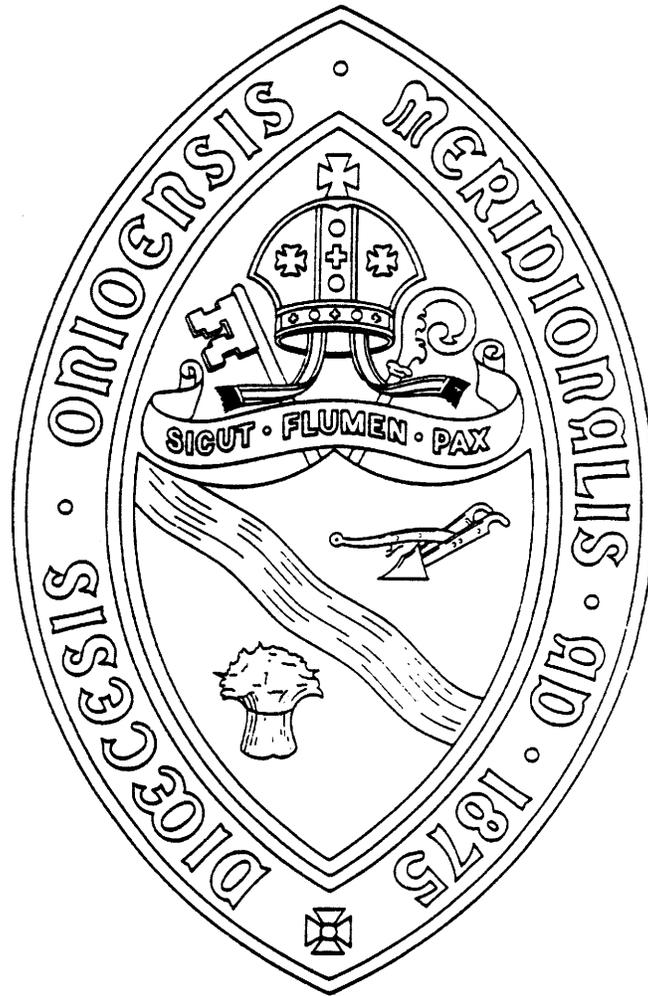


# The Constitution and Canons of the Episcopal Church in the Diocese of Southern Ohio



2012

# Constitution of the Episcopal Church in Southern Ohio

## **Table of Contents**

### **Article I**

Acceding to the General Convention

### **Article II**

The Election and Authority of a Bishop

### **Article III**

The Annual Session of the Convention and of a Quorum

### **Article IV**

The President of the Convention

### **Article V**

The Secretary of the Convention

### **Article VI**

Members of the Convention

### **Article VII**

Special Sessions of the Convention

### **Article VIII**

The Standing Committee

### **Article IX**

Election of Deputies to General Convention and Standing Committee

### **Article X**

Suspension or Dissolution of a Congregation

### **Article XI**

Amending the Constitution

## **Article I**

### **Acceding to the General Convention**

This Diocese shall be known as the Diocese of Southern Ohio and, as now constituted, embraces territorially all that part of the State of Ohio lying south of the northern boundary of the counties of Belmont, Guernsey, Muskingum, Licking, Delaware, Franklin, Madison, Champaign, Miami and Darke; and, as a constituent part of the Protestant Episcopal Church in the United States of America, it agrees to be bound by and exist under the Constitution and Canons of that Church, and acknowledges their authority accordingly.

## **Article II**

### **The Election and Authority of a Bishop**

Section 1. The election of a Bishop, of a Bishop Coadjutor or a Suffragan Bishop, for this Diocese shall be made at an Annual session of the Convention, or at a Special session called for that purpose, provided at least sixty days before the time of such Annual or Special meeting a notice be sent in writing by the Secretary of the Standing Committee to every Episcopal Clerical member of the Convention and to every Congregation canonically in union with this Diocese.

The election shall be by concurrent vote of the Episcopal Clergy and Laity, voting by Orders, a majority in each Order on the same ballot being necessary to an election.

Section 2. The Bishop is the Ecclesiastical Authority of this Diocese, except as otherwise provided.

Section 3. There may be a Bishop Coadjutor as provided in the Canons of the General Convention, whom the Bishop, in case of absence or indisposition, may designate as the Ecclesiastical Authority of this Diocese.

Section 4. There may be a Suffragan Bishop in accordance with the Canons of the General Convention, whom the Bishop, or Bishop Coadjutor, in case of their absence of indisposition, may designate as the Ecclesiastical Authority of the Diocese. Upon the death or during the disability or absence of a Bishop (and in the event that there is no Bishop Coadjutor) and upon vote of the Convention, a Bishop suffragan of the Diocese may be placed in charge of the Diocese and become temporarily the Ecclesiastical Authority thereof until such time as a new Bishop shall be chosen and consecrated. "Absence" of a Bishop shall include any period of time following the effective date of resignation of a Bishop (in the event that there is no Bishop Coadjutor) and before the election and consecration of a new Bishop.

Section 5. The Bishop is the Chief Pastor of the Diocese and may officiate in the offices of the Church within any Congregation or elsewhere in this Diocese. The Bishop Coadjutor and the Suffragan Bishop, if there be such, shall have similar right to officiate.

Section 6. The Bishop is the Ordinary of all religious or benevolent organizations of the Church within this Diocese, and as such may attend and preside at any of their meetings, and has appellate jurisdiction over their proceedings, as far as is consistent with the law of the State.

Section 7. Whenever the Bishop shall issue a Pastoral Letter and so requests, it shall be the duty of every Minister in charge of a Congregation to read it to that Congregation on some occasion of public worship on a Lord's Day, not later than one month after it has been received. The Minister in charge may also cause copies of the same to be distributed to the members of that Congregation.

Section 8. All controversies between the Rectors of two or more Congregations, or between a Congregation or its Vestry and its Rector, or between persons adversely claiming to be Vestry members of a Congregation, shall be referred to the Ecclesiastical Authority for adjudication.

### **Article III**

#### **The Annual Sessions of the Convention and Quorum**

Section 1. There shall be a Convention of the Church in the Diocese which shall be the chief governing body of the Diocese and which shall hold at least one session each year. The Annual session of the said Convention shall be convened on the second Friday in November, or at a time to be set by the Bishop of the Diocese, with the advice and consent of the Standing Committee, unless otherwise ordered by a previous Annual session of the Convention, or as provided in Section 2 of this Article.

Section 2. For any sufficient cause, occurring after the designation of the place of the session, the Ecclesiastical Authority may change the time and place of such session.

Section 3. Notice of the meeting of the Convention shall be given as provided in the Canons.

Section 4. The presence of the Bishop, or the Bishop Coadjutor, or the Suffragan Bishop, if there be a Bishop, or a Bishop Coadjutor, or a Suffragan Bishop, and thirty of the Clergy entitled to seats in the Convention, and of Delegates from one-third of the Congregations in canonical union with this Diocese, taken together, shall be necessary for the transaction of business, but a smaller number may adjourn from day to day. In the event that both the Bishop and Bishop Coadjutor, if there be one, are prevented by illness, or other emergency, from attending the Convention, the Standing Committee may so certify to the Convention, and in such a case the presence of the Bishop, or the Bishop Coadjutor, if there be one, shall not be necessary for the transaction of business.

**Article IV**  
**The President of the Convention**

The Bishop, or at the Bishop's request, the Bishop Coadjutor shall be President of and preside in the Convention, and shall open it, or cause it to be opened with prayer. If there be no Bishop present, the Convention shall be called to order by the Secretary, and shall elect a President from among its voting members.

**Article V**  
**The Secretary of the Convention**

The Secretary of the Convention shall be appointed by the Bishop, subject to the approval of the Convention. The Secretary's duties shall be as set forth in the Canons. The Secretary may appoint any necessary Assistant Secretaries.

**Article VI**  
**Members of the Convention**

Section 1. The Convention shall be composed of Clergy and Lay Delegates. The Bishop or Bishops and every Minister of the Diocese canonically resident shall be members of this Convention.

In addition, ordained Ministers of other denominations who, with written permission of the Bishop and the Standing Committee, serve as Pastors in Congregations of this Diocese shall be members of this Convention.

Each Congregation in canonical union with this Diocese shall be entitled to one or more Lay Delegates as specified in the Canons. All Congregations shall be entitled to elect the same number of Alternates as Delegates.

The Lay Members of the Standing Committee, the Lay Members of Diocesan Council, the Lay Deputies to General Convention, the Trustees of the Diocese, the Chancellor of the Diocese, the Treasurer of the Diocese, and the members of the Executive Board of the Episcopal Churchwomen of the Diocese shall be accorded seat and voice, but not vote, at all sessions, Annual and Special, of the Convention.

Section 2. The Clergy and Lay Delegates in Convention shall deliberate in one body and shall vote as such on all questions not otherwise provided for, except when a vote by Orders is called for by eight members. On every question, unless otherwise provided, the votes of the majority of those present and voting, or, if the voting be by Orders, the votes of the majority of those present and voting in each Order shall decide. In such case, the concurrence of both Orders shall be necessary. When a vote by Orders is called for, each Cleric and Lay Delegate shall have one vote.

## **Article VII**

### **Special Sessions of the Convention**

The Bishop or the Bishop Coadjutor shall have power to call Special sessions of the Convention when he may judge it important for the good of the Church, or when applied to for that purpose by the Standing Committee; and in case of a vacancy in the Episcopate, or the continued absence of the Bishops from the Diocese for six months, the Standing Committee shall have power to call a Special session of the Convention, and shall also do so, if applied to for that purpose by any five Presbyters or Vestries of the Diocese.

## **Article VIII**

### **The Standing Committee**

Section 1. The Standing Committee, which shall be the Council of Advice to the Bishop in charge of the Diocese, shall consist of three Clergy canonically and actually resident in the Diocese and of three lay persons, each of whom is a member in good standing in a Congregation in canonical union with the Diocese. Two members, one Clergy and one a Lay Person, shall be chosen at each Annual session of the Convention for a term of three years. No person may be elected for more than two (2) consecutive full terms. The officers of said Committee, required by the Canon of the General Convention, shall be elected annually by the Committee at their first meeting after the Diocesan Convention. At all meetings a majority of the members shall constitute a quorum.

It shall be the duty of the Secretary of the Committee to keep a faithful record of all proceedings in a book maintained for that purpose, to preserve the originals of all papers or letters addressed to the Committee, to attest to the Committee's acts, and to deliver to his successor all books and papers which by virtue of his office have been committed to him. The minutes of the Committee, and all papers in its custody or control relative to the Church, shall be subject to the examination of the Bishop and the Convention.

A vacancy occurring in the Committee may be filled by a vote of the remaining members by electing a person to serve until the next Annual session of the Convention of the Diocese, at which time the Convention shall chose a person to fill the unexpired term.

Section 2. when the Diocese is without a Bishop, or in the case of the inability to act of the Bishop and the Bishop Coadjutor, if there be one, and the Suffragan Bishop, if there be one, the Standing Committee shall be the Ecclesiastical Authority for all purposes declared in the Canons of the General Convention and of this Diocese. In the case of the absence from the Diocese of the Bishop and the Bishop Coadjutor, if there be one, and the Suffragan Bishop, if there be one, the Standing Committee, if authorized so to act under the Episcopal hand and seal, shall in like manner be the Ecclesiastical Authority.

