

DIOCESE OF MAINE
THE CANONS
(10/28/2017)

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PART I - THE CONVENTION

CANON I

Of the Clergy

Section 1. The Roll or list of the Clergy as held and duly prepared by the Secretary of the Diocese shall be prima facie evidence of the rights of Clerical Members. Should any dispute arise, it shall be referred to a Committee of the Convention, which shall decide and report; and the decisions thus made, if accepted by the Convention, shall not be called in question again during that session.

Section 2. (1) No Minister of this Church not canonically resident in the Diocese of Maine shall officiate on more than eighteen (18) days, whether consecutive or not, in any twelve (12) month period by preaching, ministering the Sacraments, or holding any public services within the limits of this Diocese until he or she has applied for and received from the Ecclesiastical Authority a license to so officiate. Such license, if granted, shall remain in effect until December 31 of the year following the year of its issuance, unless earlier revoked.

(2) Licenses shall, at the discretion of the ecclesiastical authority, be renewed from year to year for periods not to exceed one year. The ecclesiastical authority may establish requirements and procedures governing application for the issuance and renewal of licenses.

(3) No Minister not canonically resident or licensed in the Diocese shall be engaged to conduct services of this Church in any congregation during a vacancy therein, or in the absence of its Minister, without permission of the ecclesiastical authority or the authorized representative of the ecclesiastical authority.

(4) Every Minister licensed as provided in this Canon shall at the end of each calendar year report to the ecclesiastical authority services held, and if there have been none, the causes or reasons which have prevented the same. Such licensed clergy shall also make such further reports to the ecclesiastical authority as the ecclesiastical authority may require.

Section 3. No cleric shall be denied access to the deployment process for any position in this diocese because of race, color, ethnic origin, sex, national origin, marital status, sexual orientation, disabilities or age, except as otherwise specified in the Canons of the Episcopal Church.

CANON 2

Of Lay Delegates

Section 1. A form of certificate for Lay Delegates, in conformity with the Constitution, shall be sent to all the Parishes and Missions by the Secretary of the Diocese, at least one month before the meeting of the Annual Convention, or at least fourteen (14) days before a Special Convention.

The certificate of the election of Lay Delegates shall be returned to the Secretary at least five days before the first day of the Convention; and the Secretary shall make a Roll of the names of the Lay Delegates whose certificates are in regular form.

Section 2. At each Annual Convention there shall be appointed by the Bishop or other President of the Convention, two members of the Convention to serve with the Secretary of the Diocese as a Committee on Credentials until their successors are appointed. Before the next Annual or Special Convention, the Committee on Credentials shall examine the Journals of the Diocesan Convention and the reports of the Treasurers of the various Diocesan Funds and shall make such other investigation as they deem expedient, and shall report to the Convention a list of the Parishes and Missions whose Lay Delegates are allowed by the Constitution and Canons of the Diocese to vote in such Convention and shall also report a list of the Parishes and Missions whose union with the Convention might be forfeited in accordance with the Constitution.

The Committee shall also examine all Annual Parochial Reports and certificates of the election of Lay Delegates and report thereon to the Convention, but should any dispute arise it shall be referred to the Committee on Credentials before decision by the Convention.

CANON 3

Of Attendance

It is declared to be the duty of every member of the Clergy and every Lay Delegate having a seat in the Convention to attend every meeting thereof, or send a reasonable excuse.

CANON 4

Of Assessments

The Convention shall, at its discretion, make and lay on the Parishes and Missions of the Diocese, assessments for the carrying on of the work of the Diocese.

CANON 5

Of the Convention Committee on Finance

Section 1. There shall be a Convention Committee on Finance consisting of at least three (3) Presbyters or Deacon and three (3) laypersons, appointed by the Bishop at the Annual Convention.

Section 2. It shall receive all financial reports submitted to the Convention to pass on their accuracy and ascertain that they are duly audited when such auditing is required. All financial reports to the Annual Convention shall be made for the Calendar Year.

Section 3. Any resolutions involving the expenditure of money not already provided in the Budget of the Diocese or the Missionary Society shall be referred to this Committee after being introduced to the Convention.

PART II - OFFICERS OF THE DIOCESE

CANON 6

Of the Secretary of the Diocese

Section 1. Unless otherwise directed by the Convention, the Secretary shall give written notice of the time and place of the meeting of a Convention by mailing a copy of such notice to each Clerical Member of the Convention and to the Clerk of every Parish or Mission in union with the Convention together with the certificates for Lay Delegates. The notice of any Special Convention shall specify the purpose thereof.

