

# Canons of the Episcopal Diocese of Albany

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## Canon I. Clerical Members of Convention

Sec. 1. The Ecclesiastical Authority shall maintain a list of all clergy canonically resident and publicize the list at least one week before Convention. The list shall include their titles and their places of residence. No member of the clergy, under discipline, as defined by Title IV of the Canons of The Episcopal Church, shall have a place on the list. Such list shall be available to the Convention on the first day of meeting and shall be prefixed in the Journal. Canonical Residence shall be established upon ordination in the Episcopal Diocese of Albany (the “Diocese”) or receipt of Letter Dimissory from another diocese.

Sec. 2. The right of any member of the clergy of the Diocese to a seat in the Convention, if disputed, shall be determined by a vote of the Convention.

## Canon II. Lay Members of the Convention

The lay delegates and alternates from each congregation shall be elected annually by its vestry at a meeting duly held, or by a duly summoned meeting of the congregation, from laypersons eighteen years of age or older belonging to the parish, who shall be communicants and who shall have been regular attendants at its worship and financial contributors to its support for at least twelve months prior to being chosen. The choice of lay delegates and their alternates shall be certified in writing by the rector, or priest-in-charge of the congregation which they represent, or by one of the wardens or the clerk of the vestry. Such certificate shall be forwarded to the Secretary not later than one month before the Convention is set to be held. The certificate shall also state that each delegate and alternate were eligible to be chosen.

## Canon III. Organization of the Convention

Sec. 1. At every Convention the Bishop, as Presiding Officer, shall take the chair and shall continue to preside in accordance with the Rules of Order. Subject to an appeal to the Convention, the Bishop shall decide all questions of order without debate and shall have authority to appoint a parliamentarian. The Bishop shall have the right to call the Bishop Coadjutor, if there be one, to the chair, or there being no Bishop Coadjutor, the Bishop Suffragan, or there being no Bishop Suffragan, to name the President of the Standing Committee, or, in their absence, the most senior in office among the clerical members of the

Standing Committee present, as Presiding Officer; but such substitution shall not extend beyond an adjournment unless agreed to by the Convention.

Sec. 2. A quorum will consist of thirty clerical members of the Convention and at least one delegate from at least twenty-five parishes. A quorum is necessary for the transaction of business, save for adjournment.

Sec. 3. A quorum being found in attendance, the Presiding Officer shall declare the Convention duly organized. The Secretary shall then be elected, who then may appoint one or more assistant secretaries. In the absence of the Secretary, the assistant secretaries shall be nominated from the floor of the Convention to be approved by the Convention.

Sec. 4. The Rules of Order of the preceding Annual Convention shall be the Rules of Order until altered by a vote of a majority of the Convention. Any issue not covered by existing rules of order shall fall under the current edition of Robert's Rules of Order.

Sec. 5. Licensed clergy and laypersons, other than delegates, who are members of the Diocesan Council, or trustees of the Diocese, members of the Standing Committee, members of the Diocesan Staff, Pastoral Leaders licensed by the Diocese, or other officers of the Diocese, shall have a seat and voice.

Sec. 6. Prior to every Convention the Bishop may appoint a Convention Planning Committee to make appropriate provision, under the direction of the Bishop, for both the schedule, excluding the Order of Business, and program, as well as for facilities for such Convention.

#### Canon IV. Call of a Convention and Notices pertaining thereto

Sec. 1. Notice of the meeting of any Convention shall be given by the Secretary in a letter, transmitted by regular mail and/or electronic communication, at the expense of the Convention, to every member of the clergy canonically resident in the Diocese, to every licensed cleric serving as Priest-in-Charge, to the lay authorities in every congregation without a Rector or Priest-in-Charge.

Sec. 2. Provisions of the Constitution and Canons of the Episcopal Diocese of Albany relating to the appointment of lay delegates, and a form of certificate of their election, shall

be sent by the Secretary to every parish at least six weeks before the date in which Convention is set to be held.

Sec. 3. The Secretary shall notify all trustees or individuals having charge of any funds belonging to the Diocese of the responsibility imposed upon them to prepare and submit a report to Convention. The Secretary shall also notify the chair of each special committee appointed by the preceding Convention to report to the next Convention.

Sec. 4. All proposed amendments to the constitution or canons shall be submitted to the Committee on Constitution and Canons at least ninety days before the meeting of Convention. The Committee will ensure compliance with New York State Religious Corporations Law, the Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church, as adopted in General Convention (hereinafter referred to as the “Canons of The Episcopal Church”), and of the Constitution and Canons of the Episcopal Diocese of Albany, with the Committee report due forty-five days before the meeting of Convention. Compliance then insured, a copy of the amendments so submitted, together with the committee’s recommendations and the reasons for such recommendation, shall be sent to all members of the Convention prior to the pre-convention meetings.

#### Canon V. Attending the Meetings of the Convention.

Sec. 1. The regular attendance of the clergy and laity at the meetings of the Convention is of essential consequence to the interest of the Church and is required.