## **Article IX**

### **Election of Deputies to General Convention and Members of Standing Committee**

Deputies to General Convention and members of the Standing Committee shall be elected by joint ballot of the Clergy and Laity and a majority of those present and voting shall be required for an election. In case of a failure or omission to elect such Deputies or members of the Standing Committee, the persons last elected shall continue to serve until others are chosen. If, after four (4) ballots, the election of Deputies to General Convention or members of the Standing Committee has not been completed, the positions still vacant may be filled by a plurality vote, if authorized by three-fourths (3/4) of the members of the Convention present and voting. Election by ballot may be dispensed with by an unanimous vote of the Convention. Alternate Deputies shall be elected as provided for in the Canons.

## **Article X**

### **Suspension or Dissolution of a Congregation**

Any congregation may be suspended from the right of representation in the convention, or its connection with the diocese may be wholly dissolved by a vote of two-thirds of each order, whenever the same be deemed conducive to the interests of the Church. Any Congregation which has not paid its full assessment for the preceding calendar year by June 30 of any year or by one week before the scheduled date for the Annual meeting of the Convention if that precedes June 30, shall, ipso facto, be deprived of Lay representation in that year's Convention unless excused by vote of the Convention.

## **Article XI**

### **Amending the Constitution**

A proposition for amendment shall be laid before an Annual session of the Convention in writing, and, if approved by a majority vote of the Convention, shall lie over until the next Annual session of the Convention; and if then adopted by two-thirds (2/3) of the total vote of the Clergy and Laity voting on the question, the proposed amendment shall become part of the Constitution, effective immediately or at the time specified in the amendment.

# The Canons of the Episcopal Church in The Diocese of Southern Ohio

## **Table of Contents**

**Preliminary Canon** (Definition of Terms)

**Canon I Seal of the Diocese**

**Canon II List of Clergy in the Diocese**

**Canon III The Convention**

Section 1 Call of the Convention

Section 2 Organizing the Convention

Section 3-7 Voting Members of the Convention

Section 8 Secretary of the Convention

Section 9 Election of a Bishop

**Canon IV Deputies and Alternate Deputies to the General Convention**

Section 1-2 Deputies to be chosen

Section 3-4 Vacancies filled

**Canon V Deputies and Alternate Deputies to the Provincial Synod**

**Canon VI Officers of the Diocese**

Section 1 The Treasurer

Section 2 The Chancellor

Section 3 The Registrar

Section 4 The Historiographer

**Canon VII The Standing Committee**

Section 1 Election of President and Secretary

Section 2 Council of Advice

**Canon VIII The Commission on Ministry**

**Canon IX (Removed by action of the 124th Annual Convention)**

**Canon X The Finance Committee**

Section 1(a) Finance Committee Membership and Reporting

Section 1(b) Finance Committee Responsibility to Oversee Financial Activity

Section 2 Authority to borrow

Section 3 Fiscal year to begin January 1

Section 4 Accounts to be audited

## **Canon XI Diocesan Trustees and Property**

Section 1 Election and term of office

Section 2 Shall hold Diocesan funds and property

Section 3 Congregation funds and property, if desired

Section 4 Report

Section 5 May elect a Treasurer

Section 6 May establish other organizations and/or corporations

## **Canon XII The Diocesan Council**

Section 1 Duties and Powers

Section 2-3 Membership

Section 4 Presiding Officer, Meetings, Quorum

Section 5 Vacancies

Section 6 Authority to appoint Officers

Section 7 Report

Section 8 Periodic Systemic Review

## **Canon XIII Budgeting Process**

Section 1 Convention Duty to Establish an Operating Budget

Section 2 Budget Committee Membership

Section 3 Steps in Budget Process

Section 4 Assessment Expenses

Section 5 Other Expenses and Income

Section 6 Remittal of Funds

## **Canon XIV Administration of Financial Affairs**

Section 1 Diocesan Accounting Policies and Procedures

Section 2 (a) Formation of Policies

Section 2 (b) Extent of Policies

Section 3 Duty to Adhere to Policies

## **Canon XV The Commission on Congregational Life**

Section 1 Authority

Section 2 Membership

Section 3 Purpose

## **Canon XVI The Congregations**

Section 1-12 The Vestry/Mission Council (Election, Qualifications, Duties, Officers)

Section 13 Congregations Incorporated by Special Acts

Section 14 Congregation Endowment and Trust Funds

Section 15-17 Congregation Designations

Section 18 Congregation In Good Standing

Section 19 Congregations At Risk

Section 20 Of Area and Cooperative Ministries

Section 21 Vacant Clergy positions in Congregations

Section 22 Congregations No Longer in Union - Closing Congregations

Section 23-30 Differences between Rectors and their Parishes

### **Canon XVII Miscellaneous Provisions**

Section 1 Registers and Annual Reports  
Section 2 Extraparochial Clergy Reports  
Section 3 Lay-Readers

### **Canon XVIII Discipline**

Section 1 Incorporation of Title IV of Episcopal Church Canons  
Section 2-5 Diocesan Disciplinary Board  
Section 6 Church Attorney  
Section 7 Continuation of Compensation upon Restriction

### **Canon XIX Canons, Repealed or Amended**

As Amended and Ratified by the 1976, 1977, 1978, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2010 Diocesan Conventions.

## Preliminary Canon

### **Definition of Terms**

**Assessment:** The annual financial contribution required from a Congregation for the support of the mission and ministry of the Diocese. Alternatively called the "Mission Share."

**Appellate Jurisdiction:** relating to appeals; having the power to review the judgment of another tribunal.

**Bishop Coadjutor:** a Bishop (helper to the Diocesan) with automatic right to succeed when the Diocesan retires or dies. Must be elected. (Sometimes known as the Bishop Elect.)

**Bishop Suffragan:** a Bishop, assistant to the Diocesan, who does not have the right of succession. Must be elected.

**Canonical:** in accordance with the Canons of the Diocese and/or the Episcopal Church. Eg: Clergy canonically resident in the Diocese.

**Canonical Certificate:** (Letters Dimissory). An official letter, signed by the Bishop, authorizing the transfer of Clergy to another Diocese.

**Chapel:** A regular group of worshipers who meet in an institutional, recreational, or retreat setting.

**Chaplain:** May be either ordained or Lay, as is the case in the National Board of Examining Chaplains.

**Church (or Episcopal Church):** The Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church.

**Clergy:** persons canonically ordained Bishop, Priest, or Deacon in The Episcopal Church.

**Congregation:** an organized body of believers, in a particular locality, in union with the Convention who worship in accord with the Constitution and Canons of the Episcopal Church and this Diocese. "Congregation" includes within its meaning, "Mission" and "Parish," unless in the particular context "Mission" or "Parish" is used to denote a particular status.

**Congregation not in Good Standing:** a Congregation which shall have failed to prepare and submit a Parochial Report, and or secure an annual audit as required by Canon XVI, Section 18.

**Convention:** the official Annual Meeting of the legislative body of the Diocese, convened to adopt the Budget for the coming year, and to initiate and/or approve recommended programs and policies of the Diocese. Special Conventions may be called for specific purposes (Constitution VII). Members of the Convention are all the Clergy canonically resident in this Diocese together with the duly elected or appointed Lay Delegates from each Congregation in union with this Diocese.

**Diocesan:** The Bishop of the Diocese. (cf. "Ordinary").

**Diocese:** a geographical unit in the Church, always under the supervision of a Bishop, or other Ecclesiastical Authority.

**Division, Vote By:** affirmative voters rise to be counted, then Negative voters rise to be counted. Used when voice vote is not conclusive.

**Ecclesiastical Authority:** authority relating to the Church, especially a formal and established institution. The Bishop of the Diocese or in the absence of the Bishop, the Bishop Coadjutor if there be one, or the Bishop Suffragan if there be one, or in the absence of all Bishops, the Standing Committee of the Diocese.

**Generic Terms:** any word or term used in these Canons that has an inherent connotation of gender (i.e. "he", "Clergyman", "Layman") shall be understood to be equally applicable to men and women.

***Ipsa facto:*** by the very nature of the case; by the fact itself.

**Journal:** The Diocesan Journal, published yearly, containing three parts:

- Annual reports of Diocesan Staff, Committees, Commissions, Task Forces, etc., as well as reports from affiliated organizations and institutions.
- In addition, a Pre-Convention document is published, containing information about the business which will be presented to the Delegates for action at the

Convention (Slate of Nominees, Report of the Resolutions Committee, the Budget, etc.)

- The official record, certified by the Secretary and the Bishop, of: The Minutes of the Annual Convention; Clergy listings, Diocesan Officers, Diocesan Statistics; deputies to the General Convention and to the Provincial Synod; and the names of the elected or appointed members of the Committees and Commissions.

**Members:** All persons who are members of this Church pursuant to the Canons of the Episcopal Church and who are enrolled within a congregation of this Diocese are members of the Episcopal Church within this Diocese.

**Mission:** a Congregation that has become certified as a Mission pursuant to Canon XVI, Section 16; or a Parish that has been certified as a Mission pursuant to Canon XVI, Section 17 subsections (b) and (c).

**Mission Council:** Persons elected by a Mission to fulfill the duties specified in Canon XVI.

**Mission Share:** The annual financial contribution required from a Congregation for the support of the mission and ministry of the Diocese. A Mission Share is an Assessment as that term is used in Article X of the Constitution of the Diocese.

**Mission Station:** a regular group of worshippers who may or may not seek to become an organized Mission.

**Notification of Congregations:** in the following order: the Rector, if there be one; the Vicar, if there be one; the Priest or Minister-in-Charge, if there be one; the Senior Warden.

**Notification of Vestries:** a document or the formal notice of some event, sent to the Senior Warden of a Congregation for presentation to the Vestry.

**Orders, Vote by:** Clerical and Lay votes counted by different sets of Tellers, and the results reported separately.

**Ordinary:** the Bishop of the Diocese; a prelate exercising jurisdiction over a specified territory or group. (cf. Diocesan).

**Parish:** a Congregation that has been certified as a parish pursuant to Canon XVI, Section 17 (a).

**Presbyter:** an ordained Priest in the Episcopal Church.

**Priest-in-Charge:** A duly ordained Priest serving in a Congregation by appointment of the Bishop.

**Rector:** a duly ordained Priest who has been called by the Vestry of and regularly settled in a Parish.

**Secretary of the Diocesan Convention:** Fulfills those functions required by Canon and may, at its vote, serve as Secretary of Council. The Secretary is a member of Diocesan Staff but is not necessarily an employee of the Diocese.

**Special Sessions, Notice of:** Notice to be sent at least sixty days in advance to all Clergy canonically resident in the Diocese and to all Congregations in union with the Diocese. (Constitution, Articles II and VII)

**Standing Committee:** Council of Advice to the Bishop, Ecclesiastical Authority of the Diocese when the Diocese is without a Bishop. (Constitution, Article VIII and Canon VII.)

**Trustees of the Diocese:** Officers of the Corporation, which has the same name, charged with the handling of Diocesan funds and property. (Canon XI).

**Vestry:** persons elected by a Parish to fulfill the duties specified in Canon XVI.

**Vicar:** a duly ordained Priest or Deacon, appointed by the Bishop to be in charge of a Mission and who serves at the pleasure of the Bishop.

**Viva voce:** word of mouth, voice vote.

## The Canons of The Diocese of Southern Ohio

### Canon I The Seal of the Diocese

#### *Authenticate Official Acts*

The Official Seal of the Diocese shall be in accordance with the design described as follows: "Around the rim run the words 'The Seal of the Diocese of Southern Ohio', in Latin. In the body are the usual key and crosier, surmounted by a mitre; Beneath, on a scroll, is the legend *Sicut flumen pax*". On a shield below, the field is green. Diagonally across it runs a silver stream, representing the river from which both the State and the Diocese take their name. To the lower left of the stream is a golden sheaf, taken from the State coat-of-arms; To the upper right of the stream is a plough in proper color as the emblem of Cincinnati, and the same shall be used to authenticate all official acts of the Bishop or of the Convention.

