

GS 49 TEMPORARY AMENDMENT OF BYLAWS RE: PASTORAL RELATIONS

Origin: General Secretary, General Council

1. What is the issue?

Communities of faith currently are prohibited from gathering in person during the COVID-19 pandemic. It is expected that this prohibition will remain in place for the foreseeable future.

Under pastoral relations policy set out in *The Manual* of the United Church, the community of faith is the body that is responsible for making the following decisions:

- (a) acting on the Search Committee's recommendation to call a member of the order of ministry or request that the regional council appoint a designated lay minister to the community of faith [I.1.2.1; I.1.7];
- (b) approving any new terms of a call or appointment [I.3.1.3; I.1.3.5.b]; and
- (c) requesting a change in pastoral relations to amend the terms of the call or appointment or to end the pastoral relationship [I.1.3.1.6].

Communities of faith make decisions relating to these matters at in-person meetings called for these purposes. While electronic meetings are permitted (teleconferencing, Zoom etc.), members and adherents of many communities of faith lack adequate capacity to conduct meetings that way.

2. Why is this issue important?

As the work of the church continues, all communities of faith need the ability to make timely decisions on pastoral relations matters.

Each community of faith has a governing body or equivalent. In pastoral charges, the governing body has many designated responsibilities under *The Manual* including "general responsibility for leadership in the care and oversight of the spiritual life and the interests of the congregation or pastoral charge." [B.7.4.12]

A governing body is typically small enough to meet via some electronic/virtual means and could therefore fulfil the responsibilities of the community of faith for making decisions on pastoral relations. Enabling governing bodies of communities of faith to do so requires an amendment to the pastoral relations policies set out in *The Manual*.

3. How might the General Council Sub-Executive respond to the issue?

The Executive of the General Council has responsibility for dealing with all emergency work of the General Council between meetings of the General Council [D.5.3]. It has authorized its Sub-Executive to deal with such matters that may arise prior to the next meeting of the Executive of the General Council.

The General Secretary recommends that:

The Executive of the General Council approve a temporary amendment to pastoral relations policies in *The Manual* to enable the governing body or equivalent of a community of faith to make urgent decisions on behalf of the community of faith with respect to initiating a call or appointment, revising the terms of a call or appointment, or ending of a call or appointment in circumstances where it is not practicable to follow those policies outlined in *The Manual*, on the following basis (underlined text for emphasis only, in order to note the significant central role of the regional councils):

- i) for the purposes of this motion, “urgent” means a critical situation that cannot be effectively dealt with under any other bylaw or policy of the United Church, as determined to the satisfaction of the regional council;**
- ii) the governing body will consult with the community of faith in advance of making a pastoral relations decision to the extent reasonable and practicable in the circumstances to the satisfaction of the regional council;**
- iii) when the governing body is making a pastoral relations decision, the ministry personnel will have the same right to notice of the virtual meeting and an opportunity to respond as provided in section I.3.1.6 of *The Manual*; in this instance, section B.5.4.2 shall be interpreted as nine days where it is not practicable to read during public worship on two Sundays;**
- iv) when the governing body of a community of faith requests a change of pastoral relations, the regional council will ask the ministry personnel affected if they support the request. If the ministry personnel do not support the request, the requirement that the minister is given 90 days’ notice or salary and benefits in lieu of notice as provided in section I.3.1.6 will continue to apply, save for the following circumstances, where notice may be abridged or waived by the regional council upon recommendation of the governing body of the community of faith:
if the change to the terms and conditions of the call or appointment is the temporary layoff of the ministry personnel relating to the COVID-19 pandemic, and the governing body of the community of faith has:
 - a) declared its intention on behalf of the community of faith to recall the affected minister upon cessation of the COVID-19 pandemic; and**
 - b) demonstrated to the satisfaction of regional council that it has exhausted all funding sources;****
- v) all other requirements for making a pastoral relations decision, including minimum advance notice of the meeting and notice to the regional council, will apply to the extent possible, and with only such modifications as may be necessary in the circumstances as permitted by the regional council;**

- vi) **the regional council must ensure all of the requirements set out in this motion have been fulfilled to its satisfaction before it makes a decision on any pastoral relations matter;**
- vii) **except to the extent modified by this motion, the regional council continues to have the same role and decision-making authority on all pastoral relations matters; and**
- viii) **this change will be in effect until August 31, 2020, subject to earlier cancellation or extension by decision of the Executive or Sub-Executive of the General Council.**