Sec. 2. No member of the clergy of the Diocese actively engaged in work in the Diocese shall, except for good and reasonable excuse, be absent from the meetings of the Convention. In the event of such absence, such clergy shall make known to the Ecclesiastical Authority the reason for such absence.

Sec. 3. No member of the Convention shall leave during its session without having been excused by the Presiding Officer.

#### Canon VI. Elections

Sec. 1. All elections required by the Constitution and Canons are to be determined by ballot. In an uncontested election, where the number of nominees and available positions are equal, every nominee is elected upon receiving one vote.

Sec. 2. In order to be elected, a candidate must receive a concurrent majority of the votes cast in both the clerical and lay orders, and the greatest number of votes counted in the aggregate.

Sec. 3.

- (a) With the notice of the meeting of the Convention, the Secretary shall send to all clergy entitled to vote, and to all certified delegates a nomination form, which shall contain the names of all offices to be filled at such Convention under the Canons of the Diocese, together with the names of the office holders whose terms of office expire.
- (b) Two members of the Convention entitled to a seat in the forthcoming Convention, may file, prior to the assembling of the Convention, nominations for the offices to be filled at the Convention provided:
  - (i) Such nominations shall be made on the nomination form furnished by the Secretary.
  - (ii) With such nominations shall be forwarded the written consent of the nominee to serve if elected, a biographical sketch of the nominee in not more than five hundred words (to include residence, parish, ecclesiastical status, profession or occupation, and a brief description of participation in relevant activities of the community, Diocese and The Episcopal Church), and, if possible, a photograph of the nominee.
  - (iii) Such nominations and accompanying data shall be filed with the Secretary at least two weeks before the opening of the Convention.
  - (iv) Such nominations shall not be accepted unless the certificate of election of delegates to the Convention which includes the name or names of those making the nominations has been first filed with the Secretary and also complies with the Canons of the Diocese.
- (b) The Secretary of the Convention shall prepare and forward to all members of the Convention entitled to a seat in the forthcoming Convention, so that it shall be received at least four days before the opening of Convention, a brochure containing a statement of all offices to be filled at the Convention, and the names, biographical

sketches and photographs of the persons nominated in accordance with this canon for each office, arranged in alphabetical order.

- (c) All nominations made in accordance with this canon shall be reported by the Secretary to the Convention on the first day according to the Rules of Order. The form of ballot shall include the names of the nominees for each office nominated in accordance with this canon and arranged alphabetically.

Sec. 4. In all cases of failure or omission to elect officers by the Convention, the persons last elected shall continue in office until others be chosen.

Sec. 5. In case of vacancies in office, the filling of which is not otherwise provided for in these canons, occurring between conventions, shall be filled by the Bishop with consent of the Standing Committee. Members so appointed shall serve until the next convention.

## Canon VII. Deputies to the General Convention and to the Provincial Synod and of Delegates

Sec. 1. The Convention shall, at its next regular annual meeting following each regular session of the General Convention, elect four clerics, either priests or deacons, 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.

Sec. 2. The Convention shall, at its next regular annual meeting following the election of Deputies to General Convention, also elect four clerics, either priests or deacons, and four lay persons to act as Alternate 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 Alternate Deputies to General Convention shall also serve as Deputies to Provincial Synod and shall hold office until their successors are elected.

Sec. 3. In cases of necessity, the Bishop, with the consent of the Standing Committee, may alter the election schedule.

Sec. 4. The Deputies shall elect, from among them, one to serve as chair of the Deputation.

Sec. 5. Any vacancies occurring shall be filled by designation of the Bishop from the list of members of the clergy and laypersons elected as Alternate Deputies, in the sequence in which they were elected, and such persons when certified by the Bishop, shall have all the power and authority of Deputies duly elected by the Convention. The list of Alternates being exhausted the Bishop shall appoint, in consultation with the Standing Committee, such clergy and laypersons to ensure representation by at least three deputies in each order.

Sec. 6. The necessary expenses of the Deputies attending the General Convention and the Provincial Synod and their meetings held in conjunction with the Provincial Synod shall be paid by the Diocese.

### Canon VIII. Secretary

Sec. 1. The Secretary shall be nominated to the Convention by the Standing Committee with the approval of the Bishop. In case the Convention declines to elect the nominee, the Bishop shall appoint a member of the Convention as Secretary Pro Tempore, and the Standing Committee shall make, during the same Convention, a new nomination.

Sec. 2. In the event of a vacancy occurring in the Office of The Secretary, the Bishop or other Ecclesiastical Authority, may, in consultation with the Standing Committee, appoint a Secretary Pro Tempore, who shall serve until the next annual Convention.

