

# Constitution and Canons of the Episcopal Diocese of New York



as of July 1, 2011

# Constitution

# **ARTICLE I - ACCESSION TO CONSTITUTION AND CANONS OF THE EPISCOPAL CHURCH**

The Episcopal Church in the Diocese of New York is subject to the Constitution and Canons of the Episcopal Church in the United States of America.

## **ARTICLE II - ANNUAL CONVENTION**

There shall be a Convention of the Episcopal Church in this Diocese in each year. It shall be held on such date as the Bishop and the Standing Committee shall appoint. It shall be held at the Cathedral unless the Bishop with the consent of the Standing Committee shall appoint another place.

## **ARTICLE III - SPECIAL CONVENTION**

The Bishop shall have power to call Special Conventions when he or she may judge it conducive to the good of the Church, and shall do so when applied to for that purpose by the Standing Committee.

## **ARTICLE IV - MEMBERS OF CONVENTION**

The Convention shall consist of the Bishop, the Bishops Coadjutor and Suffragan, if any, and of Clerical and Lay and nonvoting Youth Members.

The Clerical Members shall be those Clergy who shall be canonically resident and ministering within the Diocese.

The Lay Members shall be those lay persons delegated from the several congregations in union with Convention, not exceeding five from any congregation, and the number of Lay Members to be delegated by such congregation shall be in proportion to the total active communicant-in-good-standing membership listed in the latest annual parochial report according to the following formula:

- One Lay Member for the first 250
- Two Lay Members for more than 250 but no more than 500
- Three Lay Members for more than 500 but no more than 1,000
- Four Lay Members for more than 1,000 but no more than 2,000
- Five Lay Members if above 2,000 communicants in good standing

Such as are present of the officers of Convention and the chairmen of committees, boards and commissions required to report to Convention and not otherwise Members of Convention, shall be Members thereof with voice but without vote. Questions with respect to the qualification of Clerical, Lay and Youth Members shall be determined by the Convention. Youth members shall not have the right to vote.

Youth Members of Convention shall be chosen as provided in the Canons.

## **ARTICLE V -SERVICES IN CONVENTION**

Every Convention shall hold such services as shall be approved by the Bishop, or in the case of his or her absence or inability to act or of a vacancy in the Episcopate, by the Standing Committee.

## **ARTICLE VI -PRESIDENT OF CONVENTION**

The Bishop shall preside in Convention, but in case of a vacancy or necessary absence, then the President shall be the Bishop Coadjutor but in case there be none or he/she be absent or unable to preside then one of the Bishops Suffragan in the order of their seniority of consecration.

## **ARTICLE VII -SECRETARY OF CONVENTION**

A Secretary shall be elected at the Annual Convention to take office on the first day of January following her/his election and to remain in office for a period of three years and until the election and qualification of her/his successor. It shall be the duty of the Secretary to take minutes of the proceedings of the Convention, to preserve its Journals and records, to attest its public acts, and faithfully to deliver into the hands of her/his successor all books and papers relative to the concerns of the Convention which may be in her/his possession. It shall also be her/his duty to give due notice of the time and place appointed for the meeting of the succeeding Convention and of any Special Convention, in the manner provided by the Canons. There may be one or more Assistant Secretaries, whose appointment, terms of office and duties shall be fixed by Canon.

## **ARTICLE VIII -TREASURER OF CONVENTION**

A Treasurer shall be elected at the Annual Convention to take office on the first day of January following her/his election and to remain in office for a period of three years and until the election and qualification of her/his successor. He/she shall perform such duties as from time to time shall be prescribed by Canon, or by resolution of the Convention, and shall act as financial agent of the Diocese for the receipt and disbursement of monies collected under the authority of the Convention. There may be an Assistant Treasurer and a Controller, whose appointment, terms of office and duties shall be fixed by Canon.

## **ARTICLE IX -VOTING IN CONVENTION**

In all matters which shall come before Convention, the Clerical and Lay Members shall deliberate in one body. In voting, each Clerical and Lay Member shall have one vote, the Bishop, the Bishop Coadjutor and the Bishops Suffragan having the right to vote with the Clerical Members.

In any matter requiring a majority vote, the concurrence of a majority vote of the Clerical and Lay Members voting shall constitute a vote; and in any matter requiring a two-thirds vote, the concurrence of two-thirds of said Members voting shall constitute a vote; provided however, in any case a vote by Orders may be required by five Members, and upon such a vote the Orders shall vote separately, and the concurrence of a majority, or of two-thirds, as the case may be, of the votes cast in each Order, shall constitute a vote. In the election of a Bishop, Bishop Coadjutor, or Bishop Suffragan, the two Orders shall always vote separately.

## **ARTICLE X - ECCLESIASTICAL AUTHORITY**

The Ecclesiastical Authority is the Bishop. In case of the Bishop's absence or disability he/she may temporarily place in charge of the Diocese as the Ecclesiastical Authority, the Bishop Coadjutor, or, if there be none or in the case of the Bishop Coadjutor's absence or disability, one of the Bishops Suffragan, in the order of their seniority of consecration. If no Bishop be qualified and able to act, or in case of a vacancy in the Episcopate, the Ecclesiastical Authority shall be the Standing Committee. Whenever in the Constitution or Canons of this Diocese provision is made for action by the Bishop, such action, except where otherwise specifically provided, shall be taken by the Ecclesiastical Authority as herein defined.

## **ARTICLE XI - AMENDMENTS**

Any proposed amendment to this Constitution shall be introduced in writing and considered by the Convention, and, if approved by a majority of each Order voting thereon separately, shall lie over to the next Convention, when, if again so approved, the amendment shall take effect.

# Canons

# PART I - CONVENTION OF THE DIOCESE

## CANON 1-CLERICAL MEMBERS

**Sec. 1. *List of Clerical Members:*** The Bishop shall maintain a list of all Clergy who are entitled to membership in the Convention under Article IV of the Constitution, which list shall show their titles and places of residence; but members of the Clergy under suspension shall not be included on the list.

**Sec. 2. *Clerical Records:***

(1) The Secretary of Convention shall maintain a record, to be kept in accordance with the Canon of the General Convention relating to the Filling of Vacant Cures, of all notices of the election of Rectors that shall be transmitted to her/him in accordance with that Canon.

(2) Every Bishop, Priest and Deacon who shall be received into this Diocese shall procure from the Bishop, or in case of the absence or disability of the Bishop, or of a vacancy in the Episcopate, from a majority of the clerical members of the Standing Committee, duly convened, a certificate stating that he/she has been received into this Diocese in compliance with the Canon of the General Convention. A copy of the certificate shall be filed with the Secretary of Convention.

(3) Every Bishop, Priest, and Deacon employed as a Missionary under the direction of the Convention shall procure from the Bishop, or in case of the absence or disability of the Bishop, or of a vacancy in the Episcopate, from the Commission on Ministry, a certificate that he/she is so employed. A copy of said certificate shall be filed with the Secretary of Convention.

(4) Every Bishop, Priest, and Deacon engaged as a Professor or Instructor in an incorporated institution of learning, or as Superintendent or Chaplain in any incorporated charitable institution, shall procure the written certificate of the President or Secretary of such Corporation that he/she is so employed. A copy of said certificate shall be filed with the Secretary of Convention.

## CANON 2-LAY MEMBERS

**Sec. 1. *Choosing and Qualifications of Lay Members, Vacancies and Provisional Members:***

1. Lay Members from each Congregation shall be chosen in accordance with rules established by the Congregation. Each congregation may also choose as many Provisional Lay Members as may be required to fill vacancies among the elected Lay Members occurring by resignation, death, inability to attend Convention or otherwise.
2. Persons, whether male or female, of the age of eighteen years or more shall be eligible to serve as Lay Members or Provisional Lay Members to any Convention, and to be elected to any Diocesan committee, commission or other lay office of the Diocese. If a person selected as a Lay Member or Provisional Lay Member is not a member of his/her Congregation's Vestry, he/she must belong to the Congregation being represented; must, if such Congregation be a Parish, be entitled to vote for wardens and vestry members thereof; and must have been a member of the Congregation for at least one year prior to his/her selection.
3. The evidence of the appointment of a Lay Member or a Provisional Lay Member shall be a certificate on the form provided by the Secretary of the Convention stating the time and place of appointment, signed by the Rector of the Congregation and by the Clerk of the Vestry, or, in the case of any Congregation that does not have a Rector or a Vestry, by such other officers of the

Congregation as may be acceptable to the Secretary. The certificate must show on its face that the appointment has been made in accordance with all the requirements of this Canon, and shall certify that the Lay Member or the Provisional Lay Member is duly qualified. No other evidence of appointment of any Lay Member or Provisional Lay Member shall be received or honored by the Secretary.

4. If for any reason a vacancy shall occur among the Lay Members of a Congregation, it shall be the duty of the Rector, or if there be no Rector or the Rector be absent or disabled, the duty of the Church Wardens or one of them, or in the case of a Mission Congregation, the duty of the Vicar, or if there be no Vicar or if the Vicar be absent or disabled, the duty of the Clerk of the Advisory Board, to designate in writing a Provisional Lay Member to fill the vacancy. Such written designation, when filed with the Secretary of the Convention, shall be sufficient evidence of the right of the person therein designated to represent the Congregation as a Lay Member.

**Sec. 2. *Certificate of Appointment of Lay Members:*** When the Secretary provides the notice required by Canon 4, he/she shall also mail or otherwise transmit to the Clerk of each Congregation in union with Convention a blank printed form of Certificate of Lay Members, together with a copy of Sec. 1 of this Canon 2.

**Sec. 3. *List of Lay Members:*** Immediately after the appointment of Lay Members, and at least sixty days prior to the meeting of the Convention, it shall be the duty of the Clerk of each congregation in union with Convention to certify all such appointments to the Secretary of the Convention in the form prescribed by this Canon. From the certificates thus received, the Secretary shall prepare a list of Lay Members for use in organizing the Convention.

