

# The Canons of the Diocese of Albany

(2016 revision)

## CANON 1 THE CONVENTION

### *Clerical Members*

- 1.1 On the first day of each meeting of the Convention, the Secretary of the Diocese shall give to the Convention a list of the members of the Clergy canonically resident in the Diocese, as determined by the Ecclesiastical Authority, annexing the names of their respective Churches, offices, and residences, which list shall constitute the list of clerical members for that meeting. This list shall be kept by the Secretary in the manner prescribed by the Canons of the General Convention.

### *Lay Members*

- 1.2 Deputies and Alternate Deputies from the several Churches shall be elected annually by their Vestry or governing body, at a meeting duly held, or by a duly summoned meeting of the Congregation. Persons of less than full age but of the age of eighteen years or more shall be eligible to serve and vote as lay Deputies or Alternate Deputies and shall be eligible to for election or appointment to any lay office of the Diocese.

### *Certificate of Election*

- 1.3 A certificate of election of Deputies and of Alternate Deputies shall be transmitted by each Church to the Secretary at least 10 days before the opening session of the Convention and shall be in the form prescribed by the Secretary. The Secretary shall transmit such form to each Church when sending out the required notice of the time and place of the annual meeting of the Convention.

### *Admission of a Church*

- 1.4 A. Every Church or Congregation desiring admission into union with the Convention of the Diocese shall present a written application to the Convention and a copy of the resolution of the Vestry or governing body of the Congregation, authorizing such application. The resolution will provide that such Church shall agree to abide by, conform to, and observe the Constitution and Canons of The Episcopal Church and of the Diocese of Albany and all rules, orders, and regulations thereof. The resolutions shall be:
  - (I) duly certified by the presiding officer and clerk or secretary of the Vestry or governing body, or of the meeting of the Congregation at which such resolution was adopted;
  - (II) authenticated by the seal of the Church. If there be no such seal, the Clerk or the Secretary shall so state.
- B. The application for admission shall be accompanied by:
  - (I) a duly certified copy of the Certificate of Incorporation of the Church;
  - (II) satisfactory evidence that the Church has the financial ability to pay for and continue the support of a Rector.
  - (III) satisfactory evidence that not less than 25 persons who are members of such Church have for at least one year preceding such application, regularly worshipped in the Church.
  - (IV) a Certificate of the Ecclesiastical Authority to the effect that the organization of such Church or Congregation has been duly approved by the Standing Committee and that such Church or Congregation is judged to be duly and satisfactorily established.

C. No application for admission of a Church into union with the Convention of this Diocese shall be acted upon at any meeting of the Convention unless it has been filed with the Secretary at least thirty days before the meeting of the Convention. The Secretary shall, at least twenty days before the meeting of the Convention, deliver all such applications to the Committee on the Incorporation and Admission of Churches, which shall consider and report its recommendations to the Convention.

*Secretary*

- 1.5 A. At each annual meeting the Convention shall elect a Secretary of the Diocese who also shall be the Secretary of the Convention.
- B. The Secretary may appoint one or more Assistant Secretaries to hold office at his pleasure.
- C. The Secretary shall:
- (I) send notice of any meeting of the Convention, to the members of the Clergy canonically resident in the Diocese, to each Church in union with Convention, and to others members of the Convention, at least thirty days prior to the date of the meeting;
  - (II) take and preserve the minutes of the proceedings of the Convention, and prepare and publish the Journal thereof;
  - (III) deliver to the Bishop all journals, files, papers, reports, and other documents pertaining to the Convention to be filed in the Archives of the Diocese;
  - (IV) perform other duties required by Convention, by the Canons of the Episcopal Church, and by the Constitution, Canons, and Rules of Order of this Diocese.

*Treasurer*

- 1.6 A. At each annual meeting, the Convention shall elect a Treasurer of the Diocese, and one or more Assistant Treasurers.
- B. The Treasurer shall:
- (I) receive and disburse all monies collected under the authority of the Convention;
  - (II) prepare and present to the Convention an annual accounting of all funds received and disbursed;
  - (III) give a bond conditioned on the faithful performance of these duties, the amount thereof to be determined by the Standing Committee and the expense thereof to be paid from Diocesan Funds.

*Chancellor*

- 1.7 The Bishop may appoint a Chancellor and Assistant Chancellors who shall be persons learned in both ecclesiastical and secular law. They shall serve at the pleasure of the Bishop and shall counsel the Bishop in matters relating to the discharge and responsibilities of that office.

