

**CANON 8**  
Of Parish Status and Oversight  
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**A THEOLOGICAL/CANONICAL RATIONALE FOR CANON 8**

The Church is the Body of Christ; Jesus Christ is the Head and all the baptized are members. The Body finds expression at a number of levels, with the Diocese, made up of the parishes, constituting the local Church. Parishes thus express the Church in a given place. The Body is made up, then, of interconnected and interdependent parts. For the Body to be effective in its mission it must be healthy. The traditional theological and canon law understanding of Church order is built upon the foregoing premise, which extends to every aspect of the life of the Body. To put it into practical terms, in the Episcopal Church the national Church, corporately known as the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, is the owner of all property (real or otherwise). The Diocese then functions as the steward of the assets of the national Church as a particular local Church. A parish, the smallest constitutive part of the Church, then functions as the local agent, holding its property (real or otherwise) for the benefit of Church as a whole. Additionally, within the stewardship responsibilities of the Diocese, the Trustees (and Executive Council) are charged with maintaining “Temporal Value,” the Standing Committee is charged with maintaining “Ministerial Efficacy,” and the Bishop is charged with maintaining the “Spiritual Virtue.” As such, any of the above may, from time to time, require the authority to amend and adjust the work of the parish (local agent) to ensure that their particular charge is being met; with the understanding that, as steward of that particular aspect of Diocesan ministry, it is their Canonical Obligation to maintain the quality and quantity of the same. Thus, when a part of the Body is not functioning optimally action must be taken to heal and restore it, spiritually or fiscally. It is the role of the Diocese, as steward, to undertake caring for a parish when its condition is unsound for the good of all concerned. This canon provides the means for providing such care, with the ultimate goal of restoring a part of the Body to full health.

The Very Rev. Steven A. Peay, Ph.D.

**SECTION 1. Purpose.** This Canon is intended to address the exceptional case of a Parish that appears to be in jeopardy, such that a degree of Diocesan intervention or oversight may be beneficial as a means of restoring the health of the congregation. It is not intended to diminish the traditional right and responsibility of Parishes in the Episcopal Church to govern themselves.

When a Parish is declared to be at risk, it shall be the obligation of all parties to labor to restore the Parish to a greater degree of health, setting forth problems to be addressed in an open, honest manner, and working toward the resolution of such problems in a climate of respect and charity, and for the greater good of the Church’s witness to its Lord.

SECTION 2. Initiation of Inquiry. An inquiry by the Ecclesiastical Authority may lead to the declaration of a Parish as being under review. This Canon may be initiated only under the following circumstances:

- (a) The Ecclesiastical Authority, believing that two or more of the conditions in Section 4 may exist, may initiate such inquiry; OR
- (b) The Standing Committee by vote of three-fourths of its members, believing that two or more of the conditions in Section 4 may exist, may petition the Ecclesiastical Authority to initiate such inquiry; OR
- (c) The Rector, or both Wardens, or a majority of the Vestry of such Parish, believing that two or more of the conditions in Section 4 may exist, may petition the Ecclesiastical Authority to initiate such inquiry.

After a proper request has been received, and determination by the Ecclesiastical Authority that the presumption of circumstances presented with the request is credible and would warrant continuation of the process, the inquiry will be initiated as follows:

- (a) The Ecclesiastical Authority shall transmit to the Parish verifiable written notice summarizing two or more at-risk circumstances, as described in section 4, indicating the reasons that could warrant designation of the Parish as at risk, and explicitly directing the Parish to cease and desist from any conduct which constitutes a breach, or to act affirmatively as canonical obligation requires; and,
- (b) The Parish shall acknowledge the commencement of the inquiry process in writing within 60 days. Failure to do so will not inhibit the process from beginning and may be considered an additional indication of at-risk condition.

SECTION 3. Inquiry by the Ecclesiastical Authority. Upon proper initiation as provided in Section 2, the Ecclesiastical Authority, either itself or through persons it may designate, shall conduct such inquiry into the condition of the Parish as it deems appropriate. Such inquiry shall include conversations with persons in the Parish. It may also include written or oral questions to the officers of the Parish or members thereof and examination of any books and records of the Parish. The Parish must cooperate in the inquiry by answering such questions fully, accurately, and promptly, and by making available the books and records of the Parish upon reasonable notice. If, after such inquiry, the Ecclesiastical Authority finds that two or more of the conditions in Section 4 exist in the Parish, the Ecclesiastical Authority may, with the concurrence of three-fourths of the Standing Committee, declare the Parish to be at risk, and give notice to the Executive Council of this status. In the event that the Standing Committee is the ecclesiastical authority, a three-fourths vote of that body shall be required along with the concurrence of the majority of the Executive Council.

