

**SPECIAL COMMISSION RE REFERENCE NO. 2, 2023**  
**PRESBYTERY OF EDMONTON-LAKELAND – DISCIPLINARY CASE**

To the Venerable, the 149th General Assembly:

**PREAMBLE**

The matter before the Special Commission re Reference No. 2, 2023 arose from a letter dated March 15, 2022, sent by the Rev. Harry Currie, minister of First Church, Edmonton, Alberta, to the Presbytery of Edmonton-Lakeland and to the Care Committee of the presbytery, copied to the Rev. Annabelle Wallace, the session and the Personnel Committee of First Church.

The letter expressed concerns the Rev. Currie had regarding certain actions taken by Mr. John Williams, a ruling elder on the session of First Church.

After consulting with the Clerks of Assembly, the presbytery deemed this may be an experience of harassment and established an investigating committee to address the concern in accordance with the Policy and Procedures for Addressing Harassment in the Church. (March 28, 2022)

The finding of the investigating committee was that harassment of the Rev. Currie by Mr. Williams had occurred. It was recommended that the Presbytery of Edmonton-Lakeland work with the session of First Church to remove Mr. Williams as a ruling elder on the First Church session. (June 8, 2022)

When the Presbytery of Edmonton-Lakeland met on June 21, 2022, the report of the investigating committee was received. At the same meeting, letters from Mr. Williams calling for the dismissal of allegations of harassment were also received. Mr. Williams, as is his right according to the Policy and Procedures for Addressing Harassment in the Church, asked for a full disciplinary case to be held.

Throughout subsequent months, the Presbytery of Edmonton-Lakeland met with Mr. Williams and consulted with the Rev. Donald Muir (Deputy Clerk) in an effort to explore alternatives other than Mr. Williams pursuing a disciplinary case. On November 16, 2022, Mr. Williams communicated with the presbytery via the Rev. John Dowds, stating clearly that he wanted to continue with the disciplinary case and requesting that the issue move forward.

In January 2023, a special committee of the Presbytery of Edmonton-Lakeland was formed to address the request by Mr. Williams for a disciplinary case to be conducted. The committee clearly wrestled with the best way to move forward, citing that a disciplinary case would be detrimental to the health and wellbeing of the congregation of First Church, to the session of First Church, who had lived with much stress and trauma and would not bring glory to God and would cause individuals to re-experience their conflict. (noted in January 31, 2023 special committee minutes)

In March 2023, the presbytery again wrestled with the question of how to proceed with a disciplinary case due to pastoral concerns and inability to maintain impartiality. They determined that the best course of action was to refer the issue to a higher court. (March 21, 2023)

The matter was then referred by presbytery to the 2023 General Assembly leading to the creation of this Special Commission.

**TERMS OF REFERENCE** (A&P, 2023, p. 20)

The terms of reference for the Special Commission, adopted by the General Assembly, are:

1. The commission is established under the authority of Book of Forms 290 having all the powers of the General Assembly within its terms of reference.
2. All parties shall be made aware that the judgment of the commission is final and must be obeyed (Book of Forms 290.4).
3. The procedures and actions of the commission shall be consistent with the laws of The Presbyterian Church in Canada (“PCC”), in particular, legislation regarding the conduct of a Corrective Case (Book of Forms 381 ff) and the principles of procedural fairness.
4. The commission shall be made up of five members of The Presbyterian Church in Canada.

5. The commission shall be given authority to call for, confirm and examine the judicial record (Book of Forms 378 ff) and any other records it deems to be relevant.
6. The commission shall be empowered to review and comment on the process and procedures followed by the Presbytery of Edmonton-Lakeland to arrive at its decision.
7. The commission shall be empowered to call before it, by citation, witnesses on behalf of the complainants and the respondent presbytery.
8. The commission shall meet expeditiously and, after its review and judgment, bring the matters to a conclusion with due regard for the best interests of all concerned and for the peace and harmony of the Church of Jesus Christ.
9. Reasonable expenses for the members of the commission to carry out their work shall be reimbursed according to provided guidelines.
10. The commission shall report its action to the 2024 General Assembly and shall use, insofar as is possible and appropriate, the following framework: Preamble, Terms of Reference, Membership, Procedures, Findings, Analysis, Decision and Judgment, Pastoral Comment.
11. The commission shall be supported by the Rev. Victor Kim (Principal Clerk) and Ms. Terrie-Lee Hamilton.

#### **MEMBERSHIP** (A&P, 2023, p. 42)

The membership of the special commission appointed by the General Assembly included: the Rev. Laura Kavanagh (convener), the Rev. Chris Clarke, Ms. Lori Kim den Otter, the Rev. Paul Kang, Ken Templeton, the Rev. Victor Kim (Principal Clerk) and Ms. Terrie-Lee Hamilton (Secretary).

#### **PROCEDURES**

When the date for trial was eventually set, L. den Otter needed to withdraw from the commission due to emergent family concerns.

The commission noted that two of the terms of reference (nos. 3 and 5) did not seem relevant as this was not a Corrective Case and there was no judicial record to examine. The commission clarified its mandate as determining the advisability of proceeding with a Disciplinary Case and if so, conducting the Disciplinary Case.

The commission reviewed the records and documents provided by Mr. Williams, the Rev. Currie, the session of First Church and the Presbytery of Edmonton-Lakeland.

