

# CANONS OF THE EPISCOPAL CHURCH IN THE DIOCESE OF ALABAMA

*“The visible Church of Christ is a congregation of faithful people, in which the pure Word of God is preached, and the Sacraments be duly ministered according to Christ’s ordinance, in all those things that of necessity are requisite to the same.”*

–Article XIX from the Articles of Religion

## **CANON 1. GENERAL PROVISIONS**

### **Section 1. Authority**

The Episcopal Church in the Diocese of Alabama, with each of its Parishes and other organizations, recognizes and accedes to the authority of the General Convention of the Episcopal Church and to the Constitution and Canons thereof as the same may be amended, which Constitution and Canons contain many provisions that are applicable to this Diocese and its Parishes, and which are adopted by reference. These Canons, adopted under and in accordance with the Charter of The Episcopal Church in the Diocese of Alabama, shall, with such Charter, govern, control and apply to this Diocese and its Parishes and other organizations.

### **Section 2. Definitions.**

#### **As used herein:**

“Bishop” shall refer to the regularly elected and consecrated Bishop who is the Ordinary of the Diocese.

“Bishops” shall refer to the Bishop, Bishop Coadjutor, Suffragan Bishop, and Assistant Bishop, as may, at the time, be actively engaged in the work of this Diocese, unless the context clearly requires another meaning.

“Canons” shall refer to the Canons of the Diocese.

“Charter” shall refer to the Charter of the Diocese.

“Convention” shall refer to the annual Diocesan Convention of The Episcopal Church in the Diocese of Alabama, unless the context clearly requires another meaning.

“Diocese” shall refer, depending on the context, either to the Episcopal Church in the Diocese of Alabama or to the area of its territorial jurisdiction.

“Electoral District” shall refer to the geographical areas of the Diocese as defined in the Canons.

“General Canons” shall refer to the Canons of The Episcopal Church.

“General Constitution” shall refer to the Constitution of The Episcopal Church.

“Parish” shall refer to a congregation of the Diocese as provided in the Canons.

“Trustees” shall refer to such members of the Department of Finance as are so designated on nomination by the Bishop and elected annually by the convention.

### **Section 3. Headings and Quotations**

The headings of the Canons and Sections thereof are for convenience of reference, and the quotations at the beginning of some of the Canons are for inspiration, and neither the headings nor the quotations are part of the Canons.

## **CANON 2. THE BISHOP**

*“The work of the Bishop is to proclaim and interpret the Gospel of Christ; to be a chief priest and pastor of a diocese; to guard the faith, unity, and discipline of the Church; to celebrate and provide for the administration of the sacraments, and to that end to ordain priests and deacons and to join in the ordaining of bishops; and to share with his fellow bishops in the leadership of the Church throughout the world.”*

–From a Catechism

### **Section 1. Episcopate**

The Bishop is the Chief Priest and Pastor, Ecclesiastical Authority, and principal executive officer of the Diocese.

### **Section 2. Executive Authority**

Except where otherwise provided by the General Constitution, General Canons, Charter, Canons or action of the convention, the Bishop is authorized:

- (a) to establish and change departments, divisions, committees, commissions and other diocesan agencies; to define the duties thereof, and to make appointments thereto;
- (b) to fill vacancies in diocesan offices;
- (c) to act for and on behalf of the diocese or any Parish or other organization thereof in any matter affecting the same where no other procedure therefore is specifically provided;
- (d) as the Ordinary of all non-parochial organizations and institutions of the Diocese, to attend and preside at any of their meetings and to be the ultimate arbiter and judge of their proceedings.

### **Section 3. Election**

The Bishop shall be elected by an annual or special Convention, provided that written notice of the proposed election be sent to each clergyman and Senior Warden in the Diocese at least one (1) month prior to the convening of the Convention. The election shall be conducted as follows: after nominations have been made in open convention, the clergy and laity, sitting separately in executive session and voting concurrently, shall, by a majority vote of those present and voting in each order, choose a qualified presbyter for the office. If either the office of Bishop Coadjutor or Suffragan Bishop, or both, be authorized, on request of the Bishop and approval of the Convention, these Bishops shall be elected by the same procedures as provided above.

#### **Section 4. Succession**

- (a) If, in the event of a vacancy in the Office of the Bishop, there is no Bishop Coadjutor, then the Bishop Suffragan longest serving in this diocese as such (if there is more than one) shall become the temporary Ecclesiastical Authority of the Diocese, and in the absence of a Bishop Suffragan, the Standing Committee shall become such temporary Ecclesiastical Authority. Such authority shall serve only until such time as a new Bishop Diocesan shall have been elected and consecrated or otherwise duly authorized to fill such office. Any temporary Ecclesiastical Authority acting under this Paragraph (a) shall call a special Convention for the purpose of electing a Bishop Diocesan, to be held within six (6) months after the vacancy occurs in the Office of the Bishop, unless the office be filled earlier by action of the annual Convention.
- (b) In the event a temporary Ecclesiastical Authority of the Diocese is appointed under the provisions of the General Canons during the absence or disability of the Bishop Diocesan, or for any other reason allowed by the General Canon, then such Authority shall be granted to the Bishop Coadjutor or a Bishop Suffragan, or, should there be none, then to the Standing Committee.

