

**PORTIONS OF THE CANONS OF
THE EPISCOPAL CHURCH**
TITLE I

CANON 7: Of Business Methods in Church Affairs

Sec. 1. In every Province, Diocese, Parish, Mission and Institution connected with this Church, the following standard business methods shall be observed:

- (a) All accounts of Provinces shall be audited annually by an independent certified public accountant, or independent licensed accountant, or such audit committee as shall be authorized by the Provincial Council. The Audit Report shall be filed with the Provincial Council not later than September 1 of each year, covering the preceding calendar year.
- (b) Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness, shall be deposited with a National or State Bank, or a Diocesan Corporation, or with some other agency approved in writing by the Finance Committee or the Department of Finance of the Diocese, under a deed of trust, agency or other depository agreement providing for at least two signatures on any order of withdrawal of such funds or securities. But this paragraph shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them. This paragraph shall not be deemed to prohibit investments in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer.
- (c) Records shall be made and kept of all trust and permanent funds showing at least the following:
 - (1) Source and date.
 - (2) Terms governing the use of principal and income.
 - (3) To whom and how often reports of condition are to be made.
 - (4) How the funds are invested.
- (d) Treasurers and custodians, other than banking institutions, shall be adequately bonded; except treasurers of funds that do not exceed five hundred dollars at any one time during the fiscal year.
- (e) Books of account shall be so kept as to provide the basis for satisfactory accounting.
- (f) All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes, Missions or other institutions shall be audited annually by an independent Certified Public Accountant, or independent Licensed Public Accountant, or such audit committee as shall be authorized by the Finance Committee, Department of Finance, or other appropriate diocesan authority.
- (g) All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum, shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, not later than September 1 of each year, covering the financial reports of the previous calendar year.

- (h) All buildings and their contents shall be kept adequately insured.
- (i) The Finance Committee or Department of Finance of the Diocese may require copies of any or all accounts described in this Section to be filed with it and shall report annually to the Convention of the Diocese upon its administration of this Canon.
- (j) The fiscal year shall begin January 1.

Sec. 2. The several Dioceses shall give effect to the foregoing standard business methods by the enactment of Canons appropriate thereto, which Canons shall invariably provide for a Finance Committee, a Department of Finance of the Diocese, or other appropriate diocesan body with such authority.

Sec. 3. No Vestry, Trustee, or other Body, authorized by Civil or Canon law to hold, manage, or administer real property for any Parish, Mission, Congregation, or Institution, shall encumber or alienate the same or any part thereof without the written consent of the Bishop and Standing Committee of the Diocese of which the Parish, Mission, Congregation, or Institution is a part, except under such regulations as may be prescribed by Canon of the Diocese.

Sec. 4. All real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission or Congregation otherwise existing over such property so long as the particular Parish, Mission or Congregation remains a part of, and subject to, this Church and its Constitution and Canons.

Sec. 5. The several Dioceses may, at their election, further confirm the trust declared under the foregoing Section 4 by appropriate action, but no such action shall be necessary for the existence and validity of the trust.

CANON 14: Of Parish Vestries

Sec. 1. In every Parish of this Church the number, mode of selection, and term of office of Wardens and Members of the Vestry, with the qualifications of voters, shall be such as the State or Diocesan law may permit or require, and the Wardens and Members of the Vestry selected under such law shall hold office until their successors are selected and have qualified.

Sec. 2. Except as provided by the law of the State or of the Diocese, the Vestry shall be agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish to its Clergy.

Sec. 3. Unless it conflicts with the law as aforesaid, the Rector, or such other member of the Vestry designated by the Rector, shall preside in all the meetings of the Vestry.

CANON 17: Of Regulations Respecting the Laity

Sec. 1 (a) All persons who have received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, whether in this Church or in another Christian Church, and whose Baptisms have been duly recorded in this Church, are members thereof.

(b) Members sixteen years of age and over are to be considered adult members.

(c) It is expected that all adult members of this Church, after appropriate instruction, will have made a mature public affirmation of their faith and commitment to the responsibilities of their Baptism and will have been confirmed or received by the laying on of hands by a Bishop of this Church or by a Bishop of a Church in communion with

this Church. Those who have previously made a mature public commitment in another Church may be received by the laying on of hands by a Bishop of this Church, rather than confirmed.

(d) Any person who is baptized in this Church as an adult and receives the laying on of hands by the Bishop at Baptism is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any person who is baptized in this Church as an adult and at some time after the Baptism receives the laying on of hands by the Bishop in Reaffirmation of Baptismal Vows is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any baptized person who received the laying on of hands at Confirmation (by any Bishop in apostolic succession) and is received into the Episcopal Church by a Bishop of this Church is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; and also,

Any baptized person who received the laying on of hands by a Bishop of this Church at Confirmation or Reception is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed.

Sec. 2 (a) All members of this Church who have received Holy Communion in this Church at least three times during the preceding year are to be considered communicants of this Church.