Sec. 3. The Secretary, in addition to discharging the duties imposed by the Constitution and other provisions of these canons, shall, subject to the orders of the Convention, issue the Journal of the annual Convention and accompanying documents, and when published shall post the Journal on the website of the Diocese, and shall provide notice that the Journal is posted on the website to each member of the clergy of the Diocese, each lay delegate attending the Convention, and each congregation in the Diocese. The Secretary shall maintain a printed copy of the Journal in the Diocesan Office and shall provide printed copies to clergy members, Diocesan Council members, Standing Committee members, Trustees of the Diocese, lay delegates, and congregations upon request. The Secretary shall provide copies of the Journal as required by the Secretary of the House of Deputies of General Convention and the Archives of the Church.

Sec. 4. As required by the Canons of The Episcopal Church, the Secretary shall prepare a certified copy of the testimonials of the deputies elected to the General Convention and forward the same to the Secretary of the House of Deputies. The Secretary shall also

transmit to the Secretary of the House of Deputies the other documents required by the Canons of The Episcopal Church.

Sec. 5. The Secretary shall maintain, with the assistance of the Diocesan office, if requested, the Canonical Register of all clergy canonically resident in the Diocese which shall include the records required by the Canons of The Episcopal Church.

## Canon IX. Treasurer

Sec. 1. The Treasurer of the Diocese shall be nominated to the Convention by the Standing Committee with the approval of the Bishop. In case the Convention declines to elect the nominee, the Standing Committee shall make, during the same Convention, a new nomination.

The Treasurer shall:

- (a) Oversee the reception and disbursement of all monies collected under the authority of the Convention, in consultation with and under the established procedures of the Diocese;
- (b) Prepare and present to the Convention an annual accounting of all funds received and disbursed;
- (c) Give a bond conditioned on the faithful performance of these duties, the amount of which shall be determined by the Standing Committee and the expense of which shall be paid from funds of the Diocese.

Sec. 2. The Bishop, in consultation with the Standing Committee, may appoint one or more Assistant Treasurers.

## Canon X. Ecclesiastical Authority

### Sec. 1. Archdeacons

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.

### Sec. 2. Committees and Commissions

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 a member, ex

officio, of all Committees and Commissions over which they have the power of appointment.

### Sec. 3. Licensed clergy

(a) Subject to the provisions of the Canons of The Episcopal Church, Members of the Clergy not canonically resident in the Diocese 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:

(i) Licensed Priest-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 one to three years, unless surrendered or revoked.

(ii) 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.

(b) Unless Letters Dimissory have been otherwise presented pursuant to the Canons of The Episcopal Church, Members of the Clergy ordained in other Churches of the Anglican Communion may only be granted Licensed Supply status.

Sec. 4. In the event of the Bishop's death, resignation, or in the opinion of three-quarters of all the members of the Standing Committee the Bishop is unable to perform the function of Ecclesiastical Authority, the Bishop Coadjutor shall become the Ecclesiastical Authority of the Diocese; if there be no Bishop Coadjutor, the Bishop Suffragan, if there be one, shall become temporarily the Ecclesiastical Authority. The Standing Committee of the Diocese shall be the Ecclesiastical Authority of the Diocese for all purposes declared by the General Convention only in the event of the inability to perform of all the Bishops herein named, or of a vacancy in the Episcopate.

## Canon XI. Standing Committee of the Diocese

Sec. 1. The Standing Committee of the Diocese, provided for by the Constitution and Canons of the Episcopal Church, shall consist of six members of the clergy of the Diocese,

and six laypersons, confirmed communicants of full age of the Church in this diocese, two such members of the clergy and two such laypersons to be elected annually by the Convention of the Diocese, each for a term of three years. The election shall be by ballot, and by the concurrent vote of a majority of those present and voting in each order. Vacancies in the Standing Committee occurring by death or otherwise may be filled until the next meeting of Convention by the concurrent vote of the clerical and lay members of the Committee. No member shall be eligible for reelection for one year after two consecutive terms. The Standing Committee annually shall elect from its members a President and a Secretary, which shall serve for one year.

Sec. 2. The Secretary of the Standing Committee shall keep a true record of its proceedings and shall preserve all books, journals, papers, and electronic records belonging to the committee and transmit the same to their successor in office. The President of the Standing Committee shall report the proceedings annually to the Diocesan Convention.

Sec. 3. In addition to action taken at a meeting duly convened, the Standing Committee is empowered and authorized to take action as follows:

- (a) By mail, telegraphic or electronic communication ballot. Notice shall be given to each member of the Standing Committee, by regular mail or electronic communication, describing the action proposed to be taken and setting forth the time (which shall be reasonable) within which the proposed action will be taken, and the name and address of the person or persons to whom ballots or other communications with reference thereto should be sent. Members of the Committee may return ballots by mail or electronic communication and the results thereof shall be binding and any action so approved shall be the action of the Committee, provided that there is unanimous consent in favor of the action.
- (b) By conference telephone or video conferencing. By means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

## Canon XII. Diocesan Council

Sec. 1. The Diocesan Council shall be the program agent of the Bishop and the Convention of the Diocese between meetings of the Convention.

Sec. 2.

