The Advisory Committee on the Constitution advises approving this provision with amendment: “... the complainant may request in writing that the respondent clerk file [submit] additional minutes ...” See advice at Chapter 4, opening paragraph.

D-5.0101c

The Advisory Committee on the Constitution advises approving this provision with amendment: “... the clerk or session or stated clerk of the respondent council shall transmit [submit] to the stated clerk of the higher council ...”

See advice at Chapter 4, opening paragraph.

D-5.0102

The Advisory Committee on the Constitution advises approving this provision with amendment: “When the minutes and papers [included in D-5.0101a and D-5.0101b] have been filed with [submitted to] the stated clerk ...”

Adding a reference to the provisions defining the minutes and papers will limit the opportunity for misunderstanding. Regarding the proposed change from “filed with” to “submitted to,” see advice under the opening paragraph of Chapter 4.

Chapter 7

D-7.0104a

The Advisory Committee on the Constitution advises approving this provision with amendment: “All seven days of every week are included in the count, including holidays, and the document shall be deemed timely filed if it is received by [submitted to] the person or persons to whom it is required to be sent on or before the final day of the count. When the final date of the count falls on a weekend or holiday, the document shall be deemed timely filed if it is received [submitted] on the next business day after the final day of the count.”

See advice under the opening paragraph of Chapter 4.

Chapter 8

D-8.0104b

The Advisory Committee on the Constitution advises approving this provision with amendment: “At least thirty (30) [forty-five (45)] days in advance of the trial, the prosecuting committee shall provide the clerk of session or clerk of the permanent judicial commission and the other party with their list of witnesses and an outline of the evidence to be presented at trial. The accused shall provide the clerk of session or clerk of the permanent judicial commission and the other party with a preliminary list of witnesses. Parties or their representatives shall not contact the other party’s witnesses prior to the trial. [A party may petition the session or permanent judicial commission, for good cause shown, to restrict or deny permission to contact a particular witness prior to trial.]”

... The stricture against contacting the other side’s witnesses is a fundamental denial of due process to the accused. There is no limitation on who a party may add to a witness list, and any party could list so many names that the other side cannot prepare for trial in any meaningful way.

Chapter 10

D-10.03

The Advisory Committee on the Constitution advises approving this provision with amendment:

“The notice of appeal, if properly and timely filed [submitted], shall suspend further proceedings by lower councils, except any censure shall continue until the appeal is finally decided [until the appeal is finally decided, except that any censure may be enforced].”

Regarding “filed” vs. “submitted,” see advice at Chapter 4, opening paragraph.

Advice and Counsel—From the Advocacy Committee for Women’s Concerns (ACWC)

The Advocacy Committee for Women’s Concerns/Racial Equity Advocacy Committee advises that the General Assembly approve ROD-03.

As the creators of 222nd General Assembly (2016) approved resolution 05-09, to Ensure Adoption and Implementation of Child/Youth Protection Policies and Resources in the PC(USA) and 223rd General Assembly (2018) approved resolution 11-09 on Sexual Misconduct in the PC(USA), the Advocacy Committee for Women's Concerns has long been on the forefront of advocating for policy changes that will prevent sexual abuse within the PC(USA).

ACWC concurs that the current Rules of Discipline section should be deleted and that the recommended Church Discipline section be inserted in its place. ACWC is particularly appreciative that the Rules of Discipline Task Force worked cooperatively with ACWC for input on these important policy changes. It is of utmost importance that the 224th General Assembly (2020) approve these policies that protect the vulnerable.

The Assembly Committee on Rules of Discipline amended and approved Item ROD-03, 24/0. The 225th General Assembly (2022) approved Item ROD-03, 354/9.

For the full report on ROD-03, go to <https://www.pc-biz.org/#/committee/3000083/business>.

22-P — G-3.0106

GENERAL PRINCIPLES

G-3.0106 ADMINISTRATION OF MISSION (POL-10)

The 225th General Assembly (2022) directed the Stated Clerk to send the following proposed amendment to the presbyteries for their affirmative or negative votes:

Shall the fourth paragraph of G-3.0106 in the Form of Government be amended as follows?
(Deleted text is in ~~strike through~~; added text is in *italics*.)

“G-3.0106 Administration of Mission ...