(b) For the purposes of statistical consistency throughout the Church, communicants sixteen years of age and over are to be considered adult communicants.

Sec. 3. All communicants of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God, are to be considered communicants in good standing.

Sec. 4 (a) A member of this Church removing from the congregation in which that person's membership is recorded shall procure a certificate of membership indicating that that person is recorded as a member (or adult member) of this Church and whether or not such a member:

- (1) is a communicant;
- (2) is recorded as being in good standing;
- (3) has been confirmed or received by a Bishop of this Church or a Bishop in communion with this Church.

Upon acknowledgment that a member who has received such a certificate has been enrolled in another congregation of this or another Church, the Member of the Clergy in charge or Warden issuing the certificate shall remove the name of the person from the parish register.

(b) The Member of the Clergy in charge or Warden of the congregation to which such certificate is surrendered shall record in the parish register the information contained on the presented certificate of membership, and then notify the Member of the Clergy in charge or Warden of the congregation which issued the certificate that the person has been duly recorded as a member of the new congregation. Whereupon the person's removal shall be noted in the parish register of the congregation which issued the certificate.

(c) If a member of this Church, not having such a certificate, desires to become a member of a congregation in the place to which he or she has removed, that person shall be directed by the Member of the Clergy in charge of the said congregation to procure a certificate from the former congregation, although on failure to produce such a certificate

through no fault of the person applying, appropriate entry may be made in the parish register upon the evidence of membership status sufficient in the judgment of the Member of the Clergy in charge or Warden.

(d) Any communicant of any Church in communion with this Church shall be entitled to the benefit of this section so far as the same can be made applicable.

Sec. 5. No one shall be denied rights, status or access to an equal place in the life, worship, and governance of this Church because of race, color, ethnic origin, national origin, marital status, sex, sexual orientation, disabilities or age, except as otherwise specified by Canons.

Sec. 6. A person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the rubrics, or who has been informed of an intention to refuse or repel him or her from the Holy Communion under the rubrics, may appeal to the Bishop or Ecclesiastical Authority. A Priest who refuses or repels a person from the Holy Communion, or who communicates to a person an intent to repel that person from the Holy Communion shall inform that person, in writing, within fourteen days thereof of (i) the reasons therefore and (ii) his or her right to appeal to the Bishop or Ecclesiastical Authority. No Member of the Clergy of this Church shall be required to admit to the Sacraments a person so refused or repelled without the written direction of the Bishop or Ecclesiastical Authority. The Bishop or Ecclesiastical Authority may in certain circumstances see fit to require the person to be admitted or restored because of the insufficiency of the cause assigned by the member of the Clergy. If it shall appear to the Bishop or Ecclesiastical Authority that there is sufficient cause to justify refusal of the Holy Communion, however, appropriate steps shall be taken to institute such inquiry as may be directed by the Canons of the Diocese; and should no such Canon exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as will ensure an impartial investigation and judgment, which judgment shall be made in writing within sixty days of the appeal and which shall also specify the steps required for readmission to Holy Communion.

Sec. 7. No unbaptized person shall be eligible to receive Holy Communion in this Church.

Sec. 8. Any person accepting any office in this Church shall well and faithfully perform the duties of that office in accordance with the Constitution and Canons of this Church and of the Diocese in which the office is being exercised.

TITLE III

CANON 9: Of the Life and Work of Priests

Sec. 1. The Bishop and Commission shall require and provide for the continuing education of Priests and keep a record of such education.

Sec. 2. Mentoring for Newly Ordained Priests Each newly ordained Priest, whether employed or not, shall be assigned a mentor Priest by the Bishop in consultation with the Commission on Ministry. The mentor and new Priest shall meet regularly for at least a year to provide guidance, information, and a sustained dialogue about priestly ministry.

Sec. 3. The Appointment of Priests

(a) Rectors.

(1) When a Parish is without a Rector, the Wardens or other officers shall promptly notify the Ecclesiastical Authority in writing. If the Parish shall for

thirty days fail to provide services of public worship, the Ecclesiastical Authority shall make provision for such worship.

- (2) No Parish may elect a Rector until the names of the proposed nominees have been forwarded to the Ecclesiastical Authority and a time, not exceeding sixty days, given to the Ecclesiastical Authority to communicate with the Vestry, nor until any such communication has been considered by the Vestry at a meeting duly called and held for that purpose.
- (3) Written notice of the election of a Rector, signed by the Wardens, shall be forwarded to the Ecclesiastical Authority. If the Ecclesiastical Authority is satisfied that the person so elected is a duly qualified Priest and that such Priest has accepted the office to which elected, the notice shall be sent to the Secretary of the Convention, who shall record it. Race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities or age, except as otherwise specified by these Canons, shall not be a factor in the determination of the Ecclesiastical Authority as to whether such person is a duly qualified Priest. The recorded notice shall be sufficient evidence of the relationship between the Priest and the Parish.
- (4) Rectors may have a letter of agreement with the Parish setting forth mutual responsibilities, subject to the Bishop's approval.