Section 2. It shall be the duty of the Secretary to mail a copy in blank form of the Parochial Report to every incumbent of a Parish or Mission, which shall be duly filled in and returned before the first day of the month specified. The Secretary shall, with whatever assistance deemed necessary, examine all Parochial Reports and return for correction those in which errors or omissions appear. The Secretary shall compile, file, and keep on record the statistics from the Parochial Reports for presentation to the Annual Convention following the year for which such reports were made. A complete tabulation of all Parochial Reports shall be printed in the Journal.

Section 3. It shall be the duty of the Secretary to prepare for presentation to each Diocesan Convention a report on the actions taken on each of the resolutions adopted by the previous Diocesan Convention.

Section 4. In case of the disability of the Secretary of the Diocese, the duties shall devolve upon one of the Assistant Secretaries, if there be such, in order of their appointment; if not, upon the Secretary of the Standing Committee.

CANON 7

Of the Treasurer of the Diocese

Section 1. It shall be the duty of the Treasurer to receive and disburse all monies collected under the authority of the Convention unless the collections and disbursements shall be otherwise specifically ordered.

The Treasurer shall render a report to the Annual Convention which shall contain a certificate that these accounts have been audited in accordance with Canon 18.1.5.

Section 2. The Treasurer may be removed from office by the Bishop, with the consent of the Standing Committee, for any neglect, misconduct, or incapacity.

CANON 8

Of the Chancellor

There shall be a Chancellor appointed by the Bishop whose term of office shall be three years. The Chancellor shall be a Communicant of the Diocese in good standing, learned in law, and shall be the legal advisor of the Ecclesiastical Authority, the Convention, and the Cathedral Chapter.

CANON 9

Of the Registrar and Archivist

Section 1. A Registrar of the Diocese, who shall also serve as Archivist of the Diocese, shall be appointed by the Bishop, to hold office until he or she shall resign, or until a successor shall be appointed.

Section 2. It shall be the duty of the Registrar and Archivist to collect and preserve all papers, files, reports, journals, records, and other documents relative to the history of the Diocese, and to keep the same in some safe and accessible place, where members of the Convention and other authorized persons may have access to them.

Section 3. The Registrar and Archivist may accept custody of documents relative to the history of any parish, mission, or institution of the Diocese, subject to terms and conditions acceptable to the Archivist and to the parish, mission or institution concerned. The documents, records, minutes, congregational registries, and any and all papers, books and records of any parish, mission or other institution that ceases to exist or to remain in union with the Convention shall be promptly delivered to the Archivist. Upon the failure to make delivery after demand therefore from the Archivist, the Archivist is authorized to enter upon the premises of such parish, mission or institution and take possession of and remove all such materials.

Section 4. It shall be the duty of the Registrar and Archivist to preserve, in a proper Registry Book, a record of the Ordination and Consecration of the successive Bishops of the Diocese, designating the time and place of the same, with the names of the ordaining and consecrating Bishops, and others present and assisting; to record a list of all the Presbyters and Deacons, and the dates of their connection with the Diocese.

Section 5. The Registrar and Archivist shall make a written report to the Annual Convention of the Diocese.

CANON 10

Of the Archdeacon

Section 1. One or more Archdeacons may be appointed by the Bishop.

Section 2. The duties and compensation for the Archdeacon(s) shall be determined by the Bishop and reviewed with the Diocesan Council.

Section 3. Compensation and expenses for the Archdeacon(s) shall be included in the diocesan budget as approved by the annual convention.

PART III - REPRESENTATION

CANON 11

Of Deputies to the General Convention

Section 1. At the Annual Convention in the twelve months preceding the date which is twelve months prior to the opening date of the next General Convention, four Clerical and four Lay Deputies and four Clerical and four Lay Provisional Deputies shall be elected to represent the Diocese in the General Convention. Vacancies in the office of Deputies shall be filled by the Ecclesiastical Authority from among the Provisional Deputies. A vacancy shall exist if a Presbyter having been elected a Deputy shall cease to be regularly engaged in the active ministry as described in Article III 3(1) of the Constitution of the Diocese of Maine.

Section 2. All elections provided by this Canon shall be by ballot unless otherwise agreed by unanimous consent.

CANON 12

Of Deputies to the Provincial Synod

Section 1. Every two years, one clerical deputy and one lay alternate deputy to the Provincial Synod, may be elected by the Annual Convention for a term of two years; and in the intervening years, one lay deputy and one clerical alternate deputy to the Provincial Synod may be elected for a term of two years.

Section 2. If the Annual Convention does not elect either or both of the deputies or alternate deputies in any year as provided in Section 1, or if any deputy office becomes vacant during the term thereof, the persons serving from time to time as First Clerical Deputy, Second Clerical Deputy, First Lay Deputy and Second Lay Deputy to the House of Deputies of the General Convention of The Episcopal Church from the Diocese of Maine shall serve ex officio in the vacant office as the Clerical Deputy, Alternate Clerical Deputy, Lay Deputy and Alternate Lay Deputy, respectively, to the Provincial Synod from the Diocese of Maine.

