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Questions to Consider When Determining if an Organization is Subject to the Authority of the Church

Both Resolution A138 and A177 contain the following phrase with regard to the applicability of the Resolutions: "...any domestic Diocese, Parish, Mission or other ecclesiastical organization or body subject to the authority of the Church." While this phrase has existed in the *Constitution and Canons* since 1914, the recent enactment of Resolutions A138 and A177 has resulted in many questions regarding the meaning of the phrase.

The final determination as to whether or not a specific organization is subject to the authority of the Church will be made by each Diocese. Since each diocese will be asked to identify their organizations during the rollout of the registration system, the following are questions to consider when determining if an organization is "under the authority of the Church."

1. Is the organization subject to the Constitution or Canons of the General Convention?
2. Is the organization subject to the Constitution or Canons of your diocese?
3. Does your annual Convention/Council/Synod elect or approve the appointment of a majority of the governing body of the organization?
4. Does the Bishop appoint or approve the election of a majority of the governing body of the organization?
5. Was the organization created by the diocese?
6. Is the organization separately incorporated from the diocese?
7. Does the organization use the diocese or parish's tax exemption (501(c)(3)) or does it have its own exemption?
8. Does the organization use the diocese or parish's tax or employer ID number or does it have its own?
9. Do the organization's founding documents (e.g., articles of incorporation) link its mission, operations, or assets to the diocese or parish?
10. Is the organization required to have the approval of the Bishop or Chancellor or some person or body in the diocese to amend its Articles or Bylaws or other governing documents?
11. Is the Bishop the *ex officio* Chair or President of the governing body?
12. Does the organization have the word "Episcopal" in its name?
13. Has the organization been treated as part of the diocese?

14. Is the organization listed in the diocesan directory or journal?
15. Is there a close, day-to-day coordination of the religious, educational, or other charitable activities of the diocese or parish and the organization?
16. Does the organization manage its own assets and have its own bank accounts and payroll or are any of those managed by the diocese or parish?
17. Is the organization required to obtain approval of the diocese or parish to leverage or dispose of its property?
18. Does the diocese or parish have the right to set objective standards for the organization's operations and/or audit the organization's records to determine compliance with such objective standards?
19. Does the diocese or parish have the right to sanction the organization by liquidating the organization, terminating the organization's founding documents, or otherwise?
20. Does the diocese or parish have the right to the organization's assets upon the organization's liquidation?
21. Is the organization required to submit an annual report and/or audited financial statements to the diocese or parish?

Please note that the above is provided for informational purposes only and should not be viewed as legal or other advice. We recommend that you consult with your legal advisor before determining which organizations within your diocese are subject to the authority of the Church.