SECTION 4. At Risk Conditions in the Parish. No declaration that a Parish is at risk may be made except upon a finding, following inquiry, that two or more of the following conditions exist in the Parish:

- (a) The failure of the Parish, for two years or more, to be financially self-supporting; (This does not apply to congregations who receive grants and development support under agreements with the diocese.)
- (b) The failure for at least two years to elect a Vestry;
- (c) The reliance of the Parish on the use of short-term Supply Clergy for a period of more than two years, unless the Parish is actively involved in a Clergy search process;
- (d) The failure to pay clergy compensation, insurance or other benefits as defined by the current letter of agreement between the clergy person and the parish;
- (e) A difficult and/or sudden departure of clergy;
- (f) The refusal or willful failure to arrange for representation of the Parish at an Annual Convention of the Diocese;
- (g) The failure or neglect to make canonically-required reports, including the annual parochial report to the Bishop, to complete the annual Parish financial review, or to pay diocesan assessments;
- (h) Persistent and significant instability or decline in the financial condition of the Parish, as evidenced by, for example, substantial invasion of the principal portion of endowment or trust funds in violation of the governing instrument of that fund.
- (i) Persistent failure to conform to the business methods in Church affairs required by the Constitution and Canons of the Episcopal Church or the Diocese, including those requirements relating to the bonding of treasurers or other custodians of funds, proper record keeping, proper maintenance of books of account, and the maintenance of adequate insurance;
- (j) The purchase, use, or conveyance of property of the Parish, or the incurring of debt, other than in conformity with the Constitution and Canons of the Episcopal Church and of the Diocese.

SECTION 5. Remedies. If a Parish is declared to be at risk in accordance with this Canon, the Ecclesiastical Authority, with the concurrence of three-fourths of the Standing Committee, may require the application of one or more of the remedies below, anything in the articles of incorporation or by-laws of such Parish to the contrary notwithstanding. The remedies shall be considered independent remedies with no requirement of exhaustion of certain remedies before the application of others. The remedies shall be set forth within a Restoration Plan for the parish to cure the conditions which led to their declaration as a Parish at risk, which plan shall be submitted to the Vestry or Bishop's Committee of the parish for their consideration and comment. The Ecclesiastical Authority, with the concurrence of three-quarters of the Standing Committee, may amend the plan. The plan shall take effect within 60 days after such submission in accordance with its terms. The Executive Council shall be given a copy of the Restoration Plan. Potential remedies may include:

- (a) Provision of support to the parish in the form of diocesan staff and resources,

consultants, etc. to work with the parish towards the goal of sufficiently ameliorating the conditions that led to the at-risk status.

(b) Appointment by the Ecclesiastical Authority of three or more adult communicants temporarily as a Bishop's Committee to govern the affairs of the Parish as Warden and Vestry, notwithstanding any other canonical or other provision for such governance, until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons;

(c) Designation of the Rector of the Parish as Priest-In-Charge, until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons;

(d) A process by which the parish's title(s) of real property shall be reviewed and, if needed, brought into conformity with the national "Dennis Canon" (1.7.4 in 2015 C&C)

(e) Such other measures as the Ecclesiastical Authority shall determine with the advice and consent of three-fourths of the Standing Committee, until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons.

#### SECTION 6. Restoration of the Parish to Regular Canonical Status.

Progress towards the completion of the Restoration Plan shall be reviewed at a meeting of the Ecclesiastical Authority and Standing Committee on an ongoing schedule, set within the terms of the restoration plan itself. The time frame between reviews shall not exceed six months. The review should include input from the leadership of the affected parish.

A Parish shall be declared to be no longer a Parish at risk when the Ecclesiastical Authority, with the advice of the Standing Committee, determines that all of the requirements of the Restoration Plan have been satisfied. A written notice of the satisfaction of the Restoration Plan shall be sent to both the Standing Committee and the Executive Council.

## GLOSSARY OF COMMON TERMINOLOGY

The following definitions are provided for convenience, and are not intended to supersede any canon; the latter shall govern in case of any conflict.

**Advice and Consent (In regards to Standing Committee):** In regards to canons requiring a bishop to consult the standing committee of a diocese, two different terms are used. Advice means that the bishop must seek the input of the Standing Committee, but does not require a resolution supporting his or her action. Consent means that the bishop must seek a resolution approved by the majority (unless specified otherwise in the canon itself) of the Standing Committee before taking action under canon.

**Assisted Parish:** The assisted parish is dependent on diocesan funding, and has a different governance status than a self-supporting parish. The Bishop is the rector of an assisted parish and the vicar is the ecclesiastical presence in that parish. In lieu of a vestry there is a bishop's committee (see Bishop's Committee below).

**Bishop's Committee:** A lay committee analogous to the vestry of a parish, with direct oversight, fiduciary responsibility and leadership of an assisted parish. The bishop's committee may be asked for input in making appointment of the priest to serve as the bishop's vicar.

**Congregation:** A worshipping community of Christians who gather weekly at Christ's altar to experience God's redemptive love by communal worship, and who then carry on this redemptive work in the world as the risen body of Christ. Through regular worship and service, the lives of members are brought before God and one another in a sacramental process that extends from baptism to burial. A congregation may be a self-supporting parish or an assisted parish.