\*Isaiah 48:18 (Vulgate) *Utinam attendisses mandata mea: facta fuisset sicut flumen pax tua, et iustitia tua sicut gurgites maris.* "O that thou hadst hearkened to my commandments! Then had thy peace been as a river, and thy righteousness as the waves of the sea." (AV)

## **Canon II List of Clergy of the Diocese**

### *List to be prepared by Ecclesiastical Authority*

Section 1. The Ecclesiastical Authority shall prepare, or cause to be prepared, a list of all the Clergy canonically resident in the Diocese with their respective duties and places of residence.

### *List to be recorded*

Section 2. Such list shall be recorded by the Secretary of the Convention.

### *Record to be kept of canonical certificates*

Section 3. The Secretary of the Convention shall record all canonical certificates concerning the election or institution of Ministers; provided, that the same be accompanied by the certificate of the Ecclesiastical Authority that the same person so chosen to any Congregation in this Diocese is a qualified minister of this Church.

### *Certificate of reception to be recorded*

Section 4. (a) when Letters Dimissory shall have been accepted, the Clergy received shall procure from the Ecclesiastical Authority a certificate that they have been received into the Diocese in compliance with the Canons of the General Convention. Said clergy shall cause such certificate to be delivered to the Secretary of the Convention, who shall record the same.

### *Ecclesiastical Authority to certify names of Clergy received into the Diocese and Clerical Changes*

(b) The Ecclesiastical Authority shall also certify in writing to the Secretary, to be duly recorded, the names of all Clergy who shall, by ordination or in some other mode than as above specified, 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, suspended or resigned, in order that such names may, in the first three cases, be stricken from the record; and in the last two, that a minute of the sentence or fact be made.

### *List to be entered upon the Journal*

(c) A copy of such list shall be given to the Committee on Credentials prior to the opening of the Convention, and shall be entered upon the Journal.

### *Such record admitted as evidence in all trials, etc.*

(d) Such record, or copy thereof, or of such part thereof as may relate to the matter in question, duly attested by the Secretary, and the Seal of the Diocese, shall be admitted in evidence upon all proceedings or trials under any law or Canon in force in this Diocese.

## **Canon III The Convention**

### *Call of the Convention by a written or printed notice*

Section 1. Unless it be otherwise directed by the Convention the mode of giving notice of the meeting of the Convention shall be by printed or written notice, naming the time and place thereof, with the signature of the Secretary, sent by mail to all Clergy canonically resident in the Diocese, and to each Congregation, at least thirty days before the time appointed; the notice of the Special Sessions of the Convention shall be sent as required by Articles II and VII of the Constitution.

### *Organizing the Convention*

Section 2. The Convention shall be organized in accordance with the Constitution and the Rules of Order.

### *List of Clergy entitled to seats*

Section 3. Within one week before any session of the Convention of the Diocese, the Ecclesiastical Authority shall prepare, or cause to be prepared, a list of Clergy entitled to seats in the Convention. Such list, or a copy thereof, authenticated by the Ecclesiastical Authority, shall be filed with the Secretary, who shall record it.

### *Lay Delegates and their right to seats*

Section 4. (a) Each Congregation that has paid its annual Diocesan Assessments as provided in Article X of the Constitution shall be entitled to seat, voice and vote as follows:

1. Each mission - two lay delegates
2. Each parish - four lay delegates

Lay representation from each congregation shall be selected for the full convention year. No Lay Delegate shall be entitled to a seat in the Convention unless that person be confirmed or received and a member in good standing in the Congregation from which he or she is elected.

### *Election of Lay Delegates*

(b) The time, place and manner of holding an election of Lay Delegates and Alternate Delegates, and the notice for holding the same, shall be fixed by rules or Bylaws made by the Vestries or Mission Councils of Congregations, or by the Lay members of the same duly qualified at a meeting duly convened, provided that such election be held during the first four months of the calendar year. The Delegates so elected shall assume their duties at the next Annual Convention. No member of the Church in this Diocese shall be a voting member of more than one (1) Congregation in this Diocese for the purpose of electing Delegates to the Diocesan Convention.

Controversies in any such election shall be resolved by the Vestry or governing body of that Congregation or Fellowship in consultation with the Chancellor of the Diocese.

### *Report to the Secretary of the Convention*

Section 5. In order to compile the list of Lay and Alternate Delegates for use in the organization of the Convention, it shall be the duty of the Clerk or Secretary of the Congregation to report the names of such Delegates to the Secretary of the Convention immediately after the choices are made.

*Convention to decide contested seats*

Section 6. No other certificate or evidence of the election of a Lay Delegate as required in Section 4 shall be required, and Lay Delegates duly certified above shall be entitled to seats until further action of the Convention.

*Copy of these Sections to be sent*

Section 7. A copy of Sections 4, 5, 6 of this Canon shall be transmitted by the Secretary of the Convention to the Rector, Vicar, Priest-in-Charge and Vestry or governing body of every Congregation.

*Secretary of the Convention*

To give due notice of meeting of Convention Section 8. (a) In addition to the offices and duties elsewhere specified, it shall be the duty of the Secretary of Convention to give notice of any meeting of the Convention, in a written or printed letter transmitted by mail to all Clergy canonically resident in the Diocese and/or licensed to officiate in the Diocese and to every Congregation at least thirty days before the time appointed. This letter shall contain a notice of the time and place of holding the Convention, a printed copy of Sections 4,5 6, and 7 of this Canon relating to the appointment of Lay Delegates, and a form of certificate of their election.

*To distribute schedule of unfinished and new business*

(b) The Secretary shall have printed and distributed with the notice of the session of the Convention, a schedule of unfinished business and any new business to be presented to the Convention of which previous notice may have been given to the Secretary.

*To transmit certain documents to the Diocesan Convention*

(c) The Secretary shall have previously printed the reports of Officers and Committees to be presented to the Convention, when copy of such reports shall have been submitted to the Secretary in time to be included in Part I of the Diocesan Journal in advance of the Pre-Convention meetings. Such printed copies shall, if possible, be sent to each member and member-elect of the Convention.

*To notify those elected or appointed*

(d) The Secretary shall notify all Officers and Committees of their election or appointment within thirty days after the adjournment of the session of the Convention.

*To transmit documents to General Convention*

(e) The Secretary shall transmit to every General Convention, in addition to the documents mentioned in the Canons of the General Convention, a signed certificate of the appointment of Clerical and Lay Deputies.

*To transmit copies of the Journal*

(f) The Secretary shall transmit annually a copy of the Journal of the Diocesan Convention to the Secretary of the House of Deputies of the General Convention and to such Bishops of the Church and Secretaries of the Diocesan Convention or Convocations thereof as may request copies.

*Voting by orders in Election of a Bishop and other business*

Section 9. (a) In the election of a Bishop, voting by Orders shall be by secret written ballot and shall proceed as set forth in Article II of the Constitution.

(b) In other business, when a vote by Orders is called for by any eight (8) members (representing two (2) or more different Congregations), on any measure proposed for adoption by the Convention, voting will be by Orders. Voting need not be by secret written ballot but will be by any method specified by the President of the Convention.

### **Canon IV Deputies and Alternate Deputies to the General Convention**

*Deputies to be chosen*

Section 1. At the annual Convention in the second year before each regular meeting of the General Convention, Clergy and Lay persons shall be elected as Deputies to represent the Diocese at the General Convention in the number prescribed by the Constitution of the General Convention.

(a) Each Clerical Deputy shall be an ordained priest or deacon canonically resident in the Diocese.

(b) Each Lay Deputy shall be an adult communicant in good standing (as defined in the Canons of the General Convention) of a congregation of the Diocese.

(c) Deputies shall be elected by joint ballot of the Clergy and Laity, and a majority of those present and voting shall be required for election as required by Article I the Constitution and in accordance with the Rules of Order for the Convention.

(d) Deputies shall hold office until their successors shall have been elected and qualified except as indicated below.

*Alternate Deputies to be chosen*

Section 2. After the election of Deputies is completed, the same number of Alternate Deputies shall be elected from each Order in a single separate ballot from among the candidates who were not elected as Deputies. Individuals that withdraw from the election for Deputy after the first ballot for Deputies may be candidates for Alternate Deputy.

(a) Candidates for Alternate Deputies shall be ranked in the order of the total number of votes that they receive.

(b) In the single ballot for Alternate Deputies, as to candidates from each Order, voters shall cast no more votes than the number of Alternate Deputies to be elected from each Order.

(c) A majority vote shall not be required for election of Alternate Deputies.

(d) Alternate Deputies from each Order shall be elected according to the total number of votes cast for each candidate. Any vacancies occurring among the Deputies, Clerical or Lay, shall be filled by advancing into the list of Deputies the name highest on the list of Alternate Deputies of the same Order, in order of the highest number of votes cast.

*Deputies to signify inability to attend*

Section 3. If any Deputy be unable to attend, he or she shall notify the Secretary; and in such case, or in the case of vacancy, the Secretary of Convention shall designate from the list of Alternate Deputies, 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.

In the event that sufficient Alternate Deputies are not available, the Diocesan Council shall elect a sufficient number of persons from the appropriate Order to complete the deputation, or if the Bishop determines that is not possible, the Bishop shall appoint such persons from the appropriate Order as the Bishop deems fit to complete the deputation.

## **Canon V Deputies and Alternate Deputies to the Provincial Synod**

*Deputies to be appointed by the Bishop*

Section 1. (a) At the Annual Session of the Convention, the Bishop shall nominate the appropriate number of Deputies to the Provincial Synod, as recommended by the Synod. These Deputies, with the Bishop, shall represent this Diocese in the Provincial Synod. These nominations shall be confirmed by the Convention. These Deputies shall continue in office for one year or until their successors are nominated and confirmed.

*Qualifications*

(b) The Clerical Deputies shall be Presbyters or Deacons, canonically resident in the Diocese, and the Lay Deputies shall be confirmed or received and communicants in good standing in some congregation of the Diocese.

*Alternate Deputies*

Section 2. The Convention, in like manner, shall confirm the naming of the same number of Alternate Deputies. The names of the Deputies and Alternate Deputies shall be entered upon the Journal.

*Vacancies*

Section 3. Any vacancies occurring among the Deputies, Clerical or Lay, shall be filled by advancing into the list of Deputies the name highest on the list of Alternate Deputies of the same Order.

## **Canon VI Officers of the Diocese**

### *Treasurer of the Diocese*

Section 1. (a) There shall be a Treasurer of the Diocese, nominated by the Bishop, and elected by the Convention.

### *To receive and disburse money*

(b) It shall be the duty of the Treasurer, or persons designated by the Treasurer, to receive and disburse money collected under the authority of the Convention.

### *Funds to be deposited*

(c) All funds received by the Treasurer shall be deposited in a bank or trust company approved by the Finance Committee. Checks against such funds shall be signed or countersigned by a person or persons duly authorized by the Finance Committee.

### *To be bonded*

(d) The Treasurer shall be bonded in such amount and by such bonding company as may be approved by the Finance Committee.

### *Accounts to be rendered*

(e) The Treasurer's accounts shall be rendered annually to the Convention and shall be examined by an Auditor appointed by the Finance Committee.

### *May be removed*

(f) The Treasurer may be removed from office at any time by the Standing Committee, acting by and with the advice and consent of the Bishop, for any neglect, misconduct, or incapacity. In the event of such removal, or in case of infirmity, or of death, the Standing Committee may, with the advice and consent of the Bishop, choose a successor who shall hold office, under the same terms as the predecessor, delivering to said successor all monies, credits, accounts, papers and books, until the next Annual session of the Convention when the Convention shall elect a Treasurer.

