



Polity 102: What does your Diocese do? Understanding the Roles of the Bishop, Standing Committee, Council and Trustees

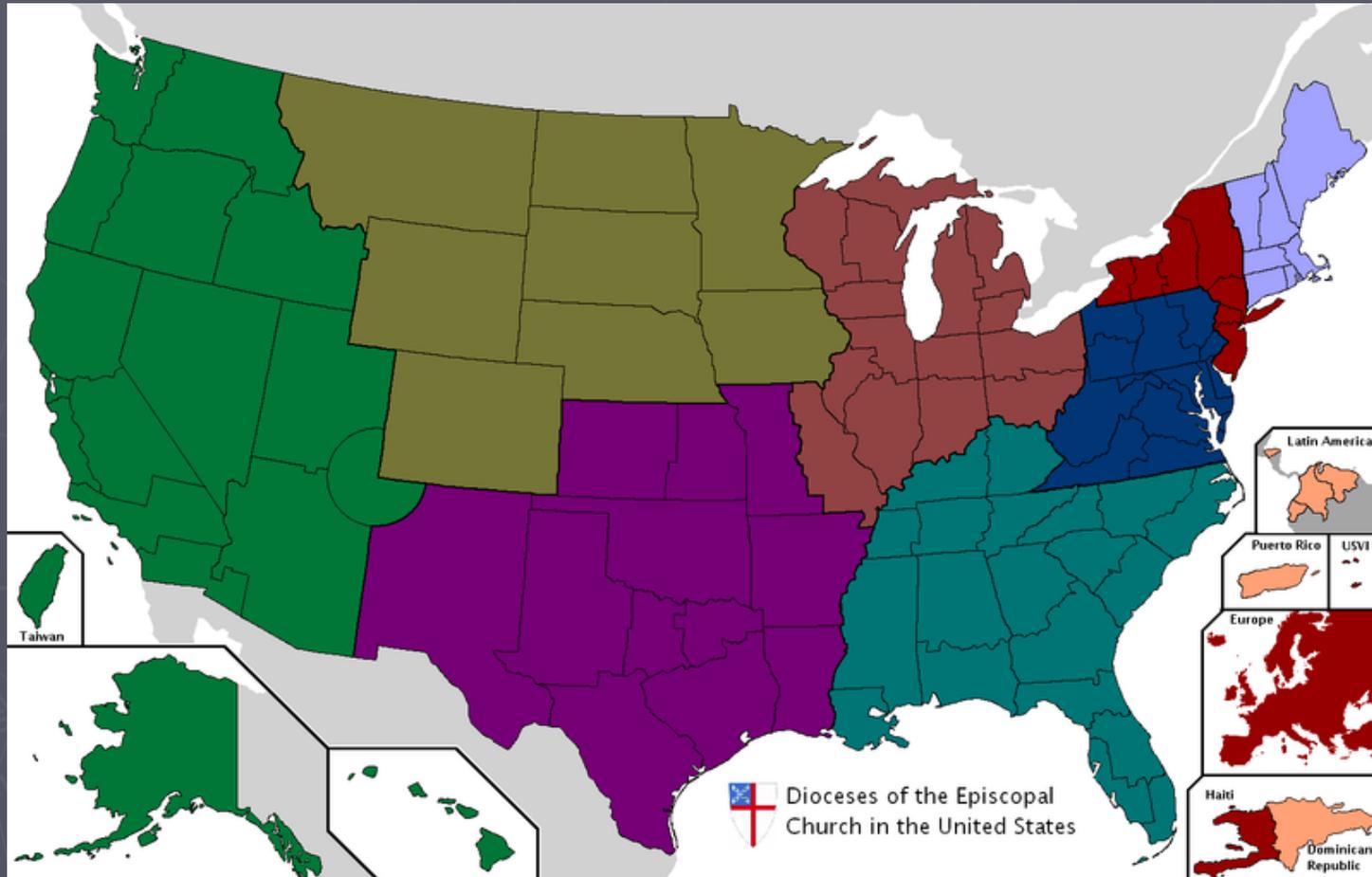
Diocese of Newark
Vestry University
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What is the Episcopal Church?

- ▶ Formally established shortly after the American Revolution
 - Church of England required loyalty to the British Crown
- ▶ Now over 2 million baptized members
- ▶ Approx. 7,000 parishes and missions
- ▶ Nearly 300 active bishops
- ▶ Approx. 6,700 active clergy

What is the Episcopal Church?

