

CANON 25

APPOINTMENT, TRANSFER AND RESIGNATION OF STIPENDIARY CLERGY

Adopted by Synod 2006

1 Interpretation

In this Canon,

- (a) "Bishop" means the Bishop of the Diocese of Nova Scotia, or in the Bishop's absence, illness or other incapacity, or during a vacancy in the See, means the person or persons administering the affairs of the Diocese; (b) "parish" means the pastoral unit and includes the congregation worshipping at the Cathedral Church of All Saints, Halifax;
- (c) "parish council" means the parish council of the parish or the coordinating committee of a pastoral unit, and includes the Committee of Consultation and advice of the Cathedral Church of All Saints, Halifax;
- (d) "rector" means a person with the rights, powers, privileges and duties of the rector of a parish as conferred by any statute, constitution of Synod or the Canons of Synod and who is a full member of the parochial corporation;
- (e) For the purpose of this Canon, an "exit interview" is a process through which an archdeacon or a member of the clergy designated by the Bishop may minister to a person who has resigned as the rector or priest-in-charge of a parish with respect to that person's transition to a new parish or a new situation or with respect to that person's retirement and is also a formal time in which issues arising from the transition may be discussed.

2 Authority of Bishop to Appoint and Transfer

Subject to this Canon, the Bishop shall make all appointments of clergy to parishes within the Diocese and the Bishop may, without request, transfer a member of the clergy from one parish to another within the Diocese after consultation with the member of the clergy and the parish of which that member of the clergy is rector or priest-in-charge.

3 Resignation

- (1) A rector or priest-in-charge of a parish or parishes may resign from office by notice, in writing, to the Bishop.
- (2) A resignation is not effective unless accepted, in writing, by the Bishop.
- (3) A resignation, when accepted by the Bishop, in writing, is irrevocable.
- (4) Unless the Bishop otherwise agrees, no resignation is effective until a date which is at least three months after the date upon which the notice of resignation has been given.
- (5) The Bishop, on receipt and acceptance of a resignation, shall, within fourteen days after the acceptance, so advise the wardens of the parish or parishes of which the person was rector or priest in charge.
- (6) The resignation shall be announced to the parish or parishes at Divine Service on the first Sunday following the date upon which the resignation has been first communicated to the wardens.
- (7) Until the resignation has been announced, it shall be held in confidence by the wardens and the person resigning.

4 Exit Interview

As soon as possible after a person resigns as the rector or priest-in-charge of a parish, that person shall engage in an exit interview with the archdeacon for the archdeaconry in which the parish is located or a member of the clergy designated by the Bishop.

5 Signing Out Process

- (1) Where a person resigns as the rector or priest-in-charge of a parish, that person shall, before leaving the parish, carry out a signing out process administered, in accordance with guidelines and directives issued by the Bishop from time to time, by the Regional Dean for the region in which the parish is located or a member of the clergy designated by the Bishop.
- (2) For the purpose of this Canon, the signing out process with respect to a parish is a process whereby the person who resigned as the rector or priest-in-charge of the parish completes all duties that remain to be carried out by that person as rector or priest-in-charge of the parish, and, without restricting the generality of the foregoing, includes
 - (a) the securing and accounting for all paperwork, files, correspondence and

documents under that person's control as rector or priest-in-charge;

- (b) the completion of all records and reports for which that person is responsible as rector or priest-in-charge including provision of a Parish List;
- (c) the accounting for all money under that person's control and the closing of all accounts and the transfer of funds to appropriate accounts;
- (d) the completion of a written record of all scheduled services, including weddings and baptisms;
- (e) the making of all appropriate pastoral referrals

6 Authority of Bishop to Appoint Interim Priest

Where the office of rector of a parish is vacant, the Bishop may, upon conferring with the parish authorities, appoint to the parish an interim priest for a period not to exceed twenty-four months to provide a time of adjustment between ministries.

7 Appointment of Parochial Committee

- (1) Where the office of rector of a parish is vacant or has become or is about to become vacant for any reason, including resignation, the Bishop shall, in such manner as the Bishop prescribes, give to the wardens of the parish a notice of vacancy which shall be in writing and which shall
 - (a) advise of the vacancy;
 - (b) direct the wardens to convene a meeting of the parishioners for the purpose of appointing a Parochial Search Committee, herein referred to as the "Parochial Committee", to advise the Bishop in the selection of a rector for the parish.
- (2) The wardens, in consultation with the archdeacon for the archdeaconry in which the parish is located, shall convene a meeting to take place within thirty days after the notice of vacancy is given to them.
- (3) The provisions of Canon 35 respecting the manner in which a meeting of parishioners is called and the procedure at meetings of parishioners apply to a meeting convened pursuant to this Section, except where otherwise provided by this Canon.
- (4) The meeting shall be chaired by the archdeacon for the archdeaconry in which the parish is located or a member of the clergy appointed for that purpose by the Bishop.

