

1. The standing rules may be enacted, amended or suspended only by a two thirds majority. Appendices to the Standing Rules may be amended at any time by a simple majority.
2. Presbytery shall have at least two stated meetings per year, the first being the annual meeting. Presbytery stated meetings will normally begin Friday at 1 pm and end Saturday at 12 pm.
  - a. Normally the stated meetings shall be held in the Maritimes region and in the Ontario region, with a frequency proportionate to the number of members of Presbytery in the two regions.
  - b. Called meetings of Presbytery, and Presbytery commissions or committees may conduct meetings by teleconference or video-conference (henceforth “electronic meetings”) with the following restrictions and provisions.
    - i. Electronic meetings shall not include the business of (a) the gathering of evidence, (b) deliberation of guilt or innocence, and (c) deliberation of a censure.
    - ii. The technology of the electronic meetings shall ensure that all persons participating be able to hear each other or to see and hear each other (if video-conference) simultaneously in order to preserve the deliberative nature of the meeting.
    - iii. Electronic meeting shall be conducted by a meeting moderator. This will normally be the moderator of Presbytery, if a meeting of the Presbytery, or the chairman or convener if a commission or committee.
    - iv. A participant in an electronic meeting shall seek the floor by announcing his name (and church, if requested by the meeting moderator). The meeting moderator shall recognize the speaker by name. Participants shall take care to avoid unnecessary noises or distractions and speaking out of turn.
    - v. In the event that a member of presbytery is unable to vote on a motion due to technical issue (dropped connection, latency, hardware failure), the member may petition the chair to have his vote counted as long as the petition is made within five minutes of the vote. The chair’s decision may be challenged, following the standard rules of appeal.
    - vi. If the presbytery meets electronically for the purpose of examining a man for licensure, ordination, or receiving a minister from another denomination, the candidate to be examined must be proctored by a member of the presbytery who is physically in the same room as the candidate.
    - vii. Records of electronic meetings may be retained using video and/or audio recording for the purpose of assisting the Stated Clerk produce the minutes. Once the minutes of the meeting have been approved by the body, the recording shall be destroyed.
    - viii. In extraordinary cases, the moderator and Stated Clerk are empowered to change the venue of a stated meeting to teleconference or video-conference, under the same rules laid out above and the concurrence of three teaching elders and three ruling elders from three different churches. Presbytery members must be given at least two weeks’ notice of this change. When such change is made, the first order of business after the court is properly constituted with worship will be to consider the conduct of the moderator and Stated Clerk in making the change.
    - ix. “Hybrid” electronic meetings, where some members are physically gathered together while others are participating by phone or video call, are strictly forbidden, as such scenarios will inevitably result in frustration and an imbalance of power among members of presbytery.
  - c. Excuses for absence from meetings of Presbytery shall be submitted to the Stated Clerk to be considered by the presbytery. Since Presbytery is the formal church home for Teaching Elders, Teaching Elders who cannot attend a meeting are asked to include with

- their reason for absence a brief statement of their situation, and requests for prayer or other support that Presbytery may offer them.
- d. The moderator and clerk may in case of need agree to change the time or place appointed for a stated meeting. Each member of Presbytery must be given notice of such change at least two weeks before the earlier of the date appointed by Presbytery or the new date. If at all possible, the stated meeting should not be delayed by more than one month. When such change is made, the first order of business after the court is properly constituted with worship will be to consider the conduct of the moderator and clerk in making the change.
  - e. For routine matters requiring a decision between Presbytery meetings, the Stated Clerk may poll the Presbytery by mail or e-mail. To allow for delivery times for those not using e-mail, four weeks shall be given for response. Answers may be given to the clerk by phone, for speed, but a written answer should be mailed or e-mailed to the clerk for the record.
    - i. For each recommendation the first question is always "Should this be deferred until Presbytery meets?" If one third (1/3) of those who vote choose to defer consideration, the recommendation must be brought to a presbytery meeting for approval.
    - ii. A majority of all elders eligible to vote in Presbytery is required to approve the recommendation.
    - iii. The recommendation, if approved, may be acted on, but must be brought for ratification to the next stated meeting. The clerk shall report the votes by name. If the recommendation fails in the poll, it may nonetheless be considered at the next stated meeting.
3. Except as otherwise provided in the Book of Church Order of the PCA, or in these rules, Parliamentary Procedure at a Glance (by O. Garfield Jones) shall be the standard in parliamentary procedure.
- a. The short form of voting will normally be used in meetings of Presbytery. When a recommendation is made or a motion moved and seconded, before there is any discussion, the moderator will ask, "Is there objection or question?" Any member of the court who is uncertain about the issue should call for discussion. If the moderator hears no objection or question, he will then declare the motion adopted.
  - b. During debate on a motion, if a presbyter requests any information relevant to the debate, Presbytery shall make diligent effort to supply the information if it has been previously distributed to other presbyters, but has not been previously provided to the presbyter requesting the information. Presbytery is not obliged to postpone a vote on the motion to the next meeting if the information can not be provided. Presbytery shall record in the minutes all such requests where the information can not be provided, with the reasons for its inability to do so.
4. Officers, fund treasurers and permanent committees shall be elected at the last stated meeting of the year.
- a. The Moderator shall be elected for one year terms.
  - b. The Stated Clerk shall be elected for a three year term. His job description is set out in Appendix C. If he is not an active elder in one of our congregations, or if his congregation cannot afford his travel expenses to Presbytery meetings, those expenses will be paid out of the Presbytery Fund. The Stated Clerk may be reimbursed for his work, and normally should be if he does not have other full time employment. Presbytery should consider the need for payment and the amount at the last stated meeting each year.
  - c. A recording clerk shall be elected for a three year term to assist the Stated Clerk. The responsibilities of the recording clerk shall be to take minutes at meetings of presbytery,

and to reproduce and to distribute them. He shall send copies of the minutes to each congregation as soon as possible, and not later than four weeks before the next stated meeting. Copies shall be sent to each member of Presbytery. When the minutes are approved, the recording clerk should also provide the Stated Clerk with an approved copy for the minute book, and whatever copies are necessary for review by the General Assembly.

