

Presbyterian Church (U.S.A.)
General Assembly Way Forward Commission

Administrative Action Regarding Trust and Transparency
June 12, 2018

“God alone is Lord of conscience”

There has long been a fundamental principle in our denomination for transparency and openness in process, information and discernment in order to engender trust, to allow for the work of the Holy Spirit to flow freely, and to reflect respect for the talent and perspectives of all members of our community. Our open meetings policies are just one manifestation of this underlying philosophy.

We acknowledge that the scriptures and our Reformed Christian tradition urges us to speak in love, tact, kindness, care and with proper decorum, being sensitive as Jesus was to the privacy and feelings of others. However, scripture and our Reformed tradition also urges us to speak the truth of our convictions. Over the past decades, becoming particularly acute in recent years, there has been an unwritten practice in some of our denominational agencies – perhaps put into place with the best intentions from experience in non-ecclesial or corporate contexts – that has resulted in an unhealthy institutional culture in our denomination at the staff and board levels of fear and intimidation with respect to limitations on free speech, freedom of conscience, and disclosure of information, unwarranted suspicion and claims of disloyalty, and non-compliance with the spirit of our denomination’s open meeting policies. This action does not alter or replace these open meeting policies.

Such restrictions on free and candid speech, claims of insubordination or demands for “loyalty” when speaking one’s truth privately or publicly, even informal pressure that weighs on an individual’s willingness to speak their truth and exercise freedom of conscience – especially when accompanied by intimidation or threats of termination or legal action – are all unconscionable at the Lord’s Table. Our ultimate loyalty lies with Jesus Christ our Lord and Savior and to His church as a whole, not to any particular agency or individual.

THEREFORE, in order to further the vision for the healthy functioning of the agencies of the national denomination in terms of institutional culture, transparency and openness; and because this vision is important enough to be lifted up in administrative action, ***the General Assembly Way Forward Commission hereby takes the following administrative action, effective immediately:***

Limits on Confidentiality. With respect to matters discussed in public, private, or in executive or confidential sessions of staff or governing entities (including committees of staff or governing entities), only such information shall be required to be kept confidential that directly relates to

- (a) personnel matters regarding a particular employee or position,
 - (b) pending sale, disposition or acquisition of property, or
 - (c) pending or threatened litigation (but not litigation that is merely possible),
 - (d) confidentiality obligations imposed by law or regulation,
 - (e) matters which may unjustifiably embarrass, humiliate or defame another or invade another’s privacy, with no legally allowable or constructive purpose;
- in each case if specifically designated as confidential;

and all other conversation and matters, including those related to process and application of confidentiality, shall not be subject to such confidentiality restrictions. Excepting the information listed above and under "Limitations" below, all individuals, including denominational staff and members of governing entities (boards, committees), shall be free to discuss and express their personal opinions both publicly and privately on any and all matters that fall outside those restrictions, consistent with their role in assuring fair deliberation of issues within the church, even if the underlying information was made known in executive or confidential session. They shall be free to do so without real or implied threat against their status, employment or reputation, so long as they are not using their position to boost their personal opinions. Moreover, no investigatory or disciplinary action may be taken in response to the exercise or purported exercise of these rights made in good faith.

Transparency of Financial Information. These principles also apply with respect to disclosure of accurate and verifiable financial information, including without limitation conversations and financial information with respect to budgets and sources/uses of funds. There has evolved a practice within certain denominational entities of restricting access to the full detail of financial information, even among staff who are responsible for a particular area. The guiding principle should always be towards full and complete disclosure of all accurate and verifiable information, with exceptions made sparingly, due to overwhelmingly clear and appropriate reasons, and determined collectively by leadership and the line-users of such information.

This principle of full disclosure is not intended as a license to allow those seeking information to burden or harass staff or board members of a church entity or agency by demanding such information in excessive or repeated ways. Though church agencies must provide clear financial reports and information regarding their ministries, it is also understood that certain items may not be disclosed if deemed to be privileged or confidential information as described above. It is also understood that the staff or board members of agencies shall refer inquirers to information when it is readily available through public records, the records of the Presbyterian Historical Society, General Assembly records, the records of the Office of the General Assembly or the like.

Inter-Agency Relationships. This transparency, openness, and full disclosure extends to relationships between and among agencies and other entities within the denomination as well. We are all part of the same body in Christ. Inter-agency exchanges, relationships and arrangements are not arms-length, third party transactions, and they must not be treated as such.

Limitations. This action does not alter any specific restrictions that are placed upon disclosure of information due to explicit requirements of (i) law or regulation, such as HIPAA, HITECH and other federal and state regulations; nor (ii) binding third-party contractual provisions in effect, such as donor-specified or third-party confidentiality restrictions; nor (iii) personal information of pensioners, donors, beneficiaries, investors, borrowers, or others whose information must remain protected for purposes of cyber security or customer confidentiality (which for data security might in some instances preclude the sharing of certain IT information); nor (iv) competitive market advantage, such as draft strategic plans or proprietary software; in each case only to the minimum restriction required. This action does not alter any existing arrangements in place between an agency or entity (including its governing board) and the General Assembly.

In speaking our truths and expressing our opinions, individuals should also act with prudence, respect, humility, discretion, love, and an acknowledgement that authority for decision-making for particular matters is placed in particular individuals or entities. Individuals that have taken on specific roles at the

General Assembly – resource people, platform and committee assistants, parliamentarians – by taking on that task have in effect chosen to limit their right of conscience in order to assist the assembly in its tasks, and therefore have a separate duty to refrain from attempting to influence the opinions of commissioners during the Assembly. Further, agency employees attending an Assembly should not use their presence to attempt to revisit internal agency decisions with which they disagree. For example, a staff member who lost the internal debate on agency priorities should not instigate a commissioner resolution to have GA direct PMA to reverse its priorities and reinstate the staff member's priority. However, these examples are exceptions to the general rule that staff members should be allowed to honestly express their views and concerns without fear of sanction or retaliation.

The Commission directs staff and governing entities of all six denominational agencies to review their policies and procedures, both formal and informal, to comply with the spirit of this administrative action, subject to any existing agreements between General Assembly and the agencies; and directs that, in all interpretation of the requirements of this administrative action, the minimal restriction on disclosure and/or speech required be put into effect.