

**THE CONSTITUTION AND CANONS
OF THE
DIOCESE OF WESTERN MASSACHUSETTS
OF THE
PROTESTANT EPISCOPAL CHURCH
(Supersedes All Local Parish and Mission By-Laws
As Directed By Diocesan Canon 16, Sec. 1 - 1967)**

**STANDING ORDER OF BUSINESS
AND RULES OF ORDER OF
ANNUAL CONVENTION**

**As Amended through the 109th Annual Convention
October 22-23, 2010**

***NOTE: Changes made in the Constitution and Canons
since 1985 are dated in bold and italics***

THE COMMONWEALTH OF MASSACHUSETTS

Be it Known That Whereas W. Appleton Lawrence, George St. John Rathbun, Rush W. D. Smith, William W. Yerrall, Malcolm W. Eckel, Francis P. Dill, John Talbot, E. Stanley Wright, Nelson W. Bryant, James F. Madison, John Howard Payne, Jr., and A. Vincent Bennett have associated themselves with the intention of forming a corporation in accordance with the provisions of Chapter 180, of the General Laws, under the name of The Diocese of Western Massachusetts of the Protestant Episcopal Church, for the purpose of the following: The support and advancement of the Christian religion according to the Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America and, as incidental thereto, the doing of the following: acquiring all assets and assuming and performing all obligations, duties and functions of the unincorporated Diocese of Western Massachusetts of the Protestant Episcopal Church as previously constituted; acquiring, holding, administering and disposing, in whatever manner it may determine, of real and personal property wherever situated; receiving in trust or otherwise, with power to transfer to others under the same trusts and restrictions, if any, and administering and disposing of contributions, gifts, legacies and devises; cooperating with, contributing to and supporting other organizations having the same primary purpose and furnishing facilities, personnel, and services for such other organizations; and doing all things designed to promote the foregoing purposes; and have complied with the provisions of the Statutes of this Commonwealth in such case made and provided, as appears from the Articles of Organization of said corporation, duly approved by the Commissioner of Corporations and Taxation and recorded in this office:

Now, therefore, I, Edward J. Cronin, Secretary of The Commonwealth of Massachusetts, Do Hereby Certify that said W. Appleton Lawrence, George St. John Rathbun, Rush W. D. Smith, William W. Yerrall, Malcolm W. Eckel, Francis P. Dill, John Talbot, E. Stanley Wright, Nelson W. Bryant, James F. Madison, John Howard Payne, Jr. and A. Vincent Bennett, their associates and successors, are legally organized and established as, and are hereby made, an existing corporation as of June 4, 1954 under the name of The Diocese of Western Massachusetts of the Protestant Episcopal Church, with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the Great Seal of The Commonwealth of Massachusetts hereunto affixed, this second day of September in the year of Our Lord one thousand nine hundred and fifty-four.

EDWARD J. CRONIN
Secretary of the Commonwealth

TABLE OF CONTENTS

THE CONSTITUTION	1
ARTICLE I Of The Incorporation Of The Diocese.....	1
ARTICLE II Of The Convention.....	1
ARTICLE III Of The Annual Meeting Of The Convention	2
ARTICLE IV Of The Special Meetings Of The Convention.....	3
ARTICLE V Of The President Of The Convention	3
ARTICLE VI Of The Secretary Of The Convention.....	3
ARTICLE VII Of The Treasurers Of The Diocese	3
ARTICLE VIII Of The Standing Committee.....	4
ARTICLE IX Of The Transaction of Business	4
ARTICLE X Of The Election Of A Bishop.....	4
ARTICLE XI Of The Election Of Officers.....	5
ARTICLE XII Of The Admission Of An Organized Mission Into Union With The Convention	5
ARTICLE XIII Of A Parish In Union With The Convention.....	5
ARTICLE XIV Of The Bishop Coadjutor	7
ARTICLE XV Of The Suffragan Bishop.....	7
ARTICLE XVI Of Alterations Of This Constitution	7
THE CANONS.....	8
CANON 1 Of The Record Or List Of Clergy In The Diocese.....	8
CANON 2 Of The Convention.....	8
CANON 3 Of The Standing Committee	11
CANON 4 Of The Deputies To The General Convention	11
CANON 5 Of Representatives To The Provincial Convocation And Of Deputies To the Provincial Synod	12
CANON 6 Of The Chancellor	13
CANON 7 Of the Assessment for Common Ministry.....	13
CANON 8 Of The Council.....	14
CANON 9 <i>REPEALED - DIOCESAN CONVENTION, MAY 14-15, 1965</i>	15
CANON 10 Of The Budget.....	15
CANON 11 Of The Cathedral.....	16
CANON 12 Of The Deaneries.....	16
CANON 13 Of The Commission On Ministry And A Board Of Examining Chaplains	17
CANON 14 Of Parochial Limits	18
CANON 15 Of Parish Registers And Parochial Reports.....	18
CANON 16 Of Parishes And Missions.....	19
CANON 16A Reclassification of a Parish to a Mission	27
CANON 17 Of Vestries	27
CANON 18 Of Vacant Parishes And The Election Of Rectors And Assistant Ministers	28
CANON 19 Of The Dissolution Of The Pastoral Relation.....	29
CANON 20 Of Business Methods in Church Affairs.....	29
CANON 21 Of Church Debt and Encumbrance of Parish Real Estate.....	31
CANON 22 Of The Church Pension Fund.....	31

CANON 23 Of The Presentment And Trial Of A Cleric, Other Than A Bishop	32
CANON 24 Of a Church Attorney	37
CANON 25 Of Repealed Canons	37
CANON 26 Of The Repeal, Amendment And Enactment Of New Canons.....	37
CANON 27 Of Amendments Of The Canons	37
CANON 28 Of The Time When These Canons Take Effect	38
STANDING ORDER OF BUSINESS AND RULES OF ORDER OF ANNUAL CONVENTION	39
RULES OF ORDER.....	41

THE CONSTITUTION

ARTICLE I

Of The Incorporation Of The Diocese

- Section 1 The name of the corporation is The Diocese of Western Massachusetts of the Protestant Episcopal Church. Its principal office is at 37 Chestnut Street, Springfield, Massachusetts.
- Section 2 The Diocese of Western Massachusetts, as a constituent part of the body known as The Protestant Episcopal Church in the United States of America, accedes to, recognizes and adopts the Constitution and Canons of that Church and acknowledges their authority.
- Section 3 The members of the Corporation shall be the Bishop of the Diocese, all clergy of the Episcopal Church canonically resident in the Diocese, and all other persons, sixteen years of age or older, who are voting members of any Parish or Mission in union with the Diocese.
- Section 4 The members shall be entitled to vote for Lay Delegates to the Convention of the Diocese, subject to the provisions of the Constitution and Canons of the Diocese and regulations of the respective Parishes and Missions of which they are members. All other voting rights of every kind pertaining to the Diocese shall be vested, exclusively, in those entitled under Article II of this Constitution to vote in the Convention.
- Section 5 The Bishop shall be the President of the Corporation and the President of the Standing Committee shall be the Vice President. There shall also be a Secretary and a Treasurer who shall be elected at the Annual Meeting of the Convention.
- Section 6 The fiscal year of the Corporation shall be the calendar year unless and until changed by the Convention. Annual and Special Meetings of the Convention shall be deemed to be Annual and Special Meetings of the Corporation.

ARTICLE II

Of The Convention

- Section 1 There shall be a Convention of this Diocese, consisting of the Bishop, the Bishop Coadjutor and the Suffragan Bishop, if there be such, and the Clergy and Laity as follows:
- Section 2
(2009) The Bishop, the Bishop Coadjutor, and the Suffragan Bishop shall each have a seat and vote in the Convention. All Clergy canonically established in the Diocese shall be entitled to a seat and vote in the Convention, provided that they have been canonically resident within the Diocese for at least two months preceding the meeting of the Convention and provided that their place of residence is within 15 miles of the borders of this Diocese. All other Clergy canonically resident in this Diocese but not actually residing within its borders or within 15 miles of them shall be entitled to all privileges of membership of this Convention except the right to vote for elected officials, in an episcopal election, for the Deputies to the General Convention and Provincial Synod, and in any vote by Orders. Clergy who are

canonically resident in this Diocese but not actually residing within its borders or within 15 miles of them may be granted by the Convention the right to vote on all matters, provided that they are actively engaged in programs that advance the mission of the Diocese, as certified by the Bishop and the Standing Committee to the Convention. A member of the Clergy of a Church with which The Episcopal Church is in Full Communion, who is serving in a Parish or Mission in this Diocese, shall have seat and vote in the Convention.

Section 3
(2002) Every Parish in this Diocese in union with Convention shall be entitled to four (4) Lay Delegates, including at least one (1) Youth Lay Delegate who is between the ages of sixteen (16) and twenty (20), inclusive, at the time of election; except that if a Parish shall have less than 150 reported communicants; it shall be entitled to only three (3) Lay Delegates, including at least one (1) such Youth Lay Delegate. Such delegates shall remain in office until the next Annual Meeting of the Parish; the Parish or Vestry to have the power to fill any vacancies which may occur; a certificate of whose appointment signed by the Wardens or Parish Clerk, shall, before their admission to a seat, be laid before the Convention, provided that no persons shall be competent to serve as Lay Delegates unless they be confirmed adult communicants of the Church in good standing, having recorded an active affiliation with the Parish which they represent. At least one of the Lay Delegates shall be a member of the Vestry at the time of election as a Delegate.

Section 4
(1995) Every Mission in this Diocese in union with the Convention shall be entitled to four (4) Lay Delegates; including at least one (1) Youth Lay Delegate, as defined in Section 3 above; except that if a Mission shall have less than 150 reported communicants, it shall be entitled to only three (3) Lay Delegates, including at least one (1) Youth Lay Delegate. All Delegates from Missions shall be subject to all of the qualifications and shall have all of the rights of Delegates from Parishes. At least one of the Lay Delegates shall be a member of the Executive Committee at the time of election as a Delegate.

Section 5 The Convention shall be the final judge of the qualifications of its members; but no Cleric under canonical sentence of suspension, and no Layperson repelled from Holy Communion with the subsequent approval of the Bishop of the Diocese, shall be entitled to membership.

ARTICLE III Of The Annual Meeting Of The Convention

Section 1
(2002) There shall be an annual meeting of the Convention of this Diocese, at a time to be set by Canon. The Convention shall determine the place of the next annual meeting.

Section 2 For any sufficient cause, occurring after the designation of the place of meeting, the Ecclesiastical Authority may change the time and place of such meeting; provided, that the time of meeting shall not be more than three months later or one month earlier than the stated time.

ARTICLE IV
Of The Special Meetings Of The Convention

- Section 1 Special Meetings of the Convention may be called by the Bishop, at his discretion, and shall be called whenever requested by the Standing Committee; or, in case of a vacancy in the Episcopate, or disability of the Bishop, such Special Meetings may be called by the Standing Committee.
- Section 2 The purpose or purposes for which such meeting is called shall be duly stated in the notice thereof, which shall be sent by the Secretary to all Clergy canonically connected with the Diocese, and to each delegate of every Parish and Mission in union with the Convention, at least three weeks previous to the time appointed therefore.
- Section 3 No business shall be transacted at such meeting other than that stated in the notice thereof, except by a vote of at least two-thirds of each Order.

ARTICLE V
Of The President Of The Convention

The Bishop shall preside at the Convention. In his absence, the President of the Standing Committee shall preside. In the absence of both, the Delegates shall elect a Presiding Officer from among the Presbyters present at the Convention.