- d. An Assistant to the Stated Clerk may be elected to assist the Stated Clerk and to learn the work of Stated Clerk, with a view in due time to relieving him of the responsibility. The Stated Clerk may assign whatever tasks he believes will be useful for this purpose.
  - e. Treasurers shall be elected for three year terms.
5. Finances
- a. General
    - i. Two persons designated by Presbytery for each fund shall have signing authority respectively for the Presbytery Fund, the Presbytery Church Planting Fund, and the Seminary Internship Fund. Only one signature will be required. Unless otherwise stated, the treasurer shall be one of the signing officers.
    - ii. If a fund involves too much work for a volunteer to manage the accounting, an accountant may be hired with the presbytery's approval. In such case, the treasurer shall be a member of a church in this presbytery. Unless that accountant is a member of one of our churches, the accountant may not be a signing officer for the fund.
    - iii. Except as provided elsewhere in these rules, no payment shall be made from these funds without the prior approval of Presbytery.
    - iv. Treasurers shall present a report of receipts and expenditures, and present a balance to presbytery at each stated meeting. At the annual meeting the report shall include a full statement of the account for the previous year. Unless an auditor is specifically appointed by Presbytery, treasurers, in consultation with the Stated Clerk of Presbytery, are to arrange for an audit of their accounts and annual report, and the results of this audit are to be reported to presbytery at the annual meeting. These reports should be ready when Presbytery is called to order, in sufficient copies to provide one for each member of Presbytery plus 4 (6 copies of the annual report) for the Stated Clerk's records.
    - v. Presbytery travel rates are based on round trip mileage, and shall not exceed the cost of travel by plane. The rates presbytery will pay are:
      - 40¢ per kilometer with one person in the car;
      - 44¢ per kilometer with two;
      - 48¢ per kilometer with three or more in the car.For local churches these are intended only as a guide.
    - vi. Treasurers of the various funds are authorized to issue official receipts for taxation purposes to donors. Such receipts shall be marked "Presbytery of Eastern Canada", with the Stated Clerk's address, and Presbytery's charitable registration number. Each receipt is to be marked "Official receipt for tax purposes" and it must have a serial number printed on it. It is to be filled in with the date of issue, the year in which the donation was received, the amount given, and the name (including first name and initials) and address of the donor, and shall be signed by the treasurer.
      1. Donations received after the year's end can be credited to the previous year only if the cheque is dated in the previous year and the donation was mailed (postmarked) in the previous year. Otherwise a tax receipt must be for the year in which the funds were received.

2. Receipts for contributions other than money can be issued only in conformity with the Income Tax Act, and with the prior approval of presbytery.
  3. Carbon copies of receipts shall be retained in the treasurer's records.
  4. A receipt on which the year of the donation or the amount is incorrectly or illegibly entered, or which for other reasons is spoiled shall be marked "cancelled", and retained, with its duplicate, in the treasurer's records.
  5. Duplicate receipts: An official receipt issued to replace an official receipt previously issued should show clearly that it replaces the original receipt, and in addition to its own serial number, is to show the serial number of the receipt originally issued.
- vii. The Stated Clerk is responsible to compile the annual statements for the consolidated presbytery Charity Return to Revenue Canada, unless some other person is appointed by the presbytery for that purpose (see 5.b below).
- b. An Administrative Treasurer shall be appointed; he shall always be an elder, as he has to act with authority on behalf of Presbytery. His responsibilities are:
    - i. To act as an overall Presbytery Treasurer for the purposes of the annual charitable report to Revenue Canada, gathering the various Treasurers' reports, collating them and sending the required information to Revenue Canada, Charities division.
    - ii. To provide guidance and any necessary assistance to congregational treasurers or treasurers of our presbytery funds, when requested.
    - iii. To recommend to Presbytery any changes needed in our financial procedures.
      1. For the last stated meeting each year to recommend an amount for our partnership shares for the Presbytery Fund.
    - iv. To oversee the preparation of Agency Agreements with missions and missionaries supported by the Presbytery Agency Fund.
      1. He is authorized to approve on Presbytery's behalf agency agreements with our missionaries in the standard form which has been set up. He may give interim approval to other agreements which are similar in form to existing agreements, until the next stated meeting of the presbytery, at which time they either must gain Presbytery's approval or lapse.
      2. To ensure that appropriate reports are received from these agents
      3. To ensure that the agreements are renewed at designated times or when the missionary's work changes.
      4. To instruct the Agency Fund Treasurer to withhold payments where there is no valid agreement or where the required reports have not been received.
      5. To authorize payments when a new agreement has been established.
- c. Presbytery Fund
    - i. The Presbytery Fund is to be used for general administrative expenses of the presbytery, and for other expenses approved by the presbytery which are not covered in other funds.
    - ii. Partnership shares for each of the local churches of Presbytery shall be decided at the final stated meeting of Presbytery each year, for the following year. Local churches are encouraged to deliver their respective partnership shares to the Administrative Treasurer in quarterly installments throughout the year to ensure that the Presbytery Fund is sufficiently funded on an ongoing basis.
    - iii. Normally each local church will pay the travel expenses to send their own delegates to presbytery meetings. However, a Presbytery Delegate Travel Fund (PDTF) shall be set up as a separate item in the Presbytery Fund. The Stated

Clerk shall oversee the administration of this fund together with the Administrative Treasurer. Churches are encouraged to contribute to the PDTF on a regular basis by submitting cheques with "Travel Fund" in the memo line to the Administrative Treasurer. Those who wish to draw from the PDTF must submit their request to the Stated Clerk at least thirty (30) days before the presbytery meeting, specifying the requested amount of funding and providing a brief explanation of the need for support. The Stated Clerk shall, in his discretion, approve some or all of the requests, either in full or in part, giving consideration to the available funds in the PDTF, his assessment of need, and the desirability of having particular delegates at the presbytery meeting to address matters which directly pertain to their church or ministry. The Stated Clerk may send a request to the presbytery at any time to make up for insufficient funds in the PDTF. Those who receive support from the PDTF are to send receipts for their actual travel expenses and reimbursement of any funds received in excess of their actual costs to the Administrative Treasurer as soon as possible, and not later than thirty (30) days after the presbytery meeting. In cases where the Stated Clerk wishes to withdraw from the PDTF, the moderator shall be responsible for reviewing and, if appropriate, approving the request.

- iv. The Stated Clerk will be given a Petty Cash allowance of \$200 from the Presbytery Fund, for his administrative expenses, to be renewed whenever it is exhausted.
- v. Terms of reference for Presbytery Fund Reimbursements:
  1. Any reasonable expenses related to travel or meeting, pursuant to fulfilling legitimate presbytery business or functions, up to a maximum of \$500 per person per occurrence, or in the case of more than one person, \$1000 total per occurrence.
  2. The travel mileage reimbursements should be in accordance with current mileage stipulations found in the Presbytery Standing Rules of Eastern Canada Presbytery.
  3. The overseer of the fund shall report once per year to presbytery, and can in his discretion refer questions of certain expenses to presbytery when he is unsure of their legitimacy.
  4. The Stated Clerk of the Presbytery of Eastern Canada will oversee the fund.
- d. Presbytery Church Planting Fund
  - i. The Ontario Church Planting Fund and Maritimes Church Planting Fund shall be used only to promote and establish new churches in Canada. Where there is a need, travel expenses of candidates invited to Presbytery for examination with a view to their working in a church planting situation may be a legitimate charge upon this fund.
  - ii. The MNA committee may use its respective funds for the purposes in 5.c.i. as needed, and shall report these uses in writing to the next Presbytery for its approval.
- e. Seminary Internship Fund
  - i. The Seminary Internship Fund is established to assist the Presbytery of Eastern Canada in its function of training men for the gospel ministry. The Fund is intended to help defray the costs of seminary education for candidates under care of the Presbytery, or for Canadians who are members of the Presbyterian Church in America.
  - ii. Recipients and amounts of scholarships shall be approved individually by the Presbytery through its Mission to North America (MNA) Committee.

