

## PEP Argument Briefing Paper

**Title:** Rector Elections Better Track Episcopal Church Canons  
**Applicable to:** Canonical Change 7 (Canon XX)  
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**Background:** Pittsburgh's current Canon XX (Of the Mode of Election of a Rector or Other Member of the Clergy) requires that a vestry consider and reject at least two rounds of candidates handpicked by the bishop before being allowed to conduct a wider search. Pittsburgh's current canons are much more detailed than many of the canons from other dioceses, some of which simply stated that the process would follow Episcopal Church canons. This means that parishes did not have the option of looking at the broadest pool of candidates to find a good match while being able to consider a good candidate within the diocese at the same time. The proposed canon is much shorter and assumes that the canonical steps outlined in the constitution and canons of The Episcopal Church will fill in most of the missing detail (see Canon III.9.3). The bishop has the power in the revised canon to submit names of candidates to the parish and to approve the short list of interviewees. Parishes would have greater flexibility in where and how they form their pool of candidates, and how they respond to the names submitted by the bishop. The proposed canon shortens the length of time given under Episcopal Church canons ("up to sixty days") for the bishop to respond to "thirty days."

### Argument

- The existing canon forces parishes first to consider local candidates without the context of a larger pool. It also pressures parishes to choose locally even though the diocese might benefit from a mix of clergy raised up locally and those with the fresh perspectives brought in from outside the diocese.
- The existing canon is much more prescriptive than those of many other dioceses and more than it needs to be.
- The new canon still gives the bishop a voice and influence in the selection of a new rector, while giving the parish flexibility to search in a broader pool. It minimizes the potential for the abuse of power.
- The proposed canon clearly aligns the diocese with Episcopal Church canons and is flexible enough to accommodate many revisions that might, at some future time, be made in those canons without requiring additional changes locally.
- The proposed canon follows Episcopal Church canons in saying that the bishop shall approve a parish's final choice of candidate if that person is a "duly qualified Priest." There is a history behind the use of the term "duly qualified Priest" that means more than just ordination. This historical qualification clarifies and limits the grounds for rejecting the choice made by a parish search committee and vestry.

- The current canon refers to the issuing of a “call” by the vestry for an assistant. However, the choice of an assistant is made by the rector, with the vestry having the right to affirm or reject. The proposed canon clears up this misuse of language.
- The proposed canon keeps the selection process moving forward in a timely manner while providing adequate time for a bishop to communicate with a vestry.

### **Supporting Information**

Resolution (from *Preconvention Journal 2009*, pp. C-12–15, <http://www.episcopalpgh.org/wp-content/uploads/file/Documents/2009%20DioConv/2009DioConventionPacketV3.pdf>):

7. **Canon XX**, Of the Mode of Election of a Rector or Other Member of the Clergy, shall be restated in its entirety as follows:

#### **Canon XX**

#### **Of the Mode of Election of a Rector or Other Member of the Clergy**

When a Parish becomes vacant, the Wardens or other proper officers shall, in accordance with the Canons of The Episcopal Church, at once notify the Bishop of the fact, and, in the case of the resignation of an Assistant Minister, the Bishop shall likewise be notified, and no election of a Rector shall be held, and no selection by the Rector of any Assistant Minister and approval thereof by the Vestry shall be made, until the name of the Member of the Clergy whom it is proposed to elect or select has been made known to the Bishop, and sufficient time, not exceeding thirty days, has been given to the Bishop to communicate with the Parish thereon. If the Bishop is satisfied that the person so elected is a duly qualified Priest and that such Priest has accepted election to the office, the Bishop shall cause notice thereof to be sent to the Registrar of Ordinations and to the Secretary of the Convention.

**Rationale:** Canon XX as currently worded limits the ability of parishes to call clergy of their choice, and the ability of a rector to select an assistant of his or her choice. The proposed new canon restores the freedom given in these matters by the canons of The Episcopal Church. The current wording of Canon XX to be replaced is the following:

#### **Canon XX Of the Mode of Election of Rector or Other Member of the Clergy**

*Section 1.* When a Parish proceeds to call a new Rector, it shall first consider a list of candidates proposed by the Bishop. The Vestry may reject all of the proposed names after due research and shall thereupon notify the Bishop. The Vestry shall then ask the Bishop for additional names and may reject all of these. They may then proceed to consider other names. The Vestry’s choice shall be communicated to the Bishop in writing together with documentation evidencing the qualifications of the candidate to meet the Parish’s requirements for priestly leadership. The Bishop shall have 30 days to respond. The Bishop shall have the option of approving, or, after consultation with the Standing Committee, of rejecting the proposed candidate. If the candidate is rejected, the Vestry may proceed to consider other candidates. In the event that the Bishop and the Vestry cannot resolve their differences over Clergy selection, the case shall be taken to the Standing Committee which shall hear the facts from all concerned parties and recommend a course of action. The Bishop shall thereafter consult with the Standing Committee and the Vestry to effect the final disposition of the issue in the most satisfactory manner possible.