**Sec. 4. *Choosing and Qualifications of Youth Members, Vacancies and Provisional Members:***

1. Youth Members from each Region of the Diocese or from each county where there is no Region shall be chosen by an Appointing Authority as follows: if from a Region, by the Regional Council from nominees presented by member congregations in accordance with rules established by the Region; if from a county within the Diocese in which there is no Regional Council, then by any other regional body set up pursuant to Canon 17; and, if there be none for that county, then by the Council of the Diocese. The Appointing Authority may also choose as many Provisional Youth Members as may be required to fill vacancies among the elected Youth Members occurring by resignation, death, inability to attend Convention or otherwise.
2. The Youth Member or Provisional Youth Member, must be affiliated with a Congregation in the Region or county being represented, be regularly present at worship, and be more than twelve but less than eighteen years of age on the date Convention is scheduled to convene.
3. The evidence of the appointment of a Youth Member or a Provisional Youth Member shall be a certificate on the form provided by the Secretary of the Convention stating the time and place of appointment, signed by the Chair of the Appointing Authority, or if there be no Chair, then by such other officer as may be acceptable to the Secretary. The certificate must show on its face that the appointment has been made in accordance with all the requirements of this Canon, and shall certify that the Youth Member or the Provisional Youth Member is duly qualified. No other evidence of appointment of any Youth Member or Provisional Youth Member shall be received or honored by the Secretary.
4. If for any reason a vacancy shall occur among the Youth Members of a Region or county, it shall be the duty of the Chair of the Appointing Authority, or if there be no Chair, by such other officer as shall be acceptable to the Secretary, to designate in writing a Provisional Youth Member to supply the vacancy. Such written designation, when filed with the Secretary of the Convention, shall be

sufficient evidence of the right of the person therein designated to represent the Region or county.

**Sec. 5. *Certificate of Appointment of Youth Members:*** At the time for sending the notice required by Canon 4, the Secretary shall mail or otherwise transmit the Appointing Authority a blank printed form of Certificate of Youth Members, together with a copy of Sec. 1 of this Canon.

**Sec. 6. *List of Youth Members:*** Immediately after the appointment of Youth Members, and at least sixty days prior to the meeting of the Convention, it shall be the duty of the Chair of the Appointing Authority, or, if there be no Chair, some other officer acceptable to the Secretary, to certify all such appointments to the Secretary in the form prescribed by this Canon. From the certificates thus received, the Secretary shall prepare a list of Youth Members for use in organizing the Convention.

### **CANON 3-ORGANIZATION OF CONVENTION**

**Sec. 1. *Quorum:*** The presence at convention of at least fifty clerical members and at least one lay member from each of forty congregations shall be necessary for the transaction of business, except that a smaller number may adjourn from day to day.

**Sec. 2. *Call to Order:*** At the opening of the convention, the President, as provided in the constitution, shall call the meeting to order.

**Sec. 3. *Roll Call of Members:*** Satisfactory evidence of the presence of a canonical quorum of each order being laid before the Convention by the Secretary, the President shall dispense with the call of names appearing on the lists of Clerical Members and Lay Members, except that such call shall be required when requested by a majority vote of the Members of the Convention present. The Secretary shall secure a correct list of the Clerical and Lay Members present in any event.

**Sec. 4. *Organization of Convention:*** A quorum being present, the President shall declare the Convention organized.

**Sec. 5. *Rules of Order:*** Robert's Rules of Order shall be in effect, subject to the Constitution and Canons of the Diocese.

### **CANON 4-NOTICE OF CONVENTION**

**Sec. 1.** Unless otherwise directed by Convention, the Secretary shall give written notice of the time and place of any meeting of Convention by mailing a copy of that notice to (1) each Clerical Member of Convention, and (2) the Clerk of each congregation that is in communion with Convention. Notice to the Clerk of a Congregation shall be sent to the address listed on the congregation's Parochial Report. The notice shall be mailed at least ninety days prior to the date set for holding the Convention.

**Sec. 2.** Notice of any Special Convention shall specify the purpose for which the Convention is called.

**Sec. 3.** Any notice sent pursuant to this canon shall invite Members to file with the Convention Office,

no later than sixty days prior to the date set for Convention: (1) the text of any resolution they wish to place before Convention; (2) proposals for presentations to be made at Convention; and (3) proposals for any other business to be brought before Convention. The Secretary shall forward any matters so submitted as follows: resolutions requiring canonical changes to the Committee on Canons; all other resolutions to the Committee on Resolutions; and proposals for presentations or other business to the Convention Planning Committee. The committee to which a resolution or proposal is referred, working with the proponent, shall review the matter, consider whether it is appropriately considered by Convention, and, in the case of resolutions, whether the text should be revised or refined prior to its presentation to Convention.

## **CANON 5-CALENDAR OF BUSINESS**

**Sec. 1.** The Secretary shall prepare a calendar of business for Convention, which shall set forth (1) the text of every resolution reviewed by the Committee on Canons and the Committee on Resolutions as provided under Canon 4 and not withdrawn by its proponent, as revised or refined with the consent of the proponent, together with the name[s] of the proponent[s] of such resolution; (2) a list of the offices to be filled, together with information about the persons who have been nominated to fill them, as required by Canon 11; and (3) a list of the names of canonically resident clergy who are not entitled to vote at Convention.

**Sec. 2.** Not less than thirty days prior to the date set for the meeting of Convention, the Secretary shall cause the calendar of business to be printed and mailed to all Clerical Members of Convention and to each Lay Member, Youth Member and Provisional Lay or Provisional Youth Member whose appointment has been duly certified to the Secretary as provided in Canon 2.

## **PART II - OFFICERS OF CONVENTION AND THE DIOCESE**

### **CANON 6-SECRETARY OF CONVENTION**

**Sec. 1.** The Secretary of Convention shall have such authority and duties as may from time to time be imposed by the Constitution and Canons of the Diocese and by the Canons of the General Convention. In addition, after each meeting of convention, the Secretary shall transmit a copy of the Journal of such Convention to each Clerical Member thereof, to each Clerk of the Congregation, to each of the Bishops of the Episcopal Church in the United States of America, to each Secretary of a Diocesan Convention who requests it, and to any Member of this Convention who may request a copy in writing within 30 days after the close of such meeting. The expenses incurred by the Secretary in the performance of her/his official duties shall be paid out of the Assessment Budget.

**Sec. 2.** The Secretary shall have power to appoint Assistant Secretaries, whose terms of office shall coincide with the term for which the Secretary shall have been elected. In case of a vacancy in the office of Secretary of Convention or in case of the Secretary's disability, her/his duties shall devolve upon one of the Assistant Secretaries, in the order of their appointment and if there be no Assistant Secretary, then upon the Secretary of the Standing Committee.

**Sec. 3.** The Secretary shall notify, in writing, the members of all committees named as a result of any action of the Convention immediately upon their appointment or election.

## **CANON 7-TREASURER AND CONTROLLER OF THE DIOCESE**

**Sec. 1.** The Treasurer of the Diocese shall have the authority and the duties as may from time to time be imposed by the Constitution of the Diocese and by the Canons of the General Convention of The Episcopal Church in the United States of America (ECUSA). In addition, the Treasurer shall provide, through the Controller, (a) for the deposit of all monies or funds belonging to the Diocese in such banks or places of deposit as the Trustees of the Diocese may authorize, and (b) for the keeping of books of accounts, which shall be open to inspection of the Trustees of the Diocese. The Treasurer shall also give such information upon the finances of the Diocese and the conduct of the Treasurer's office as may be required by the Trustees of the Diocese or by the Convention. The Treasurer shall submit a report to each annual meeting of Convention identifying all accounts under her/his authority, which accounts shall be audited by a certified or independent public accountant or firm of accountants selected by the Trustees of the Diocese. The treasurer shall give the bond or security that from time to time may be required by the Trustees of the Diocese, and the expense thereof, and any expenses incurred by her/him in the performance of her/his official duties, shall be paid out of the Assessment Budget.

**Sec. 2.** In case of a vacancy in the office of the Treasurer, or in case of her/his disability, the Trustees of the Diocese shall appoint a Treasurer Pro Tempore, and the person so appointed shall continue to act until Convention shall elect a new Treasurer.

**Sec. 3.** There shall be a Controller of the Diocese, who shall be appointed by the Trustees of the Diocese and who shall, under the general supervision of the Treasurer, serve as the principal agent for the receipts and disbursements of the monies collected by the Diocese.

There shall be a Chief Administrative Officer of the Diocese who shall be appointed by the Trustees of the Diocese. The Bishop of New York shall define the duties of the Chief Administrative Officer.

## **CANON 8-CHANCELLOR OF THE DIOCESE**

**Sec. 1.** There shall be a law officer to be known as the Chancellor of the Diocese of New York, who shall be a resident communicant and a member of the Bar of the State of New York. The office shall be held under the appointment and during the pleasure of, and for the purpose of giving legal advice to, the Ecclesiastical Authority of the Diocese.

**Sec. 2.** The Bishop may, from time to time, upon request of the Chancellor, appoint one or more Vice-Chancellors of like qualifications, to assist the Chancellor, such Vice-Chancellors to hold office during the pleasure of the Bishop.

**Sec. 3.** Neither the Chancellor nor any Vice-Chancellor shall receive any compensation for such service.

## **CANON 9-REGISTRAR OF THE DIOCESE**

**Sec. 1.** The Registrar of the Diocese shall hold office under the appointment and during the pleasure of the Bishop.

**Sec. 2.** It shall be the Registrar's duty, under the direction of the Bishop, to aid in keeping a record of Episcopal acts, and in preparing official documents for Episcopal signature, and in keeping lists of the Clergy and of Candidates for Holy Orders.

**Sec. 3.** The Registrar shall have the custody of the archives of the Diocese, shall attend the Bishop, as and when required, at ordinations and other religious services, and shall perform such other acts in relation to the custody, use, certification and transmission of official records and documents as the Bishop may prescribe.

## **CANON 10-HISTORIOGRAPHER OF THE DIOCESE**

**Sec. 1.** The Historiographer of the Diocese shall hold office under the appointment and during the pleasure of the Bishop.

**Sec. 2.** It shall be the Historiographer's duty, under the direction of the Bishop, to collect, preserve, arrange and edit historical and biographical matter pertaining to the Diocese, its Congregations, institutions and activities; and to submit to Convention an annual report.