- iii. Gifts designated to the Seminary Internship Fund will be distributed at the discretion of the MNA Committee. While the Committee will consider the desires of donors as to the disbursement of funds, contributions are to the fund, not to any individual.
  - iv. Financial commitments to the Fund from the Presbytery's general budget must be approved by the Presbytery.
  - v. The Presbytery, through its MNA Committee, may attach conditions to be met by the recipient of a scholarship. Such conditions may include continuance as a Presbytery candidate, maintaining PCA membership, or regular church attendance.
- f. Presbytery Women in the Church Fund
- i. The Presbytery Women in the Church Treasurer is authorized to deal with Presbytery WIC funds in compliance with these rules, with the following exceptions:
  - ii. The Presbytery WIC organization or its executive is to designate a second signing officer
  - iii. Payments from the WIC funds shall be authorized by the Presbytery WIC organization or its executive.
  - iv. The WIC executive shall be responsible for arranging annual audits.
6. Pastoral relations & discipline
- a. Presbytery automatically approves requests by a pastor against whom no charges are pending that the pastoral tie be dissolved, when the Stated Clerk receives written certification from the Clerk of Session that the congregation has met to consider the request, and the church and session do not contest the resignation. A congregational meeting is not required for an assistant pastor. If there is no report from the session within four weeks of the church being cited to respond (BCO 23:1), the Administrative Committee shall inquire into the matter, and report its findings to Presbytery. If the congregation does not respond in a reasonable time, the Administrative Committee should report that the church has failed to appear by its commissioners, and dissolve the pastoral tie. The Stated Clerk shall record the dissolution and report it at the beginning of the next meeting of presbytery.
  - b. Presbytery automatically approves requests by a teaching elder against whom no charges are pending to be dismissed to another presbytery in the PCA or faithful sister church. If the teaching elder is a pastor in one of our congregations, the requirements of 6.a. Must first be fulfilled. The Stated Clerk shall record the dismissal and report the action at the beginning of the next meeting of presbytery.
  - c. When the Stated Clerk receives information for Presbytery of delinquency by any session under the jurisdiction of Presbytery, the Clerk shall cite the session(s) involved, in accordance with BCO 40-5, to present all records relating to the matter to the next stated meeting of Presbytery, or to a meeting called to consider the case, and to be prepared by representative or in writing to show what it has done or failed to do in the case in question.
7. The permanent committees shall be:
- a. Administrative Committee, consisting of at least three ruling and three teaching elders, including the Stated Clerk, Recording Clerk, and Treasurer. The Moderator will serve as an advisory member to the Administrative Committee;
  - b. Candidates and Credentials, consisting of two sub-committees, (A) Maritimes and (B) Ontario and Quebec, each of which consists of at least two ruling and two teaching elders;

- c. MNA consists of at least three ruling and three teaching elders. When possible, the committee will be represented by at least one Maritime elder, one Quebec elder and one Ontario elder. Up to three members of our churches who are not elders may be appointed by Presbytery to the MNA committee, though they may not function when the committee is acting as a temporary session. An overall chairman shall be named by Presbytery for purposes of liaison with Assembly's MNA committee;
- d. Fraternal Relations and Christian Education, consisting of at least two ruling and two teaching elders from the same geographical area.
- e. World Missions, consisting of at least two ruling and two teaching elders. Congregations are asked to appoint annually a liaison member (not necessarily an elder) to inform the committee of the congregation's missions activities, and to promote the committee's agenda in the congregation. If they are elders, liaison members would have a vote.
- f. Shepherding Committee, consisting of at least two ruling and two teaching elders;
- g. Committee on Constitutional Business, consisting of at least two ruling elders and two teaching elders.

The rules in this section about committees and their membership are normal guidelines. They may be modified without need to suspend the rules, when required by special needs or limited people resources.

8. Presbytery committees should present their reports in writing, preferably in time to be circulated to every member before the next meeting of Presbytery.
9. The Administrative Committee will oversee the administrative affairs of the presbytery, including the work of the Stated Clerk and Treasurer.
  - a. The Administrative Committee will work with the Stated Clerk to handle all matters related to Presbytery gatherings (location, worship services, times of prayer, agendas, training)
  - b. The Administrative Committee will meet with the Stated Clerk in the event the Stated Clerk needs advice or wisdom on pressing matters
  - c. The Administrative Committee will regularly oversee the Stated Clerk's workload and report to presbytery proposals in change of pay annually
  - d. The Administrative Committee will maintain rolls of the presbytery and annually ensure they are accurate
  - e. The Administrative Committee will serve as the nominating committee for the Presbytery to nominate elders to fill vacancies in Presbytery & Denominational committees
  - f. The Administrative Committee will review and propose to Presbytery recommended changes to the ECP Standing Rules
  - g. The Administrative Committee will review proposed changes to the constitution sent by the General Assembly and prepare members of the presbytery for votes
  - h. The Administrative Committee will review Session Records
  - i. The Administrative Committee will encourage ruling elder participation in the ECP
  - j. After each presbytery meeting, the Administrative Committee will prepare a brief report of the public actions of the presbytery to be posted on our website ([easterncanadapres.ca](http://easterncanadapres.ca)) and distributed to the members of presbytery.
10. The Candidates and Credentials committee is responsible for advising all candidates, licentiates and teaching elders applying to and/or preparing to be received by this presbytery as teaching elders of the PCA.
  - a. The committee shall examine the credentials of candidates, and bring those who are suitably prepared before Presbytery for examination.

- b. All applicants for candidacy, licensure, and those transferring in from another presbytery or denomination, shall submit a police vulnerable sector check that was completed within the last three (3) years of the application for candidacy, licensure, or transfer. The original or a true copy shall be submitted to the Stated Clerk and the Chair of the pertinent Candidates and Credentials Committee. If the check reveals a criminal record, the appropriate Candidates and Credentials Committee shall interview the candidate regarding the record and conduct all other investigations as it deems necessary. The Committee shall then report its findings to the Presbytery in the form of a recommendation. The Presbytery shall make the final determination as to whether the criminal record disqualifies the candidate from the gospel ministry. The applicant may, if they so wish, reapply at a later time.
  - c. The committee shall arrange for the examination of candidates, assigning the parts of the trials and arranging with members of Presbytery to prepare examinations in the different subjects required.
    - i. The Candidates and Credentials Committee shall carefully examine every candidate in all areas required by BCO at least one month before bringing him to Presbytery. This preliminary exam should normally be done orally before the committee. If that is not reasonably possible, written exams may be done in the presence of a proctor who will certify that the exams were done without use of references. In the latter case the credentials committee shall arrange a final, preliminary screening face to face with the candidate at the time of Presbytery's meeting. The full committee shall have the opportunity to see and discuss all transcripts, written exams and papers before a candidate is recommended to the Presbytery. At least two weeks before the Presbytery meeting, the chairman shall inform the Stated Clerk those approved by committee, to be docketed for examination at the presbytery meeting.
    - ii. The candidate shall be given a brief examination in sample questions in the presence of Presbytery, with Presbytery following up with any questions desired. At the start of the Presbytery examinations, the moderator should remind the members of the Presbytery that the Committees have been instructed to examine the candidates thoroughly, so that the Presbytery-level examinations can be expeditious, focusing primarily on the areas that the committees perceive as requiring further scrutiny by the Presbytery as a whole.
  - d. In the case of an examination of a candidate whose first language is not English, and who is ministering in a language other than English, Presbytery will give him the option of having someone to assist him linguistically in answering questions
11. The purpose of the MNA committee is to establish churches within the bounds of the presbytery, and to attend to all matters related to that.
- a. The MNA committee is empowered in situations of urgent need to make strictly temporary appointments in such a way that Presbytery is not bound to continue the appointments and that no call is made upon the Presbytery Fund without prior approval by Presbytery.
  - b. The MNA committee is to follow the guidelines in the church planting standards (Appendix A) in seeking out church planters.
  - c. The MNA committee shall abide by the Process for Creating Calls for Church Planting (Appendix E), the Strategy for Administration of Church Planting Fund (Appendix F), and Strategy for Assessing Health of Church Plants (Appendix G).
12. The purpose of the Fraternal Relations and Christian Education committee is:



- a. to act as the agent of Presbytery in pursuing fraternal relations with other Reformed Christian bodies;
  - b. to take responsibility for matters relating to Christian education and theological and pastoral training which come before Presbytery;
  - c. to encourage and foster opportunities for ongoing theological, pastoral, and other education and training for members of Presbytery.
13. The World Missions Committee is responsible to promote foreign missions in our churches. In Canada today that should include French language ministries (especially in Québec) and outreach to immigrants, and international students.
- a. The committee may meet and make decisions by phone or e-mail or video conferencing.
  - b. The committee should gather from each church a report of the world missions activities and missionaries the church supports and present a summation that information annually to the Presbytery
  - c. The committee should maintain contact with any members of our presbytery or its churches who are engaged in world missions;
    - i. it should keep the presbytery informed of these activities and encourage at least prayer support for them in our churches;
    - ii. it should inquire into ways of supporting these ministries and bring recommendations to presbytery for that purpose;
    - iii. it should consider how these workers and their work may serve to build our presbytery, and with Presbytery's approval promote these possibilities.
  - d. The committee should take an interest in potential missionaries from our Presbytery and her churches, pray for them and offer them encouragement and guidance;
    - i. it should be alert to missions opportunities, and draw them to the attention of suitable candidates;
    - ii. it should take such action as it can to help the missionary in raising funds for his or her support;
    - iii. it should bring the need for prayer and other support for these potential missionaries to the attention of presbytery and its churches.
14. The purpose of the Shepherding Committee is:
- a. To support, encourage, and provide accountability for all elders in the Eastern Canada Presbytery;
  - b. To serve as a resource for reconciliation, mediation, and mentoring throughout the Presbytery;
  - c. To review the reasons for absences from meetings of presbyters and provide pastoral care where needed;
  - d. To provide pastoral oversight of ministers without call, encouraging them in their pursuit of a call and continued engagement in the life of the Church;
  - e. To act as the direct means by which Presbytery might provide pastoral care and counsel to its members, sessions, and temporary governments in cases of personal or relational crisis and conflict.
  - f. The committee shall report on its activities to the presbytery at its next Stated Meeting.
15. The purpose of the Committee on Constitutional Business is:
- a. to review all appeals and complaints from ministers, sessions and congregations, or their members, to make recommendations to Presbytery as to whether such appeals or complaints are in order and to advise Presbytery in respect of their proper prosecution pursuant to the provisions of the Book of Church Order;

- b. upon request to advise all parties involved in appeals or complaints both as to proper procedures and points of church law and as to biblical teaching which may resolve contentious issues;
  - c. to review any matter brought to the attention of Presbytery in respect of which process may be instituted against a member of Presbytery and ensure that appropriate efforts towards the resolution of disagreements, division or perceived disobedient sinfulness have been made prior to any accusation being heard by Presbytery;
  - d. should resolution of any matters described in subparagraph (c) not occur, to advise all parties regarding the applicable rules of discipline provided for in the Book of Church Order (BCO 27-46);
  - e. the Committee on Constitutional Business shall make reports at each Presbytery meeting by way of a summary or report from their meetings that detail their decisions and the reasons for each. Additionally, the full minutes of meetings shall be available on request.
16. When required the following committees may be appointed by the Moderator to stand during the meeting of Presbytery:
  - a. Bills and Overtures, consisting of any two members of Presbytery;
  - b. Session Records, consisting of at least two members of Presbytery.
17. The Bills and Overtures committee is appointed to consider and report on all petitions, references, complaints and appeals presented to Presbytery.
18. Review of Session Records
  - a. It is the right and duty of the Presbytery to review, at least once a year, the records of the sessions of the Eastern Canada Presbytery (BCO 40-1 and 2).
  - b. The Presbytery carries out this review through the Administrative Committee. The Committee is to examine records required to be submitted by session (an accurate record of its proceedings) and to present written recommendations regarding them to the Presbytery (BCO 12-7).
  - c. Session clerks shall be required to keep minutes and other records in accordance with Standing Rules Appendix B: "Rules for Session Records."
  - d. The process for submitting records, examining, reporting, and responding to the Presbytery is contained in Standing Rules Appendix C: "Procedure for Review of Session Records."
19. No member of the presbytery, whether a ruling or a teaching elder, shall join or in any way support either a ministerial or religious council in which unbelievers, leaders of apostate denominations or representatives of the World Council of Churches or the Church of Rome are known to be involved.
20. Records management: The Stated Clerk is authorized to dispose of all routine correspondence more than four years old, and all correspondence more than six years old that does not relate to discipline, policy, plans, programs or personnel, does not appear to have significant historical value for the presbytery, and does not involve our position with respect to the government and its agencies.

**APPENDICES TO THE STANDING RULES**

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## Appendix A CHURCH PLANTING STANDARDS

1. Jesus Christ is King and Head of the Church, and as such he will build his church where and when he wills. Therefore:
  - a. We acknowledge that our efforts have been imperfect and they will always be imperfect. We will make more mistakes until Jesus returns. We commit ourselves, however, to learn from our past mistakes and to continue learning until that day comes.
  - b. We realize that the King is also at work in other evangelical churches and that they may have insights into church planting in Canada from which we can benefit.
  - c. We must be sensitive to where the Holy Spirit is moving, i.e. working in the hearts of people to make them receptive, and send men to those places.
  