(a) The Diocesan Council shall be composed of the following members:

- (i) The Bishop and the Bishop Coadjutor if there be one;
- (ii) The Secretary;
- (iii) A member of the Standing Committee elected by that Committee;
- (iv) The Treasurer; and
- (v) Twelve persons, half in the clerical order and half in the lay order, adult members of the Episcopal Church and residents of the Diocese, elected by Convention, each to serve for a three-year term beginning at the close of the Convention at which they are elected and until their successor is elected. No member shall be eligible for reelection for one year after two consecutive terms.
- (vi) Provided, however, that no member elected by the Convention under paragraph (v) may serve more than two successive full terms.

(b) Vacancies in the membership of the Diocesan Council elected under paragraph (v) of subsection (a) shall be filled until the next meeting of the Convention by the remaining members of the Diocesan Council.

Sec. 3. The Bishop shall be the President and presiding officer of the Diocesan Council. The Secretary of the Diocese shall be the Secretary of the Diocesan Council.

Sec. 4. The Diocesan Council shall meet at stated intervals but at least four times a year, and at such other times as the Bishop or the Diocesan Council may determine. Such meetings shall be in-person, or by means of a conference telephone, video conferencing, or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at the meeting.

Sec. 5. 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 1. 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 they may request.

Sec. 6. The Diocesan Council, under the direction of the Bishop, shall have oversight for the program and budget of all Diocesan Ministries.

Sec. 7. Every parish, congregation, corporation, and institution of the Diocese shall conform to the standard business methods prescribed by Canons of The Episcopal Church. Oversight of the administration of the business methods and of the annual audit prescribed by the Canons of The Episcopal Church shall be vested in the Finance Committee of the Diocese, which shall consist of the Bishop, the Treasurer and at least five members appointed annually by the Bishop with the advice and consent of the Trustees of the Diocese. The Committee shall report annually to the Convention of the Diocese.

### Canon XIII. The Trustees of the Diocese

Sec. 1. The Trustees of the Episcopal 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 Episcopal Diocese of Albany, by the provisions of Chapter 118 of the Laws of 1958.

Sec. 2. The Trustees of the Episcopal 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 Diocesan 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.

Sec. 3. The Trustees 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 Diocesan Convention. At each annual meeting, the Diocesan 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 Diocesan Convention, at which time a Trustee shall be elected to fill the unexpired term occurring by reason of such vacancy. No member shall be eligible for reelection for one year after two consecutive terms.

Sec. 4. The Trustees shall file an annual report with the Diocesan Convention.

Sec. 5. The Diocesan Development Fund may lend capital funds to the parishes, congregations, corporations and institutions of the Diocese for new construction, remodeling, major improvements, equipment, furnishings, emergencies and 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 Trustees. This Committee shall set the rate of interest to be charged on all loans. This Committee shall submit a financial report quarterly to the Trustees and shall submit an Annual Report to the Convention at the Annual Meeting of the Convention.

#### Canon XIV. Commission on Ministry

Sec. 1. At each Diocesan Convention, the Bishop shall appoint a Commission on Ministry to consist of no fewer than six nor more than twelve persons, one half of whom shall be of the lay order and one half of whom shall be of the clerical order, who shall hold office until their successors are nominated. The term shall be three years and members may be reappointed for subsequent terms, however no person shall serve more than two successive terms. Vacancies occurring between conventions shall be filled by the Bishop. The Bishop shall appoint the chair of the commission.

Sec. 2. It shall be the duty of the Commission on Ministry to assist the Bishop in all matters pertaining to lay and ordained Ministry in accordance with the Constitution and Canons of The Episcopal Church.

#### Canon XV. Property Committee

Sec. 1. At each annual meeting of the Convention, the Bishop shall appoint a Property Committee.

Sec. 2. The Property Committee shall handle various responsibilities related to the management, maintenance, and development of physical properties owned by the Diocese. Key duties include:

- (a) Working with parishes and missions in overseeing the upkeep and maintenance of buildings, facilities, and grounds of church properties, ensuring they are safe, functional, and well-maintained.
- (b) Helping parishes and missions with planning and coordinating renovation projects, repairs, and upgrades to existing properties as needed, to improve functionality, accessibility, and aesthetics.
- (c) Ensuring that all properties owned by the diocese comply with relevant safety codes, zoning regulations, and legal requirements, to minimize liability and risk.
- (d) Developing long-term plans and strategies for the effective utilization and development of diocesan properties, in alignment with the mission and goals of the diocese.

Sec. 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 the fund.

#### Canon XVI. Chancellor of the Diocese

The Bishop may nominate for the approval of the Diocesan Convention a person or persons skilled in ecclesiastical and civil law to be the Chancellor, Co-Chancellors, or Vice-Chancellor of the Diocese, who shall act as legal advisers and counselors to the Ecclesiastical Authority.

#### Canon XVII. Budget of the Diocese and the Diocesan Assessment

Sec. 1. The Diocesan Council shall prepare, under the direction of the Bishop, an annual budget for consideration by the Diocese, which shall be distributed to the Members of Convention no fewer than sixty days before the start of the annual convention.