- ▶ 109 dioceses, grouped into 9 provinces in the U.S. and other countries.



Polity

- ▶ Miriam Webster defines as "the form of government in a religious structure"
- ▶ Single most important description of our polity is in our title: "episcopal" from the Greek word, "episcopas" meaning "overseer".
- ▶ Hierarchical in structure with chief authority over local church resting in a bishop. Bishop also chief authority of diocese, conference and synods.

Polity

- ▶ Bishop's authority both sacramental and political: performs ordinations, confirmations, consecrations and supervises clergy
- ▶ Not usually a simple chain of command, some authority vested in lay and clerical counsels

Differ from Other Religious Organizations

- ▶ Presbyterian: authority rests primarily in assemblies of elders;
- ▶ Congregational: Self-governed local churches that are not answerable to elders or bishops

Levels of Our Church Polity

- ▶ Anglican Communion (Worldwide)
- ▶ The Episcopal Church (National plus some out of country provinces)
- ▶ Diocesan Level

Episcopal Church has three tiers

- Top Tier: General Convention (every 3 years)
- Next Level: Dioceses
 - ▶ Each Diocese has a Bishop (and perhaps other Bishops who assist the Diocesan Bishop), a Standing Committee, an annual Diocesan Convention and a Diocesan Council
- Third Tier: Individual Parishes
 - Each Parish has a vestry (a group of parish members similar to a board of directors) and a warden (or a senior and junior warden) who serves as lay leader(s) of the vestry
 - ▶ Each tier of government includes both clergy and lay leaders, and has specific responsibilities for oversight and governance of the Episcopal Church and its Dioceses and Parishes

General Convention

- ▶ Highest authority in the Episcopal Church
- ▶ Adopts resolutions for the Episcopal Church and approves any changes to our Constitution and Canons
- ▶ Two houses
 - House of Bishops – approx. 300 active and retired bishops
 - ▶ Led by Presiding Bishop, who also serves as Chief Executive Officer of the administrative organization for the Church
 - House of Deputies – approx. 800 elected deputies (50% clergy – 50% lay)
 - ▶ Led by President of the House of Deputies (may be clergy or lay leader)
 - Houses meet and decide separately, but both must agree to legislation in the same form for it to be approved
- ▶ Last General Convention (78th) was just held June 25 – July 3, 2018 in Salt Lake City

Constitution & Canons

- ▶ The controlling “law” of the Episcopal Church can be found in its Constitution and Canons, and resolutions passed by General Convention
 - Constitution creates overall governance structure
 - Canons are more like individual laws – more detailed
- ▶ Each Diocese also has its own constitution and canons to guide its work
 - But all Dioceses must accede to, and be subordinate to, the Constitution and Canons of the Episcopal Church

Four Main Bodies of the Diocese

- ▶ The Bishop (and his Office)
- ▶ The Convention or Council (In Between Sessions)
- ▶ The Standing Committee
- ▶ The Trustees of the Episcopal Fund and Diocesan Property

Role of Bishop

▶ CANON 7 DIOCESAN ADMINISTRATION

- ▶ 1. **The Bishop** shall be responsible for the administration and implementation of all programs and functions adopted by the Convention.
- ▶ 2. **The Bishop** may allocate responsibilities for the program of the Convention among designated departments, commission, and the committees as necessary, which shall be subject to his /her regulation and control.
- ▶ 3. **The Bishop** shall be responsible for the coordination of the various Diocesan activities, organizations, and institutions, among themselves and with their counterparts in the General Church.
- ▶ 4. **The Bishop** may determine the manner and composition of each department, commission or committee, whether by the Bishops own appointment, by Convention election, or otherwise subject to the provisions of such departments, etc., as may be incorporated, etc.

Bishop's Role

- ▶ **4. The Bishop** may determine the manner and composition of each department, commission or committee, whether by the Bishops own appointment, by Convention election, or otherwise subject to the provisions of such departments, etc., as may be incorporated, etc.
- ▶ **5. The Bishop** shall have the authority to employ and supervise such staff as may be necessary to administer the affairs of the Diocese within the limits of the administrative and program budget.
- ▶ **6. The Bishop** shall assist the Diocesan Council in its function of review and evaluation.
- ▶ **7. The Bishop** and staff shall participate in the planning process as necessary and as requested.

