

POLICY  
FOR THE DISSOLUTION  
OF PASTORAL TIES

THE PRESBYTERIAN CHURCH IN CANADA

*The Policy for the Dissolution of Pastoral Ties* was approved for use in The Presbyterian Church in Canada by the General Assembly in June 1998. (Acts and Proceedings, 1998 pages 355-369, 27)

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The Book Room, 50 Wynford Drive, Toronto ON M3C 1J7  
e-mail: [bookroom@presbyterian.ca](mailto:bookroom@presbyterian.ca)  
Phone: 416 441-1111 toll-free: 1 800 619-7301  
Fax: 416 441-2825

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# POLICY FOR THE DISSOLUTION OF PASTORAL TIES

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## I. INTRODUCTION

The way that The Presbyterian Church in Canada understands ministry and the nature of the relationship between the minister and congregation is foundational to the way the Church should deal with dissolutions of pastoral ties. For this reason, the policy has been written from the starting point of the Church's beliefs and practices, and in the Church's own vocabulary. At the same time, The Presbyterian Church in Canada is subject to the dictates of Canadian secular law. For this reason, extensive legal counsel has been sought in the writing of this policy, to protect the Church as much as possible against civil legal proceedings.

## II. SCOPE OF THE POLICY

This policy is intended to apply to situations in which a presbytery has decided to dissolve the pastoral tie between a congregation and an ordained minister who had been called and inducted into that congregation. It is also intended to apply to situations in which a presbytery has decided to end, before the completion of its term (if any), the appointment to a congregation of an ordained minister, a diaconal minister or a lay missionary. This policy is also intended to apply to situations in which a court, agency or committee of this Church has decided to end, before the completion of its term (if any), the appointment of an individual to a non-congregational ministry.

For the sake of simplicity, the word "minister" will be used in this document to refer to an individual ordained to the ministry of Word and Sacraments, designated to the Order of Diaconal Ministries, or serving as a lay missionary. Again for the sake of simplicity, the word "presbytery" will be used in this document to refer to any court, agency or committee of this Church.

There are a number of kinds of situations in which this policy is not intended to apply. This policy does not apply to those situations in which the pastoral tie is being dissolved at the request of the minister, for instance when a minister wishes to accept another call or when a minister asks presbytery to accept his or her resignation to permit full-time academic work or retirement. This policy does not apply in situations when the pastoral tie is being dissolved because the minister has become ill; the Church has already made provision for such instances in the form of long-term disability insurance, as stated in the terms of the call or appointment. This policy does not apply to time-limited appointments that have come to completion (for example, the individual has served the full term), or to time-limited appointments that were written with escape clauses (for example, with the provision that either party may end the working relationship as long as notice of a stated length of time is given). Procedures for assessing the viability of a pastoral tie are found under the heading non-disciplinary cases in the Book of Forms, sections 324-344.

This policy may be used as a guide in similar situations involving servants of the Church not covered in the above statements.

### III. THEOLOGICAL BASIS

#### 1. Ministry

The policy of The Presbyterian Church in Canada for the dissolution of pastoral ties is set in the framework of our Church's understanding of ministry. As a Church, we affirm the Lordship of Jesus Christ and acknowledge him as the Church's only King and Head.

All ministries of the Church proceed from and are sustained by the ministry of the Lord Jesus Christ. He is our Prophet, Priest and King, the Minister of the covenant of grace. By the operation of God's Word and Spirit the Church is gathered, equipped, and sent out to participate in this ministry. (Preamble, 1970, ordination vows for teaching and ruling elders)

Christ has called all who claim his name to share in his reconciling mission in the world. At the same time, Christ renews and nurtures the Church by calling individuals to serve as pastors, as teachers, and in specialized ministries of equipping the saints.

#### 2. **The Church's Relationships**

The Church seeks to express the mind of Christ as it obeys his calling. We believe that Jesus' command "You shall love your neighbour as yourself" is basic to all our dealings with each other.

We have this command from Christ; whoever loves God must love their fellow Christian too. (1 John 4: 21)

Love means seeking the best for others and is the mark of a Christian. (Living Faith 8:3:2)

The command to love our neighbour includes the imperative of dealing justly with one another.

God's justice is seen when we deal fairly with one another. (Living Faith 8:4:2)

Our understanding that we are called to serve carries with it the implication that we must be committed to each other and accountable to each other.

Calling means the necessity to deny selfish ambition and desire in order to minister to others. (Living Faith 1:3:1)

This means that, when it is living faithfully, the Church will demonstrate genuine commitment to love and justice in all its relationships.

### 3. The Relationship between the Church and its Ministers

The relationship between the Church and its ministers is one of covenant: a three-fold covenant involving the presbytery, the congregation and the minister. The congregation calls the minister, and the congregation and the minister covenant to work together in ministry. The presbytery scrutinizes the terms of the call, including the guarantee of stipend and benefits that the congregation will give the minister, and approves the covenant.

In the service of induction, the minister answers the ordination questions as an indication of his or her readiness to serve God faithfully. The third question is the promise to accept the government of this Church by session, presbyteries, synods and General Assemblies, and to be subject to these courts, seeking the peace and unity of Christ within the Church. The members and adherents of the congregation, for their part, affirm that they receive the minister as from Christ and pledge themselves to be co-servants with the minister under Christ.

The presbytery is responsible for the pastoral oversight of both the minister and the congregation. The presbytery is authorized to guide and instruct both the minister and the congregation, who are, in turn, accountable to it. The session of a congregation cannot entertain a complaint against its moderator, nor against any of its ordained ministers in multi-staffed congregations, nor against any member of the Order of Diaconal Ministries (Book of Forms section 127). It is the presbytery that decides whether to sustain complaints against ministers or diaconal ministers, and disciplines them, as appropriate.