### **CANON 3. THE DIOCESAN CONVENTION**

*Let us speak the truth in love; so shall we fully grow up into Christ. He is the head and on Him the whole body depends.*

—Ephesians 4:15-16a

#### **Section 1. Legislative Authority**

The Convention of this Diocese shall have legislative authority for the Diocese, and other authority as provided by the Charter and Canons.

#### **Section 2. Membership**

The membership of the Convention shall consist of the Bishops, Presbyters, and Deacons canonically resident in the diocese and the lay delegates from the Parishes, and two (2) lay delegates duly elected by the Diocesan Department of Youth who meet the same eligibility requirements of those eligible for election to a Parish Vestry, each Bishop, Presbyter, Deacon, and lay delegate having one vote on each matter coming before the Convention. In addition, each duly recognized Diocesan Campus Ministry site may elect one (1) voting delegate, meeting the same requirements, to the Convention.

The number of lay delegates of each Parish shall be based on the number of its confirmed communicants in good standing reported at the time of the previous annual Convention, as follows: fewer than 50 confirmed communicants in good standing, one; 50 to 99 confirmed communicants in good standing, two; 100 to 350 confirmed communicants in good standing, three; more than 350 confirmed communicants in good standing, one per 100 confirmed communicants in good standing or major fraction thereof, but not more than eight. Each Parish shall be entitled to one alternate delegate for each of its delegates. The delegates and alternate delegates shall be selected by each Parish annually in such manner as the voting members of the Parish may determine at a Parish meeting. Those eligible for selection shall be those confirmed communicants in good standing eligible for election to the Parish Vestry, provided that all of the members of the Convention under the legal age of majority shall not constitute a majority of the convention and shall not be entitled to vote on any matter legally requiring action by persons of a stated age, as to which matters the members of the Convention over the legal age of majority shall constitute the entire Convention.

In addition, the voting membership of the Convention, as provided above, the members of the diocesan Council, the general offices of the Diocese, and the presiding office of each Diocesan Department and other agency, as designated by the Bishop, shall have seat and voice in the Convention, but shall not be entitled to vote unless otherwise so entitled. The provisions of this Section are subject to the provisions of Sections 8 and 10 of this Canon. A Worshiping Community shall be entitled to one lay delegate and one alternate lay delegate to be chosen at the discretion of the Worshiping Community.

“Worshiping Community” shall refer to a congregation which has not been admitted to the Diocese as a Parish but which has been designated annually at the discretion of the Bishop as a Worshiping Community.

#### **Section 3. Meetings**

There shall be an annual meeting of the Convention in each year at the time and place set by the annual Convention held no earlier than three years before the meeting in question. The Ecclesiastical Authority, with the consent of the diocesan Council, may change the time or place, or both, of such scheduled meeting by giving written notice of such change to all clergy and to the Senior Wardens of all Parishes entitled to representation therein at least one (1) month prior to such meeting. The Ecclesiastical Authority of the Diocese, with the consent of the Standing Committee, may call a special meeting of the Convention at whatever time and place the Ecclesiastical Authority may deem necessary, provided that written notice of such special meeting, with a brief statement of the purpose of purposes thereof, shall be given to all clergy and to the Senior Wardens of all Parishes entitled to representation therein at least one (1) month prior to such meeting.

#### **Section 4. Presiding Officer**

The Bishop shall be the presiding officer of the Convention. In his absence, the Bishop Coadjutor, if any, or otherwise the senior Suffragan Bishop, if any, shall preside. Otherwise, a person designated by the Standing Committee shall call the meeting to order and, after the membership has been accredited, one of the clerical members of the Convention shall then be elected by the Convention as its presiding officer. The presiding officer may express views on any subject that is before the Convention after it has been discussed and before a vote thereon.

#### **Section 5. Quorum**

A quorum for the transaction of business shall consist of a majority of the clergy of the Diocese entitled to vote excluding non-parochial clergy not present, and one or more lay delegates from a majority of the Parishes entitled to vote.

#### **Section 6. Voting**

Except for the election of a Bishop, the Convention shall deliberate as one body. Except when there is a vote by Orders, the Convention shall vote as one body. Vote shall be by Orders when required by the Charter or these Canons, or when a vote by Orders is requested by five (5) members of the clergy or by five (5) lay delegates. When there is a vote by Orders, the two (2) Orders shall vote separately. A majority of the votes cast in each Order shall be necessary to adopt the matter being considered. Unless the vote is by written ballot, the Order whose

members first requested the vote by Orders shall vote first. Except as otherwise provided, a majority of the votes cast shall determine each of the issues presented.

### **Section 7. Rules**

The Convention is authorized to adopt rules of order and standing resolutions, which shall continue to be effective until amended or repealed by the Convention or a subsequent Convention.

