

GUIDELINES FROM THE BISHOP AND STANDING COMMITTEE FOR THE POSSIBILITY OF SEPARATION UNDER CANON 32 OF THE DIOCESE OF FORT WORTH

Introduction

The Apostle Paul urges Christian believers to be “eager to maintain the unity of the Spirit in the bond of peace,” and it is his words that we recall at the beginning of every service of baptism and confirmation: “There is one body and one Spirit... one Lord, one faith, one baptism, one God and Father of us all.” (Ephesians 4: 3-6)

Striving to maintain the unity of the church is of particular concern to the Bishop in his ministry, for he is charged at his consecration “to guard the faith, unity and discipline of the Church.” Whenever the peace and unity of the Church are imperiled, it is the Bishop’s special vocation to address it as pastor and chief shepherd of the diocese.

In the words of the Archbishop of Canterbury, a “basic conviction of catholic theology” is that “the organ of union with the wider Church is the Bishop and the Diocese.” It is in the context of life together in the Diocese that tensions or estrangement from one another over faith and order first come to the surface. In such cases, all are obligated to work for reconciliation and healing. Separation comes as a last resort when such efforts have failed, and if it must come, it must be agreed upon in a respectful and non-litigious manner.

It is the responsibility of the Bishop to deal pastorally with any parish that feels estranged from the Diocese, as a focus and instrument of unity. If reconciliation is not possible, he should act in the best interest of both the Diocese and the parish in question, in so far as possible.

The following guidelines (as called for in Canon 32.3) are offered as a way forward in addressing the prospect of a parish seeking to separate from the Episcopal Diocese of Fort Worth. They are guiding principles rather than hard-and-fast rules. It is expected that all parties will comply with them in a spirit of love and respect, dealing with one another as brothers and sisters in Christ in a time of conflict and estrangement.

The Rt. Rev. Jack Leo Iker
Bishop of Fort Worth
March 3, 2008

NOTE: We are deeply grateful to Bishop James M. Stanton and the Diocese of Dallas for allowing us to borrow from them in formulating both these guidelines and the canon concerning a controversy between a parish and the diocese (Canon 32)

1. Preliminaries

1.a At the time the Vestry and Rector of a Parish begin to explore formal separation from the Diocese, the Parish must be current in its financial support of the Diocese and in any loans outstanding to the Diocesan Revolving Fund.

1.b The Vestry must demonstrate that the Parish is current in its payments to the clergy pension fund and all other insurance and benefits.

1.c The Vestry and the Rector will signal their intent to explore formal separation from the Diocese by presenting the Bishop with a signed and dated document demonstrating intent to separate, dissociate, or disaffiliate (or similar language).

1.d The Vestry and the Rector will then devise and implement a plan demonstrating that they are approaching the matter of separation soberly, prayerfully, and pastorally, accounting for and respecting all the views held by members of the Parish.

1.e The clergy and any lay members of the parish holding elected or appointed office in the Diocese shall resign immediately therefrom.

1.f These guidelines envision a period of up to six months in which the Bishop, or his designees, will be involved in seeking a pastoral solution other than separation, if such is to be had.

2. Before any agreement can be finalized, a dossier containing the following elements will be gathered by the Vestry and Rector and conveyed to the Bishop and Standing Committee:

2.a A certified list of members qualified to vote at a parish meeting.

2.b A Statement of the Vestry on the issues within the Diocese of Fort Worth with which the Vestry and Parish are at odds.

2.c A Study of the extent of the disagreement of the leadership, including the Vestry, and the members of the Parish with respect to the issues identified above. This may be in the form of a congregational vote, a survey instrument, a petition, a poll, or some other means by which to register that disagreement.

2.d A Statement by each of the Clergy as to their desire to 1) remain in the Diocese, 2) resign from the ministry, or 3) be transferred to another Bishop of the Anglican Communion. This is a statement of desire only, and does not comprise a Letter of Resignation, or a Request for Letters Dimissory.

2.e Documentation as to the state of indebtedness of the parish, if any, and the amounts owed, to whom, for what purposes, and performance. Further, an accounting for all trust indentures, endowments and restricted gifts shall be made. The Vestry must show what, if any, of these make reference to the Episcopal Diocese of Fort Worth or the Bishop of the Diocese (or his successors in Office), and the extent of the benefits intended for these entities.