... “All councils shall adopt and implement ~~a sexual misconduct policy and a child and youth protection policy~~ the following policies: a sexual misconduct policy, a harassment policy, a child and youth protection policy, and an antiracism policy.”

Background and Rationale

From Selma to Montgomery, from Tuskegee to Tuscaloosa, from Auburn to Anniston, from the Black Belt to Birmingham, the Presbytery of Sheppards and Lapsley knows the pain of our racist history and the difficulty of changing behavior. We recognize the General Assembly’s call for “Facing Racism,” for study and action, and give thanks for the resource materials provided. Nevertheless, we see that councils have been slow to respond. Councils have adopted and enforced sexual misconduct policies and policies to protect vulnerable populations. Why have councils not been doing the work of “Facing Racism”? Why have councils responded differently? The responses regarding sexual misconduct and protecting vulnerable people have been directed by “shall,” while “Facing Racism” merely urges, makes available, encourages, and commends. This presbytery, whose very name reflects black and white, women and men, working together in mission for education and health care, calls upon the General Assembly to turn overcoming racism into a “shall” for all our councils.

Advice—From the Advisory Committee on the Constitution (ACC)

The Advisory Committee on the Constitution advises that the constitution is not intended to serve as a manual of operations. Generally, this would advocate against the creation of lists of requirements or rubrics on how to implement requirements.

Advice and Counsel—From the Advisory Committee on Social Witness Policy (ACSWP)

The Advisory Committee on Social Witness Policy (ACSWP) advises that the 225th General Assembly (2022) approve this item... The Presbytery of Sheppards and Lapsley and other concurring presbyteries are to be commended for their sincere desire to see the PC(USA) implementing the “Facing Racism” policy (2018, renewing a 1999 version). If this overture is passed, it is important that there are both personal and shared outcomes for any antiracism policy and training. Training in and of itself does not mandate tangible action beyond certification that a training is offered, was attended, and completed. In a church that is 89% white and largely suburban, the amendment we propose is meant to encourage mid councils to be both visionary and realistic about the kind of training required to dismantle white supremacy and transform us into the Beloved Community in our particular areas.

Advice and Counsel—From the Advocacy Committee for Women’s Concerns (ACWC)

ACWC advises that the assembly approve this item. We concur with the Racial Equity Advocacy Committee and encourage the approval of including an antiracism policy with suggested language, but we also believe it should be included in a stand-alone manner separate from the mandate to have a sexual misconduct policy and a child and youth protection policy.

Advice and Counsel—From the Racial Equity Advocacy Committee (REAC)

The Racial Equity Advocacy Committee advises that the 225th General Assembly (2022) approve this item ... Over the years, the *Book of Order* has been reduced in scope and specific content. Noticeably absent is language related to addressing systemic and structural racism. Previous efforts to address racism in the church and society are not enough. Though they have brought awareness, they have not yielded the desired results for people of color. Facing racism and overcoming racism are only steps to achieving God’s beloved community of eradicating racism. White supremacy and other racist attitudes undermine the work of the church. Therefore, REAC advises the inclusion of “All councils shall adopt and implement a dismantling structural and systemic racism policy and training” as a stand-alone requirement.

Comment—From the General Assembly Committee on Representation (GACOR)

The General Assembly Committee on Representation believes that training in cultural proficiency, implicit bias, and antiracism are important at all levels of the denomination. The inclusion of such training in the *Book of Order* would ensure that members are equipped and aware of the implications of racism in their work. Training like this would be best if connected to the constitutional requirement of advocating for diversity in leadership and equipping the church.

With that affirmation, we also want to highlight the fact that mandatory stand-alone training around bias and privilege have been shown to actually reinforce bias when they are not accompanied by actual strategies for overcoming bias, structural commitment to undoing structural barriers to equity, etc. In other words, the “how” of a mandatory training matters just as much, if not more, as the “if”—without attention to this wider matrix of needs, including best-practices, required antiracism training risks becoming simply another box to check without any greater commitment to transformed interactions, norms and structures within our institutions and within the body of Christ.

The General Assembly Committee on Representation (GACOR) was formed as a result of the 1983 reunion of the northern and southern streams of what is now the PC(USA). The vision for GACOR was to address the need for relationships and vision of a better way to embody the diversity of the church together. It is tasked with bringing attention and interpretation to representational access and norms around race, gender, sexual orientation, language, disability, theological diversity, and more (G-3.0103). GACOR’s comments are designed to bring the richness and complexity of these intersecting realities into the conversation for the body of commissioners.