(b) Priests-in-Charge.

After consultation with the Vestry, the Bishop may appoint a Priest to serve as Priest-in-Charge of any congregation in which there is no Rector. In such congregations, the Priest-in-Charge shall exercise the duties of Rector outlined in Canon III.9.5 subject to the authority of the Bishop.

(c) Assistants.

A Priest serving as an assistant in a Parish, by whatever title designated, shall be selected by the Rector, and when required by the Canons of the Diocese, subject to the approval of the Vestry, and shall serve under the authority and direction of the Rector. Before the selection of an assistant the name of the Priest proposed for selection shall be made known to the Bishop and a time, not exceeding sixty days, given for the Bishop to communicate with the Rector and Vestry on the proposed selection. Upon resignation by the Rector, death of the Rector, or in the event of the dissolution of a pastoral relationship between the Rector and the Vestry, an assistant may continue in the service of the Parish if requested to do so by the Vestry under such conditions as the Bishop and Vestry shall determine. An assistant may continue to serve at the request of a new Rector. Assistants may have a letter of agreement with the Rector and the Vestry setting forth mutual responsibilities and containing a clearly articulated dissolution clause, subject to the Bishop's approval.

[Subsections (d) on Chaplains and (e) Priest employed in other settings has been omitted.]

[Section 4 on Letters Dimissory (used to transfer canonical residence of priest from one diocese to another) has been omitted.]

Sec. 5. Rectors and Priests-in-Charge and Their Duties

(a)

- (1) The Rector or Priest-in-Charge shall have full authority and responsibility for the conduct of the worship and the spiritual jurisdiction of the Parish, subject to the Rubrics of the Book of Common Prayer, the Constitution and Canons of this Church, and the pastoral direction of the Bishop.

- (2) For the purposes of the office and for the full and free discharge of all functions and duties pertaining thereto, the Rector or Priest-in-Charge shall at all times be entitled to the use and control of the Church and Parish buildings together with all appurtenances and furniture, and to access to all records and registers maintained by or on behalf of the congregation.
- (b)
- (1) It shall be the duty of the Rector or Priest-in-Charge to ensure all persons in their charge receive Instruction in the Holy Scriptures; in the subjects contained in An Outline of the Faith, commonly called the Catechism; in the doctrine, discipline, and worship of this Church; and in the exercise of their ministry as baptized persons.
 - (2) It shall be the duty of Rectors or Priests-in-Charge to ensure that all persons in their charge are instructed concerning Christian stewardship, including:
 - (i) reverence for the creation and the right use of God's gifts;
 - (ii) generous and consistent offering of time, talent, and treasure for the mission and ministry of the Church at home and abroad;
 - (iii) the biblical standard of the tithe for financial stewardship; and
 - (iv) the responsibility of all persons to make a will as prescribed in the Book of Common Prayer.
 - (3) It shall be the duty of Rectors or Priests-in-Charge to ensure that persons be prepared for Baptism. Before baptizing infants or children, Rectors or Priests-in-Charge shall ensure that sponsors be prepared by instructing both the parents and the Godparents concerning the significance of Holy Baptism, the responsibilities of parents and Godparents for the Christian training of the baptized child, and how these obligations may properly be discharged.
 - (4) It shall be the duty of Rectors or Priests-in-Charge to encourage and ensure the preparation of persons for Confirmation, Reception, and the Reaffirmation of Baptismal Vows, and to be ready to present them to the Bishop with a list of their names.
 - (5) On notice being received of the Bishop's intention to visit any congregation, the Rector or Priest-in-Charge shall announce the fact to the congregation. At every visitation it shall be the duty of the Rector or Priest-in-Charge and the Wardens, Vestry or other officers, to exhibit to the Bishop the Parish Register and to give information as to the state of the congregation, spiritual and temporal, in such categories as the Bishop shall have previously requested in writing.
 - (6) The Alms and Contributions, not otherwise specifically designated, at the Administration of the Holy Communion on one Sunday in each calendar month, and other offerings for the poor, shall be deposited with the Rector or Priest-in-Charge or with such Church officer as the Rector or Priest-in-Charge shall appoint to be applied to such pious and charitable uses as the Rector or Priest-in-Charge shall determine. When a Parish is without a Rector or Priest-in-Charge, the Vestry shall designate a member of the Parish to fulfill this function.
 - (7) Whenever the House of Bishops shall publish a Pastoral Letter, it shall be the duty of the Rector or Priest-in-Charge to read it to the congregation on some occasion of public worship on a Lord's Day, or to cause copies of the same to be distributed to the members of the congregation, not later than thirty days after receipt.
 - (8) Whenever the House of Bishops shall adopt a Position Paper, and require communication of the content of the Paper to the membership of the Church,

the Rector or Priest-in-Charge shall so communicate the Paper in the manner set forth in the preceding section of this Canon.