# **PART III - NOMINATIONS AND ELECTIONS IN CONVENTION**

## **CANON 11-NOMINATIONS AND ELECTIONS**

**Sec. 1. *Membership Lists for Information:*** Not less than ninety days before the meeting of the Convention the Secretary shall send to all Clerical Members and clerks of all congregations, for their information and for the information of the Lay Members in their congregations, a list of the membership of all deputations, committees, commissions and boards (not including, however, trustees of funds) and of vacancies thereon to be filled by election at such Convention.

**Sec. 2. *Nominating Committee:*** The Leadership Development Commission of the Council of the Diocese shall act as the nominating committee for all offices to be filled by elections at the annual Convention, except the offices of Bishop, Bishop Coadjutor, Bishop Suffragan or Trustee of the Diocese. The Leadership Development Commission, after consultation with the Bishop and any regional bodies established pursuant to Canon 17, shall place in nomination candidates for each vacant office.

**Sec. 3.** Prior to every third Convention beginning in 2010, the Leadership Development Commission, after consultation with the Bishop and the Committee on Canons, shall nominate seven persons, four clergy and three lay, for seven positions on the Disciplinary Board described in Canon 32.

**Sec. 4.** The Leadership Development Commission, after consultation with the Bishop, shall

submit to the Council a list of proposed nominees for the office of Trustee of the Diocese. The Council of the Diocese shall nominate candidates for that Office.

**Sec. 5. *Nominations by Convention Members:*** Any member of Convention may make nominations for the Standing Committee, for Clerical and Lay Deputies and Provisional Deputies to the General Convention and to the Provincial Synod of the Second Province, for Trustees of the Diocese, and for any other committees, commissions and boards (except the Disciplinary Board) to be elected by the Convention, provided such nominations are made in writing, signed by such Member and four other Members of the Convention, and delivered to the Secretary at least forty-five days before the opening of the Convention. With the nomination, the proposer shall deliver to the Secretary a statement, in writing, of the occupation, residence and congregation of the candidate nominated, together with a brief note setting forth the candidate's professional or business experience and any important activities or other qualifications. It shall be the duty of the Secretary upon receipt of such nominations to communicate, in writing, with each of the nominees for the same office and, in all instances where the Secretary receives notice from any nominee in writing that such nominee desires to withdraw his/her name from nomination, the nomination of such candidate or candidates shall be disregarded by the Secretary.

**Sec. 6. *Nominees Listed in Calendar of Business:*** The Secretary shall include in the Calendar of Business a list of persons nominated, their places of residence, congregational affiliations, their professional or business experience and any important activities or other qualifications together with the names of the present members of the Standing Committee, Deputies to General Convention and Deputies and Provisional Deputies to the Provincial Synod of the Second Province, Trustees of the Diocese, and members of any other committees, commissions and boards (not including trustees of funds) to be elected by the Convention.

**Sec. 7. *Ballots:*** All nominations shall be reported to the Convention by the Secretary on or before the first day's session in the form of a ballot on which the names shall be arranged in alphabetical order, omitting therefrom the names of all nominees who have withdrawn. The voter shall place a mark beside the name of each person for whom he/she votes. The number of vacancies to be filled shall be printed on each ballot, and no ballot shall be counted on which more names are marked than there are vacancies to be filled.

**Sec. 8.** In elections, unless otherwise directed by Canon, the voting shall be by ballot, provided that balloting may be dispensed with by a unanimous vote of the Convention. Balloting shall be by Orders, and, except in the case of a third ballot (if there be one), the concurrence of a majority of each Order shall be necessary for an election, provided that if in any election a greater number of persons than the number of offices to be filled shall receive a canonical majority of the votes cast, those who up to the number of offices to be filled receive the largest canonical majorities in both Orders shall be declared elected. Except in the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, (i) the number of nominees on any second or third ballot shall be reduced, if necessary, so that there shall be twice as many nominees as there are vacancies remaining to be filled, such reduction to be effected by striking from the ballot, to the extent required for such reduction, the names of the nominees receiving in order the lowest aggregate number of votes of both Orders in the ballot last preceding, and (ii) any vacancy or vacancies remaining unfilled after taking the third ballot shall be filled by the President's declaring elected to such vacancy or vacancies the remaining nominee or nominees who shall have received on the third ballot the highest aggregate number of votes of both Orders.

## **CANON 12-DEPUTIES TO GENERAL CONVENTION**

**Sec. 1.** The Annual Convention in the second year preceding a stated meeting of the General Convention shall elect by ballot four Clergy and four Lay persons to act as Deputies from this Diocese to the General Convention. The Annual Convention in the year preceding a stated meeting of the General Convention shall elect by ballot four Clergy and four Lay persons to act as Provisional Deputies from this Diocese to the General Convention. Deputies and Provisional Deputies shall hold their respective offices until their successors are appointed, and shall be Deputies, or Provisional Deputies, to any General Convention which may be held during their continuance in office.

**Sec. 2.** Should any vacancy occur among the Deputies or Provisional Deputies between the stated times of election, the vacancy shall be supplied by any Convention during or prior to which such vacancy shall occur.

**Sec. 3.** It shall be the duty of the Deputies-elect to signify to the Bishop within sixty days of their election their intention to perform their duties, in default of which the Bishop shall designate from the list of Provisional Deputies so many as may be necessary to insure, as far as practicable, a full representation of the Diocese appointing in order when possible those who have received the highest number of votes. The Bishop also from time to time shall similarly appoint one of the Provisional Deputies to supply, either temporarily or permanently, any vacancy caused by the death, absence or disability of any Deputy. During such period as shall be stated in the certificate issued to her/him by the Bishop, the Provisional Deputy so designed shall possess, and shall be entitled to exercise, the power and authority of the Deputy in place of whom he/she shall have been designated.

## **CANON 13-DEPUTIES TO PROVINCIAL SYNOD**

**Sec. 1.** The Annual Convention in the second year preceding a stated meeting of the Provincial Synod shall elect by ballot four Clergy and four Lay persons to act as Deputies from this Diocese to the Provincial Synod. The Annual Convention in the year preceding a stated meeting of the Provincial Synod shall elect by ballot four Clergy and four Lay persons to act as Provisional Deputies from this Diocese to the General Convention. Deputies and Provisional Deputies shall hold their respective offices until their successors are appointed, and shall be Deputies, or Provisional Deputies, to any Provincial Synod which may be held during their continuance in office.

**Sec. 2.** Should any vacancy occur among the Deputies or Provisional Deputies between the stated times of election, the vacancy shall be supplied by any Convention during or prior to which such vacancy shall occur.

## **CANON 14-NOMINATION OF BISHOP**

**Sec. 1.** Whenever the Ecclesiastical Authority of the Diocese shall call for the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, and the Convention, where required, shall have given its consent thereto, a committee to elect a bishop shall be appointed, consisting of one clerical member and one lay member appointed by the Ecclesiastical Authority, one clerical member and one lay member appointed by the Standing Committee, two clerical members appointed by the Council of the Diocese, one clerical member and one lay member elected each year by the Convention, and the Chancellor or a Vice-Chancellor, as appointed by the Ecclesiastical Authority. No person may be elected by the Convention to serve on the Committee to elect a Bishop for more than three consecutive years. The Committee shall be constituted not less than eight months prior to the date set for the Convention at which such election is to be held. Concurrently with the call for the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, the Ecclesiastical Authority shall propose to the Convention a budget for the expenses of the election. The Committee to Elect a Bishop may take no action until a budget for its work has been approved by Convention.

**Sec. 2.** The Committee may at any time fill any vacancies in its membership for whatever reason caused. Vacancies in the clerical membership shall be filled with clergy and in the lay membership with laity.

**Sec. 3.** The members of the Committee shall continue as members thereof until the close of the Convention at which the Bishop, Bishop Coadjutor, or Bishop Suffragan shall have been elected or until the Committee shall have been discharged by action of the Convention.

**Sec. 4.** The Committee shall choose its chair and secretary from among its members, and shall have power to adopt rules and regulations governing its procedures that are not inconsistent with this Canon.

**Sec. 5.** The Committee shall call for, receive and may itself propose for its consideration names of clergy who may lawfully be elected to the Episcopal office to be filled, and fix the time within which such suggested names may be filed with the Committee, but in no event less than 120 days prior to the date set for the Convention at which such election is to be held. Any member of the Committee whose name is proposed for consideration as a candidate for Episcopal office and who does not withdraw her/his name as candidate shall resign from the Committee.

**Sec. 6.** The Committee shall inform itself as to the persons so proposed and, after due consideration, shall select not more than five whom it deems qualified for such office. The Committee shall prepare a report to the Convention giving the names of the persons so selected, together with biographical information about each candidate.

**Sec. 7.** The Report of the Committee shall be printed and mailed or otherwise transmitted by the Secretary of the Convention in the manner provided in Canon 4 not less than 60 days prior to the date set for the Convention at which such election is to be held. Not less than two weeks prior to the electing convention, the Secretary shall also mail or otherwise transmit a copy of said Report to each Member

and Provisional Lay Member, evidence of whose appointment shall have been duly certified to the Secretary as provided in Canon 2.

**Sec. 8.** The presentation of the Report of the Committee shall be the first order of business at any electing Convention, and it shall constitute a nomination of each of the candidates therein named. If any candidate so nominated shall withdraw her/his name, the Committee may substitute the name of another candidate theretofore considered by the Committee and deemed qualified, and such a substitution shall constitute a nomination of the person so named.

**Sec. 9.** Nominations by Petition may be delivered to the chair or co-chair, as applicable, within 20 days after the transmittal of the Report of the Committee pursuant to Section 7 and shall be signed by not fewer than 25 Clerical Members or Lay Members, in each case meeting the criteria set forth in Article IV of the Diocesan Constitution and Canon 1 or 2, as applicable. The Committee shall immediately upon receipt of such Petitions arrange a background check of each such nominee similar to the check performed for candidates nominated by the Committee and subject to the same procedures followed with respect to those candidates.

**Sec. 10.** In the case of all candidates nominated, whether by presentation of the Report of the Committee or from the floor, there shall be no more than three speeches made in support of the nomination. The first speech shall be limited to five minutes, the next speech to three minutes, and the third speech to one minute.

**Sec. 11.** The Election of any candidate who is nominated from the floor shall not be certified by the Secretary and the Standing Committee until the nominee presents evidence that he/she has successfully completed all background checks that the committee to elect a bishop required of persons considered during its deliberations.