### **Section 8. Funding**

The Convention shall have the authority to raise funds from the several Parishes for the program and other purposes of the Diocese, and to prescribe the effects of nonpayment thereof.

### **Section 9. General Convention Deputies**

The annual Convention, when appropriate under the General Canons, shall elect Deputies to represent the Diocese in General Convention. One (1) Presbyter or Deacon and one (1) lay confirmed communicant in good standing shall be selected who is resident in each Electoral District so long as the Diocese is entitled to as many such Deputies as there are electoral Districts in the Diocese. Should the Diocese be entitled to additional deputies, they shall be elected without regard to residence. First alternates shall be elected in the same manner as deputies and second alternates shall be elected in the manner prescribed by the Standing Resolutions of the Episcopal Church in the Diocese of Alabama. A deputy or alternate who continues to reside in the Diocese shall continue in office even though no longer a resident of the Electoral District from which elected.

### **Section 10. Suspension of Voting**

The Convention is authorized to reduce or deny voting to delegates from Parishes that have failed to comply with legislation of the Diocese.

### **Section 11. Elections**

All elections are to be by majority. If an election is for a single office with more than one candidate, then the majority of votes cast for said office in such election shall be ascertained by dividing the total votes cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section.

If the election be for two more offices (constituting a group) and there are more candidates for election than there are such offices, then the majority of votes cast for said office in such election shall be ascertained by dividing the total votes cast for all such candidates by number of positions to be filled, and then dividing the results by two. Any number of votes in excess of the number ascertained by such last division shall be a majority. If in ascertaining the results in this way it appears that more candidates have obtained this majority than there are positions to be filled, then those persons having the highest vote, if beyond the majority just defined, shall be elected.

If in an election for a single office no person receives a majority as herein above defined, then in that event the two candidates receiving the highest number of votes shall enter a runoff; in the runoff election the person receiving the highest number of votes shall be elected. If the election be for two or more offices (constituting a group) and there remain places to be filled after the majority has been ascertained, there shall be a runoff election from among twice the number of persons as there a places to be filled, these to be those receiving the highest number of votes short of a majority. In these second elections those persons receiving the highest number of votes as they relate to the places to be filled shall be elected. Elections shall be by written ballot unless there is only a single nominee for the office.

In elections of deputies to General Convention, the runner-up in the election of a first alternate shall be designated as the second alternate. Furthermore, in each electoral district, records shall be kept of the person who was next runner-up to the one designated as second alternate, so his person can become the second alternate in the event an alternate nominated from a district is elected as a deputy-at-large. However, no person nominated as alternate in a district shall be eligible to be candidate for an alternate-at-large.

## **CANON 4. THE DIOCESAN COUNCIL**

*"You are fellow citizens with the saints and members of the household of God, built upon the foundation of apostles and Prophets, Christ Jesus himself being the cornerstone."*

—Ephesians 2:19-20

### **Section 1. Membership**

- (a) The Diocesan Council shall consist of the Bishop or Bishops, and two presbyters and two lay confirmed communicants in good standing from each Electoral District of the Diocese, eligible for election to the Diocesan Convention. There may be two additional members of the Council, appointed by the Bishop annually. Vacancies in the elected membership of the Council may be filled by majority vote of the remaining members of the Council for the period to the next annual meeting of the Convention. If a member of the Diocesan Council, elected from an Electoral District, shall cease to be a resident thereof, this member shall be deemed to have resigned.
- (b) Members elected from the Electoral Districts shall serve a term of three (3) years and shall be elected by the Convention when vacancies occur by expiration of terms of office of such members. No member elected to represent an Electoral District shall be eligible for re-election until the Convention following the expiration of that member's term of office, except that a member named to fill an unexpired term of less than one (1) year shall be eligible for re-election at the expiration of such term. No member of the Diocesan Council shall be eligible for simultaneous membership on the Standing Committee. The Bishop shall be the president and the presiding officer of the Diocesan Council.

### **Section 2. Authority**

- (a) The Diocesan Council shall have the authority of the Convention, between meetings of the Convention, and it shall be authorized to take any action not inconsistent with the action of the previous Convention. The Council shall report to the Annual Convention its work and actions for the preceding year. The Council shall study, draft, and publish a proposed program for the Diocese for the succeeding year, along with a proposed budget implementing the program and proposed funding of the program, which shall be sent to each member of the clergy and Senior Warden in the Diocese prior to the convening of the Annual Convention. The Council shall present its recommended program, budget, and funding to the Convention, and all raising of funds from the Parishes shall be by the Convention.
- (b) Departmental chair appointments by the Bishop shall be submitted to the Diocesan Council for confirmation unless the Convention has

acted thereon. The departments, commissions, divisions, committees and other agencies of the Diocese shall, when requested by the Bishop, make report to the diocesan Council and to the Convention.