Bishop's Role

- ▶ 8. **The Bishop** may delegate any of the foregoing responsibilities to the Suffragan Bishop, if there be one.
- ▶ 9. Whenever **the Bishop** shall leave the Diocese, the **Bishop** may designate the Suffragan, **Bishop** if there be on, to be the ecclesiastical authority of the Diocese during the absence of the Bishop.

Bishop's Role

CANON 9 PARISHES and MISSIONS

3. CREATION OF MISSION

- ▶ (a) Mission shall be created by the **Bishop** who shall be ex-officio the rector thereof and who may appoint a Vicar to be in charge of each Mission and to serve during the pleasure of the **Bishop**.
- ▶ (c) Such organization meeting shall be held on the call of the **Bishop**, or at his/her direction or the Archdeacon having jurisdiction. The meeting shall be presided over by the **Bishop** ...or by a priest designated by the **Bishop**. At the organization meeting such persons shall be entitled to vote as shall sign an application for the establishment of the Mission in such form as the Bishop shall required.
- ▶ (d) **The Bishop** may appoint one (1) or two (2) Wardens and a Treasure for the Mission.
- ▶ (e) The annual election of members of the Executive Committees shall be held on the Monday following the first Sunday in Advent or such other day as the Bishop shall appoint...The Vicar, or such persona as may be designated by **the Bishop**, shall preside at all meetings of the Mission or Incorporated Mission of the Executive Committee.
- ▶ (f) **The Bishop** shall have the power to set aside any election, to suspend the annual election and to remove from office any and all officers and members of the executive Committee for a Mission.
- ▶ (g).... Upon the Mission becoming an incorporated Parish in union with the Convention, the said Department, or such corporation, shall with the consent of **the Bishop** and Standing Committee transfer all such property to the Parish.

Bishop's Role

- ▶ **CANON 12 EMERGENCY POWERS**

- ▶ 12. EMERGENCY POWERS

- ▶ (a) In the event that the capital assets of a Parish are in imminent danger of being transferred, expended or dissipated in violation of the Canons of the Episcopal Church, the **Bishop**, with the consent of three-fourths (3/4) of the members of the Standing Committee, may direct that no such transfer or expenditure be made pending a determination by the Diocesan Council as to whether reclassification to Aided Parish Status is appropriate. (b) In the event that the Treasurer of any Parish fails to act in accordance with his or her duties or engages in acts which are contrary to his or her duties or the Canons of the Episcopal Church, and the Vestry having failed to secure the Treasurer's compliance with his or her duties or the Canons, the **Bishop**, with the consent of three-fourths (3/4) of the members of the Standing Committee, may temporarily suspend such Treasurer and appoint a temporary replacement until the Treasurer either resigns from that office or agrees to comply...

- ▶ 13. DISSOLUTION OF MISSIONS

- ▶ The **Bishop** and Standing Committee in any case where they deem it to be in the best interest of the Church to terminate a Mission may declare such Mission to be dissolved.

Bishop's Role

▶ CANON 10 LEASES

- ▶ A Parish may enter into a lease or leases of Parish-owned property, other than for residential use, without prior consent of the **Bishop** and Standing Committee provided the terms of such lease does not exceed (1) year in duration and the lease does not obligate the Parish to extend or renew the tenancy beyond one year...

Bishop's Role

▶ CANON 17 ECCLESIASTICAL DISCIPLINE

▶ 5. INTAKE OFFICER

- ▶ The **Bishop** shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.
- ▶ The **Bishop** shall appoint one or more persons to serve as Intake Officers to whom information regarding offenses is reported.
- ▶ The person so appointed shall serve at the **Bishop's** discretion.

▶ 6. INVESTIGATOR

- ▶ The **Bishop** shall appoint one or more investigators in consultation with the President of the Board. The Investigatory may but need not be a Member of the Church

▶ 7. CHURCH ATTORNEY

- ▶ Within sixty (60) days following each annual Convention, the **Bishop** shall appoint and the Standing Committee shall approve one or more attorneys to represent the Church in proceedings contained in Canon 2 of Title IV. In addition the **Bishop** may appoint a successor Church Attorney to replace a Church Attorney who has been removed for cause or has resigned. ...

Bishop's Role

▶ 8. ADVISORS

- ▶ a. The **Bishop** shall appoint Advisors to Respondents and Complainants for the purposes and at the time provided in Canon 1, Section 10 of Title IV.

