

PEP Argument Briefing Paper

Title: Punitive Measures Against Parishes
Applicable to: 2008 Changes to Canons III, XV, XVII, and XXXI
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Date: 10/27/2007

Summary

The canons of the Diocese of Pittsburgh include several provisions that either revoke the right of a deputation to voice and vote at convention as a penalty for non-compliance with regulations, or that provide a way by which a parish could be expelled from the diocese. The current revisions strengthen this punitive approach to dealing with parishes.

Background

- The current versions of Canon III (on parochial reports), Canon XV (dissolution of union between the diocese and parish), Canon XVII (parish audits), and Canon XXXI (architecture) all have the potential for placing a parish in jeopardy. Proposed changes to each of these canons make these provisions stronger, easier to implement, or otherwise remove safeguards.
- Canons III and XVII raise similar issues. The diocese is seeking to ensure that parishes report basic information and follow good financial practice. The penalty for failure to file the parochial report or certificate of audit by the specified deadlines is loss of seat for the lay deputies of a parish. (Clergy are also barred from convention for failing to file the parochial report.) For many years, the diocese has refrained from seating deputies from parishes that failed to file their parochial reports, or were in arrears in their assessments, until the convention passed a resolution allowing deputies from the non-compliant parishes to be seated. The proposed change regarding parochial reports sets a later deadline, but it comes with the suggestion that the canon will now be enforced. Compliance with the Canon XVII requirement for annual parish audits has been uneven. All the diocese has been able to do is to publish a list of parishes that have not submitted audit reports. The change would put teeth in the requirement for doing so by having non-compliant parishes forfeit their seats at convention. The implication is that convention will not pass special seating resolutions.
- Canon XV allows the diocese to cut ties to a parish by giving notice at one convention and voting to dissolve the union at the next. A two-thirds majority is required for passage. In 2004, the required canonical notice was given both to Calvary Episcopal Church and St. Stephen's, Wilkesburg, because of the ongoing lawsuit against diocesan leaders in which they were plaintiffs. Speculation on whether a dissolution vote would be scheduled for the 2005 convention was made moot when a settlement among the parties was reached shortly before the convention. The revised canon would allow action to be taken more quickly against a parish than under the current canon.

- Canon XXXI covers the structure and work of the Commission on Church Architecture. The current canon specifies composition of the commission and requires participation of architects with experience in ecclesiastical design. The revision leaves the structure and formation of the commission entirely unspecified. In fact, it makes formation of the commission optional. However, no change was made to Sections 2 and 3 of this canon. Those sections allow the diocese to dissolve its union with a parish should the parish undertake any construction or renovations without seeking and receiving approval of a commission that, under the change, might not even exist.

Argument

- A survey of the constitutions and canons of twenty other dioceses—see the list in the Supporting Documents section—revealed that the Diocese of Pittsburgh canons are among the most punitive in the church. Only a few dioceses revoke rights of seating at convention for failure to file reports. (More do so for failure to make appropriate payments into the Church Pension Fund or for non-payment of the diocesan assessment.) The Dioceses of Connecticut, Northern Indiana, Northern Michigan, and Western Louisiana have no provisions for removing a functioning parish from the diocese and no penalties resulting in loss of seating. These dioceses have specific benchmarks for what constitutes a parish in good standing, specify detailed processes for restoring a parish to good standing, and allow removal or dissolution of a parish only as a last resort. No diocese surveyed has anything similar to the penalty in Pittsburgh’s canon on the Commission on Church Architecture.
- The Changes to Canon XV are especially troubling. The revision not only drops the word “Annual,” thus allowing notice and the follow-up vote to be given at two conventions less than a year apart (such as the special convention held in September 2003 and the annual convention held in November of that year), but, with the shift in article from “the” to “a,” allows notice/warning to be given several *years* before being acted on. Under this change, the diocese could vote at any future convention, without further notice, to dissolve its ties with the two parishes put on notice in 2004. There is no sunset clause. Once notice has been given, it hangs indefinitely over a parish, apparently forever.
- It is reasonable for the diocese to encourage filing of parochial reports, to require some form of audit for parishes, and to expect parishes to seek the best possible advice before pursuing costly projects that might encumber assets, but the punishment for these actions is out of proportion to the actions that trigger them. Illness or other temporary impairments of clergy or wardens could easily cause a parish to miss deadlines. Surely, if a minister were hospitalized, the lay leadership ought first to take care of the parish’s (and clergy’s) immediate pastoral and worship needs before checking whether all reports have been filed with the diocese. If failure to clear a construction project with a commission is so important that it can result in the parish’s expulsion from the diocese, then that commission deserves more than a canon that makes its existence optional and does not guarantee that members are appropriately qualified. Other options for penalties are available. Wyoming, for example, allows parishes who have failed to file appropriate reports or pay assessments to have voice and seat, but not vote. Another diocese uses a set of fines. Still others bar parishes in arrears from grants opportunities.