Sec. 2. The Diocesan Convention may make changes to the proposed budget by a two-thirds vote of its members present and voting. On approval by the Convention, the budget so approved shall become the budget for the Diocese for the ensuing calendar year, provided, however, that the Diocesan Council shall have authority from time to time to make such adjustments thereto, as to items of either income or expenditures or both, as it deems necessary and appropriate to accommodate changes that occur after the approval by the Convention.

Sec. 3. After approval of the budget by Diocesan Convention, to aid in the support of the Episcopate and to meet duly authorized diocesan expenses as set forth in the budget, the Diocesan Convention shall lay an assessment upon the parishes and congregations. Such assessment shall be based on the operating income of such parishes and congregations of the Diocese for the year next preceding the meeting of the Diocesan Convention and shall be payable monthly to the Treasurer of the Diocese. Operating income shall be defined by Diocesan Council and generally includes 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. If a parish is unable to pay their assessment in full, the Vestry shall notify the Bishop or the Bishop's designee. Whenever hereafter any parish shall neglect to pay their assessment in full, and fail to notify the Bishop or the Bishop's designee as required by Canon, The Secretary shall so report to the Diocesan Council, and such parish shall be denied vote in the Convention of that year; except that, because of unusual circumstances explained to the Diocesan Council, such parish may be admitted to representation by a majority vote of the Diocesan Council.

Sec. 4. The Diocesan Council shall have authority and responsibility to make expenditures of monies in accordance with the budget as approved by the Diocesan Convention and subsequently adjusted by the Diocesan Council. The Diocesan Council may also authorize the expenditure of monies for any other expenditure financed by funds within their control, subject to any restrictions imposed by the Annual Convention.

### Canon XVIII. The Fiscal Year and Reports to the Convention

Sec. 1. The fiscal year of the Diocese shall begin on the first day of January in each year, and the Treasurer of the Diocese and all trustees in charge of any funds belonging to the Diocese shall make their reports annually to the Secretary at least three months before the meeting of the Convention.

Sec. 2. All special committees appointed by one Convention to report to the next Convention shall send their reports to the Secretary at least three months before the meeting of the Convention in each year.

## Canon XIX. Episcopal Offerings

At the Episcopal Visitations, each parish is expected to make a financial contribution to the Bishop's Discretionary Fund.

## Canon XX. Deaneries of the Diocese

Sec. 1. The Diocese shall be divided into Deaneries, the number and boundaries of which may be changed from time to time by the Bishop, after consultation with the Deaneries involved, and with the advice and consent of the Standing Committee.

Sec. 2. It shall be the responsibility of each Deanery, in concert with the Diocesan Council, to undertake and coordinate regional ministries that fall predominantly within the Deanery. The Dean shall report thereon as required by the Diocesan Council.

Sec. 3. The Bishop shall appoint a Priest of the Deanery to be its Dean. The Dean shall take office immediately upon appointment and shall serve at the pleasure of the Bishop. The Dean shall have such responsibilities as may be required by the Bishop.

Sec. 4. Each Deanery, meeting in Convocation, may make by-laws not inconsistent with these canons for the conduct of its own affairs.

## Canon XXI. Parishes, Missions, College Chapels, and Summer Chapels

Sec. 1. Parishes.

- (a) One or more groups of Episcopalians, whether or not incorporated, (joined in appropriate instances with other Christians) shall be a parish when so certified and admitted into union by a majority vote of the members of the Convention present and voting. The application for such certification and admission shall be filed with the Deanery Dean where the applicant is located. The application, with a report of the action taken thereon by the Dean, shall be forwarded to the Bishop within ninety days after the filing thereof. Thereafter, within one hundred twenty days of receipt, it shall be forwarded with advice of the action of the Bishop thereon to the next Convention of the Diocese for final action by such Convention.

- (b) Parishes in Union with Convention shall continue to be in union unless it is determined by Convention that the parish has failed to conduct regular worship services, or has failed to maintain an organized vestry which meets regularly, or has failed for three consecutive years to pay its Diocesan Assessment, or is failing to make a good faith attempt to compensate its clergy at or above the guidelines adopted by Convention. A recommendation may be submitted to Convention by the Bishop, together with the Standing Committee, that a determination be made that a parish is no longer in union with Convention; furthermore, the Convention vote to terminate requires a two-thirds majority.
- (c) The Bishop may suggest a parish self-study at any time for the purpose of developing programs to assist the parish.
- (i) Churches (excluding summer chapels) with an average Sunday attendance below thirteen shall, at the direction of the Bishop in consultation with the Standing Committee, enter a two-year vitality assessment.
- a. The Bishop shall appoint a Vitality Team consisting of the Bishop and/or a member(s) of the Bishop's staff, one member of the Standing Committee, one member of the Diocesan Council, and a member of the Trustees.
  - b. This process will actively engage and involve all members of the congregation. The vitality assessment shall include a review of: finances (budget and long-term accounts), attendance trends, sustainability predictors, parish history and recent history, involvement in the community (opportunities and missed opportunities), the desire and willingness of the congregation to continue, the impact if the church no longer existed, the congregations strategic value to the diocesan mission, and any other area determined by the Bishop.
  - c. At the conclusion of this process, the Bishop shall issue a directive for the church to continue as is, suspend ministry for later redevelopment, create a plan for a new shape of the ministry, convert into summer chapel, or close.
- (d) No certificate of consent to the incorporation of a parish shall be given by the Bishop or by the majority of the Standing Committee unless the applicant for such consent