## **PART IV - ORGANIZATION AND FUNDING PROGRAM OF THE DIOCESE**

### **CANON 15 - TRUSTEES OF THE DIOCESE OF NEW YORK**

**Sec. 1.** The Trustees of the Diocese shall consist of the Bishop, who shall serve as Presiding Officer; the Bishop Coadjutor (if there be one); the Treasurer of the Diocese; nine (9) members elected by Convention; eight (8) members appointed by the Bishop; and the Chancellor and the Chief Administrative Officer of the Diocese. The Chancellor and the Chief Administrative Officer of the Diocese shall have voice but not vote as members of the Trustees. The seventeen (17) members who serve other than by virtue of their office shall be elected or appointed, as may be, for terms of three (3) years. Vacancies in seats held by elected Trustees shall be filled by the Trustees until the next Convention, when the Convention shall elect a candidate to serve the unexpired term. Vacancies in seats held by appointed trustees shall be filled by the Bishop. An elected or appointed Trustee who has served for two consecutive three-year terms (or a total of six consecutive years) shall be ineligible to be elected or appointed until at least two years have elapsed since the end of such person's previous term as Trustee.

**Sec. 2. Trustees as Board of Managers:** The Board of Managers of the Diocesan Missionary and Church Extension Society of the Protestant Episcopal Church in the Diocese of New York shall consist of the Bishop, who shall be President; the Treasurer of the Diocese, who shall be Treasurer; and those others persons who serve from time to time as Trustees of the Diocese of New York.

**Sec. 3. Duties of the Trustees:** The duties and responsibilities of the Trustees shall be:

1. To hold title to all Diocesan property as agents of the Board of Managers and to act as agent for the Diocese, including receiving referrals from the Property Support Committee for major improvements, new construction and other major capital activities.
2. To act as the managers of all Diocesan assets, including all financial and real properties and as such they shall:
  - a. Establish and monitor Diocesan investment policy;
  - b. Establish short and long term financial goals for the Diocese, including establishing a process to provide multiple-year commitment and funding for Diocesan program and mission;
  - c. Supervise the management of all Diocesan funds;
3. With the support of the Controller, to assume responsibility for the timeliness and accuracy of parochial reports, and the prompt collection of parochial assessments, subject to the action of the Adjustment Board as described in Canon 18.
4. To work with the Budget Committee, to propose an annual budget for submission to Council for approval or amendment.
5. To cause to be prepared monthly and annual Diocesan Financial Reports and provide for an annual independent audit of all Diocesan finances.
6. To plan and to coordinate the raising of capital funds for the Diocese.
7. In the event of a vacancy, to consult with the Standing Committee prior to their appointing a Treasurer of the Diocese in accordance with the term of Canon 7, Section 2.
8. To appoint a Controller of the Diocese in accordance with the terms of Canon 7, Section 3.
9. To appoint a Chief Administrative Officer of the Diocese in accordance with the terms of Canon 7, Section 3.
10. To review annually and provide for adequate insurance coverage for the Diocese;
11. To provide for adequate bonding or security associated with positions of Diocesan fiscal responsibility;
12. To serve as agent for the Diocese and the Bishop in monitoring the financial affairs of institutions affiliated with the Diocese under the terms of Canon 31.
13. To review, before submission to the Standing Committee, all requests by parishes for consents under the Religious Corporations Act for the sale or alienation of real estate.
14. To provide guidance to parishes and affiliated agencies in the Diocese in the exercise of their fiscal duties.
15. To record all of their actions in minutes which shall be conveyed to Council.

## **CANON 16 - COUNCIL OF THE DIOCESE OF NEW YORK**

**Sec. 1. The Council:** The mission and program of the Diocese shall be overseen, with the Bishop, by an executive council to be known as the Council of the Diocese of New York. The Council of the Diocese may also adopt emergency resolutions, on matters not reserved to the Standing Committee, to express the position of the Diocese between Diocesan Conventions. Such resolutions shall be referred to the next ensuing Diocesan Convention and shall lapse as Diocesan position statements unless adopted by

such next ensuing Diocesan Convention. The Council shall make a report to Diocesan Convention regarding any actions it shall have taken between Conventions.

**Sec. 2. Composition:** The Council shall consist of the Bishop or his/her designee, who shall be the President; the Bishop Coadjutor (if there be one); the Bishops Suffragan, the Assistant Bishops, the Treasurer of the Diocese (ex-officio), the President of the Episcopal Church Women (ECW) (ex officio), and 24 members elected and appointed in accordance with Section 3 of this Canon 16.

**Sec. 3. Elections and Appointments:** A total of 18 members of the Council shall be elected by Convention, six each year for staggered three-year terms. In the first year of election of members of Council by Convention, a total of 18 members shall be elected, who shall be assigned to one, two or three year terms based on the total votes received by each, those with the higher vote totals having the longer terms. In the event of a tie vote or votes, terms shall be assigned by the Bishop. Nominees for such election shall be presented to Convention by the Leadership Development Commission, which shall receive suggestions from, among others, regional bodies and from Interparish councils. To the extent practicable, the Leadership Development Commission shall use its best efforts to ensure that nominees for Council shall be chosen so as to be representative of the diversity of the Diocese as a whole, including representation from all geographic regions of the Diocese. In addition to the 18 members elected by Convention, six members shall be appointed by the Bishop, to hold office at the Bishop's pleasure.

**Sec. 4. Vacancies:** In the event any vacancy occurs in the membership of Council between conventions, the Council shall be empowered to fill such vacancy until the next Convention, at which time the Leadership Development Commission shall propose a nominee to fill the balance of the unexpired term.

**Sec. 5. Term Limits:** A Council member who has served for two consecutive three-year terms (or a total of six consecutive years) shall be ineligible to be elected or appointed until at least two years has elapsed since the end of such person's previous term as Council member.

**Sec. 6. Organization of Council:** There shall be the following Standing Commissions of Council: Christian Formation Commission, Congregational Development Commission, Congregational Life for Mission Commission, Social Concerns Commission and Leadership Development Commission. In addition, the Budget and Finance Committee and the Congregational Support Committee shall be standing committees of Council.

**Sec. 7. Executive Committee and other Committees and Commissions:** Council may appoint from its membership an Executive Committee consisting of the Bishop and no fewer than four other members, with power to act between meetings of the full Council, and Council may appoint such other committees and commissions as from time to time may seem advisable. The jurisdiction and duties of each commission and committee of Council shall be as determined from time to time by resolution or by the by-laws of Council.

**Sec. 8. The Budget:** It shall be the responsibility of Council to prepare the annual Diocesan budget for submission to Convention, and to involve Regional and Interparish bodies in the development of the Diocesan budget in such manner and to such extent as Council shall deem appropriate.

## **CANON 17 - REGIONAL BODIES**

**Sec. 1. Definition:** A "Region" shall be defined as an area comprising a portion, but not all, of the Diocese as determined from time to time by the Bishop.

**Sec. 2. Assignment of a Bishop or other Diocesan Officer to a Region:** At the direction of the Bishop, a bishop or other Diocesan officer may be assigned to reside within any region, with executive responsibility, as delegated by the Bishop, for the work of the Diocese in such region. The responsibilities of any bishop or other Diocesan officer so assigned shall include pastoral oversight, program development, and administrative authority with respect to clergy and congregations within such Region.

**Sec. 3. Regional Councils:** A Regional Council may be formed by parishes or Interparish councils as the Region shall determine, provided that any such Regional Council shall be constituted as set forth in by-laws to be adopted by such Council after approval by the Bishop. The Bishop's approval shall not be granted unless such constitution and by-laws provide, in the Bishop's judgment, a mechanism to insure broad participation in such Council by all of the parishes in the Region. Any Regional Council so constituted and approved shall hold not less than one meeting annually. The Bishop or Regional Bishop or Regional Diocesan Officer, as designated by the Bishop, shall be the Chairperson of the Regional Council. A Secretary shall be elected from the membership. Each Regional Council shall advise the Diocesan Council with respect to the creation, integration, and coordination of programs undertaken within the Region and on Regional missionary strategy. A Regional Council may also make recommendations to the Diocesan Council with respect to the budgets of Regional congregations and area ministries receiving Diocesan funds, may make recommendations to the Leadership Development Commission on personnel matters within the Region and may make recommendations to Diocesan Council on changes in existing commitments and the development of new undertakings, and may appoint such number of Youth Members to attend Diocesan Convention as the by-laws of such Regional Council shall provide.

**Sec. 4. Interparish Councils:** Interparish councils may be formed by participating parishes within regions defined by the Bishop. The activities of an Interparish council shall include the following:

1. Suggest to the Leadership Development Committee the names of candidates for nomination to the Diocesan Council.
2. Identify issues, problems, and opportunities affecting its congregations and communities.
3. Participate in developing and implementing the mission portion of the Diocesan Budget in response to identified needs.
4. Provide opportunities for leadership development for clergy and laity.
5. Strengthen the ecumenical witness of the Church.

## CANON 18 - FUNDING PROGRAM OF THE DIOCESE

### Sec. 1. *Diocesan Budget and Congregations' Apportioned Shares*

1. Submission of Budget to Convention: The Diocesan Council shall submit to each annual Convention a unified budget of Diocesan expenditures during the following year. This budget shall include funds for the support of:

The Episcopate; The National Church;  
Diocesan administration and program;  
The Congregational Support Plan.

The Convention may approve, reject, or modify the budget, provided, however, that no budget may be approved in which projected receipts are less than projected expenses.

When in the course of their duties in managing the finances of the Diocese, the Trustees determine that the *Diocesan* budget needs to be materially adjusted between Conventions; they shall present the adjustment to the Budget and Finance Committee of the Council. That Committee shall review the proposed adjustment and present its recommendation thereon to the Council and, unless the Council objects at its next meeting, the adjustment shall take place.

2. Congregation's Apportioned Share: After the Budget has been approved by Convention, the Controller shall compute the share (hereinafter referred to as the "apportioned share" or "*assessment*") to be paid by each congregation, other than those congregations in the Congregational Support Plan (whose apportionment shall be computed according to Section 3) in accordance with the formula set forth in Section 2 hereof, and shall give notice to each congregation thereof within 30 days after the budget is adopted. Within sixty (60) days of receipt, each congregation shall certify to the Controller of the Diocese that the Diocesan Budget and the apportioned share for the year in question has been submitted for review to its Vestry or Trustees or Advisory Board, as the case may be.

