Episcopal Diocese of Newark

Leadership Essentials for Vestry, Wardens & Treasurers
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Legal Status of Wardens & Vestries

- Churches are legal entities just like businesses, corporations, etc.
- Just because you are a Church does not mean that the Law (and there are many) does not apply to you.
- Parish Governance is a product of the Canons of the National Church, Canons of the Diocese of Newark, New Jersey State Law and your Parish By-laws.

Legal Status of Wardens & Vestries (cont'd.)

- **Episcopal Churches in New Jersey are Not-for-Profit Religious Corporations.** Members of the Vestry are legal agents in the congregation who, with the clergy, provide leadership. It is important to understand this is a vestry/clergy partnership.
- **The work of the vestry is crucial to the life of the congregation.** However, being a Vestry member is about what you do and how you do it. Vestry membership is about offering our unique God-given gifts and allowing your strength to shine. Vestry membership is about being yourself, your true self, and staying engaged in the work. It means staying engaged even when you want to walk away. This is not easy. It is hard work and when it feels the hardest, it is then that you are most closely responding to God's call.
- You are the Board of Directors of the Parish – with a few twists.
- The Rector/Priest in Charge is a part of the Vestry. The Rector/Priest in Charge is a Member and Chair of the Vestry. Except in limited circumstances. Vestry business cannot be done without the Rector/Priest in Charge.

The Roles of the Rector and the Vestry

The Rector's or Priest in Charge Role

The work of the Vestry is done in partnership with the Rector/Priest in Charge and therefore it is important for the Vestry members to understand the Rector's role and responsibilities. Title **III,** Canon 9, Section 5 of the *Constitution and Canons of the Episcopal Church,* states that the Rector is responsible for:

- Worship and spiritual life
- Selection and oversight of all assisting clergy
- Use and control of all buildings and furnishings
- Education of all ages in the Scriptures; the doctrine, discipline and worship of the Church; and in the exercise of their ministry as baptized persons
- Stewardship education of all ages
- Preparation for Baptism, Confirmation, Reception, and Reaffirmation
- Announcing the Bishop's visit with the Warden and the Vestry, and provide the Bishop with information about the congregation's spiritual and temporal state
- Applying "open plate" offerings from one Eucharist a month to charitable uses
- Reading communications form the House of Bishops at worship
- Recording all Baptisms, Marriages, Confirmations, and Burials in the congregation register

The Roles of the Rector and the Vestry (cont'd.)

In summary, the canons assign virtually all responsibility and authority for the pastoral and spiritual direction of the congregation to the Rector/Priest in Charge.

According to the canons, assisting clergy have no canonical or legal authority unless it is delegated to them by the rector.

The Roles of the Rector and the Vestry (cont'd.)

The Vestry's Role

The role of the Vestry is defined by the *Constitution and Canons of the Episcopal Church* and the local diocese as well as the constitution and by-laws of the parish. State statutes may prescribe certain responsibilities of a Vestry in its role as the governing board of a parish. While the canons of the Episcopal Church have very little to say about the roles and responsibilities of Vestries, they are an important place to start. **Each Vestry member should have, at the very least, a copy of the Episcopal Church canons, diocesan canons, and the congregation's by-laws.**

The Roles of the Rector and the Vestry (cont'd.)

The Canons of the Episcopal Church Stipulate that the Vestry shall:

- Be agents and legal representatives of the parish in all matters concerning its corporate properties; and the relations of the parish to its clergy. [Title I. Canon 14, Section 2]
- Ensure the standard business methods, as outlined, will be observed. [Title I. Canon 7, Section 1 (paraphrased)]
- When a parish is without a Rector, the officers of the Vestry are responsible for the continuation of worship, including the calling of a new Rector. [Title **III.** Canon 9, Section 3 (paraphrased)]
- The Vestry has responsibility for nominating persons for holy orders. [Title III. Canon 5, Section 2]

The Roles of the Rector and the Vestry (cont'd.)

In their capacity as legal representatives and agents of a parish, Vestries must be aware of their ongoing responsibilities and potential liabilities. Vestries and parishes can be legally liable for any of the following:

- Accidents and other incidents occurring on parish property or during parish-sponsored activities
- Violation of fiduciary responsibilities especially those relating to finances
- Violations of contracts, leases, or other legal agreements
- Wrongful termination and other employment practices
- Discrimination and sexual harassment and misconduct

Because of potential liability, Vestries should ensure that the parish has adequate liability as well as directors' and officers' insurance coverage, including coverage for employment-related actions. These insurance policies can provide coverage for actual claims as well as legal defense.

- You are fiduciaries – with obligations to:
    - Your church
    - The Diocese
    - Each other – your fellow congregants
    - The Future!!

The Roles of the Rector and the Vestry (cont'd.)

Support of the Rector by the Vestry

Support of the Rector is another important role for the Vestry. This role includes activities such as:

- Setting meetings to engage in open and honest conversation about what is and is not going well in the congregation
- Paying attention to clergy wellness issues
- Paying attention to clergy family wellness issues
- Encouraging clear and direct communication between the congregation, the Vestry, and the Rector

The Roles of the Rector and the Vestry (cont'd.)

The Joint Responsibilities of Vestries and Clergy

- Articulate the congregation's mission
- Ensure effective congregational planning
- Ensure adequate resources and effective stewardship
- After discerning mission, establish and monitor programs and services
- Communicate with the congregation
- Communicate about the Church at large
- Communicate with the wider community]
- Assessing the Vestry's ministry