

# Sample Motions and Letters for Section 363 Reviews

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## Sample Motion of the Presbytery Executive Ordering a Section 363 Review

WHEREAS the presbytery has oversight of the conduct of all ministry personnel on its roll;

AND WHEREAS the presbytery has received a letter dated [insert date] from the session of [insert name] Pastoral Charge;\*

AND WHEREAS [insert name] Pastoral Charge is served by [insert name of ministry personnel]

AND WHEREAS such letter raises a question for the presbytery executive regarding

- i. the effectiveness of [insert name of ministry personnel];\*\*
- ii. the possible failure of [insert name of ministry personnel] to maintain the peace and welfare of the church;\*\* and
- iii. the possible refusal of [insert name of ministry personnel] to recognize the authority of the presbytery;\*\*

BE IT RESOLVED THAT:

1. [Insert name] Presbytery conduct a review of
  - i. the effectiveness of [insert name of ministry personnel];\*\*
  - ii. the possible failure of [insert name of ministry personnel] to maintain the peace and welfare of the church;\*\* and
  - iii. the possible refusal of [insert name of ministry personnel] to recognize the authority of the presbytery\*\*

pursuant to Section 363 of *The Manual* of the United Church.

*Note: If the presbytery decides to appoint an individual from the Conference list to conduct the review for a fee, include the following paragraph:*

2. The chair of presbytery, in consultation with the Conference executive secretary, recruit a person to conduct the review for a fee, and submit the name of the person to the Presbytery Executive for consideration and, if acceptable, appointment.

*If the presbytery decides to appoint a committee of three to five people to conduct the review on a volunteer basis, include the following paragraph:*

2. The chair of the presbytery recruit X people to conduct the review on a volunteer basis, and submit their names to the Presbytery Executive for consideration and, if acceptable, appointment.

*\*This is an example of a way in which the question about the ministry personnel may have come to the attention of the presbytery. See Section 363(c) of The Manual for other possible ways. The motion should be adjusted to reflect the way in which the question has actually come to the attention of the presbytery.*

*\*\*One, two, or three of these possible grounds may apply in the particular situation. In the motion, name the ground(s) that the presbytery decides do apply, and omit the ground(s) that do not apply.*

## Sample Motion of the Presbytery Executive Appointing a Person/Committee to Conduct a Section 363 Review

WHEREAS by motion dated *[insert date]* the Executive of *[insert name]* Presbytery has ordered a review of

- i. the effectiveness of *[insert name of ministry personnel]*;<sup>\*</sup>
  - ii. the possible failure of *[insert name of ministry personnel]* to maintain the peace and welfare of the church;<sup>\*</sup> and
  - iii. the possible refusal of *[insert name of ministry personnel]* to recognize the authority of the presbytery<sup>\*</sup>
- pursuant to Section 363 of *The Manual* of the United Church;

BE IT RESOLVED THAT:

*Note: If the presbytery decides to appoint an individual from the Conference list to conduct the review for a fee, include the following paragraphs:*

1. Y be appointed to conduct a review of the *[insert applicable grounds i, ii, and/or iii from above]*;
2. Y be paid a fee of \$3,000<sup>\*\*</sup> by the presbytery for conducting the review;
3. Y be entitled to reimbursement by the presbytery for the cost of travel, telephone charges, photocopying, and similar expenses in accordance with applicable United Church guidelines.

*If the presbytery decides to appoint a committee of three to five people to conduct the review on a volunteer basis, include the following paragraphs:*

1. Y, V, and W be appointed to conduct a review of the *[insert applicable grounds i, ii, and/or iii from above]*;
2. Y, V, and W be entitled to reimbursement by the presbytery for the cost of travel, telephone charges, photocopying, and similar expenses in accordance with applicable United Church guidelines.