No congregation's apportioned share for any year shall increase by more than 12.5% over its apportioned share for the immediately preceding year, unless the Bishop and Trustees specifically authorize a larger increase.

3. Adjustment and Appeal Procedure: Any congregation may appeal to the Adjustment Board for a reduction in its apportioned share in accordance with the guidelines established by the Adjustment Board and approved by the Trustees.

The Adjustment Board, which shall be a committee of the Trustees consisting of not fewer than seven members appointed by the Bishop, shall conduct all adjustment hearings and may affirm or reduce the apportioned share payable by any congregation requesting a hearing. The Adjustment Board shall inform each congregation requesting a hearing of its decision within a reasonable time after such hearing. Any congregation may appeal the decision of the Adjustment Board to the Trustees, which may affirm or modify any decision of the Adjustment Board. Appeals to the Trustees must be made within 30 days after receipt by such congregation of the decision of the Adjustment Board.

4. Payments: Each congregation's apportioned share shall be paid in four equal installments, no later than the fifth days of January, April, July and October, and it shall be the duty of the Controller to attend to the collection thereof.

**Sec. 2. Apportionment Formula**

1. Formula: The Controller shall compute the apportioned share of each congregation (other than those congregations in the Congregational Support Plan) by computing the average Normal Operating Income for the two latest years as reported by the congregation on the Parochial Report. The Controller shall apply the following formula to the averaged income:

4% of income from \$1 to **50,000**,  
plus 10% of income from \$50,000 to **200,000**,  
plus 15% of income from \$200,000 to **500,000**,  
plus 20% of all income above \$500,000

***The Trustees shall be authorized from time to time to increase the dollar amounts that divide the brackets in the foregoing formula to take into account inflation in the cost of the major items making up the budgets of Parishes in the Diocese of New York.***

2. Application: If the apportioned share of any congregation shall exceed 25% of the total unified budget of Diocesan expenditures in any one budget year, the excess shall be applied to the Diocesan General Endowment Fund.

3. Definition of Normal Operating Income: Normal Operating Income is defined in the same manner as that term is defined from time to time in the Instructions for the Episcopal Church Parochial Report as set forth in the Manual of Business Methods in Church Affairs ("The Manual") as published by ECUSA, or any successor publication. It includes all funds, from whatever source, that are used for the general operation of a congregation, including payment of Diocesan assessment and contributions to the Congregational Support Plan, compensation of clergy and lay staff, operation and insurance of buildings, altar supplies, and administrative expenses. Sources of operating income include contributions from individuals, contributions from organizations within the congregation, income from trusts or **Parish** foundations or amounts drawn from a congregation's invested funds, whether income, principal, or a percentage takeout; space use income (net of direct costs of providing space); and excess revenues available for general operations derived from **Parish** schools, cemeteries, or other enterprises. This canon shall be deemed amended automatically, without the need for further action by **the Convention**, whenever the definition of normal operating income, or the sources from which such income is derived, shall be changed in the Manual or in any successor publication, so as to bring the terms of this canon into conformity therewith.

### **Sec. 3. Congregational Support Plan**

1. The Diocese shall maintain and administer a Congregational Support Plan, to which any congregation in union with the Convention may apply for membership. The operation of the Congregational Support Plan shall be the responsibility of a Standing Committee of the Council of the Diocese, to be known as the Congregational Support Plan Committee. The Congregational Support Plan Committee shall from time to time adopt operating procedures for the administration of the Plan.
2. Congregations in the Congregational Support Plan shall not pay any apportioned share to the Diocese while they are members of the Plan. In their first year of membership, Congregations in the Plan shall pay into the plan 50% of their Normal Operating Income for the year prior to the year in which they join the plan ("base year contribution"). After the first year of membership, and during the initial term of membership as defined by the Congregational Support Plan Committee, congregations whose normal operating income increases over the normal operating income used to compute the base year contribution will pay into the plan the base year contribution plus an amount equal to the apportioned share (calculated in accordance with **Section 2 (1)**) that the congregation would have paid on the increased amount of normal operating income had the congregation not been in the Plan. In no event shall any member congregation's contribution to the Congregational Support Plan increase by more than 25% in any one year.
3. Clergy serving congregations in the Congregational Support Plan will be compensated in accordance with the compensation guidelines provided for in Canon 27, except that no clergyperson's stipend shall be reduced by entry into the Plan. At entry into the Support Plan, compensation shall be at the level just prior to joining the Support Plan or at the **Diocesan** minimum, whichever is higher.

#### **4. Sec. 4. Remedies**

1. Lay Delegates: It shall be the duty of the Controller to report quarterly to the Bishop and the Board of Managers all congregations that have not paid in full any payment required by Section 1(4). The Secretary of Convention shall report each congregation that has not paid in full its apportioned share for the budget year to the Convention in the year following the budget year. Any congregation that has not paid its full apportioned share for one budget year shall be denied any lay vote in Convention and any congregation that has not paid its full apportioned share for two budget years (whether or not consecutive) shall no longer have the right to send lay delegates to the Convention, until its unpaid apportioned shares shall have been paid in full; provided, however, that the Convention may suspend the operation of this subsection (1), prospectively or retroactively, without amendment of this Canon.
2. Parishes in Default in Assessments: Prior to each Annual Convention the Adjustment Board shall notify the Bishop of any Parish that does not satisfy any of the conditions listed in this subsection(2), noting that the Parish may be designated as a Parish In Default in Assessments. The Bishop, with the concurrence of the Trustees of the Diocese, may then designate the Parish as a Parish In Default in Assessments, and the Chancellor shall inform the Annual Convention that the Parish is a Parish In Default in Assessments. No Parish shall be designated as a Parish in Default in Assessments, and no Parish designated as a Parish In Default in Assessments shall remain a Parish

In Default in Assessments, if the Parish satisfies any of the following conditions:

1. The Parish is current in the payment of its assessments through all but the most recently due quarterly installment, or
2. The Parish has a completed application pending with the Adjustment Board, is actively participating in the Adjustment Board process by meeting with its members and representatives of the Diocese as requested by the Adjustment Board, and is making payments on account of assessments in a minimum amount specified by the Adjustment Board for Parishes that have applications pending, or
3. If the Adjustment Board has made its decision and the Parish has chosen to appeal the decision, the Parish has a completed appeal pending with the Trustees, or
4. If the Adjustment Board has made its decision on the application that, after any appeal to and any modification by the Trustees, is final and no longer subject to appeal, the Parish is current in its payment of all its assessments as they may have been adjusted through all but the most recently due installment and is in compliance with any conditions imposed by the Adjustment Board or the Trustees in approving any adjustment, which conditions may include participation in programs organized by the Diocese to help a Parish address problems in the Parish.

3. Remedial Process for Certain Parishes In Default in Assessments: If two consecutive Annual Conventions have been informed that a Parish is In Default in Assessments, and the Parish continues to be In Default in Assessments, then upon the recommendation of the Adjustment Board and the concurrence of the Standing Committee and the Trustees of the Diocese, the Bishop may in the Bishop's discretion initiate the remedial process described in this subsection (3), which may result in converting the Parish into a Mission Congregation of the Diocese.

1. The Bishop may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the Parish involved, to make a report to the Bishop.
2. If the issues are not resolved to the Bishop's satisfaction, the Bishop, with the concurrence of the Trustees of the Diocese, shall then give notice to the Parish's Rector and Vestry that a godly judgment may be rendered in the matter after consultation with the Standing Committee and that the Parish's Rector and Vestry have the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.
3. If a timely request is made, the President of the Standing Committee shall set a date for the conference, which shall be held within thirty days of such request. At the conference, the Parish's Rector and Vestry shall be entitled to representation and to present their position fully.
4. Within thirty days after the conference or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter the Bishop, as final arbiter and judge, shall render a godly judgment.
5. If the Bishop's godly judgment is that the Parish should be converted into a Mission Congregation of the Diocese:

a. The Bishop shall recommend to the Convention that the Parish be placed under supervision of the Bishop as a Mission Congregation of the Diocese. If the Bishop's recommendation is approved by the Convention, the status of the Parish shall be changed to that of a Mission Congregation and it shall thereafter be a Mission Congregation under Canon 29.

b. Upon approval by the Convention of the change of status of the Parish to a Mission

Congregation, the Vestry of the Parish shall transfer all real and personal property of the Parish to the Trustees of the Diocese. The Bishop shall appoint an interim Advisory Board as provided in Canon 29.

c. Upon the change of status of a Parish to a Mission Congregation under this subsection (3) (5), the pastoral relation between the former Parish and its Rector shall dissolve. The Bishop shall appoint a Vicar for the Mission Congregation, who may be either the priest who was the Rector of the Parish or another priest.

d. The Bishop shall direct the Secretary of the Convention to record the dissolution of the pastoral relationship between the former Parish and its Rector, and the judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

e. In the event of the failure or refusal of the Rector to comply with the terms of the judgment, the Bishop may impose penalties on him or her, including, without limitation, suspending the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.

f. The Vicar and the Advisory Board of a former Parish that has become a Mission Congregation under this subsection (3)(5) shall act in all financial matters in accordance with the directions of the Trustees of the Diocese and in all other matters in accordance with Canon 29. The status of any such Mission Congregation may be changed to that of a Parish with the approval of the Bishop, the Standing Committee and the Trustees of the Diocese in accordance with Canon 29.

4. For cause, the Bishop may extend the time periods specified in this Section 4, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

## **CANON 19 - EPISCOPAL CHARITIES:**

**Sec 1. Objectives:** There shall be a corporation called Episcopal Charities to carry out the following objectives in furtherance of the mission and ministry of the Diocese of New York:

1. To coordinate the funding of social programs related to and connected with the Diocese and its congregations;
2. To raise, hold, and disburse funds to be used to fund such programs;
3. To establish funding priorities, evaluate proposals, and award grants in support of such programs;
4. To provide training and support services to congregations and institutions affiliated with the Diocese that wish to apply for grants to carry out such programs; and
5. To carry out such other functions as shall be determined from time to time by the Board of Managers of the Diocese.