No expense shall be imposed upon the diocese for services rendered by the Chancellor or Assistant Chancellors without the consent of the Bishop and the Diocesan Council.

**CANON 2  
NOMINATIONS**

*Contents of the Form*

- 2.1 The Secretary shall send, with the notice of the meeting of the Convention, a nomination form, which shall state the offices to be filled at such Convention. The form shall also state the names of those whose terms of office expire.

*Who May File*

2.2 Any member of the Convention may file, prior to the meeting of the Convention, nominations for the offices to be filled at the Convention. Such nominations shall not be accepted unless the certificate of election of Lay Deputies to the Convention which includes the name or names of those making the nominations has been first filed with the Secretary.

2.3 Such Nominations:

*Secretary to Furnish*

(I) shall be on a nomination form furnished by the Secretary and shall be signed by two members of the Convention.

*Signatures and Consents*

(II) shall contain the written consent of the nominee to serve if elected and shall be accompanied by a biographical sketch of the nominee of not more than one hundred words.

*Filing*

(III) shall be filed with the Secretary at the time specified by the Secretary.

*Secretary to Act*

- 2.4 The Secretary shall prepare and forward to the Members of the Clergy and Lay Deputies, at least ten days before the opening of the Convention, a statement of the names and biographical sketches of the persons nominated in accordance with this Canon for each office to be filled at the Convention.

*Further Nominations*

- 2.5 Further nominations may be made and seconded from the floor of the Convention.

**CANON 3  
DEPUTIES AND PROVISIONAL DEPUTIES  
TO THE GENERAL CONVENTION**

*Election to General Convention*

- 3.1 The Convention shall, at its next regular annual meeting following each regular session of the General Convention, elect by a vote by orders, four Priests, canonically resident in this Diocese, and four Lay Persons, who are confirmed, adult communicants of a church in this Diocese, to act as Deputies from this Diocese to the General Convention.
- 3.2 The Convention shall, at its next regular annual meeting following the election of Deputies to General Convention, also elect, four Priests and four Lay Persons to act as Provisional Deputies, whose qualifications for election shall be the same as those of Deputies to General Convention. This election shall be determined by taking a vote by orders ballot with the ballots counted in the aggregate. The four candidates of each order receiving the highest aggregate number of votes shall be deemed elected. All Deputies and Provisional Deputies to General Convention shall also serve as Deputies to Provincial Synod and shall hold office until their successors are elected.

*Provisional Deputies*

3.3 In case a Deputy-elect shall fail, after due and timely notice, to notify the Ecclesiastical Authority of his intention to attend the General Convention or the Provincial Synod, or shall be unable to attend, the Ecclesiastical Authority shall appoint a Provisional Deputy to serve as Deputy. Such Deputies shall be appointed from those Provisional Deputies elected at the Convention, the selection thereof determined in order of the highest aggregate number of votes received at such election.

- 3.4 During the sessions of General Convention or Provincial Synod, the Bishop, upon the recommendation of the Chair of Deputation, may appoint Provisional Deputies to temporarily replace Deputies in accordance with the Rules of Order of the General Convention or Provincial Synod.

**CANON 4  
THE DIOCESAN COUNCIL**

*Purpose*

- 4.1 The Diocesan Council shall be the program agent of the Bishop and the Convention of the Diocese between meetings of the Convention

*Membership*

- 4.2 The Diocesan Council shall consist of the Bishop of the Diocese, who shall be its president, the Bishop Coadjutor and the Bishops Suffragan, if any, the Secretary of the Diocese, the Treasurer of the Diocese, and one clerical and one lay member elected by the Convention. In addition, each deanery shall have that number of clerical and lay representatives to the Diocesan Council recommended by the Bishop and ratified by the Convention.

### *Election and Term*

- 4.3 The manner and time of election of deanery representatives to the Diocesan Council shall be determined by each Deanery Council. In no event, shall the election of deanery representatives be later than thirty days prior to the day designated as the first day of the next Convention. No elected member shall serve for more than three consecutive terms. The term of office shall commence upon the adjournment of the annual convention of the Diocese.

### *Vacancies*

- 4.4 Vacancies in the representation of the Convention shall be filled by the Standing Committee until the next annual meeting of the Convention. Vacancies in the representation of the Deaneries shall be filled by the Dean until a successor shall be elected by the Deanery Council.

### *Meetings and Quorum*

- 4.5 The Diocesan Council shall meet at least four times a year. At its meetings a quorum shall consist of a majority of its members which shall include at least one deanery representative from a majority of the Deaneries.

