

To the Ministry Personnel under a Section 363 Review

The presbytery has made a decision to conduct a review under Section 363 of *The Manual*. Here are some answers to questions frequently asked by ministry personnel about this process.

What is the complaint against me?

This is often the greatest source of frustration. No one has made a formal complaint against you. If a formal complaint had been made, you would be entitled to receive a copy of it under the church's dispute resolution policy (Section 072 of *The Manual*). A review has been ordered because the presbytery has a concern about your effectiveness, and/or your ability to maintain the peace and welfare of the church, and/or your recognition of the authority of the presbytery. The concern may have come to presbytery's attention in a number of different ways. The concern may have been reported orally to the presbytery, it may have come from a number of sources, and there may be no written material at all relating to it other than the presbytery motion to order a review. But a review is ordered only when the presbytery decides that there is enough of a concern to warrant one, not simply because someone may have complained about you. Although the presbytery may have specific information that caused it to order the review, the review committee will not be given that information. Therefore, the committee will have an open mind as it hears about your effectiveness.

The important points to keep in mind are the following:

- Through the review process, there will be a thorough investigation of your effectiveness, ability to maintain the peace and welfare of the church, and/or your recognition of the authority of the presbytery.
- You will have opportunities to provide your own input in the investigation.
- You are entitled to have the review committee seek input from other people named by you.
- You are entitled to know all information gathered in the investigation.
- Any decisions the presbytery makes about you can only be based on information that has been gathered in the investigation and shared with you.

What is my status while the review is underway?

The presbytery's concern may or may not be substantiated as a result of the review process. There can be no presumptions about the outcome at this point. If you are in a pastoral relationship, that relationship continues and you are entitled to full salary and benefits while the review is in process. If you request a change in pastoral relations while the review is in process, the presbytery may approve the request or decide to postpone consideration of it pending the outcome of the review. Requesting a change in pastoral relations does not bring an end to the review process. The review is being conducted because you are subject to the oversight of the presbytery, not because you are in a pastoral relationship.

May I apply for a call or appointment while a review is underway?

It is probably more difficult to find work while a review process is underway. A Joint Search Committee may prefer not to deal with your application until the outcome of the review process is known. Of course, the shorter the time taken to complete the review process, the less of an issue this will be for you. The presbytery has an obligation to ensure that the process is completed without undue delay to minimize any negative impact the process may have on you. If you are in this situation, seek assistance from your Conference personnel minister. There are often short-term appointments available within your Conference that may meet your needs for work during the review process.

What can I expect from my presbytery during the review?

The presbytery must take the initiative to provide you with pastoral care. If that does not happen immediately after the review has been ordered, contact your personnel minister for assistance. Regardless of the outcome, a review can be a stressful experience. It is critical for the presbytery to make adequate pastoral support available to you, your family, and your pastoral charge throughout the process.

How do I ensure that my side of the story is heard by the review committee?

The review committee will meet with you at least twice during the process. You will also have a chance to speak to the presbytery about the review committee's recommendations before any decisions are made. In addition to participating in those meetings, there are a number of things you can do at the start of the process that will make your participation most effective:

- Educate yourself about reviews. Get a copy of "Guidelines for Reviews" and contact the Conference executive secretary or personnel minister for any clarifications or further information that you need.
- Know the focus of your review. Get a copy of the presbytery motion that sets out the grounds (effectiveness, and/or peace and welfare, and/or recognizing the authority of presbytery).
- Make a list of people who have first-hand information or opinions about your ministry that you want the review committee to hear. Give the list to the review committee (include phone numbers or e-mail addresses) and ask that the review committee contact those people for input. (*Note:* The review process will be quicker and more focused if you limit your list to people who have the most familiarity with your ministry and will make the kind of comments that you particularly want the review committee to hear. It is reasonable to ask the review committee to interview 10 people named by you, but not hundreds.)
- Make a list of any questions you have about the specific process the review committee will be following, timelines for meetings, etc. Ask those questions at your first meeting with the committee.
- Ask the review committee to give you a summary of their information gathered in writing before they meet with you to hear your response. Read the summary and make written notes about any places where you think that the information is inaccurate, incomplete, or needs an explanation from you.