## **CANON 5. THE STANDING COMMITTEE**

*Seeing then that we have been entrusted with this commission, which we owe entirely to God's mercy, we never lost heart. We have renounced the deeds that men hide for very shame, we neither practice cunning nor distort the word of God; only by declaring the truth openly do we recommend ourselves, and then it is to the common conscience of our fellow-men and in the sight of God."*

–XII Corinthians 4:1-2

### **Section 1. Membership and Organization**

The Standing Committee shall consist of four (4) ordained persons and four (4) lay persons who are confirmed adult communicants in good standing in the Diocese. Each annual Convention shall elect one (1) ordained person and one (1) such lay person for a term of four (4) years. No member of the Standing Committee shall be eligible for re-election for at least one (1) year following the expiration of that member's term of office. Vacancies occurring between Conventions may be filled for a period to the next Convention by a majority vote of the remaining members. The Standing Committee shall elect annually its president and other officers following adjournment of the Convention.

### **Section 2. Authority**

The Standing Committee shall have the authority prescribed by the General Constitution, General Canons, and by these Canons and shall serve as a council of advice to the Bishop.

## **CANON 6. ORGANIZATION AND ADMINISTRATION OF THE DIOCESE**

*"Now there are varieties of gifts, but the same Spirit, and there are varieties of service, but the same Lord; and there are varieties of working; but it is the same God who inspires them all in every one. To each is even the manifestation of the Spirit for the common good. All these are inspired by one and the same Spirit, who apportions to each one individually as he wills."*

XI Corinthians 12:4-7, 11

## **PREAMBLE**

**The duties and authority of the Bishop, the Convention, the Diocesan Council, and the Standing Committee shall be as provided in other Canons.**

### **Section 1. General Officers**

The General Officers of the Diocese and of the Convention shall include the Chancellor, the Secretary, and the Treasurer. The duties of the General Officers shall be designated by the Bishop. The General Officers, and assistants to them if requested by the Bishop, shall be elected by the Convention on nomination by the Bishop, except that the Assistant Secretary or Assistant Secretaries may either be elected by the Convention or appointed from time to time by the Bishop. Assistants to the General Officers are authorized to act in all matters for their respective principals. No person shall serve as a General Officer of the Diocese for more than three (3) successive years, and thereafter shall be ineligible for election to any general office for a period of one (1) year. Assistants to the General Officers shall not be subject to the limitations on terms imposed by the next preceding sentence.

### **Section 2. Department of Finance**

There shall be a Department of Finance which shall have the duties and authority as prescribed by the General Constitution and General Canons and which shall be responsible for the management of the funds, trust funds, and investments of the Diocese. It shall also consult and give advice to the Bishop, the Convention, and Diocesan Council on all fiscal matters. The Treasurer of the Diocese shall chair the Department of Finance. The other members of the Department of Finance shall be nominated by the Bishop and elected annually by the Convention. No person shall serve as a member of the Department of finance for more than four (4) successive years, and thereafter shall be ineligible for such election for a period of one (1) year.

### **Section 3. Standard Business Methods**

In the Diocese and in every Parish and other institution connected with the Diocese, the following standard business methods shall be observed:

- (a) Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness shall be deposited with a national or state Bank, or with some other agency approved in writing by the Department of Finance, under a deed of trust, of agency or other depository agreement providing for at least two signatures on any order of withdrawal of such funds or securities; provided, however, that this paragraph shall not apply to funds and securities refused by the depositories named above as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them. This paragraph shall not be deemed to prohibit investment in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer, nor to prohibit commingling of various funds for investment purposes nor the investment of funds in common funds or other investments where funds which are the subject of this paragraph are mingled with funds of third persons for investment purposes.

- (b) Records shall be made and kept of each trust and permanent fund showing at least the following:
  - (i) Source and date of receipt or establishment
  - (ii) Terms governing the use of principal and income
  - (iii) To whom and how often reports of condition are to be made
  - (iv) How the funds are invested.
- (c) Treasurers, custodians and all other persons authorized to receive or disburse funds of the Diocese, every Parish and other institution connected with the Diocese, other than banking institutions, shall be adequately bonded on terms approved by the Bishop, and a copy of the current bond shall be sent to the Diocesan office for safekeeping.
- (d) Books of account shall be so kept as to provide the basis for satisfactory accounting.
- (e) All accounts of the diocese shall be audited annually by an independent certified public accountant, and a copy of the audit shall be made available to the Diocesan Convention next following receipt of the audit report. All accounts of Parishes and other institutions connected with the Diocese shall be audited annually by an independent certified public accountant, or independent licensed public accountant or such audit committee as shall be authorized, in the particular instance, by the Department of Finance, or other appropriate diocesan authority. No audit committee shall be authorized unless it consists of not less than three persons, none of whom may be the incumbent Treasurer or custodian or immediate past Treasurer or custodian of any of the funds involved. Standards for audit of discretionary funds shall consider confidential pastoral relationships that may be involved in both receipts and disbursements, and audit opinions thereon may be qualified to reflect these considerations. All reports of such audits, including any memorandum issued by the auditor or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop not later than 30 days following the date of such report, and in any event not later than September 1 of each year, covering the financial reports of the previous calendar year. The failure by a parish in two consecutive years to file the required reports, or, after having been granted a request for extension, the failure to file such reports in a timely fashion, shall be grounds for the initiation of an intervention by the Bishop or his appointee to determine a means for bringing the parish into compliance with Canon 6, Section 3(e). A copy of each such report, except such as the Bishop may eliminate to preserve confidential pastoral relationships, shall be made available to the Department of Finance at its meeting next following September 1 of each year.
- (f) All buildings and their contents shall be kept adequately insured. A copy of any policy of insurance issued by an insurer other than The Church Insurance Company shall be deposited in the Diocesan Office for safekeeping.
- (g) The Department of Finance may require copies of any or all accounts described in this Section to be filed with it and shall report annually to the Convention upon its administration of this Canon.
- (h) The fiscal year shall begin January 1.