*\*One, two, or three of these possible grounds may apply in the particular situation. In the motion, name the ground(s) that the presbytery decides do apply, and omit the ground(s) that do not apply.*

*\*\*The recommended fee is \$3,000 per review. If one individual is appointed from the Conference list, that individual is entitled to the fee. If two individuals are appointed from the Conference list to conduct the review, they would split the fee.*

*If the presbytery decides to appoint a committee of three to five people to conduct the review on a volunteer basis, there would be no fee paid. Regardless of whether or not there is a fee, all individuals/committees conducting a review are entitled to reimbursement for expenses incurred by them in connection with conducting a review such as travel, telephone, photocopying, etc.*

## Sample Motion of the Presbytery Executive Taking Action Based on a Section 363 Review

WHEREAS by motion dated *[insert date]* the Executive of the Presbytery ordered a review of

- i. the effectiveness of *[insert name of ministry personnel]*;<sup>\*</sup>
- ii. the possible failure of *[insert name of ministry personnel]* to maintain the peace and welfare of the church;<sup>\*</sup> and
- iii. the possible refusal of *[insert name of ministry personnel]* to recognize the authority of the presbytery<sup>\*</sup>

pursuant to Section 363 of *The Manual* of the United Church;

AND WHEREAS by motion dated *[insert date]* the Executive of the Presbytery appointed Y, V, and W to conduct the review;

AND WHEREAS the Executive of the Presbytery has received and considered the report of Y, V, and W;

AND WHEREAS a copy of the report has been provided to *[insert name of ministry personnel]*;<sup>\*\*</sup>

AND WHEREAS the Executive of the Presbytery has heard from *[insert name of ministry personnel]*<sup>\*\*</sup> in response to the recommendations of Y, V, and W;

BE IT RESOLVED THAT:

1. *[Insert the action taken by the presbytery in response to the recommendations.]*

<sup>\*</sup>One, two, or three of these possible grounds may apply in the particular situation. In the motion, name the ground(s) that the presbytery decides do apply, and omit the ground(s) that do not apply.

<sup>\*\*</sup>If there are any other bodies/people affected by the recommendations, they are also entitled to receive a copy of the report and to speak to the recommendations that affect them. Their names should be inserted here after the name of the ministry personnel to record the fact that they did receive a copy of the report and were given an opportunity to speak to the recommendations.

**Sample Letter from Presbytery to Ministry Personnel—  
Advising of a Section 363 Review**

[PRESBYTERY LETTERHEAD]

DELIVERED BY HAND\*

Rev. Jane Doe  
100 Main Street,  
Town, Province  
Z2M 1R5

Dear Jane,

This letter will serve to confirm the information that I provided to you in our recent telephone conversation.

Sunshine Presbytery received a letter from the Official Board of St. John's Church dated [insert date]. I understand that you have a copy of that letter, but I am enclosing another copy here for record purposes. On January 15, 2006, the Presbytery Executive adopted the following motion in response to the letter:

*BE IT RESOLVED THAT Sunshine Presbytery conduct a review of the effectiveness\*\* of the Rev. Jane Doe.*

On February 3, 2006, the Presbytery Executive appointed John Jones to conduct the review. Although Mr. Jones will be conducting the review, there are other tasks that need to be done in connection with the review process. The presbytery has asked Susan Brown to assist Mr. Jones by making local arrangements for the review. The Rev. David White will be available to provide pastoral support to you throughout the review process, and I understand that David has already been in contact with you. The Rev. Betty Williams has been asked to provide pastoral support to the pastoral charge.

Susan Brown, Betty Williams, and I will be in attendance at Sunday worship on February 14, 2006. We will be making an announcement to the congregation about the review, and we will remain after the service to meet with members of the congregation and answer any questions that they may have about the process. You may wish to stay for this meeting or leave as you see fit.

The prime purpose of the meeting on February 14 is to answer questions from the congregation. If you have specific questions about the process, please be in touch with the Conference executive secretary [or personnel minister—depending on your Conference's practice] or, alternatively, John Jones will respond to your questions at your first meeting with him. I also enclose resources from the United Church's General Council entitled "Guidelines for Reviews" and "To the Ministry Personnel under a 363 Review."

You may expect to hear shortly from Susan Brown or John Jones concerning the logistical details for this particular review.

*[include pastoral thoughts here]*

Yours very truly,

Bob Roberts  
Chair, Sunshine Presbytery

*Enclosures:* Copy of letter from Official Board of St. John's Church to presbytery dated X  
Guidelines for Reviews  
To the Ministry Personnel under a Section 363 Review

*\*There are three options under The Manual for giving notice. Letters may be delivered by hand (delivered personally), by assured delivery (registered mail), or by fax. One of these three methods should be used. Please note that delivery by e-mail is not adequate.*

*\*\*This is one of the three possible grounds for which a review may be ordered under Section 363. One, two, or all three of these possible grounds may apply in the particular situation. In the letter, name the ground(s) that the presbytery has decided do apply, and omit the ground(s) that do not apply.*

**Sample Letter from Presbytery to Pastoral Charge—  
Advising of a Section 363 Review**

[PRESBYTERY LETTERHEAD]

DELIVERED BY HAND\*

Official Board of [insert name] Pastoral Charge  
100 Main Street,  
Town, Province  
Z2M 1R5

Attention: Mary Smith, Chair, Official Board

Dear Ms. Smith and members of the Official Board,

This letter will serve to confirm the information that I provided by telephone to Ms. Smith recently.