- (c)
- (1) It shall be the duty of the Rector or Priest-in-Charge to record in the Parish Register all Baptisms, Confirmations (including the canonical equivalents in Canon I.17.1(d)), Marriages and Burials.
 - (2) The registry of each Baptism shall be signed by the officiating Member of the Clergy.
 - (3) The Rector or Priest-in-Charge shall record in the Parish Register all persons who have received Holy Baptism, all communicants, all persons who have received Confirmation (including the canonical equivalents in Canon I.17.1(d)), all persons who have died, and all persons who have been received or removed by letter of transfer. The Rector or Priest-in-Charge shall also designate in the Parish Register the names of (1) those persons whose domicile is unknown, (2) those persons whose domicile is known but are inactive, and (3) those families and persons who are active within the congregation. The Parish Register shall remain with the congregation at all times.

Sec. 6. Licenses

(a) No Priest shall preach, minister the Sacraments, or hold any public service, within the limits of any Diocese other than the Diocese in which the Priest is canonically resident for more than two months without a license from the Ecclesiastical Authority of the Diocese in which the Priest desires to so officiate. No Priest shall be denied such a license on account of the Priest's race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities, or age, except as otherwise provided in these Canons. Upon expiration or withdrawal of a license, a priest shall cease immediately to officiate.

(b) No Priest shall preach, read prayers in public worship, or perform any similar function, in a congregation without the consent of the Rector or Priest-in-Charge of that congregation, except as follows:

- (1) In the absence or impairment of the Rector or Priest-in-Charge, and if provision has not been made for the stated services of the congregation or other community of faith, a Warden may give such consent.
- (2) If there be two or more congregations or Churches in one Cure, as provided by Canon I.13.3(b), consent may be given by the majority of the Priests-in-Charge of such congregations, or by the Bishop; *Provided*, that nothing in this Section shall prevent any Member of the Clergy of this Church from officiating, with the consent of the Rector or Priest-in-Charge, in the Church or place of public worship used by the congregation of the consenting Rector or Priest-in-Charge, or in private for members of the congregation; or in the absence of the Rector or Priest-in-Charge, with the consent of the Wardens or Trustees of the congregation; *Provided further*, that the license of the Ecclesiastical Authority provided in Canon III.9.5(a), if required, be obtained.
- (3) This Canon shall not apply to any Church, Chapel, or Oratory, which is part of the premises of an incorporated institution created by legislative authority, *Provided* that such place of worship is designated and set apart for the convenience and use of such institution, and not as a place for public or parochial worship.

(c) No Rector or Priest-in-Charge of any congregation of this Church, or if there be none, no Wardens, Members of the Vestry, or Trustees of any congregation, shall permit

any person to officiate in the congregation without sufficient evidence that such person is duly licensed and ordained and in good standing in this Church; *Provided*, nothing in these Canons shall prevent:

- (1) The General Convention, by Canon or otherwise, from authorizing persons to officiate in congregations in accordance with such terms as it deems appropriate; or
- (2) The Bishop of any Diocese from giving permission
 - (i) To a Member of the Clergy of this Church, to invite Clergy of another Church to assist in the Book of Common Prayer Offices of Holy Matrimony or of the Burial of the Dead, or to read Morning or Evening Prayer, in the manner specified in Canon III.9.5; or
 - (ii) To Clergy of any other Church to preach the Gospel, or in ecumenical settings to assist in the administration of the sacraments; or
 - (iii) To godly persons who are not Clergy of this Church to address the Church on special occasions.
 - (iv) To the Member of the Clergy or Priest-in-Charge of a congregation or if there be none, to the Wardens, to invite Clergy ordained in another Church in communion with this Church to officiate on an occasional basis, provided that such clergy are instructed to teach and act in a manner consistent with the Doctrine, Discipline, and Worship of this Church.

(d) If any Member of the Clergy or Priest-in-Charge, as a result of impairment or any other cause, shall neglect to perform regular services in the congregation, and refuse, without good cause, to consent to any other duly qualified Member of the Clergy to perform such services, the Wardens, Vestry, or Trustees of the congregation shall, upon providing evidence to the Ecclesiastical Authority of the Diocese of such neglect or refusal and with the written consent of the Ecclesiastical Authority, have the authority to permit any duly qualified Member of the Clergy to officiate.

(e) Any Priest desiring to officiate temporarily outside the jurisdiction of this Church but in a Church in communion with this Church, shall obtain from the Ecclesiastical Authority of the Diocese in which the person is canonically resident, a testimonial which shall set forth the person's official standing, and which may be in the following form:

I hereby certify that A.B., who has signified to me the desire to be permitted to officiate temporarily in churches not under the jurisdiction of The Episcopal Church, yet in communion with this Church, is a Priest of _____ in good standing, and as such is entitled to the rights and privileges of that Order. (Date) _____ (Signed) _____

Such testimonial shall be valid for one year and shall be returned to the Ecclesiastical Authority at the end of that period. The Ecclesiastical Authority giving such testimonial shall record its issuance, the name of the Priest to whom issued, its date and the date of its return.