PART IV - COMMITTEES AND BOARDS

CANON 13

Of the Standing Committee

Section 1. The Standing Committee shall at its first meeting choose a Chair and a Secretary, either Clerical or Lay. The Secretary shall record all proceedings in a book provided for the purpose, and this, with all papers relative to the business of the Diocese, shall be open to examination by the Bishop and by the Convention; and a report of the acts shall be made to the Annual Convention, except such acts as pertain to its function as a Council of Advice to the Bishop.

Section 2. A majority of the Committee shall constitute a quorum.

Section 3. The Standing Committee shall be a Council of Advice to the Bishop, and shall be summoned at any time that the Bishop may desire its advice.

Section 4. The Standing Committee shall be the Ecclesiastical Authority of the Diocese when a vacancy occurs in the Episcopate, except in cases otherwise provided for by the Canons of the General Convention or of the Diocese.

CANON 14

Of the Commission on Ministry

Section 1. There shall be in this Diocese a Commission on Ministry.

Section 2. Function of the Commission. The Commission shall assist the Bishop with the implementation of Title III of the Constitution and Canons of the Episcopal Church as described therein.

Section 3. Membership of the Commission. The Commission shall consist of the following fourteen members:

- (1) The Bishop
- (2) A Commission Chair, who shall be appointed by the Bishop and shall preside at Commission meetings.
- (3) A Standing Committee liaison person, who shall be designated by the Standing Committee.
- (4) Twelve members consisting of four priests, four deacons and four lay people appointed by the Bishop upon the recommendation of the Chair. Each person shall serve a term of three years and shall be limited to two terms. A person may be appointed for successive terms after a one year break in service.

The Commission Chair and all the members shall serve at the pleasure of the Bishop. The Standing Committee liaison person shall serve at the pleasure of the Standing Committee. All other members shall be ex officio, serving while in the office designated or, if a designee of a Committee Chair, at the pleasure of that Committee Chair.

Section 4. Organization of the Commission. The Commission may adopt rules for its work, subject to the approval of the Bishop, and provided the same are not inconsistent with the Constitution and Canons of the General Convention and of this Diocese; and may appoint committees consisting of members of the Commission and/or persons to act on its behalf. The Commission may delegate to such committees duties or responsibilities assigned to it by the Canons of the General Convention, in whole or in part.

CANON 15

Of the Diocesan Council

Section 1. The congregations and the clergy of the Diocese shall be grouped in Areas in such number and manner as the Bishop and Diocesan Council, in consultation with the clergy and congregations, shall from time to time determine.

Section 2. There shall be a Diocesan Council composed of the following members:

- (1) The Bishop(s);
- (2) Two members, one lay and one clergy, representing each of the Areas of the Diocese;
- (3) The Chairperson of the Finance Committee;
- (4) The Treasurer of the Diocese;
- (5) and no more than four members appointed by the Bishop.

Section 3. Selection of members shall be as follows:

(1) In addition to the Bishop Diocesan of Maine, if there be any Bishop Coadjutor or Bishop(s) Suffragan, whose duties include service on the Council, each such bishop shall likewise be a member.

(2) Each Area shall elect two members to serve staggered terms of two years. Each member shall be elected in accordance with procedures established or approved by the Council, either from the clergy of the Area, as eligible under Article III.3.1 of the Constitution of the Diocese of Maine, or from the lay members, who are communicants in good standing of their respective congregations within the Area. The names of those elected shall be communicated to the Bishop for review, and presented at Convention.

(3) The Bishop may appoint not more than four members to the Diocesan Council at any time the Bishop may deem convenient, to serve until the final adjournment of the second Diocesan Convention held after their appointment. If there be no Bishop, the Standing Committee shall have the power of appointment.

Section 4. No person having served as a member of the Diocesan Council for six consecutive years shall be elected or appointed to the Diocesan Council until after the expiration of one year following the sixth year of service. For the purpose of this Canon, the period between annual Diocesan Conventions shall be deemed one year.

Section 5. Vacancies in the number of members of the Diocesan Council elected by an Area may be filled by the Area or by the Diocesan Council. The appointing authority may fill vacancies in the number of appointed members of the Diocesan Council. In all cases such elections or appointments shall be for unexpired terms only.

Section 6. The Bishop or the Convener appointed by the Bishop shall preside at all meetings of the Diocesan Council. In the absence of both, the Council shall have the power to choose its own presiding officer.

Section 7. The Diocesan Council shall administer and carry out the work of the Episcopal Church within the Diocese of Maine, subject to such directions as the Diocesan Convention may give. Within 30 days of adjournment of the annual Diocesan Convention, Diocesan Council shall schedule and publish the dates of Council meetings for the ensuing twelve months; Diocesan Council shall, in advance of such scheduled meetings, make the proposed agenda available to the members of the Diocesan Council and to the Areas.