shall then be a certified parish admitted into union with the Convention as provided in Section 1 or 2 of this canon.

- (e) Whenever hereafter any parish shall neglect to make the annual parochial report, and to forward the same to the Secretary as required by Canon, the Secretary shall so report to the Diocesan Council, and such parish shall be denied voting privileges at Convention; except that, because of unusual circumstances explained to the Diocesan Council, such parish may be admitted to representation by a majority vote of the the Diocesan Council.
- (f) Whenever hereafter any parish shall neglect to make the required clergy pension payments, the Secretary shall so report to the Diocesan Council, and such parish shall be denied voting privileges in the Convention; except that, because of unusual circumstances explained to the Diocesan Council, such parish may be admitted to representation by a majority vote of the Diocesan Council.
- (g) No parish shall establish a new place of worship without the consent of the Bishop and the Standing Committee after consultation with the Dean.
- (h) No parish shall encumber or alienate any real property, or any interest therein, other than by lease for not more than five years, without the consent of the Bishop, the Standing Committee, and the Trustees of the Diocese, and leave of Court as required by the New York State Religious Corporations Law.
- (i) The qualified voters at any election or special meeting of a parish shall be those persons of full age belonging to the parish, who have been baptized and are regular attendants at worship and financial contributors to its support for at least twelve months prior to such election or special meeting, or since the establishment of the parish. In any parish which has so determined in the manner provided in the Religious Corporations Law, persons of less than full age, but of the age of eighteen years or more and having the other qualifications of this section, shall also be qualified voters and eligible to be elected members of the vestry and, if confirmed communicants or received in the Episcopal Church, wardens.
- (j) Parish Meetings.
  - (i) Annual Election and Meeting. The annual election and meeting of each parish shall be held on the day, either a Sunday or a secular day, as designated in its Certificate of Incorporation, or if not so designated, as fixed by the vestry.

- (ii) Special Meetings. Special meetings may be held on any Sunday or secular day fixed by the vestry.
- (iii) Notice. Notice of each annual election and meeting and of any special meeting shall be read by the priest-in-charge, or if there be none or he or she be absent, by the officiating minister or by a warden, on each of the two Sundays next preceding such annual election and meeting or special meeting, in the time of divine service, or, if for any reason, the usual place of worship shall not be open for divine service, the notice shall be posted conspicuously on the outer door of the place of worship for two weeks next preceding the annual election and meeting or special meeting. Such notice shall specify the place, day, and hour of holding the annual election and meeting or special meeting. The notice should also specify the manner of conducting the annual meeting, whether in-person or via electronic means. The notice of each annual election and meeting shall also specify the number and terms of office of each warden and the vestry persons whose terms of office shall then expire, or whose office shall then be vacant for any cause, and the office for which each such officer is to be then elected. The notice of any special meeting shall specify the matter or question to be brought before such meeting and no matter or question not specified in such notice shall be acted on at such meeting.
- (iv) Presiding Officer. The presiding officer of each annual election and meeting or special meeting shall be the rector or the priest-in-charge of the parish, if there be one, or if there be none or he or she be absent, one of the wardens elected by a majority of the qualified voters present, or if no warden be present, a vestry person elected in like manner. Such presiding officer shall be the judge of the qualifications of voters, shall receive the votes cast, and shall declare the result of the votes cast.
- (v) Action. The action of an annual election and meeting or special meeting on any matter or question shall be decided by a majority of the qualified voters present and voting thereon. The polls of an election shall continue open for one hour and longer, at the discretion of the presiding officer, or if required by a majority of the qualified voters present and voting. The wardens and vestry persons shall be elected by ballot from qualified voters at the meeting, and no person shall be eligible for election as a warden unless he or she is also a confirmed communicant in the Episcopal Church, or be eligible for election as a vestry person unless he or she shall have been baptized.

## (b) Vestry.

- (i) The vestry shall consist of three, six, nine, or twelve vestry persons as shall be determined by the parish at any annual or special meeting and of two wardens. At each annual election after the initial election of the vestry, one warden shall be elected to hold office for two years, and one-third of the total number of vestry persons of the parish shall be elected to hold office for three years. Each warden and vestry person shall hold office after the expiration of their term until their successor shall be chosen.
- (ii) The vestry of an unincorporated parish shall have the powers, discretion, and responsibilities corresponding to the extent applicable, to those of the vestry of an incorporated parish, and shall likewise be subject to corresponding limitations.
- (iii) The spouse, parents, siblings, or children of the Rector or Priest-in-Charge shall be ineligible to serve as Warden or member of the Vestry.