#### **Section 4. Trust Funds**

Funds held in trust, endowment funds and other permanent funds (whether or not they are impressed with a trust) shall be administered by the Trustees on behalf of the Department of Finance. The full extent permitted by the constitution and laws of the State of Alabama and unless otherwise explicitly prohibited in the governing trust document, the Trustees may, without prior approval, consent or order of any court and without previous or other notice to or consent by anyone, (i) receive, from any source, retain, make or dispose of investments in any property of any kind, nature, character or description, whether real, personal or mixed and wheresoever situated, and whether domestic, foreign or alien; (ii) retain, make, hold or dispose of investments and reinvestments without regard to any actual or potential lack of diversification of such investments; (iii) hold any or all stock, securities or other paper whatever in bearer form, or hold any or all such stock, securities or other paper of any or all personal or real property in the name of some other person, organization or corporation, all without specifying any fiduciary relationship; (iv) mingle any or all of the property held in any such trust, endowment or other permanent fund administered by the Trustees with, or in, investments held by or for any other fund administered by the Department of Finance, and accordingly to allocate the proper part thereof to each participating fund or any share thereof, all without designation to indicate any such division or allocation, so that, unless otherwise indicated, the property from time to time administered by the Trustees so mingled shall be deemed allocable in the proper proportions to each fund that is a participant in any such mingled investments therein; and (v) delegate investment discretion with respect to any such trust, endowment or other permanent fund to a third party which is a bank, a trust company or a securities dealer registered with the National Association of Securities Dealers.

#### **Section 5. Commission on Ministry**

There shall be a Commission on Ministry with not less than twelve members, consisting of clergy and lay persons elected by the annual convention upon nomination of the Bishop. Members shall serve for a term of one (1) year and shall be eligible for re-election as often as nominated by the Bishop. The Commission on Ministry shall have the duties specified in the General Canons. The Commission may adopt rules for its work subject to the approval of the Bishop, and such rules may include the appointment of committees of the Commission, the membership of which may include persons not members of the Commission. The rules of the Commission may authorize committees to act on behalf of, but subject to ratification by the Commission. Members of committees of the Commission shall be appointed by the Bishop.

#### **Section 6. Department of Music, Architecture, and Allied Arts**

There shall be a Department of Music, Architecture, and Allied Arts appointed by the Bishop. It shall study, promote, and recommend programs to enhance the quality of the music in the Diocese and provide counsel and advice to Parishes concerning properties. The Diocese and each of its Parishes and other organizations shall submit to the Department, for its review and recommendations, its plans and sketches for proposed major construction, decoration and furnishings for properties prior to contract, construction, or purchase. These may be separate Departments.

#### **Section 7. Other Agencies**

The Bishop shall annually appoint such other Departments, Commissions, Divisions, Committees and other agencies of the Diocese as he may deem to be appropriate, and define the duties thereof, subject to confirmation by the Diocesan Council.

#### **Section 8. Reports**

Each Parish, each Minister, and each Diocesan agency shall make and file such reports as are required by the Bishop or by action of the Convention.

## Section 9. Electoral Districts

The Diocese shall be divided into three (3) Electoral Districts, which shall include counties as follows:

**Upper Electoral District:** Blount, Calhoun, Cherokee, Cleburne, Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, St. Clair, Talladega, Walker, and Winston.

**Middle Electoral District:** Jefferson and Shelby.

**Lower Electoral District:** Autauga, Bibb, Bullock, Chambers, Chilton, Clay, Coosa, Dallas, Elmore, Fayette, Greene, Hale, Lee, Lowndes, Macon, Marengo, Montgomery, Perry, Pickens, Randolph, Russell, Sumter, Tallapoosa, and Tuscaloosa.

## Section 10 Ecclesiastical Discipline

(a) **Title IV of General Canons.** Those provisions of Title IV of the General Canons, as amended from time to time, which are applicable to the Diocese are hereby incorporated as part of this Title. To the extent, if any, that any of the provisions of this Title are in conflict or inconsistent with the provisions of Title IV of the General Canons, the provisions of Title IV of the General Canons shall govern.