*Section 2.* When a Rector, Wardens and members of a Vestry proceed to call an Assistant Minister, the Rector shall first consult with the Bishop and submit a list of proposed candidates to

the Bishop as well as receive a list of proposed candidates from the Bishop. Only those candidates of the Rector who are approved by the Bishop may be submitted to the Vestry as a whole. The Vestry may reject all the candidates proposed and the Rector, thereupon, would notify the Bishop. The Bishop and Rector in consultation shall then present the names of the additional candidates. The choice of the Rector, Wardens and members of the Vestry shall be communicated to the Bishop in writing, and the Bishop shall have 30 days to respond. The Bishop shall have the option of approving, or, after consultation with the Standing Committee, of rejecting the proposed candidate. If the candidate is rejected, the Rector, Wardens and members of the Vestry may proceed to consider other candidates. In the event that the Bishop and the Rector, Wardens and members of the Vestry cannot resolve their differences over the Clergy selection, the case shall be taken to the Standing Committee which shall hear the facts from all concerned parties and recommend a course of action. The Bishop shall thereafter consult with the Standing Committee and the Rector, Wardens and members of the Vestry to effect the final disposition of the issue in the most satisfactory manner possible.

*Section 3.* A Rector, Assistant Minister or Priest, or Deacon-in-Charge of a Parish shall be elected by the affirmative votes of two-thirds of the Vestry, given by ballot; and, in addition, in the election of an Assistant, the consent of the Rector shall have previously been expressed in writing. The election must be made after open nomination at a previous meeting of the Vestry duly convened. The notice for the meeting of the Vestry at which such election is intended shall express such intention.

*Section 4.* The call of the Clergy-elect shall be in writing in a letter of agreement between the member of the Clergy and the Vestry (and in the case of a Transitional Parish, the Bishop and Diocesan Council) and must express distinctly job description and any special conditions, together with the stipulations of salary or support, which salary when the member of the Clergy is settled shall be held a valid legal contract, and the salary as accruing to be an acknowledged debt, recoverable by process of law, if necessary, of which said call shall be held as substantial evidence. Provided, that the salary may be increased or diminished, as the parties may from time to time agree; due notice of which shall be given to the Ecclesiastical Authority by the Clerk of the Vestry.

*Section 5.* On the election of the member of the Clergy as aforesaid, the Vestry shall immediately deliver to the Bishop, or to the Ecclesiastical Authority of the Diocese, notice of said election in the form following, or to this effect, which shall be signed by the names of those who certify: "We, the Church Wardens (or, in case of an Assistant, We, the Rector and Church Wardens), do certify to the Rt. Rev. (naming the Bishop) or to the Reverend (naming the President of the Standing Committee when necessary) that A. B. (naming the person), has been duly chosen Rector, Assistant, or Priest, or Deacon-in-Charge (as the case may be) of (naming the Parish) on the following condition (here shall follow a full copy of the call)."

The said elected member of the Clergy shall not be recognized by the Bishop as the Rector, Assistant, or Priest, or Deacon-in-Charge of the Parish until said elected member of the Clergy has been canonically transferred to this jurisdiction nor shall the said elected member of the Clergy with or without the consent of the Vestry of said Church perform any of the rites or ceremonies of the Church except with the special permission of the Bishop of this Diocese until the Bishop or the Ecclesiastical Authority shall have certified to the Vestry that such member of the Clergy-elect has been canonically transferred to this jurisdiction. The certificate of the Bishop or Ecclesiastical Authority shall be entered upon the minutes of the Vestry.

Canon III.9.3 of The Episcopal Church ([http://www.episcopalarchives.org/e-archives/canons/CandC\\_FINAL\\_11.29.2006.pdf](http://www.episcopalarchives.org/e-archives/canons/CandC_FINAL_11.29.2006.pdf), pp. 81–82):

### Sec. 3. The Appointment of Priests

#### (a) Rectors.

- (1) When a Parish is without a Rector, the Wardens or other officers shall promptly notify the Ecclesiastical Authority in writing. If the Parish shall for thirty days fail to provide services of public worship, the Ecclesiastical Authority shall make provision for such worship.
- (2) No Parish may elect a Rector until the names of the proposed nominees have been forwarded to the Ecclesiastical Authority and a time, not exceeding sixty days, given to the Ecclesiastical Authority to communicate with the Vestry, nor until any such communication has been considered by the Vestry at a meeting duly called and held for that purpose.
- (3) Written notice of the election of a Rector, signed by the Wardens, shall be forwarded to the Ecclesiastical Authority. If the Ecclesiastical Authority is satisfied that the person so elected is a duly qualified Priest and that such Priest has accepted the office to which elected, the notice shall be sent to the Secretary of the Convention, who shall record it. Race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities or age, except as otherwise specified by these Canons, shall not be a factor in the determination of the Ecclesiastical Authority as to whether such person is a duly qualified Priest. The recorded notice shall be sufficient evidence of the relationship between the Priest and the Parish.
- (4) Rectors may have a letter of agreement with the Parish setting forth mutual responsibilities, subject to the Bishop's approval.