ARTICLE VI
Of The Secretary Of The Convention

At each Annual Meeting of the Convention, a Secretary shall be elected who shall also be the Secretary of the Corporation. It shall be the duty of the Secretary to take minutes of the proceedings and to enter them, when approved, in a proper book; to preserve the Journals and records; to attest to the public acts of the body; and to deliver to his or her successor all books and papers belonging to the Convention which may be in the Secretary's custody. An Assistant Secretary may be appointed by the Secretary, with the approval of the Convention. In case of a vacancy in the office of Secretary, the duties thereof shall devolve upon the Assistant Secretary, if there be one; if not, upon the Secretary of the Standing Committee.

ARTICLE VII
Of The Treasurers Of The Diocese

- Section 1 At each Annual Meeting of the Convention, a Treasurer shall be elected who shall also be the Treasurer of the Corporation. If not a member of the Convention, the Treasurer shall be entitled, ex officio, to all the rights and privileges of membership except that of voting.
- Section 2 At each Annual Meeting of the Convention an Assistant Treasurer shall be elected who, under the direction of the Treasurer or in case of the Treasurer's absence or disability, shall perform the duties of the Treasurer.

ARTICLE VIII
Of The Standing Committee

- Section 1 There shall be a Standing Committee of the Diocese, elected by the Convention at its Annual Meeting. It shall consist of four Presbyters, who are canonically and actually resident in the Diocese, and four Laypersons, who are confirmed adult communicants of this Church in good standing and actually resident in the Diocese.
- Section 2 At each Annual Meeting of the Convention, one Presbyter and one Layperson shall be elected to serve four years and until the election of their successors. A member of the Standing Committee who has served two consecutive terms of four years each shall not be eligible for re-election until the lapse of one year.
- Section 3 Laypersons who are members of the Standing Committee, but not Delegates to the Convention, shall be entitled to all the rights and privileges of membership in the Convention except that of voting.

ARTICLE IX
Of The Transaction of Business

- Section 1 In all matters which come before the Convention, the Clergy and Laity shall deliberate, and shall vote as one body, except when a vote by Orders shall be called for by any three Clerical members, or by any nine Lay Delegates, and except when such vote shall be required by the Constitution or Canons of the Diocese; in which cases the two Orders shall vote separately, the Clergy by individuals, and the Laity by individuals; and the concurrence of the greatest majority of each Order shall be necessary to constitute a decision.
- Section 2 The presence of one-third of the Clergy entitled to seats and votes in the Convention, and of Delegates from one-third of the Parishes and Missions in union with the Convention, shall be necessary for the transaction of business; but any number may adjourn from day to day.

ARTICLE X
Of The Election Of A Bishop

- Section 1 The election of a Bishop, a Bishop Coadjutor, or a Suffragan Bishop, shall be made only at an Annual Meeting of the Convention, or at a Special Meeting of the Convention, called for the purpose at least thirty days before the time appointed. The notice shall state the purpose and be sent by the Secretary of the Convention to all Clergy canonically connected with the Diocese and to each Delegate of every Parish and Mission in union with the Convention.
- Section 2 The election shall be by ballot and by Orders, and the concurrence of a majority of each Order shall be necessary to constitute an election.

ARTICLE XI
Of The Election Of Officers

- Section 1 (1993) All elections for which there is a contest shall be by ballot and shall be determined by a majority vote of the members present and voting, except when a vote by Orders shall be duly called for, in accordance with Article IX, but if a system of preferential balloting is in use, then the quota required by such system shall be sufficient for election; and when the vote is by Orders, a concurrent quota of the two Orders shall suffice.
- Section 2 The election of the Standing Committee and Deputies to the General Convention shall be by ballot and by Orders. But if, after the second ballot, the required number have not been elected, the second ballot shall be recounted, with a majority of the two Orders taken together, on this, or any subsequent ballot, sufficient to elect.
- Section 3 The person or persons in office shall hold over until their successors are elected.

ARTICLE XII
Of The Admission Of An Organized Mission Into Union With The Convention

- Section 1 An Organized Mission may be admitted into union with the Convention on motion by a majority of votes; provided that it shall have presented to the Convention a certificate from the Bishop, or if there be no Bishop, from the Standing Committee, stating that such Mission is duly organized in the manner prescribed in the Canons and recommending such admission.
- Section 2 Omitted by action of the sixty-eighth and sixty-ninth annual meetings of the Convention.
- Section 3 The union of any organized Mission with the Convention may be suspended or dissolved by the Convention whenever the same shall be deemed necessary or advisable by concurrent vote of a majority of each Order; but any Mission whose union with the Convention shall be thus suspended or dissolved, may be restored to its former standing at any subsequent meeting of the Convention.

ARTICLE XIII
Of A Parish In Union With The Convention

- Section 1 To entitle a Mission in union with the convention to the status of Parish in union with the Convention, the Mission shall submit to the Convention certification that such Mission proposes to accede to the Doctrine, Discipline and Worship of the Constitution and Canons of the Protestant Episcopal Church in the United States of America, and to the Constitution and Canons of the Diocese; and such Mission shall lay before the Convention written evidence that it has been operating with the consent of the Bishop and Council under a parish form of administration for a period of not less than a year, and that during that time, it has held regular public services and has been self-supporting.

- Section 2
(1987) Copies of all documents mentioned in Section 1 must be submitted to the Bishop and the Council by the last day of June of the year of the Annual Meeting of the convention at which application for Parish status is to be made, and approved by them respectively; or, if not so approved, the Bishop or the Council shall report to the Convention in writing the reasons for disapproval. The whole subject, with all the documents shall be referred to a special committee of three Clerical and three Lay Members of the Convention to report thereon. Any application for Parish status so approved shall be acted upon at the meeting of the Convention at which it is presented.
- Section 3 Omitted by the action of the sixty-eighth and sixty-ninth Annual Meetings of the Convention.
- Section 4 Whenever in Parish Regulations or Charters there are provisions inconsistent with the Constitution and Canons of the Diocese, the Constitution and Canons of the Diocese shall always take precedence.
- Section 5 Any Parish receiving aid for normal operating expenses shall be considered as thereby waiving, during the period for which such aid is received, the right to elect a Rector, and the Bishop shall have the right to appoint a Minister in charge of such Parish during such period.
- Section 6 Whenever any Parish in union with the Convention shall neglect to make a Parochial Report for three years in succession, or shall neglect to employ a Cleric as its Parish Minister for three successive years, such Parish, may be determined by the Bishop and Council as having forfeited its connection with the Convention, and shall no longer be entitled to representation in the same. The Bishop shall report such Parish to the Standing Committee and also to the Convention in the Bishop's Annual Address.
- Section 7
(2002) Any Parish which shall mortgage its real estate, or incur indebtedness for additional real estate, without first securing the approval of the Bishop and the Standing Committee, shall forfeit its rights to representation in the Convention, until such time as it shall be reinstated by the Convention.
- Section 8 Any Parish presented by the Bishop and Council for violation of the General or Diocesan Constitution or Canons of the Church may be declared contumacious by a concurrent vote of two-thirds of each Order, and thereupon shall forfeit its right to representation in the Convention. The Bishop shall report any such Parish to the Convention as occasion may require.
- Section 9 Any Parish which has forfeited its right of representation may, upon its application, be readmitted into union with the Convention by a concurrent vote of two-thirds of each Order, such readmission to take effect from and after the close of the meeting of the Convention consenting thereto.
- Section 10 Whenever any Parish in union with the Convention shall, in the judgment of the Bishop and Council cease to be self-supporting, such Parish shall be reported to the Convention in the annual report of the Council and in this Convention shall have the status of a Mission in union with the Convention so long as this

condition exists, provided that such change in status shall not be interpreted as affecting the legal or vested rights of such Parish.

**ARTICLE XIV
Of The Bishop Coadjutor**

In the absence or inability of the Bishop, the duties assigned to the Ordinary by the Convention or by the Canons shall be performed by the Bishop Coadjutor, if there be such.

**ARTICLE XV
Of The Suffragan Bishop**

In the absence or inability of the Bishop and of the Bishop Coadjutor, if there be such, the Suffragan Bishop shall undertake such duties as may be assigned thereunto by the Convention or by the Standing Committee.

**ARTICLE XVI
Of Alterations Of This Constitution**

The mode of altering or amending this Constitution shall be as follows: The proposed amendment shall be presented in writing to the Committee on Constitution and Canons at least two months prior to the date of the Annual Meeting of the Convention, which Committee shall report the proposed amendment to said Annual Meeting of the Convention together with its recommendation in connection therewith; and if such proposed amendment is approved by a majority of each Order, it shall be acted upon at the next Annual Meeting of the Convention; when, if a majority of each Order, voting separately and by ballot, shall approve said proposed amendment, it shall become a part of the Constitution of the Diocese.

THE CANONS

CANON 1

Of The Record Or List Of Clergy In The Diocese

- Section 1 The Ecclesiastical Authority shall prepare, or cause to be prepared, a list of all Clergy canonically resident in the Diocese: designating those regularly settled in Parishes by the names of their respective cures or Parishes; those employed as Missionaries, by their respective Missions; those employed as Presidents, Professors, Tutors, or Instructors, by the respective institutions in which they are engaged; those employed as Heads or Chaplains in any benevolent or public institutions duly incorporated within the Diocese, or in the Army, Navy or Air Force of the United States, by their respective posts of duty; and those not so engaged, by their places of residence only.
- Section 2 Such list shall be recorded in a book by the Secretary of the Convention.
- Section 3 The Secretary of the Convention shall record in such book all canonical certificates concerning the election or institution of Ministers, provided, that the same be accompanied with the certificate of the Ecclesiastical Authority that the person so chosen to any Parish or cure in this Diocese is a qualified Minister of this Church.
- Section 4 (a) When letters dimissory shall have been accepted, the Cleric so received shall procure from the Ecclesiastical Authority a certificate that such person has been received into the Diocese, in compliance with the Canons. The Ecclesiastical Authority shall deliver a certificate of this reception to the Secretary of Convention, who shall record the same.
- (b) The Ecclesiastical Authority shall also certify in writing to the Secretary the names of all Clergy who shall, by ordination, become canonically resident within the Diocese, to be duly recorded; and shall also certify to the Secretary the names of all Clergy deceased, transferred, deposed or suspended, in order that their names may, in the first three cases, be stricken from the record; and, in the last, that a minute of the sentence may be made.
- (c) A copy of such record or list shall be laid before the Convention on the first day of its meeting, and shall be entered upon the Journal.
- (d) Such record, or a transcript thereof, or of such part thereof as may relate to the matter in question, duly attested by the Secretary, shall be admitted in evidence upon all proceedings or trials under any law or Canon in force in this Diocese.

CANON 2

Of The Convention

- Section 1 The Annual Convention of this Diocese shall be held between October 23rd and the Saturday before Thanksgiving on such day or days as the Bishop and Council shall determine.