(b) **Discipline Structure.**

**Section 1.01 Disciplinary Board.** The Board shall consist of three Lay and four members of the Clergy

the **Section 1.02 Clergy Members.** The Clergy members of the Board must be canonically and geographically resident within Diocese.

**Section 1.03 Lay Members.** The lay members of the Board shall be adult Communicants in Good Standing, and geographically resident in the Diocese.

a three **Section 1.04 Election.** The members of the Board shall be elected by the Convention. Each member shall be elected for (3)-year term; except, if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The terms of office of the Board shall be staggered and arranged into three classes, two or three of which shall expire each year, as the case may be.

**Section 1.05 Vacancies.** Vacancies on the Board shall be filled as follows:

(a) Upon the determination that a vacancy exists, the President of the Board shall promptly notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.

(b) The Bishop shall appoint a replacement Board member in consultation with the Standing Committee.

(c) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.

(d) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the term of any person selected as a replacement Board member shall be until the next annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.

**Section 1.06 Preserving Impartiality.** In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall promptly notify the President of the Board and request a replacement member of the Panel. The Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

**Section 1.07 President.** Within forty-five (45) days following the annual Convention, the Board shall convene in person or by telephone conference call to elect a President to serve for the following calendar year.

**Section 1.08 Intake Officer.** The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

**Section 1.09 Investigator.** The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may but need not be a Member of the Church.

**Section 1.10 Church Attorney.** Within forty-five (45) days following each annual Convention, the Bishop, with the advice and consent of the Standing Committee, shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected must be a Member of the Church and a duly licensed attorney.

the **Section 1.11 Pastoral Response Coordinator.** The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

**Section 1.12 Advisors.** In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

support. **Section 1.13 Clerk.** The Board shall appoint a Board Clerk to assist the Board with records management and administrative. The Clerk may be a member of the Board.

**Section 1.14 Costs Incurred by the Church.** The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of the Diocese.

## Section 11. Group Insurance

There shall be a Group, formulated by the Bishop and the Council for the purpose of providing life, medical, other forms of insurance, and employee benefits for the employees of the Diocese, its parishes and related entities under supervision of the Bishop. Eligibility for inclusion in the Group shall be determined by the Church Pension Fund. The Council is authorized to establish benefit levels, premiums, and fees; and to contract for plans and coverage for the Group.

## CANON 7. CHURCH PROPERTIES

*“But will God indeed dwell on the earth? Behold, heaven and the highest heaven cannot contain thee, much less this house which I have built! Yet have regard to the prayer of thy servant that they eyes may be open night and day toward this house, the place of which thou has said >My name shall be there,‘ B yea, bear thou in heaven thy dwelling place, and when thou nearest, forgive.”*

–Excerpted from I Kings 8:27-30

### PREAMBLE

Title to property used for a Church, Chapel, Parish House or Rectory is governed by Article III of the Charter of the Diocese, to which reference is made.

#### Section 1. Legal Instruments

All legal instruments and papers relating to title shall be submitted to the Chancellor for examination and approval prior to conveyance of title to any such properties.

#### Section 2. Conveyances by Diocese of Parish Church Property

No real property of any Parish on which is located its Church, Chapel, Parish House, Educational Building or similar structure and no neighboring real property shall ever be encumbered or conveyed without the written consent of the Rector, if there be one, the written consent of the Vestry, the written consent of the Ecclesiastical Authority, and the consent of Diocesan Convention, if in session, or otherwise, with the consent of the Diocesan Council, expressed by resolution adopted by a two-thirds (2/3) vote of the Convention or Council, provided further that no such property on which a consecrated Church or Chapel is located shall be encumbered or alienated except as above provided and also on the advice and consent of the Standing Committee.

#### Section 3. Conveyances by Diocese of Rectories and Other Parish Property

No real property of any Parish on which is located its Rectory and no other property requiring action of the diocese for encumbrance or alienation shall ever be encumbered or alienated without the written consent of the rector, if there be one, the written consent of the Vestry, and the written consent of the Ecclesiastical Authority.

#### Section 4. Conveyances of Real Property of Parishes and Organizations of the Diocese

- (a) Signing. In accordance with Article III of the Charter of the Diocese, all deeds and mortgages to real estate shall be signed by the Bishop, or if there be no Bishop, by the Ecclesiastical Authority.
- (b) Authorization by Parish. No real property of a Parish or other organization of the Diocese shall be conveyed or encumbered without the written consent of the Rector, if there be one (or the chief executive officer, if it not be a Parish), and the written consent of the Parish Vestry (or the governing body, if it not be a Parish), expressed by resolution adopted by two-thirds (2/3) vote thereof.
- (c) Authorization by Diocese. As to the property of a Parish described in Article III of the Charter of the Diocese and in Sections 2 and 3 of this Canon 7, encumbrance or alienation shall be only in accordance with those provisions of the Charter and Canons. As to other real property of a Parish or other organization of this Diocese, the same may be conveyed under this Section 4 of this Canon 7, with the signing of the deed or mortgage by the Bishop, as provided in Sub-section (a) above. No other approval shall be required from the Diocese.

