

# **CANON 9**

## **CLERICAL APPOINTMENTS, EXCHANGES, RETIREMENTS AND TERMINATIONS**

### **1. Clerical Appointments**

All clerical appointments within the Diocese are made by the Bishop, as provided in accordance with the Act and the Constitution.

### **2. Clerical Vacancies**

#### **a) Filling a Vacancy in a Parish Incumbency**

When a vacancy occurs in a parish incumbency, the Bishop will decide whether or not to fill the vacancy. In the event that the Bishop decides to fill the vacancy, he/she may do so as follows:

- i. The Bishop may begin to fill the vacant incumbency immediately by asking the Churchwardens to form a Parish Advisory Committee (PAC), as set out below; or
- ii. The Bishop may appoint an interim priest in charge for such period as the Bishop considers appropriate, following which the Bishop will ask the Churchwardens to form a PAC, as set out below to begin to fill the incumbency; or
- iii. The Bishop may, with the concurrence of the Churchwardens, appoint a priest in charge for a definite term on the understanding that, at the conclusion of the definite term and with the concurrence of the Churchwardens and the Bishop, the cleric's appointment as parish incumbent will become indefinite.

#### **Interim Appointment**

The Bishop, in consultation with the Bishop's Advisory Committee, may appoint an interim priest in charge or a priest in charge for such period and on such conditions as the Bishop considers appropriate.

#### **Parish Financial Resources**

Before the Bishop makes an appointment to a parish, the parish shall provide evidence satisfactory to the Bishop that the parish has sufficient financial resources to be able to provide the necessary remuneration for the cleric, in addition to meeting its other financial obligations.

### **3. Parish Advisory Committee ("PAC")**

#### **a) Formation of PAC**

If the Bishop has decided to fill the vacancy, he/she will ask the Churchwardens to form a PAC in accordance with section 2(a)(i) or (ii).

#### **b) Composition of PAC**

The PAC shall consist of the Churchwardens (and in the case of multi-point parishes, one churchwarden from each vestry) and such other members, not fewer than four (4) (or, in the case of multi-point parishes more than six (6) to a maximum of eight (8)), to be determined by the

Churchwardens and to be elected by Vestry (or in the case of multi-point parishes, by the Parish Advisory Council). The composition of the PAC should attempt to reflect the diverse communities within the parish.

**c) Election of Chair of PAC**

The members of the PAC shall elect a chair from among their number.

**d) Function of PAC**

The function of the PAC is to provide advice to the Bishop on the appointment of a cleric to fill the vacancy. All deliberations of the PAC shall be held in camera and are strictly confidential and not to be communicated to any person(s) not a member of the PAC.

**e) Vacancy on PAC**

If a vacancy occurs on the PAC, the Bishop shall, after conferring with the churchwardens, appoint a new member of the PAC.

**f) Conferring with PAC**

The Bishop will confer with the PAC before making the appointment of a new incumbent under section 2 (a)(i) or (ii).

**g) Time for Appointment**

If a cleric has not been appointed to fill a vacancy in a parish incumbency within nine (9) months after the formation of the PAC and after the Bishop has conferred with the PAC, the Bishop may proceed to make the appointment.

## **4. Appointment of Assisting Clergy**

1. "Assisting Clergy" includes, but is not restricted to, Assistant Curates, Assistant Priests, Associate Priests, and Deacons;
2. The appointment of assisting clergy shall be made by the Bishop after consultation with the Incumbent, any new Incumbent, the Territorial Archdeacon and the Churchwardens;
3. Subject to subsection (f), the appointment of assisting clergy shall be for a definite term. However, the term may be renewed upon the agreement of the Bishop and the Incumbent, after consultation with the Churchwardens;
4. The terms and conditions of the appointment of assisting clergy shall include guidelines regarding expectations and responsibilities of the assisting clergy, the Incumbent and the parish, which shall have been previously agreed to by the Bishop, the assisting clergy, the incumbent and the churchwardens;
5. Before any appointment is made, the Bishop shall be satisfied that the vestry has made provisions for whatever part of the remuneration and benefits is to be paid by the parish;
6. After the death, resignation or removal of the incumbent, any assisting clergy shall be deemed to have tendered their resignation to the Bishop and may, with the consent of the Bishop, be re-appointed by the new Incumbent after confidential consultation with the Bishop and the churchwardens.
7. Where the Bishop, after consultations with the Churchwardens, deems it advantageous to the life of the parish, the Bishop may defer the submission of one or more resignations under

subsection (f) to a date to be specified by the Bishop, to allow for the discussion of the possibility of a re-appointment under subsections (c) or (d) of this Canon.

## 5. Appointment of Honorary Assisting Clergy

- a) Clergy appointed to a parish, other than an assisting clergy, shall be honorary assisting clergy and their appointment shall be made by the Bishop after consultation with the Incumbent, the Churchwardens, and the Territorial Archdeacon. The appointment of honorary assisting clergy shall be at the pleasure of the Bishop.
- b) After the death, resignation or removal of the Incumbent, the honorary assisting clergy shall be deemed to have tendered their resignation to the Bishop.