- Section 2 Within one week before every meeting of the Convention of this Diocese, the Ecclesiastical Authority shall prepare, or cause to be prepared, a list of Clergy entitled to seats and votes, and to seats only in the Convention. Such list, or a copy thereof, authenticated by the Ecclesiastical Authority shall be laid before the Convention on the first day of the meeting and filed with the Secretary, who shall cause it to be printed in the Journal of the Convention.
- Section 3
(1993) Lay persons who are members of the Council, Lay Deputies and Alternate Deputies to General Convention who are not otherwise entitled to seat in the Convention, and Lay persons who are acting as Vicars of Missions shall be entitled to a seat in the Convention with the right to be heard, but without vote.
- Section 4 (a) The election of Lay Delegates to the Convention shall be made in accordance with Section 4(f) of Canon 16. It shall be the duty of the several Parishes and Missions, immediately after the choice of Delegates and Alternate Delegates to the Convention, to report the names of such delegates to the Secretary of the Convention, to aid the Secretary in making up a list of Lay Delegates for use in the organization of the Convention.
- (b) The evidence of the appointment of a Lay Delegate or Alternate Delegate shall be a certificate, signed by the Wardens or the Clerk, which certificate must be laid before the Convention before the admission of said Delegate to a seat.
- (c) Every certificate of the appointment of a Lay Delegate or Alternate Delegate shall attest that the appointment has been made in pursuance of the requirements of this section; and shall certify that the Delegate has the qualifications required by Article II, Sections 3 and 4, of the Constitution.
- (1990)* (d) No vote may be cast at any Convention of the Diocese by proxy, absentee ballot or in any manner other than in person by the person entitled to vote.
- Section 5 Unless it be otherwise directed by the Convention, written notice of the meeting of the Convention shall name the time and place thereof, be signed by the Secretary and sent by mail to all Clergy canonically connected with the Diocese, to each Lay Vicar, and to the duly certified Lay Delegates of each Parish and Mission in union with the Convention. The notice of the Annual Meeting of the Convention shall be sent at least three weeks before the time appointed.
- Section 6 (a) Every session of the Convention shall be opened with prayer. A Celebration of the Holy Communion shall be part of each Convention.
- (b) If the Bishop or the President of the Standing Committee be not present at the appointed time and place for holding the Convention, the Secretary shall call the members present to order, and shall preside until a presiding officer be elected.
- (c) The Secretary shall receive signed statements of attendance at the Convention from the Clergy entitled to seats and votes, and to seats in accordance with the list filed with the Secretary as directed in Section 2 of this Canon, and shall also receive signed statements of attendance from all duly elected Lay Delegates or Alternates from the Parishes and Missions entitled to representation.

The list of Clergy and the Certificates of Lay Delegates shall be referred by the Secretary to a Committee of three members appointed by the Presiding Officer to certify when a Quorum is present.

(d) Irregular or defective certificates, and certificates and documents referring to contested seats, shall be reported to the Convention, which shall decide on the admission of the Delegates named therein.

(e) A quorum being present, the Bishop shall declare the Convention duly organized. If the Bishop or the President of the Standing Committee be not present, the Secretary shall direct that the members proceed to vote for a President. The President thus elected shall declare the Convention organized for business.

(f) The Convention shall then proceed to the election of a Secretary.

(g) The Rules of Order in force at the Annual Meeting of the Convention next preceding shall be in force until altered by the Convention.

Section 7 (a) In addition to the offices and duties elsewhere declared, it shall be the duty of the Secretary to give notice of any meeting of the Convention as prescribed in this Canon.

(b) It shall also be the duty of the Secretary, each December, to mail a blank form of Parochial Report to all Clergy in charge of Parishes or Missions, or to the Wardens where there is no Cleric in charge, and a blank form for Personal Report to every Cleric without cure, with a request in each case that the Report be completed and returned to the Bishop before the first day of February.

(c) The Secretary shall annually send a copy of the Journal of the Convention to the Secretary of the House of Deputies of the General Convention, each Bishop, and every Secretary of a Diocesan Convention, or Council, requesting one; and secure, as far as possible, copies of the Journals of other dioceses.

(d) The Secretary shall also transmit to the Secretary of the General Convention such information as is required by the Constitution and Canons of the General Convention.

Section 8 (a) It shall be the duty of the Treasurer to receive and disburse all monies collected under authority of the Convention, and of which the collection and appropriation shall not be otherwise specifically ordered.

(b) The Treasurer's accounts shall be rendered annually to the Convention after having been examined by an auditor selected by the Council.

(c) The Treasurer or the Assistant Treasurer may be removed from office at any time by the Council, acting by and with the advice and consent of the Bishop, for any neglect, misconduct, or incapacity.

Section 9 All Propositions or Resolutions offered on the floor of the Convention, requiring or authorizing the expenditure of money, not provided for in the Budget, shall be

referred to the Committee on Program and Budget Review of the Council for recommendation.

CANON 3 Of The Standing Committee

- Section 1 The Standing Committee at its first meeting shall choose a President from among the Clerical members, and a Secretary either Clerical or Lay. The Secretary shall record its proceedings in a book provided for this purpose, which book, and all papers in its hands relative to the Diocese, shall be subject to the examination of the Bishop and the Convention. A full report of its acts shall be made at each Annual Meeting of the Convention. A majority of the Committee shall be a quorum.
- Section 2 The Standing Committee shall be a Council of Advice to the Bishop. They
(2004) may be summoned by the Bishop, and they may meet of their own accord, and agreeably to their own rules.
- Section 3 In case of a vacancy in the Episcopate, the Standing Committee shall be the Ecclesiastical Authority of the Diocese in all cases except such as are otherwise provided for by the Canons of the General Convention or of this Diocese.
- Section 4 The Standing Committee shall have authority to fill vacancies in its membership that may occur during the recess of the Convention, such appointments to remain in force until the next Annual Convention. Vacancies occurring in offices held by appointment shall be filled by the appointing officer.

CANON 4 Of The Deputies To The General Convention *(2004)*

- Section 1 (a) At the Annual Meeting of the Diocese in the calendar year two years
(2009) preceding a triennial meeting of the General Convention, eight members of the Clergy and eight Laypersons shall be elected as Deputies and Provisional Deputies to represent the Diocese at the General Convention. The four (4) candidates in each Order receiving the highest number of votes shall be elected as Deputies. The four candidates in each Order receiving the next highest number of votes shall be elected as Provisional Deputies, to serve, as needed, in the order of the number of votes received.
- (2009)* (b) At the Annual Meeting of the Diocese in the calendar year immediately preceding a triennial meeting of the General Convention, the Convention shall fill any vacancies among the Deputies and Provisional Deputies for General Convention.
- (c) The Deputies shall continue in office until the Annual Meeting of the Convention in the calendar year two years preceding the next triennial General Convention, or until their successors are elected. Provisional Deputies shall continue in office until the Annual Meeting of the Convention in the calendar year preceding the next triennial General Convention.

(d) The Clerical Deputies and Provisional Clerical Deputies shall be Presbyters or Deacons canonically resident in the Diocese. The Lay Deputies and Provisional Lay Deputies shall be confirmed adult communicants of the Church in the Diocese.

Section 2 Provisional Deputies elected at the Annual Meeting shall be named, by Order, in the Journal in the order of votes received at their election. In the case of a vacancy occurring among the Deputies after the Convention in the calendar year immediately preceding the triennial General Convention, or of any vacancy among the Provisional Deputies, or in the case of the inability of any Deputy to attend the General Convention, the Secretary of the Convention shall designate from the list of Provisional Deputies, Clerical or Lay, in the order of their record on the Journal, so many as may be necessary to insure, as far as practicable, a full representation of the Diocese. The Council may fill vacancies among the Provisional Deputies, to serve for the balance of the term for Provisional Deputies.

CANON 5
Of Representatives To The Provincial Convocation And Of
Deputies To the Provincial Synod

Section 1 (a) There shall be elected, at each Annual Convention for a three-year term, one Clerical and one Lay Representative to the Provincial Convocation. the Clerical Representative shall be a Presbyter or Deacon canonically resident in the Diocese; and the Lay Representative shall be a confirmed adult communicant of this Church, in good standing in the Diocese but not necessarily domiciled in the Diocese. In like manner, there shall be elected at the Convention one Clerical and one Lay Representative as Alternate Representatives to act in cases hereafter mentioned.

(b) In case of the inability of any Representatives to attend, or in case of vacancy, the Secretary of Convention shall designate the appropriate Alternate Representatives, as many as may be necessary to insure a full representation of the Diocese.

Section 2 (a) There shall be elected at the Annual Convention held in a year in which the General Convention meets, one Clerical Deputy and one Clerical Alternate Deputy to the Provincial Synod. There shall be elected at the Annual Convention held in the year following that in which the General Convention meets, one Lay Deputy and one Lay Alternate Deputy to the Provincial Synod. The Clerical Deputy and Alternate Deputy shall be Presbyters or Deacons canonically resident in the Diocese; the Lay Deputy and Alternate Deputy shall be confirmed adult communicants of this Church in good standing in the Diocese but not necessarily domiciled in the Diocese.

(1995) (b) The Deputies to the Provincial Synod shall serve for a period of three years, and shall be eligible for re-election without limit.

(c) In case of the inability of any Deputy to attend, or in case of vacancy, the Secretary of the Convention shall designate the appropriate Alternate Deputy to serve in place of such Deputy.

**CANON 6
Of The Chancellor**

The Bishop, with the advice and consent of the Standing Committee, shall appoint a confirmed adult communicant of the Church in good standing, learned in the law, to be Chancellor of the diocese for a term of three years, or until a successor shall be appointed, and the Bishop may present the names of other persons, learned in both Canon and Civil law, to serve as Associate Chancellors as occasion may require.

**CANON 7
Of the Assessment for Common Ministry
(1999)**

- Section 1 Each Parish and Mission shall be invited each year to accept its full share of the Assessment for Common Ministry. This Assessment shall provide financial resources to support (1) the Diocesan Apportionment to support the work of the Protestant Episcopal Church in the United States of America, (2) the Diocesan Apportionment to support the work of the Province of New England, and (3) the Common Ministry shared by the congregations in the Diocese of Western Massachusetts.
- Section 2 (a) Before December first in each year, the Council shall send to each Parish and Mission a notification of its share of the Assessment for Common Ministry for the next year.
- (b) As soon thereafter as possible, and not later than the next December thirty-one, it shall be the duty of each Parish and Mission, on forms provided by the Diocese, to notify the Council of its acceptance of its share of the Assessment for Common Ministry.
- Section 3 The Vestry or Executive Committee of each Parish or Mission which believes it is unable to fulfill its full share of the Assessment for Common Ministry shall, prior to December 15, write to the Council stating the reasons for that belief, the portion of its share it is able to fulfill, and asking Council to approve the request. Council shall respond in writing to each such request.
- Section 4 It shall be the duty of each Parish or Mission to transmit to the Treasurer of the Diocese one-twelfth of its accepted share of the Assessment for Common Ministry each month.
- Section 5 The basis for the calculation of the Assessment for Common Ministry shall be the average of "Total Operating Revenues" as reported by each Parish or Mission in its Annual Parochial Reports of the preceding three years.