### *Chancellor of the Diocese*

#### *Bishop may appoint*

Section 2. The Bishop, with the approval of the Standing Committee, may appoint a person learned in the law, as Chancellor of the Diocese, who shall be entitled, ex-officio, to a seat and voice in all sessions of the Convention; and to continue in office until death, or resignation, or revocation of appointment by the Bishop. The Chancellor, if an ordained person, must be canonically resident in this Diocese. If a Layperson, such person must be a member in good standing of some Congregation in this Diocese.

### *Registrar of the Diocese*

Section 3. (a) There shall be a Registrar of the Diocese, nominated by the Bishop and elected by the Convention.

(b) The Journals, files, papers, reports, and other documents which, under the Canons or otherwise, shall become the property of this Convention, shall be committed to the keeping of the Registrar.

*Shall procure and preserve documents, etc.*

(c) It shall be the duty of the Registrar to procure all such Journals, files, papers, reports, copies of charters and acts of incorporation of Churches, and other documents as may be of value in the history of this Diocese; to arrange, label, file, index and otherwise put in order and provide for the safe keeping of the same and all such others as may hereafter come into possession of the Registrar, in some safe and accessible place of deposit; and to hold the same under such regulations and restrictions as the Convention may, from time to time, provide.

*To record*

(d) It shall be the Registrar's duty also to prepare and to preserve, in a proper Registry book, a record of the ordination and consecration of the successive Bishops of the Diocese, designating accurately the time and place of the same, with the names of the ordaining and consecrating Bishops, and of the others present and assisting; to record a list of all the Presbyters and Deacons, and the dates of their connection with this Diocese, and to acquire copies of the charters and acts of incorporations of Congregations in the same, with such additional facts as may be worthy of preservation in the archives of this Diocese.

*Shall make an annual report*

(e) The Registrar shall make a report in writing at each Annual session of the Convention, which report shall be printed in the Journal.

*The Historiographer of the Diocese*

*Bishop may appoint*

Section 4. The Bishop, with the approval of the Standing Committee, may appoint a person qualified for the purpose, as Historiographer of the Diocese, whose duty shall be, to keep and preserve in suitable form a record of the important events pertaining to the history of the Diocese, and who shall continue in office until death, or resignation, or revocation of appointment by the Bishop. The Historiographer, if an ordained person, must be canonically resident in this Diocese; if a Layperson, such person must be a member in good standing of some Congregation in this Diocese.

## **Canon VII The Standing Committee**

*Shall choose a President and Secretary and record proceedings*

Section 1. The Standing Committee shall, at its first meeting, choose a President and Secretary from among its members. The Secretary shall record its proceedings. All papers in the Committee's hands relative to the Diocese, shall be subject to the examination of the Bishop and of the Convention, and a full report of the

Committee's acts shall be made at each Annual session of the Convention. This Canon shall not apply to any proceedings under Canon XVIII, Section 2.

*Council of Advice*

Section 2. The Standing Committee shall be a Council of Advice to the Bishop. It may be summoned by the Bishop whenever the Bishop shall wish for its advice; and it may meet of its own accord, and agreeable to its own rules, whenever it may be disposed to advise the Bishop.

**Canon VIII Diocesan Commission on Ministry**

Section 1. There shall be a Diocesan Commission on Ministry whose duties shall be to assist the Bishop as prescribed by the Constitution and Canons of the Episcopal Church.

Section 2. The Commission shall assist the Bishop with regard to the implementation of Canon III.1 of the Episcopal Church, "Of the Ministry of all Baptized Persons:"

- (a) In determining present and future opportunities and needs for the ministry of all baptized persons in the Diocese and the world.
- (b) In supporting the development, training, utilization and affirmation of the ministry of all baptized persons in the Diocese and in the world.

Section 3. The Commission shall assist the Bishop with regard to the needs for ordained and Lay professional ministries in the Diocese:

- (a) In determining present and future needs for ordained and Lay professional ministries in the Diocese.
- (b) In recruiting and selecting persons for Holy Orders and in guiding and examining Postulants, Candidates, and Deacons in training for Priesthood.
- (c) In providing for the guidance and pastoral care of the Clergy and Lay Persons who are in stipendiary and non-stipendiary positions accountable to the Bishop.
- (d) In promoting the continuing education of the Clergy and of Lay Professionals employed by the Church.

Section 4. The Diocesan Commission on Ministry shall consist of no fewer than six and no more than nine clergy and an equal number of lay persons to be appointed by the Bishop for a period of three years. Vacancies in the Diocesan Commission on Ministry shall be filled for the unexpired terms by appointment by the Bishop of the Diocese. The Chair shall be appointed by and serve at the Bishop's will and pleasure.

Section 5. The Diocesan Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop, provided the same are not inconsistent with the Constitution and Canons of the Episcopal Church in the Diocese of Southern Ohio. These rules may include the appointment of committees from and beyond its membership to assist the Commission in its responsibilities. Ultimate responsibility shall remain with the Commission as a whole to report to the Bishop concerning an applicant's fitness and readiness for admission as a Postulant or Candidate, for ordination to the Diaconate and, if requested by the Bishop, to the Priesthood.

Section 6. The Diocesan Commission on Ministry shall report in writing and without delay the findings concerning each Explorer, Postulant and Candidate before his or her ordination to the Bishop and the Standing Committee. It shall likewise report annually, or more often on request, to the Bishop on the performance of other duties. It shall make such reports as called for under Title III, Canon 1, Section 4, and Title III, Canon 7, Section 4 of the Constitution and Canons of the Episcopal Church and shall transmit a copy of any reports to the Annual Convention of the Diocese.

**Canon IX (This Canon was removed by action of the 124th Annual Convention)**

## **Canon X Finance Committee**

### *Finance Committee Membership and Reporting*

Section 1. (a) There shall be a Finance Committee nominated by the Bishop and elected by the Convention at each Annual session of the Convention. The Committee shall consist of ten persons, at least six of whom shall be laypersons, and shall report to each Annual session and between sessions to the Diocesan Council, upon all such matters pertaining to the finances of the Diocese as may be assigned to it by Canon or referred to it by Convention or Diocesan Council.

### *Finance Committee Responsibility to oversee financial activity*

(b) The Finance Committee shall have the responsibility of overseeing the fiscal responsibility of Diocesan operations. In order to do this it shall:

1. Recommend changes and additions to the Diocesan Accounting Policies and Procedures as it feels desirable.
2. Review the status of all budgets at least bi-monthly, and report same to the Diocesan Council together with any recommendations it may wish to make regarding corrective action which should be taken in case of overexpenditure.
3. Arrange for, review and circulate the reports of, and see to the disposition of all recommendations resulting from audits of Diocesan accounts as provided for in Section 4 hereof.
4. Call to the attention of the Bishop and the Diocesan Council (or Convention) any conditions, practices, or actions that it deems to be improper, irresponsible, or not in the best interest of the Diocese.

*Authority to borrow*

Section 2. In order to enable the Treasurer to meet Diocesan obligations when due, and in anticipation of payments by the Congregations, the Finance Committee shall have the power to authorize the Treasurer to borrow money.

*Fiscal year to begin January 1st*

Section 3. (a) The fiscal year of the Diocese and of all of the Congregations in the Diocese shall begin on January first, in accordance with the Church's Canon.

(b) Each Congregation in the Diocese shall comply with the audit reports required by Title I Section 7 of the Church's Canons, under procedures established by the Finance Committee.

*Accounts to be audited*

Section 4. (a) Accounts having to do with the receipt and expenditure or investment of money of all Church organizations shall be audited by the close of the year, in accordance with the Church's Canon.

(b) In this regard, the Diocese may rely on the opinion of an independent auditor or regulatory authority of any duly authorized bank, trust company, or other financial institution having custody of Diocesan securities or other assets.

## **Canon XI Diocesan Trustees and Property**

*Election and term of office Five-year term*

Section 1. "The Trustees of the Diocese of Southern Ohio" is a corporation, not for profit, hereinafter referred to as Trustees, duly incorporated under the laws of Ohio. The Board of Trustees of that Corporation, hereinafter referred to as Board of Trustees, shall consist of five members of the church within this Diocese, no more than two of whom may be members of the clergy. Each Annual Session of the Convention shall elect one trustee, to serve for a term of five years, from and after the first day of December next after election of the Trustee. The Board of Trustees shall fill all vacancies, less than a majority, that may occur in its Board by reason of death, resignation or removal from the Diocese, or in any manner, by electing a Trustee to serve until the next Annual session of the Convention of the Diocese, at which time the Convention shall elect a Trustee to fill the unexpired term.

*Shall hold endowment fund and all Diocesan funds and property of defunct Congregations*

Section 2. (a) Said Trustees of the Diocese of Southern Ohio shall hold in trust, under the laws of Ohio, and also under any orders of any session of the Convention of the Diocese, any endowment fund, or any property, real or personal, that may be given, bequeathed, devised, or conveyed to it in trust for the use and benefit of the Diocese of Southern Ohio, or for any society, committee, or organization of such Diocese, or for the use and benefit of any Congregation, or society located within the Diocese of Southern Ohio.

(b) Said Trustees of the Diocese of Southern Ohio shall also take possession, in behalf of said Diocese, of any and all property of any Congregation, or society of said Church, within the territory of said Diocese, declared by said Diocesan Convention to be extinct or defunct, so far as the laws of the State do now or may hereafter, give power to said Board of Trustees so to do.

*May take in trust Congregation funds or property if desired*

Section 3. Said Trustees of the Diocese of Southern Ohio may at any time accept property, real or personal, that shall be given, bequeathed, devised, or conveyed to it to hold in trust for the use and benefit of the Diocese of Southern Ohio, or any society, committee, or Congregation of such Diocese; or for use in any Congregation or society, subject to the jurisdiction of the Convention of said Diocese, and under the Constitution, Canons and jurisdiction of said Church, in said Diocese; provided, that in the case the Congregation or society for whose use the property is so conveyed (while still within the territorial limits of said Diocese), shall be declared extinct or defunct by the Convention of said Diocese, or shall cease to be in recognized union with the said Episcopal Church in said Diocese under its Constitution, Canons, and jurisdiction, said trust property and real estate shall thenceforth be held and administered by said Corporation under the direction of the Convention of said Diocese.

*Shall report annually to Convention*

Section 4. The Board of Trustees shall report its acts and proceedings to the Convention annually, stating particularly, among other things, all donations or conveyances accepted by it during the preceding year.

*May elect a treasurer*

Section 5. The Board of Trustees may elect its own treasurer, under rules prescribed by it. It shall, among other things, order and provide for the investment and care of said funds and property. It shall have the power to do all things that may be necessary for the safe and profitable investment and disbursements thereof, and to receive at its convenience, the possession of any and all said funds from any former or other present members of the Board of Trustees of the same. It shall have all powers embraced within the terms of the certificate of incorporation of the Board of Trustees of the Diocese of Southern Ohio, now on file in the office of the Secretary of the State of Ohio, and under the Statutes of the State of Ohio, and may invest, reinvest, lease, manage, and control all property and funds vested in it for the best interest of said Church in said Diocese, subject to the direction and control of said Convention.

*May establish other organizations and/or corporations*

Section 6. (a) Under the authority and direction of the Trustees, and with the approval of the Diocesan Convention, other Organizations and/or Corporations may be established to carry out one or more of the powers and duties of the said Trustees.

Specifically, there have been created and now exist the following Corporations pursuant to this Section:

1. The Church Foundation of the Diocese of Southern Ohio, incorporated February 9, 1922 under the laws of Ohio; and

2. 412 Sycamore, Incorporated, incorporated January 24, 1964 under the laws of Ohio.