#### Section 5. Conveyances of Other Church Real Estate

Except as otherwise provided, no real property of the Diocese shall be conveyed except on the written consent of the Ecclesiastical Authority and the consent of the Diocesan Convention, if in session, or, otherwise, with consent of the Diocesan Council, expressed by a resolution adopted by a two-thirds (2/3) vote of the Convention or Council.

## CANON 8. MINISTRY

*“Take heed to yourselves and to all the flock in which the Holy Spirit has made you guardians, to feed the church of the Lord which he obtained with his own blood.”* –Acts 20:28

#### Section 1. Authority and Call of Ministers

The Rector is the Minister in charge of a Parish. All other Ministers of the Parish, by whatever name they may be designated, are under the supervision and authority of the Rector.

- (a) Call and Tenure of a Rector. A Rector shall be elected by the majority of the Vestry, on written ballot, after prior consultation with the Bishop. The call of a Rector shall be in writing, and shall express distinctly all special conditions, together with the stipulation of salary or support. The call shall not constitute a contract of employment, and the dissolution of the pastoral relationship between the Parish and the Rector shall be subject to the provisions of the General Canons as from time to time amended.
- (b) Call and Tenure of Other Ministers. All other ministers, whether members of the clergy or lay persons, shall, unless another mode of selection is provided for in these Canons or in the General Canons, be elected by a vote of the majority of the Vestry, on written ballot, with the written consent of the Rector. The call of such persons, other than Licensed lay persons as defined in the General Canons, shall be in writing and shall express distinctly all special terms and conditions, including any stipulation as to salary or support. Notwithstanding any provisions of the call to the contrary, such persons shall not have a contract of employment and all Ministers shall serve at the discretion of the Rector.

## Section 2. Authority of the Bishop

Notwithstanding the provisions of Section 1 of this Canon, the call, the terms thereof, and the tenure of the members of the clergy, a portion of whose compensation is borne directly or indirectly by the Diocese, whether by payment to such clergy or by payment to the Parish served by such clergy, shall be subject to the approval of the Bishop and subject to change by the Bishop, and these ministers are under the supervision as well as the authority of the Bishop. As to all other Rectors and other Ministers who are members of the Clergy, the call, terms, change or dissolution of the pastoral relationship shall be made in consultation with the Bishop in accordance with the General Canons and these Canons. Selection criteria and training of all Licensed lay persons including Lay Readers, Pastoral Leaders, Lay Preachers, Lay Eucharistic Ministers, and Catechists shall be no less than those guidelines established by the Bishop.

## Section 3. Compensation Review

The Vestry of every Parish shall appoint a committee of not less than three persons to be known as the Compensation Review Committee. It shall be the duty of said Committee to review with the Rector, no later than the last quarter of each year, the compensation to be paid the clergy and all lay employees of the Parish in this ensuing year to the end that all clergy and lay employees shall receive fair and equitable compensation. The word Compensation as used in this Canon shall include not only stipend or salary, but also allowances for housing, utilities, travel, insurance, taxes, and any other customary remuneration. In cases where two or more Parishes contribute to the total compensation paid to an individual, the Compensation Review Committees of all of the parishes involved shall participate in the review. Such review shall be presented to the Vestry or Vestries, and they shall take action and report it to the Bishop on the forms provided by the Diocese.

## CANON 9. PARISHES

*"Be filled with the Spirit, addressing one another in psalms and hymns and spiritual songs, singing and making melody to the Lord with all your heart, always and for everything giving thanks in the name of our Lord Jesus Christ to God the Father."* - Ephesians 5:18-20

### Section 1. Definition

Any number of persons who are confirmed adult communicants in good standing of this Church over the legal age of majority, who are desirous of maintaining services in any community according to the doctrine, discipline, and worship of the Episcopal Church may be formed into a Parish, as here provided. Such persons shall make and sign a petition to the Bishop who may take such action thereon as in the exercise of discretion the Bishop deems appropriate, and report thereon to the next Convention. On approval by the Bishop and the Convention, this congregation shall be established as a Parish of the Diocese. Should a Parish fail to function according to the doctrine, discipline and worship of the Episcopal Church, the Bishop may cause an investigation to be made and may make a report with recommendations to the Convention, and the status of this Parish shall be as determined by the report of the Bishop and the action of the Convention thereon. In the event that the Bishop should report at a Parish has become dormant, and if this report be accepted by the Convention, it shall no longer be a Parish of the Diocese, and the trust for this Parish shall terminate, title to its property shall vest in the Diocese, and its assets of the proceeds of the sale thereof shall be used in accordance with the original purposes thereof, if possible, or otherwise for a similar purpose.