### *Duties*

- 4.6 The Diocesan Council, in consultation with the Bishop, shall prepare and present to the Convention for its action a program and budget for the work of the Church in this Diocese for the next fiscal year commencing January 1st. The Diocesan Council shall make such adjustments in the budget approved by the Convention as may be required by changes in the financial resources available for these purposes, and shall further assist the Bishop in such ways as he may request.

## **CANON 5 DEANERIES AND DEANERY COUNCILS**

### *Geographic Areas*

- 5.1 The Deaneries shall consist of those congregations in a geographic area designated by the Bishop, which designation shall be ratified by the Convention.

### *Dean*

- 5.2 The Bishop shall appoint a Priest of the Deanery to be its Dean. The Dean shall represent the Bishop in the Deanery and, when requested, act for the Bishop in liturgical and pastoral matters.

### *Deanery Council*

- 5.3 Each Deanery shall have a Deanery Council constituted of all members of the Clergy who are resident or have a cure in the Deanery and who are canonically resident in the Diocese, and at least one lay representative selected from each Congregation.

### *Purpose of the Deanery Council*

- 5.4 Each Deanery Council shall promote the work of the Diocese in its Deanery, and through the Deanery representatives on the Diocesan Council, maintain communication between the Deanery and the Diocesan Council.

*Meetings and By Laws*

- 5.5 Each Deanery Council shall meet at least twice a year. Each Deanery Council shall adopt By-Laws, not inconsistent with the Constitution and Canons of the Diocese, which shall include provisions for the number and method of election of lay representatives to the Deanery Council, quorum requirements and method of voting on business before the Council.

**CANON 6**  
**THE EPISCOPATE**

*Ecclesiastical Authority*

- 6.1 The Bishop is the Ecclesiastical Authority. If the Bishop shall die, resign or, in the unanimous opinion of the Standing Committee, be unable to act by reason of physical or mental infirmity, the Bishop Coadjutor, if there is one, is the Ecclesiastical Authority. In such events, if there is no Bishop Coadjutor, a Bishop Suffragan, if there is one, may be designated in writing upon a two-thirds' vote in favor thereof, by the Standing Committee, as the temporary Ecclesiastical Authority. If there are no Bishops Suffragan or, if there are such, one is not designated as the temporary Ecclesiastical Authority by the Standing Committee, the Standing Committee shall be the temporary Ecclesiastical Authority.

*Archdeacons*

- 6.2 The Bishop may nominate to the Convention, for election, one or more Archdeacons who, under the Bishop, shall have such duties as may be assigned by the Bishop.

*Committees and Commissions*

- 6.3 The Bishop shall appoint the members of all Committees and Commissions unless these Canons provide a different method of selection or election. The Bishop shall be member, ex officio, of all Committees and Commissions over which he has the power of appointment.

*Commission on Ministry, Bishop to Appoint*

- 6.4 The Commission on Ministry shall consist of not less than six Clerical and six Lay Members, appointed by the Bishop, pursuant to the Canons of the General Convention, for terms of not less than one nor more than three years.

*Bishop's Appeal*

- 6.5 At the discretion of the Bishop, there may be an annual Bishop's Appeal which shall solicit contributions towards such extraordinary projects as the Bishop may designate. It shall be the duty of every Rector and Priest-in-charge to inform their congregations of the timing and purpose of the Bishop's Appeal using the materials provided by the Bishop for that purpose.

**CANON 7**  
**THE TRUSTEES OF THE DIOCESE**

*Origin*

- 7.1 The Trustees of the Diocese of Albany are a body corporate organized and existing under the provisions of Chapter 110 of the Laws of 1876, subsequently consolidated and merged with various corporations of the Diocese of Albany, by the provisions of Chapter 188 of the Laws of 1958.

*Powers*

- 7.2 The Trustees of the Diocese of Albany shall invest, manage and control all of the real and personal property of the Diocese, subject to the control and discretion of the Convention, except where the said Trustees hold title to and act in a fiduciary capacity with respect to such property for the benefit of an organization other than the Diocese.

*Membership*

- 7.3 The members of the corporation shall be the Bishop, who shall be President; the Bishop Coadjutor and Bishops Suffragan, if any, who shall be Vice-Presidents; and eight members elected by the Convention. At

each annual meeting, the Convention shall elect two Trustees to serve for a term of four years. Thereafter, any vacancy may be filled by the remaining Trustees until the next annual meeting of the Convention, at which time a Trustee shall be elected to fill the unexpired term occurring by reason of such vacancy. No Trustee shall serve for more than two successive four-year terms.