It is crucial for the Church to realize that the covenant is a dynamic entity. True, the covenant begins at a clearly defined point, namely at the induction service, and its terms have been described on the printed pages of the call. But in fact the covenant is lived in the context of the relationships that result from it. Covenants depend upon mutual trust and respect. All who are involved must recognize the importance of nurturing the covenant relationships. Presbyteries are enjoined to fulfill their responsibilities for pastoral oversight of both ministers and congregations faithfully.

#### IV. GUIDING PRINCIPLES

The Church will demonstrate in all its relationships genuine commitment to love and justice.

Presbyteries will provide adequate and ongoing pastoral care to ministers and congregations under their care.

When significant conflict arises between a minister and a congregation:

1. Such situations should be recognized and dealt with honestly, fairly and prayerfully. They should never be ignored, camouflaged or perpetuated to the extent that any of the members of the covenant is harmed. Dealing with conflict will necessitate careful efforts to identify and address the root problems, and not merely to focus on the symptoms.
2. Strenuous and sincere efforts must be made to affect reconciliation by facilitating honest and caring communication between all parties and rigorous avoidance of all rumour and innuendo. (A discussion of preventative procedures is found in Appendix A.)
3. A biblical model for this process might be Matthew 18:15 ff.. See also Exodus 20:16. Despite all efforts it must be recognized that situations will arise where it is best for all concerned that the covenant relationship be ended. In the New Testament there are a variety of sayings and stories that indicate that Jesus did not believe that it was always possible for relationships to work out. (for example, Matthew 18:17; Matthew 10:14-15; Luke 13:34; 19:41-44.)

When a pastoral tie must be dissolved:

1. Presbyteries will understand the principles and procedures laid down in the Book of Forms, as well as any other information that may be pertinent to the situation. (See Book of Forms sections 199.3, 249, 252 and 313 - 443.)
2. Presbyteries will provide the minister and the congregation with proper support and adequate information.
3. The procedures for the dissolution of pastoral ties will be carried out in a manner that is fair, orderly and caring to all involved.

## V. CHURCH LAW AND SECULAR LAW

The Church has the authority to make its own decisions regarding the forming and dissolving of pastoral ties between ministers and congregations. Nevertheless, the Church is also subject to secular law. Our Church's counsel caution the Church to ensure that the processes by which presbyteries decide to dissolve pastoral ties are transparent and fair to all parties. With this provision, the Church should feel free to set and follow its own policy. Once the General Assembly adopts a policy, the Church is well advised to follow it, meeting at least its minimum requirements. The Church's counsel advise further that the terms set out in this policy are consistent with legal entitlements in similar contexts, and that the policy should not render the Church unduly vulnerable to challenges in civil court.

The Church's rules for judicial process are set out in sections 313 – 443 of the Book of Forms. Actions leading up to and including the removal of ministers from office can and should be consistent with the various points and procedures contained in this chapter.

### Legal Counsel

The distinction should be made between seeking legal counsel and using a lawyer in Church courts or taking recourse to a civil court. Section 360 of the Book of Forms provides that during a trial, the accused has the right to be represented by an advisor, but such an advisor may not be remunerated, thus precluding the participation of professional legal counsel. Seeking legal counsel is permitted. In fact, in certain circumstances, it may be prudent. Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.



## VI. AN OVERVIEW OF THE PROCESS

### Categorizing the situation

This policy categorizes into three groups the situations in which presbyteries decide to dissolve pastoral ties. In each case, the distinguishing characteristic is the reason for the decision to dissolve the pastoral tie. The reasons are as follows:

CATEGORY 1 THE PRESBYTERY HAS DECIDED  
THAT THE MINISTER HAS COMMITTED A VERY SERIOUS OFFENCE.

CATEGORY 2 THE PRESBYTERY HAS DISCERNED  
THAT THE COVENANT RELATIONSHIP IS NO LONGER VIABLE.

CATEGORY 3 THE CONGREGATION IS FACING FINANCIAL CONSTRAINTS.

As the different categories propose different responses, it is imperative that presbyteries choose the correct category.

### Concerns to be addressed

The presbytery must address the following concerns:

1. providing pastoral care
2. seeking legal advice
3. setting the terms of the settlement
4. apprising the minister of the decisions of the presbytery
5. apprising the session of the decisions of the presbytery
6. securing acceptance of the settlement by the minister

VII. SETTLEMENT PROCEDURES

CATEGORY 1	THE PRESBYTERY HAS DECIDED THAT THE MINISTER HAS COMMITTED A VERY SERIOUS OFFENCE.
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In church law, an offence is defined as any doctrine held, act or omission, contrary to the scriptures or the standards and subscriptions (Book of Forms, sections 444 - 451) of The Presbyterian Church in Canada.

Examples of situations would include:

- the minister is convicted of a criminal offense, such as theft, fraud or assault;
- the presbytery sustains a complaint of sexual abuse or harassment against the minister;
- the presbytery finds the minister to be guilty of leading a scandalous life or of teaching corrupt doctrine.

In these cases, the decision to dissolve the pastoral tie follows an investigative process of the presbytery after which the presbytery decided that the minister has committed a very serious offense. The presbytery disciplines the minister by administering some form of censure. In the context of secular law courts, such behaviour on the part of a minister would be comparable to serious or egregious misconduct, and the situation would be comparable to termination with cause. Please note carefully that neither incompatibility between the congregation and the minister nor incompetence on the part of the minister constitutes “cause”.