- (5) Any Postulant, any Non Stipendiary Ordained Minister, any Paid Staff person of the Parish as well as the member of the clergy who is rector or in charge of the parish at the time of the meeting convened pursuant to this section, shall not attend the meeting.
- (6) Any priest or deacon holding the Bishop's license who is a member of the parish shall not attend the meeting. .
- (7) Where a meeting is convened pursuant to this Section the wardens shall read the notice of vacancy to the meeting and the chair of the meeting shall advise the meeting of the procedure provided in this Canon for the appointment of a rector.
- (8) The majority of the parishioners present at the meeting shall elect the Parochial Committee.

8 Authority of Bishop to Fill Vacancy

Where the meeting is not convened within thirty days after the notice of vacancy is given to the wardens, the Bishop may appoint any member of the clergy whom the Bishop considers suitable as rector or priest-in-charge of the parish.

9 Purpose and Composition of Parochial Committee

- (1) The purpose of the Parochial Committee is to advise the Bishop in the appointment of a rector of the parish.
- (2) The Parochial Committee shall consist of
 - (a) the wardens of the parish in office at the time that the parish meeting is called;
 - (b) four persons chosen by the parishioners from their number, while taking into consideration the intent of Section 7(5) and 7(6).
- (3) When choosing persons pursuant to clause 2(b), the parishioners shall make provision for effective representation of
 - (a) the genders and age groups of the parishioners; and
 - (b) each church in the parish, where the parish is a multi-church parish.

10 Chair and Recorder of Parochial Committee

Before commencing to carry out their duties, the members of the Parochial Committee shall elect from their number a chair and a recorder.

11 Duties of Recorder

The recorder of the Parochial Committee shall keep a written record of the deliberations of the Committee as directed by the Bishop.

12 Composition of Parochial Committee in Pastoral Unit

(1) Where more than one parish has been in the charge of a member of the clergy who has resigned or otherwise vacated office, and it is considered desirable to the parishes and the Bishop that the parishes continue to be in the charge of one member of the clergy, then

(a) the meeting convened pursuant to Section 7 shall be a joint meeting of the parishes;

(b) subject to subsection 9(2), the Parochial Committee shall consist of

(i) the wardens of the parishes in office at the time that the meeting is called, and

(ii) such person or number of persons as are elected to the Committee by the parishioners of the parishes from their number that would result in the Committee consisting of six members, including the wardens, where there are fewer than six wardens of the parishes.

(2) Where a parish contributes less than twenty-five percent to the aggregate annual budget for the pastoral unit, not more than one person from that parish shall be a member of the Parochial Committee.

(3) The majority of the parishioners from a parish present at the meeting shall elect the members of the Parochial Committee from that parish.

13 Authority of Bishop where Parochial Committee not elected

Where a Parochial Committee is not elected pursuant to Section 7 or 12, the Bishop may appoint any member of the clergy whom the Bishop considers suitable as rector or priest-in-charge of the parish.

14 Parish Profile

The Parochial Committee shall, within sixty days after it is elected, on consultation with the parish council and together with either the Bishop or a member of the clergy appointed by the Bishop as a resource person shall construct and complete a parish profile.

15 Duty to Communicate Parish Profile to Bishop

Where a parish profile has been constructed, completed and approved and accepted by the parish council within sixty days after the Parochial Committee has been elected, the chair of the Parochial Committee or the wardens shall immediately communicate the parish profile to the Bishop.

16 Authority of Bishop where Parish Profile not Constructed

Where a parish profile has not been constructed, completed and approved within thirty days after the Parochial Committee has been elected, the Bishop may appoint any member of the clergy whom the Bishop considers suitable as rector or priest-in-charge of the parish.

17 Duty of Bishop to Invite Applications

Where the parish profile has been constructed, completed and approved within thirty days after the Parochial Committee has been elected and has been communicated to the Bishop, and the Bishop is satisfied by the parish profile that the parish is willing to support a rector and sufficient funds are available to support the rector the Bishop shall, in such manner as the Bishop prescribes,

- (a) notify all clergy in the Diocese that the parish is seeking a rector; and,
- (b) invite any member of the Anglican clergy who wishes to do so to apply for appointment as rector of the parish on or before such date as is prescribed by the Bishop and as is set out in the notification.