**Sec. 2. Organization:** At all times, Episcopal Charities shall be incorporated under the Not-for-Profit Corporation Law of the State of New York, and shall be organized and operated so as to qualify for a tax exemption pursuant to Sec. 501(c)(3) of the Internal Revenue Code. The corporation shall be managed by a Board of Directors appointed by the Trustees of the Diocese.

**Sec. 3. Reports:** Episcopal Charities shall report quarterly to the Trustees of the Diocese and annually to the Convention of the Diocese on all activities of the corporation.

**Sec. 4. Advisory Committee:** The Board of Directors of Episcopal Charities shall establish an Advisory Committee consisting of 19 members:

8 members appointed by the Bishop of New York, including a chairperson;

10 members elected by the Council of the Diocese, as follows:

2 members from congregations in Sullivan, Ulster, Dutchess and Orange counties;

3 members from congregations in Westchester, Rockland and Putnam Counties;

2 members from congregations in the Bronx;

2 members from congregations in Manhattan;

1 member from congregations in Staten Island.

The Chair of the Social Concerns Commission of the Council of the Diocese.

Members shall be elected or appointed for a term of three years. No member shall serve more than two consecutive terms. A member who serves two consecutive terms shall be eligible for election or appointment one year after the end of their second term.

The Advisory Committee shall make recommendations to the Board of Directors about program funding, disseminate information about funding cycles and grant proposals, and assist in the provision of training and support services to congregations and institutions affiliated with the Diocese. The Advisory Committee shall review the Annual Report of Episcopal Charities before it is submitted to the Convention of the Diocese and shall certify to Convention that the corporation's affairs are being conducted in conformity with the mission statement of the Diocese.

## PART V - COMMITTEES OF THE DIOCESE

### CANON 20-STANDING COMMITTEE

**Sec. 1. Membership:** The Standing Committee shall consist of four Clerical Members and four lay persons of the Diocese to be elected by ballot. At each Annual Convention, one Clerical Member and one lay person shall be elected to serve for four years and no longer. Any Person so elected shall be deemed to have resigned from the Committee if he/she fails to attend three meetings of the Committee during any twelve-month period. Vacancies in the Committee occurring by death or otherwise shall be filled temporarily by the concurrent vote of the Clerical and Lay Members of the Committee until the next Annual Convention and then shall be filled by the Convention. Except in the case of Members chosen to fill vacancies, no Member of the Committee shall be eligible for membership for one year after the expiration of her/his term of office.

**Sec. 2. Duties:** The Standing Committee shall serve as the Council of Advice to the Bishop and shall have such other duties as may from time to time be prescribed in the Constitutions and Canons of the

Episcopal Church and of this Diocese. In case of the absence or disability of the Bishop, or of a vacancy in the Episcopate, the powers and duties to be performed by the Bishop in matters of discipline shall be performed by the Standing Committee, except in those cases where such powers and duties are or may be specially delegated to, or enjoined upon, the Clerical Members of the Committee; in which cases such powers and duties shall be exercised by the Clerical Members alone; provided that no sentence shall be pronounced on a Presbyterian or Deacon but by a Bishop.

**Sec. 3. *Consents under Religious Corporations Law § 12:*** Whenever application shall be made to the Standing Committee for its consent to an application to a court for leave to sell, mortgage, or lease real property, which at the time of such application is used by a Congregation for regular religious services, the Standing Committee shall not give its consent until it shall appear to its satisfaction that notice of the application has been given to the Congregation.

**Sec. 4. *Annual Reports:*** The Standing Committee shall annually report to the Convention for its information such of its completed official acts as do not pertain to the exercise of its functions as a council of advice to the Bishop.

## **CANON 21 - COMMISSION ON MINISTRY**

**Sec. 1.** There shall be a Commission on Ministry consisting of not fewer than ten members, to be appointed by the Bishop and to serve at the pleasure of the Bishop. The chair of the commission shall be appointed by the Bishop from among the commission's members. Insofar as possible, clergy and laity shall be represented in equal numbers on the Commission, and the membership shall reflect the geographic diversity of the diocese.

**Sec. 2.** The duties of the Commission shall be to assist the Bishop in all matters specified by the Canons of the General Convention as follows:

1. Determining present and future needs for ministry in the Diocese.
2. Recruiting and selecting persons for holy orders and in guiding and examining postulants and candidates for orders.
3. Providing for the guidance, pastoral care of clergy and lay persons who are in stipendiary and non-stipendiary positions accountable to the Bishop.
4. Promoting the continuing education of the clergy and of lay persons employed by the Church.
5. Supporting the development, training, utilization, and affirmation of the ministry of the laity in the world.

## **CANON 22 - OTHER COMMITTEES OF THE DIOCESE**

To facilitate the work of the Diocese, the Convention may from time to time establish such committees of the Diocese with such duties as it may determine, and, unless otherwise provided, the Bishop shall appoint members thereto.

## PART VI - CLERGY AND CONGREGATIONS

### CANON 23-UNION BETWEEN CONGREGATIONS AND CONVENTION

**Sec. 1.** Every Congregation subject to the Ecclesiastical Authority of this Diocese shall also be subject to the Convention and required to maintain union therewith.

To obtain admission into such union the Congregation must deliver its application to the Secretary of the Convention at least 40 days before the meeting thereof together with the following:

1. The resolution of the Vestry, Trustees or Board of Advisors under seal (a) authorizing such application for admission, (b) agreeing to be bound by the Constitution and Canons of the Episcopal Church and the Constitution and Canons of the Convention of the Diocese, and (c) agreeing to pay its clergy in regular installments, but not less frequently than monthly, a salary (in proportion to the time engaged) not less than the minimum provided in Canon 27, and to provide a suitable residence.
2. The Certificate of the Vestry, Trustees or Board of Advisors under seal evidencing that the Congregation is willing and able among its own members to provide the salary required by Canon 27 and to provide a suitable residence and that not less than 25 members of the Congregation have regularly attended divine service for at least one year.
3. A copy of the Certificate of Incorporation of the Congregation duly certified by the County Clerk of the county of recording, which certificate, if not pursuant to Article 3 of the New York State Religious Corporations Law, shall contain the declaration that the Congregation is an Episcopal Church and will forever continue as such, in communion with the Diocese of New York and ECUSA.
4. The Certificate of the Ecclesiastical Authority (a) approving such incorporation, and (b) adjudging the Congregation duly established.

**Sec. 2.** It shall be the duty of the Secretary of Convention to examine, consider, and report upon any such application to Convention.

**Sec. 3.** Whenever any Congregation shall be in default by more than sixty (60) days in filing the reports required by the Canons of the General Convention, or shall for two (2) years in succession not have employed a Parish minister, or shall for one or more years be in arrears in payment of the minimum clergy salary as provided in Canon 27, the Bishop shall report such Congregation to the Convention, and such Congregation shall thereby forfeit its right to send lay delegates to Convention. Such Congregation, however, may be restored to its right to send lay delegates to Convention upon application to the Convention upon such terms as shall appear just.

### CANON 24 - REGISTERS AND PAROCHIAL REPORTS

**Sec. 1.** In the Register of Baptisms, Confirmations, Communicants, Marriages and Burials, required by the Canons of the General Convention to be kept by the Clergy of this Church, the record shall specify the name and date of birth of each child baptized, with the names of the parents and sponsors; the name of each adult baptized; the name of each person confirmed; the names of the parties married, with the names of the witness or witnesses required by civil law; the name of each person buried; and also the

time when each rite was performed. The Register shall be kept by the Clergy in Charge of the Congregation, in a book to be provided for that purpose; and shall be preserved by the Vestry or Board of Trustees as a part of the records of the congregation. A similar Register shall be kept by the Vicar of each Mission congregation. The list of communicants shall embrace all within the cure of the member of the clergy in charge as nearly as can be ascertained; and he/she shall also keep a list of the families and individuals in his/her cure insofar as practicable.

**Sec. 2.** Every Clergy in charge of a Congregation shall present, or cause to be delivered to the Diocese:

1. The Parochial Report as required by the Canons of General Convention, with such additional information as the Diocese may reasonably require from time to time; and
2. A copy of the annual audited financial statement as required by said Canons.

The deadline for submission of the Parochial Report and the annual audited financial statement shall be the date established by the National Church. It shall be the responsibility of the Controller's office to notify congregations of the due dates.

**Sec. 3.** Where a congregation is without a clergy in charge, the Register shall be kept by the Church Wardens, and the annual Parochial Report and the audited financial statement shall be presented or forwarded to the Bishop by them.

**Sec. 4.** The Registers of all congregations shall be inspected from time to time by the Bishop or by such persons as he/she may appoint.

**Sec. 5.** Upon the dissolution of a congregation, the Register provided for by this Canon shall immediately become the property of the Diocese and shall be deposited with the Registrar.

## **CANON 25 - VACANT CONGREGATIONS AND CLERGY WITHOUT CURE**

**Sec. 1. *Notice of Vacancy:*** Whenever a clergy position in a Congregation becomes, or is about to become, vacant, the Bishop shall be notified, by the Church Wardens if the vacancy occurs in the position of rector or other clergy in charge of the congregation, and by the rector or other clergy in charge of the congregation if the vacancy is in any assistantcy.

**Sec. 2. *Interim Clergy:*** It shall be the duty of the Wardens of any congregation to provide for the regular conduct of worship and pastoral care of the congregation whenever there is a vacancy in the position of rector. It shall be the duty of the Bishop to provide for the conduct of regular worship and pastoral care of the congregation whenever there be a vacancy in the position of clergy-in-charge that must be filled by the Bishop. The Vestry or Advisory Board of such Congregation shall provide for the compensation of any interim clergy.

**Sec. 3. *Vacancies in the position of Rector:*** Vacancies in the position of rector shall be filled by the vestry of the congregation after consulting with the Bishop. The wardens shall notify the Registrar of the Diocese upon the election of a new Rector.

**Sec. 4. *Vacancies in Positions of Priest-in-charge or Mission Vicar:*** Vacancies in the positions of

Priest-in-charge shall be filled by the Bishop, in consultation with the Advisory Board of the congregation. The procedures to be followed in searching for suitable candidates and selecting nominees to present to the Bishop shall be as adopted from time to time by the Bishop or his/her designee in charge of clergy deployment.