(b) It is the intent of this Section that any Organization and/or Corporation including the two above named shall have such duties and powers as will facilitate those purposes for which the Trustees (the Corporation) was formed without enlarging or abridging those purposes.

## **Canon XII The Diocesan Council**

Section 1. (a) There shall be a Diocesan Council, whose duty it shall be to carry out the program and policies adopted by the Diocesan Convention. The Diocesan Council shall have charge of the coordination, development, and prosecution of the missionary, education, and social work of the Church, and of such other work as may be committed to it by the Diocesan Convention.

### *Duties and Powers of Council*

(b) The Council shall exercise the powers conferred upon it by Canon, and such further powers as may be designated by the Diocesan Convention, and between sessions of the Diocesan Convention may initiate and develop such new work as it may deem necessary.

(c) The Council shall have the power to expend all sums of money authorized by the Budget approved by the Diocesan Convention, subject to such restrictions as may be imposed by the Diocesan Convention. It shall also have power to under-take such other work approved by the Diocesan Convention, or other work under the jurisdiction of the Council, the need for which may have arisen after the action of the Diocesan Convention, as in the judgment of the Council available income will warrant.

### *Membership*

Section 2. The Diocesan Council shall consist of the Bishop, the Bishop Coadjutor, if there be one, the Bishop Suffragan, if there be one, as ex officio members with voice and vote, and eighteen (18) persons, fifteen (15) of whom shall be elected by the Convention as set forth in Section 3 (a) below, and three (3) of whom shall be appointed by the Bishop as set forth in Section 3 (b) below. To be eligible for election or appointment to Diocesan Council, a person shall have the same qualifications as a person elected as a delegate to Diocesan Convention.

### *Elected Members*

Section 3. (a) The elected members of said Diocesan Council shall be elected, five (5) each year, by the Diocesan Convention, shall serve for three (3) years from the time of their election, and shall be eligible for reelection to not more than one additional

consecutive three-year term. There shall be a ratio of one (1) Clergy, canonically resident in this Diocese, to two (2) lay persons, each of whom shall be a member in good standing of a Congregation in the Diocese. The Nominating Committee shall provide a slate of candidates representative with regard to geography, expertise, minority groups, sex, age, and other appropriate considerations.

#### *Appointed Members*

(b) The Bishop shall appoint three (3) additional persons qualified as set forth in Section 3 (a) above, within 30 days following the adjournment of the Diocesan Convention to serve until the next Convention. These appointments shall be made so as, in the Bishop's judgment, to cause the council to be more reasonably representative with regard to geography, expertise, minority groups, sex, age, and other appropriate considerations. Such appointed members shall serve no more than three (3) consecutive years.

#### *Presiding Officer, Meetings, Quorum*

Section 4. The Bishop, or, in the absence of the Bishop, the Bishop Coadjutor, if there be one, or in the absence of both the Bishop and Bishop Coadjutor, the Bishop Suffragan, if there be one, shall preside at meetings of the Diocesan Council. In the absence of all Bishops, the Vice-Presidents shall preside in order. The Diocesan Council shall meet regularly at least six (6) times per year on its own schedule, and at other times at the call of three (3) members. A quorum to transact business shall consist of a majority of all members, including the ex-officio members, provided at least 15 days notice of the meeting has been given to all members.

#### *Vacancies*

Section 5. Vacancies in the Council membership shall be filled within 30 days as follows:

- If the member to be replaced was an appointed member, the Bishop shall make a new appointment.
- If the member to be replaced was an elected member, the replacement shall be chosen by the Diocesan Council, and shall serve only until the next regular election at which time a person shall be elected to complete the term.

#### *Authority to appoint its Officers*

Section 6. The Council shall elect from among its members First and Second Vice-Presidents, and shall appoint its own Recording Secretary.

#### *To make report*

Section 7. The Diocesan Council shall make a written report, summarizing its actions, to the Diocesan Convention each year, which report shall be printed in the Journal.

#### *Periodic Systemic Review*

Section 8. At intervals of no less than three nor more than five years the Diocesan Council shall arrange for a systemic review of the Diocesan organization and

operations with the conclusions and recommendations resulting therefrom reported to the Convention for its information and action.

### **Canon XIII Budgeting Process**

#### *Convention duty to establish an Operating Budget*

Section 1. It shall be the duty of the Convention to establish an annual Operating Budget (The Budget).

#### *Budget Committee Membership*

Section 2. To accomplish this, it shall establish a Budget Committee composed of three (3) elected members of Diocesan Council; three (3) members elected by Convention; three (3) members appointed by the Bishop; and the Bishop, the Diocesan Treasurer, and the Chairman of the Trustees, ex-officio. The Bishop shall designate one of these individuals to serve as Chair. One (1) person from each of the three (3) appointed and elected categories shall be a canonically resident Presbyter, and the others shall be lay persons. The following criteria are recommended for Budget Committee membership:

- (a) working knowledge of budget procedures;
- (b) personal and/or business experience appropriate to this committee;
- (c) some demonstrated experience on Diocesan programs which would reflect direct knowledge of "how the system works;"
- (d) willingness and ability to commit to monthly meetings in addition to Council meetings, and perhaps more in spring/early summer; and
- (e) representation with regard to geography, minority groups, sex, and age.

#### *Steps in Budget Process*

Section 3. The Budget Committee shall proceed as follows:

- (a) It shall accept requests for funding for all program and project work.
- (b) In addition, the Finance Officer shall cause funding requirements to be prepared for incorporation in the Budgets. The Finance Officer shall also be responsible for developing the estimated resources.
- (c) The Budget Committee shall adjust the requests and estimates as needed to achieve a balanced budget.
- (d) It shall be the duty of the Budget Committee and Diocesan Council to keep Convention delegates informed about the Budget.

(e) After the Draft Budget has been approved by the Diocesan Council, and as soon after June 1 as practicable, the Finance Officer shall advise each Congregation, on an informal and tentative basis, the information referred to in subsection (g) below in order that it may plan its Every Member Canvass.

(f) The Budget thus prepared shall be presented for approval to the Diocesan Convention. Convention may amend the Budget in accordance with the Rules of Order for the Annual Convention. The Convention's right to amend shall not be limited or diminished by the fact that informal and tentative data have been given to the Congregations in accordance with subsection (e) above.

(g) When approved by the Convention, the Budget shall be reported to each Congregation within one (1) month of the close of the Convention together with that Congregation's required assessment. Such assessments shall be determined on some fixed and uniform plan, based on the ability of each Congregation as shown on its Annual Parochial Report.

(h) Each Congregation shall inform the Diocese before March 1 of its intention to pay its assessment. If it cannot pay its assigned assessment, the Congregation shall immediately so inform the Finance Office of the Diocese.

(i) In light of the aggregate of all the assessments, the Diocesan Council may adjust the Budget.

#### *Assessment Expenses*

Section 4. The quota assessed on the Congregations shall provide for the salaries and housing (unless they are specifically endowed) of the Bishop, the Bishop Coadjutor if there be one, and Bishop Suffragan if there be one, and such contingent expenses as are set forth below:

(a) Traveling and other official expenses of the Bishop, Bishop Coadjutor if there be one, and Bishop Suffragan if there be one.

(b) The quota assessed on the Diocese by the General Convention and by the Provincial Council for contingent expenses.

(c) Publishing the Journal of the Convention, and such other documents as may be ordered by the Convention.

(d) The salary of the Secretary of the Convention (the Legislative Officer of the Diocese).

(e) Other administrative expenses including the operation of Diocesan Headquarters, Diocesan Convention, and Diocesan Council.

(f) The sum for the expenses of Clerical and Lay Deputies for attending upon the General Convention and Provincial Synod.

(g) Such other expenses as may be authorized by the Diocesan Convention or Council and listed in the Diocesan Accounting Policies and Procedures.

#### *Other Expenses and Income*

Section 5. (a) All other expenses of the Diocese not provided for by the assessment, the Church Foundation Budget, or the William Cooper Procter Fund, including those of any self-supporting, partially self-supporting, or specifically endowed operations, shall be supported entirely from gifts of individuals and Congregations, incidental earnings, and funds from Trusts and Endowments when appropriate according to the terms thereof.

(b) In the case of self-supporting, partially self-supporting, and specifically endowed operations, the Budget shall show the net cost (or income) to the Diocese. The total incomes and expenses shall also be shown.

#### *Remittal of Funds*

Section 6. It shall be the duty of the Vestry or Mission Council of each Congregation to provide for the collection of such sums as shall be needed to meet its assessment. The Vestry or Mission Council shall transmit the same in monthly installments.

### **Canon XIV Administration of Financial Affairs**

#### *Diocesan Accounting Policies and Procedures*

Section 1. Diocesan Council (Council) shall be responsible for the preparation, publication, and as is periodically required, revision, of a set of "Diocesan Accounting Policies and Procedures."

#### *Formation of Policies*

Section 2. (a) Council at a regularly called meeting shall adopt and authorize the original set of policies and procedures, and any subsequent revision thereof, with advice of any of the following bodies which may be affected by the policy or policies under consideration: The Finance Committee, The Trustees, The Church Foundation, 412 Sycamore, Inc., and the Congregations of the Diocese of Southern Ohio.

#### *Extent of Policies*

(b) The policies shall cover, but not necessarily be limited to the following: expense account approval, commitment authorization, invoice payment, budget over-expenditure authorization, interim and final budget reporting, asset depreciation (replacement reserve) funding and the annual parochial reports.

#### *Duty to Adhere to Policies*

Section 3. The Diocese and its affiliates and subordinates shall adhere to the Diocesan Accounting Policies and procedures as established herein.

### **Canon XV The Commission on Congregational Life**

### *Authority*

Section 1. The Bishop has authority over all missionary work within this Diocese. The Bishop shall establish a Commission on Congregational Life (COCL) to assist with the organization and oversight of Missions.

### *Membership*

Section 2. The Commission on Congregational Life shall consist of the Bishop, or the Bishop's representatives, ex officio and twelve members appointed by the Bishop. At each annual Diocesan Convention, the Bishop shall designate one member to chair the Commission.

### *Purpose*

Section 3. (a) The Commission on Congregational Life shall implement the mission strategy for the Diocese of Southern Ohio subject to the authority of the Bishop and Diocesan Council. In its implementation of the mission strategy COCL shall encourage, support, evaluate, and seek opportunities for the development and growth of all existing Missions and Parishes in the Diocese. COCL is also charged with the development of new Congregations. The Commission on Congregational Life shall be responsible, under the direction of the Bishop and Diocesan Council, for coordinating the implementation of Canon XVI.

(b) COCL shall make recommendations to the Bishop and Diocesan Council with regard to the founding of new Congregations

(c) COCL shall oversee changes in the status of a Congregation, changes in the designation of a Congregation, and the closing of a Congregation.

(d) The Commission on Congregational Life shall receive and review all requests for funding made by Congregations and shall determine financial support based on appropriate Diocesan budget resources.

(e) The Commission on Congregational Life shall conduct an Annual Review of all Missions.

## **Canon XVI The Congregations The Vestry/Mission Council**

### *Eligible voters*

Section 1. Every Congregation certified as a parish shall have a Vestry and every Congregation certified as a mission shall have a Mission Council.

Section 2. All members of the Church in good standing aged 16 or older shall be eligible to vote for the election of a Vestry or Mission Council and on other Congregational matters, who at the time of voting shall have contributed, by subscription or otherwise, to the support of the Congregation and who shall be entitled to enrollment on the list of members in good standing of the Congregation.