Sec. 7. Resignation

On reaching the age of seventy-two years, a Priest shall resign from all positions of in this Church, and the resignation shall be accepted. Thereafter, the Priest may accept any position in this Church, including, with the permission of the Ecclesiastical Authority, the position or positions from which resignation pursuant to this Section has occurred; *Provided*,

(a) tenure in the position shall be for a term of not more than twelve months, which term may be renewed from time to time,

(b) service in the position shall have the express approval of the Bishop of the Diocese in which the service is to be performed, acting in consultation with the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident.

(c) Anything in this Canon to the contrary notwithstanding, a Priest who has served in a non-stipendiary capacity in a position before resignation may, at the Bishop's request, serve in the same position for a term not to exceed twelve months thereafter, and this term may be renewed.

[Sections 8, 9, 10 and 11 pertaining to the Renunciation of Ordination vows has been omitted.]

Sec. 12. Reconciliation of Disagreements Affecting the Pastoral Relation

When the pastoral relationship in a parish between a Rector and the Vestry or Congregation is imperiled by disagreement or dissension, and the issues are deemed serious by a majority vote of the Vestry or the Rector, either party may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to resolve the disagreement. The Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under the circumstances for that purpose by the Ecclesiastical Authority, which may include the appointment of a consultant. The parties to the disagreement, following the recommendations of the Ecclesiastical Authority, shall labor in good faith that the parties may be reconciled. Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop of a neighboring Diocese to perform the duties of the Ecclesiastical Authority under this Canon.

Sec. 13. Dissolution of the Pastoral Relation Except upon mandatory resignation by reason of age, a Rector 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. 14. 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. 15. Within sixty 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 and 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. 16. If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

- (a) 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.
- (b) 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.
- (c) At the conference each party shall be entitled to representation and to present its position fully.

- (d) 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.
- (e) 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.
- (f) 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.
- (g) If the relation is to be dissolved:
 - (1) The Bishop shall direct the Secretary of the Convention to record the dissolution.
 - (2) The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

Sec. 17. In either event the Bishop shall offer appropriate supportive services to the Priest and the Parish.

Sec. 18. In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

- (a) In the case of a Rector, suspend the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.
- (b) In the case of a Vestry, invoke any available sanctions including 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. 19. 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. 20.

(a) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV provided that this does not require the exclusion of evidence in any proceeding under the Canons which is otherwise discoverable and admissible.

(b) 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 Canon IV.1, all proceedings under this Canon with respect to such charge shall be suspended until the charge has been resolved or withdrawn.

Sec. 21. Sections 13-20 of this Canon shall not apply in any Diocese which has made a provision on this subject in its Canons which is consistent with this Canon.

TITLE IV

Title IV contains canons for Ecclesiastical Discipline for offenses that in general include: crime, immorality, violation of Rubrics and canons, violation of ordination vows. Currently Title IV applies only to Bishops, Priest and Deacons. The General Convention of 2009 may extend these canons to cover Lay Leadership as well. Please see the actual text for these canons (the URL is listed at the bottom of the document).

PORTIONS OF THE CANONS OF THE DIOCESE OF VIRGINIA

CANON 11.

Election and Organization of Vestries, and Call of Congregational Meetings.

Section 1. In this Canon, the term “Rector” implies “Rector or Vicar,” and the term “Vestry” denotes “Vestry or Vestry Committee,” unless specifically noted to the contrary.

Section 2. A Church shall have a Vestry which shall consist of not fewer than three or more than twelve members, except that in any Church having more than one hundred confirmed communicants in good standing one additional member may be elected to its Vestry for each additional one hundred confirmed communicants in good standing, or major fraction thereof, provided that the total number of elected Vestry members shall not exceed eighteen.

Section 3. The election of Vestry members shall be held annually at such time and place as shall be designated by the Vestry, or in the event the Vestry does not act then by the Rector, or, if there be no Rector by the Wardens. If the time and place be not so fixed then the election shall be held on Easter Monday in the church or regular place of worship. At least three days notice of the time and place of each election of Vestry members shall be given in the church on an occasion of public worship or by other adequate means.

Notwithstanding the foregoing provision, if any Church so authorize, Vestry members may be elected for terms not to exceed four years, the congregation to determine the length of terms, the beginning of the term, and the number of Vestry members to be elected for such terms. The Vestry members elected and qualified under this Canon shall serve until their successors are elected and have qualified.

At all meetings of the congregation, the Rector shall preside, except that at the request of the Rector or if the Church is without a Rector, the meeting shall be presided over by one of the Wardens or, in their absence, by a Vestry member selected by the Vestry.

