



Resolution Number: 1991-D193
Title: Add Canon III.19 [Reconciliation of Disagreements Affecting the Pastoral Relationship] and Renumber Accordingly
Legislative Action Taken: Concurred As Submitted
Final Text:

Resolved, the House of Deputies concurring, **That a new Canon 19 be added to Title III, subsequent Canons to be renumbered, as follows:**

Canon 19.
Of the Reconciliation of Disagreements Affecting the Pastoral Relation

When the pastoral relationship in a parish between a Rector and the Vestry or Congregation is imperiled by disagreement or dissension, and the issues are deemed serious by a majority vote of the Vestry or the Rector, either party may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to resolve the disagreement. The Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under the circumstances for that purpose by the Ecclesiastical Authority, which may include the appointment of a consultant. The parties to the disagreement, following the recommendations of the Ecclesiastical Authority, shall labor in good faith that the parties may be reconciled. Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop of a neighboring Diocese to perform the duties of the Ecclesiastical Authority under this Canon.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Phoenix, 1991* (New York: General Convention, 1992), p. 797.

TOPIC/TITLE: Amend Canon III.9.12-21
PROPOSER: The Very Rev. Terry A White
C&C PAGE: 90-92
BB PAGE:

1 *Resolved*, the House of _____ concurring, That Canon III.9.12-21 is hereby amended
2 to read as follows:

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4 **Sec. 12.** Reconciliation of Disagreements Affecting the Pastoral Relation

5 When the pastoral relationship in a parish between a Rector and the Vestry or
6 Congregation is imperiled by disagreement or dissension, and the issues are deemed
7 serious by a majority vote of the Vestry or the Rector, either party may petition the
8 Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to
9 resolve the disagreement. *The written petition shall include sufficient information to*
10 *inform the Ecclesiastical Authority and the parties involved of the nature, causes, and*
11 *specifics of the disagreements or dissension imperiling the pastoral relationship.* The
12 Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under
13 the circumstances for that purpose by the Ecclesiastical Authority, which may include the
14 appointment of a *qualified consultant or trained mediator.* The parties to the
15 disagreement, following the recommendations of the Ecclesiastical Authority, shall labor
16 in good faith that the parties may be reconciled. Whenever the Standing Committee is
17 the Ecclesiastical Authority, it shall request the Bishop of a neighboring Diocese to
18 perform the duties of the Ecclesiastical Authority under this Canon.

19 **Sec. 13.** Dissolution of the Pastoral Relation

20 *A) Except upon mandatory resignation by reason of age, a Rector may not resign as*
21 *Rector of a parish without the consent of its Vestry, nor may any Rector canonically or*
22 *lawfully elected and in charge of a Parish be removed there from by the Vestry against*
23 *the Rector's will, except as hereinafter provided.*

24 ~~**Sec. 14.**~~ *B) If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral*
25 *relation, and the parties cannot agree, either party may give notice in writing to the*
26 *Ecclesiastical Authority of the Diocese with a copy available to the Rector or Vestry.*
27 *Such notice shall include sufficient information to inform the Ecclesiastical Authority and*
28 *all parties involved of the nature, causes, and specifics requiring the dissolution of the*
29 *pastoral relationship. If the parties have participated in mediation or consultation*
30 *processes under III.9.12, a separate report from the mediator or consultant will be*
31 *submitted to the Ecclesiastical Authority with copies available to the Rector and Vestry.*
32 Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall
33 request the Bishop of another Diocese to perform the duties of the Bishop under this
34 Canon.

Endorser(s): The Rev. Zabron A Davis III, The Rev. Frederick E. Mann

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1 ~~Sec. 15.~~ C) Within sixty days of receipt of the written notice ~~the Bishop, as chief pastor~~
2 ~~of the Diocese,~~ *the Bishop Diocesan or the Bishop exercising authority under this canon*
3 ~~shall~~ *may initiate further mediate mediation the differences and reconciliation processes*
4 between Rector and Vestry in every ~~informal~~ way which the Bishop deems proper, ~~and~~
5 *The Bishop* may appoint a committee of at least one Presbyter and one Lay Person, none
6 of whom may be members of *or related to* the Parish involved, *to interview the Rector*
7 *and Vestry and report to the Bishop on the cooperation and responsiveness of the parties*
8 *involved in the processes required by the Bishop. A copy of this report shall be available*
9 *to the Vestry and Rector.*