- Take your notes to the meeting where the review committee hears your response.
- If you feel that you could respond better on paper than orally, write down your response and give it to the review committee. Or you may choose to do both: speak to the review committee and follow up that meeting with a written response.

When I meet with the review committee, can I bring someone with me?

Yes. You are entitled to bring a support person with you. The roles must be kept clear. The support person should not be someone who has given input in the process to the review committee. Also, you have the right to be represented by legal counsel if you choose.

Do I get to find out who said what about me to the review committee?

Yes. You are entitled to the details of every piece of information that the review committee relies upon in its report. That includes the names of the individuals who provided information to the review committee, and the content of what they said: dates, times, and places that events took place. You are entitled to know all of this information, and to respond to it, before the review committee comes to any conclusions. The review committee cannot include any information in their final report that has not been shared with you beforehand.

When do I find out who said what about me?

You will probably receive a copy of the information gathered by the review committee before the committee meets with you to hear your response. The review committee will give it to you at least a few days before the meeting to allow you a chance to consider the information and prepare your response to it.

Alternatively, the review committee may give all the information to you orally, piece by piece, at the response meeting, and ask for your response. If you are hearing the information for the first time at the response meeting and you would like more time to respond, you should indicate that to the committee. There could be a second response meeting held a few days later, or alternatively, you could provide your additional response to the review committee in writing.

What happens after the response meeting?

The review committee will consider your responses to all the information and will write its final report. The report will include the information, your responses, and the committee's findings, conclusions, and recommendations. The review committee will deliver the final report to the presbytery. You will receive a copy of the final report. It will be given to you either directly by the review committee or forwarded from the presbytery after the presbytery receives it from the review committee.

How do I find out about the presbytery action on the report?

Before the presbytery takes any action on the recommendations contained in the report, you must be given an opportunity to respond to the report at a presbytery meeting. The presbytery has no right to take any action on the recommendations until and unless you have been given this

opportunity. In most cases, action is taken at a meeting of the Presbytery Executive, not the full presbytery. You are entitled to receive written notice of that meeting and you are entitled to time to prepare for that meeting. That means you must be given at least one week's advance notice of the meeting after you receive a copy of the report.

May I bring someone with me to the presbytery (executive) meeting?

You are entitled to have a support person present, and/or to be represented by legal counsel if you choose. It is reasonable for the presbytery to allow you to bring one or two people with you but not a large group of supporters. The presbytery has the right to regulate its own meeting process and is entitled to object to a large group on the basis that it could make the meeting unwieldy.

What happens at the presbytery (executive) meeting?

The review committee will present its report. The presbytery (executive) may ask questions of the review committee. You are entitled to be present for that part of the process. Next, you will have an opportunity to respond to the committee's report. The presbytery (executive) may indicate to you in advance that there will be a time limit on your response. A time limit of, for example, 30 minutes would be reasonable. After you have made your presentation to the presbytery (executive), you, your support person, and the committee will all be asked to leave the meeting. That will allow the presbytery (executive) an opportunity to consider what they have heard from the review committee and from you, and to decide what action to take on the committee's recommendations.

How will I find out what action the presbytery will be taking on the review committee's recommendations?

You are entitled to be informed of the presbytery's decision after the meeting. In many cases, a presbytery officer will telephone you after the presbytery meeting to inform you of the decision. If you would like a telephone call, you should specifically tell that to the presbytery. In all cases, the presbytery will give you official notice in writing by a letter sent or delivered to you after the meeting.

What if I disagree with the action that the presbytery takes in response to the recommendations?

You have the right to appeal the presbytery's decision to the Conference if you do not agree with it. Your appeal must be based on the specific grounds contained in *The Manual* (Section 076), and it will be up to the appeal committee to decide whether those grounds are met or not. There are time limits for starting an appeal process, and you must comply with them. Please consult with your Conference executive secretary for more information.

The presbytery and the review committee have been given all of the above information. They are aware of your rights and of the importance of honouring them in all respects.