#### *Annual Report*

7.4 The Trustees shall file an annual report with the Convention.

### **CANON 8 NEW CONGREGATIONS AND SUMMER CHAPELS**

#### *New Congregations*

8.1 The Bishop, with the advice and consent of the Standing Committee, may establish a new Congregation.

#### *Executive Committee*

8.2 After a new Congregation has been established, the Bishop shall appoint a Priest in Charge who shall serve at the pleasure of the Bishop, a Warden, a Treasurer and three members who shall constitute the Executive Committee of the Congregation. The Priest in Charge, the Warden and other members of the Executive Committee shall discharge their duties in the same manner as the Rector, Wardens and Vestry of an incorporated parish. The members of the Executive Committee, other than the Priest in Charge, shall serve until the next annual meeting of the Congregation, to be held on a date and time fixed by the Executive Committee, at which time their successors shall be elected. Such election shall be held in the manner prescribed by the Religious Corporations Law of the State of New York for the election of Church-Wardens and Vestrymen.

#### *Union with Convention*

8.3 A Congregation established pursuant to this Canon, desiring admission into union with the Convention, shall apply for such union in the manner prescribed by Canon 1.4 of these Canons.

#### *Dissolution*

8.4 No Congregation established pursuant to this Canon shall be dissolved except by the consent of the Bishop acting with the advice and consent of the Standing Committee.

#### *Summer Chapels*

8.5 This Canon shall apply to Summer Chapels now or hereafter established in this Diocese. The relationship between such Summer Chapels and the Diocese shall be on such terms and conditions as the Bishop shall, from time to time, prescribe.  
Baptism, Marriages, Confirmations and Burials performed in such Chapel by a Bishop, Priest or Deacon of this Church shall be recorded in the Register of the Parish in which such Chapel is located.

### **CANON 9 FINANCE**

#### *Assessments*

9-1 To aid in the support of the Episcopate and to meet duly authorized diocesan expenses, the Convention, at each Annual Meeting, shall lay an assessment upon the Parishes and Congregations. Such assessment shall

be based on the net disposable income of such Parishes and Congregations of the Diocese for the year next preceding the meeting of the Convention and shall be payable monthly to the Treasurer of the Diocese.

Net disposable income shall be defined as those items as set forth in the Parochial Report of the Episcopal Church as follows: receipts from plate offerings, pledge payments, contributions from parish organizations, net undesignated investment and endowment income, net investment income designated for any parish operating expense, or for the diocesan and general church program, and all other income which can be used for Operating expenses or for the Diocesan and general church program, excluding support received from the Diocese.

#### *Business Methods in Church Affairs*

- 9.2 Every Parish, Congregation, Corporation, and Institution in this Diocese shall conform to the standard business methods prescribed by Canons of the General Convention. Oversight of the administration of the business methods and of the annual audit prescribed by the Canons of the General Convention shall be vested in the Finance Committee of the Diocese which shall consist of the Bishop, the Treasurer and five members appointed annually by the Bishop with the concurrence of the Trustees of the Diocese. The Committee shall report annually to the Convention of the Diocese.

#### *Clergy Compensation and Benefits*

- 9.3 At its annual meeting, the Convention shall adopt a standard schedule of salary and benefits for members of the Clergy serving in parochial or diocesan positions.

#### *Diocesan Development Fund*

- 9.4 The Diocesan Development Fund may lend capital funds to the Parishes, Congregations, Corporations and Institutions of this Diocese for new construction, remodeling, major improvements, equipment, furnishings, emergencies and lend funds for other diocesan ministry needs. The Diocesan Development Fund Committee shall consist of the Bishop, the Treasurer and nine members appointed by the Bishop at each Annual Meeting of the Convention. This Committee shall investigate all applications for loans. Loans approved by this Committee shall be confirmed by the Standing Committee. This Committee shall set the rate of interest to be charged on all loans. This Committee shall submit a financial report quarterly to the Standing Committee and shall submit an Annual Report to the Convention at the Annual Meeting of the Convention.

### **CANON 10 PAROCHIAL RECORDS, REPORTS AND QUALIFICATIONS OF VOTERS**

#### *Conformity to Canons of General Convention*

- 10.1 Parish records and reports shall be made in conformity with the relevant requirements of the Canons of General Convention.

#### *Parochial Report, When Due*

- 10.2 The Parochial report required by such Canons shall be filed with the Office of the General Convention. A copy of the report, together with the list of congregational officials for the ensuing year, shall also be sent to the Bishop not later than the designated date.