▶ 9. PASTORAL RESPONSE COORDINATOR

- ▶ The **Bishop** may appoint a Pastoral Response Coordinator to serve at the will of the **Bishop** in coordinating the delivery of appropriate pastoral responses provided for in Canon 8, Title IV...

▶ 10. PUBLICATION

- ▶ Pursuant to Canon 6, Title IV the **Bishop** shall publish to the congregations and members of the Diocese information concerning the methods and means of reporting Offenses.

▶ 11. RECORDS

- ▶ The **Bishop** shall make provision for the permanent storage of records of all proceedings under the Title at the Diocese and the Archives of the Episcopal Church as prescribed by Title IV.

Bishop's Authority under National Canons

- ▶ The word "bishop" appears 262 times.
- ▶ See attachment to handout on Bishop's role under TEC Canons.

Diocesan Convention

- ▶ By our Diocesan Constitution our Diocese: is a "constituent part of the Protestant Episcopal Church in the United States of America and it "accedes to the Constitution and Canons of that Church" (Art. I)
- ▶ Required to be held yearly (Art II)
- ▶ Composed of lay and clergy representatives from each church in the diocese. (Art. IV).
- ▶ It elects the Bishop; members of Standing Committee, Trustees, Deputies to General Convention, Disciplinary

Convention (cont)

- ▶ It passes the Constitution and Canons and resolutions
- ▶ It passes and approves the yearly budget.
- ▶ It passes and approves the closing of churches
- ▶ It can dictate the spending of resources from closed churches.

Responsibility of Diocesan Council

- ▶ 1.COMPOSITION: Bishop, Sec of Convention, Treasurer (who serves in dual roles) Chancellor (seat and voice)
- ▶ Up to 26 additional members: up to 22 elected by Convocations; remainder appointed by the Bishop (4)
- ▶ Two year terms with no more than two consecutive terms
- ▶ 2. PURPOSE: Act for Convention when not in session
- ▶ WORKING WITH BISHOP AND STAFF, responsible for long range planning and determining program priorities, and present to Convention for approval
- ▶ 3. PRESENT BUDGET
- ▶ 4. REVIEW AND EVALUATE the program, policies, financial and supervision over same.

Responsibility of Diocesan Council

- ▶ There are 11 specifically listed in Canon 5, but essentially:
- ▶ Determination of program priorities and setting goals and policy for diocese
- ▶ Evaluate program
- ▶ Present Budget
- ▶ Provide for maintenance of sound business practices
- ▶ Can hire consultants
- ▶ Can pass regulations concerning investment of trust funds, bonding, keeping books, auditing and reporting, insurance
- ▶ Approve grants
- ▶ Encourage and Support accuracy of Parochial Reports.

Responsibility of Standing Committee

- ▶ Generally duties fall into 5 categories:
 - Serves as Bishop's Council of Advice
 - Becomes Ecclesiastical Authority in absence of the Bishop
 - Approves leases, mortgages and sales of church property
 - Consents to the election of Bishops.
 - Interviews and consents to ordination.

Organizational Structure

Diocesan Constitution, Article IV, National Canon Title 1, Canon 12, Sections 1 and 2)

- * Consists of four (4) Presbyters and four (4) Laity
- * Terms: four years
- * Service: No more than two full terms in succession
- * Elects own President and Secretary
- * Fills own vacancies
- * Quorum required in acting in direction of General Convention
- * May not simultaneously serve on
 - * Commission on Ministry (Diocesan Canon 4)
 - * Diocesan Review Committee (Diocesan Canon 18)
 - * Ecclesiastical Court (Diocesan Canon 18.1)
 - * Diocesan Council, ACTS/VIM (Diocesan Canon 21)

SC-As Council of Advice

Act as a council of advice to the bishop (Article IV, National Canon)

* "When there is a Bishop in charge of the diocese, the Standing Committee shall be The Bishop's Council of Advice."

No further elaboration, specification or definition.

* "The rights and duties of the SC, except as provided by national canon, may be prescribed by canons of the respective dioceses. "

* Admission of new parishes (Diocesan Constitution, Article VIII – bishop acts independently - a reflection of the historic role of the bishop.)

* The Bishop must seek the advice of SC prior to admission of a new mission. (National Canon 13 (b))

* The Bishop may recognize Parochial boundaries with the advice and consent of SC as constituting the boundaries of a Parish. (National canon I.13.3-I.15.3 Title I).

