

Constitutional Musings: Note 14

Evaluation of Stated Clerks and Executive Presbyters

The *Book of Order* at G-9.0405 gives directives to every governing body above the session, in consultation with the governing body above and below it, to develop a manual of administrative operations. Such manuals, according to G-9.0704, are to set forth clearly the process for filling all executive and administrative staff positions in all governing bodies above the session, guaranteeing the principles of participation and representation found in G-4.0403 and G-9.0104, and requiring that a representative search committee for these positions be set forth clearly in the manuals called for in G-9.0405.

At G-9.0701a the *Book of Order* requires, in regard to executives, that "... [a]dditional responsibilities, along with the process of calling, the method of annual review of work, and the matter of reelection or termination of employment, shall be set forth clearly in the manuals called for in G-9.0405...." We believe it is the wise presbytery and synod that is also clear in those manuals about the position of the Stated Clerk, as well as all the other positions on the presbytery or synod staff.

There is little information in the *Book of Order* about how presbyteries and synods ought to evaluate their stated clerk or executive. However, we are gaining enough experience in this subject area to comment. We do so in light of the enormous amount of time and energy that governing bodies expend in this area.

Evaluating the Stated Clerk

The Stated Clerk is one of two elected officers of middle governing bodies required by the Constitution (at G-9.0201), the other being the moderator. In carrying out ecclesiastical functions (i.e. *Book of Order* responsibilities: keeping minutes, writing official correspondence, giving constitutional opinions, staffing administrative and judicial commissions) the clerk is responsible directly to the governing body itself. However, a presbytery may surely delegate that oversight responsibility to another group (possibilities will be discussed below).

Part of the difficulty we see in evaluating stated clerks is that most middle governing bodies assign more than solely ecclesiastical responsibilities to their clerks. We often see responsibilities such as staffing programmatic committees, acting as recording secretary for council, or being an office manager or treasurer in position descriptions for stated clerks. For these more administrative and programmatic responsibilities the clerk is essentially a member of the staff team of which the executive is usually the head. Ideally, there should be a position description for the stated clerk role and a separate position description covering the programmatic tasks being expected of the person holding the stated clerk's role. Often the oversight, review, and evaluation of those different roles will be conducted by different bodies.

G-9.0404b says only that middle governing bodies will establish administrative staff positions and establish personnel and employment policies. G-11.0103v and G-12.0102r require only

that the governing body is to "provide for regular review" of the relationship between the governing body's mission and structure.

All this means that there is no constitutionally mandated review process for the stated clerk (or the executive staff). This is an area where the polity allows for great flexibility.

We often hear clerks suggest that only the governing body itself has authority to evaluate the clerk. We do not agree. We believe a middle governing body may lodge that responsibility in whichever group it chooses, whether that be a personnel committee, its council, or a staff relations committee. A very common practice is for the governing body's personnel committee (and we do not believe it is constitutionally significant whether this is a committee of the governing body or its council) to do the evaluation for both types of responsibilities for the stated clerk. However, the committee needs to be very deliberate in distinguishing between ecclesiastical and administrative/programmatic responsibilities. This is where the different position descriptions will be helpful. Careful delineation in the standing rules of the governing body about these various roles may also provide guidance.

Although the executive probably will be involved in the supervision of any programmatic tasks being done by the person who is also the stated clerk, the spirit of our polity is violated by a policy that gives the executive the responsibility to evaluate the stated clerk's ecclesiastical performance. We believe the executive always ought to be consulted in the evaluation of a stated clerk, but we do not believe it wise for the executive to provide staff services in that process. The executive should not be the evaluator, which would almost always result in conflict in the presbytery. In our experience, few conflicts are as threatening to the mission of a middle governing body as a conflict between its clerk and executive. Nevertheless, we believe it critical that the executive, if there is one, be involved in the evaluation process for both the stated clerk's ecclesiastical and programmatic/administrative responsibilities. This may be best accomplished if the committee conducting the review seeks out the opinions and observations of the executive in making its evaluation.

Evaluating the Executive Presbyter

It has been observed that it is more difficult to evaluate an executive than it is to evaluate a stated clerk since many of the responsibilities assigned to executives are harder to evaluate objectively than are those for a clerk. Accordingly we urge a governing body to exercise great care in developing procedures and structures for evaluating its executive. The governing body needs to develop a process that will elicit both positive and negative feedback in a context that will be useful for both the executive and the evaluating body.