- (b) Any parish desiring to create new bylaws or modify existing bylaws, or amend their certificates of incorporation with the State shall submit those changes for review and consent by the Bishop prior to being presented to an annual meeting of the parish.

## Sec. 2. Missions:

- (a) A group of Episcopalians who desire to organize a congregation, but who are unable to meet all of the requirements of a parish as described in Section 1 of this Canon, may be constituted a Mission by the Bishop or Ecclesiastical Authority, with the advice and consent of the Standing Committee. Application for such status shall be accompanied by a certificate of endorsement of the Deanery in which such group proposes to worship, it being the responsibility of the group to obtain such certificate. A list of all missions shall be published annually in the Journal of the Convention of the Diocese. Upon the request of any parish, or the failure of any parish to meet all the requirements of Section 1 of this Canon, or upon the request by a parish for direct aid from the Diocesan Budget, the Bishop or Ecclesiastical Authority, with the advice and consent of the Standing Committee, may change the status of such parish to that of a mission. Any action taken under this section shall be reported in the Journal of the next succeeding Convention as one of the official acts of the official taking the action.
- (b) The Priest in charge of a Mission shall be called the Priest-in-Charge.

- (c) Each Mission shall be under the supervision of the Bishop or the Ecclesiastical Authority and, subject to the approval of the Bishop or Ecclesiastical Authority, may adopt such procedures for the conduct of its affairs as it deems appropriate. Each Mission shall have a Bishop's Council instead of a vestry. The Bishop's Council shall carry out the duties and responsibilities of a vestry as set forth by Canon.
- (d) Each Mission shall be entitled to lay and clerical representation in the Diocesan Convention as is afforded to parishes.
- (e) Each Mission shall submit an Annual Parochial Report, or at the direction of the Bishop or Ecclesiastical Authority, prepare a report of such form and content as the Bishop may prescribe.
- (f) Each Mission shall qualify under the Canons of The Episcopal Church as a congregation for the purposes of sponsoring members of the congregation for Holy Orders.
- (g) A Mission seeking status as a parish must signify its desire to attain that status at a duly called Diocesan Convention by applying for parish status pursuant to Section 1(a), above. The application must contain the proposed name for the parish, a certification that the requirements of Section 1(a) of this Canon are met, the name and address of the Priest-in-Charge, the address or addresses of the place or places of worship, and a copy of the current budget. The application shall be accompanied by certificates of endorsement from the Deanery in which the Mission provides a place of worship and from the Diocesan Council. It is the responsibility of the Mission to obtain such certificates.

### Sec. 3. Summer Chapels

- a) 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.
- b) 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 Chapel.

## Canon XXII. Registers, Parochial Reports, and the Removal of Communicants from One Parish to Another

Sec. 1. The Register, in which clerics are required by the Canons of The Episcopal Church to record all baptisms, confirmations, marriages, burials and the names of Communicants, shall

be provided at the expense of the congregation and shall be in the custody of the Rector or Priest-in-Charge, or wardens if there is no Rector or Priest-in-Charge, for the purpose of such record. Every Register, when it has been filled, shall be carefully preserved by the governing body as a part of the records of the congregation.

Sec. 2. The record in the Register shall specify the names and dates of birth of children baptized, with the names of parents and sponsors; the names of adults baptized and their chosen witnesses; the names of persons confirmed or received; the names of parties married and of two or more witnesses of the marriage, and the place where the marriage was solemnized; the names of persons buried; and also the date when each Rite was performed. The Register shall also contain a list of the families and adult persons of the congregation as far as practicable.

Sec. 3. The governing body of a congregation shall be jointly responsible with the Rector or Priest-in-Charge for an accurate record of communicants and baptized persons resident in the congregation and that the record be available at the annual election of the congregation and be submitted to the Bishop at the time of the Bishop's Visitation, together with such changes as have occurred since the previous report.

Sec. 4. No name shall be removed from the lists of communicants in the congregation except by: (1) death, (2) removal by issuance of a certificate of membership or letter of transfer, or (3) disciplinary action by competent Authority. There shall be indicated on the list of communicants those (a) whose domicile is unknown and (b) who live in the community but are inactive.

Sec. 5. In order that the annual Parochial Report of the clergy of congregations in this diocese may contain the information which is required by the Canons of The Episcopal Church, such annual reports shall be submitted in accordance with the form authorized by the General Convention, on or before the date set by The Episcopal Church.

Sec. 6. In every case where a congregation is without clergy, the Register required by this Canon shall be kept by the governing body thereof, or by some person appointed by the governing body whose duty it shall also be to prepare and submit the annual Parochial Report.

