

### GUIDELINES FOR MINISTERIAL ETHICS

Concern for the ethical behavior of those chosen to lead in the community of faith is not a new issue. II Timothy 3:2a puts it in a phrase, "A church leader must be without fault." We can wrestle with the cultural and sexist assumptions of that author, but we continue to affirm the assumption that the behavior of church leaders is a matter of concern. In the past, cultural norms provided sufficient support that it could be said that "everyone knew" what constituted proper and/or expected behavior. However, in this generation we have seen waves of change sweep our society. Today we are often unclear on the ethics of our leaders. Behaviors once commonly accepted are now held up to the most severe examination. Other social codes once worthy of condemnation are overlooked as irrelevant or trivial infractions.

These guidelines are an attempt to make public some ethical assertions which for the most part have been unwritten. These guidelines are recommended for the purpose of maintaining a high standard for the professional ministry. The list is not intended to be all-inclusive, and no one should conclude that what is not on the list is therefore permitted. Rather, the listing reflects common areas in which problems arise.

#### STANDARDS FOR ALL MINISTER MEMBERS OF PRESBYTERY

1. Privileged Clergy Communication. It is a spiritual and professional duty of clergy to hold in confidence matters revealed to them in their counseling, caring, and confessional ministries. Each party in a relationship between ministers and those persons they see in their capacity as spiritual advisors has a responsibility to hold in confidence conversation between them. Therefore, the privilege of confidentiality rests with both the clergy and the party or parties involved. Clergy shall not divulge such privileged communication in a legal proceeding even if the party or parties waive their privilege. Although there may be extraordinary circumstances in which the ethical imperatives of disclosing certain matters takes priority over the ethical imperative of maintaining confidence, the minister must decide regarding such disclosure according to the circumstances and the dictates of the minister's conscience.

One of the most critical current issues regarding confidentiality relates to spousal or child abuse. The ethic of confidentiality is intended to assist people in getting help for their problems. It is not intended to prevent people from being held accountable for their harmful actions or to keep them from getting the help they need.

2. Sexual Misconduct. Two forms of sexual misconduct are covered in this heading and are beyond the bounds of acceptable behavior by members of the presbytery. The first is described as SEXUAL HARASSMENT. Sexual harassment is any verbal or physical advance that is known or ought reasonably to be known to be unwelcome, any unwanted request for sexual favors or attempts to punish by refusal to comply, or any sexual conduct which is offensive to the recipient or which interferes with the recipient's job performance. While primarily defined by behavior in the workplace, sexual harassment may also be experienced within relationships such as occur between clergy, church members and church employees.

The second form of sexual misconduct is ABUSE OF SEXUALITY . While it should go without saying, the relationship between a pastor and a church member is one of utmost trust. By professional ethics, and increasingly in civil law, this relationship is being described as similar to the relationship between a doctor and patient or a therapist and client. However, unlike such relationships, which are initiated by the patient or client, the relationship between pastor and parishioner is more ambiguous and multi-layered. It is a relationship which, on such occasions as death, illness, or crises, is not necessarily initiated by the parishioner; while, in other instances of pastoral care, such as counseling situations, it might indeed be initiated by the parishioner. Moreover, pastors inevitably experience different levels of intimacy with different parishioners: some relationships are very formal, others are social, others become close personal friendships. This requires the pastor to be all the more conscious of professional responsibility in general, and of sexual responsibility in particular. The relationship of trust placed in one professionally and ecclesiastically committed to the highest standards is such that some states have even decreed that "consent cannot exist" between persons who in other circumstances may have been legally permitted to engage in consensual sexual relationships. Therefore, it is professionally unethical and morally reprehensible for any pastor to engage in sexual relationships with any person not his or her spouse. It is also highly inadvisable for any single pastor to engage in a courtship with a parishioner without realizing that such a relationship will have a decided impact upon the relationships which the pastor has with the individual and the congregation.

#### STANDARDS FOR PASTORS OF CONGREGATIONS

1. Services for Members of Another Church. When a minister is called upon to officiate at a wedding, funeral, or baptism for families who are not members of his/her congregation, he/she should ascertain whether they are members of a different church or denomination. If they are members of another congregation or denomination, they should be urged to procure the services of their own pastor. If the persons are members of a Presbyterian church, the minister should consult with that pastor in advance of his/her services and explain the circumstances.
2. Local Membership Transfers. When persons desire to change their church affiliation within the same community, the receiving pastor should encourage those persons to communicate their desire to the pastor where they currently hold membership. This communication is designed first to encourage the transferring persons to consider seriously the change, and second, to remove possible misunderstandings between the pastors involved.
3. Calling on Members of Neighboring Churches. The pastor's first responsibility is to the congregation he/she serves, and he/she should concentrate calling on the members of that congregation in home or hospital. The minister does not normally call on one who is a member of another congregation; however, if a pastor is requested to make a courtesy call on a non-member, the non-member's pastor ought to be informed of the nature of the call.
4. Multiple Staff Relationships. In staff relationships, as in all intra-church relationships, the objective is to work together with a spirit of cooperation in nurturing the whole church. The pastor/head of staff has primary responsibility for establishing a harmonious relationship. To this end, all pastors should be understanding toward one another, respect the competence of each, offer constructive suggestions to one another, forgive misunderstandings, and be tolerant of differences of opinion and style of ministry.