2. The risen and exalted Christ has poured out the Holy Spirit on his church, who gives gifts to as he wills. In answer to our prayers, he sends out workers into the harvest. He has given to the elders of his church the responsibility of examining and overseeing men with respect to their calling and gifts. Therefore:
  - a. We recognize the valuable assistance of the Assessment Centre in determining a man's suitability for church planting.
  - b. Not only is a man's previous experience to be considered, but also the kind and quality of his previous experience must be taken into account.
  - c. Priority for church planting will be given first to Canadians, and then to others who can sensitively relate to Canadian culture.
  - d. As a corollary to 2.c., we commit ourselves to finding men who will follow the example of the Apostle Paul: I have become all things to all men so that by all means I might save some (1 Corinthians 9:22; cf. also his examples in speaking to the Lycaonians, Acts 14, and the Athenians, Acts 17). The MNA committee of Presbytery will examine potential church planters for their ability to communicate the timeless truth of the Bible into a constantly changing culture.
  - e. Prospective church planters will be questioned with respect to their time commitment to the project in terms of years. Although we are not signing "free agents" to long term contracts, nevertheless we believe that the success of any church planting endeavour in Canada depends upon the persistence of the organizing pastor.
  - f. We will regularly assess every church planting situation so that little issues do not become big problems. We will schedule regular interviews with the congregation, corporately and individually, and with the church planter.
  
3. The Great Commission binds us to the task which Jesus gave his Church: Go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you. This is the responsibility laid upon the church and its fulfilment inevitably results in new churches being started. Therefore:
  - a. The churches we start must be committed to conversion growth as opposed to transfer growth. It is not our intent to appeal to every disaffected and malcontented church attender, nor do we seek to lure believers away from other denominations. The possibility that this may and probably will happen on occasion should not encourage us to elevate this kind of growth to intentional status.
  - b. The churches we start must allow for the process implicit in the Great Commission. Our primary goal must be to see men and women delivered from the bondage of sin, and then secondarily to grow in their understanding of the reformed faith which we sincerely hold. The church planter should see no contradiction between giving a positive, winsome

welcome to people whose theological understanding is not fully developed and holding fast his Reformed convictions.

4. Jesus Christ is also the provider for his church, and ultimately he is the fund-raiser. As stewards of that which belongs to him:
  - a. We will make sure, as far as is humanly possible, that necessary funds have been committed and that the funding plan has been well thought out before placing a church planter.
  - b. One of our funding priorities will be a high quality internship plan. We hope to increase this budgetary line item annually.
  - c. We must find a way to provide a man with "up-front time" to network in the city where we want to plant a church, perhaps by putting him on staff of another church for a year or more.

## Appendix B RULES FOR SESSION RECORDS

1. Session shall hold stated meetings at least quarterly.
2. Session shall keep a permanent, consecutive record, apart from the minutes, of:
  - a. Communing members
    - i. when enrolled
    - ii. how enrolled (profession of faith, transfer of letter, or re-affirmation of faith). When new members are enrolled by transfer of letter, there is a record of the name and location of the church from which they came.
    - iii. when removed from the roll
    - iv. how removed from the roll (transfer letter, death, withdrawal from the PCA [BCO 38-3], discipline without process [BCO 38-4]). When members move to another church, there is a record of the name and location of the church.
  - b. Baptisms
  - c. Non-communing members (BCO 6-1) (including birth-dates of infants)
    - i. when enrolled
    - ii. how enrolled (birth, profession or re-affirmation of faith of the parents, transfer of letter of the parents with the name and location of the church from which they came).
    - iii. when removed from the roll
    - iv. how removed from the roll (profession of faith, death, transfer letter of the parents with the name and location of the church to which they were transferred).
3. Minutes shall be submitted for examination in advance of the fall stated meeting of the Presbytery each year. The minutes will be examined for conformity to: 1) The Scriptures and the Constitution of the Presbyterian Church in America (BCO 40-2), and 2) the Presbytery Standing Rules Appendix B: "Rules for Session Records," as to form, structure, and minimum content.
4. Minutes of session shall be computer printed, on pages numbered serially from the first historical meeting of the session. Minutes should include:
  - a. Name of the church, date, time and place of meeting, and the type of meeting (stated or special)
  - b. Name of the moderator. When the pastor (moderator) is absent, a record of the appointment of a moderator. (BCO 12-2, 3). When the clerk of session is absent, a record of the election of an acting clerk
  - c. Names of Session members that are present or absent, a record of quorum present at the meeting (BCO 12-1,7), and the names of visitors.
  - d. A record of opening and closing the meeting in prayer
  - e. Approval of minutes of previous meeting(s)
  - f. A clear description of motions adopted and business transacted, together with such additional material as session considers necessary for historical purposes. Each main motion should normally be recorded in a separate paragraph, unless motions are closely related
  - g. The page(s) of the minutes on which may be found records of previous actions to which reference is made
  - h. Date(s) of administration of the Lord's Supper since the last session meeting
  - i. Dates of any baptisms since the last session meeting and names of the persons baptized
  - j. Names and approval of all who preach other than members of session, assistant pastors to the congregation or its pastor(s) emeritus

- k. Full names of all applicants for communing membership:
  - i. for minors, the names of their parents
  - ii. whether or not they are baptized
  - iii. whether admitted by letter, profession of faith, reaffirmation of faith; or denied admission. When new members are admitted by letter, include the name and location of the church from which they came
- l. Removal of names from the roll:
  - i. with reason and date
  - ii. name of church to which a letter of dismissal was sent
- m. Note of its annual review and accuracy, of its record of “baptism of communing members, of non-communing members, and of deaths and dismissal of church members” (BCO 12-8)
- n. Any discipline administered. When session has to administer discipline, the Book of Church Order should be studied and followed carefully. Minutes of session must contain such a careful and detailed record of the proceedings as would enable Presbytery to know who were disciplined, why and how
- o. Names of each elder appointed as a commissioner or alternate to Presbytery or General Assembly
- p. Record of reports to session by commissioners to Presbytery and General Assembly
- q. Record of the Call and Purpose of each congregational meeting
- r. Record of names of officers elected, their examination and/or date to be installed
- s. Minutes of any ordination and/or installation services as Special meetings of the Session in the presence of the congregation for the officers elected by the congregation
- t. Record of session approval of annual statistical report
- u. Time of adjournment
- v. Signature of the clerk, after the minutes have been approved by Session

## Appendix C PROCEDURE FOR REVIEW OF SESSION RECORDS

### Submitting Session Records

1. The Stated Clerk shall contact the Clerks of Session two months in advance of the fall stated meeting, reminding them of their duty to submit copies of all Session minutes which have not yet been reviewed
2. Session minutes shall be submitted to the Stated Clerk at least one month before the fall stated meeting
3. Pastors granted the powers of an evangelist (BCO 8-6) are to keep records similar to the minutes of session, which are to be sent to the examining session as in 15.c above. The records should include the information required in the “Rules for Sessions” part 1, and part 3.a,f-m.