Section 4. Only Lay persons, who are confirmed adult communicants in good standing of the church, as defined in General Convention Canon I.17., shall be eligible for election as Vestry members of such church. However, regardless of eligibility of a person for election, no person shall be elected at duly convened congregational meetings to consecutive full terms on a congregation’s Vestry or Vestry Committee.

Section 5. All adult communicants in good standing, registered in the particular Church in which they offer to vote, shall be entitled to vote at the election of Vestry members. The voting shall be by ballot in person and, unless otherwise provided by the meeting, a majority of the votes cast shall be necessary to a choice. There shall be no voting by proxy. But no election shall be valid unless the participating qualified votes number at least ten per cent of the number of active communicants qualified to vote reported for the previous year.

Section 6. The Vestry may appoint three persons to act as judges at the Vestry elections, whose duties shall be to determine the qualifications of the voters and the eligibility of persons for nomination as Vestry members.

Section 7. As soon as may be after their election, the persons chosen as Vestry members shall assemble and organize at such time and place as the Rector shall appoint, or, if no time or place be appointed by him within a reasonable time, then at such time and place as shall be designated by any two Vestry members elect, the Rector and each Vestry member elect being notified. The newly organized Vestry takes office at a time previously established by the congregation in a duly called meeting. The proceedings at this and every meeting of the Vestry shall be opened with one or more collects and the Lord's Prayer by the Rector, or other person appointed by the Rector.

Section 8. Every person chosen a Vestry member shall qualify by subscribing the following declaration and promise: "I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation; and I do yield my hearty assent and approbation to the doctrines, worship and discipline of The Episcopal Church; and I promise that I will faithfully execute the office of Vestry member of _____ Church, in Region _____, in the County (or City) of _____, according to my best knowledge and skill." No person shall act as a Vestry member until this declaration and promise have been subscribed to.

Section 9. The Vestry shall elect a Senior and a Junior Warden, a Register and a Treasurer, who shall continue in office until their successors are elected and qualified. The Wardens shall be members of the Vestry.

Section 10. The Rector shall preside at all meetings of the Vestry. In the absence of the Rector, or at his request when present, the Rector may request the Vestry to elect a substitute presiding officer, in which case the Rector will continue to have seat, voice and vote. If the church is without a Rector, meetings of the Vestry shall be presided over by one of the Wardens or, in their absence, by a Vestry member selected by the Vestry. All Vestry meetings shall be subject to the Rector's call; but in case he fails to call a meeting when requested to do so by two Vestry members, such Vestry members may themselves call a meeting, giving at least three days notice of the time and place to the Rector and to each Vestry member. A majority of the Vestry members who have qualified, exclusive of the Rector, shall constitute a quorum; but any Vestry may by resolution fix a smaller number to act as a quorum at future meetings. The Vestry may adopt by-laws not inconsistent with Diocesan or National Canons.

Section 11. In case of a vacancy in the Vestry, the remaining members may elect a qualified member of the congregation to fill the vacancy until the next annual congregational meeting, at which time such vacancy shall be filled. The following actions of any Vestry member may, after due warning, be deemed to create a vacancy which shall be declared by resolution of the Vestry:

- a. Failure to qualify within 60 days of election; or
- b. Failure to continue as a communicant in good standing; or
- c. Continued failure to attend the meetings of the Vestry without adequate excuse; or
- d. Neglect to perform faithfully and diligently the duties of Vestry members enumerated in the Canons or by the by-laws of the congregation.

Section 12. Any Church having two or more congregations in different communities may apportion to each congregation the number of Vestry members to be chosen as its representation upon the Church Vestry. A separate election shall be held by and for each congregation, at which the number of Vestry members allotted to that congregation shall be chosen in accordance with the procedure presented in the preceding provisions of this Canon.

The Vestry members so chosen, together with the Rector, if there be one, shall constitute the Rector and Vestry of the Church. The Vestry members chosen by each congregation, together with the Rector, shall be a committee of the Church Vestry to have the care and control of the property and to transact the local business of the congregation from which elected. Each Vestry committee may appoint one Warden for its congregation, a Treasurer and a Clerk. If Wardens have been chosen for particular congregations by Committees of the Vestry, the Senior and Junior Wardens of the Church shall be chosen from among such Wardens.

The Church Vestry shall meet as a whole at least quarterly. Any matter concurred in by a majority of the committees of the Vestry, recorded by their respective Clerks and by the Register of the Vestry, shall be the act of the Vestry of the Church unless the Rector, or if there be none, the Senior Warden, deem it proper that such matter should be acted upon in a meeting of the Church Vestry as a whole.

Section 13. In addition to the annual meeting of the congregation for the election of Vestry members, other meetings of the congregation may be called by the Vestry or, if they decline to do so, by ten qualified voters of the congregation after at least three days notice of the time, place and object of the meeting have been given either on an occasion of public worship or by other adequate means to the minister, each Vestry member and the congregation. At such meetings only those persons shall be entitled to vote who are qualified to vote for Vestry members and such meetings shall be conducted in the same manner as meetings held for the election of Vestries, except that voting by ballot need not be required.