### *Electing the Vestry or Mission Council*

Section 3. Every Congregation of this Diocese shall meet annually, some time between the beginning of Advent and the end of Lent, at a date and time for which public notice shall have been given at least twenty (20) days in advance, for the purpose of electing a Vestry or Mission Council. Such meeting shall be opened with prayer, and shall be conducted according to the Rules or Bylaws of each Congregation. If a Congregation be incorporated, the Vestry or Mission Council shall also be the Board of Trustees of the Corporation. The Vestry or Mission Council shall consist of no fewer than five (5) nor more than fifteen (15) members, one of whom shall be Senior Warden and one Junior Warden; and all of whom shall continue in office until successors are chosen. The Vestry or Mission Council may, by a majority vote, elect to its body certain persons in the Congregation, not to exceed two (2) in number, to serve for a period of one (1) year. Such appointed persons may serve for the number of terms determined by the Vestry or Mission Council. The Senior Warden and Junior Warden shall be first elected, in succession, on separate ballots and the remaining members of the Vestry or Mission Council shall be elected on a subsequent separate ballot. Except for the Wardens, a Congregation may elect some of the remaining members of the Vestry or Mission Council for a term of two or more years, provided that no Vestry or Mission Council member shall serve for a period longer than six years without re-election, and that each year some of the Vestry or Mission Council must be elected.

*Alternate methods of election*

*Alternate Method 1*

Section 4. (a) Any Congregation of this Diocese, on recommendation of its Vestry or Mission Council, notice of which recommendation shall be given at the same time as notice of the Annual Meeting, may dispense with the direct election of the Senior and Junior Wardens by the members of the Congregation at the Annual Meeting of the Congregation so that, at such Annual Meeting, only members of the Vestry or Mission Council shall be elected. The election of the Senior Warden and Junior Warden shall be deferred until the first meeting of the newly constituted Vestry or Mission Council when said Wardens shall be elected in succession and on separate ballots from and by the members of that Vestry or Mission Council; and members of the Vestry or Mission Council so elected as Wardens shall, if the term of their election to the Vestry or Mission Council permit, serve out their full term after the expiration of their elected term as Senior Warden or Junior Warden.

*Alternate Method 2*

(b) Notwithstanding the procedure for election of Wardens and Vestry or Mission Council members provided for herein, any Congregation may, by enacting an appropriate regulation, adopt a procedure for the election of Wardens and Vestry or Mission Council members to be accomplished by a single ballot vote to be taken prior to the Annual Meeting. In this event, such ballot is taken following thirty days notice, given in the customary manner, and at such time and place as will enable the eligible voters to cast their ballots before, during, or after regular Church services on two Sundays prior to the Annual Meeting. Further, provision shall be made for inclusion of names on the ballot, in addition to those placed by the Nominating Committee, upon presentation of such names by a petition signed by five eligible

voters presented to such Nominating Committee, not less than two weeks prior to the first day of balloting.

*Terms of Wardens Office*

(c) Notwithstanding any other provision of this Canon XVI, any Congregation may provide by regulation or bylaw that the Senior Warden and the Junior Warden may serve terms of up to three years without re-election.

*Presiding Officer*

Section 5. The Rector of the Parish, or Vicar of a Mission, if present, shall preside at Congregation meetings, except that he or she may choose to designate a Layperson to preside, or may request the Vestry or Mission Council to elect a Layperson to preside. In the absence of the Rector or Vicar, or that of the Layperson presider, the order of priority for the Presiding Officer shall be ex-officio: 1) The Senior Warden; 2) The Junior Warden; and 3) The Secretary of the Vestry or Mission Council. Should none of the foregoing officers be present, the Congregation Meeting may elect one of its members to preside.

*Qualifications of Vestry or Mission Council members and Wardens*

Section 6. A baptized person may be elected to, and may serve upon the Vestry or Mission Council of a Congregation of which he or she is a member; provided, however, that to be eligible as a Warden, one must be at least twenty-one (21) years of age and a member in good standing; and provided further that a majority of the members of a Vestry or Mission Council must be at least twenty-one (21) years of age.

*Duties of Vestry or Mission Council*

Section 7. (a) It shall be the duty of the Vestry or Mission Council of the Congregation to take charge of the property thereof, and, except so far as the Congregation may have adopted some other plan under Section 14 of this Canon with regard to its endowment funds, to regulate all its temporal concerns. But a Vestry or Mission Council may not convey title or mortgage, or encumber the real property of a Congregation, or divert any of its endowments, or in any way alienate any of said property of a Congregation from the use of the Episcopal Church in the Diocese of Southern Ohio, without the previous consent of the Bishop and Standing Committee. It shall be the duty of the Vestry to elect and call a Rector and to provide for his or her maintenance. It shall be the duty of the Vestry or Mission Council to provide for paying all lawful assessments on the Congregation, to keep order in the Church during Divine Services and, in general, to act as helpers to the Rector, Vicar, or Priest-in-Charge in whatever way is appropriate to Laypersons for the furtherance of the Gospel; it being understood always that the spiritual concerns of the Church are under the exclusive direction of the Rector, Vicar, or Priest-in-Charge, in subordination to the Ecclesiastical Authority and Laws of the Diocese.

(b) It shall be the duty of the Vestry or Mission Council of the Congregation to maintain the property thereof and to insure the property at a prudent level for its replacement as determined by the Vestry or Mission Council and as approved by the Bishop and Standing Committee.

*Duties of Wardens*

Section 8. It shall be the duty of the Wardens, especially to provide the elements for the Lord's Supper, to collect the alms at the administration of the same, to keep and disburse such alms in case the Church is destitute of a Rector, Vicar, or Priest-in-Charge, and while the Church is destitute of a Rector, Vicar, or Priest-in-Charge, to provide for the celebration of public worship, and the instruction of the congregation, by occasional clerical services, or by lay reading, as the circumstances may permit.

*Called meetings of the Vestry or Mission Council*

Section 9. Meetings of the Vestry or Mission Council may be called by the Rector or Vicar, or in the absence of the Rector or Vicar, by the Senior Warden, and in the absence of both by the Junior Warden. A meeting may be called at the request of two members of the Vestry or Mission Council.

*Secretary of the Vestry or Mission Council and duties*

Section 10. The Vestry or Mission Council shall elect a Secretary whose duty it shall be to take and record the Minutes of its proceedings, attest the public acts of the Vestry or Mission Council, preserve all records and papers belonging to the Congregation, not otherwise provided for, perform such other duties as shall be legally assigned and faithfully deliver to the Secretary's successor all books and documents in the possession of the Secretary belonging to the Congregation.

*Treasurer of the Vestry or Mission Council*

Section 11. (a) The Vestry or Mission Council shall elect a Treasurer of the Congregation, whose duty it shall be to receive, disburse and account for the funds of the Congregation. Every Congregation shall comply with the audit requirements of the Church's Canons.

*To be bonded*

(b) The Treasurer, and the Secretary if necessary, and such other officers who are charged with the handling or custody of funds, shall be bonded according to the requirements of the Church's Canons.

*Vacancies in the Vestry or Mission Council and Extinction of Vestry or Mission Council*

Section 12. Vacancies occurring in the Vestry or Mission Council during the year may be filled by the remaining members. If the Vestry or Mission Council should become extinct or incapacitated for action, by the death or resignation of its members, the Bishop may call a special meeting of the Congregation (giving due notice thereof) to elect a Vestry or Mission Council to serve until the Annual Meeting of the Congregation next following; and, if the members of the Congregation shall refuse or neglect to assemble and elect as herein provided, the Bishop, with the advice and consent of the Standing Committee, may appoint three Trustees to take charge of the property and endowment funds of the Congregation, and to exercise the rights and functions of the Vestry or Mission Council until the Congregation shall elect the same.

*Congregations incorporated by Special Act excepted*

Section 13. Congregations incorporated under the laws of Ohio in force prior to the adoption of the Constitution of 1851 are excepted from any part of the Canons in conflict with the law under which such Congregations were incorporated and are excepted from the provisions of Section 3 of this Canon with respect to the dates on which the Annual Meeting of such Congregations shall be held.

*Congregations Endowments and Trust Funds*

*Endowments*

Section 14. (a) Any Congregation in this Diocese may adopt any plan of Congregation Endowment not inconsistent with the laws of Ohio, or with the Constitution and Canons of this Diocese or of The Episcopal Church.

*Trust funds may be placed with Trustees of the Diocese*

(b) It shall be the right and privilege of the custodians of all endowment funds, and other trust and permanent funds for Church purposes, so far as is permissible under the terms of the grant or bequest thereof, to advise and cooperate with the Trustees of the Diocese of Southern Ohio, hereinafter termed Trustees, and such custodians may deposit said funds in trust with the said Trustees to be held and administered by the aforesaid Trustees, to be used for the object or objects designated by the terms of the gift or bequest and a full, detailed statement of said fund or funds shall be reported annually to the Diocesan Convention.

*Duty of Ordained Ministers*

(c) It shall be the duty of Ordained Ministers to instruct their congregations from time to time that endowment funds, and other trust and permanent funds, may be placed directly into the hands of the Trustees of the Diocese of Southern Ohio, a corporation, to be held and administered by said corporation in trust, to be used for the object or objects designated by the terms of the gift or bequest. (See Digest of Canons of General Convention, "On Business Methods in Church Affairs.")

*Congregation Designations*

*Mission Stations and Chapels*

Section 15. (a) A regular group of worshippers who may, or may not, seek to become an organized mission may be designated as a Mission Station by the Bishop.

(b) A regular group of worshippers who meet in an institutional, recreational, or retreat setting may be designated a Chapel by the Bishop. There is no expectation that a Chapel will seek to become a new Congregation of the Diocese.

(c) Mission Stations and Chapels are under the jurisdiction and direction of the Bishop.

*Establishment of Missions*

Section 16. (a) At any time, twenty or more persons aged at least 18 years, at least two of whom shall be aged at least 21 years and members of the Episcopal Church, may petition the Bishop for permission to establish a Mission.

The form of petition shall be as follows:

*We, the undersigned, being moved by the Holy Spirit, desire to form a new Congregation. We will live and work to extend Christ's Kingdom, and commit ourselves to conform to the Doctrine, Discipline and Worship of the Episcopal Church. We ask the Bishop for permission to establish a Mission within the Diocese of Southern Ohio. We recognize that we are responsible to provide a place for worship and program, and to provide for such sacramental and pastoral ministry as seems appropriate in consultation with the Bishop.*

(b) The Commission on Congregational Life shall review the petition as it applies to the missionary needs of the Diocese, assess the prospects for the establishment of a new Congregation in that location, and report its recommendation to the Bishop. The Commission on Congregational Life shall consult with and seek the support of all Congregations contiguous to the territory of the proposed Mission.

(c) When the Bishop determines that the petitioners are able to provide a place for regular worship, and are willing to be evangelists for Christ, and can provide for sacramental and pastoral ministry, the Bishop shall by letter give provisional permission for the establishment of the Mission until the next annual Convention. The Bishop shall so inform the Commission on Congregational Life and Diocesan Council. The provisional Mission shall be presented for union with Convention at the next session of the annual Convention.

(d) The continuation of the Mission and its continued association with the Diocese shall be reviewed by the Bishop or his appointed representative, and by the Commission on Congregational Life, every other year, in the month preceding the anniversary of the letter of formation.

(e) Any Congregation in union with Convention may petition the Bishop to organize a Parochial Mission following the above guidelines. The Congregation shall satisfy the Bishop and COCL of its ability to sponsor and financially sustain itself and the Parochial Mission.