2.f A Statement by the Vestry and Rector of the affiliation the Parish intends to establish with another ecclesial body (a Province or a Diocese of the Anglican Communion; or a body outside the Anglican Communion).

2.g Certification that the Parish has been duly incorporated under the laws of the State of Texas as a non-profit corporation and has received 501(c)(3) status.

3. Elements of an episcopal order:

It is expected that an agreement will be formulated to reflect the mutually agreed upon terms by which the Parish will separate. This shall form the basis for the issuance by the Bishop of an episcopal order, pursuant to Canon 32 of the Canons of the Diocese (*see below*). While the terms of any such agreement will vary with each Parish, it is generally expected that such terms will include, at a minimum, the following:

3.a Financial agreements

3.b A year-long non-disparagement clause, whereby the leaders of the Parish and the leaders of the Diocese agree not to disparage one another in public statements, press releases, website announcements and articles, other articles, and sermons.

3.c Indemnification of the Diocese by the Parish. The specific form of indemnification shall be agreed to in each case.

The written agreement made by the Vestry and Rector of the Parish, the Bishop, the Standing Committee, and the Board of Trustees of the Corporation of the Diocese shall be subject to ratification by 2/3 of the qualified members (*see sec. 2.b*) of the parish in a vote taken at a parish meeting (*pursuant to Canon 26*).

Legal transfer of property will occur when all terms of the agreement have been satisfied.

CANON 32
CONTROVERSY BETWEEN RECTOR AND VESTRY
OR BETWEEN A PARISH AND THE DIOCESE

Section 32.1 When a Rector has been regularly settled in a Parish he shall not be dismissed without the consent of the Bishop of the Diocese.

Section 32.2 In case of a controversy between a Rector and Vestry, which cannot be settled by the parties themselves, the parties or either of them, may appeal to the Bishop. The duty of the Bishop shall be to seek to bring the parties to an amicable conclusion; and in such case, the agreement between them, signed by them and attested to by the Bishop, shall have the same force as an order made under Section 32.5 of this Canon.

Section 32.3 In the case of a controversy between a Parish and the Diocese, the Rector and a majority of the members of the Vestry may petition the Bishop, whose duty it shall be to seek to bring the parties to an amicable conclusion. To that end, the Rector and majority of the Vestry shall provide a reasonable opportunity for the Bishop, a diocesan chancellor and a member of the Standing Committee to meet on parish property with the entire Vestry and such members of the parish as wish to be present. Both verbal and written notice of the meeting must be provided to the members of the parish. It will be the duty of the Bishop to determine the extent to which the members of the parish agree with the Rector and majority of the Vestry. It shall also be the duty of the Bishop to make adequate provision in any resolution to protect the interest of the minority of the parish wishing to remain in union with the Diocese, and to protect the missionary interest of the Episcopal Diocese of Fort Worth. In the case where an agreement is reached, it shall be signed by the Rector and the Bishop and attested to by at least a two thirds majority of the members of the Vestry and at least a majority of the members of the Standing Committee. This agreement shall have the same force and effect as an order made under Section 32.5 of this Canon. When reaching the conclusion amicably or pursuant to an order made under Section 32.5 of this Canon, consideration will be given to the provisions of Article 14 of the Constitution, Canon 18 and such guidelines as may be established by the Bishop and Standing Committee for the resolution of such disputes.

Section 32.4 If the matter shall not be amicably settled within a reasonable time, not to exceed six (6) months, the bishop shall convene the members of the Standing Committee and shall give notice to the parties to appear before him and them and present their facts and arguments, at such time and place as he may appoint; and he may adjourn and continue the hearing in the matter at his discretion.

Section 32.5 After all hearings as may be called for in Sections 32.2 through 32.4 above are concluded, the Bishop, after consultation with the Standing Committee, shall make such an order in regard to the matter as he may think to be just and for the best interest of the Church. It shall be the duty of the Diocese, the Rector and the Parish, and every member thereof, to submit to and abide by such order as the final and conclusive determination of all matters of difference between them.