Property Issues: In Conjunction with the Bishop

4 a. Consent of the Standing Committee AND the bishop is required for:

- * the sale, mortgage, long-term lease or purchase of diocesan property, and all leases of residential property (National Canon 1.7.2-3, section 3)
- * establishing the boundaries of parishes, aided parishes, incorporated missions and missions. (Diocesan Canon 9, Section 7)
- * exemption of clergy compensation not in accordance with diocesan minimum stipend (Diocesan Canon 9, Section 8)
- * re-classification of parish/mission/area ministry status (Diocesan Canon 9 sections 10 and 11)
- * to transfer property from a mission to incorporated mission (Canon 3 g.)

Continued . . .

SC-Property Authority in Conjunction with Bishop

Emergency Powers: "in the event that the capital assets of a Parish are in imminent danger of being transferred, expended or dissipated in violation of the Canons . . . the Bishop, with consent of $\frac{3}{4}$ of the S.C." may stop the transaction. (Diocesan Canon 9, section 12 a)

* Section 12 b: "In the event that the Treasurer of any parish fails to act in accordance with his or her duties or engages in acts which are contrary to his or her duties or the Canons of the Episcopal Church, and the Vestry having failed to secure the Treasurer's compliance with his or her duties, the bishop, with the consent of $\frac{3}{4}$ of the SC may temporarily suspend such Treasurer" until s/he resigns or complies. Appeal may be made to Diocesan Council who may over-rule.

* If elected deputies to General Convention are not able to attend, the Bishop appoints supplemental deputies with SC consent for full diocesan representation (Diocesan Canon, Article V).

* The Bishop and the Standing Committee are Trustees of the Fund for Aged and Infirm Clergy and, "shall administer the several funds committed to their care pursuant to the trusts upon which they were established." (Diocesan Canon 15)

SC-Property Authority in conjunction with Bishop

- * The Bishop and the Standing Committee are Trustees of the Fund for Aged and Infirm Clergy and, "shall administer the several funds committed to their care pursuant to the trusts upon which they were established." (Diocesan Canon 15)
- * Ten Trustees of the Diocesan Investment Trust shall be elected by the Bishop and Standing Committee (Diocesan Canon 16)
- * Canon II.6.1-4
 - Canon 6 "Of Dedicated and Consecrated Churches"
 - ▶ sec. 3 "No dedicated and consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the previous consent of the Standing Committee of the Diocese."

SC-In absence of Bishop

4 b. Is the Ecclesiastical Authority in the Absence of the Bishop

The Standing Committee, if episcopacy is "absent" or if the Bishop is "incapacitated" from acting, may

- Call a special convention (Constitution Article II, section 2)
- The President of the Standing Committee may function as the President of Convention (Constitution Article II, section 6)
- The Secretary of the Standing Committee may act as Secretary of Convention (Cons. II, 7)
- Certify clergy (Canon 1, section 1)
- Claim all episcopal powers with regard to creation of missions, boundaries of parishes, aided parishes, incorporated missions and missions (Canon 9)
- Make a presentment against a clergy in violation of Ordination vows (Canon 18 B, 3 (d)).

SC Role in Ordination

- ▶ Title III "Ordination Canons"
 - The Bishop may admit or remove Postulants or Candidates for ordination but written notification "shall be" presented to
 - ▶ "the (person) and the Member of the Clergy or other leader exercising oversight of the (person's) congregation or other communion of faith, the Commission, the Standing Committee and the director of the program of preparation."
 - ▶ "During Candidacy, each Candidate's progress shall be evaluated from time to time . . .written report . . . recommendations . . .and made available to Standing Committee."
 - ▶ Canon III.6.5
 - ▶ Within thirty-six months prior to ordination as a Deacon (1) a background check must be accomplished, "according to criteria established by the Bishop and the Standing Committee."
 - ▶ Canon III.6.5(g)

SC Role in Ordination

- ▶ The Standing Committee shall certify that the Canonical requirements for ordination under Title III 7.6.3(c), Title III 6.5(c), Title III 8.6.3 (c) have been met, that there is no sufficient objection on medical, psychological, moral, or spiritual grounds.
- ▶ The Standing Committee shall evidence such certification in a specific form.
- ▶ Applies to deacon, priest, and bishop.
- ▶ NOTE: The Commission on Ministry "recommends," the bishop "admits" and the Standing Committee "certifies" and "consents."