### Examining Session Records

4. Session minutes shall be examined for conformity to: 1) The Scriptures and the Constitution of the Presbyterian Church in America (BCO 40-2), and 2) the Presbytery Standing Rules Appendix B: “Rules for Session Records,” as to form, structure, and minimum content.
5. Each set of session minutes and other materials submitted should be read by at least two members of the Administrative Committee.
6. The findings of the committee with respect to the minutes of each Session shall be noted under the following categories as appropriate:<sup>[SEP]</sup>
  - a. Exceptions of substance: Apparent violations of the Scripture or serious irregularities from the Constitution of the Presbyterian Church in America, and matters of impropriety and important delinquencies should be reported under this category.<sup>[SEP]</sup>
  - b. Exceptions of form: Lesser violations of the Rules for Session Records (Appendix B), rules of order, etc. should normally be reported under this category. When a minor irregularity from a BCO provision or requirement is noted, it may be treated as an exception of form (BCO 40-3). If subsequent minutes continue to reflect the same particular exception of form, it may become an exception of substance.
  - c. Notations: The committee may report to the clerk of session any typographical errors, misspellings, improper punctuation and other minor variations in form and clarity. These are to be given as advice for the respective clerks.

### Reporting on Session Records

7. The report of the committee shall include the following:
  - a. A list of the sessions that submitted minutes to the committee
  - b. A list of the sessions which have not submitted minutes, if any
  - c. A recommendation concerning the minutes of each session, which shall include:
    - i. Minutes approved without exception;
    - ii. Minutes approved with exceptions of form;
    - iii. Minutes approved with exceptions of substance which shall be presented to the Presbytery, which presentation shall include citation of any relevant scriptural and/or constitutional references, and provide the committee’s rationale for finding the exception of substance
  - d. Any other recommendations to the Presbytery
  - e. A list of committee members participating in the review of session records

### Responding to the Presbytery

8. Sessions shall be advised of exceptions of form; however, they shall take note in their minutes of exceptions of substance taken by the Presbytery, together with their responses adopted by the



- session to these exceptions. These responses should normally be adopted by session in the same calendar year as the exceptions were taken by the Presbytery.
9. After the fall meeting of the Presbytery, sessions shall correspond with the Presbytery the disposition they have made of the exceptions of substance, with specific reference to session's action as recorded in its minutes. Responses shall be in one of the following forms:
    - a. Session agrees with the exceptions and corrects its record (if possible), corrects its actions (if possible) and promises to be more careful in the future. Or,
    - b. Session respectfully disagrees with the exception, states its grounds and refers the exception back to the Presbytery.
  10. The Session responses to exceptions of substance shall be submitted to the Presbytery for review at the winter stated meeting.

## Appendix D STATED CLERK JOB DESCRIPTION

**Presbytery meetings**

1. To organize the business for each meeting of Presbytery (proposed docket);
  - a. To send out a call to meeting, as required by our standing rules and BCO;
  - b. To arrange for such things as review of session records and reports on that, gathering of committee and commission reports for Presbytery;
  - c. To the extent possible, prepare a meeting booklet with available written reports and information;
  - d. To advise the moderator about business that needs to be taken up during the meeting;
  - e. To bring general business such as roll, minutes before the court.
2. To act as “parliamentarian”:
  - a. To advise the moderator regarding parliamentary procedure, when this is necessary;
  - b. To advise the moderator and members of the court about rules covering actions being considered, whether according to our standing rules or BCO;
  - c. To advise presbytery members, congregations and sessions, members of our congregations, candidates, our committees and our commissions about procedures;
    - i. This requires a willingness to give such advice even to those whose proposed actions the clerk may consider foolhardy, mistaken or simply wrong, that is, to maintain a neutral attitude even in dealing with those with whom the clerk may disagree.
3. To see that accurate minutes of each meeting are taken, prepared and distributed;
  - a. Unless there is a recording clerk, to take these minutes and distribute them.

**Presbytery administration**

4. To keep up to date and accurate copies of official documents such as Presbytery Constitution, Standing Rules, Manual for Training, signed Ministerial Obligations, minutes and appendices thereto, commission minutes and significant correspondence;
  - a. To provide up to date copies of the Standing Rules and Manual for Training to elders and candidates, as needed.
5. To maintain an accurate roll of churches, teaching elders, ruling elders, licentiates, interns and candidates, and report that as needed to the General Assembly;
  - a. To provide official certificates of ministerial standing, or standing as a candidate, as needed;
  - b. To manage the transfer of credentials to and from other presbyteries or denominations;
  - c. To provide certificates of ordination for those ordained in our Presbytery;
  - d. To keep and distribute to Presbytery members an up to date Presbytery Directory.
6. To deal with Presbytery correspondence:
  - a. To respond appropriately to routine matters;
  - b. To present a correspondence report to Presbytery with correspondence the presbyters need to be aware of or Presbytery needs to act on;
  - c. To send Presbytery’s responses and concerns as directed;
  - d. To make necessary reports to General Assembly;
  - e. To deal with congregations and other presbyteries in the processing of calls;
  - f. To distribute correspondence or information from it to those who may be concerned.

7. To authorize payments from the Presbytery Fund, in accordance with our Standing Rules.
8. To act as the “marriage authority” for PCA pastors in Ontario, Quebec, New Brunswick, Nova Scotia, PEI and Newfoundland:
  - a. To provide such documentation as is required for our pastors to perform marriages in these jurisdictions;
  - b. To keep a record of those who are authorized on a permanent basis to perform marriages;
  - c. To report to the different provincial authorities when those authorized on our behalf to perform marriages are no longer qualified to do so.

**Presbytery discipline issues**

9. To receive on Presbytery's behalf complaints and accusations of improper conduct and initiate appropriate responses, whether in discipline or other matters which need to be raised in Presbytery or General Assembly;
10. To advise those involved, impartially, as to procedures and requirements for furthering their concerns or responding to complaints or accusations.
11. Particularly in issues which may involve formal discipline, the clerk **MUST** avoid expressing to anyone a judgment of the case.

## Appendix E PROCESS FOR CREATING CALLS FOR CHURCH PLANTING

**Step 1:** Candidate formally asks for a call to be issued. Must be email record of this with chair of MNA Committee cc'ed.

**Step 2:** MNA Committee delegates a committee member to follow up with candidate and check in with them

**Step 3:** Candidate must submit the following for MNA Committee Consideration:

1. Place they want to plant a church, as specific as possible, especially if the desired location is a larger city
2. General church planting plan (vision, brief biography of planter, ministry philosophy, demographics, fundraising plan) and timeline
3. 3 Year Budget for Church plant (sample available) and a fundraising plan for longer than 3 years
4. Letter of agreement/understanding by any local PCA churches (if none, skip this step)
5. A call package filled out (sample available) with reasoning attached if necessary (i.e. why a particular salary is appropriate)
6. Any requests by candidate for potential members of the provisional session
7. A copy of church-planter assessment outcome (if applicable)

**Step 4:** Once all documents have been received, a call will be scheduled for MNA Committee to work through documents and come up with a call.

**Step 5:** Call presented to candidate (by committee delegate).

1. If he accepts as is, call sent to Presbytery for approval.
2. If he requests some changes or revisions, those are sent back with committee delegate to the committee.
  - a. The committee discusses the candidates requested revisions and sends back call with revisions they agreed to make. (This does not assume revisions are all accepted.)
  - b. The committee delegate presents this to the candidate, and if accepted, call is sent to Presbytery for approval.
3. If a call can not be agreed to by MNA Committee and candidate, no call will be sent to Presbytery from the MNA Committee.