A staff member should not aspire to succeed any other person on the staff. Innuendo and gossip should be strictly avoided. Staff members should be encouraged to speak openly and frankly about their differences and problems to the individual(s) with whom they differ and to the session's personnel committee. Loyal support between members of the staff is a tremendous help toward building a good esprit de corps. As members of the staff do their work with enthusiasm and confidence in each other, a stronger team ministry results.

If a person is working on a staff as an associate minister and feels unable to manage relationships with other staff members in a creative and effective manner, then he/she should consult with the presbytery executive and the Committee on Ministry for possible assistance in resolving the conflict.

5. When a Minister Leaves a Parish. When the relationship between the minister and the congregation is dissolved, that minister shall announce to the congregation that he/she will no longer be the pastor and, therefore, not available for pastoral services. It is also expected that the pastor's family members will be sensitive to issues related to closure. A former pastor may be called upon for services only when unusual circumstances exist. Such an invitation should come only from the present pastor or from the session. It is understood that the former pastor will not conduct such services, but will only assist the pastor in such services, as baptisms, weddings, or funerals unless specifically requested by the present pastor and session.

6. The Minister's Predecessor. The pastor(s) has the responsibility to be courteous to his/her predecessor. The years may have built up loyalties that are strong, and though a predecessor may do everything possible to discourage a family from seeking his/her services, it may be an act of grace in certain instances for the successor to consider inviting the family's former pastor. The wise pastor will observe that such an attitude may do more to move people to accept his/her own ministry than would resistance and "standing for one's rights" as the new pastor.

#### 7. Special Gifts and Honoraria

Individuals and congregations are often motivated to make "gifts" or additional payments to a pastor beyond his/her terms of call. Such payments can often create unintended problems for the pastor.

##### a. Payments from Individuals

Token, or small gifts, known as *de minimus*, are always acceptable and may be received graciously.

Payments for funerals, weddings, or other services, are clearly remuneration for services rendered and are considered income to the pastor, both for income tax and for social security. If, for some reason, the pastor intends to return the money to his/her church or another church, he/she should ask to have the check made payable directly to the church in order to avoid tax issues.

Pastors should do everything possible to discourage gifts that could not be considered *de minimus*, whether of cash or material objects or services. The pastor should encourage the would-be donor to give the cash or cash equivalent to the church instead. Pastors should always discourage a church member from naming him/her in the member's will. Instead the member should be encouraged to include the church in his/her will.

When a pastor retires or leaves a church, it is common for church members to assemble a "purse" of individual donations. Usually the names of the givers are not disclosed. It should be clear that the church is simply acting as a conduit for individual gifts to the pastor. Such donations are not tax-deductible, and individual members should not be given a church receipt for their donations. Because the money is really gifts from individuals, the IRS may consider it non-taxable income.

#### b. Payments from the Congregation

If a congregation and/or a session wishes to give additional compensation to a pastor over and beyond his/her terms of call, it should be clear that, as a pastor's employer, the church cannot give the pastor a "gift." It is typical for such a payment to be called a "bonus." All such payments are considered to be made for past or future services rendered and are subject to both income tax and social security. They also must be reported to the Board of Pensions as additional compensation.

For installed pastors, only the congregation has the power to approve additional compensation. The session cannot do it alone. For temporary positions, the session has that power.

#### STANDARDS FOR THOSE WHO LEAVE A PARISH

1. A Minister's Successor. When a pastor is called to another parish or retires, he/she should exercise due care not to influence by direction or indirection, by spoken or written word, the selection of a successor or the policies of the congregation and session. The pastor should be discreet when visiting a former parish. In most cases it would be appropriate to pay his/her respects to the successor. Frequent visits to one's former parish should be avoided.

When a pastor leaves a church or retires, he/she should exercise all care as to have no further influence upon the congregation. A former pastor should seek to be supportive of the new pastor's ministry.

#### STANDARDS FOR MINISTERS IN INTERIM POSITIONS

1. The Interim Pastor. In approving an Interim Pastor to serve a congregation the presbytery through the Committee on Ministry is seeking to extend its care to the congregation until a new pastor is called. To this end, the purpose of interim pastoral service is to: care for the grief and unresolved issues resulting from the previous pastor's departure; assist the congregation and its Pastor Nominating Committee through defining, clarifying and/or celebrating the congregation's unique mission and heritage; and preparing the congregation for a new pastor.

2. The Interim as Predecessor. Persons having served in an interim capacity are governed by the same ethical standards as are previous pastors. Ongoing relationships with the congregation in its life as a congregation are destructive of the ministry of the whole church. Personal relationships within the community if maintained are matters of great discretion.

#### STANDARDS FOR MINISTER MEMBERS NOT SERVING CONGREGATIONS

1. Other Ministers. All ministers who fall into the category of General Assembly's listing of "other ministers" should respect the position of the parish pastors regarding all ministerial functions within the community. Weddings, funerals, and baptisms should not be accepted by ministers-without-charge unless an invitation has been offered by the pastor or the session of the church involved. Ministers-without-charge may administer the sacraments only at the request of the local pastor or session or by permission of the presbytery. Ministers-without-charge ordinarily should not counsel with nor advise former members concerning problems in their churches, but should encourage them to seek the counsel of their pastors or the Committee on Ministry.

Approved by Presbytery

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