Sec. 7. No Rector or Priest-in-Charge of any congregation in the Diocese shall receive as a regular communicant, or enter upon the list of communicants the name of any person who

has been a communicant in any other parish without a certificate of membership or letter of transfer from the parish to which the communicant last belonged, provided the communicant was in good standing in their last parish and except, however, if it shall appear that a communicant not under censure or Ecclesiastical discipline has not received a certificate to the list of communicants in the new parish, and written notice of this action shall be sent to the former parish.

### Canon XXIII. Parishes and Diocesan Properties

In conformity and consistent with the provisions of the Canons of The Episcopal Church, it is hereby explicitly reaffirmed that all real and personal property held by or for the benefit of any mission, chapel, or congregation located in the Episcopal Diocese of Albany is held in trust for the Episcopal Church and The Episcopal Diocese of Albany. The existence of this trust, however, shall in no way limit the power and authority of the parish, chapel, or congregation, or the power and authority of the Trustees of the Diocese holding title thereto, otherwise existing over such property so long as the particular mission, chapel, or congregation remains a part of, and subject to, The Episcopal Church and the Episcopal Diocese of Albany and the Constitution and Canons of each of them.

### Canon XXIV. Calling of a Rector

Sec. 1. When a parish is without a Rector, the church wardens 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 ensure that Divine Services are maintained.

Sec. 2. The name of candidates considered for election as Rector shall be submitted to the Bishop for 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.

Sec. 3. Following compliance with Section 2, an election by the vestry to fill the vacancy may be held. Written notice, signed by the Church wardens, 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. The notice of election shall be sufficient evidence of the relation between the priest and the parish.

Sec. 4. Whenever a parish is without a Rector, the Bishop's office shall provide a list of potential supply clergy who are licensed to officiate in this diocese along with the current compensation guidelines for supply clergy.

## Canon XXV. Ecclesiastical Discipline

Sec. 1. Adoption of Title IV of the Canons of The Episcopal Church.

Those provisions of Title IV of the Canons of The Episcopal Church that are applicable to the Diocese are hereby incorporated as part of this Canon. To the extent, if any, that any provisions of this Canon are inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

Sec. 2.

- (a) The Board shall consist of nine persons, five of whom are members of the clergy and four of whom are Laity.
- (b) The Clerical members of the Board must be canonically and geographically resident within the Diocese.
- (c) The lay members of the Board shall be Confirmed Adult Communicants in Good Standing, as defined by the Canons of The Episcopal Church, and geographically resident in the Diocese.
- (d) The members of the Board shall be elected by the Convention. Each member shall be elected for a three 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 at the close of Convention. 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.
- (e) Vacancies on the Board shall be filled as follows:
  - (i) 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.
  - (ii) The Bishop shall appoint a replacement Board member with the advice and consent of the Standing Committee.

- (iii) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.
  - (iv) 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.
- (b) 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, in any proceeding before such panel, 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.
  - (c) Within sixty days following the annual Convention, the Bishop, or, if none, the Ecclesiastical Authority, shall appoint a President from among its members to serve until the next Annual Convention. Education and training in the requirements of Title IV shall be conducted within the same period under the Direction of the Bishop Diocesan.
  - (d) 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.
  - (e) 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.
  - (f) Within sixty 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.
  - (g) 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 the Canons of The Episcopal Church and this Canon. The Pastoral Response Coordinator shall not be a person serving in any other appointed or elected capacity under Title IV.

- (h) 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.
- (a) 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.

Sec. 3.

- (a) 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.
- (b) 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.

Sec. 4.

- (a) 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.
- (b) 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 Canons of The Episcopal Church.

Sec. 5. Any meeting required under these disciplinary canons, other than a hearing at which evidence may be taken or examined, may be conducted in person or through telephonic or other electronic communications equipment by means of which all persons participating in the meeting can communicate with each other at the same time.

## Canon XXVI. Amendment of these Canons

Sec. 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, 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.

Sec. 2. The Committee on Constitution and Canons shall notify the Secretary of the recommendation 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.

Sec. 3. Any proposal to alter or amend these Canons, or to introduce a new Canon, which is not submitted in accordance with Section 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.

Sec. 4. Any alteration or amendment to the Canons, or the adoption of a new Canon, shall require a majority of the votes of the Convention.

Sec. 5. No amendment of the Canons shall be made during the sessions of the Convention in which the same shall be proposed, unless by a two-thirds majority of the members present and voting in which event the amendment shall take effect immediately unless otherwise expressly provided; but any amendment, if approved by a majority less than two-thirds, shall lie over for the consideration and final action of the next Annual Convention and, if again approved by a majority vote, shall take effect immediately unless otherwise expressly provided. The adoption of any alteration or amendment of the Canons which inserts or repeals a Canon, or a Section or Clause of a Canon, shall effect the necessary change in numbers or letters of Canons or Sections or Clauses of a Canon that follow, and in references made in the Canons to any other part, without the necessity of specific provision therefore in the alteration or amendment.