The Assembly Committee on Polity amended the overture language and then approved Item POL-10, 25/3. The 225th General Assembly (2022) amended and approved Item POL-10, 372/31.

For the full report on POL-10, go to <https://www.pc-biz.org/#/committee/3000082/business>.

APRIL 29, 2023
10:30 AM-6:30 PM
\$20/PERSON

JOIN WITH MIDDLE SCHOOL
AND HIGH SCHOOL YOUTH
GROUPS FROM ACROSS THE
PRESBYTERY FOR A DAY
FILLED WITH RECREATION,
ADVENTURE, LAKE FUN AND
WORSHIP AT CAMP GRIER!

PWNC YOUTH

ADVENTURE DAY

@ CAMP GRIER

Schedule:

10:30 - NOON

Registration and Group Games

Noon

Picnic Lunch (BRING YOUR OWN!)

1:00 - 5:00 PM

Adventure On Campus (AOC)

5:00 - 6:30PM

Dinner, Music and Worship

POSSIBLE ACTIVITIES*:

**FARM/GREENHOUSE
CLIMBING WALL
HORSES/OUTDOOR GAMES
ORIENTEERING RELAY
CANOEING/LAKE ZIPLINE
ARTS AND CRAFTS**

*FINAL ACTIVITY DETAILS TO COME

REGISTRATION DEADLINE: APRIL 22

PRESBYTERY OF WESTERN NORTH CAROLINA

YOUTH COUNCIL

ALWAYS FUN

ALWAYS CHALLENGING



Youth should join PYC because you get to meet so many other Christians of all ages! You also get to progress your leadership skills, help difference places through community service projects, lead at various youth events, and most of all, have fun with your friends while service the Lord!

Ainsley VanderMeer - FPC Belmont

Being a member of PYC has helped me become closer to God. I have had a fun and entertaining experience learning about scripture and helping others across Western NC. Joining PYC is a fun and amazing opportunity for any youth wanting to stretch their faith.

Lauren Monnat - Bryson City Presbyterian

why should **YOU** apply?

I have loved PYC and the community it has brought with it! It has allowed me to explore my leadership skills and discover my passion in youth ministry! PYC is great for anyone who wants to make friends, be a leader, and spread the Lord's word around WNC! Maggie Brock - First Presbyterian Church, Hickory

Questions?

Email Beth beth.gunn@gmail.com

PYC is a great experience that allows you to connect with other youth from across the presbytery and apply yourself to spreading God's word. It is a time to ask questions, to grow in your faith, to reach out to others about their faith. Each event is a new chance for you to be a leader. Being a member of PYC means that you are part of a family that works hard and plays hard.

**Applications
available on
the
Presbytery
website**

(www.presbytery

wnc.org)

**Due June
16th**



APPENDIX P

Y-3

**FULL SCHOLARSHIPS NOW AVAILABLE FOR CAMP
FOR ONE WEEK PER CHILD!**

FOLLOW THE BELOW STEPS TO APPLY:

- Follow this link to fill out the Scholarship Application:
<https://form.jotform.com/230827056210043>
- For more information about Camp Grier, their mission, camp programming and offerings, click here: www.campgrier.org

CAMPERS CAN ENJOY:

- HIKING
- CAMPING
- WORSHIP
- ART
- CANOEING
- SWIMMING

AND SO MUCH MORE!



LIMITED SCHOLARSHIPS AVAILABLE SO APPLY TODAY!*

*If you have already registered your child for camp, it isn't too late to apply for this scholarship.



Soul Shop™ for Leaders

Details

Who Should Attend?

Church Staff and Lay Leaders

Location:

First Presbyterian Church
Hickory, NC

Cost:

\$30 (approximately)

Questions?

Beth Gunn

beth.gunn@gmail.com

August 5, 2023

This is a one-day workshop designed to equip faith community leaders to minister to those impacted by suicide. This includes the creation of worship resource, training congregation members in suicide awareness and basic conversation skills, and the how to extend the invitation to those who have been suicidal in the past to share their stories. This workshop engages the question of how to cultivate a soul-safe culture within your congregation.



Upcoming Youth Events for PWNC



April 29, 2023

Adventure Day

Camp Grier, Old Fort, NC

Day long event for all middle and high school youth.