Election of Bishop: Title III

Canon 11

Sec. 2 "It shall be lawful, within six months prior to the effective date of the resignation or retirement of a Diocesan Bishop, for the Bishop, with the advice and consent of the Standing Committee, to call a special meeting of the Convention of the diocese to elect a successor."

Sec. 3 (a) "The Standing Committee of the Diocese for which the Bishop has been elected shall by its President, or by some person or persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committee of the several Diocese a certificate of the election by the Secretary of Convention of the Diocese,"

Form of certification by the SC is included in this canon, which includes the status of the candidate's physical and emotional health

SC: Election of Bishop

Title III: The Election of a Bishop, cont'd

Sec.3(a) The Standing Committee immediately sends a certificate of election and medical, psychological and psychiatric status to the Presiding Bishop's office AND to the Standing Committees of the diocese in TEC. . . . Each SC, in not more than 120 days after the sending by the electing diocese, shall respond by sending either the testimonial of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent.

▶ Title III Section 3(b)

" We, being a majority of all the members of the Standing Committee of _____, and having been duly convened at _____, fully sensible how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend AB ought not to be ordained to that Holy Order. In witness whereof, we have hereunto set our hands this _____ day of _____ in the year of our Lord _____. (Signed) _____/

SC-Role in Elections of Bishops

- ▶ Title III, Canon 11, Section 6

"If Standing Committees or Bishops shall not consent within 120 days

. . . .the Presiding Bishop shall declare the election null and void and shall give notice to the SC of the diocese electing and to the Bishop-elect. The Convention of the Diocese may then proceed to a new election."

- ▶ Note: The 2006 episcopal election in South Carolina was declared "null and void" in 2007 because of the failure of a significant number of Standing Committees to respond in accordance with canon

Trustees of the Episcopal Fund and Diocesan Properties

- ▶ **CANON 22 · TRUSTEES OF THE EPISCOPAL FUND AND DIOCESAN PROPERTIES**
- ▶ SECTION 1. The Trustees of the Episcopal Fund and Diocesan Properties of the Diocese of Newark (“the Trustees”) is a corporation, not for profit, duly established with duties and powers set forth in the New Jersey Statutes of the Episcopal Church specifically, (N.J.S.A. 16:12-19 to 16:12-22) and the Religious Corporations and Associations, N.J.S.A. 16:1-4. The Trustees shall consist of twelve (12) members of the church within the Diocese who shall serve for a term of five (5) years, except as set forth in Section 2 of this canon. The Annual Convention shall elect trustees as required to fill expired terms. Lay trustees shall at all times be communicants in good standing of a congregation in the Diocese of Newark.

Trustees, cont.

- ▶ SECTION 4. The Bishop shall serve an ex officio member of the Trustees with voice and vote. The Trustees shall elect a President annual from among the members of the Boards. The Treasurer of the Diocese shall serve as treasure of the funds named above. Seven (7) trustees shall be a quorum, all having been cited to meet, and a majority of the quorum, duly convened, shall be competent to act.
- ▶ SECTION 6. The Trustees shall present at each meeting of the Board of Trustees and to each Diocesan Convention separate reports of the various trusts under their control. These reports shall contain a detailed statement of the names and properties in each fund, with all additions and changes therein, including receipts and disbursements therefrom.

Trustees, cont.

- ▶ 16: 12-20. Trustees; certificate of incorporation; filing; powers.
- ▶ The corporation may appoint or elect as trustees, in such manner as maybe determined, not less than five discreet persons, who are members of the Protestant Episcopal Church and citizens of this state, residing within the limits of the diocese. A certificate, under the hand and seal of the president and secretary of convention, stating the corporate name selected for such trustees and also the names of such trustees, shall be filed in the office of the secretary of state. Thereupon such trustees and their successor shall be a corporation, under the name and title so certified, with the powers enumerated in section 16:1-4 of this title, except the power stated in paragraph "I" of said section.

Trustees, cont.

- ▶ 16:12-21. Management of funds; property in trust.
- ▶ Such trustees shall have the management and care of any fund already existing, or which may hereafter be contributed, acquire or received, and any accumulations thereof, for the support of the episcopate of the diocese, and the appropriation of the income of the fund for that purpose, according to the direction to be from time to time given by the convention of the diocese. Such trustees may also take and hold by gift, grant, devise, bequest or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to or under the control of the convention or other ecclesiastical authority of the diocese, and may carry out the objects of such trust, if consistent with the constitution, canons or laws of such church