CANON 8 Of The Council

- Section 1
(1990) The Council shall represent the Convention between meetings of the Convention. It shall have the necessary authority to speak for the Convention; to authorize appropriate action in carrying out the basic policies established or approved by the Convention; to ratify, modify or take other action on all matters pertaining to the administration of the Diocese, and of all administrative officers except as otherwise provided for in these Canons.
- Section 2 The Council shall consist of the Bishop, the President of the Standing Committee, the Secretary of the Convention, the Treasurer of the Diocese, and fourteen persons to be elected by the Convention, from those nominated by the "Deanery Chapters": One Priest and one Lay Person from each of the Deaneries.
- Section 3 Each Deanery Chapter at its Annual Meeting shall nominate one or more Priests and Lay Persons to serve on the Council as a vacancy shall occur from each Deanery. The Convention shall elect one Priest and one Lay Person from each Deanery.
- Section 4 Members elected from the Deaneries shall serve for a term of three years each and any member shall be eligible for re-election to one additional consecutive term. If elected to two successive terms, no member shall be eligible for election again until after the lapse of one year.
- Section 5
(1990) As vacancies occur between meetings of the Convention, Deanery Chapters may nominate one or more persons in the appropriate orders to be appointed by the Diocesan Council to fill the position until the next Convention. Any person so appointed would be eligible for election by the Convention to complete the unexpired term and, upon completion of the unexpired term, would be eligible for election to a three-year term and for re-election to a second three-year term.
- Section 6 The Bishop shall be the President, the President of the Standing Committee shall be the Vice-President and shall preside in the absence of the Bishop. In the absence of both, the members present shall choose a Presiding Officer.
- Section 7 Except for vacancies on the Standing Committee, the Council shall have authority to fill all vacancies in offices held by election, such appointees to remain in office until the next Annual Convention. Vacancies occurring in offices held by appointment shall be filled by the appointing officer.
- Section 8
(1988) The Council may, in its discretion, establish or discontinue administrative departments, commissions, committees and task forces, whose duties and functions, together with such other regulations as may be deemed necessary, shall be set forth in By-Laws adopted by the Council.
- Section 9
(1991) The Bishop shall appoint all paid employees of the Diocese and all Directors of Conference Centers; but no such appointment to an executive staff position shall become effective until confirmed by the Council.

- Section 10 The Council shall meet not less than quarterly each year, and dates of all Council Meetings shall be printed in The Pastoral Staff on a regular basis. It may be called into session by the Presiding Officer or at the written request of not less than six elected members.
- Section 11 No special meeting shall be called without advance notice mailed at least eight days in advance to all members, and such notice shall state the purpose for which the meeting is being called.
- Section 12
(2004) Members of the Council or any committee of the Council may participate in a meeting of the Council or such committee by conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear such others at the same time, and participation by such means shall constitute presence in person at a meeting.
- Section 13
(2004) Six elected members shall constitute a quorum.

CANON 9
REPEALED - DIOCESAN CONVENTION, MAY 14-15, 1965

CANON 10
Of The Budget
(1999)

- Section 1 The Council shall annually prepare a plan for the Common Ministry of the Diocese for the next calendar year and a budget to support the plan.
- Section 2 At least thirty days before the Annual Meeting of the Convention, the Council shall send a copy of the proposed budget for the next calendar year to all clergy canonically resident in the Diocese, to the Clerk of each Parish or Mission, and to all duly certified Delegates to the Convention, for their information and study, indicating the proposed amount for the Assessment for Common Ministry for that year.
- Section 3 At the Annual Meeting of the Convention, the Council shall present the proposed budget for action by the Convention.
- Section 4 As soon after January first as possible, the Council shall review the Budget, making such adjustments as may be necessary after responses by Parishes and Missions, and the Budget, as adjusted, shall become effective as of January first of that year.
- Section 5 The allocation of the financial resources from the Assessment for Common Ministry may be approved by vote of the Convention, by a majority vote of all members of the council or by a majority vote of all members of any committee authorized by the Convention to incur expenses.

CANON 11
Of The Cathedral

- Section 1 Christ Church Cathedral, Springfield, being established by the Convention as the Cathedral Church of the Diocese of Western Massachusetts, shall have the same rights and privileges and obligations as a Parish in union with the Convention; in any case where the terms of any Canon cannot be exactly complied with, the Chapter shall determine the mode of compliance which shall always approximate as nearly as possible to that required by the Canon.
- Section 2 At each meeting of the Convention one Clerical and one Lay Member of the Chapter shall be chosen to serve for the ensuing three years, in accordance with the Constitution of the Cathedral.

CANON 12
Of The Deaneries

- Section 1 The Diocese of Western Massachusetts shall be divided into seven Deaneries.
- (a) The Deanery of North Berkshire, comprising the Parishes and Missions of Berkshire County from Pittsfield northward.
 - (b) The Deanery of South Berkshire, comprising the Parishes and Missions of Berkshire County south of Pittsfield.
 - (c) The Deanery of Franklin-Hampshire, comprising the Parishes and Missions of Franklin and Hampshire Counties.
 - (d) The Deanery of Hampden, comprising the Parishes and Missions of Hampden County.
 - (e) The Deanery of North Worcester, comprising the Parishes and Missions of Worcester County north of Clinton and including South Barre.
 - (f) The Deanery of Central and West Worcester, comprising the Parishes and Missions in Worcester, Holden, Shrewsbury, Rochdale, Auburn, Oxford, Webster, North Brookfield and Southbridge.
 - (g) The Deanery of Eastern and Southern Worcester, comprising the Parishes and Missions in Clinton, North Grafton, Northborough, Westborough, Milford, Whitinsville, Millville and Wilkinsonville (now Sutton).
- Section 2 The objectives of these Deaneries shall be to bring the Parishes and Missions within them into closer relation, to quicken the life of the Church in the Diocese, and to give increased effectiveness to the spiritual, educational, social, and missionary program of the Diocese within each Deanery.
- Section 3 Each Deanery shall be composed of all the Parishes and Mission within its borders and shall have a Clericus and a Chapter.
- (1994)**

(a) The Clericus shall be composed of all Bishops, Priests, and Deacons canonically or actually resident in the Deanery. The Clericus shall be presided over by the Dean, but, in the Dean's absence, the Clericus may choose a Moderator to preside over its meeting.

(b) The Chapter shall be composed of the canonically resident Clergy and Lay Vicars and of three Delegates, one of whom shall be a member of the Vestry or the Executive Committee from each Parish and Mission in the Deanery. The Chapter shall be recognized as the authoritative body of the Deanery.

(c) The Chapter shall be presided over by the President, but, in the President's absence, the Chapter may choose a Moderator to preside over its meeting.

Section 4
(1994) The Bishop's Pastoral Representative in each Deanery shall be a Cleric who shall be called the Dean, and shall be appointed for a three-year term by the Bishop. Nominations may be made by the Chapter.

Section 5
(1994) In each Deanery there shall be a President who shall be a Lay Person who is a Confirmed Communicant in Good Standing of a Parish or Mission of the Deanery, and who shall be elected by the Deanery Chapter for a term of up to three years, as determined by the Deanery. A President may be re-elected, but after serving for four consecutive years is ineligible to serve as President until one year has passed.

Section 6
(1986) The Annual Meeting of each Deanery Chapter shall be not later than the last day of June.

Section 7 Parishes and Missions may subscribe funds for the support of the Deanery. Such funds so subscribed, however, shall not be in lieu of payments for the proportionate share of the budgets of the Diocese and the National Church.

CANON 13

Of The Commission On Ministry And A Board Of Examining Chaplains

Section 1
(2004) There shall be in this Diocese a Commission on Ministry which shall be appointed by the Bishop each year and whose nominations shall be reported to the annual Diocesan Convention. There shall be not less than six (6) members on the Commission, comprised of equal numbers of Clerical and Lay members. The Bishop, the Suffragan Bishop, if there be one, and the Bishop Coadjutor, if there be one, shall also be members. There shall be a Secretary of the Commission who may or may not be an appointed member of the Commission. At least one member of the Commission shall be a member of the Standing Committee. The Commission shall advise and assist the Bishop as provided in the Canons of the National Church and as the Bishop may request.

Section 2 There shall be in this Diocese a Board of Examining Chaplains consisting of eight learned Communicants, canonically resident within this Diocese. Examining Chaplains shall be nominated by the Bishop at the Annual Convention, the nomination to be confirmed by the vote of the Convention. At each Convention, the Bishop shall nominate two Communicants each year to hold office for a term of four years. Should vacancies occur in the Board when the Convention is not in

session, the Bishop shall similarly nominate to the Standing Committee, upon whose confirmation, the person or persons so designated shall be added to the Board and shall serve until the next meeting of the Convention.

CANON 14 Of Parochial Limits

- Section 1 The Convention may, by general Canon or by special vote, assign territorial limits to Parishes. In the absence of such assignment, the limits of the Parish shall be those of the city or town in which the Church stands. No Parish or Mission shall be formed within the limits of an existing Parish without the consent first given of the Rector and Vestry of such Parish; and if there be two or more Churches in any city or town, and no subdivision thereof or parochial limits have been established, the consent of the Rector and Vestry of a majority of the three nearest Churches, if there be so many, shall be necessary; and if there be but two Churches in the city or town, the consent of the Rector and Vestry of both Churches shall be necessary; and the same rule as to consent shall apply in case of the change of site of any existing Church, Chapel or Mission; provided, that in every case of consent withheld, and in all cases where a majority of the Rectors interested so refer the matter, the consent of the Bishop and Council, after notice to all parties interested, shall be sufficient.
- Section 2 On an application for the establishment of a new Parish within the limits of an existing Parish, the Council shall notify the Rector of said Parish (or, if there be no Rector, the Wardens), of such application, and also of the time and place appointed for the hearing of it, when the Rector, or Wardens, or Committee of the Parish, shall be allowed to make any suggestions or representations, either personally or in writing, in relation to the matter.
- Section 3 In no case shall a Parish which for the six years last preceding has failed to elect its legal officers, and to maintain stated public services, be revived, re-established, or recognized as a legal Parish, without the consent above named.

CANON 15 Of Parish Registers And Parochial Reports

- Section 1 As required by the Canons of the General Convention, members of the Clergy of this Church shall keep Parish Registers. These Registers shall comprise a full record, with the dates and places, of all Baptisms, Confirmations, Marriages and Burials within each cure, together with a list of baptized members and a list of confirmed Communicants. Such Registers shall be furnished by the Vestry of each Parish and by the Executive Committee of each Mission. They shall be preserved by the Vestry or Executive Committee as part of the records of the Parish or Mission. Furthermore the Clergy shall keep a list of all families, adult persons and children within each cure, which list should also be preserved by the Vestry as part of the records of the Parish.
- Section 2 (a) All Clergy of this Church, regularly settled in any Parish or Mission, shall deliver, on or before the first day of each February, to the Bishop of the Diocese, or if there be no Bishop, to the President of the Standing Committee, a statement for the previous calendar year which shall include the following information: (1) a

listing of the number of Baptisms, Confirmations, Marriages, and Burials, during the year; the total number of Adult Baptized Members, Baptized Members under 16 years of age, and total number of Baptized Members; the total number of Confirmed Adult Communicants in good standing; the total number of Confirmed Communicants in good standing under 16 years of age, and the total number of Confirmed Communicants in good standing in the Cure; (2) a summary of all receipts and expenditures, from whatever source derived and for whatever purpose used; (3) a statement of the property held by the Parish, whether real or personal, with an appraisal of its value, together with a statement of the indebtedness of the Parish, if any, and of the amount of insurance carried; and (4) such other relevant information as is needed to secure an accurate view of the state of this Church, as required by the approved form. If a Parish is vacant, the Wardens shall present, or cause to be delivered, the foregoing statement.

(b) Whenever a member of the Clergy fails to deliver the Parochial Report to the Bishop on or before the first day of February, the Secretary of the Convention shall, within three days from that date, notify the delinquent and urge prompt compliance with the requirements of Canon 15, Section 2(a).

If the Parochial Report be not received within two weeks following such notification, the Secretary of the Convention shall send a similar notification to the Treasurer of the delinquent Parish or Mission. If, after two additional weeks, no Parochial Report has been received, the Secretary shall then notify the Senior Warden of the Parish or Mission of its failure to comply with the provisions of Canon 15, Section 2(a), and urge immediate action in the matter. The names of all Parishes or Missions from which no Parochial Report has been received by April 1 shall be read by the Secretary at the next succeeding Convention and printed in the Diocesan Journal.