**Step 6:** If Call is approved by Presbytery, Church planter begins church planting and agrees to abide by the "Strategy for Assessing Health of Church Plants" (Appendix F).

## Appendix F EASTERN CANADA PRESBYTERY CHURCH PLANTING FUND

**Long Term Vision:**

To supply 1/3 of the yearly budget for any new church plant in Eastern Canada.

**Current Disbursement Plan** (As of December 2018, depending on funding this is changeable at any time by the MNA Committee)

**Categories:**

1. Scratch Church Plant Maritimes/Quebec
2. Scratch Church Plant Ontario
3. Daughter Church (defined as when 10 or more members leave another PCA church to help plant a new church)

**Disbursement Amounts:**

Category 1:

- 20k/year for 3 years, renewable for up to 3 more years

Category 2:

- 10k for 3 years, renewable for up to 3 more years
- Even though living in Ontario is generally more expensive, there is a higher percentage of Christians living in Ontario, there are more supporting churches nearby and many more men have shown the interest and ability to plant churches in Ontario compared with Maritimes/Quebec

Category 3:

- 10k for 3 years, not renewable

**Application Process:**

1. Presbytery must officially establish the church plant as a mission church before a church planter is eligible to receive presbytery funds. All other actions, including designating TEs as church planting interns or assistant pastors for church planting, while laudable, are insufficient to catalyze presbytery funding until Presbytery establishes the church plant as a mission church.
2. Once established, an email applying for funds from the designated church planter or mission church leader, to the MNA Committee, will suffice to begin the funding process.

**Follow up Process:**

1. The following information must be submitted annually, 1 month before the fall presbytery meeting. The idea is to give the MNA Committee a basic idea of the health of the church, even if quantitative numbers give only a partial picture.
  - a. Average Attendance of:
    - i. 0 - 18 year olds
    - ii. Over 18
  - b. Average Monthly Internal Giving

**How do we decide on whether the grant is renewable?**

The committee will decide on each church case by case with the following criteria in mind:

1. Has the plant progressed towards maturity in the past 3 years? Is it close to maturity in terms of members and funding?
2. How is the health (mental, physical, spiritual) of the church planter and his family?
3. Is the interim session of the church plant firmly in support of continuing?
4. Is the money for additional staff, extra projects, and the like - or is it for the basics?

The committee has freedom to decide on # of years of funding and the amount of the funding (with the maximums in mind).

**Post-Process**

If a church plant reaches maturity (particularization), they will be encouraged to set a vision of donating back to the church planting fund as much as was given to them (or more!)

**Funding the Church Plant Fund**

We encourage all churches in the Presbytery to donate to the Church Planting Fund and to make it a regular part of their budget. If 10 churches gave \$5000 each, that would be more than enough to get the Fund started.

## Appendix G STRATEGY FOR ASSESSING HEALTH OF CHURCH PLANTS

*This document is intended for use by interim sessions and the MNA Committee to follow up well with church planters.*

**If a church is planted via call from MNA Committee, the following is mandatory:**

1. One year of coaching. Coach is the choice of the church planter but must be known to the session. The ideal is to use a coach certified by Church Multiplication Ministries, but because of a lack of Canadian coaches, other men may be considered.
2. A site visit by members of Presbytery after 2-3 years to interview members and leadership, to see a service, to get a first hand look at the church plant.
3. The following information must be submitted annually, 1 month before the fall presbytery meeting to the MNA Committee. The idea is to give the MNA Committee a basic idea of the health of the church, even if quantitative numbers give only a partial picture.
  - a. Average Weekly Attendance of:
    - i. 0 - 18 year olds
    - ii. Over 18
  - b. Average Monthly Internal Giving

**A few thoughts on interim sessions:**

The primary role of an interim session is to keep an eye on the budget and overall financial viability of a church plant, the general health of the church, and to watch over the health of the church planter and his family.

Interim sessions should meet at least quarterly and the church planter is the chair of the session and is responsible to schedule meetings.

Below is a guide for conversation:

There are five key areas that an interim session should be asking church planters about. The questions below are suggestions.

**1. Fruitfulness** – Is there numerical growth? Are lives being impacted? Are people coming to Christ? Is there evidence of spiritual development in people’s lives? Are people enthusiastic about the planter and the plant or are they feeling tired, discouraged, and even hopeless?

**2. Finances** – Are the people giving faithfully, generously, even sacrificially? Are others supporting the work so that there are adequate resources to support the pastor and the ministry? Are the pledges running out? Is the congregation moving beyond mere maintenance of the ministry and beginning to contribute to other church plants, missions, and mercy ministries, as well as giving back to the denomination, presbytery, or network?

**3. Mission** – Is the pastor networking in the community and is he and the plant becoming well-known in a positive way? Are the pastor and the congregation engaged with the

community and are people responding? Is the church engaged in serving the community in word and deed? Are they outwardly faced or just inwardly focused?

**4. Leadership** – Has lay leadership emerged, people who really embrace and own the mission and vision of the church? Do they contribute to it meaningfully with their gifts, time, abilities, and resources?

**5. Calling** – Does the planter still believe God wants him there? Is there vision and passion for the work or is he discouraged, exhausted, and burned out? How is his marriage and family doing?



## Appendix H COMMITTEE REPORT ON THE USE OF NON-DISCLOSURE AGREEMENTS

**Committee Mandate:**

*“The presbytery instructed the moderator to form a study committee consisting of 2 REs and 2 TEs to explore the use of non-disparagement and non-disclosure agreements with members of our churches and bring back recommended changes to our standing rules and report back to our next presbytery meeting.”*

**Summary:**

The Committee does not believe it would be appropriate to make changes to Standing Rules of Presbytery regarding the use of non-disparagement and non-disclosure agreements. The Presbytery’s Standing Rules should only govern the conduct of Presbytery and not seek to bind individual Sessions. Additionally, the appropriateness of using these types of agreements is deeply contextual and calls for the application of wisdom in specific circumstances not broad-based prohibitions or regulations. To the extent that it may serve members of Presbytery, the Committee is providing some advisory guidelines to assist in determining the appropriateness of using these types of agreements in particular situations.

**Recommended Changes to Standing Rules:**Jurisdiction Under BCO

Section 13.9 of the Book of Church Order (BCO) sets out the powers of the Presbytery. It indicates that the Presbytery should only have power to assume original jurisdiction over matters pertaining to particular churches where the Session cannot exercise its authority. There is no indication in the BCO that Presbytery ought to have the authority or jurisdiction to bind or fetter the discretion of individual Sessions in respect of the use of non-disparagement or non-disclosure agreements. As a result, it does not seem prudent to the Committee to recommend any changes to the Standing Rules of Presbytery in respect of the use by Sessions of these types of agreements. Further, the Committee does not foresee many situations in which the Presbytery itself may be called upon to enter into non-disparagement and non-disclosure agreements. To the extent that such a situation may arise, the Committee believes that the Presbytery should apply wisdom to make a specific decision having regard to the particular context involved, rather than pre-emptively adopting a binding rule to apply to all circumstances.