Section 14. The Bishop or the Ecclesiastical Authority of the Diocese shall appoint, or else allow a Mission which is not a Mission of a Founding Church to elect, a Committee of not fewer than three nor more than twelve Lay persons, who are confirmed adult communicants in good standing of that Mission, as defined in General Convention Canon I.17, to be called the Vestry Committee.

CANON 12.

Duties of Vestries, Wardens and Parish Officers.

Section 1. The Rector of a Church shall be elected by its Vestry, with the advice of the Bishop and in compliance with General Convention Canon III.9.3(a). The Vestry Committee of every Mission shall elect a Vicar upon nomination by the Bishop, such Vicar to serve at the pleasure of the Bishop. In accordance with General Convention Canon III.9.3(b), after consultation with the Vestry, a Priest-in-Charge may be appointed by the Bishop for any congregation in which there is no Rector. Any assistant ministers of a Church, by whatever name they may be designated, shall be selected by the Rector subject to the approval of the Vestry and in accordance with General Convention Canon III.9.3(c).

Section 2. Each Vestry shall cooperate with the Rector or Vicar in promoting the spiritual welfare of his cure and assist him in his duties as defined in General Convention Canon III.9.5.

Section 3. Each Vestry member shall support the programs of the Church through a commitment to service and biblically-based standard of proportional giving. Each vestry member shall also continuously encourage the members of the congregation to support the programs of the Church and to give generously towards the support of those

programs; and each Vestry member shall extend personally a hearty welcome to newly baptized, confirmed, received, or transferred members of the congregation.

Section 4. Each Vestry shall see that the Rector or Vicar is properly supported, that his salary is paid in full and with regularity, together with the pension premiums and other obligations due from the Church; annually review the compensation of its Rector or Vicar in keeping with the published guidelines of the Diocese; and make all necessary provision for Church music, with the advice and consent of the Rector or Vicar, and subject to his control.

Section 5. Each Vestry shall advise the Diocese by November 30th of the percentage of its annual disposable income that will be shared with the Diocese in support of Diocesan Programs and remit the resultant sum to the Treasurer of the Diocese in regular monthly installments. It shall be the joint duty of the Rector or Vicar and Vestry to submit to the Bishop by the first of February of each year a parochial report for the year ending December 31st preceding, which report shall be submitted in duplicate on the form prepared by the Executive Council.

Section 6. Each Vestry, as the constituted agents of the Church, shall transact all its temporal business, e.g.: (a) providing for the appointment of Trustees pursuant to the laws of the Commonwealth of Virginia to hold title to the property of the Church; (b) making and executing all contracts for erecting, furnishing, and preserving the Church edifice and other property; (c) regulating the use of any graveyard or columbarium; (d) establishing a Finance Committee as required by Canon 25 (Finance Committees); and, (e) observing Canon 13 (Business Methods in Church Affairs).

Section 7. With the assistance of the other members of the Vestry and congregation, the Wardens shall have the following duties:

- (a) To oversee the operation and maintenance of the Church property;
- (b) To see that the Church is duly prepared for every occasion of public worship, attend to the accommodations of the congregation with seats, and maintain order and decorum at the time of public worship;
- (c) To collect the offerings of the people;
- (d) To provide out of Church funds, under the direction of the Vestry, a sufficient supply of vestments and books to be used in public worship and also the elements for each celebration of the Holy Eucharist;
- (e) To see that the sexton and other employees properly discharge their duties; and,
- (f) To possess a copy of the current General Convention and Diocesan Constitutions and Canons for the information and guidance of the Rector, Vestry and congregation.

Section 8. It shall be the duty of the Register of the Vestry to take charge of all records except the Parish Register and keep correct entries of all proceedings of the Vestry in a well-bound book to be provided for that purpose and to deliver the records and minute books to the Rector, Vicar, or Wardens, when the Register's term of office expires.

Section 9. The Treasurer shall take charge of all funds except Communion Alms as provided for in General Convention Canon III.9.5.(b)(6), and disburse the same under the direction of the Vestry, maintaining his accounts in accordance with the canonical requirements for the conduct of business in Church affairs, rendering reports to the Vestry and to the Council as may be required. At the end of his term of office, he shall deliver all books and records pertaining to his office to the Wardens.

Section 10. The provision of this Canon shall also be applicable to Vestry Committees to the extent not in conflict with other Canons.

CANON 13.

Business Methods in Church Affairs.

Section 1. In every Church, Mission, and Institution connected with the Diocese, business methods shall be observed as contained in General Convention Canon I.7 and as supplemented herein.