#### *Responsibility For*

- 10.3 The maintenance of Parish records and the making of required reports by the Parishes and Congregations of the Diocese shall be the joint responsibility of the Rector and Vestry or of the Priest in Charge and the Executive Committee.

*Change of Qualifications*

- 10.4 A Parish of this Diocese may change the qualifications of voters and the qualifications of Churchwardens and Vestrymen to include persons of less than full age but of the age of eighteen years or more, when the Parish shall so determine in the manner provided in Article 3, Section 46, of the Religious Corporations Law of the state of New York.

*Of the Application of the New York State Religious Corporations Law in the Diocese of Albany*

- 10.5 All Congregations of the Episcopal Diocese of Albany are established under the provisions of New York State Religious Corporations Law and shall abide by them. The following interpretations of the provisions of the Law shall be normative in the Episcopal Diocese of Albany:

In compliance with Article 2.2 of the Law, as well as in applying the Canons of the General Convention of the Episcopal Church, the term "Rector" shall be understood to include any person placed in charge of a congregation, whether by election on the part of the Vestry, or appointment on the part of the Ecclesiastical Authority. Unless otherwise restricted in a Letter of Agreement, all such persons in charge of a congregation shall have the rights and responsibilities normally assigned to a Rector.

In applying Article 2.12.2 of the Law in compliance with Title III.14.1.c of the Canons of General Convention the real property of an Incorporated Church shall not be sold, mortgaged, or leased for any period of time whatsoever without the consent of the rector.

The application to sell, mortgage or lease real property under Article 2.12.2,3 shall include the following: a statement by a competent authority of the appraised value of the property; the sale price, the amount of the mortgage, or the terms of the lease, as the case may be; the identity of the purchaser, lending agency, or lessee, as the case may be; the use to which the property is to be put; and, in the case of a lease, a statement of the tax exemption status of that use as determined by the appropriate authority, together with a copy certificate of liability insurance held by the lessee.

Pursuant to Article 3.43.5, the rector shall keep a list of those qualified to vote and of those qualified to hold office (Article 3.43.6,7) and shall have the list available for inspection at the Annual Election or Special Parish Meeting.

In Article 3.43.6 "regular attendants" shall be interpreted to mean "habitually present". "Contributors to its support" shall be interpreted to mean "a verifiable, regular contribution that is greater than a token amount."

Although the Episcopal Church counts as adults those sixteen years of age or more, parish voters in New York State must be at least eighteen years of age.

The word "confirmed" in the qualification for churchwarden (3.43.7) shall be construed to mean "confirmed or received by a bishop of the Anglican Communion".

If a person who was qualified under Article 3.43.6,7 to hold office at the time of election shall cease to meet the qualification standards of that Article for a period of three months or longer, that person's seat may be declared vacant by the rector and a successor chosen as specified in Article 3.42.3.

Notwithstanding the desire of a congregation to formally install newly elected Churchwardens and Vestrymen at a worship service, the terms of those newly-elected shall commence at the time of the announcement of the results of the balloting as provided for in Article 3.43.10

Where it is desired to limit the number of terms served by Churchwardens and Vestrymen, such limitation must be approved by the Vestry and ratified by a majority of those voting at an Annual Election or Special Parish Meeting in the same manner as specified in Article 3.46.

**CANON 11  
LICENSED PERSONS**

*Licensed Clergy*

- 11.1 Subject to the provisions of the Canons of General Convention, Members of the Clergy not canonically resident in the Diocese of Albany may be licensed by the Bishop, or if there be no Bishop, by the Standing Committee, to officiate in the Diocese. Specific preconditions to licensing shall be at the discretion of the Bishop. The types of license are as follows:

*Members of the Clergy Canonically Resident in other Dioceses of the Episcopal Church*

- 11.2 A. Members of the Clergy, Canonically Resident in other dioceses, who wish to officiate in the Diocese of Albany on a regular basis shall submit an application for license on the form supplied by the Bishop and, if so licensed, shall report on the conduct of that ministry in such manner as the Bishop shall direct. These Members of the Clergy shall be eligible for two types of license.

*B. Licensed Minister-in-Charge:* This license grants the holder the right to serve in the designated cure for the duration of the license. The holder may also hold appointed positions in the Diocese or its Deaneries, and will be expected to attend, as a non-voting participant, the same conventions, workshops, conferences, and retreats as canonically resident clergy. The term of this license shall be two years, unless surrendered or revoked.

*C. Licensed Supply:* This license grants the holder the right to officiate at worship in congregations of the Diocese upon request of the Rector, Warden, or Minister-in-charge. The term of this license shall be one year, unless surrendered or revoked.