- The canons provide particularly severe penalties for lay deputies, making the laity bear the full burden for responsibilities of reporting that are shared with the clergy.

Conclusions

Changes to Canons XV and XXXI should be defeated. The change of deadline in Canon III is an improvement, but parishes need to be aware that this and canon XVII could be used to silence many parishes at future conventions. These canons need further revision, introducing less severe penalties for non-compliance.

Supporting Documents

Diocesan Constitutions and Canons Consulted

Alabama, Alaska, Arizona, Bethlehem, Central Gulf Coast, Central Pennsylvania, Eau Claire, Fond du Lac, Michigan, Minnesota, Nebraska, Nevada, Northern Indiana, Northern Michigan, Ohio, South Carolina, Southern Ohio, Springfield, Western Louisiana, and Wyoming.

Affected Canons, Showing Proposed Additions and Deletions

(Additions are underlined, and deletions are struck out.)

Canon III, Section 2a

The Parochial Report of every Parish of this Diocese shall be prepared annually for the year ending December 31st preceding, upon the standard forms ~~prepared by the Executive Council of the Church~~, and shall be returned in duplicate not later than ~~March 1st~~ April 15th to the Bishop of the Diocese, or upon his request, to the Secretary of the Convention. In every Parish the preparation and delivery of this Report shall be the joint duty of the Minister and Vestry.

Canon III, Section 2b

In case of failure to present the Parochial Report to the Bishop or Secretary of Convention on or before ~~March 1st~~ April 15th any and all Clergy and Deputies of such delinquent Parishes shall not be entitled to Seats in the Convention.

Canon XV, Section 6

The Convention may, by a two-thirds vote, dissolve its union with any Parish. Provided, however, that, except in such cases as may fall under Canon XXV, Section 5, notice of said proposed action shall have been given in ~~the~~ the preceding ~~Annual~~ Convention.

Canon XVII, Section 5

All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes or other institutions shall be audited annually by an independent Certified Public Accountant, or independent Licensed Public Accountant, or such audit committee as shall be authorized by the Judge of Audits of the Diocesan Council or other appropriate diocesan authority.

All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, not later than September 1 of each year covering the financial report of the

previous calendar year. In any case of failure to file such audits, memorandum, or summary as required herein, any and all Lay Deputies of such delinquent Parishes shall not be entitled to Seats in the Convention.

Canon XXXI

Section 1. ~~There shall be a Commission of the Diocese, to be known as the Commission on Church Architecture, which shall consist of the Bishop, together with the Bishop Coadjutor or Suffragan Bishop, if there be any, together with three Clergy and three Lay persons, of which number two shall be architects skilled or experienced in ecclesiastical design, residing within or without the Diocese, to be appointed annually by the Bishop.~~ The Bishop, with approval of the Standing Committee, may appoint a Commission on Church Architecture (“Commission”). Such Commission shall have such duties as included in this Canon or as otherwise directed by the Bishop or Standing Committee. If a Commission is appointed, the Bishop shall serve as one of its members.

Section 2. It shall be the duty of every Parish of the Diocese to lay before this Commission the preliminary sketches of any new Church, Chapel, parish house or rectory, or of proposed changes of importance in any such existent buildings, and no such work of erection or changes shall be undertaken until the plans shall have received the approval of the Commission. The counsel and advice of the Commission shall be given in writing to the parish requesting the same within one calendar month after the receipt of the plans by the said Commission.

Section 3. If any Parish shall undertake such work of new construction or changes of importance in existing buildings as described in Section 2 of this Canon, either without first requesting the approval of the Commission on Church Architecture pursuant to Section 2 of this Canon, or having been denied such approval within thirty days, any subsequent Convention of this Diocese, may suspend its union with the offending Parish, provided the Bishop and the Standing Committee shall, at least thirty days prior to such Convention, have sent to the Vestry of such Parish written notice that the action of the Parish will be reported to the Convention. Such suspended Parish may be restored to union with the Convention by a majority vote at any subsequent Convention.