Within The United Church of Canada, the presbytery has the responsibility of oversight of ministry personnel. Where a question has been raised regarding ministry personnel, the presbytery may choose to order a review of that ministry personnel based on one or more of the grounds outlined in Section 363 of *The Manual* of the United Church (enclosed).

Sunshine Presbytery received a letter from you dated [insert date]. On January 15, 2006, the Presbytery Executive adopted the following motion in response to the letter:

*BE IT RESOLVED THAT Sunshine Presbytery conduct a review of the effectiveness\*\* of the Rev. Jane Doe.*

On February 3, 2006, the Presbytery Executive appointed John Jones to conduct the review.

Although Mr. Jones will be conducting the review, there are other tasks that need to be done in connection with the review process. The presbytery has asked Susan Brown to assist Mr. Jones by making local arrangements for the review. The Rev. Betty Williams has been asked to provide pastoral support to your congregation. The Rev. David White will be available to provide pastoral support to Jane Doe throughout the review process and I understand that David has already been in contact with Jane.

Susan Brown, Betty Williams, and I will be in attendance at Sunday worship on February 14, 2006. We will be making an announcement to the congregation about the review, and we will remain after the service to answer any questions that members of the congregation may have about the process. We have indicated to Jane that she may wish to stay for this meeting or leave as she sees fit.

I also enclose a resource from the United Church's General Council entitled "Guidelines for Reviews." For more information about the review process generally, please contact *[insert name]*, executive secretary *[or personnel minister—depending on Conference practice]*.

*[include pastoral thoughts here]*

Yours very truly,

Bob Roberts  
Chair, Sunshine Presbytery

*Enclosures: Copy of Section 363 of The Manual  
Guidelines for Reviews*

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*\*\*This is one of the three possible grounds for which a review may be ordered under Section 363. One, two, or all three of these possible grounds may apply in the particular situation. In the letter, name the ground(s) that the presbytery has decided do apply, and omit the ground(s) that do not apply.*

## Sample Announcement of a Section 363 Review for Order of Service

An opportunity for you to participate:

Within The United Church of Canada, the presbytery has the responsibility of oversight of ministry personnel. Where a question has been raised regarding ministry personnel, the presbytery may choose to order a review of that ministry personnel's effectiveness. In response to a letter from your Official Board,\* *[insert name]* Presbytery has ordered a review of Jane Doe on the following grounds:

*[name the grounds]\*\**

John Jones has been appointed to conduct the review. There will be an opportunity for all members and adherents in the pastoral charge to offer input to John. Susan Brown has been asked by the presbytery to make local arrangements for the review process. Susan may be reached at *[insert telephone address]* or *[insert e-mail address]*.\*\*\*

The presbytery understands that the review process may be a time of uncertainty for all concerned. The Rev. David White will be available to provide pastoral support to the pastoral charge throughout the review process. David may be reached at *[insert telephone address]* or *[insert e-mail address]*.\*\*\*

The presbytery has also made arrangements for pastoral care for similar arrangements for Jane Doe.

Bob Roberts, Chair of Sunshine Presbytery, will be in the parlour after worship today to answer any questions that you may have about the review process. Susan Brown and David White will also be present.

\*Name the source of the letter (Official Board or otherwise) or other action or event that caused the presbytery to order a review.

\*\*There are three possible grounds for which a review may be ordered under Section 363. One, two, or all three of these possible grounds may apply in the particular situation. In the announcement, name the ground(s) that the presbytery has decided do apply, and omit the ground(s) that do not apply.

\*\*\*Communication by telephone or e-mail is acceptable for "non-official" communications, such as booking appointments, inquiring about locations, seeking pastoral care, etc.



**Sample Letter from Presbytery to Ministry Personnel—  
Advising of Meeting to Consider Report of Person/Committee  
Conducting a Section 363 Review**

[PRESBYTERY LETTERHEAD]

DELIVERED BY HAND\*

Jane Doe  
100 Main Street,  
Town, Province  
Z2M 1R5

Dear Jane,

This letter will serve to confirm the information that I provided to you by telephone recently.