### 1.1 Pastoral Care

The presbytery needs to make arrangements for pastoral care of a minister and a minister’s family whenever a pastoral tie is being reviewed. It is important that the minister and the minister’s family do not become isolated or “forgotten” during the review and decision-making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister’s family regularly, to check on progress, to monitor his/her mental and physical state, and generally, to be a good listener. In cases when the presbytery withholds the minister’s presbyterial certificate until certain conditions are met, the presbytery has some responsibility to help the minister to fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to share part of the cost with the minister.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

## 1.2 Seeking Legal Advice

Presbyteries are advised to obtain professional legal advice any time they face one of these cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

## 1.3 Setting the Terms of the Settlement

In cases where the presbytery has decided that the minister has committed a very serious offense, the presbytery usually dissolves the pastoral tie to be effective immediately. The presbytery may consider placing restrictions on the minister's access to Church property. Although the transition allowance is intended to help provide a bridge while the minister fulfills requirements set by presbytery or searches for another call or seeks a job, the congregation is not required to provide a cash transition allowance. If the minister is living in the manse (which is the property of the Church), the minister will be given 60 days, or the duration of time legally required in the province of residence, to find other accommodation.

### Special Note:

The requirement in this case is very minimal. Nevertheless, presbyteries and congregations are reminded that there is always provision in the Church for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Presbyteries and congregations may choose to give a transition allowance. In their role of pastoral oversight, presbyteries may impose requirements above the minimum on congregations after consultation with all concerned. Presbyteries must also be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

Presbyteries may wish to refer to the Sample Settlement Agreement in Appendix D (page 32).

#### 1.4 Apprising the Minister of the Decisions of the Presbytery

The follow-up meeting is not the place for discussion of the reasons for the decisions. It may be an emotionally charged situation for both the presbytery representatives who must deliver the message and for the minister.

The purposes of the meeting are:

1. to advise the minister of the decisions of the presbytery;
2. to give the minister a letter that outlines the presbytery's decisions and support plans;
3. to confirm lines of communication and next steps.

The meeting is not intended to be a forum to justify the presbytery's decisions or a place to discuss performance issues or grievances. The minister should be encouraged to go away and review the terms of the settlement. In almost all cases, it would be prudent for the presbytery to suggest to the minister that he or she discuss the terms of a settlement with his/her legal counsel. The natural inclination will be to defend or justify actions that are being taken. Don't.

During the meeting:

1. Do not hedge, but use soft words.
2. Avoid extended discussions and a rehashing of issues. This is not the time for a performance review.
3. Stay on topic; do not discuss anything other than the decisions of the presbytery.
4. Do not encourage conversation that could or would allow the minister to re-negotiate the terms of the settlement. This is neither the time nor place for this.
5. Review the arrangements for the dissolution of the pastoral tie and for the support programs.

You may wish to arrange for the individual providing pastoral care to the minister to be present.

#### 1.5 Apprising the Session of the Decisions of the Presbytery

As the process of drafting the terms of settlement that will be recommended to the presbytery unfolds, the presbytery should consult with the session, in order that any concerns the congregation may have can be considered fully. Once the presbytery has made its decisions, the presbytery will communicate them to the session, and discuss with the session plans to inform the congregation.

VII. SETTLEMENT PROCEDURES

CATEGORY 2	THE PRESBYTERY HAS DISCERNED THAT THE COVENANT RELATIONSHIP IS NO LONGER VIABLE.
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The deterioration of the pastoral relationship could have arisen from any combination of factors not listed in Category No. 1. Examples would include incompatibility between the minister and the congregation, and incompetence on the part of the minister and/or the congregation. The decision to dissolve the pastoral tie may have been preceded by a presbytery visitation. It may also have been preceded by an investigation under the Policy for Dealing with Sexual Abuse and Harassment, or by a review of ministry in a non-disciplinary case, or by a disciplinary case (Book of Forms, sections 313 – 443). However, the presbytery has not decided that the minister has committed a very serious offense (as described in Category No. 1).

The presbytery may exercise discipline of the minister and/or the congregation. The presbytery may withhold the minister’s presbyterial certificate, until certain conditions are met. Similarly, the presbytery might qualify the congregation’s right to proceed to call another minister. In the context of secular law courts, these situations would be comparable to termination without cause.

## 2.1 Pastoral Care

The presbytery needs to make arrangements for pastoral care of a minister and a minister’s family whenever a pastoral tie is being reviewed. It is important that the minister and the minister’s family do not become isolated or “forgotten” during the review and decision-making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister’s family regularly, to check on progress, to monitor his/her mental and physical state, and generally, to be a good listener. In cases when the presbytery withholds the minister’s presbyterial certificate until certain conditions are met, the presbytery has some responsibility to help the minister to fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to share part of the cost with the minister.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

## 2.2 Seeking Legal Advice

Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

## 2.3 Setting the Terms of the Settlement

The transition allowance is intended to help provide a bridge while the minister fulfills requirements set by the presbytery or searches for another call or seeks a job.

The transition allowance is:

- an amount equivalent to the stipend and benefits (including housing),
- given monthly throughout the transition period.

The length of the transition period is determined as follows:

EITHER

one month for each year of service in the present congregation, with a minimum of four months and a maximum of twelve months,

OR

the number of months until the minister begins to receive stipend and benefits from another call (or equivalent income from a job), with a minimum of two months,

WHICHEVER IS SHORTER.

The transition allowance has been designed according to an income continuance model. For this reason the transition period is deemed to be completed as soon as the minister is once more being supported by a pastoral charge (or by a job with equivalent remuneration). The transition period is never reduced to less than two months, in order to set a national minimum for our Church that meets the requirements for notice of termination of employment for professionals in some provinces.

### Start Date for the Transition Period

Normally the day the presbytery makes the decision to dissolve the pastoral tie is also the date on which the dissolution becomes effective and the transition period begins. The presbytery may decide to set a different date for the dissolution to become effective. There may be Category No. 2 situations in which the minister and the congregation both desire a short span of time between the date the decision is made and the date the pastoral tie is actually dissolved, in order to bring closure to the ministry. In these cases, the transition period is considered to begin the date the presbytery makes the decision. Normally, the minister should not be required/allowed to continue serving in the pastoral charge for more than two months of the transition period. While serving in the pastoral charge during the transition period, the minister must be given all reasonable opportunity to search for another call (or for a job).