## 6. Clerical Resignations

- a) Any cleric may resign, personally or by their attorney, by giving written notice to the Bishop. The Bishop may accept the written resignation of such cleric under the Bishop's jurisdiction. If the Bishop declines to accept such resignation, the applicant may demand a Commission of three, consisting of a cleric of the Diocese appointed by the Bishop, a cleric of the Diocese named by the applicant, and a lay member of the Synod, not a representative of such parish, named by the other two members of the Commission. If this Commission, within one (1) month of its appointment, unanimously recommends the acceptance of such resignation, the Bishop shall comply therewith.
- b) Any cleric declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.

## 7. Termination of Clerical Appointments

Clerical appointments may be terminated as follows:

- a) Retirement or resignation of the cleric under this Canon;
- b) Withdrawal of the Cleric's License or appointment by the Bishop as a matter of discipline under Canons 19 or 20;
- c) Termination in accordance with the terms of the appointment;
- d) Non-disciplinary termination of appointment in accordance with Section 8 of this Canon.

## 8. Non-Disciplinary Termination of Appointment

### a) Termination by the Bishop in writing

The Bishop may terminate the appointment of a cleric, whether incumbent or assisting clergy, at any time, in accordance with the Act and the provisions of this section, upon notice to the cleric in writing;

### b) Preliminary steps required of Bishop

When the Bishop considers that there are circumstances within a parish which may require the termination of an appointment, the Bishop may first consult with the Bishop's Advisory Committee to consider the circumstances and concerns. The Bishop will then meet with the cleric and, where appropriate, with the churchwardens and other members of the parish:

- i. To review the particular circumstances with the parish;
- ii. To advise the cleric and lay members of the parish of his/her concerns;
- iii. To consider the views of the cleric and lay members of the parish;
- iv. To consider possible alternatives to the termination of the appointment including other appointments within the Diocese, a leave of absence, further education or professional development;
- v. To provide, financial, pastoral, vocational, or other assistance to the cleric or parish as may be appropriate; and
- vi. To review the procedure for the termination of clerical appointments, including the responsibilities of the Bishop and the Bishop's Advisory Committee.

**c) Provision of Reasonable Notice of Termination or Remuneration in Lieu**

In the event that the Bishop decides to terminate a clerical appointment and is not in a position to provide a further appointment to the cleric, the Bishop will, as soon as possible, provide the cleric with reasonable notice, in writing, of the termination of the appointment, or, alternatively, remuneration and benefits in lieu of notice.

**d) Provision for Payments upon Termination of Appointment**

Upon the non-disciplinary termination of a cleric's appointment at a parish/vestry, the Bishop may require that the parish/vestry pay, in full, all arrears of the stipend, expense reimbursements and allowances (including moving expenses) described in this Canon before another member of the clergy is appointed to the parish.

**e) A Cleric in Good Standing**

The termination of an appointment under this Canon does not affect the good standing of the cleric within the Diocese.

## **9. Education, Training and Professional Development**

Where an appointment is terminated under section 8, the Bishop may consider it appropriate for the cleric to engage in further formal education, retraining or professional development for a period of time prior to, or as a condition of a further clerical appointment. In such an event, the Bishop and the cleric will attempt to reach a mutually satisfactory agreement governing the terms and conditions of such an arrangement.

## **10. Leave of Absence**

- a) No cleric shall be continuously absent from the charge or duties to which such cleric is appointed for longer than one month in any one year unless leave of absence in writing from the Bishop has been obtained.
- b) No leave of absence shall be granted for longer than two years, but leaves may be renewed by the Bishop on written application of the cleric seeking such leave.

## **11. Armed Forces, Institutional or Government Service**

Notwithstanding the provisions of the two preceding sections, a cleric serving in The Canadian Armed Forces or acting in the capacity as a Chaplain therein or in the service of an Institution such as a correctional service, a hospital or in the Provincial Government or the Government of Canada, may be granted leave of absence by the Bishop from such cleric's charge or duties or from the Diocese for a period not exceeding two years, but such leave may be extended by the Bishop from time to time.

## **12. Removal from the Diocese and Letters Dimissory**

- a) Any priest or deacon under the jurisdiction of the Bishop of the Diocese, who desires to move from the Diocese, shall apply to the Bishop for Letters Dimissory.
- b) If the applicant is of good standing in the Diocese, the Bishop shall grant the said application, but in case of refusal, the Bishop shall state the reasons for such refusal in writing and such reasons shall be delivered to the applicant.
- c) The applicant may demand that the Bishop refer the said reasons to the Diocesan Court of Arbitration (DCA) for determination of sufficiency, and the applicant will be bound by the findings of the Court after a trial in accordance with the Canon of the said Court.

## **13. Exchange**

In the event of the Bishop deeming it expedient that an exchange of Incumbents of any two parishes should be made, or in the event of any two Incumbents notifying the Bishop of their desire to affect an exchange, the Bishop shall confer with the said Incumbents. If the exchange is agreed upon, the Bishop shall confer separately with the Churchwardens and with the Lay Members of Synod who represent and are members of the vestry or vestries of the respective parishes, and if the consent of each of these groups is given to the exchange, the Bishop may proceed to carry it into effect.

## **14. Vocational Deacons**

This Canon has no application to Vocational Deacons.