Relevance of Context

There is a very wide range of documents that could fall under the category of “non-disparagement agreements”, “non-disclosure agreements” or “confidentiality agreements”. The Committee is of the opinion that it would be difficult to provide specific advice or guidance in this regard without spending a significant amount of time and effort defining the nature and scope of the particular types of documents for which it is providing comment or direction. In the end, any such specific advice or guidance would likely become too narrow to be actually useful to address the multitude of situations for which this genre of agreement may arise.

The specific circumstances involved will make a very significant difference in determining whether the use of these types of agreements by Sessions or Presbytery is appropriate. The Committee believes that

this requires the application of wisdom and not the adoption of binding rules. To assist Sessions or Presbytery in the application of such wisdom, the Committee offers the following general guidelines.

#### General Policy v. Response to Dispute

The Committee believes that these types of agreements generally fall into two categories:

1. General proactive provisions protecting personal and sensitive information at outset of a relationship (e.g. employment, counselling, etc.);
2. Responsive/reactive provisions attempting to control or mitigate a matter of dispute

The Committee believes that the first category of agreement is much less problematic than the second. Pastoral and other ministry work conducted by churches often invites vulnerable people to share deeply personal information that could cause them significant harm if shared beyond those in positions of trust to whom the information is shared. In these types of situations it is important to ensure that all parties fully understand both the responsibilities and limits of agreements to which they are entering. Particularly in employment situations, confidentiality provisions in a contract should be specifically highlighted and potential employees should be encouraged to seek the advice of a third party professional to understand the future potential ramifications prior to committing to the employment relationship. As well, it is important that any such provisions clearly set out the limits of the confidentiality obligation and create specific exemptions for the reporting of abuse or criminal activity, the protection of innocents, and the ability to seek peer or professional counselling and support.

The Committee believes that the second category of agreement should be approached with much greater caution. There is an important distinction to be made between “secret keeping” and “holding in confidence”. The Committee does not believe there is much room within our churches for keeping secrets. The Scriptures call us to shine the light of the gospel on our mutual brokenness and sin. It seems to us that the use of non-disclosure agreements or confidentiality agreements can easily be motivated more by a desire to protect reputations or assets than innocents or vulnerable individuals. The Committee encourages any party considering the use of these types of agreements in the context of dispute resolution to carefully discern the motives for which the withholding of information is being sought.

#### Frustration of Valid Legal Proceedings

Both civil and criminal court processes in Canada are based on an underlying principle that the most just result will come from the fullest disclosure of all relevant information at the earliest opportunity. As Sessions and Presbytery we should be careful not to subvert this principle through the extensive use of private agreements, particularly in context of disputes. The judiciary is a branch of government and is owed the same submission to authority as the executive and legislative branches of government (cf. Romans 13:1-5).

Unfortunately, a counterculture appears to have grown amongst many legal professionals which often appears to prioritize the delay or outright withholding of relevant information with the result that the use of non-disclosure and confidentiality agreements becomes something of a reactive instinct and a stock in trade. This counterculture has resulted in a certain cultural toxicity for non-disclosure agreements, particularly in the fall out from high profile abuse cases such as those involving Harvey Weinstein and Jeffrey Epstein. Non-disclosure agreements have come to be seen as exemplars for the abuse of power, privilege and wealth to exert one’s will over vulnerable individuals. The Committee believes that, in this context, it is important for Sessions and Presbytery not only to do right, but also to be clearly seen as doing what is right. There is great value in church leadership not seeking to hide their struggles and faults

but to bring them into the light and allow ourselves and others to be transformed by the transparent application of the gospel.

### Application of 1 Corinthians 6

The Committee believes that it is a necessary implication of Paul's enjoinder in 1 Corinthians 6:1-11 to deal with disputes within church and not "go to law before the unrighteous instead of the saints" that we not only avoid commencing legal proceedings against one another but avoid adopting postures which threaten legal proceedings if particular demands are not met. The request or requirement to sign a non-disclosure agreement or non-disparagement agreement, particularly in circumstances of dispute, often includes the implied threat or implication that legal proceedings will immediately result if the terms of the agreement are not fulfilled. Where they are warranted, consideration should be given of ways in which the enforcement of these types of agreements remains within the jurisdiction of the "saints" (1 Corinthians 1:1).

### Suggested Rubric for Application of Wisdom

The Committee recommends that Sessions and Presbytery ask the following questions of themselves before deciding to implement the use of non-disparagement, non-disclosure or other confidentiality agreements:

1. As with any rule of living, can signing the agreement be fairly understood as an act of loving God and loving our neighbours as ourselves in the particular circumstances before us?
2. Who or what are we seeking to protect by means of asking parties to sign this agreement?
  - If the answer is the glory of God, the purity of His Church, the protection of innocents or vulnerable persons, then entering into the agreement may well be appropriate but this calls for the deeply honest investigation of our heart spaces;
  - If the answer is the protection of reputation, personal or organizational networks, finances or other assets, then entering into the agreement is likely not prudent.
3. On balance would requiring parties to sign the agreement help or hinder our primary work as church to bring the gospel of Christ's kingdom into this world? Would entering into the agreement lead us to the places of blessing described by Jesus in the Beatitudes (Matt. 5:2-12)?

The Committee wishes to acknowledge that, in many circumstances, these will not be easy questions to answer and the Committee does not wish to appear in any way flippant in respect of the great cost that may be asked of church leadership, as well as their families and other members of the church, in choosing not to request or require non-disparagement, non-disclosure or confidentiality agreements particularly in the context of difficult and profound disputes. However, the Committee does wish to encourage us all with God's truth revealed in 1 Peter 3:17: "For it is better to suffer for doing good, if that should be God's will, than for doing evil. For Christ also suffered once for sins, the righteous for the unrighteous, that he might bring us to God ..."

### Importance of Seeking Outside Counsel

Lastly, the Committee is mindful that in the face of difficult situations our vision can sometimes shrink down to the moment and deprive us of a bigger perspective. The best antidote in such circumstances is to seek counsel of trusted advisors who are not directly connected to the subject people or events. The Committee encourages any Session, prior to requesting or entering into any form of non-disparagement, non-disclosure or confidentiality agreement to first draw on Presbytery resources such as the

Administrative Committee or the Shepherding Committee to assist with their discernment process. While this Committee is ad hoc and will disband upon presentation of this report, its members have had the opportunity to bring considerable prayer, thought and research to bear on the issue and would be willing to connect with Presbytery members and Sessions grappling with these issues.

In Christ,  
Aidan Van Dyk, Albert Kooy, Jeff Hynds, Allan Buist

Resources for Additional Consideration:

<https://www.christianitytoday.com/news/2021/july/ndafree-campaign-confidentiality-nondisclosure-abuse.html>

<https://www.ndafree.org/>

<https://www.thegospelcoalition.org/article/should-christians-sign-non-disclosure-agreements/>

<https://www.cbc.ca/news/canada/prince-edward-island/pei-ndas-non-disclosure-sexual-misconduct-1.6241798>