## Benefits

### 1. Manse or Housing Allowance

The transition allowance includes manse or housing allowance, one of which all ministers receive. When the minister receives a housing allowance, the situation is straightforward: the minister continues to receive that allowance monthly for the transition period.

When the minister lives in the manse (which is owned by the church), a transition arrangement must be made. Presbyteries should consult with both the minister and the congregation, keeping in mind the duration of time legally required in the province of residence. For example, the minister may be given 60 days to find other accommodation. Thereafter, the minister is given a manse allowance until the transition period ends.

### 2. Travel Allowances

Basic travel or car allowance has for some years been included in the basic minimum stipend. In all cases when the minister has been receiving such allowance as an integral part of stipend, without reference to the distance that has been driven in a given period, the congregation will be required to continue to give the full stipend until the transition period ends.

However, in cases when the minister has been receiving basic travel allowance as a separate allowance, calculated on a per-kilometre basis, the congregation will not be required to give the basic travel allowance throughout the transition period. Similarly, congregations in multi-point charges will not be required to continue to give the minister the Sunday mileage allowance (an amount calculated on a per kilometre basis to cover the distance between points).

### 3. Medical and Dental Health Plan

Coverage under the Church's medical and dental plan continues until the transition period ends.

### 4. Long-term Disability, Pension and Life Insurance Coverage

These benefits will continue until the transition period ends. The usual monthly deductions will be taken off the monthly income continuance.

### 5. Continuing Education

A minister is allowed to retain entitlement for up to 50 percent of any accumulated, unused continuing education money allowance when he or she leaves a congregation if requested for a specific program and approved at the time when the pastoral tie is dissolved. (A&P 1990, p. 432, 433)

### Examples:

If the minister has served in the pastoral charge for four years or less, the transition period is initially calculated at four months. If the minister begins serving in another call (or job with equivalent remuneration) within two to four months, the transition period ends immediately. The transition period is never reduced to less than two months.

If the minister has served in the pastoral charge from five to twelve years, the transition period is initially calculated at five to twelve months. If the minister begins another call (or a job with equivalent remuneration) before that length of time has elapsed, the transition period ends immediately, with the qualification that the transition period is never reduced to less than two months.

If the minister has served in the pastoral charge for twelve years or more, the transition period is initially calculated at twelve months. If the minister begins another call (or a job with equivalent remuneration) before that length of time has elapsed, the transition period ends immediately, with the qualification that the transition period is never reduced to less than two months.

### Special Note:

The Church is reminded that there is always provision for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Presbyteries and congregations may choose to give a more generous transition allowance. In their role of pastoral oversight, presbyteries may impose requirements above the minimum on congregations after consultation with all concerned. Presbyteries must also be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

## 2.4 Apprising the Minister of the Decisions of the Presbytery

The follow-up meeting is not the place for discussion of the reasons for the decisions. It may be an emotionally charged situation for both the presbytery representatives who must deliver the message and for the minister.

The purposes of the meeting are:

1. to advise the minister of the decisions of the presbytery;
2. to give the minister a letter that outlines the presbytery's decisions and support plans;
3. to confirm lines of communication and next steps.

The meeting is not intended to be a forum to justify the presbytery's decisions or a place to discuss performance issues or grievances.

The minister should be encouraged to go away and review the terms of the settlement. In almost all cases, it would be prudent for the presbytery to suggest to the minister that he or she discuss the terms of a settlement with his/her legal counsel.

The natural inclination will be to defend or justify actions that are being taken. Don't.

During the meeting:

1. Do not hedge, but use soft words.
2. Avoid extended discussions and a rehashing of issues. This is not the time for a performance review.
3. Stay on topic; do not discuss anything other than the decisions of the presbytery.
4. Do not encourage conversation that could or would allow the minister to re-negotiate the terms of the settlement. This is neither the time or place for this.
5. Review the arrangements for the dissolution of the pastoral tie and for the support programs.

You may wish to arrange for the individual providing pastoral care to the minister to be present.

## 2.5 Apprising the Session of the Decisions of the Presbytery

As the process of drafting the terms of settlement that will be recommended to the presbytery unfolds, the presbytery should consult with the session, in order that any concerns the congregation may have can be considered fully. Once the presbytery has made its decisions, the presbytery will communicate them to the session, and discuss with the session plans to inform the congregation.

## 2.6 Securing Acceptance of the Settlement by the Minister

In order for the transition allowance to be given for longer than two months, the minister must sign his or her acceptance of the settlement offer, releasing the Church from any future claims. This step helps to ensure that the settlement does not lead to difficulties at some time in the future.

Presbyteries may wish to refer to the Sample Settlement Agreement in Appendix D (page 32).

VII. SETTLEMENT PROCEDURES

CATEGORY 3	THE CONGREGATION IS FACING FINANCIAL CONSTRAINTS.
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In these situations, presbytery has decided to respond to financial constraints in a congregation by dissolving the pastoral tie. Examples of this category would include

- closing a pastoral charge;
- amalgamation of one or more congregations;
- reduction of the size of the pastoral staff team, for example, from two ministers to one and a half or from two ministers to one.

The decision to dissolve the pastoral tie is not preceded by the discipline process of the presbytery. In the context of secular law courts, these situations would be comparable to termination without cause.

### 3.1 Pastoral Care

The presbytery needs to make arrangements for pastoral care of a minister and a minister’s family whenever a pastoral tie is being reviewed. It is important that the minister and the minister’s family do not become isolated or “forgotten” during the review and decision-making, or at any time in the future while the minister remains under the care of the presbytery. The presbytery should designate a specific individual (or individuals) to contact the minister and the minister’s family regularly, to check on progress, to monitor his/her mental and physical state, and generally, to be a good listener. In cases when the presbytery withholds the minister’s presbyterial certificate until certain conditions are met, the presbytery has some responsibility to help the minister to fulfill the requirements. When courses, counselling or career assessment are assigned to the minister, the presbytery should agree to share part of the cost with the minister.