Come for a fun filled day outside at Camp Grier. Pack a picnic lunch. Dinner served by the camp.

Cost: \$20 per person

August 5, 2023

Soul Shop

FPC Hickory

Karyn Cherry, LMFT - facilitator

A one-day workshop for church staff and lay leaders to develop soul-safe communities by equipping members to address suicide as a regular aspect of their life and work.

Cost: ~\$40 per person

soul  shop

September 24, 2023

Presbytery Youth Day

Montreat, NC

Afternoon event for all middle and high school youth.

Come for a fun filled day to celebrate the out of doors, being a faith community and kicking the year off together

Cost: \$5 per person



Are you on the email list for YOUTH LEADERS? If not, contact Beth Gunn at beth.gunn@gmail.com and request to be added to this list. You will get direct emails about all the youth events!

MISSIONS COMMITTEE

APRIL 25, 2023

PWNC Missions Committee March 20, 2023

Matthew 25 Initiative: Eradicating Systemic Poverty

Affordable Housing Grants – Report

As one element of the presbytery's commitment to be a Matthew 25 governing body, a key emphasis of the Missions Committee has been on Eradicating Systemic Poverty. Studies indicate that the provision of safe "Affordable Housing" to be one of the primary steps that we can take to combat poverty, express God's love, and serve neighbors in our communities – families, veterans, immigrants, and others in need. The need in the State of North Carolina and in the counties that compose the Presbytery of Western North Carolina is widespread and well documented. In 2021, the Missions Committee approached the General Council with a request for funding to help alleviate the affordable housing shortage. Last year, the General Council embraced this focus, designating \$200,000 from the sale of church properties to "Affordable Housing projects across the Presbytery".

The responsibility was given to the Missions Committee to develop and administer a grant process, create application forms, publicize the availability of the grants, evaluate and approve grant proposals. Approved grant requests are to be forwarded to the General Council for final approval. The Missions Committee appointed a Task Force to draw up criteria for Affordable Housing Grants and to design an application. The Task Force has been chaired by Jamie Brady, ruling elder at First Presbyterian Church, Asheville, and immediate past chairperson of the Missions Committee. Other members of the Task Force include ruling elder Sue Johnson, and teaching elders Pat Reid, Michael Poulos, and Allan Purtill. Steve Aschmann, chairperson of the Missions Committee serves in an ex officio capacity. The Task Force has met monthly throughout the autumn and winter and provided timely reports to the Missions Committee. The Task Force has developed basic criteria, a process, and an application form.

Criteria and Grant Application and Approval Process

Who are to be served by Affordable Housing Grants?

These grants are intended to benefit individuals and families within the geographic limits of the presbytery whose household income is at or below 30% AMI (average median income) for the county where the project is planned. Households under 30% AMI are considered extremely low-income. The housing shortage is most acute for such individuals and families. Tabulations in 2020 indicated that nationwide there are over 11 million households in this extremely low-income category and only 7.4 million affordable homes and apartments available. In North Carolina, the number of affordable and available units per 100 households at or below the 30% threshold is 44. The state has a deficiency of 195,000 affordable housing units. Even when these families can find a place to live, they often have to pay more than half their income on rent and utilities, leaving them cost-burdened with little available income for genuine necessities such as food, clothing, transportation, and healthcare.

Who may apply for Grants?

Member congregations of the presbytery and nonprofit organizations working in partnership with a sponsoring congregation or congregations may apply for a grant. Applications are encouraged from large and small membership churches, as well as rural and urban congregations.

How may the Grants be used?

Grants are not to be used for rent or mortgage payments, nor as donations to charitable organizations, but rather for the development of buildings, living space, or properties to serve those with extremely low incomes. A congregation may wish to renovate, rehabilitate, or convert church-owned property, collaborate with other congregations, or partner with nonprofits. Preference will be given to projects that are designed to be sustainable for multiple years.

What is the dollar amount that may be requested?

Grants will range from \$5,000 to \$50,000.

What are the Grant application procedures?

The Missions Committee will consider all grant proposals. Upon submission of the completed application form along with appropriate letters of endorsement, a member of the Missions Committee will schedule a visit with the applicant and project site. Applying organizations will be invited to make a presentation to the Missions Committee. Any Committee member with a connection to a church or organization making application will be requested to recuse themselves from the decision-making process. The Committee's decision will be sent to the General Council for final approval.