*Members of the Clergy Ordained in other Churches of the Anglican Communion*

- 11.3 Unless Letters Dimissory have been otherwise presented pursuant to the Canons of the General Convention, Members of the Clergy ordained in other Churches of the Anglican Communion may only be granted Licensed Supply status.

*ELCA Pastors*

- 11.4 A. Pastors ordained by a Bishop of the Evangelical Lutheran Church in America may be licensed to officiate in a congregation in the Diocese of Albany upon application by the Rector or Priest-in-charge of that Congregation. The application shall state the reason for the request. In congregations where there is no Rector or Priest-in-charge, the application shall be made by the Dean of the Deanery. The application shall be endorsed by two-thirds of the whole number of Wardens and Vestry Members of that Congregation.

*B.* The license shall grant the holder the right to officiate only in and for the congregation specified in the application. Only *The Book of Common Prayer* shall be used in worship. The Rector, Priest-in-charge, or Dean, as the case may be, shall directly supervise all ministry performed under this license. The license shall be for the period specified in the application, which, in any case, shall not exceed one year. Any extension of the license beyond one year shall only be granted after a new application as in Paragraph (A) above.

*Licensed Lay Persons*

- 11.5 A person shall not be licensed as a Lay Reader or Chalice Bearer unless such person has been selected and trained in conformity with guidelines established by the Bishop.

*Lay Reader*

- 11.6 A. A confirmed adult communicant in good standing may be licensed as a Lay Reader by the Bishop. Such license shall be granted only at the request of the Rector or Priest in Charge of the Congregation in which the Lay Reader will serve.

B. In all matters relating to the conduct of services a Lay Reader shall conform to the directions of the Rector or Priest in Charge of the Congregation in which the person is serving, and, in all cases, to the directions of the Bishop. The Lay Reader shall act in accordance with the rubrics and other directions of the Book of Common Prayer in every respect.

C. The license of a Lay Reader shall be issued for a period not to exceed three years and shall be revocable at any time. Renewal of the license shall be determined on the basis of acceptable performance of the ministry and upon the endorsement of the Rector or Priest in Charge of the Congregation in which the Lay Reader is serving.

#### *Lay Eucharistic Minister*

11.7 A. A confirmed adult communicant in good standing may be specially licensed as a Lay Eucharistic Minister by the Bishop. Such special license shall be granted only at the request of the Rector or Priest in Charge of the Congregation in which this ministry will be exercised and with the concurrence of the Vestry.

B. This extraordinary ministry shall not take the place of the ministry of Priests and Deacons in the exercise of their office and shall be performed in accordance with the Rubrics and Directions of the Book of Common Prayer and the Canons of General Convention. Such ministry shall be restricted to the Congregation in which the Lay Eucharistic Minister is licensed and under the direction of the Priest at whose request the license was granted.

C. The license of a Lay Eucharistic Minister shall be issued for a period not to exceed three years and shall be revocable by the Bishop at any time. Such license shall terminate when the Rector or Priest in Charge, at whose request the license was granted, is no longer in charge of the Congregation. The license may be renewed upon the request of the Rector or Priest in Charge of the Congregation in which the Lay Eucharistic Minister is serving, with the concurrence of the Vestry.

#### *Standards for Ordination and Consecration*

11.8 A. To be eligible to be ordained to the Diaconate or Priesthood, or consecrated a Bishop, a person must live within the covenant of Marriage between one man and one woman, or be celibate and abstinent.

#### *Standards for Election, Appointing, and Licensing*

11.8 B. To be eligible to be elected, appointed or licensed to any position of ordained ministry in the Diocese, a member of the clergy must live within the covenant of Marriage between one man and one woman, or be celibate and abstinent.

## **CANON 12 DISSOLUTION OF THE PASTORAL RELATIONSHIP**

#### *Resignation*

12.1 A Rector shall not resign a Parish without the consent of a majority of the Vestry of such Parish; provided, however, that a Rector shall resign a Parish upon attainment of age seventy-two.

#### *Removal*

12.2 A Rector shall not be removed from a Parish except as provided in Section 12.6(1) hereof.

#### *Procedure In The Event of Dispute*

12.3 If either the Rector or the Vestry desire dissolution of the pastoral relationship and cannot agree concerning the terms and conditions of such dissolution, the Rector or the Vestry shall prepare and serve a written representation upon the Bishop and on the other party to the dispute. Such representation shall state with specificity all facts and arguments relative to the dispute. The other party shall prepare and serve on the Bishop and upon the party making the representation a written answer to the facts and arguments stated therein. Such answer shall be served within twenty days after the date of service of the representation and shall admit or deny the facts stated therein and respond to the arguments therein made.