**Ecclesiastical Authority:** Governs and acts for the Diocese in all matters not specifically reserved to another body (such as the Standing Committee). The Bishop Diocesan is normally the Ecclesiastical Authority. In his or her absence or disability, the Bishop Coadjutor, a Bishop Suffragan or the Standing Committee may become the Ecclesiastical Authority, depending on the circumstances.

**Executive Council:** Beyond the Bishop, Standing Committee, and Title IV Committees, national canons do not specify further representative bodies within a diocese, and dioceses handle these governance roles in different ways. Established under Article XIV of the diocesan constitution, the Executive Council's duties are set initially under Diocesan Canon 7 and expanded elsewhere. The main function of the Council is to "Exercise all powers of the Diocesan Convention between meetings thereof other than those specifically delegated to the Standing Committee." The membership of the Council is specified in Diocesan Canon 7 section 3. At-large members include six lay and six clergy members elected to three-year terms by the Diocesan Convention.

**Interim Priest:** An ordained leader of a parish; appointed by and reporting directly to the bishop. The interim priest has the specific vocation to work with parish leadership in preparation for calling new clergy leadership. The time of service is mutually agreed upon by the bishop, interim priest, and vestry or bishop's committee.

**Inquiry:** The investigative step of a procedure under the proposed canon 8. During an inquiry, the Ecclesiastical Authority and any designees examine possible at-risk conditions in a parish. It

is possible, in fact desirable, that during the initial inquiry process those presenting conditions may be ameliorated. Thus, the process could be ended before moving to the next step of a vote by the bishop and Standing Committee to determine whether to declare the parish at-risk and the application of formal remedies.

**Mission:** A new ministry initiative, approved by the bishop and Standing Committee and overseen by the bishop, who shall appoint its officers, bishop's committee, and a vicar or priest-in-charge. For canonical purposes missions shall be treated and governed as assisted parishes.

**Priest-in-Charge:** Ordained leader of a parish or mission; elected by the vestry for a specific period of time. At a future date as mutually agreed upon a decision will be made about extending a call as Rector to the Priest-in-Charge. The Priest-in-Charge is the chief sacramental and liturgical leader of a parish and the ecclesiastical authority of the parish. The priest-in-charge serves a self-supporting parish. He/she has authority and responsibility for worship and the spiritual jurisdiction of the parish, subject to the doctrine and discipline of the Episcopal Church, and the pastoral direction of the bishop. The use of the church and parish buildings and furnishings are under the control of the priest-in-charge. The priest-in-charge or a designated member of the vestry presides at all vestry meetings.

**Rector:** Ordained leader of a parish; elected by the vestry; having tenure in their position from the time of their election. A rector is the chief sacramental and liturgical leader of a parish; the ecclesiastical authority. A rector serves a self-supporting parish. The rector has authority and responsibility for worship and the spiritual jurisdiction of the parish, subject to the doctrine and discipline of the Episcopal Church, and the pastoral direction of the bishop. The rector is responsible for selection and supervision of all assistant clergy and lay staff, who serve at the discretion of the rector. The use of the church and parish buildings and furnishings are under the rector's control. The rector or a member of the vestry designated by the rector presides at all vestry meetings.

**Self-supporting Parish:** It is the policy of the Diocese that all Parishes should be "Self-Supporting." A Parish which is "Self-Supporting" is defined as a Parish or parish ministry initiative that exhibits these characteristics:

- (a) It is able to maintain a place of worship.
- (b) It provides or exceeds the minimum clergy compensation approved by convention.
- (c) It remains current in payment of its diocesan assessment and pays its own operating expenses.
- (d) It relies mainly on the freewill offering of its members and its own resources for its core financial support.
- (e) It does not endanger its future well-being by depleting its capital assets.

A self-supporting parish will also display the following hallmarks of health and vitality, which are identified as attributes to ascribe to, rather than as benchmarks of performance or success:

- (a) It is mission-focused and able to come into alignment with Diocesan strategic

priorities.

- (b) It is outward-looking and seeks to make an impact on its surrounding community.
- (c) It has clergy (full or part-time) and active lay leadership with the skills to manage the programs and property of the parish ministry to meet its own sense of mission.
- (d) It has the energy and resources to engage the challenges of the community it serves and to provide for the future well-being of parish life.

**Supply Priest:** A priest supplying pastoral and/or sacramental ministry in the absence of a rector, priest-in-charge or vicar. A list of approved supply priests is maintained by the Diocese.

**Vestry:** The elected lay-leaders of the parish, including the Senior and Junior Wardens, who, in concert with the Rector or Priest-in-Charge has responsibility for the direct oversight, fiduciary responsibility, and leadership of the self-supporting parish.

**Vicar:** An ordained leader of a parish; appointed by and reporting directly to the bishop with an annual Letter of Agreement. The vicar is the chief sacramental and liturgical leader, and the ecclesiastical authority of the parish. The vicar serves an assisted parish. He/she has authority and responsibility for worship and the spiritual jurisdiction of the parish, subject to the doctrine and discipline of the Episcopal Church, and the pastoral direction of the bishop. The use of the church and parish buildings and furnishings are under the control of the vicar. The vicar or a designated member of the bishop's committee presides at all vestry meetings.