(c) All members of the Clergy not regularly settled in any parish or Church shall also report the occasional services they may have performed, and if they have performed no such services, the causes or reasons which have prevented the same. These reports, or such parts of them as the Bishop shall think fit, may be entered in the Journals of the Convention.

CANON 16 Of Parishes And Missions

Section 1 Repeal of Parish By-Laws. ***ALL EXISTING PARISH AND MISSION BY-LAWS ARE HEREBY REPEALED, EXCEPT AS PROVIDED IN SECTION 10.***

Section 2 Purpose of Parishes

The purpose of each Parish is to maintain the public worship of Almighty God, teach the Faith, bear witness to Christ, maintain the discipline and administer the Sacraments as this Church has received the same, and to that end each Parish shall in all respects conform to the doctrine, discipline, and worship of the Protestant Episcopal Church in the United States of America as contained in the Constitution and Canons of the same and of the Diocese of Western Massachusetts.

Section 3

(a) Every person who has 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 Baptism has been duly recorded in this Church, is a member 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 instructions, 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 a Bishop of this Church or by a Bishop of a Church in communion with this Church.

(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 purposes 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 Baptism receives the laying on of hands by a Bishop of this Church in Reaffirmation of Baptismal Vows is to be considered, for 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 purposes of this and all other Canons, as both Baptized and Confirmed; also any Baptized person who receives 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.

(e) Any Baptized person who receives the laying on of hands by a Bishop at Baptism, Confirmation, Reaffirmation, or Reception will be considered as Baptized and Confirmed for canonical purposes.

(f) Every communicant in good standing, sixteen years of age or older, who has helped to maintain public worship in a parish by regularly attending public worship for not less than three months and by being a financial supporter of record during the previous year, shall upon requesting membership in writing be regarded as a member in good standing and entitled to vote at duly constituted meetings of the parish, provided however, that no one may be a member of more than one parish in this Diocese.

(g) Section (f) becomes effective at the 81st Annual Meeting of the Convention and does not apply to persons who have signed Parish or Mission By-Laws prior to this Convention.

(h) It shall be the duty of each Parish and Mission in the Diocese to keep a list of the members in good standing entitled to vote, and to correct the same annually.

Section 4 Meetings of the Parish.

- (2008)**
- (a) The Annual Meeting of the Parish shall be held prior to February 15 of each year in the city or town where the Parish Church is located at such time as the Vestry shall appoint, unless for reasons shown the Bishop authorizes a deviation from this requirement.
 - (b) Special meetings of the Parish shall be held upon the call of the Rector, or of the Vestry, or of any ten voting members of the Parish in good standing by writing to the Rector and Clerk requesting a meeting and stating its purpose.
 - (c) Notice of all meetings of the Parish shall be given by the Clerk, in writing, stating the purpose for which the meeting is called and posting the same upon one of the doors of usual public entrance of the Church or place of worship at least seven days before the date fixed for the meeting. An announcement of meetings shall be made at all regular services on the two preceding Sundays.
 - (d) A quorum shall be equal to not less than ten percent (10%), nor more than twenty-five percent (25%), as the Parish shall determine, of the number of communicants in good standing canonically resident in a Parish.
 - (e) The Rector shall preside at all Annual or Special meetings of the Parish. In the absence of the Rector the Senior Warden or Junior Warden in order named shall preside. In the absence of the Rector and both Wardens, a moderator shall be chosen.
 - (f) Lay officers of the Parish shall be elected by ballot at the Annual Meeting from among the voting members of the Parish. Delegates and Alternate Delegates to the Diocesan Convention shall also be elected by ballot at the Annual Meeting. All Lay Officers, Delegates and Alternate Delegates shall be confirmed adult Communicants of the Church in good standing, as defined by Title I, Canon 17 of the General Church.
- (1990)**
- (g) No vote may be cast at any meeting of the Parish by proxy, absentee ballot or in any manner other than in person by the person entitled to vote.

Section 5 Of the Parish

- (1993)**
- (a) Officers of the Parish shall consist of the Rector, a Senior Warden, a Junior Warden, a Treasurer, Assistant Treasurer, if any, a Clerk, and six, nine, or twelve members of the Vestry (as each Parish shall determine). All of the above shall be confirmed adult communicants of the Church in good standing. Each Parish may also elect one or more Assistant Treasurers who shall have such duties as may be assigned to them by the Vestry. Men and women are eligible for any lay office.
 - (b) Except for members of the Vestry, the Lay officers of each Parish shall be elected annually for a term of one year and shall serve until their successors are chosen.
- (2004)**
- (c) At the Annual Meeting, or at a Special Meeting called for that purpose, the

Parish shall elect members of the Vestry to take office immediately upon election and to serve, in accordance with law and these bylaws, for terms of three (3) years each, and until his or her successor is elected and qualified. No Vestrymember who has served two consecutive three (3) year terms may be re-elected until one (1) year has elapsed. In order to implement this section, the Vestrymembers shall be divided into three (3) groups, as nearly equal in number as possible, and the Vestrymembers in each group shall be elected, respectively, for terms of one (1), two (2) and three (3) years, so that the terms of approximately one-third (1/3) of the Vestry will expire in each year.

(1987) (d) The filling of an unexpired term as a member of the Vestry does not render anyone ineligible for election to a full three-year term at the next Annual Meeting of the Parish.

(1987) (e) Vacancies in any elective lay office during the year may be filled by the Vestry until the next Annual Meeting of the Parish.

(f) Notwithstanding the provisions of Section 5(a) and 5(c) above, two additional vestry members may be elected to serve one-year terms.

Section 6 The Rector

The Rector shall be a priest of the Church in good standing and shall be elected by the Vestry in accordance with the Canons of the Diocese and the Canons of the National Church.

Section 7 Wardens

The Wardens shall be the executive officers of the Vestry and the Parish. When the Parish is without a Rector, the Wardens shall receive and may distribute discretionary funds. During a vacancy in the office of Rector, they shall arrange for a temporary supply Priest.

Section 8 Treasurer

It shall be the duty of the Treasurer to receive all monies due the Parish from pledges, gifts, and legacies and to issue periodic statements in connection with pledges and receipts for gifts and legacies. The Treasurer shall keep a true record of the money and property received by the parish and shall make disbursements as and when authorized to do so by the Vestry. The Treasurer shall also execute deeds, assignments, stock powers and other documents to facilitate the sale, purchase and transfer of securities and other assets authorized by the Vestry. The Treasurer shall present a full financial statement at each Annual Meeting of the Parish, also in connection with the Annual Report of the Parish to the Diocese, and whenever otherwise requested by vote of the Vestry. The books of the Parish shall be audited by a qualified person appointed by the Vestry for that purpose in accordance with the requirements of Diocesan Canon 20 Section 1 (d).

In the absence of the Treasurer the Assistant Treasurer shall assume the Treasurers duties.

Section 9 Clerk

It shall be the duty of the Clerk to keep in a minute book the minutes of all meetings of the Parish and of the Vestry and to perform such other duties as the Parish or Vestry may vote.

Section 10 The Cathedral

The Cathedral, being a special case, is governed by Diocesan Canon 11.

Section 11 Missions
(2010)

(a) All the provisions of this Canon apply to Missions of this Diocese except that, instead of a Rector, there is a Vicar who is appointed by the Bishop, not elected by the Mission, and instead of a Vestry, there is an Executive Committee. Except for holding office at the Bishop's pleasure, the Vicar's rights and duties are the same as those of a Rector.

(b) This Canon 16.11.b shall apply to a Parish which elects to reclassify to Mission status; to a Mission the Executive Committee of which elects to be subject to Canon 16.11.b; when included in an action plan adopted pursuant to the provisions of this Canon 16; and to Missions accepted into Union with the Convention after the adoption of this Canon:

Each Mission of this Diocese subject to Canon 16.11.b shall be subject to the Mission Bylaws adopted and amended from time to time by the Ecclesiastical Authority of the Diocese, with the advice and consent of the Diocesan Council, in substitution for Canons 16.1 through 16.10, Canon 16.12, and Canon 17. Each Mission shall be subject to the Canons of the Episcopal Church and of the Diocese.

Section 12 Rules or Regulations

Any Parish or Mission may from time to time at any Parish meeting adopt rules or regulations with respect to the operation of the Parish, not inconsistent with this Canon.

Section 13 **The Basic Standards of a Healthy Mission Focused Congregation**
(2007)

Standards of Purpose

(a) The healthy congregation shall support the mission of the Church, “to restore all people to unity with God and each other in Christ.” By teaching the Christian faith, promoting the public worship of Almighty God, and administering the Sacraments according to the doctrine, discipline and worship of the Protestant Episcopal Church in the United States of America, now commonly referred to as the Episcopal Church, the healthy congregation develops mission-focused Christians who bear witness to Christ and live the fullness of the baptismal covenant wherever God places them.

Standards as a Constituent Part

- (b) The healthy congregation will order its common life as a constituent part of the Diocese of Western Massachusetts in compliance with
 - 1) the Constitution and Canons of the Diocese of Western Massachusetts,
 - 2) resolutions of the Diocesan Convention and Diocesan Council, and the pastoral oversight of the Bishop.
- (c) The Diocese being a constituent part of the Episcopal Church, the healthy congregation will also order its common life in compliance with the Constitution and Canons of the Episcopal Church
- (d) A Congregation will be incorporated according to the laws of the Commonwealth of Massachusetts, following its admission as a Parish in union with the Convention in accordance with Article XIII of the Constitution.

Standards of Worship

- (e) The healthy congregation shall offer a weekly worship opportunity, with the Holy Eucharist being the principal act of worship on the Lord's Day whenever possible, and at a minimum once a month.

Standards of Leadership and Mutual Accountability

- (f) The healthy congregation shall call and retain a priest, or be placed in the charge of a priest by the Bishop, in accordance with the Canons of this Diocese, and shall discern and identify lay leaders to be duly elected or appointed to the positions prescribed by this Canon. Best practice recommends that the members of the Vestry of a congregation should not be related by blood or marriage to one another, to the other officers, or to the paid staff of the congregation.
- (g) The healthy congregation shall compensate clergy and lay staff and provide for reimbursement of expenses within the guidelines provided by the Diocese.
- (h) As members of the Diocese, clergy and lay leaders of a healthy congregation shall participate in Diocesan Conventions and other gatherings in order to shape and share in the mission and ministry of the Diocese.
- (i) The healthy congregation will meet its financial obligations in a timely manner, will maintain adequate levels of insurance, and will not, except in extraordinary circumstances, invade the principal of trust, endowment and other invested funds.
- (j) Concerning the collection, review, use, and dissemination of information, leaders of a healthy congregation shall
 - 1) Prepare an annual budget to be approved by the Vestry and presented to the congregation at the Annual Meeting.

- 2) Complete and submit the congregation's annual parochial report by the deadline.
- 3) Arrange and receive an audit of the congregation's financial records and practices and submit an Audit Certificate to the Diocese by the deadline.
- 4) Accept the congregation's Assessment for Common Ministry by the deadline, and fulfill the commitment by regular monthly payments.
- 5) Monitor and review the attendance at public worship, the number of gifts and level of giving, and the number of baptisms, confirmations, marriages, and burials, in order to evaluate how effectively the congregation is supporting and promoting people's commitment to Jesus Christ.
- 6) Conduct an annual safe church audit to review the safe church policy of the Diocese and the congregation's implementation of it. The goals of the audit are to ensure appropriate steps are taken to keep the congregation a safe community for all and to protect the privacy of individuals who have been screened.
- 7) Generously support local, regional, and global outreach and missionary efforts by monitoring and reviewing the balance between resources allocated for internal operations of the congregation and resources allocated for outreach and mission.
- 8) Participate regularly in a mutual ministry review, a process by which the vestry and rector review the effectiveness of the entire ministry of the parish. The healthy congregation will invite an outside consultant to lead this review at least bi-annually.