*Bishop as Mediator*

12.4 Within sixty days of the receipt of such representation, and such written answer if interposed, the Bishop, as chief pastor of the Diocese, shall mediate the differences between Rector and Vestry in every informal way which the Bishop deems proper, and may appoint a committee of at least one Priest and one Lay Person, none of who may be members of the Parish involved, to make a report to the Bishop.

*Hearing on Dispute If Not Resolved By Bishop*

12.5 If the Bishop shall determine that the differences between the parties are not resolved at the conclusion of mediation, he shall convene the Standing Committee and give written notice to the parties as to the date, time and place at which the Bishop, and the Standing Committee, will hold a hearing. At such hearing, a stenographic record shall be kept, and each of the parties shall have full opportunity to present evidence and arguments relevant to the dispute, and to be represented by counsel.

*Order after Hearing*

12.6 After such hearing, the Bishop, with the advice and consent of the Standing Committee, shall make and serve a written order upon the parties. Such order shall either (1) terminate the pastoral relationship at a time and upon terms and conditions specified therein, or (2) direct that the pastoral relationship shall continue upon terms and conditions specified therein. Such order shall be conclusively binding on the parties.

*Secretary To Record*

12.7 If, pursuant to this Canon, the Pastoral Relationship be dissolved, the Bishop shall direct the Secretary of the Diocese to record such dissolution.

*Penalty for Failure to Comply*

12.8 In the event that either party shall thereafter refuse to comply with the agreement reached pursuant to Section 12.4 hereof or with the order issued pursuant to Section 12.6 hereof, the Bishop may, in the case of the Rector, suspend the Rector from the exercise of the priestly office until the Rector shall comply with such agreement or order, or, in the case of the Vestry, recommend to the Diocesan Convention that the union of the Parish with Convention be suspended until such order is complied with.

*Vacancy in Episcopate*

12.9 If the Episcopate is vacant, the Ecclesiastical Authority shall select a Bishop of an adjacent Diocese to act in conformity with this Canon.

**CANON 13  
CALLING A RECTOR**

*Notice and Action Required by Vestry to Bishop*

13.1 When a Parish is without a Rector, the Churchwardens shall immediately notify the Bishop that a vacancy has occurred and the Vestry shall forthwith make temporary provision for the maintenance of Divine Services in such Parish. If the Vestry shall fail to make such provision within ten days from the date on which the vacancy occurs, the Bishop shall take whatever measures are required to insure that Divine Services are maintained.

*Bishop May Communicate With Vestry*

13.2 The name of candidates considered for election as rector shall be submitted to the Bishop for his review and comment. No election of a Rector shall be held until the Bishop has been notified of the name of the Priest whom it is proposed to elect. The Bishop may within thirty days after receiving such notification, communicate with the Vestry on all matters relevant thereto.

*Procedure Following Election*

13.3 Following compliance with Section 13.2 hereof, an election by the Vestry to fill the vacancy may be held. Written notice, signed by the Churchwardens, of the name of the Priest elected shall be served on the Bishop within five days after such election. If the Bishop is satisfied that the person elected is a duly-qualified Priest of this Church and has accepted election, the Bishop shall cause the notice of the election to be sent to the Secretary of the Convention. The notice of election shall be sufficient evidence of the relation between the-Priest and the Parish

**CANON 14  
ECCLESIASTICAL DISCIPLINE FOR PRIESTS OR DEACONS**

*Conformity to the Canons of the General Convention*

14.1 Title IV of General Canons. Those provisions of Title IV of the General Convention Canons which are applicable to the Diocese are hereby incorporated as part of this Canon. To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

*Disciplinary Structure*

14.2(a) Disciplinary Board. The Board shall consist of nine persons, five of whom are members of the clergy and four of whom are Laity.

14.2.(b) Clerical Members. The Clerical members of the Board must be canonically and geographically resident within the Diocese.

14.2.(c) Lay Members. The lay members of the Board shall be Confirmed Adult Communicants in Good Standing, and geographically resident in the Diocese.

14.2.(d) Election. The members of the Board shall be elected by the Convention. Each member shall be elected for a three (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 term of the member shall commence on the first (1st) day of the year following election. No member of the Disciplinary Board shall serve more than two consecutive full terms. The terms of office of the Board shall be staggered and arranged into three classes.

14.2.(e) Vacancies. Vacancies on the Board shall be filled as follows:

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

(2) The Bishop shall appoint a replacement Board member with the advice and consent of the Standing Committee.