*Change in Congregation's Designation  
Designation as a Parish*

Section 17. (a) For Missions presently in union with the Convention, a change of designation from Mission to Parish shall be made by the Bishop upon recommendation of the Commission on Congregational Life. Criteria for such a change shall be consistent with the following, plus such other factors as the Bishop and Commission on Congregational Life may, from time to time, deem appropriate:

1. Celebration of public worship at least weekly.
2. Maintenance of an adequate level of ordained leadership as approved by the Commission on Congregational Life. Such leadership shall be compensated in accordance with the minimum Diocesan standards.
3. Payment of the Congregation's full annual Diocesan assessment

4. Servicing all legal debts of the Parish.
5. Twenty (20) or more persons aged 18 years or older from at least twenty separate households as members in good standing.

When granted, this designation is provisional until the Commission on Congregational Life submits a resolution to Convention that the Mission be received into union with the Diocesan Convention as a Parish and the Convention approves the resolution by a two-thirds vote of both Orders.

*Designation as a Mission*

(b) At any time, a change of designation from Parish to Mission may be requested by the Rector and Vestry in order to further the missionary strategy of the Congregation and Diocese. This request will be considered by the Bishop and the Commission on Congregational Life. If approved, the Bishop shall inform the Secretary of the Convention.

(c) For Parishes presently in union with the Convention, a change of designation from Parish to Mission may be made by the Bishop upon recommendation of the Commission on Congregational Life, when at the end of the second consecutive year, a Parish has been unable from its own resources to provide for any one of the following listed below:

1. Celebration of public worship at least weekly.
2. Maintenance of an adequate level of ordained leadership as approved by the Commission on Congregational Life. Such leadership shall be compensated in accordance with the minimum Diocesan standards.
3. Payment of the Congregation's full annual Diocesan assessment
4. Servicing all legal debts of the Parish.
5. At least twenty (20) persons aged 18 years or older from at least twenty separate households as members in good standing.

The change in a Congregation's designation shall take effect upon the Bishop's approval of the recommendation from the Commission on Congregational Life. Criteria for such a change of designation shall be consistent with those listed above plus such other factors as the Bishop, and the Commission on Congregational Life may, from time to time, deem appropriate.

*Congregations in Good Standing*

Section 18. (a) Any Congregation will be considered to be in Good Standing by meeting the following criteria:

1. The Congregation employs Clergy who are licensed in the Diocese; uses church buildings and grounds for purposes consistent with its consecration; and follows a course consistent with the doctrine, discipline, and worship of this Church.
2. The Congregation annually elects and regularly assembles a Vestry or Mission Council; annually sends representatives to the Annual Convention of this Diocese; pays its full Diocesan assessment for the preceding calendar year by June 30 of any year or by one week before the scheduled meeting of the Convention if that precedes June 30.
3. The Congregation has been diligent in its search for and election of a Rector, or has accepted the Bishop's appointment of a Vicar, or, in the case of a recognized Area and Cooperative Ministry, diligent in searching for and calling a Priest
4. The Congregation maintains adequate insurance to protect the Congregation's capital assets
5. The Congregation makes timely reports and prepares and submits to the Bishop or Ecclesiastical Authority the Parochial Report for the year ending December 31 preceding, not later than March 1 of each year.
6. The Congregation secures an annual audit of all accounts of the Congregation for the year ending December 31 preceding, under procedures authorized by the Finance Committee of the Diocese and reports such audit by September 1 of each year.
7. The Congregation recognizes the Bishop as Chief Pastor of the Diocese.
8. The Congregation shows evidence of financial stability, including protection for the principal portion of endowment funds from persistent invasion and by encumbering property only with the previous consent of the Bishop and Standing Committee.

(b) Should a Congregation fail to comply with Section 18 (a. 2), Section 18 (a. 5), and Section 18 (a. 6), that Congregation shall be denied Lay representation at that year's Diocesan Convention.

### *Congregations at Risk*

#### *Designation of a Congregation at Risk*

Section 19. Purpose (a) This Section is intended to address the exceptional case of a Congregation whose continued viability as a self-sustaining entity appears in jeopardy, such that a degree of episcopate intervention or oversight is needed as a means of restoring health to the Congregation. It is not intended to detract from the traditional right and responsibility of Parishes in the Episcopal Church to govern themselves. In those cases where an inquiry is initiated, and where a Congregation at Risk is declared, it shall be the duty and obligation of all parties to work and pray

toward the resolution of such problems in a climate of respect and charity in order to accomplish the speedy end or substantial amelioration of the conditions that led to the inquiry or to the declaration of the Congregation at Risk, and to restore the Congregation to spiritual and temporal health.

*Conditions Leading to Determination of a Congregation at Risk*

(b) No declaration of a Congregation at Risk may be made except upon a finding, following inquiry, that one or more of the following conditions exist in the Congregation:

1. The failure of a Congregation for two years or more, to be financially self-supporting. It shall not constitute a failure to be financially self-supporting that the Congregation shall have received funding from the Diocese, so long as the Congregation is self-supporting with such funding.
2. The failure for at least two years to elect a Vestry or Mission Council or to search diligently for and elect a Rector or accept the Bishop's appointment of a Vicar or, in the case of a recognized Area and Cooperative Ministry, to diligently search for and call a Priest.
3. The failure to pay the minimum Clergy compensation as required by Diocesan standards; or the failure for two years to pay such compensation from funds other than those provided by Diocesan assistance; or the failure to make timely payment of the premium under the Clergy pension system, or of the premium for any other obligatory insurance for the Clergy.
4. The refusal or willful failure to arrange for representation of the Congregation at an Annual Convention of the Diocese.
5. The failure or neglect to make canonically required reports, including the annual Parochial Report to the Bishop, or to pay Diocesan assessments.
6. Persistent and significant instability or decline in the financial or temporal condition of the Congregation, as evidenced by, for example, substantial invasion of the principal portion of endowment or trust funds, to such a degree that, in the judgment of the Bishop and the Standing Committee, the long-term viability of the Congregation is in jeopardy.
7. Persistent failure or neglect to conform to the business methods in church affairs required by the Constitution and Canons of the Episcopal Church or of the Diocese, including those requirements relating to the bonding of treasurers or other custodians of funds, proper record keeping, proper maintenance of books of account, an annual audit, and the maintenance of adequate insurance.
8. The purchase, use, or conveyance of property of the Congregation, or the incurring of debt, other than in conformity with the Constitution and Canons of the Episcopal Church and of the Diocese, except where such non-

conformity was inadvertent and resulted in no substantial prejudice to the property or temporal interests of the Congregation.

*Inquiry for Purposes of Restoration of Congregational Health*

(c) An inquiry by the Ecclesiastical Authority leading to a declaration of a Congregation at Risk under this Canon may be initiated by one of the following ways:

1. The Bishop, believing that one or more of the conditions in Section 19 (b) may exist, may initiate such inquiry;
2. The Standing Committee, believing that one or more of the conditions in Section 19 (b) may exist, may petition the Bishop to initiate such inquiry; or if the Standing Committee is the Ecclesiastical Authority, it may initiate such inquiry by unanimous vote;
3. The Rector or Vicar or Priest serving a recognized Area and Cooperative Ministry, or both Wardens, or a majority of the Vestry, believing that one or more of the conditions in Section 19 (b) may exist, may petition the Ecclesiastical Authority to initiate such inquiry.

(d) Upon proper initiation as provided in (c) above, the Ecclesiastical Authority may, itself or acting through its designates, conduct such inquiry into the condition of the Congregation. The Rector, Vicar, or Priest in Charge and Vestry or Mission Council of the Congregation which is the subject of such inquiry shall cooperate in an inquiry under the Canon, including providing to the inquiring entity, upon request, full and accurate information on the state of the Congregation and its affairs. Failure to reasonably cooperate shall be sufficient to permit a declaration that the Congregation is a Congregation at Risk.

(e) Upon a finding that the Congregation is a Congregation at Risk, one or more of the following measures to strive to restore the health of the Congregation may be had, in the discretion of the Ecclesiastical Authority:

1. Arrange for pastoral discussions to be held between the Bishop and/or the Bishop's representatives and the Rector or Vicar and Vestry or Mission Council of the Congregation to seek amelioration of the conditions that inhibit the health, mission, and ministry of the Congregation.
2. A plan for the Congregation to cure the conditions, which led to the declaration of a Congregation at Risk, agreed to by the Congregation within 30 days, and implemented thereafter in accordance with its terms.
3. Appointment by the Bishop of five or more adult Trustees to take charge of the property of the Congregation and exercise the rights and functions of a Vestry or Mission Council, during the pendency of these conditions. Said Trustees may or may not be from the Congregation.

4. In the case of a Parish, designation of a Priest in Charge during the pendency of these conditions; said Priest may or may not be the incumbent.

5. Conveyance of title of all real property to the Trustees of the Diocese, who shall hold the same in trust during the pendency of these conditions.

6. Such other measures, during the pendency of these conditions, as the Bishop, with the concurrence of the Standing Committee, shall determine (or as determined by the Standing Committee acting unanimously, if it is the Ecclesiastical Authority).

(f) In accordance with Canon XVI, Section 19 (b. 2), when any Congregation shall continue to fail to elect a Vestry or Mission Council, the Bishop, with the advice and consent of the Standing Committee as provided for in Canon XVI, Section 12, may appoint three trustees to take charge of the property of the Congregation and exercise the rights and functions of a Vestry or Mission Council, until the Congregation shall have elected a Vestry or Mission Council under the provisions of this Canon.

*Of Area and Cooperative Ministries*

Section 20. (a) Whenever two or more Congregations wish to share resources to provide ministry to a geographic area of the Diocese, or in conjunction with a geographic area of a neighboring diocese, they shall draft a Covenant in consultation with the Commission on Congregational Life and the Bishop or the Bishop's appointed representative(s).

(b) The Covenant shall contain, at least:

1. The method of selection of the leadership that will be shared by the Area Ministry, including ordained clergy and licensed lay ministries;

2. The method of financing the Area Ministry including the shared lay and ordained leadership;

3. The method by which the Area Ministry governing body is chosen;

4. The responsibilities of the Area Ministry governing body and the Wardens and Vestry and/or Mission Council of each of the member Congregations, and;

5. The method by which individual Congregations may associate with or disassociate from the Area Ministry.

The Covenant shall be approved by a two-thirds majority vote by each Vestry or Mission Council of the individual Congregations, and shall be subject to the approval of the Commission on Congregational Life and the Bishop.

(c) Any Congregation in the Diocese entering into a cooperative ministry with a congregation in an adjacent Diocese, or with an ecumenical or interfaith

congregation involving building use or other shared resources including personnel in this Diocese, shall be obliged to conform to the provisions of subsections (a) and (b) of this Section. Said Covenant must be reviewed by the Chancellor and is subject to the approval of the Commission on Congregational Life and the Bishop. This requirement does not include agreements to rent buildings.

(d) Any such Covenants shall be subject to all provisions of the Constitution and Canons of the Episcopal Church and this Diocese.

*Vacant Clergy Positions in Congregations*

Section 21. (a) Whenever a Rector's position in a Parish becomes vacant, or about to become vacant, the Wardens or other proper officials of the Parish shall notify the Bishop forthwith.

*Vestry to provide compensation*

(b) It shall be the duty of the Vestry of a Parish with no Rector to provide for the compensation of any Priest-in-Charge who may be appointed by the Bishop for the maintenance of temporary religious services therein.

*To meet with the Bishop to consider nominations*

(c) Within 30 days after being informed of such vacancy, the Bishop shall meet with a committee of the electing body of the Parish to consider the requirements of the position to be filled. If the position to be filled is that of an Assistant Rector, the Rector shall act as the committee of the electing body, and shall submit recommendations to the Vestry after having consulted with the Bishop regarding such recommendations.