The presbytery needs to make arrangements for pastoral care of the congregation throughout the period when a pastoral tie is being reviewed, and after decisions are made and implemented. The situations covered by this policy are often experienced by congregations as stressful and disturbing, and presbyteries must recognize and respond to the special needs for pastoral care that can arise in congregations.

### 3.2 Seeking Legal Advice

Presbyteries may wish to obtain professional legal advice in difficult cases. Ministers should be encouraged to seek advice as widely as they feel necessary.

### 3.3 Setting the Terms of the Settlement

As a basic principle in Category No. 3 situations, it is assumed that the presbytery, congregation and minister will work together to help minimize the impact of the dissolution of pastoral tie on the minister. Flexibility can be built into the working relationship should the minister choose to take the opportunity to pursue further education. This could include time off to attend courses.

The transition allowance is intended to help provide a bridge while the minister searches for another call or for a job.

The transition allowance is:

- an amount equivalent to the stipend and benefits (including housing),
- given monthly throughout the transition period.

The length of the transition period is determined as follows:

EITHER

one month for each year of service in the present congregation, with a minimum of four months and a maximum of twelve months,

OR

the number of months until the minister begins to receive stipend and benefits from another call (or equivalent income from a job), with a minimum of two months,

WHICHEVER IS SHORTER.

The transition allowance has been designed according to an income continuance model. For this reason the transition period is deemed to be completed as soon as the minister is once more being supported by a pastoral charge (or by a job with equivalent remuneration). The transition period is never reduced to less than two months, in order to set a national minimum for our Church that meets the requirements for notice of termination of employment for professionals in some provinces.

#### Start Date for the Transition Period

In cases where the pastoral tie is being dissolved because of financial constraints, it is expected that the decision to dissolve the pastoral tie will be made well in advance of the actual date of the dissolution. In these cases, the transition period begins on the date that the dissolution of the pastoral tie becomes effective.

## Benefits

### 1. Manse or Housing Allowance

The transition allowance includes manse or housing allowance, one of which all ministers receive. When the minister receives a housing allowance, the situation is straightforward: the minister continues to receive that allowance monthly until the transition period ends.

When the minister lives in the manse (which is owned by the church), a transition arrangement must be made. Presbyteries should consult with both the minister and the congregation, keeping in mind the duration of time legally required in the province of residence. For example, the minister may be given 60 days to find other accommodation. Thereafter, the minister is given a manse allowance until the transition period ends.

### 2. Travel Allowances

Basic travel or car allowance has for some years been included in the basic minimum stipend. In all cases when the minister has been receiving such allowance as an integral part of stipend, without reference to the distance that has been driven in a given period, the congregation will be required to continue to give the full stipend until the transition period ends.

However, in cases when the minister has been receiving basic travel allowance as a separate allowance, calculated on a per kilometre basis, the congregation will not be required to give the basic travel allowance throughout the transition period. Similarly, congregations in multi-point charges will not be required to continue to give the minister the Sunday mileage allowance (an amount calculated on a per kilometre basis to cover the distance between points).

### 3. Medical and Dental Health Plan

Coverage under the Church's medical and dental plan continues until the transition period ends.

### 4. Long-term Disability, Pension and Life Insurance Coverage

These benefits will continue until the transition period ends. The usual monthly deductions will be taken off the monthly income continuance.

### 5. Continuing Education

A minister is allowed to retain entitlement for up to 50 percent of any accumulated, unused continuing education money allowance when he or she leaves a congregation if requested for a specific program and approved at the time when the pastoral tie is dissolved. (A&P 1990, p. 432, 433)

Examples:



If the minister has served in the pastoral charge for four years or less, the transition period is initially calculated at four months. If the minister begins serving in another call (or job with equivalent remuneration) within two to four months, the transition period ends immediately. The transition period is never reduced to less than two months.

If the minister has served in the pastoral charge from five to twelve years, the transition period is initially calculated at five to twelve months. If the minister begins another call (or a job with equivalent remuneration) before that length of time has elapsed, the transition period ends immediately, with the qualification that the transition period is never reduced to less than two months.

If the minister has served in the pastoral charge for twelve years or more, the transition period is initially calculated at twelve months. If the minister begins another call (or a job with equivalent remuneration) before that length of time has elapsed, the transition period ends immediately, with the qualification that the transition period is never reduced to less than two months.

#### Special Note:

The Church is reminded that there is always provision for grace. In particular, it is hoped that compassionate consideration will be given to the needs of the minister and the minister's family. Presbyteries and congregations may choose to give a more generous transition allowance. In their role of pastoral oversight, presbyteries may impose requirements above the minimum on congregations after consultation with all concerned. Presbyteries must also be sensitive to the needs of congregations, which, in some rare cases, may lead a presbytery to decide to offer financial assistance to a congregation.

### 3.4 Apprising the Minister of the Decisions of the Presbytery

The follow-up meeting is not the place for discussion of the reasons for the decisions. It may be an emotionally charged situation for both the presbytery representatives who must deliver the message and for the minister.

The purposes of the meeting are:

1. to advise the minister of the decisions of the presbytery;
2. to give the minister a letter that outlines the presbytery's decisions and support plans;
3. to confirm lines of communication and next steps.

The meeting is not intended to be a forum to justify the presbytery's decisions or a place to discuss performance issues or grievances.

The minister should be encouraged to go away and review the terms of the settlement. In almost all cases, it would be prudent for the presbytery to suggest to the minister that he or she discuss the terms of a settlement with legal counsel.

The natural inclination will be to defend or justify actions that are being taken. Don't.

During the meeting:

1. Do not hedge, but use soft words.
2. Avoid extended discussions and a rehashing of issues. This is not the time for a performance review.
3. Stay on topic; do not discuss anything other than the decisions of the presbytery.
4. Do not encourage conversation that could or would allow the minister to re-negotiate the terms of the settlement. This is neither the time or place for this.
5. Review the arrangements for the dissolution of the pastoral tie and for the support programs.