Section 14: Of the Renewal of a Congregation – The Process Initiated by the Congregation (2007)

- (a) **Notification:** When a congregation does not meet the Basic Standards for a Healthy Congregation, or anticipates not meeting them, the leaders of the congregation shall notify the Bishop in writing, indicating how long the inability may be expected to last. If it is expected to last longer than ninety days, then the congregation will be invited to present its circumstances to the next meeting of Diocesan Council and to discuss steps towards resolving the inability.
- (b) **Developing an Action Plan:** The congregation, Diocesan Council, and the Bishop, shall appoint a team to develop an action plan. The team shall include the clergy person in charge and at least two lay leaders of the congregation, a member of Diocesan Council, and at least two leaders from the Diocese with wisdom and experience in congregational development. The team will adopt an action plan by majority vote.
- (c) **Reporting Progress:** As the congregation and others implement the action plan, the clergy person in charge, or other leader appointed by the team, shall report to each Council meeting, in writing or in person, as the Council may direct, updating the Council of progress, and changes in circumstances, or in the action plan. The team leader shall continue to report until the congregation continues to meet the Basic Standards for at least ninety days, or as otherwise directed by Council.

Section 15: Of the Renewal of a Congregation – The Process Initiated by Diocesan Leaders (2006)

(a) **Notification:** If a congregation has not met the Basic Standards for at least ninety days, and if the leaders of the congregation have not initiated the process of Section 14 by notifying the Bishop, other Diocesan leaders, including but not limited to the Dean of the Deanery, key Diocesan staff, and members of Diocesan Council from the Deanery, may request review of the circumstances and the development of an action plan. The request shall be made in writing to the Bishop. If the Bishop receives credible information from any other source, the Bishop may initiate this process. Within thirty days of such request, or of the Bishop's initiation of this process, the clergy person in charge, the wardens, and the vestry of the congregation will be notified and will be invited into the process of developing and implementing an action plan towards resolving the inability to meet the Basic Standards. The Bishop shall report such requests to Diocesan Council at its next meeting.

(b) **Developing an Action Plan:** If the congregation accepts the invitation, then the action plan shall be developed and implemented as prescribed in Section 14. If the congregation rejects the invitation to participate in the process, or if the congregation does not participate constructively in the process, then the Bishop and Diocesan Council may appoint a team to develop the action plan without representatives of the congregation. If the team recommends closure of the congregation, and Diocesan Council agrees, then the Bishop may initiate the process of closing the congregation (as provided in Canon 16, Section 16).

Section 16: Of the Closure of a Congregation (2006)

(2010)

(a) When an action plan involves the closing of a congregation, the action plan shall include:

- 1) a service for the celebration of the life and ministry of the congregation, including the rite for the secularizing of a building.
- 2) ongoing pastoral support of members and guidance in the transfer of their membership to other congregations.
- 3) the reclassification of a Parish to Mission status.
- 4) the adoption of the Mission Bylaws described in Canon 16.11.b.
- 5) the transfer of all assets to the Diocese or its designees.

(b) A congregation shall not be closed involuntarily without its consent without a minimum of one (1) year of dialogue with the Diocesan Bishop, or in the absence of a Diocesan Bishop with the Standing Committee and without an opportunity for the Vestry to appeal the decision before a meeting of the Convention of the Diocese.

CANON 16A
Reclassification of a Parish to a Mission
(2010)

A Parish may, by vote of a majority of its Vestry in office, request the approval of the Bishop and the Diocesan Council to reclassify as a Mission in union with the Convention, and to adopt the Mission Bylaws approved by the Diocese, to be effective if reclassification is approved by the Bishop and the Diocesan Council. The Secretary of the Diocesan Council will notify the Convention of its decision regarding such request.

CANON 17
Of Vestries (2010)

Section 1 Repeal of Parish and Mission By-Laws ***-ALL EXISTING PARISH OR MISSION BY-LAWS ARE HEREBY REPEALED, EXCEPT AS PROVIDED IN CANON 16, SECTION 10***

Section 2 Composition of Vestries

The Rector, the Wardens, the Treasurer (and Assistant Treasurers, if any), the Clerk, and the six, nine, or twelve members of the Vestry (as each Parish shall determine) shall constitute the Vestry of the Parish.

Section 3 Meetings of the Vestry

Meetings of the Vestry shall be called by the Rector, either of the Wardens, or any three members of the Vestry. The Vestry may appoint stated meetings and determine the manner of notifying members thereof. The Rector, or such other member of the Vestry designated by the Rector, shall preside. In the event the Rector is unable to designate the presiding officer, the Senior Warden shall preside, or in the absence of the Senior Warden, the Junior Warden shall preside. In the absence of the Rector and both Wardens, the Vestry shall choose one of their numbers to serve as moderator. A majority of members shall constitute a quorum.

Section 4 Spiritual Responsibilities of Vestries

The Vestry of each Parish shall be responsible with the Rector in promoting the spiritual welfare of the Parish and shall aid the Rector in the institution, conduct, and development of the program of the Church both within and without the Parish.

Section 5 Legal Representatives of the Parish

The Vestry shall be the agent and legal representatives of the Parish in all matters concerning its corporate property, subject to the Constitution and Canons of the Church and the laws of the Commonwealth of Massachusetts. The Vestry shall care for and maintain the buildings, furnishings, and all other property of the Parish and provide adequate insurance thereon. The Vestry shall be responsible

for the finances of the Parish, the raising of money to support its program, the prompt payment of salaries and bills, and the prudent care of all trust funds, endowments, and bequests, including the sale, purchase and transfer of securities and other assets. Nothing in this section shall be construed to interfere with Parishes that have acted, or shall act in future, to create Trustees under the terms of Section 3 of Chapter 68 of the General Laws of the Commonwealth of Massachusetts and the Canons of the Church (National Canon Title I, Canon 7, Sec. 1 and Diocesan Canon 20, Section 1a), provided that all money received and distributed by such Trustees be entered in the records of the Parish Treasurer and included in the annual Parish report to the Diocese and National Church. All money raised by Parish organizations must be entered in the records of the Parish Treasurer and included in the annual Parish report to the Diocese and National Church.

- Section 6
(1988) Duty to Recruit Candidates for Holy Orders and Other Ministry in the Church. The Vestry shall encourage fit men and women under the inspiration of the Holy Spirit to enter Holy Orders and men and women to offer themselves for the religious life and other kinds of ministry in the Church, and shall share with the Bishop and Rector in the training and guidance of postulants and candidates of the Parish in accordance with the Canons of the Church.
- Section 7
(1986) Relation to the Rector
The Vestry shall represent the Parish in its relations with the Rector. The Vestry shall serve as a Council of Advice for the Rector whenever the Rector requests it.
- Section 8
(1988) Election of a Rector
It shall be the duty of the Vestry to elect a Rector when there is a vacancy. The procedure in doing so shall be governed by Canon 18.
- Section 9
(2004) A Vestrymember or officer may resign at any time by delivering his or her resignation in writing to the Senior Warden or Clerk, or to a meeting of the Vestry. The Parish may, by vote at any meeting called for the purpose, remove from office any Vestrymember or officer. The Vestry may, at any meeting for which it is a stated purpose of the meeting, remove from office any Vestrymember or officer by vote of two-thirds (2/3) of the Vestry then in office, exclusive of the Vestrymember(s) or officer(s) who are the subject of the vote. The Vestry may remove from office any officer appointed or elected by the Vestry or terminate or modify the authority of any such officer. This section shall not apply to the Rector.

CANON 18
Of Vacant Parishes And The Election Of Rectors And Assistant Ministers
(2004)

- Section 1 Whenever a Parish becomes vacant, it shall be the duty of the Vestry to give immediate notice thereof to the Ecclesiastical Authority in accordance with the Canons of the National Church.
- Section 2 No election of a Rector or election or appointment of an Assistant Minister shall be made until the name of the Cleric whom it is proposed to elect or appoint has been made known to the Ecclesiastical Authority of the Diocese, and sufficient time, not

exceeding sixty days, has been given to the Ecclesiastical Authority to communicate with the Vestry thereon. No such election shall be made without the approval of the Ecclesiastical Authority.

CANON 19
Of The Dissolution Of The Pastoral Relation
(2004)

- Section 1 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, except as provided in the Canons of the National Church.
- Section 2 If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, they shall proceed as provided in the Canons of the National Church.

CANON 20
Of Business Methods in Church Affairs
(2001)

For the Diocese and for every Parish, Mission and Institution connected with the Diocese, the following standard business methods shall be observed:

- Section 1 (a) Funds held in trust, endowment and other permanent funds, and securities
(2004) 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 agent, approved in writing by the Diocesan Council, under an agreement providing for at least two signatures on any order of withdrawal of such funds or securities.

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 investment in securities issued in book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the issuer, provided that such investments are held by an agent, and subject to an agreement, as provided above in this section.

- (b) Records shall be made and kept of all trust and permanent funds showing at least the following:
- i. Source and date;
 - ii. Terms governing the use of principal and income;
 - iii. To whom and how often reports of condition are to be made;
 - iv. How the funds are invested.

(c) Treasurers and custodians, other than banking institutions, shall be adequately bonded.

(d) Books of account shall be kept as shall make them available for satisfactory accounting.

(e) All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of the Parishes, Missions, and Institutions of the Diocese, shall be audited by an independent Certified Public Accountant, independent Licensed Public Accountant, or by such an audit committee, agent, or person as shall be approved by the Diocesan Council.

A certificate of audit shall be received by the Clerk of the vestry not later than June 1 of each year covering the financial reports of the previous calendar year, and evidence of its receipt shall be given to the Vestry at its next regularly scheduled meeting. The original certificate shall become an official part of the Minutes of the parish.

(f) 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 memorandum, shall be filed with the Bishop or Ecclesiastical Authority and with the Diocesan Council not later than July 1 of each year, covering the financial reports of the previous calendar year. In extreme circumstances where the audit may be delayed, an extension up to but not exceeding 30 days may be granted in writing by the Bishop and Treasurer of the Diocese acting in concurrence.

(2004) (g) The Diocesan Council shall report annually to the Convention regarding its administration of this Canon.

(2004) (h) The fiscal year shall begin on January 1.

Section 2
(2004) Insurance

(a) All buildings and their contents shall be adequately insured. Each church (including all parishes, missions, chaplaincies and summer chapels) shall maintain property, casualty and liability insurance with limits of coverage prescribed from time to time by the Diocesan Council.

(b) Each Parish, Mission and Institution connected with the Diocese may, and is encouraged to, participate in the insurance program endorsed by the Diocese.

(c) Each Parish, Mission or Institution that chooses not to participate in such a Diocesan insurance program shall deliver to the Diocesan Treasurer's Office, by February 1st of each year, a Certificate of Insurance showing its coverages and carriers. The Diocese shall be named as "additional insured and loss payee" on the insurance for comprehensive general and umbrella liability coverage. The Diocese shall be named as "additional insured and loss payee as its interest may appear" on the insurance for all real and tangible personal property.

(d) If any Parish, Mission or Institution described in Section 2(c), above, shall neglect to deliver to the Diocesan Treasurer's Office in a timely manner the Certificate of Insurance prescribed in Section 2(c), above, and such neglect shall continue for more than 30 days after notice of such neglect has been given in writing by the Diocese, the Parish, Mission or Institution shall be required for the year then in progress and for the next ensuing year to participate in the insurance program endorsed by the Diocese at the sole cost of the Parish.

