

ANSWER TO OVERTURE 05-03 FROM THE SYNOD OF THE COVENANT

The Synod of the Covenant overtures the 223rd General Assembly (2018) of the Presbyterian Church (U.S.A.) to answer the 05-03 Overture from the Presbytery of Cincinnati with this overture:

- 1. The 223rd General Assembly (2018) hereby affirms the procedure outlined in Standing Rule K. 2. b. of the *Manual of the General Assembly*.**
- 2. The 223rd General Assembly (2018) hereby affirms the due process rights of all Presbyterians and church staff granted in the constitution and policies of the Presbyterian Church (U.S.A.).**
- 3. That the 223rd General Assembly directs the Stated Clerk to direct the Presbytery of Cincinnati and concurring Presbyteries to adhere to the principals found in Seeking to be Faithful Together: Guidelines for Presbyterians During Times of Disagreement (Adopted by the 2014th General Assembly (1992) of the Presbyterian Church (U.S.A.)**
 - “Treating each other respectfully so as to build trust, believing that we all desire to be faithful to Jesus the Christ.”
 - “Share our concerns directly with individuals or groups with whom we have disagreements in a spirit of love and respect in keeping with Jesus’ teachings.”
 - “Seek to stay in community with each other though the discussion may be vigorous and full of tension.”
- 4. The 223rd General Assembly (2018) rejects Overture 05-03 and similar efforts that subvert the judicial process that result in bullying and harassment of church leaders and staff.**
- 5. The 223rd General Assembly (2018) answers 05-03 (from Cincinnati Presbytery) with this overture of the Synod of the Covenant.**

RATIONALE

The Synod of the Covenant has petitioned the Stated Clerk to rule out of order Overture 05-03 from the Presbytery of Cincinnati since it violates Standing Rule K. 2. b. in the General Assembly Manual which states:

“Special administrative review of an alleged synod irregularity or delinquency may occur when a written request for such review is received by the Stated Clerk of the General Assembly from another synod or a presbytery within the synod of the alleged irregularity or delinquency. If the request relates to an alleged delinquency, the request can only be filed with the Stated Clerk after the failure or refusal of the synod to cure the alleged delinquency at its next meeting, having been requested to do so in writing prior to the meeting. When the request for special administrative review is received, the Stated Clerk shall convene a meeting of the Moderator of the General Assembly, the moderator of the Presbyterian Mission Agency, and the moderator of the Committee on the Office of the General Assembly. If the request is in order and all the

moderators agree that for the good of the church the special administrative review needs to be undertaken before the next meeting of the General Assembly (when the request could be considered by the whole General Assembly), the Moderator of the General Assembly shall appoint a special committee (Standing Rule K.1.) to conduct a special administrative review in accordance with G-3.0108b and report its findings and recommendations to the next General Assembly.” (Manual of the General Assembly 2018 – K.2.b.)

The Presbytery of Cincinnati failed to comply with the above quoted Standing Rule (K. 2, b.) and in the process has defamed the Synod Executive and violated his rights to due process.

The objective of Overture 05-03 is clearly not to follow the constitutional mandates that promote peaceable partnerships between church councils and safeguard the civil and ecclesial rights to due process. Overture 05-03 instead defames the character of the Synod Executive and appears to have a purpose to hinder collaboration and mutuality among colleagues.

There was no advance correspondence from any of the Presbytery or Presbytery Coordinating Council or any requests to address concerns or provide input into this overture prior to recommendation by coordinating councils and action by presbyteries. The Synod did not receive any related correspondence. In fact, the Presbytery of Mackinac did not even vote on concurring with Overture 05-03. The Coordinating Council of Mackinac Presbytery acted on its own without the vote of the Presbytery, without specific authorization by its bylaws, and without advance notice to the members of the Coordinating Council. The Synod of the Covenant found out about Overture 05-03 after the fact from a member of the Presbytery of Mackinac who received a letter from the Chair of the Coordinating Council dated 3/8/2018 regarding the action taken by the Coordinating Council at their meeting on 3/6/2018. The letter which was written by Rev. Jessica L. Paulsen, Council Chair stated *“The Presbytery of Cincinnati, through their General Presbyter the Reverend Doctor Nancy Kahaian, reached out to the Presbytery of Mackinac to request concurrence on an overture to General Assembly.”*

The Synod of the Covenant prior to Presbytery Coordinating Councils sending this action to Presbyteries was not given an opportunity to respond. The opportunity to respond would have included providing essential information and correcting some misinformation that ended up being given at some Presbytery meetings.

In accordance with K. 2. b of the *Manual of the General Assembly 2018* the Synod of the Covenant has not received a written request on any of these matters from any Presbytery. The Synod of the Covenant has not received a written request from any Presbytery regarding any of the items mentioned.

Furthermore, the Synod of the Covenant has not been informed that the Stated Clerk of the General Assembly has in fact received such a request and complied by the same mandate.

Inclusion of personnel matters in Overture 05-03 has already resulted in the improper discussion of personnel matters at presbytery coordinating councils and on the floor of Presbyteries without affording due process to the individual who was defamed and without opportunity to defend. Placing these assertions in Overture 05-03 publicly subverts due process and the rights and protections that are built into our disciplinary parliamentary procedures. These

items should not be part of the business of the Mid-Council Committee 05 and should have not been made public and without due process.

Since the Synod of the Covenant has not received from any Presbytery a request upon which a determination could be made that the Synod took an action or whether any other action by the Synod was an irregularity or a delinquency, we urge the 223 General Assembly to approve this Synod Overture and reject Overture 05-03 from Cincinnati Presbytery.

Approved on April 26, 2018 by the Synod Assembly of the Synod of the Covenant.