You may wish to arrange for the individual providing pastoral care to the minister to be present.

### 3.5 Apprising the Session of the Decisions of the Presbytery

As the process of drafting the terms of settlement that will be recommended to the presbytery unfolds, the presbytery should consult with the session, in order that any concerns the congregation may have can be considered fully. Once the presbytery has made its decisions, the presbytery will communicate them to the session, and discuss with the session plans to inform the congregation.

### 3.6 Securing Acceptance of the Settlement by the Minister

In order for the transition allowance to be given for longer than two months, the minister must sign his or her acceptance of the settlement offer, releasing the Church from any future claims. This step helps to ensure that the settlement does not lead to difficulties at some time in the future.

Presbyteries may wish to refer to the Sample Settlement Agreement in Appendix D (page 32).

## VIII. AFTER THE PASTORAL TIE HAS BEEN DISSOLVED

### 1. Recognize the grief process

Many in the church community will be familiar with the writings of Elizabeth Kubler-Ross. Ms. Kubler-Ross, a psychologist who studies the terminally ill, wrote about their reactions to death in her famous book, *On Death and Dying*. Upon further examination, she discovered that these reactions were common to a large number of situations in which loss is present. It was also realized that these reactions do not necessarily follow any particular order. Knowledge of these typical reactions to loss may equip the providers of pastoral care to understand and respond appropriately to the responses of the ministers and their families, and of the congregation. In the context of the dissolution of a pastoral tie, these five reactions may appear as follows.

#### Denial

This is usually the initial response to loss of a ministry position. The individuals may say “I can’t believe it,” even continuing to make this remark long after the event occurs. On the one hand, they KNOW it is true, and yet, so much was lost that there is a part of them that refuses to absorb the reality. Sometimes they refuse to discuss it, sometimes they refuse to think it and sometimes they act as if it simply did not happen.

#### Bargaining (with the past)

This is the “if only” phase. “If only I had been smarter I would have seen this coming. If only hadn’t happened, this would never have had to be.” Often the individual acts as if there is something they can do to avoid or reverse the situation.

#### Anger

This reaction is often due to the loss of control experienced. Someone else made a decision that profoundly affected their lives and they had little say in it. They are angry because they feel helpless and they may react to this feeling by exerting control over those near and dear to them. There is an energy that comes from anger that may be mistaken for “getting on with one’s life”. It is important to recognize anger for what it is and to deal with it as honestly as one can.

#### Sadness/depression

Following anger, the fact of loss sets in and the individuals experience the sadness surrounding that loss. They may exhibit tears, loss of attention, forgetfulness, panic and roller coaster emotional states. These are all normal reactions and should be experienced for what they are: strong emotional responses to a loss. It is important, at the same time, to remember that this is a loss they will survive and may survive very well.

#### Acceptance

Little by little, they begin to notice that they are getting on with the tasks at hand and not thinking so much about the actual loss situation. They experience less and less

confusion, are able to concentrate and have a positive outlook much of the time. They are now in the stage of acceptance from which they will gather strength to move on to the next adventure of their lives. There will be the occasional slide back to another state from time to time. However, they should not be concerned; this is normal and will diminish as time passes.

## 2. The Provision of Continuing Pastoral Care

“Healing” is often as necessary for the congregation as it is for the minister. The circumstances that led to the dissolution of the pastoral tie will determine the feelings of those left behind in the congregation or the presbytery. There may be feelings of guilt for those in the presbytery or the session who played a role in the separation process. A divided congregation may have to be brought together again. Regardless of the reason for the dissolution of the pastoral tie, the congregation, and in some cases the members of the presbytery, may require pastoral care so that differences can be acknowledged and addressed and healing can occur.

The Presbytery has an ongoing role of providing pastoral care to both the minister and the congregation involved. This must be carefully and deliberately planned and the plan communicated in a caring and sensitive manner so that everyone understands what to expect. The following are some items to consider:

- Establish a small pastoral care group with clear terms of reference relevant to the specific situation and a convener that reports regularly to the presbytery.
- Establish with the minister an appropriate process of monitoring. This may involve scheduled or casual “check in” times with members of the task group.
- The task force should be alert to the strong potential for the minister to become despondent and withdrawn, and should make every effort to alleviate this situation if it occurs.

### 3. Relocation Services

Assist the minister in finding relocation counselling services. For those ministers who will be seeking another call in our Church, this may involve use of the profile referral service. For those ministers who will be seeking employment outside our Church, sources of relocation services include:

- federal and provincial employment centres
- extension departments of universities and community colleges
- YMCA/YWCA extension services
- self-help groups within some communities.

The relocation counselling services may have the following elements:

- psychological assistance for making the mental adjustment
- taking personal inventory of skills, attitudes and goals
- developing a good job search program, for those who will be looking for a new position, or a retirement program, for those who will not
- preparing a resume and other personal “sales” tools
- monitoring the individual’s progress and being a mentor in the periods of ups and downs.

## APPENDIX A

### Preventative Procedures

#### Problem Identification, Communication and Conflict Resolution

Most congregations, ministers and presbyteries have ample opportunity to recognize issues well before they reach a crisis level. When difficulties arise they can usually be traced to poor communications, lack of attention to the warning signals, ignorance of good communication and/or conflict resolution techniques and sometimes the misguided assumption that, given time, the problem will go away.

These attitudes and responses to the early signs of difficulties can no longer be accepted. Mechanisms must be put in place to foster improved personnel policies and procedures to minimize or eliminate the incidence of the more critical problems. The presbyteries, the individual congregation(s) and the ministers must share the responsibility for these policies and procedures.

#### 1. Ministers

The minister has a responsibility to keep lines of communication open within the session and within the congregation. Also, many ministers have “mentors” outside of the congregation with whom they can discuss, in confidence, their own concerns or concerns that have surfaced within the congregation.