What is the application deadline?

Applications must be received by September 1, 2023. In subsequent years and if funding remains available, new grant applications will be received and considered twice a year.

Reports and Evaluation?

Grant recipients will be asked to provide simple reports and photos charting the progress of their projects. The Missions Committee will evaluate all aspects of the grant process annually.

Submitted by Steve Aschmann
Chairperson, PWNC Missions Committee



Affordable Housing Grant Application

In response to the Presbytery's commitment to be a Matthew 25 Governing Body, a Deeply Affordable Housing Grant has been established in 2023. The funds available and grant disbursement will be allocated by the Missions Committee of the Presbytery.

Procedures:

1. Submit a completed application form with a letter of endorsement from a Presbyterian Church in your area to:
Presbytery of Western North Carolina
Attn: Missions Committee
114 Silver Creek Road
Morganton, NC 28655
2. Applications must be received by September 1, 2023.
3. Expect a scheduled visit at the project site by a member of the Presbytery's Missions Committee.
4. Prepare to send a representative of your project to make a presentation before the Missions Committee.
5. The Missions Committee will consider all grant proposals. The Committee's decision will then be sent to the Presbytery's General Council before any grant is awarded.
6. If approved, a Missions Committee representative will present the grant to the organization.
7. Grant recipients are encouraged to celebrate the award on social media, congregational web pages, and church newsletters, and to forward photos and accounts of their housing project to be posted on the Presbytery's website.

APPENDIX Q

Presbytery of Western North Carolina

Affordable Housing Grant Application



S-4

Date _____

Name and Location of the project

Description of the project (Use Additional pages if necessary)

Name of the primary contact, email address, phone number and mailing address

Amount Requested - \$50,000 maximum

Name(s) of Congregation(s) applying for the grant:

Contact for each supporting congregation, name, phone and email address:

Contact for nonprofit organization in partnership with above congregations, name, phone, and email address:

Criteria for Consideration of the Presbytery's Deeply Affordable Housing Grant

- A. This project operates within the geographical boundaries of the Presbytery of Western North Carolina. Member congregations of the presbytery and nonprofit organizations in partnership with a congregation or congregations of the presbytery may apply.
- B. This grant is intended to serve those who qualify at or below 30% AMI (average median income) for the county where the project is developed. See attached information sheet for defining AMI.
- C. Grants are not to be used for rent or mortgage payments, nor as donations to charitable organizations, but rather for the development of buildings, living space, or properties to serve those who qualify in B (above).
- D. Projects that involve collaboration between congregations and nonprofits are encouraged. (i.e., church members working directly with the project, serving on the board of the nonprofit, contributing time, material, labor, etc.).
- E. The Presbytery aims to support projects in both rural and urban populations.
- F. Projects that are designed to be sustained beyond a year or two will be given preference over those that are intended to be a short-term project.
- G. Congregations planning to renovate, rehabilitate, and convert church-owned property into long-term deeply affordable housing are encouraged to apply for this grant.

In your proposal for grant funding please include or attach the following information:

- The dollar amount you are requesting – Grants will range from \$5,000 to \$50,000 maximum.
- The dollar amount spent to date on the project as well as an estimate of projected total cost of the project.
- Other supporting income that the project has received or anticipates and from what entities.
- The projected timeline to completion.
- The name of the project manager or contractor who will oversee the build/renovation.
- Letters of sponsorship commitment from Presbytery of WNC congregation(s).
- Liability insurance information for your project.
- If grant funds are to be received by nonprofit organization working in partnership with a congregation, please submit organization's tax identification number and copy of organization's prior year and current year operating budget.

Send your completed form, along with a letter of endorsements from your partner churches listed on the application to:

Presbytery of Western North Carolina
Attn: Missions Committee
114 Silver Creek Road
Morganton, NC 28655

For questions, clarifications, and additional information contact:

Steve Aschmann
Chairperson, PWNC Missions Committee
919-455-6238
se43aschmann@gmail.com



Deeply Affordable Housing Terms

Low Income

From www.orangecountync.gov

“Low-income” is based on the Area Median Income of the city or county. Typically, households are considered low-income if they earn no more than 80% of AMI. Households earning under 50% of AMI are considered very low-income. Households earning under 30% of AMI are considered extremely low-income.

AMI – Area Median Income

The household income for the median/‘middle’ household in a given region.