CANON 21
Of Church Debt and Encumbrance of Parish Real Estate
(2004)

- Section 1 No indebtedness shall be incurred by a Parish without the approval of both the Bishop and the Standing Committee.
- Section 2 Whenever approval is required, it shall be granted only when provision has been made for the payment of all indebtedness by a plan of amortization or other method of payment submitted to and approved by the same authority.
- Section 3 A Parish shall not encumber or alienate its real estate or any part thereof without the prior written consent of the Bishop and Standing Committee, except under such rules as the Bishop and Standing Committee may adopt.

CANON 22
Of The Church Pension Fund

- Section 1 In conformity with the legislation adopted by the General Convention of 1913, pursuant to which The Church Pension Fund was duly incorporated, and in conformity with the Canon of the General Convention, "Of The Church Pension Fund", as heretofore amended and as it may hereafter be amended, the Diocese of Western Massachusetts hereby accepts and acknowledges The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York as subsequently amended, as the authorized and approved pension system for the Clergy of the Episcopal Church in the United States of America and for their dependents, and declares its intention of supporting said Fund in accordance with the Rules.
- Section 2 It shall be the duty of this Diocese and of the Parishes, Missions and other ecclesiastical organizations therein, each through its Treasurer or other proper official, to inform The Church Pension Fund of salaries and other compensation paid to the clergy by said Diocese, Parishes, Missions and other ecclesiastical organizations for services rendered, currently or in the past, prior to their becoming beneficiaries of said Fund, and changes in such salaries and other compensation as they occur; and to pay promptly to The Church Pension Fund the pension assessments required thereon under the Canon of the General Convention and in accordance with the Rules of said Fund.
- Section 3 It shall be the duty of all Clergy canonically resident in or serving in this Diocese to inform The Church Pension Fund promptly of such facts, as dates of birth, of ordination or reception, of marriage, birth of children, deaths, and changes in cures or salaries, as may be necessary for its proper administration and to

cooperate with said Fund in such other ways as may be necessary in order that said Fund may discharge its obligations in accordance with the intention of the General Convention in respect thereto.

(2010) [Until July 1, 2011]

CANON 23
Of The Presentment And Trial Of A Cleric, Other Than A Bishop
(1995)

Section 1 Offenses and Procedures. Whenever a Cleric of this Diocese, other than a Bishop, is charged with an offense for which there could be an Ecclesiastical Trial, the consideration of the nature of the offenses charged, the methods of investigation, presentment and trial, and any resulting sentence shall be in accordance with the provisions of Title IV of the Canons of the Protestant Episcopal Church in the United States of America, as amended from time to time.

Section 2 Ecclesiastical Trial Court.

(a) Establishment. There shall be in this Diocese an Ecclesiastical Trial Court for the trial upon presentment of a Cleric subject to the jurisdiction of this Diocese.

(b) Membership. The Court shall consist of five (5) members, three (3) of whom shall be members of the Clergy canonically resident in this Diocese, and two (2) of whom shall be lay persons who are communicants in good standing of a parish or mission of this Diocese.

(c) Term. The members of the Court shall be elected by the Convention of the Diocese for three (3) year terms. At each Convention, one (1) or two (2) persons, as the case may be, shall be elected to three (3) year terms, succeeding those member(s) whose term(s) then expire, and others shall be elected to complete the term(s) of member(s) who did not complete the three (3) year term(s). A member of the Court may serve for not more than three (3) successive three (3) year terms.

(d) Continuity. If the term of a member of the Ecclesiastical Trial Court ends after a presentment has been filed with the Court, the member shall continue to serve until the conclusion of that presentment before the Court.

(e) Vacancies. Vacancies on the Court shall be filled by appointment of the Bishop. A member so appointed shall serve until the next Annual Convention, or until the particular case is concluded, if the vacancy results from the removal of a member of the Court from a particular case.

(f) Presiding Judge. Within two months following each Annual Convention, the members of the Court shall elect from among their number a Presiding Judge, to serve for a term of one (1) year and until a successor is elected.

(g) Challenges. In any particular case, the participation of any member of the Court may be challenged for cause. The remaining members of the Court shall determine the outcome of such a challenge. Their determination shall be final and not subject to appeal.

(h) Quorum. If at the time appointed for the first meeting of the Court, the whole membership of the Court shall not attend, then those who do attend shall constitute the Court and shall proceed with the Trial, provided that a quorum of the Court shall be three (3) members, and that the majority of the members sitting shall be Clerics by no more than one (1). Except as otherwise provided by Canon, a majority of the members of a duly constituted Court shall decide all questions.

(i) Rules. The Court may establish, modify and repeal, from time to time, rules and procedures, not inconsistent with this Canon, for the conduct of its business.

2010 [On and after July 1, 2011]

CANON 23
Ecclesiastical Discipline
(2010)

Section 1

Section 1.01 Accountability and Ecclesiastical Discipline. Whenever a Cleric of this Diocese, other than a Bishop, is charged with an Offense for which there could be Ecclesiastical Discipline, the consideration of the nature of the Offenses charged, the methods of investigation, procedure, and hearings, and any resulting Sentence shall be in accordance with the provisions of Title IV of the Canons of the Protestant Episcopal Church in the United States of America, as amended from time to time, as supplemented by this Canon 23. If any provision of this Canon 23 is in conflict with or inconsistent with Title IV, the provisions of Title IV shall prevail.

Section 2 Discipline Structure.

Section 2.01 Disciplinary Board. The Disciplinary Board (“Board”) shall consist of not less than seven (7) persons, four (4) of whom are members of the Clergy and three (3) of whom are Laity. Clergy members shall be in the majority, but by no more than one (1). Members of the Standing Committee are eligible to be elected members of the Board.

Section 2.02 Clergy Members. The Clerical members of the Board must be canonically and geographically resident within the Diocese.

Section 2.03 Lay Members. The Lay members of the Board shall be Adult Communicants in Good Standing and voting members of a Parish or Mission in the Diocese.

Section 2.04 Election, Term and Removal.

- a. Seven (7) members of the Board shall be elected by the Convention. Additional members may be elected by the Disciplinary Board, in consultation with the Bishop. Each member shall be elected for a three (3) year term, except that if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of a member shall commence on the first (1st) day of the year following election. The terms of office of the Board shall be staggered and arranged into three classes, so that approximately one-third (1/3rd) of the terms will expire in each year. A Board member who has served two (2) complete three (3) year terms shall be ineligible to serve again until one (1) year has elapsed.
- b. A member of the Disciplinary Board may be removed from office by vote of a majority of the remaining members of the Disciplinary Board, or by vote of the Diocesan Council.

Section 2.05 Vacancies. Vacancies on the Board shall be filled as follows:

- (a) A vacancy on the Board may be filled by vote of the Board, after consultation with the Bishop. The replacement member shall be of the same Order as the member to be replaced.
- (b) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.
- (c) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the term of a person selected as a replacement Board member shall be expire on the last day of December following the next Annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.

Section 2.06 Preserving Impartiality. In any proceeding under this Title, if any member of any Panel shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. A Respondent and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias, by motion to the Panel for disqualification of the challenged member. The members of the Panel who are not the subject of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

Section 2.07 President. The President of the Board shall be nominated by the Bishop from among the Lay or Clerical members of the Board, and shall be subject to confirmation by the Board. Within sixty (60) days following the Annual Convention, the Board shall convene to confirm a President to serve for the following calendar year.

Section 2.08 Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop. The Bishop may appoint one or more Intake Officers according to the

needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

- Section 2.09 Investigator. The Bishop, in consultation with the President of the Board, shall appoint one or more Investigator(s). The Investigator(s) may, but need not, be a member of the Church.
- Section 2.10 Church Attorney. Within sixty (60) days following each Annual Convention, the Bishop, in consultation with the President of the Board, shall appoint an attorney as Church Attorney to serve for the following calendar year, and from time to time may appoint such Additional Church Attorneys as are deemed necessary. The persons so selected must be duly licensed attorneys, but need not reside within the Diocese. The Church Attorney(s) may be removed from these positions by the Bishop, with the consent of the Vice President of the Diocesan Council, at any time and for any cause deemed sufficient by them, in their sole discretion.
- Section 2.11 Conference and Hearing Panels.
- a. The members of a Conference Panel or a Hearing Panel shall be selected from among the members of the Disciplinary Board by the President of the Disciplinary Board by lot or other random means. The President of each such Panel shall be selected by the President of the Disciplinary Board, in consultation with the Bishop.
 - b. If a Conference Panel has more than one (1) member, at least one (1) member shall be from each of the Lay and Clerical members of the Disciplinary Board. A Hearing Panel shall have a majority of Clerical members, but by no more than one (1).
- Section 2.12 Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop, to coordinate the delivery of appropriate pastoral responses provided for in Title 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 Title IV or this Canon.
- Section 2.13 Advisors. In each proceeding under Title IV, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position in this Diocese provided for under Title IV, and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding.
- Section 2.14 Clerk. The Board shall appoint one or more Clerks to assist the Board, the Conference Panel or the Hearing Panel with records management and administrative support. The Clerk may, but need not, be a member of the Board.
- Section 2.15 Counsel. The Board may engage counsel for itself or for any Panel for which it deems appropriate. Such counsel may also serve as Clerk of the Panel. A member of the Disciplinary Board may not act as such counsel.

- Section 2.16 Proceedings. Any proceeding of a Panel established by Title IV may be conducted by telephone conference or similar communications equipment by means of which all persons participating can hear and be heard by all other participants, and participation by such means shall constitute presence in person at a meeting.
- Section 3 Agreement with Other Dioceses.
- Section 3.01 Agreement. As provided in Title IV.5.3(i), the Diocese may enter into Agreements with one or more other Dioceses of the Episcopal Church to share resources, including members of the Disciplinary Board, to implement Title IV. Canons 23.2.02 and 23.2.03 shall not apply to Board members appointed in accordance with such an Agreement.
- Section 4 Accord and Orders.
- Section 4.01 Accord and Orders. Prior to the issuance of an Accord or Order by a Conciliator, Conference Panel or Hearing Panel, the Bishop Diocesan shall be afforded the opportunity to be heard on the terms of the proposed Accord or Order at least thirty (30) days prior to its issuance.
- Section 5 Costs and Expenses.
- Section 5.01 Costs. The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney and the Pastoral Response Coordinator shall be the obligation of the Diocese, subject to budgetary constraints as may be established by the Diocese. All other costs, expenses or fees incurred in the Title IV process shall be the obligation of the party, person or entity incurring them. This Canon 23.5.01 shall be the exclusive means for payment or reimbursement of costs and expenses incurred in a proceeding under Title IV or this Canon 23.
- Section 6 Records.
- Section 6.01 Records of Proceedings. Records of active proceedings before the Board, including during the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Bishop's office.
- Section 6.02 Permanent Records. The Bishop shall make provision for the permanent storage of records of all Accords and Orders under Title IV at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV.

CANON 24
Of a Church Attorney
(1995)
(2010)

[Until July 1, 2011]

- Section 1 Appointment. There shall be one or more Church Attorneys appointed by the Standing Committee, in consultation with the Bishop. Each Church Attorney shall be appointed for a term of three (3) years, unless appointed with respect to a particular case only, or unless earlier removed by the Standing Committee. If the Standing Committee shall fail to appoint a Church Attorney for a particular matter, the Ecclesiastical Trial Court shall do so.
- Section 2 Duties. A Church Attorney shall act as the representative of the Standing Committee in the investigation and prosecution of Charges under these Canons.