#### 2. Congregations

As stated in section 127.1 of the Book of Forms, the session cannot entertain a complaint against its moderator. When a situation has reached the complaint stage, “all processes against any minister or member of the Order of Diaconal Ministries are to begin before the presbytery to which he/she belongs.”

However, session meetings do provide ample opportunity for discussion of expectations and concerns before they reach a critical stage.

### 3. Presbyteries

The Ministry Committee of the presbytery has the prime responsibility for ensuring that consistent and effective procedures are in place within each congregation so that problems are recognized and addressed at an early stage before they reach crisis proportions. The better prepared the court is to deal with such matters, the better the chance of the issue being resolved in the spirit of Book of Forms section 325, for example, “by friendly conference”.

Presbyteries may choose to assemble some helpful resources in advance of any crisis and have a committee or individuals who are well versed in the church’s policy and the procedures to follow if the dissolution of the pastoral tie becomes necessary.

With this role in mind, we recommend that the presbytery do the following:

1. Identify and orient a small presbytery resource team to be ready for situations requiring presbytery’s intervention in matters involving ministers and congregations.

When conflict situations emerge they often don’t allow much lead time for presbytery to prepare to handle them. As a result, these situations are sometimes handled by well-meaning individuals with inadequate training or knowledge of guidelines or techniques.

While the Book of Forms makes it clear (section 315) that the Church should not be “interfering with matters which are purely civil ...” we suggest that the members of all courts must exercise wisdom and judgment when issues are raised. So-called civil matters, when left unattended, can grow to be the subject of conflict and potentially result in the dissolution of a pastoral tie.

2. Review the presbytery visitation program to ensure congregations are visited regularly according to a timetable set by the presbytery. The suggested questions for presbytery visitation contained in the appendices of the Book of Forms provide a good base for these discussions, which can expose tensions between a congregation and a minister. Presbyteries may wish to include additional questions to give the parties every opportunity to raise their concerns. When problems are identified, secure agreement from those involved on a way to proceed, and provide adequate follow-up to monitor progress. Be available to visit as regularly as necessary, providing assistance with repeated attempts to renegotiate expectations and solve problems. Be sure that presbytery’s interventions are carried out in a manner that is fair, orderly and caring to all involved.



## APPENDIX B

### Appeals

The question has been asked whether a congregation might be required to give a minister a transition allowance throughout the entire time when an appeal of the decision to dissolve the pastoral tie is heard by a higher court. The answer is no. No situation is anticipated that would lead to such a requirement.

The judicial process outlined in the Book of Forms indicates who may appeal a dissolution of the pastoral tie and under what circumstances the appeal will halt proceedings. (Book of Forms, Sections 341-344, 376.)

## APPENDIX C

### Bibliography

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## APPENDIX D

[Settlement Agreement in the Case of the Dissolution of a Pastoral Tie.]

*[This document is provided as a sample on a 'without prejudice' basis by the Assembly Office, to assist presbyteries. It has been prepared in consultation with the denomination's legal counsel, but will need to be adapted in each case that it is to be used. In this regard, it is our recommendation that local legal counsel be sought to insure that the document is appropriate in its final form.*

*[Square brackets will need to be amended or removed, and there may be other sections, such as the preamble, that may need to be altered more significantly to suit the specific case.]*

### AGREEMENT BETWEEN:

The Presbytery of [xx], The Presbyterian Church in Canada (hereinafter, the "Presbytery", which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)

OF THE FIRST PART;

-and-

The Congregation of [name – if more than one, list], [place] (hereinafter, the "Congregation", which term includes officers, directors, agents, employees, members, successors and assigns and all related and affiliated organizations and their officers, directors, agents, employees, members, successors and assigns)

OF THE SECOND PART;

-and-

The Reverend [xx] (hereinafter, the "Minister")

OF THE THIRD PART.

### PREAMBLE

WHEREAS the Minister was [appointed/called] by [Canada Ministries/the Presbytery of xx /the Congregation] as minister of the Congregation and [recognized/inducted] into this ministry by the Presbytery on [date], and

WHEREAS the Minister was [and continues to be in good standing as] a minister of Word and Sacraments within the government of The Presbyterian Church in Canada, and

WHEREAS at a regular meeting of the Presbytery held on [date], wherein representatives from the Congregation, representative elders and other ministers were present (the "Meeting"), a resolution was adopted which [accepted the resignation of the Minister from [his/her] appointment as Minister of the Congregation and] dissolved the pastoral tie between the Minister and the Congregation effective [date], and

WHEREAS the parties hereto wish to set out their obligations to each other as a result of the dissolution of the pastoral tie;

THEREFORE, in consideration of the obligations, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties acknowledge, confirm and agree that the foregoing recitals are true.

#### GENERAL

2. The parties hereto confirm that sufficient notice of the Meeting was provided and that each person in attendance had sufficient opportunity to express his or her opinions and all procedures adopted at such Meeting were proper.
3. The parties further acknowledge and confirm that each party shall continue to be bound by the "Policy for the Dissolution of Pastoral Ties" published in the Acts and Proceedings of the General Assembly of The Presbyterian Church in Canada, 1998, as may be amended from time to time.
4. The parties confirm that the minutes of the Meeting attached hereto as Schedule "A" are an accurate record of the decision of the Presbytery which confirmed the dissolution of the pastoral tie between the Congregation and the Minister.
5. The parties confirm that the [Business Committee] of the Presbytery was under authority to prepare this agreement [in consultation with professional legal advisors].