**Sec. 5. *Vacancies in assistancies:*** The Rector of a congregation may fill any vacancy in the position of assistant clergy, subject to Sec. 6 of this canon. Within 30 days after filling any assistancy, the Rector shall notify the Bishop.

**Sec. 6.** No member of the clergy shall be called to fill any clerical position in this Diocese if the Bishop has stated that he/she will not be licensed to officiate in this Diocese.

## **CANON 26 - CLERGY NOT CANONICALLY RESIDENT**

Any member of the clergy who is not canonically resident in this diocese and who desires to take temporary or occasional service therein shall so signify to the Bishop. A list of such clergy as shall be licensed by the Bishop for such duty shall be kept by the Bishop. A rector of a parish may not employ the services of any member of the clergy who is not canonically resident for more than sixty days, unless he/she shall have the written license of the Bishop.

## **CANON 27 - CLERGY AND LAY STAFF: COMPENSATION AND ALLOWANCES**

**Sec. 1.** Every Congregation in union with the Convention shall pay clergy serving such Congregation not less than the minimum stipends and allowances set forth in the Compensation Guidelines of the Diocese of New York most recently adopted by the Convention of the Diocese. Every Congregation in union with the Convention having lay employees on its staff shall provide these employees with compensation and benefits not less than the minimum guidelines for lay employees set forth in the Compensation Guidelines of the Diocese of New York most recently adopted by the Convention of the Diocese.

**Sec. 2.** Each year, the Trustees of the Diocese shall review the Compensation Guidelines of the Diocese and shall make proposals to Convention with respect to additions or modifications thereto no later than the time for filing proposed resolutions with the Secretary of Convention.

**Sec. 3.** The Trustees may approve specific variations from the Compensation Guidelines of the Diocese.

**Sec. 4.** Any Congregation that fails to provide the stipends and allowances established by the Convention, except as permitted pursuant to Section 3 herein, or that shall be in arrears in the payment of such salary and allowances for a period of one or more years shall be reported by name to the Trustees at least three months before the meeting of the Convention, and the Trustees may include the same in its report to the Convention.

**Sec. 5.** All congregations and other ecclesiastical organizations or bodies subject to the authority of the Diocese of New York, and all other societies, organizations or bodies in the Diocese which under the regulations of The Church Pension Fund have elected or shall elect to come into the pension system,

shall provide all lay employees who work a minimum of 1,000 hours annually retirement benefits through participation in the Episcopal Church Lay Employees' Retirement Plan (ECLERP) or in an equivalent defined contribution or defined benefit plan, the provisions of which are at least to equal those of ECLERP.

## **CANON 28 - ESTABLISHMENT OF CONGREGATIONS**

**Sec. 1. Authority to Establish New Congregations:** The authority to establish new congregations is vested in the Bishop, acting with the advice and consent of the Standing Committee and the Trustees of the Diocese.

**Sec. 2. Form of Application for Recognition as a New Congregation:** A group of twelve (12) or more baptized persons seeking to worship together and to be recognized as a congregation in communion with this Diocese shall submit an application in the following form to the Bishop:

To the Right Reverend \_\_\_\_\_  
*Bishop of New York* We, the subscribers, baptized persons, residents in the Town of \_\_\_\_\_, in the County of \_\_\_\_\_, New York, respectfully request that we be duly received as a Mission congregation, under the authority and direction of the Diocese of New York, to be known as \_\_\_\_\_, in the Town of \_\_\_\_\_. And we do hereby promise conformity to the authority of the Diocese, and to the Constitution, Canons, Doctrine, Discipline and Worship of the Protestant Episcopal Church of the United States and in the Diocese of New York, and we further pledge the sum of \$\_\_\_\_\_ to the support of the Minister for the first year.

**Sec. 3. Hearing on Application by a New Congregation:** Prior to any action on a proposal to establish a new congregation, the Standing Committee shall conduct a formal hearing, at which hearing any person who wishes to address the advisability of the proposal shall be heard. The Standing Committee shall publish notice of any such hearing in an issue of the newspaper of record for the Diocese, to be published not less than twenty (20) days prior to the date of the hearing, and shall also give twenty (20) days' written notice of any such hearing to any person or congregation that, in the opinion of the Standing Committee, may be affected by the proposal.

## **CANON 29 - MISSIONS**

**Sec. 1. Becoming a Mission Congregation:** Any congregation established pursuant to Canon 28 shall initially be established as a Mission Congregation, and shall continue as such until the Bishop, the Standing Committee and the Trustees of the Diocese approve a change of status from Mission Congregation to Congregation.

Any other congregation that wishes to conduct its affairs in accordance with this canon may apply to the bishop for permission to become a Mission Congregation. An application to change status from Congregation to Mission Congregation must be approved by the Vestry of the Congregation and must include an offer to transfer all of the real and personal property of the Congregation to the Trustees of the Diocese. As soon as the application is approved, the Vestry shall complete the transfer of all the real and personal property of the Congregation to the Trustees.

**Sec. 2. Operation of the Mission Congregation:** A Mission Congregation shall conduct its affairs under the authority of the Bishop and in accordance with the following rules:

1. As soon as a Mission Congregation is established or the transfer to mission status is approved, the Bishop shall appoint an interim Advisory Board, consisting of six members of the Mission Congregation, who must be regular attendants at services and regular contributors to the support of the Congregation. The interim Advisory Board shall serve until an Advisory Board is elected in accordance with this Canon.
2. Each new mission congregation shall adopt by laws, which shall be subject to the approval of the Bishop, and which shall not be inconsistent with the canons of General Convention or these canons.
3. The first Annual Meeting of the Mission congregation shall be held on that day following the establishment of the congregation or approval of transfer of status of the congregation as shall be fixed by the Vicar and the interim Advisory Board, and each Annual Meeting thereafter shall be held on the Sunday closest to the date of the first annual meeting. At the first Annual Meeting the number of members to constitute the Advisory Board shall be determined, which number shall be three (3), or a multiple thereof, not more than twenty-four (24).
4. Only voters of said Mission Congregation shall be eligible for election to the Advisory Board. At the first Annual Meeting, one-third of the members of the Board shall be elected to hold office for one year, one-third for two years, and one-third for three years and thereafter one-third of said members shall be elected each year for a term of three years.
5. If the Advisory Board of a Mission Congregation shall by resolution recommend that the number of members of the Advisory Board be changed, notice of such recommendation shall be included in the notice of the next annual election of such Mission Congregation or in the notice of a special meeting to be held not less than six months before the time fixed for holding the next annual election thereafter, and to be submitted to such annual or special meeting. If such recommendation be ratified by such meeting it shall be so recorded in the minutes of the meeting and such change in the number of members of the Advisory Board shall take effect at the time of the next annual election thereafter. If the number of members be thereby increased, then, in addition to the number of members to be elected at such annual election, one-third of such increased number of members shall be elected to hold office for one year thereafter, one-third for two years thereafter, and one-third for three years thereafter. If the number of members by such change be reduced, such reduction shall not affect the term of office of any member duly elected, and at such next annual election and at each annual election thereafter, one-third of such reduced number of members shall be elected to hold office for three years.
6. Persons of full age or, when so determined at a regular or special meeting of such Mission Congregation, of the age of eighteen (18) years or more, belonging to the Mission Congregation, who have been regular attendants at its worship and contributors of its support for at least twelve months prior to an election or special meeting or since the establishment of such Mission Congregation or approval of the congregation's change of status, shall be qualified voters at any such election or special meeting. The action of an annual or special meeting upon any matter or question shall be decided by a majority of the qualified voters voting thereon.
7. The priest in charge of a Mission Congregation shall be called by the title of Vicar. The Vicar of a Mission Congregation shall be the President of the Advisory Board and shall preside at all of its meetings and at all meetings of the
8. At its first meeting after organization of the Mission Congregation or approval of its change in status, the Advisory Board shall elect a Clerk and a Treasurer to hold office until the first meeting of said Board following the first annual meeting of the Mission Congregation. At the first meeting of said Board following the annual meeting in each year the Board shall elect a Clerk and a Treasurer to hold office for one year. The duties of the Clerk and the Treasurer shall be similar to the duties of the Clerk and Treasurer of the parish.

9. Regular meetings of the Advisory Board shall be held each month, except during the months of July, August and September, upon three days' notice to each member thereof by the Vicar, or if there be no Vicar, or if he/she be incapable of acting, by the Clerk of the Board. Special meetings may be called in the same manner. A majority of the membership of the Board shall constitute a quorum.
10. The Advisory Board shall have power to fill vacancies in its membership until the next Annual Meeting of the Mission Congregation. It shall also elect the delegates to the Convention of the Diocese as provided in Canon 2.

**Sec. 3. *Role of the Trustees of the Diocese:*** The Trustees of the Diocese shall be responsible for the supervision and regulation of the affairs of each mission congregation. They shall receive all gifts and bequests for the Mission; have custody of its permanent funds; hold title to all of its real estate and make such rules to preserve the assets of the Mission and require such reports as it shall see fit.

**Sec. 4. *Clergy Serving Mission Congregations:*** The Bishop shall have the sole power to appoint and remove clergy serving Mission Congregations.

**Sec. 5. *Transfer of Status from Mission Congregation to Congregation:*** The Bishop, with the approval of the Standing Committee and the Trustees of the Diocese, may approve a request from Mission Congregation to become a Congregation when, in his/her opinion, such change of status is warranted, and upon such terms as the Bishop shall deem appropriate.

**Sec. 6. *Dissolution of Mission:*** The Bishop, with the approval of the Standing Committee and the Trustees of the Diocese, may dissolve a Mission Congregation when, in her/his opinion, such action shall be warranted. In the event of such dissolution, the Trustees of the Diocese shall become custodian of all funds and all property of the Mission Congregation not held by some other corporate body, and it shall be the duty of the Vicar and Advisory Board to surrender control of such funds and property to said Board of Managers.