18 Application Process

- (1) A member of the clergy may apply for appointment as rector of the parish by
 - (a) completing a written application in the form prescribed by the Bishop and filing it with the Bishop; and
 - (b) filing with the Bishop such other information as is prescribed and set out in the notification to clergy.
- (2) The Bishop shall provide, on request, to any member of the clergy who expresses an interest in applying for appointment as rector of a parish, a copy of the parish profile.
- (3) A parish may submit a list of prospective candidates to the Bishop for consideration.
- (4) The Bishop may encourage prospective candidates to apply for the position.

- (5) The Bishop may withhold any application from the Parochial Committee.
- (6) No applicant for an appointment to the position of rector of a parish shall, without the express permission of the Bishop, disclose to anyone who is not a member of the Parochial Committee that the applicant is applying for the position, except that the applicant may disclose that fact to the Bishop or to the Coadjutor, Suffragan or Assistant Bishop
- (7) The Clergy have a right to apply for several parishes.

19 Authority of Bishop where no Applications are filed

Where no applications are filed in accordance with this Section, the Bishop may appoint any member of the clergy whom the Bishop considers suitable as rector or priest-in -charge of the parish.

20 Authority of Bishop Regarding Appointment of Postulants

- (1) The Bishop may appoint a postulant who has been accepted by the Bishop for ordination to the postulant's first parish.
- (2) The Parochial Committee may refuse to approve an appointment pursuant to subsection (1), and, where the Committee does so, the postulant may apply for the position pursuant to this Canon.

21 Short List and Interview

- (1) Where one or more applications have been made to the Bishop within the time prescribed, the Bishop, or where the Bishop directs, the Bishop Coadjutor, Suffragan Bishop or Assistant Bishop, shall jointly with the Parochial Committee, prepare a list of not more than five of the persons who have filed applications to be interviewed by the Parochial Committee.
- (2) In preparing a list of persons to be interviewed, the Bishop or the Bishop's designate, and the Parochial Committee, shall consider
 - (a) the life of the parish as well as the hopes, aspirations and sense of shared ministry has as the people of God in that place;
 - (b) the stage of development of the parish;
 - (c) the vocational needs and the hopes, aspirations and sense of shared ministry of the applicants;

- (d) how the ability and spiritual gifts of the applicants would respond to the needs of the parish, particularly as set out in the parish profile and how each might assist the parish in responding to the love of God as a dynamic worshipping community of persons committed to Jesus Christ, serving and witnessing to Him in the world through the power of the Holy Spirit.
- (3) The Bishop may express to the Parochial Committee, the Bishop's opinion respecting the suitability of any applicant.
 - (4) No member of a Parochial Committee formed under this Canon for the appointment of a rector of a parish shall, without the express permission of the Bishop at the time or later disclose to anyone outside of that Committee, any information that he or she is privy to as a result of his or her membership on such committee. The only exception to this rule of confidentiality is that disclosure may be made to a Bishop, whether Diocesan, Coadjutor, Suffragan or Assistant.
 - (5) Where the Parochial Committee and the Bishop, or the Bishop's designate, as the case may be, do not agree on a list of persons to be interviewed and unless otherwise agreed by the Parish Council and the Bishop, new applications shall be sought pursuant to Section 17.
 - (6) Where the Parochial Committee and the Bishop, or the Bishop's designate, as the case may be, agree on a list of one or more persons to be interviewed by the Parochial Committee, the Bishop shall advise each person
 - (a) who has been selected for interview that he or she has been selected for interview; and
 - (b) who has not been selected for interview that he or she has not been selected for interview.
 - (7) The Chair of the Parochial Committee shall arrange a time and place for interviews.
 - (8) Each interview shall be held within fourteen days after the Bishop has notified the person to be interviewed of that person's selection for interview, unless the time for conduct of the interview has been extended by the Bishop
 - (9) In conducting an interview, the Parochial Committee and the person being interviewed shall consider and discuss the matters referred to in subsection (2) hereof
 - (10) In considering applicants for appointment to the position of rector of a parish, the members of the Parochial Committee shall comply with the policies of the General Synod and the House of Bishops as established from time to time

respecting discrimination on account of age, sex, race, disability, marital status or sexual orientation.