Since there are fewer *Book of Order* provisions regarding executives than there are for stated clerks, there is even less consistency across our church in the duties individual governing bodies assign to their executives. Some have position descriptions that look very much like that of a chief executive officer. Other position descriptions have a more programmatic/missional focus. Still others have a more "pastor to pastor" focus. The focus usually dictates the composition of the group doing the evaluations.

Again, we believe the middle governing bodies have a great deal of discretion in formulating an evaluation process. A governing body may delegate this responsibility to a personnel committee, its council, or to a staff relations group of some kind. Note that we believe the responsibility must be lodged with a group, not an individual. We believe the stated clerk always ought to be consulted in the evaluation of an executive, but we again do not believe it wise for the clerk to provide staff services in that process. The clerk should not be the evaluator, which would almost always result in conflict in the presbytery.

For Both Stated Clerks and Executives

We believe several observations are equally relevant in evaluations of a stated clerk or an executive.

Who might have input?

1. Whatever evaluation process is utilized should contain a component that seeks to gather information from a wide range of members of the governing body on their experiences with the clerk or executive. At minimum, a deliberate attempt should be made to contact the committees or groups to which the person provides support.
2. Evaluation processes should also seek to ascertain the experience of persons in the higher and lower governing bodies in their work with the clerk or executive. This information will give the evaluators a very different kind of information than will be gleaned by surveying the governing body's own committee members and other staff.
3. Other staff persons are often a source of important information on both clerks and executives (and the interaction between them). However, great care must be given to assuring that information shared with the evaluating committee or council will not be given to the clerk or executive in a form that would put the staff persons at risk for actual or perceived retaliatory actions. The other staff persons need to feel and be safe.

Stated clerks are always (and executives are often) elected for a term. Annual reviews are usually helpful for both the clerk and the governing body. During the last year of the term the evaluating group should organize a more comprehensive review process with input from a much wider range of participants. This is also a time to seriously consider whether the current position description accurately describes what the stated clerk or executive is really doing.

What should be included?

There is such great diversity as to how middle governing bodies are organized that we hesitate to propose a "model process" for evaluation. Each governing body must develop its own policy in light of its unique organization. Our experience suggests that whatever processes are utilized, there are several questions that should be asked of persons whose opinions are sought in the evaluation:

1. What is your current responsibility in this governing body? (elder, pastor, member of a committee, etc.)
2. In what capacity have you worked with the SC/Exec?
3. Was the SC/Exec's participation helpful? Timely? Was information clearly stated?
4. In your experience, does the SC/Exec return phone calls, answer correspondence, keep appointments in a timely manner?
5. We suggest that the committee conducting the evaluation include a copy of the current position description and ask a few questions relating to the specific responsibilities described there. This will vary quite dramatically from governing body to governing body.

The Office of Governing Body Relationships or the Department of Constitutional Services will be happy to review such processes upon request. We are also willing to provide counsel to committees or councils responsible for conducting evaluations of stated clerks or executives upon request. We would also like to point out that the Office of Governing Body Relations (888-728-7228 ext. 8360) has released a guide to middle governing body searches which presbyteries and synods will find useful in recruiting and selecting executives and stated clerks.

What about termination?

There is a sense in middle governing bodies that the relationship with a stated clerk or executive cannot be ended prior to the end of a term. We do not believe this to be the case. We believe a middle governing body may terminate its relationship with its clerk or executive pursuant to the procedures described in G-9.0705 at any time.

A governing body may follow any procedures it deems wise in terminating an executive or a stated clerk, but we have learned (from the General Assembly Permanent Judicial Commission) that if a governing body has a policy, it must be followed. See *Brown v. Presbytery of San Diego (Minutes, Part I, 1995, p. 129)*. We also learned that the relationship may be terminated for a variety of reasons. In that case, the Commission noted that a governing body may sever its relationship for a reason as simple as "a desire for leadership in a different direction or change in style of leadership." (*Minutes, Part I, 1995, p. 129*) The Brown case dealt with an executive, but the rationale seems equally applicable to a stated clerk. If a governing body reorganized, or wanted a different style, we believe it can remove the clerk and elect a new one, even though we are not aware of a judicial commission ruling on that circumstance.

Issued July 2008
Updated August 2009