Section 2. All trust, endowment and other permanent funds and all securities of whatsoever kind for which a Treasurer is responsible represented by physical evidence of ownership or indebtedness shall be deposited or invested with due regard for the social responsibility of the church and the social implications of the Christian faith. These funds shall be (i) deposited in one or more accounts properly earmarked, with one or more national or state banks or trust companies, or one or more savings and loan associations, the accounts of which are insured by an instrumentality of the United States, or with a Diocesan Corporation; or (ii) invested in such a manner as is permitted by Title 26, Chapter 3, Article 2 (Sections 26-45.3 through 26-45.14) of the Code of Virginia (1950) as it may be amended from time to time; or (iii) invested in such manner as approved by the Finance Committee of the Diocese. Such accounts shall be approved in writing by the Vestry or its governing body.

This section shall not be deemed to prohibit investments in securities issued in book entry form or other manner that dispenses with delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer.

Section 3. The Treasurer shall be bonded in such sum and with such surety as the Vestry or governing body may from time to time determine.

Section 4. The Vestry or governing body shall annually cause to be audited the accounts of its Treasurer and all other custodians of funds or securities. Such audit will be in compliance with Section 1 above and with such instructions as may be promulgated by the Diocesan Finance Committee. The audit shall include all accounts which exceed five hundred dollars at any one time during the fiscal year.

Section 5. The Vestry or other governing body of every Church, Mission and Related Organization shall provide for the following insurance with such insurers as may be determined by the Vestry or other governing body:

- (a) Fire and casualty insurance for buildings and tangible personal property of the Church, Mission or Related Organization in amounts not less than their replacement cost or depreciated value, as appropriate.
- (b) Adequate comprehensive liability insurance, naming the Diocese of Virginia as an additional insured, with coverage of not less than One Million Dollars per occurrence, for property damage or personal injury occurring (1) on the property of the Church, Mission or Related Organization, (2) as a result of the operation of motor vehicles owned or leased by the Church, Mission or Related Organization, (3) as a result of acts or omissions of the clergy or other employees with respect to their duties as such, or (4) as a result of acts or omissions of members or volunteers performing activities on behalf of or at the direction of the Church, Mission or Related Organization.
- (c) Workers' compensation insurance for all employees.

CANON 28.

Relationships Among Clergy and Congregations.

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

Section 2. When a Rector or a majority of any Vestry believe the pastoral relation between the Rector and the congregation is imperiled by dissension, it shall be the duty of either or both, before contemplating dissolution of the pastoral relation, to lay the matter before the Bishop.

Section 3. 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 Suffragan Bishop, if there be one; or the Assistant Bishop, if there be one; and if neither office is filled, then the Bishop of another Diocese, to perform the duties of the Bishop under this Canon.

Section 4. Whenever a Rector or a Vestry notifies the Bishop under the terms of this Canon, the Bishop shall labor for a reconciliation of the Rector and the congregation, either directly or through the Bishop's designees, or both. The Bishop may require one or more meetings with the Vestry and the Rector, either together or separately, and may require such meetings to be held with the Bishop, with the Bishop's designees, or both. No later than 90 days after receiving the original notification for consultation under the provisions of this Canon, the Bishop shall issue a Pastoral Direction in writing to the Rector and the Vestry shall outline a course of action to unify the congregation.

Section 5. If, in the judgment of the Bishop, the Rector, or the Vestry, the terms of the Pastoral Direction issued by the Bishop as specified in Section 4 above have not been met, or that the purposes for the Pastoral Direction have not been achieved, and 90 days have passed since the issuance of the Pastoral Direction, then the Rector or the Vestry may request a final judgment on the pastoral relation from the Bishop as follows or the Bishop may proceed on his own initiative as follows:

- (a) 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.
- (b) 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.
- (c) At the conference each party shall be entitled to representation and to present its position fully.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) If the relation is to be dissolved:
 - 1) The Bishop shall direct the Secretary of the Council to record the dissolution.
 - 2) The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.
- (h) In either event the Bishop shall offer appropriate supportive services to the Priest and the church.

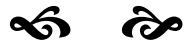
Section 6. In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may act as follows:

- (a) In the case of a Rector, suspend the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.
- (b) In the case of a Vestry, recommend to the Council of the Diocese that the Church be placed under the supervision of the Bishop as a Mission until it has complied with the judgment.

Section 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.

Section 8. Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV of the General Convention Canons or Diocesan Canon 27 provided that this does not require the exclusion of evidence in any proceeding under the Canons which is otherwise discoverable and admissible.

Section 9. In the course of proceedings under this Canon, if a complaint is made by the Vestry against the Rector under General Convention Canon IV.1. or Diocesan Canon 27, all proceedings under this Canon shall be suspended until the complaint has been resolved or withdrawn.



This compendium was prepared by the Rev. Richard E. Fichter, Jr.

The complete text of these canons can be found at:

National: http://www.episcopalarchives.org/e-archives/canons/CandC_FINAL_11.29.2006.pdf

The Diocese of Virginia: http://www.thediocese.net/brochures_flyers/CC_2008_English.pdf