10 ~~Sec. 16.~~ D). If the differences between the parties are not resolved after completion of ~~the~~
11 *mediation or other reconciliation efforts or actions prescribed by the Bishop,* the Bishop
12 shall proceed as follows:

13 (a) (1) The Bishop shall give *written* notice to the Rector and Vestry that a godly
14 judgment will be rendered in the matter after consultation with the Standing Committee
15 and that either party has the right within ten days to request in writing an opportunity to
16 confer with the Standing Committee before it consults with the Bishop. *The Bishop's*
17 *written notification shall include sufficient information to inform the Standing Committee*
18 *and the parties involved of the nature, causes, and specifics of the unresolved*
19 *disagreements or dissension imperiling the pastoral relationship.*

20 (b) (2) If a timely request is made, the President of the Standing Committee shall
21 set a date for the conference, which shall be held within thirty days.

22 (c) (3) At the conference, each party shall ~~be attend and be~~ entitled to
23 representation and to present its position fully *and completely.*

24 (d) (4) Within thirty days after the conference or after the Bishop's notice if no
25 conference is requested, the Bishop shall confer with and receive the recommendation of
26 the Standing
27 Committee; thereafter the Bishop, as final arbiter and judge, shall render a *written* godly
28 judgment.

29 (e) (5) Upon the request of either party, the Bishop shall explain the reasons for
30 the judgment. If the explanation is in writing, copies shall be delivered to both parties.
31 *Either party may request the explanation be in writing.*

32 (f) (6) If the pastoral relation is to be continued, the Bishop shall require the
33 parties to agree on definitions of responsibility and accountability for the Rector and the
34 Vestry.

35 (g) (7) If the relation is to be dissolved:

36 (1) (a) The Bishop shall direct the Secretary of the Convention to record
37 the dissolution.

38 (2) (b) The judgment shall include such terms and conditions including
39 financial settlements as shall seem to the Bishop just and compassionate.

40 ~~Sec. 17.~~ (8). In either event, the Bishop shall offer appropriate supportive services to the
41 Priest and the Parish.

42 ~~Sec. 18.~~ E). In the event of the failure or refusal of either party to comply with the terms
43 of the judgment, the Bishop may impose such penalties as may be set forth in the
44 Constitution and Canons of the Diocese; and in default of any provisions for such

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1 penalties therein, the Bishop
2 may act as follows:

3 (a) (1) In the case of a Rector, suspend the Rector from the exercise of the priestly
4 office until the Priest shall comply with the judgment.

5 (b) (2) In the case of a Vestry, invoke any available sanctions including
6 recommending to the Convention of the Diocese that the Parish be placed under the
7 supervision of the Bishop as a Mission until it has complied with the judgment.
8 ~~Sec. 19-F~~. For cause, the Bishop may extend the time periods specified in this Canon,
9 provided that all be done to expedite these proceedings. All parties shall be notified in
10 writing of the length of any extension.
11 ~~Sec. 20-G~~.

12 (a) (1) Statements made during the course of proceedings under this Canon are not
13 discoverable nor admissible in any proceedings under Title IV provided that this does not
14 require the exclusion of evidence in any proceeding under the Canons which is otherwise
15 discoverable and admissible.

16 (b) (2) In the course of proceedings under this Canon, if a charge is made by the
17 Vestry against the Rector that could give rise to a disciplinary proceeding under ~~Canon~~
18 ~~Title IV-F~~, all proceedings under this Canon with respect to such charge shall be
19 suspended until the charge has been resolved or withdrawn.
20 ~~Sec. 21. H~~) Sections 12 or 13-20 of this Canon shall not apply in any Diocese which has
21 made a provision on this subject in its Canons which is consistent with this Canon *and*
22 *provides proper procedural and due process safeguards as required by this Canon.*

23 *Note: All subsequent Canons in Title III would be renumbered*
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EXPLANATION:

These sections of Title III represent methods for reconciling or removing a priest from his or her cure. While in many instances this action may be in the best interest of all concerned and non-adversarial, it is possible that this canon could be used in such a way as to remove a priest for questionable or dubious cause and in an adversarial way. Unlike Title IV proceedings, there are no procedural or due process safeguards in the existing Title III, Canon 9, Sections 12-21. This amendment intends to provide minimal intrusion in the existing use of this canon while at the same time insuring some procedural and due process safeguards for the clergy if this Canon is applied incorrectly or abused. It in no way diminishes the Bishop Diocesan's authority under this Canon.

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