- (11) Within fourteen days of the completion of the interviews, the Parochial Committee shall
- (a) provide the Bishop with the names of two or more of the persons interviewed whom the Parochial Committee recommends to the Bishop for appointment as rector, and advise the Bishop of the Committee's order of preference; or
 - (b) provide the Bishop with the name of one of the persons interviewed whom the Parochial Committee recommends that the Bishop appoint; or
 - (c) advise the Bishop that none of the persons interviewed is recommended for appointment.

22 Authority of Bishop where Parochial Committee does not recommend an applicant

Where the Parochial Committee does not recommend any of the persons interviewed for appointment, the Bishop may appoint any member of the clergy whom the Bishop considers suitable as rector or priest-in-charge of the parish.

23 Duty to Inform Applicants not Recommended

The Bishop shall inform each person who is interviewed but not recommended for appointment that he or she is not recommended for appointment.

24 Authority of Bishop on Acceptance of Appointment and Settlement of Terms

Where an appointment is accepted by a person and the contractual terms of the appointment, including the Covenant in Ministry, have been settled within fourteen days after the acceptance or such longer period of time as is determined by the Bishop, the Bishop, if satisfied with the terms, shall appoint that person as rector of the parish.

25 Authority of Bishop where Appointment not Accepted by Person Recommended

Where none of the persons recommended for appointment are willing to accept the appointment, or where one or more are willing to accept the appointment but the prospective appointee and the parish are unable to settle the contractual terms of appointment, including the Covenant in Ministry, within the time provided in Section 24 the Bishop, after consultation with the Parochial Committee, shall either seek new applications pursuant to Section 17 or appoint any member of the clergy whom the Bishop considers to be suitable as rector or priest-in-charge of the parish.

26 Announcement of Appointment

- (1) Where a rector is appointed, the appointment shall be announced within fourteen days after the appointment is made.
- (2) The announcement of the appointment shall be made, on the direction of the Bishop, by either the wardens or the chair of the Parochial Committee or both, in the church or churches of the parish during Divine Service on a Sunday.
- (3) The announcement of the resignation of the rector from the parish shall be made on the same Sunday as the announcement referred to in Section 26(2) in all churches of the former parish.

27 Dissolution of Parochial Committee

When an announcement is made pursuant to Section 26

- (a) the Parochial Committee is dissolved; and
- (b) the records of the Committee shall be disposed of in the manner directed by the Bishop.

28 Institution and Induction

Where a person is appointed rector or priest in charge of a parish pursuant to this Canon, the Bishop shall,

- (a) institute that person in the office of rector or priest in charge; and
- (b) cause that person to be inducted (celebrate a new ministry) as the new rector or priest-in-charge of the parish within six months after the appointment becomes effective.

29 Curate or Assistant

The appointment of a priest or a deacon to act as an assistant in a parish may be made either

- (a) through the curacy program, the appointment to be made by the Bishop in consultation with the rector and with the concurrence of the parish council, the cost of employment of the curate to be met in such manner as the parish and the Diocese may agree; or
- (b) at the request of the parish, the appointment to be made by the Bishop of a person acceptable to the Bishop and selected by a Parochial Committee

constituted in the manner provided by this Canon with the addition as a member of the Parochial Committee of the rector of the parish, the cost of employment of the assistant to be borne by the parish unless the Diocese on application for assistance agrees to contribute

- 30** Where the appointment of an assistant is for a fixed term, the appointment will expire at the end of the term unless otherwise agreed by the Bishop, the assistant and the parish, at a time on or before the expiration of the term.
- 31** Where the appointment of an assistant is not for a fixed term, the appointment may be terminated at any time by either the parish or the assistant giving three months notice of termination, in writing, to the other, with a copy to the Bishop.
- 32** Where a rector or priest in charge of a parish is appointed, every person who is an assistant in the parish shall tender to the bishop and rector or priest in charge notice of that person's resignation as an assistant, to become effective on the date of the arrival of the new rector or priest- in- charge.

33 Authority of Bishop to Exercise Alternative Procedure for Appointment

Notwithstanding anything contained in this Canon to the contrary, with the consent of the Bishop, the parishioners of a parish at the meeting called pursuant to Section 7 and 12 or at any other meeting of parishioners may where a parish profile and covenant in ministry is completed authorize the Parochial Corporation to enter into an agreement for the employment of a member of the clergy to have charge of the parish on such terms and conditions as the Parochial Corporation, the Bishop and the member of the clergy may agree in writing.