## **CANON 30 - CONTRIBUTION FOR CHURCH OBJECTS**

In every Congregation of the Diocese provision shall be made whereby its members may make offerings, by collections and otherwise, as often as the needs of the Church shall require, for the support of its objects, particularly its missionary work at home and abroad, the education for the sacred ministry, and those other religious and charitable objects which are commended to the care of the Church by the General Convention, or by the Convention of the Diocese; and it shall be the duty of the clergy in charge to give due notice to the Congregation of the time and purpose of such offerings, and also to call their attention to the importance and claims of the respective objects to which the offerings are to be applied.

## PART VII - INSTITUTIONS AFFILIATED WITH THE DIOCESE

### CANON 31

**Sec. 1.** Any institution, society or other organization by whatever designation heretofore or hereafter organized, representing itself to be an institution, society or other organization of the Diocese of New York for any purpose whatever, may do so only on condition that:

1. It shall not be operated for profit and its charter, constitution, or bylaws shall specify its purposes;
2. At least a majority of its governing board shall be members in good standing of a Congregation in union with the Convention of the Diocese or Clergy canonically resident therein; and in the case of an agency receiving funds collected under the authority of Convention, it shall elect or appoint to its governing board at least one member of the Trustees of the Diocese other than the Bishop, although he/she may also be a member;
3. It shall not sell, alienate or encumber real property belonging to it without giving to the Trustees of the Diocese thirty days' prior notice of such intention;
4. It shall file with the Secretary of the Convention certified copies of its charter, constitution, bylaws, and all amendments to such documents;
5. It shall make a written annual report to the Trustees of the Diocese setting forth the names of its governing board and its financial transactions and other activities during the previous year;
6. It shall comply with the provisions of the Canon of the General Convention entitled "Of Business Methods in Church Affairs";
7. It shall, as a condition to receiving any funds collected under the authority of the Convention, comply with such terms as may be prescribed by the Trustees of the Diocese; and
8. It shall permit the Bishop or her/his designee to visit it and examine its books, minutes, records and affairs, to determine whether it conforms, and continues to conform, to the provisions of this Canon and whether its standards and performance of work and service warrant continued recognition. If in the opinion of the Bishop it shall fail to meet such requirements, he/she may so report to the Trustees of the Diocese, whereupon the Trustees may take action as, in its discretion, may be deemed appropriate, either to correct undesirable conditions or to end its status as a diocesan institution, society or other agency.

**Sec. 2.** The Trustees of the Diocese shall file annually with the Secretary of Convention a list of the names of all institutions, societies, or other agencies that the Trustees shall recognize as "Diocesan," and such list shall be published in the Convention Journal.

## PART VIII - DISCIPLINE

### CANON 32: DISCIPLINE OF A PRESBYTER OR DEACON

**Sec. 1. *Definitions:*** Capitalized terms used in this Canon shall have the meanings attributed to them in CGC 1V.2.

**Sec. 2. *Mode of Proceeding:*** Whenever information concerning an Offense by a Member of the Clergy of the diocese has been received by the Intake Officer or Bishop, the matter shall proceed in accordance with Title IV of the Canons of General Convention (CGC) and this Canon.

**Sec. 3. *Disciplinary Board:*** The Board shall consist of seven persons, four of whom are presbyters canonically and geographically resident in the diocese and three of whom are lay adult communicants in good standing and members of a congregation of this Diocese. The members of the Board shall be elected by Diocesan Convention for concurrent three-year terms. Candidates for the Board shall be chosen by the Leadership Development Committee in accordance with the procedures set forth in Canon 11 of this Diocese. Within sixty days following election of the Board the Bishop shall appoint from among the members of the Board a President to serve for that term. Upon determining that a vacancy in the Board exists, the President of the Board shall notify the Bishop who shall appoint a person of the same order and eligibility requirements as the former member to serve the remainder of the term left vacant.

**Sec. 4. *Church Attorney:*** At the beginning of each three-year term of the Board, the Bishop, in consultation with the Board, shall appoint one or more Church Attorneys to serve for three years. The Church Attorney shall be a confirmed communicant in good standing, a member of a congregation affiliated with the Episcopal Church, a member of the Bar of the State of New York, and a person learned in canon law. The Bishop, in consultation with the Standing Committee, may for the good order of the Church remove a Church Attorney from that position. In the event a Church Attorney during his/her term resigns or is unable to perform the duties of a Church Attorney, the Bishop may, or in the event of a total vacancy must, in consultation with the Board, appoint a replacement Church Attorney. The Church Attorney may but need not be compensated for services rendered at a rate set in a written retainer agreement not to exceed customary prevailing rates for comparable attorneys in this Diocese. Whether or not the Church Attorney is compensated, the Diocese shall be responsible for reimbursing the reasonable and necessary disbursements and expenses incurred by the Church Attorney in carrying out his/her duties. If no Church Attorney appointed pursuant to this section is able to serve in connection with a particular matter, the Bishop, in consultation with the Board, shall appoint a temporary Church Attorney to serve on that matter.

**Sec. 5. *Intake Officer:*** One or more Intake Officers shall be appointed from time to time by the Bishop. The Bishop shall publish throughout the Diocese the names and contact information of all Intake Officers.

**Sec. 6. *Investigator:*** The Bishop, in consultation with the President of the Board, shall appoint one or more Investigators to be compensated as agreed between the Bishop and the Investigator and whose reasonable and necessary expenses shall be reimbursed. An Investigator need not be a member of the Church.

**Sec. 7. 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 CGC IV.8. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon or CGC IV.

**Sec. 8. Advisors:** In each proceeding under this Canon or CGC IV, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall not hold any other appointed or elected position under this Canon or CGC IV, and shall not be a chancellor or vice chancellor of this Diocese or likely to be called as a witness in the proceeding.

**Sec. 9. 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.

**Sec. 10. Panels:** In accordance with CGC IV.2 a Reference Panel shall be composed of the Intake Officer, the President of the Board and the Bishop. A Conference Panel and the Hearing Panel shall be chosen by the President of the Board in accordance with the requirements of CGC IV. In the event a Conference Panel shall have more than one member, the Panel shall include at least one presbyter. A Hearing Panel shall include at least one presbyter.

**Sec. 11. Order:** In addition to the requirements of CGC IV.14.7, the issuing Conference or Hearing Panel, not less than fifteen (15) days prior to issuing an Order, shall notify the Bishop of the intent to issue an Order and confer with the Bishop concerning the proposed terms of the Order. The 15 day period may be shortened only with the consent of the Bishop.

**Sec. 12. Costs:** 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 Convention. In the event of a final order dismissing the Complaint or by provisions of a Covenant approved by the Bishop, the reasonable defence fees and costs incurred by the Respondent, or a portion thereof, may be paid or reimbursed by the diocese, subject to budgetary constraints as may be established by Convention.

**Sec. 13. Records:** Records of open proceedings before the Board, including any appeal, shall be preserved and maintained by the Clerk. The Bishop shall make provision for the permanent storage of all records of all proceedings under this Canon and CGC IV in the archives of the diocese and the archives of The Episcopal Church as prescribed in CGC IV.30(c),(d).

## **CANON 33 - DISSOLUTION OF THE PASTORAL RELATION**

**Sec. 1.** Except upon mandatory resignation by reason of age, a Priest may not resign as Rector of a Parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of a Parish be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided.

**Sec. 2.** If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the Diocese. Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

**Sec. 3.** Within sixty (60) days of receipt of the written notice 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, including by using the good offices of any bishop suffragan or bishop assisting then serving in this Diocese. The Bishop may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the parish involved, to make a report to the Bishop.

**Sec. 4.** If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

1. The Bishop shall give notice to the Rector and Vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.
2. If a timely request is made, the President of the Standing Committee shall set a date for the conference, which shall be held within thirty days.
3. At the conference, each party shall be entitled to representation and to present its position fully.
4. Within thirty (30) days after the conference or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter the Bishop, as final arbiter and judge, shall render a godly judgment.
5. Upon the request of either party the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.
6. If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the Rector and the Vestry.
7. If the relation is to be dissolved:
  - (A) The Bishop shall direct the Secretary of the Convention to record the dissolution.
  - (B) The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

**Sec. 5.** In either event the Bishop shall offer appropriate supportive services to the Priest and the Congregation.

**Sec. 6.** In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose penalties on the non-compliant party, including, without limitation, the following:

1. In the case of a Rector, suspending the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.
2. In the case of a Vestry, recommending to the Convention of the Diocese that the Parish be placed under the supervision of the Bishop as a Mission until it has complied with the judgment.

**Sec. 7.** For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

**Sec. 8.**

1. Statements made during the course of proceedings under this Canon are not discoverable or admissible in any proceedings under Title IV of the canons of General Convention and Canon 31 of these canons, provided that this does not require the exclusion of evidence in any proceeding under the Canons that is otherwise discoverable and admissible.
2. In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under CGC IV.1, all proceedings under this Canon shall be suspended until the charge has been resolved or withdrawn.

## **PART IX - AMENDMENTS**

### **CANON 34 - AMENDMENTS**

Any proposed amendment to these Canons may be considered by Convention only if at least one day's previous notice thereof shall have been given to a meeting of Convention or it has been printed in the Calendar of Business and mailed as provided in Canon 5. Such amendment must be referred to and recommended by the Committee on Canons unless such reference be dispensed with by unanimous consent. If such amendment be adopted by a majority vote of Convention, it shall lie over for consideration until the next Annual Convention when, if again adopted by a majority vote, the Canons shall be amended accordingly. If such amendment be adopted by unanimous vote of the Convention or by a two-thirds vote of both Orders taken separately, the amendment shall take effect as set forth in the resolution.

## **PART X - COMMUNICATIONS**

### **CANON 35 - ELECTRONIC COMMUNICATIONS**

All notices, mailings, transmittals, certifications and other communications under these Canons may be sent by electronic means, as well as any other means provided hereunder, except for: (1) certifications under Canon 2, (2) printings and mailings of the Calendar of Business under Canon 5, Sec. 2 (3) transmittals of copies of the Journal of Convention under Canon 6, Sec. 1, (4) submissions under Canon 28, Sec. 2 and (5) communications under Canons 32 and 33. Any communications by electronic means permitted hereunder may be sent to the electronic address or telecopier number of the recipient as set forth in the Secretary's or Bishop's books and records from time to time. In addition to the foregoing, all publications of notices in a newspaper of record for the Diocese may, in lieu of such publication, be sent via electronic means to any affected persons or posted on the website of the Diocese.