The vast majority of all federal, state and local housing programs qualify participant eligibility based on income levels. To accomplish this, housing programs utilize the same benchmark of income data released by the Housing and Urban Development Department (HUD) annually (typically in the spring). The income limits/guidelines are calculated using American Community Survey (ASC) data for all regions in the US.

To find county specific AMI data:

<https://linc.osbm.nc.gov/pages/employment-income/>

Deeply Affordable Housing

“Deeply affordable housing” is housing specifically for those households with extremely low annual incomes, which is defined as at or below 30% of AMI.

MINISTRY IN MALAWI – APRIL 2023 MISSION TRIP

After four years, our Mission Team will be joining our partners in Nkhoma, Malawi the Tuesday after Easter. The team and our brothers and sisters in Christ will celebrate that Christ is Risen together and we all are given abundant life. Byron Wade will be traveling with the

team and will be back for Presbytery and can share some of the good news.



The team will be building and rebuilding relationships with the Nkhoma Hospital (280 bed hospital), Ebenezer School with about 350 students, the Synod with about 1 ½ million Presbyterians, and its Seminary with

24 graduates this year. Together all will worship, pray, laugh, and learn. The team will learn from the people in Malawi and share with our friends in Christ.

This year, the team will initiate two new projects. “Men in the Mirror,” created and led by Kevin Frederick, is a program for men that models behavior on Jesus and has been used in Guatemala. (See his full report.)



The second is “Washable Reusable Sanitary Pads” to help keep girls in school and support



women. Education is one way out of poverty in Malawi, one of the poorest countries in the world, and where the school attrition rate for girls is high. Girls stay away from school during their menstrual cycle because they do not have the needed hygiene products. They get behind and often drop out of school. The consequences are often disastrous.

Women in this Presbytery have joined together to make these washable reusable pads. It has been a labor of love, surrounded by great fellowship. Over eleven sites and even more churches participated in the sewing and packing. One day, while the team is in Malawi, the women will travel to a school and see the education and distribution of the pads.

The Ebenezer School, The Hospital, the Health Centers, and the Synod, and its Seminary.



While in Nkhoma, the team will travel with the Mobile Health Unit, seeing colorfully dressed women that have walked for miles to get health care for their babies, children, and themselves. The team will visit two of the Health Centers.



They will meet with leaders and students at the Ebenezer School, the Seminary, and the Synod. Our Building Hope Funds support the Mobile Health Unit, the Health Centers/Rural Clinics, the Hospital and Ebenezer School. In addition to these, the Presbytery also works with the Synod and its seminary.

EBENEZER SCHOOL:

The school was started in 2004 with help from a grant from First Gastonia, at the request of the hospital for the children of the staff and the local villages. We have been supporting the school since then. This year, Ebenezer's Board is working to create a strategic long-range plan.



The school has about 350 students today. The classes are in English with only about 30 students to a class room. Almost 100% of the students have passed the national entrance into high school, which is outstanding. The other schools in the area might have more than 100 students in the classroom with no student books, and the students sitting on the floor or dirt. At some schools, the students meet outside. So, the Ebenezer School is an asset for the whole area.

In 2022, the collective effort in Presbytery provided \$20,300 in scholarship aid, 67+ students at \$300 each. Consider giving to the scholarship fund anytime as an alternative gift for birthdays, celebrations, anniversaries, thanksgiving, or Easter. "In Your Honor" insert cards are available by contacting someone from the Malawi Leadership Team.

THE NKHOMA HOSPITAL and HEALTH CENTERS: The Presbytery continues to support the Nkhoma Hospital. The Building Hope funds continue to provide much needed medicine, ministry of the Mobile Health Unit and Health Centers/rural clinics. Recently, because of the work of Frank Dimmock, they completed an evaluation of each center. The team will be looking carefully at these Health Centers during their visit. Our earlier goal was for running

water and electricity at all the Health Centers. We are now close to that goal, which needs to include solar at some of the sites.

Since 2022, due to drought in Malawi, starvation has been a problem. Last year, thanks to the “Daily Change/Nickel a Meal” fund, \$11,000 was given to the hospital’s children’s ward to help children nutrition. This year, the hunger season is worse due to the devastation of Typhoon Freddie, which destroyed crops, infrastructure, homes, churches, and lives. The hospital was thankful for the Covid Funds (\$62,151) that this Presbytery raised in response to the Covid pandemic. These funds were a tremendous help the hospital’s response to the needs of its community.

