

RELATING TO SESSIONS
DURING DISCIPLINARY INVESTIGATIONS OF PASTORAL LEADERS
“A SESSION’S NEED TO KNOW”

On May 5, 2015, the Committee on Ministry adopted the following policy with regard to relating to a session when accusations have been filed against a pastoral leader of the congregation:

The stated clerk, general presbyter, and Committee on Ministry shall consult with one another when accusations are received to develop a plan on a case-by-case basis. Further, they shall use the Association of Stated Clerks’ Judicial Handbook as a guide.

The current section of the handbook with regard to a "session's need to know" follows.

October 2011

GJP.Chapter III

DISCIPLINARY PROCESS
GUIDE TO THE PRESBYTERY
CONCERNING SESSION'S NEED TO KNOW

While the allegations made against a teaching elder or a ruling elder commissioned to particular pastoral service (CRE) are lodged with the presbytery stated clerk and are confidential, confidentiality does not mean secrecy. "Confidential" means the allegations are not revealed, unless there is a demonstrated "need to know."

When allegations against a pastor or a CRE of a congregation are made, ordinarily the session has a "need to know" that accusations have been made. Some reasons for informing the session are:

1. The allegations may be of such a nature (i.e., financial improprieties, or improper conduct with parishioners) that the session needs to know of the allegations to make an informed decision whether to adjust a pastor's job description in certain areas of responsibility during the investigation and trial, if one is required. Being responsibly informed is necessary both from a polity perspective and from civil liability perspective.
 - a. This should be viewed as both insulating the pastor from the source of further allegation and reducing the risk of reoccurrence.
 - b. This should be viewed as temporary adjustments to the job description rather than changes to the terms of call.
 - c. Removal from preaching and moderating session and congregational meetings is only possible with the concurrence of the pastor or prior acceptance of a presbytery policy requiring such.
2. It is not uncommon for pastors, who have allegations brought against them, to seek support within the congregation, without reporting accurately about the allegations or the judicial process. This may deepen division in the congregation, cause conflicted loyalties, and lengthen the subsequent healing period for all parties involved.

Prayerful sensitivity is required in meeting with the session. The *Book of Order* gives responsibility for the congregation and the ministry of a church in time of conflict to the presbytery. Therefore, the presbytery must designate a person or entity to inform the session of the allegations. In some presbyteries, one of the designated persons for such tasks is the executive presbyter. This requires the stated clerk to inform the designated person and the executive of the nature of the allegations.

As soon as the appropriate person or entity is informed of the allegations, he/she should be in contact with the session moderator and with the clerk of session to ascertain when and how they will inform the session. It may be preferable to have a called meeting of session for this purpose only.

Often session members are concerned that they shouldn't be hearing information about a matter that is still under investigation. It is a difficult and sensitive matter, but there are important reasons why the council of the church must be aware of issues that might have an impact on the safety of people in the church or the health and well-being of the congregation. This meeting does not call for the session to decide whether it believes in the teaching elder's or CRE's guilt or innocence. It does call for the session to reduce the exposure to similar problems. Depending on the nature of the allegation(s), the session may choose to modify some ministerial responsibilities during the investigation.

In Extreme Cases

In most circumstances, the *Book of Order* does not provide for non-voluntary leave during the time of an investigation into allegations against an installed pastor. If the pastor does not agree to taking a leave, neither the session nor the presbytery may impose one.

However, beginning with the 2005-2007 *Book of Order*, there is a provision for imposing a paid administrative leave when the alleged offense is sexual abuse of a person under the age of eighteen, or of a person alleged to lack the mental capacity to consent. It is two designated representatives of the permanent judicial commission (PJC) who are given the authority to impose the leave, but it is undoubtedly the committee on ministry that will be given the task of working with a congregation where a pastor has been placed on such a leave. (D-1 0.0106)

In other extreme cases, the presbytery does have authority to dissolve the pastoral relationship when it finds that the church's mission under the Word imperatively demands it. (G-2.0904)

It would require an extreme situation for the presbytery to act to dissolve the pastoral relationship without being requested to do so by either the pastor or the congregation. In doing so, the presbytery would be acting in its capacity of being responsible for the mission and government of the church throughout its bounds.