John Jones has submitted his report on your effectiveness to the presbytery. I understand that you have received a copy of the report directly from him.

The Presbytery Executive will be meeting on April 12, 2006, to consider the recommendations included in that report. The meeting will take place at 7:00 p.m. at St. Paul's United Church, 200 Young Street, Other Town.

You are entitled to be present at that meeting and to respond to the recommendations. To ensure that the meeting is as productive as possible, the following process will be followed:

- John will participate in the meeting via telephone conference call.
- The executive may have questions for John.
- You will have up to 30 minutes to make your response.
- The executive may have questions for you.
- The conference call with John will end and you will leave the meeting.
- The executive will proceed to make decisions regarding the recommendations.
- The decisions will be communicated to you by telephone and in writing.

You may choose to provide your response to the Presbytery Executive in writing either as an alternative or in addition to an oral response at the meeting. Any written material must be received no later than April 5, 2006, by Tom Davis [*insert address*].

You may be accompanied by a support person of your choosing. The presbytery recognizes your right to be accompanied by legal counsel if you so choose. Please note that the total 30 minute time allotment referred to above may be shared between you and your legal counsel as you wish.

It is very important that you attend the meeting so that the executive may make decisions with the benefit of your input. Please note that if you do not attend the meeting, the executive will be free to proceed to make decisions in your absence.

*[include pastoral thoughts—suggestion:]* The executive intends to deal with these issues in thoughtful and prayerful ways after hearing from all the parties involved. The executive will listen carefully to what is said and written, and will ask for God's guidance on what is best for the church. To that end, I ask that all of us pray for each other as we anticipate and participate in this upcoming meeting of the Presbytery Executive.

Yours very truly,

Bob Roberts  
Chair, Sunshine Presbytery

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**Sample Letter from Presbytery to Pastoral Charge—  
Advising of Meeting to Consider Report of Person/Committee  
Conducting a Section 363 Review**

[PRESBYTERY LETTERHEAD]

DELIVERED BY HAND\*

Official Board of [insert name] Pastoral Charge  
100 Main Street,  
Town, Province  
Z2M 1R5

Attention: Mary Smith, Chair, Official Board

Dear Official Board,

This letter will serve to confirm the information that I provided to Mary Smith by telephone recently.

John Jones has submitted his report to the presbytery on the effectiveness of Jane Doe. I understand that the Official Board has received a copy of the report directly from him.

The Presbytery Executive will be meeting on April 12, 2006, to consider the recommendations included in that report. The meeting will take place at 7:00 p.m. at St. Paul's United Church, 200 Young Street, Other Town.

One of the recommendations is that the pastoral relationship among Jane Doe, [insert name] Pastoral Charge, and Sunshine Presbytery be dissolved. The adoption of that recommendation would directly affect the pastoral charge. Therefore, representatives from the pastoral charge are entitled to be present at that meeting and to respond to the recommendation.

To ensure that the meeting is as productive as possible, the following process will be followed:

- John will participate in the meeting via telephone conference call.
- The executive may have questions for John.
- Jane will have 30 minutes to respond to the recommendations contained in the report.
- The executive may have questions for Jane.
- A maximum of two representatives of the pastoral charge, as named by the Official Board, will be invited to join the meeting (at approximately 8:00 p.m.).
- The pastoral charge representatives will have 20 minutes to make a response to the recommendation that the pastoral relationship be dissolved.
- The executive may have questions for the pastoral charge representatives.

- The pastoral charge representatives will leave the meeting.
- The conference call with John will end and Jane will leave the meeting.
- The executive will proceed to make decisions regarding the recommendations.
- The decisions that affect the pastoral relationship will be communicated to you by telephone and in writing.

The pastoral charge, through the Official Board, may choose to provide its response to the Presbytery Executive in writing either as an alternative or in addition to an oral response at the meeting. Any written material must be received no later than April 5, 2006, by Tom Davis [*insert address*].

[*include pastoral thoughts—suggestion:*] The executive intends to deal with these issues in thoughtful and prayerful ways after hearing from all the parties involved. The executive will listen carefully to what is said and written, and will ask for God's guidance on what is best for the church. To that end, I ask that all of us pray for each other as we anticipate and participate in this upcoming meeting of the Presbytery Executive.

Yours very truly,

Bob Roberts  
Chair, Sunshine Presbytery

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