THE SYNOD: The Presbytery continues the support of new graduates. This year the seminary



graduated 24 students, each who will receive an NIV Study Bible, a clerical shirt, and a mountain bicycle. Special dresses will be provided for each spouse. In addition this year, we will provide Study Bibles to students who enter seminary so they can use them their entire study years.



Also, this year, the Presbytery was able to help support some of the seminary students (\$450 per student per semester). This was a great help due to the Covid impact on the economy, Typhoon Freddie’s devastation and worldwide inflation.

The team, and many in this Presbytery in prayers, look forward to being with our partners, seeing God’s work, and looking toward our future ministry together. The team hopes to take, receive, and share Christ’s love together.

APPENDIX R

GP-1

REPORT OF THE GENERAL PRESBYTER 135th STATED MEETING OF THE PRESBYTERY OF WESTERN NORTH CAROLINA APRIL 25, 2023

“The first step towards getting somewhere is to decide you’re not going to stay where you are.”
— JP Morgan

Sometimes in life, as well as in ministry, there is a point which we have to decide what direction to go in. For some people, this could be a harrowing decision. Questions arise in our minds such as, “What am I going to do now?” “Where should I go?” “Lord, are you sure this is where I am supposed to go?” Even more difficult is the pull to stay where we are. We are comfortable with things around us and that keeps us from considering moving out of our comfort zones. However, we all know that few things in life are static. For those of us who follow in the footsteps of Jesus, we are acutely aware that God’s Holy Spirit moves us from where we are to whom God calls us to be. If we individually and collectively are to move forward, we have to be confident enough to take the first step, trusting that God is leading us.

We are doing just that here in the PWNC. An example of this is the hiring of new Presbytery Associates. The Personnel Committee conducted interviews and extended offers for three positions, which have been accepted. Our three new Presbytery Associates are Tom Phillips, Schaap Freeman, and George and Beverly Thompson (they will share one position). Each of them will serve a geographic region of the Presbytery to build relationships with pastors and congregations, in addition to providing training for Pastor Nominating and Associate Pastor Nominating Committees and such. I am impressed by their commitment, range of experience and skills, and desire to work in the PWNC. You will have the opportunity to meet them at the Presbytery meeting!

The Revisioning Task Force is continuing to take steps in discerning our design for ministry. You may remember following our strategic planning retreat last fall that we formulated a strategic implementation plan which has separate tasks for four quarters of 2023. In the first quarter, (January to March) we have accomplished three of the six tasks (communication specialist in place, launch pastoral cohorts, and assess staff needs). We are now focusing on the tasks of second quarter (April to June) –

- Use town hall meetings to relay envisioning to congregations
- Provide more regional opportunities
- Facilitate break-out groups at Presbytery meetings
- Plan/provide adult curriculum workshop
- Schedule African-American Advisory Committee meeting

APPENDIX R

GP-2

- Launch CP cohorts
- Model new forms of worship at Presbytery meetings
- Have Clerks of Session gatherings

In addition, we are examining and discerning the purpose of our committees and ways of being more relational and mission-focused. Please keep us in your prayers for this important work.

We are taking steps as a Presbytery to renew relationships with our international partners. You may remember last December I was a part of the Presbytery delegation to visit and get to know our partners in Guatemala, specifically in Sur Occidente and Suchitepéquez Presbyteries. By the time you read this, I will have returned from a Presbytery delegation trip to Malawi. Eight of us went to reestablish relationships with our partners at Nkhoma Hospital, Ebenezer School, the Church of Central Africa Presbyterian (CCAP) and the Seminary. We are blessed to have these relationships!

I continue to be amazed and blessed in my visits to churches in the PWNC. You all have been so gracious and welcoming. In addition, WE are blessed with a great administrative staff who is always ready to serve. Marcia Puckett, one of our Administrative Assistants, retired on Wednesday, April 5th. She has served us faithfully for the past 28 years and she will be missed. Please keep her in your prayers.

As we all continue to follow the teaching of Jesus Christ and the leading of the Holy Spirit, may we not be afraid to take the first steps toward whom God is calling us to be, both individually and collectively as the PWNC.

Peace,

A handwritten signature in cursive script, appearing to read "Byron".

Byron