[On and After July 1, 2011]

REPEALED - DIOCESAN CONVENTION, OCTOBER 22-23, 2010

CANON 25
Of Repealed Canons

Whenever there shall be a repealing clause in any Canon, and such Canon shall be repealed, such repeal shall not be a reenactment of the Canon or Canons repealed by the said repealing clause.

CANON 26
Of The Repeal, Amendment And Enactment Of New Canons

- Section 1 In all cases of future enactments, the same, if by way of amendment of an existing provision, shall be in the following form: “Canon (or, Canon-Section-) is hereby amended to read as follows.” If the enactment is of an additional clause, Section, or

Canon, it shall be designed as the next Canon, or next Section, or next clause of a Canon or Section, in the order of the numbering to which the subject properly belongs. If a Canon, or Section, or clause be stricken out, the existing numbering shall be retained until a new edition of the Canons be directed.
- Section 2 The Secretary, with any member of the Committee on Constitution and Canons selected by such Committee, shall, at the close of each session of the Convention, certify the changes made in the Canons, and the Secretary shall print the same in the Journal.

CANON 27
Of Amendments Of The Canons

- Section 1 The Canons may be altered, or new Canons may be added at the Annual Meeting of the Convention, by vote of a majority of each order.

Section 2 No existing Canon shall be changed, and no new Canon shall be enacted, on the day on which the change or enactment may be proposed, unless such change or enactment shall have been referred to and reported upon by the Committee on Constitution and Canons.

CANON 28
Of The Time When These Canons Take Effect

These Canons shall take effect immediately on their passage.

**STANDING ORDER OF BUSINESS
AND RULES OF ORDER OF ANNUAL CONVENTION**

ORDER OF BUSINESS

Opening and Organization of the Convention. The President shall take the chair and the order of procedure shall be as follows, except as the President and Committee on the Program of the Convention might otherwise determine: *(2004)*

I

(1993) 1. The Convention shall be organized as provided for in Canon 2, Section 5.

2. The President shall announce the membership of the following committees, appointed by the President in advance of the Convention:

(2004)

(a) A Committee on Resolutions and the Bishop's Address

(b) A Committee on Elections

(c) A Committee on Credentials and Registration

(d) A Committee on Admission of New Parishes and Missions

(e) A Committee on Dispatch of Business

(f) A Committee on Place for Next Convention

(g) A Committee on Nominations

II

The time for delivery of the Annual Address by the Bishop shall be announced to the Convention. If the Address shall have already been delivered by the Bishop, it shall be presented at the time by Title. Any matters contained therein may be referred by the Bishop to regular or special committees.

III

1. The Committee on Credentials and Registration shall report.

2. The Convention shall act at once upon all names and credentials.

3. A Constitutional quorum of both Orders being present the President shall declare the Convention organized for business.

4. A Secretary shall be elected.

5. The report of the Committee on the Dispatch of Business, giving Special Order for the Day, shall be presented.

6. The Committee on the Program of the Convention shall report.

7. Papers in respect to the Admission of New Parishes and Missions, if there be any, shall be received.
8. The President shall call for invitations for the entertainment of the next Convention.

IV

1. The Committee on Elections shall report.
2. Additional nominations shall be in order.
3. The President shall declare that the polls are open stating which elections are in order and at what hour the polls shall close.

V

1. Resolutions on recommendations in the Bishop's Address may be presented to be referred without debate to appropriate committees.
2. Reports from Special Committees, appointed at the preceding Convention, shall be presented and action taken.

VI

The following reports shall be presented and action taken in the order listed:

1. of the Treasurer of the Diocese.
2. of the Committee on Constitution and Canons.
3. of the Standing Committee.
4. of the Council.
5. of the Committee on Program and Budget Review.
6. of the Committee on Resolutions and the Bishop's Address.
7. of the Examining Chaplains.
- (1988)* 8. of any department, commission, committee or task force.
9. of the Committee on the Time and Place of the Next Convention.

VII

A Treasurer and an Assistant Treasurer of the Diocese shall be elected.

VIII

In addition to the committees listed in I, 2, the Bishop shall appoint the following:

- (a) A Committee on Constitution and Canons.

- (b) A Committee on The Program of the Next Convention.
- (c) Special Committees.

All committees shall serve for one year and until their successors are appointed.

IX

The Bishop shall nominate two communicants each year to the Board of Examining Chaplains for a term of four years, presenting the same for confirmation by a vote of the Convention in accordance with Canon 13, Section 2 of this Diocese.

X

Reports on matters referred to special and other committees during the meeting shall be presented and action taken thereon.

XI

Miscellaneous business shall be in order.

XII

The Committee on Dispatch of Business shall report.

XIII

If the Convention be prolonged, the meeting shall adjourn to the next day.

XIV

If the Convention be prepared to adjourn without delay, the President shall pronounce the Benediction and the meeting shall stand adjourned.

XV

It shall not be necessary to read the Convention the minutes of its meetings. Authority to approve them shall be vested in a committee to consist of the Chairperson or qualified members of the following Committees: Dispatch of Business, Resolutions, Elections, and Constitution and Canons.

RULES OF ORDER

Rule I When the President takes the chair, no member shall continue standing, nor shall afterwards stand up, except to address the Chair.

Members shall not absent themselves from the convention, unless they have leave, or be unable to attend.

When members are about to speak or deliver any matter to the Convention, they shall with due respect, address themselves to the President confining themselves strictly to the point in debate.

No member shall speak more than twice in the same debate without leave of the Convention; nor more than once, until others desiring to speak shall have spoken.

While the President is putting any question, the members shall continue in their seats, and shall not hold any private discourse. Every member who shall be in the Convention when any question is put, shall vote, excepting those personally interested in the question, or those excused by the Convention for reasons assigned.

- Rule II All special Committees shall be appointed by the President, unless otherwise appointed by the Convention.
- Rule III No motion shall be considered as before the Convention, unless seconded by a member not belonging to the same Parish with the mover; and every motion shall, if required, be reduced to writing; and the name of the mover appended.
- Rule IV When the report of a Committee is presented, it shall be read, and a record thereof entered in the Minutes, unless otherwise determined by the Convention.
- Rule V
(1986) Standing Resolutions, or Orders, shall be referred to a Committee before passage.

Other Resolutions to be presented for the consideration of the Convention, except courtesy Resolutions, Resolutions on recommendations in the Bishop's Address, Resolutions arising from the General Convention and Resolutions on timely issues of urgent concern, shall be sent to the Secretary of the Convention at least sixty days before the time of the meeting. Within seven days of their receipt they shall be sent by the Secretary to the Chairperson of the Committee on Resolutions, and two weeks before the Convention they shall be sent to Delegates elect. All Resolutions which are presented to the Committee on Resolutions must bear the name of the Individual or group proposing the Resolution.

- Rule VI When a question is before the Convention, it shall be in order - 1. To move the previous question; 2. To lay on the table; 3. To postpone to a time certain; 4. To Commit; 5. To amend; 6. To postpone indefinitely; and motions for any of these proceedings shall have precedence in the order in which they are here named, and a question on any of these shall be decided before the original motion.
- Rule VII If the question under debate contain distinct propositions, the same shall be divided at the request of any member, and a vote taken separately, except that a motion to strike out and insert shall be indivisible.
- Rule VIII All amendments shall be considered in the order in which they are moved. When a proposed amendment is under consideration, a motion to amend the same may be made. No after amendment to such second amendment shall be in order; but a substitute for such second amendment, or a substitute for the whole matter, may be received. No proposition on a subject different from that under consideration shall be received under color of a substitute.
- If a motion to lay an amendment on the table be carried, the matter before the Convention shall be proceeded with as if no such amendment had been offered.
- Rule IX A motion to lay upon the table shall be decided without debate.

- Rule X A motion to adjourn shall always be in order when no member is speaking, and if unqualified, shall be decided without debate, but no motion to adjourn sine die shall be in order unless the Committee on Dispatch of Business of the Convention shall certify that all matters of business before the Convention have been disposed of.
- Rule XI All questions of order shall be decided by the President subject to an appeal to the Convention.
- Rule XII Record shall be made upon the Minutes of every motion or resolution which is put upon its passage, or upon which any action allowed by Rule VI shall have been taken; but with the consent of the Convention the mover may withdraw a motion or resolution at any time before such action has been taken, or it has been put upon its passage, in which case it shall not be entered on the Minutes.
- Rule XIII An address or communication from the Bishop shall be in order at any time.
- Rule XIV A question having been decided shall not be reconsidered during the same session, without the consent of two thirds of the members present, nor unless the motion to reconsider be made and seconded by members who voted in the majority on the original decision.
- Rule XV
(2004) The Secretary shall prepare for the Convention one ballot, in the Australian form (i.e., written ballot including all qualifying candidates and with provisions for secret balloting), containing nominations for such offices as are to be filled by election of the Convention.
- All nominations made in writing and signed by three or more members or members-elect of an approaching Diocesan Convention, received by the Secretary of the Convention before 12 noon of the last day of June of the year of the Meeting of the same, shall at once be printed and copies sent, one to each Cleric of the Diocese, and one to each Lay Delegate duly elected to attend the next Meeting of the Convention.
- The printed ballot prepared for the Convention shall be made up of all nominations of eligible persons, made in writing and signed by three or more members or members-elect of the approaching Convention, received by the Secretary of the Convention before 12 noon of the seventh day preceding the meeting of the same. Those making a nomination for an elective office, shall have the consent of the person nominated, and shall so signify when sending that name to the Secretary.
- If nominations from the floor of the Convention for any office are accepted, the names of such nominees shall be written on the ballot prior to the voting by the Convention.
- There shall be an Election Committee, appointed by the Bishop, to consist of equal numbers of Clerics and Lay Persons, which shall have charge of the elections. The Election Committee shall report the result of each vote to the President.

In the case of an uncontested election, the members of Convention may direct the Secretary to cast one ballot for the candidate.

All elections, save that of a Bishop, Bishop Coadjutor, Suffragan Bishop, Secretary, Treasurer, and Assistant Treasurer, and where otherwise ordered by the Constitution and Canons of the Diocese, may, upon the recommendation of the Election Committee or upon vote of the Convention, be determined by a vote of all the members of the Convention present and voting, according to a system of preferential voting,

The Elections Committee shall, with the approval of the Convention, adopt or draw up regulations governing the method of counting votes. Regulations once adopted shall be in force until altered by the Convention.

Rule XVI At the request of the President, or on motion, the Convention may resolve itself into a Committee of the Whole.

Rule XVII When the Convention is about to rise, every member shall remain seated until the President leaves the chair.

Rule XVIII Reports which concern a change in the Constitution and Canons of this
(1988) Diocese and the method of procedure of the Convention shall be put into print and sent to the members of the Convention by the Secretary at least thirty days before the time of meeting. Amendments to the Constitution or Canons, or new Canons, must be submitted to the Committee on Constitution and Canons at least sixty days before the meeting of the Convention.

Rule XIX The Convention may specify what other Reports it requires to be printed, and the time and method of their distribution.

Rule XX All Reports to be presented for the consideration of the Convention shall be
(1986) sent at least sixty days before the time of meeting to the Secretary of the Convention.

Rule XXI For the suspension of any part of the Standing Order of Business, or of any of the Rules of Order, the consent of two-thirds of the members present shall be necessary.

Any part of the Standing Order of Business or Rules of Order may be amended by a majority of the members present and voting at a meeting for which the notice of meeting includes notice of such amendment(s), or by two-thirds of the members present and voting at a meeting for which no such notice is given.