The commission met via Zoom on two occasions to study and discuss all the information. References to the General Assembly from the Presbytery of Edmonton-Lakeland were reviewed along with the commission's responsibility and next steps were proposed.

The Policy and Procedures for Addressing Harassment in the Church states that:

If an acceptable resolution cannot be found or if the remedial action taken by the investigating committee is unacceptable to the complainant, the person may initiate a disciplinary case, which shall follow the steps outlined in the Book of Forms 345 ff, with the provision that sections 350–53 do not apply. Similarly, the respondent reserves the right to a disciplinary case, with the same provision, if not satisfied with the decision or corrective action decided by the investigating committee.

Given that Mr. Williams asked for a disciplinary case and given that the Presbytery of Edmonton-Lakeland agreed but requested the General Assembly conduct that disciplinary case, the commission prepared to do so.

The commission decided that all decisions and actions planned by the Presbytery of Edmonton-Lakeland and the session of First Church, Edmonton pertaining to this matter be suspended until the matter of the allegations of harassment by the Rev. H. Currie against Mr. J. Williams and any other matters pertinent to these allegations were fully concluded. While this decision of the commission suspended the removal of Mr. Williams as an elder of First Church, Edmonton, the commission, noting the circumstances around this issue, also directed the Rev. Harry Currie and Mr. John Williams to not have any contact with each other until the disciplinary case was completed.

Both parties were advised of the process regarding a disciplinary case (Book of Forms 345 ff), encouraged to review the information provided and to address questions regarding the process to the Rev. V. Kim (Principal Clerk).

A charge that included a clear description of the alleged offence, summary of evidence and witnesses to be called was prepared by the Presbytery of Edmonton-Lakeland. The accused (Mr. Williams) was notified.

The Presbytery of Edmonton-Lakeland charges Mr. John Williams with the harassment and bullying of the Rev. Harry Currie, minister, First Presbyterian Church, Edmonton, Alberta. The alleged offences of harassment occurred on several occasions over the period 2019 to 2022.

A date and location for the disciplinary case trial was set for February 1–2, 2024, at Millwoods Church, Edmonton. Witnesses were cited to appear in accordance with Book of Forms 354 ff.

The special commission met in Edmonton to prepare for the trial on January 31, 2024.

The trial proceeded in accordance with the process outlined in the Book of Forms 364ff.

### **FINDINGS / ANALYSIS**

This case brought to light a question about the Policy and Procedures for Addressing Harassment in the Church. In a small presbytery, if the policy is followed and then either party requests a full disciplinary case because they are dissatisfied with the judgement of the investigating committee, there are likely few people who have not already been engaged in the process to take on the disciplinary case. The process outlined in the Book of Forms 345 ff is detailed and very helpful but one can easily see that it is also a daunting one for a small group to follow, especially if they have already investigated through the Harassment Policy. This is the situation in which the Presbytery of Edmonton-Lakeland found itself and why they struggled to proceed with the disciplinary case in a timely fashion as they should have done.

The presbytery's attempt to dissuade Mr. Williams from pursuing a full disciplinary case was well intentioned but out of order, which is why the presbytery, at the same meeting at which it initially through the special committee determined not to pursue a disciplinary case, reversed itself and chose to grant Mr. Williams the right to a disciplinary case, albeit through a higher court.

### **DECISION AND JUDGMENT**

The Special Commission of the General Assembly, acting with the authority of that court and noting that these decisions are final and not subject to appeal, pronounced Mr. John Williams guilty of harassment.

According to the Book of Forms 364.8 the commission invited further testimony from the accused and the prosecution as to the appropriate censure to be imposed.

Censure is as follows:

- Mr. Williams is removed as a ruling elder of First Church, Edmonton and also as a member of the congregation.
- Mr. Williams is encouraged to seek membership in a different congregation to sustain his faith and ongoing spiritual growth, aware that any congregation considering adding him as a member would do so as an act of session or by reaffirmation of faith.

### **PASTORAL COMMENT**

In deciding the appropriate censure in this case, the commission sought to consider the pastoral wellbeing of all parties: the accused, the presbytery, the congregation and session of First Church and the Rev. Harry Currie. To that end, the commission considered the ongoing viability of a healthy pastoral relationship and determined that it was unlikely, if not impossible. The commission understands the imposition of censure to be a ministerial act, performed by the authority of the court, standing in the grace of God. The commission did not make its decision lightly or with any malice or desire to cause harm but in a spirit of meekness, with love and compassion, desiring the healing of past and current hurts and the ongoing spiritual health of all concerned.

The commission also prepared a communique (sent to the Clerk of the Presbytery of Edmonton Lakeland, now the Presbytery of The Northwest, the clerk of session of First Church, Edmonton and Mr. John Williams) outlining public communication regarding the recently concluded disciplinary case trial, re a charge of harassment laid by the Presbytery of Edmonton-Lakeland against Mr. John Williams. This was intended to assist the congregation of First Church, Edmonton and its clerk of session. Any further questions regarding the decision of the special commission would properly be referred to the Principal Clerk, the Rev. Victor Kim.

The special commission continues to pray for God's grace, healing and peace to be with all impacted by the decision.

Laura Kavanagh  
Convener