The Committee and the Bishop may propose for nomination the name or names of clergy at this or any other time until the vacancy is filled. As soon as possible, but no longer than 60 days thereafter, at a second such meeting the Bishop and the committee shall consider all proposed nominees until agreement has been reached on one or more names to submit to the electing body for action, or until it becomes apparent that no agreement can be reached. If additional nominations are requested by the electing body or if an election is declined by the clergy designated, the procedures set forth above shall be repeated until an election has been completed. If the committee and the Bishop cannot agree on clergy to nominate to the electing body, and if the committee and the Bishop have consulted not less than three times attempting to reach such agreement, the nominations of both parties shall be submitted to the electing body for its consideration, and the electing body may then elect any one of such nominees.

*Written notice of election to the Bishop*

(d) A written notice of the election of a Rector or of an Assistant Rector, signed by the Wardens, together with any contractual agreements concluded between the Parish and the New Rector or Assistant Rector, shall be sent to the Bishop or other Ecclesiastical Authority of the Diocese. If the Bishop or the Ecclesiastical Authority shall be satisfied that the persons elected is a duly qualified member of the Clergy, and that he or she has accepted the office, the notice together with any contractual agreements shall be sent to the Secretary of the Diocesan Convention, who shall

record them. Such record shall be sufficient evidence to the Bishop or the Ecclesiastical Authority of the relation between the Clergy and the Congregation.

### *Congregations No Longer in Union*

#### *Closing Congregations*

Section 22. The Bishop, upon recommendation of the Commission on Congregational Life and with the concurrence of the Standing Committee, may declare "unable to continue," a Mission or Parish, whether incorporated or not, which is in union with the Convention. Such a declaration shall be based upon a finding that continued Diocesan financial support for such a Mission or Parish is unlikely substantially to foster the spread of Christ's Kingdom. Criteria for such a finding shall include, but not be limited to:

- Establishment of a reasonable certainty that the Congregation's stated mission can no longer be accomplished; and
- The Congregation includes no more than twenty separate household units currently pledging to its annual operating budget.

When such a declaration has been made, the Bishop shall cause to be negotiated a contract of closure which shall provide for the liquidation of the Congregation's capital assets and their reallocation, in accordance with Canon XI, Section 2 (b) by the Trustees as follows:

- Any unpaid Assessments and/or Parish Pledges remaining on the Diocesan books
- All other liquidated assets to other Congregational Life projects

Such a contract of closure shall be submitted to the Standing Committee upon whose approval the contract of closure shall constitute a recommendation to Convention that Convention rescind the admission of such Congregation into union with the Convention. Upon the acceptance of that recommendation by a vote of two-thirds of each Order of the Convention, such union shall be dissolved and the contract of closure shall become effective.

### *Differences between Rectors and their Parishes*

#### *Rector not to resign without Vestry consent, nor to be removed against Rector's will*

Section 23. Except upon mandatory resignation by reason of age, a Rector may not resign as Rector of a parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of a Parish be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided.

#### *Notice to Ecclesiastical Authority*

Section 24. If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the Diocese. Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

*Bishop to mediate*

Section 25. Within sixty days of receipt of the written notice, the Bishop, as chief pastor of the Diocese, shall mediate the differences between Rector and Vestry in every informal way which the Bishop deems proper and may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the Parish involved, to make a report to the Bishop.

*Mode of settling differences*

Section 26. If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

(a) The Bishop shall give notice to the Rector and Vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.

(b) If a timely request is made, the President of the Standing Committee shall set a date for the conference that shall be held within thirty days.

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

(d) Within thirty days after the conference or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter, the Bishop, as final arbiter and judge, shall render a godly judgment.

(e) Upon the request of either party the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.

(f) If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibilities and accountability for the Rector and the Vestry.

(g) If the relation is to be dissolved:

1. The Bishop shall direct the Secretary of the Convention to record the dissolution.

2. The judgment shall include such terms and conditions including financial settlements as shall seem to the Bishop just and compassionate.

*Supportive services by the Bishop.*

*In event of failure or refusal to comply*

Section 27. In either event the Bishop shall offer appropriate supportive services to the Priest and the Parish.

Section 28. In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

(a) In the case of a Rector, suspend the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.

(b) In the case of a Vestry, invoke any available sanctions, including recommending to the Convention of the Diocese that the Parish be placed under the supervision of the Bishop as a Mission until it has complied with the judgment.

*Time may be extended*

Section 29. For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

*Statements not discoverable or admissible*

Section 30. (a) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV provided that this does not require the exclusion of evidence in any proceeding under the Canons which is otherwise discoverable and admissible.

(b) In the course of proceedings under this Canon, if the Vestry makes a charge against the Rector that could give rise to a disciplinary proceeding under Canon IV.1, all proceedings under this Canon shall be suspended until the charge has been resolved or withdrawn.

## **Canon XVII Miscellaneous Provisions**

*Registers and Annual Reports*

*All Clergy to keep a Register*

Section 1 (a) According to the Canons of the General Convention, each and all Clergy of this Church shall keep a Register of Baptisms, Confirmations, Communicants, Marriages and Burials, within his or her Cure, agreeable to such rules as may be provided by the Constitution of the Diocese where his or her Cure lies.

*This Register to contain certain particulars*

(b) The Register shall specify the name, place and date of birth of each person baptized, with the names of the parents and sponsors; the names of parties married; the names of persons buried, and also the time when each rite was performed.

*The Register to be carefully preserved*

(c) The Clergy shall make these entries in a book to be provided for that purpose, belonging to the Vestry or Mission Council of each Congregation. The book shall be the Congregation Register and shall be preserved by the Vestry or Mission Council as a part of the records of the Congregation.

*A list of Members in Good Standing to be kept*

(d) The list of members in good standing shall embrace all within the Clergy's Cure, as nearly as can be ascertained. The Clergy shall also keep a list of all of the families and adult persons within the Cure as far as practicable, and also an accurate list of the persons confirmed from time to time by the Bishop.

*Annual Reports of Congregations*

(e) It shall be the duty of each Congregation in union with the Diocese to render to the Bishop of the Diocese, or if there be no Bishop, to the Ecclesiastical Authority, an Annual Report (Parochial Report) on the form provided by the Episcopal Church.

*Equal Opportunity, Fair Employment and Non-Discrimination*

(f) No one shall be denied rights, status or employment in this Diocese based upon race, sex, age (40 and over), color or national origin, nor because of non-disqualifying physical, mental or medical disability.

*Extraparochial Clergy Reports*

Section 2. All Clergy not regularly settled in any Congregation or Church shall report the occasional services performed. If no services were performed, the Clergy shall report the causes or reasons which prevented the same. These reports, or such parts of them as the Bishop shall think fit, may be entered on the Journal of the Convention.

*Lay Readers*

*Lay Readers licensed*

*To conform to the Church's Canons*

Section 3. No one shall be considered as authorized to officiate as a Lay Reader in this Diocese, except in case of particular emergency, without a written License from the Bishop, or in case of a vacancy in the Episcopate, from the Standing Committee; and Lay Readers shall in all cases conform to the provisions of the Church's Canons.

**Canon XVIII Ecclesiastical Discipline**

*Incorporation of Title IV and Supplementary Provisions*

Section 1. Canon XVIII incorporates and supplements Title IV of the Canons of the Episcopal Church as the Canon for Ecclesiastical Discipline in the Diocese.

*Diocesan Disciplinary Board*

Section 2. There shall be a Diocesan Disciplinary Board to carry out the duties described in Title IV.5.1 of the Episcopal Church. The Disciplinary Board shall consist of seven (7) persons, three (3) of whom shall be laypersons, and four (4) of whom shall be Clergy.

The Convention shall elect five (5) members of the Disciplinary Board. The Bishop or Ecclesiastical Authority shall appoint two (2) members of the Disciplinary Board, one layperson and one Clergy, in consultation with the Chancellor and the Standing Committee. All members of the Disciplinary Board shall be knowledgeable in Canon or Civil Law, or both. All lay members shall be Members in Good Standing of a Congregation of the Diocese. All Clergy members shall be canonically resident in the Diocese.

#### *Terms*

Section 3. Members of the Disciplinary Board shall serve for three (3) year terms. The members of the Disciplinary Board shall take office immediately upon their election or appointment and shall serve until their successors are elected or appointed. No member of the Disciplinary Board may serve more than two (2) consecutive terms. If a member of the Disciplinary Board is serving in a specific matter pending when that member's term expires, that person shall continue to serve as a member for that pending matter through and until the conclusion of the member's consideration of the pending matter.

#### *Vacancies*

Section 4. Vacancies occurring on the Disciplinary Board shall be filled (i) for elected members, by majority vote of the members of the Disciplinary Board from persons otherwise qualified for election from the same order as the member vacating the Disciplinary Board when first elected, and (ii) for appointed members, by appointment of the Bishop or Ecclesiastical Authority from the same order as the member vacating the Disciplinary Board when first appointed. Any member elected by the Disciplinary Board or appointed by the Bishop to fill such vacancy shall serve until the expiration of the term of the vacating member.

#### *Report regarding President*

Section 5. The Disciplinary Board shall within two months of each Convention annually elect from its members a President and shall inform the President of the Standing Committee in writing of the name of the President of the Disciplinary Board.

#### *Church Attorney*

Section 6. The Bishop shall appoint one or more attorneys licensed in Ohio to serve as Church Attorney. A Church Attorney may be relieved of that office by a vote of five (5) of the seven (7) members of the Disciplinary Board. The Bishop shall appoint a lawyer to take the place of the Church Attorney so relieved, subject to consent of a majority of the Disciplinary Board.

#### *Continuation of Compensation upon Restriction Pursuant to Canon IV. 7*

Section 7. (a) In the event a member of the Clergy shall be subject to the provisions of Canon IV.7 of the Episcopal Church, the full compensation due to such member of

the Clergy shall continue for the duration of the Pastoral Direction, temporary restriction on ministry, or Administrative Leave (“Restriction”); provided that the period of mandatory full compensation shall not exceed ninety (90) days from the date the Restriction is imposed.

(b) The determination of the amount of compensation to be continued under this Section shall be the same compensation and benefits being paid to or for the benefit of the member of the Clergy immediately prior to the imposition of the Restriction.

(c) Compensation pursuant to this Section shall be paid by the Parish, Mission or other non-parochial entity employing the member of the Clergy at the time the Restriction is imposed.

(d) Only a duly ordained member of the Clergy Restricted by the Bishop or Ecclesiastical Authority who is engaged in full-time, part-time, supply or interim services to a Parish, Mission or other non-parochial entity within the Diocese shall be eligible to receive compensation under this Section.

## **Canon XIX Canons, Repealed or Amended**

### *Repealing Clause*

Section 1. The repeal of a Canon that itself repealed a prior Canon or portion of the Canon, does not revive the prior Canon or portion thereof.

### *Changes to be certified*

Section 2. The Secretary, with the Chair of the Committee on Constitution and Canons, shall at the close of each session of the Convention certify the amending or enacting language as passed in the Canons. The Secretary shall print the same in the Journal.

### *How Canons may be amended*

Section 3. The Canons may be amended or new Canons may be enacted, at the Annual session of the Convention, by a vote of the majority of the Convention. No existing Canon shall be changed, and no new Canon shall be enacted, unless such change or enactment shall have been referred to and reported upon by the Committee on Constitution and Canons.

### *Amended Canon to take effect*

Section 4. All changes in the Canons shall take effect immediately following the close of the annual session of the Convention at which they are adopted, unless another specific time is included in and passed as part of the amendment or enactment.