### Section 2. Vestry

- (a) **Membership.** The vestry shall consist of not less than three (3) nor more than thirty (30) lay communicants of the Parish qualified to vote at the Parish meeting, elected at a Parish meeting for a term of no longer than three (3) years, with nearly as may be, not more than one-half (2) of the terms expiring simultaneously. No member shall be eligible to serve again on the same vestry until the expiration of one (1) full year after such service, except that a member elected for an unexpired term of less than one (1) year shall be eligible for re-election on the expiration of that term. Vacancies on the vestry may be filled by vote of a majority of the remaining members of the vestry for the period until the next Parish meeting at which members of the vestry are elected. Members of the vestry shall be communicants who are qualified to vote in a Parish meeting, provided that all of its members under the legal age of majority shall not constitute a majority of the vestry and shall not be entitled to vote on any matter legally requiring action by persons of a stated age, as to which matters the members over the legal age of majority shall constitute the entire vestry. A Senior Warden and one or more Junior Wardens shall be elected annually by the Vestry from among its members.
- (b) **Authority.** The Rector shall preside (or designate the member of the Vestry to preside) at all meetings of the Vestry and shall be entitled to cast the deciding vote in case of a tie. In the absence of the Rector, the Senior Warden, or in the absence of the Senior Warden, a Junior Warden, shall preside if the Rector has failed to designate another presiding officer. The Vestry shall assist the Rector in the nurture and extension of Christ's Church. The Vestry shall have the legislative authority for the Parish and shall transact all of its temporal business. The Vestry shall be responsible for furnishing, preserving and adequately insuring the Parish property, including all items necessary for public worship; for maintaining adequate Parish records; and for managing the financial resources of the Parish. The Vestry shall maintain order and decorum during the time of public worship. There shall be at least six Vestry meetings in each year, and reasonable notice of meetings of the Vestry shall be given to the Rector and the members of the Vestry. No meeting of the Vestry shall be valid in which there shall not be present either the Rector or one Warden except for the purpose of electing Wardens if there be no Rector or Wardens. No actions of the Vestry shall be valid unless taken at a valid meeting by a majority of the actual membership of the Vestry.

### Section 3. Parish Meeting

The congregation of each Parish shall meet at least annually at the time duly called by the Vestry, with reasonable notice thereof to the Rector and the members of the Parish. The Rector shall preside at Parish meetings, if present. Those entitled to vote shall be confirmed adult communicants in good standing as defined in the General Canons who are canonically resident in the Parish and physically present at the meeting and who are known to the Rector and Treasurer as regular contributors to the support of the Parish program, and those present shall constitute a quorum. At the annual Parish meeting the Vestry shall make a written report if its work for the past year, including a financial report, and its proposed program for the following year.

### Section 4. Parish Officers

The Vestry shall elect a Clerk, Treasurer, and such other officers of the Parish as it may deem appropriate. The Vestry shall define the duties of the Wardens and other officers of the Parish.

### **Section 5. Use of Church Property**

The Church and Parish buildings of a Parish may be used, under the direction of the Rector, for all services, rites, ceremonies and other purposes not contrary to the traditions or directions of the Episcopal Church, and at such times as the Rector, or when there is no Rector, the Vestry, may deem proper.

### **Section 6. Parishes Entering Into Unsecured Debt**

No parish shall enter into unsecured debt in an amount in excess of ten percent (10%) of the Parish's annual revenue from Plate, Pledges, and invested funds used for operations as reported on the audited financial statements for the preceding year except with the written consent of the Ecclesiastical Authority and the consent of the Diocesan Council, expressed by a resolution adopted by a majority vote of the Council.

### **Section 7. Ministry of the Church to Colleges and Other Institutions**

The ministry of the Church to colleges and other institutions is included under this Canon 9, but because of the special nature of these ministries, the Bishop is authorized, as the Ordinary, to establish at these colleges and other institutions such organization and procedures as the Bishop may deem appropriate, which may include the authorization of a Vestry, the specification of powers of the Vestry and the designation of minimum or maximum representation of students or other groups on the Vestry. It is not contemplated that all of the ministry of the Church to colleges and other institutions be or become self-supporting, and such ministry may receive a subsidy from the Diocese without limit as to time.

## **CANON 10**

### **Section 1. Amendment**

The Canons may be amended by resolution adopted at two successive Annual Diocesan Conventions by majority vote of each of the two Orders voting separately or by resolution adopted at one Annual Diocesan Convention on three-fourths (3/4) vote of each of the two Orders voting separately. Amendments shall be effective at the adjournment of the Convention at which finally adopted, unless otherwise provided in the amendment.

### **Section 2. Separate Enactments**

Whenever a Canon is amended, enacted or repealed in different respects by two or more independent enactments at the same Convention, including enactment of an entire Canon, the separate enactments shall be considered as one enactment containing all of the amendments or enactments, whether or not repealed, to the extent that the change made in separate amendments or enactments are not in conflict with each other. The person who chairs the Convention Committee on Charger and Canons and the Chancellor of the Diocese shall make the determination whether or not there is a conflict and certify the text of the single enactment to the Secretary.

### **Section 3. Repeal of Repeal**

Whenever a Canon which repealed another Canon, or part thereof shall itself be repealed, such previous Canon or part thereof shall not thereby be revived or reenacted, without express words to that effect.