It is instructive to look at analogous canons from other dioceses. Here is Canon I.10 of the Diocese of Connecticut (from page 9, <http://www.ctdiocese.org/images/customer-files//constitutionandcanons.pdf>):

*Section 10.* When a Parish or Congregation becomes vacant the Wardens or other proper officers shall, in accordance with Title III, Canon 17 [Title III canons were revised and renumbered after this canon was adopted, an indication of why specific reference to Episcopal Church canons is risky] of the Canons of the General Convention, at once notify Bishop of the fact, and in the case of the resignation of an Assistant Minister the Bishop shall likewise be notified, and no election of a Rector shall be held, and no selection by the Rector of any Assistant Minister and approval thereof by the Vestry shall be made until the name of the Member of the Clergy whom it is proposed to elect or select has been made known to the Bishop, and sufficient time, not exceeding thirty days, has been given to the Bishop to communicate with the Parish thereon.

Canon 603 [no, the diocese does not have as many canons as this number seems to imply] of the Diocese of Minnesota (from p. 45, <http://images.acswebnetworks.com/1/344/CANONSNovember12004.pdf>):

#### **CANON 603**

##### **Congregations: Rector: Call**

**Canon 603.1 Rector Vacancy.** When the position of Rector becomes vacant in a Congregation, the Wardens must within one week give written notice of the fact to the Bishop who may, in consultation with the Vestry, appoint a member of the Clergy to the vacancy until a Rector is elected.

**Canon 603.2 Consultation with Bishop.** The Vestry must also consult with the Bishop in respect of the procedure to be followed in the selection and call of a new Rector.

**Canon 603.3 Election by Vestry.** The election of a Rector requires approval of two-thirds of the Lay members of the Vestry.

**Canon 603.4 Judgment of Bishop.** No commitment may be made by the Vestry to anyone under consideration as a prospective Rector, nor must any formal call be issued, until the name of the Clergy under consideration as Rector has been made known in writing to the Bishop for a judgment, and appropriate background checks completed as directed by Diocesan Council.

**a.** If the Bishop has not responded within thirty days of receipt by the Bishop of the written notice of the call, or such additional time as has been agreed upon, then the Vestry may proceed with the commitment and call.

**Canon 603.5 Objection by Bishop.** If the Bishop objects to the choice of the Vestry, then the Bishop informs the Vestry of reasons for the objection.

**a.** A second meeting of the Vestry must then be held and the person first proposed can be elected only by a unanimous vote of the whole Vestry.

**b.** If the vote is not unanimous, the same procedure must be repeated for the election of another candidate.

**Canon 603.6 Agreement for Call.** The call must be in the form of an agreement, which must be signed by the Wardens and, when accepted, signed by the new Rector.

**a.** The agreement must conform to the applicable provisions of the Canons of the Episcopal Church and of the Diocese.

**Canon 603.7 Approval of Agreement by Bishop.** The signed agreement must be sent to the Bishop who, when satisfied that the person chosen is a qualified member of the Clergy and has accepted the office, must approve the call and acceptance by counter-signing copies of the agreement or by causing copies of the agreement to be countersigned by a designated representative and returned to the new Rector and to the Congregation.

**a.** The Bishop must then notify the secretary of the Convention, who records the appointment.

Canon II.1.4 of the Diocese of Central Pennsylvania

(<http://www.diocesecpa.org/cc/titleII.html>):

#### Section 4. Call of a Rector

- (a) When a Parish anticipates or has a vacancy, the Wardens shall immediately, in writing, notify the Bishop of this Diocese. Thereupon, the Bishop, or his representative, and the Vestry shall meet to agree upon a search and call process.
- (b) No vacancy shall be filled by a Vestry until the name of the priest whom it is proposing to elect has been made known to the Bishop, and the Bishop has been given a mutually agreeable time to concur. In the event of the Bishop's non-concurrence, the nomination procedure set forth above, shall begin again.
- (c) When, in the opinion of the Rector of a Parish or the Vestry of a Parish, it is desirable to consider the dissolution of the pastoral relationship, it will be handled as set forth in the National Canons, Title III, Canons 20 and 21.