#### RIGHTS AND OBLIGATIONS OF THE MINISTER

6. The Minister shall receive the following benefits for the period commencing [date] and terminating not earlier than [date] [Note: The transition Period must be no less than 2 months] and not later than [date] (the "Transition Period"):
  - (a) Subject to the terms set out in this paragraph and in paragraph 8, the stipend which the Minister has received on a monthly basis during the [2003] calendar year shall continue until the end of the Transition Period.
  - (b) The Minister shall continue to be paid [his/her] stipend by the Congregation on a monthly basis, on the first day of the month for that month.
  - (c) There shall be deducted from the Minister's stipend all standard deductions and remittances in the ordinary course.
  - (d) The Minister [shall continue to be paid his housing allowance by the Congregation] [or] [and his/her dependants shall be permitted the use of the manse].

- (e) The Minister and his dependants shall continue to be eligible to receive medical and dental insurance coverage issued through The Presbyterian Church in Canada, subject to any changes which may arise under such plan.
  - (f) The Minister shall continue to receive long-term disability coverage, pension and life insurance issued through The Presbyterian Church in Canada, subject to the usual deductions from [his/her] stipend.
  - (g) The Minister shall be able to make use of study leave funds accumulated up to the beginning of the Transition Period pursuant to the regulations of the General Assembly of The Presbyterian Church in Canada for the portability of continuing education allowances, and must seek approval from the Presbytery, through the Interim Moderator, for the use of said funds.
  - (h) The Minister shall remove all personal effects from church premises and return any church property in the Minister's possession to the church by [date] subject to the terms of section 6 (d).
7. It is understood and agreed that during the Transition Period, the Minister will exercise all diligence in obtaining another Call within The Presbyterian Church in Canada, or such other ministerial calling as he may choose, or a non-ministerial position. The Minister agrees immediately to notify the Presbytery in the event that [he/she] secures another position, ministerial or non-ministerial.
  8. If, during the Transition Period, the Minister secures another position in which [he/she] receives remuneration, or benefits in lieu of remuneration, which is considered full time employment, OR which remuneration is the same as or exceeds the remuneration set out in paragraph 6 herein, the Minister agrees to notify immediately the Presbytery and all remuneration and benefits hereunder shall cease at the end of the month in which such other position commences, but in no case shall the remuneration and benefits outlined in this agreement be provided for less than two (2) months. In no event shall the remuneration and benefits outlined in this agreement continue beyond the end of the Transition Period.
  9. For greater certainty, it is understood and agreed that the Minister shall not be disentitled to receive the remuneration and benefits outlined in paragraph 6 unless, during the Transition Period, the Minister receives remuneration or compensation/benefits outlined in paragraph 8 herein.
  10. Upon receipt of a written request by the Presbytery, the Minister agrees to provide to the Presbytery an accounting of all amounts or benefits received by the Minister from ministerial or non-ministerial functions during the Transition Period. Such written request shall be given to the Minister by personal delivery, or by registered mail. The Minister agrees to provide such accounting within five (5) days following notification by the Presbytery to the Minister.
  11. During the Transition Period, the Minister shall not be required to perform any ministerial functions within the Presbytery nor on behalf of the Congregation [except for the following, : xx].

12. During the Transition Period, the Minister shall continue to be a member of the Presbytery and will be listed on the Appendix to the Roll of Presbytery [as “Without Charge”].
13. The parties hereto agree to co-operate with each other in fulfilling their respective obligations herein.

#### ACKNOWLEDGEMENT AND RELEASE BY THE MINISTER

14. The Minister acknowledges and confirms the following:
  - (a) this agreement has been prepared in accordance with the decisions made at the Meeting;
  - (b) [he/she] accepts the terms of this agreement and in consideration of the payments and benefits provided herein, he hereby releases and forever discharges the Presbytery and the Congregation jointly and severally from and against any and all manner of claims, demands, actions, causes of action, liabilities, complaints, damages and otherwise which he had, now has, or hereafter may have, arising from, out of, or in connection with [his/her] ministry to the Congregation or the dissolution of the pastoral tie, including without limiting the generality of the foregoing, any remedies which may subsist in law, equity or under legislation, including *The Workplace Safety and Insurance Act*, *The Ontario Human Rights Code*, *The Employment Standards Act 2000* and in particular payments for "severance", "notice" and "termination pay" under that Act's sections 57 and 64;
  - (c) [he/she] understands that if [he/she] should make any further claim or demand or commence or threaten to commence any action, proceeding or make any claim against the Presbytery and or the Congregation in respect of any matter contemplated by this agreement, this document may be raised as an estoppel and complete bar to any such claim, demand, action, proceeding or complaint;
  - (d) [he/she] will not appeal to the Synod of [name] within The Presbyterian Church in Canada, nor to the General Assembly of The Presbyterian Church in Canada, nor to any branch of the Synod of [name] within The Presbyterian Church in Canada or the General Assembly of The Presbyterian Church in Canada;
  - (e) [he/she] has been given an opportunity to obtain independent legal advice with respect to the contents of this agreement and has done so or failed to do so of his own volition; and
  - (f) [he/she] acknowledges having read and understood the terms of this agreement, and [he/she] is signing this agreement freely, voluntarily, and without duress.

#### MISCELLANEOUS

15. Any notices or demands hereunder shall be deemed to be received on the date of personal delivery or facsimile transmission, or five (5) business days following the date of mailing.
16. This agreement constitutes the entire agreement between the Minister, the Presbytery and the Congregation with respect to the subject matter of this agreement.

17. This agreement may not be amended except by a written instrument signed by all parties hereto.
18. This agreement shall be binding upon all parties hereto, and shall enure to the benefit of each of the parties, and their respective heirs, executors, administrators, trustees, successors and assigns.
19. This agreement shall be construed in accordance with and governed by the laws of the Province of [name].

Name of Minister	Signature	Date
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Name of Witness	Signature	Date
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I have authority to bind the Presbytery of [name], The Presbyterian Church in Canada.

Name of [officer]	Signature	Date
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Name of Witness	Signature	Date
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I have authority to bind the Congregation of [name, place].

Name of [officer]	Signature	Date
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Name of Witness	Signature	Date
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