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

(4) 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.

14.2.(f) Preserving Impartiality. In any proceeding under Title IV, 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 immediately notify the President of the Board and request a replacement member of the Panel. 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.

14.2.(g) President. Within sixty (60) days following the annual Convention, the Board shall convene to elect a President to serve for the following calendar year.

14.2.(h) 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.

14.2.(i) 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.

14.2.(j) Church Attorney. Within sixty (60) days following each annual Convention, the Bishop in consultation with 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, but need not reside within the Diocese.

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

14.2.(l) Advisors. In each proceeding under Title IV, 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.

14.2.(m) Clerk. The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

#### *Costs and Expenses.*

14.3.(a) 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 subject to budgetary constraints as may be established by the Diocesan Convention or the Diocesan Council between meetings of the Convention.

14.3.(b) Costs Incurred by the Respondent. In the event of a final Order dismissing the complaint, or by provisions of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by the Diocese, subject to budgetary constraints as may be established by the Diocesan Convention or the Diocesan Council between meetings of the Convention.

*Records.*

14.4.(a) Records of Proceedings. Records of active proceedings before the Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

14.4.(b) Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under Title IV at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

**CANON 15  
DIOCESAN COMMITTEE ON CHURCH ARCHITECTURE  
AND THE ARTS**

*Composition and Appointment*

15.1 At each Annual Meeting of the Convention, the Bishop shall appoint a Committee on Church Architecture and The Arts, whose members shall have skill and competence in architecture, engineering or the arts.

*Submission of Plans Encouraged*

15.2 Each Parish or Congregation, Corporation or Institution of this Diocese, contemplating new construction or material changes in existing structures, including permanent changes in the decor thereof, before undertaking such work, is encouraged to submit plans and specifications for such work to the Committee for advice.

*Relationship with Diocesan Development Fund*

15.3 The Committee shall be the consultant to the Diocesan Development Fund with respect to the architectural, engineering and decorative components of plans and specifications submitted with loan applications to such Fund.

15.4 Each parish, congregation, corporation or institution of this Diocese which submits plans to the Committee in timely fashion prior to the start of construction and which is granted a loan for the construction from the Diocesan Development Fund shall be compensated with a reduction of one-half percent in the interest rate charged for the loan.

**CANON 16  
MARRIAGE**

*Celebration or Blessing of Marriages by Clergy*

16.1 Members of the Clergy Resident in or Licensed to Serve in this Diocese shall neither officiate at, nor facilitate, nor participate in any clerical capacity in any service, whether public or private, for the Celebration or Blessing of a Marriage or any other union except between one man and one woman. Unions

other than those of one man and one woman in Holy Matrimony, even if they be recognized in other jurisdictions, shall be neither recognized nor blessed in this Diocese.

*Marriages on Church Property*

16.2 Properties owned, controlled, managed, or operated by this Diocese, or any Parish of the Diocese, or any legal entity established by the Diocese or a parish of the Diocese, shall not be the site for any service, public or private, for the Celebration or Blessing of a Marriage or any other union except those between one man and one woman.

**CANON 17  
AMENDMENT OF THESE CANONS**

*Submission of Proposal*

17.1 Any proposal to alter or amend these Canons, or to introduce a new Canon, must be submitted in the form of a Canon sponsored and seconded by members of the Convention, to the Secretary of the Convention no later than the ninetieth day preceding the day fixed as the first day of the next ensuing Convention. The Secretary shall forthwith transmit copies of the proposal to the Bishop and to the members of the Committee on Constitution and Canons.

*Recommendation of Committee on Constitution and Canons*

17.2 The Committee on Constitution and Canons shall notify the Secretary of the Convention of the recommendations of the Committee regarding such proposal no later than the forty-fifth day preceding the day fixed as the first day of the next ensuing Convention. The Secretary shall forthwith transmit copies of such recommendations to the Bishop and to the sponsor and seconder of the proposal.

*Effect of Failure to Conform With This Canon*

17.3 Any proposal to alter or amend these Canons, or to introduce a new Canon, which is not submitted in accordance with Section 17.1 hereof shall not be considered by the Convention unless a majority of the votes at the Convention, or, in the case of a vote by orders, a majority of the votes in each order, shall be cast in favor of considering such proposal.

*Bishop Must Concur*

17.4 The concurrence of the Bishop shall be necessary before any Canon is altered or amended or any new Canon is adopted.

*Majority Vote*

17.5 Any alteration or amendment to the Canons, or the adoption of a new Canon shall require a majority of the votes of the Convention.