Section 8. At least six weeks before the date set for the Annual Diocesan Convention, the Council shall prepare an estimate of the amount of money required for the work of the Diocese during the next ensuing year -- that is, from January 1 to December 31. The Council shall determine and recommend to Convention the assessments required to carry out the ministry of the Diocese.

Section 9. The Diocesan Council shall establish a Finance Committee.

Section 10. In addition to establishing a Finance Committee, the Diocesan Council may establish such other commissions, committees, and task forces as it may deem advisable.

CANON 16

Of the Church Pension Fund

Section 1. In conformity with the legislation adopted by the General Convention of 1913, pursuant to which the Church Pension Fund was duly incorporated, and in conformity with the Canon of the General Convention, "Of the Church Pension Fund", as heretofore amended and as it may hereafter be amended, the Diocese of Maine hereby accepts and acknowledges The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York, as subsequently amended, as the authorized and approved pension system for the clergy of the Protestant Episcopal Church in the United States of America, and for their dependents, and declares its intention of supporting said Fund in accordance with its rules.

Section 2. It shall be the duty of the Diocese through its Missionary Society and of the Parishes, Missions, and other ecclesiastical organizations therein, each through its treasurer or other proper official, to inform the Church Pension Fund of salaries and other compensation paid to members of the clergy by said Diocese, Parishes, Missions, and other ecclesiastical organizations for services rendered, currently or in the past, prior to their becoming beneficiaries of said Fund, and changes in such salaries and other compensation as they occur; and to pay promptly to the Church Pension Fund the assessments required thereon under the Canon of the General Convention and in accordance with the Rules of said Fund.

Section 3. It shall be the duty of every member of the clergy canonically resident in or serving in this Diocese to inform the Church Pension Fund promptly of such facts, as dates of birth, or ordination or reception, of marriages, births of children, deaths, and changes in cures or salaries, as may be necessary for its proper administration, and to cooperate with said Fund in such other ways as may be necessary in order that said Fund may discharge its obligations in accordance with the intention of the General Convention in respect thereto.

CANON 17

Reserved

CANON 18

Of Business Methods in Church Affairs

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

(1) Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Federal or State Bank, or a Diocesan Corporation, or some other agency approved in writing by the Finance Committee of the Diocesan Council, under an appropriate depository agreement, providing for at least two signatures on any order of withdrawal of such funds or securities. But this paragraph shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them.

(2) Records shall be made and kept of all trust and permanent funds showing at least the following:

- (a) Source and date.
- (b) Terms governing the use of principal and income.
- (c) To whom and how often reports of condition are to be made.
- (d) How the funds are invested.

(3) Treasurers and custodians, other than banking institutions, shall be adequately bonded; except treasurers of funds that do not exceed five hundred dollars at any one time during the fiscal year. Congregations who are not covered by the diocesan group coverage shall provide insurance certificates to the diocesan office showing the Diocese of Maine named as an additional insured.

(4) Books of account shall be so kept as to provide the basis for satisfactory accounting.

(5) All accounts of the Diocese shall be audited annually, by an independent Certified Public Accountant. All accounts of Parishes, Missions or other institutions shall be audited annually by an independent Certified Public Accountant, or independent Licensed Public Accountant, or such audit committee as shall be authorized by the Finance Committee or other appropriate diocesan authority. This includes discretionary funds (subject to confidentiality being maintained), memorial funds, and the funds of any guild or congregational entity.

All reports of such audits, including any memorandum issued by the auditors or audit committee regarding internal controls or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in any such memorandum shall be filed with the Bishop or Ecclesiastical Authority not later than 30 days following the date of such report, and in no event, no later than September 1 of each year, covering the financial reports of the previous calendar year. No parish may elect a new rector, nor will a Vicar or Priest-In-Charge be appointed until these reports have been filed.

(6) All church property and liability coverage, including Directors and Officers, Umbrella, Worker's Compensation, Auto Non-Ownership, automobile, bonding and related coverage shall be covered under the diocesan group plan effective January 1, 2002. Those congregations not included in the diocesan group coverage through December 31, 2001 shall provide insurance certificates to the diocesan office showing the Diocese of Maine as an additional insured.

(7) Copies of all accounts described in this Section shall be filed with the Finance Committee of the Diocesan Council, which shall report annually to the Convention of the Diocese upon its administration of this Canon.

(8) The fiscal year shall begin January 1.

Section 2. No Vestry, Trustee, or other Body, authorized by Civil or Canon law to hold, manage, or administer real property for any Parish, Mission or Institution, shall encumber or

alienate the same or any part thereof without the written consent of the Bishop and Standing Committee of the Diocese of which the Parish, Mission or Institution is a part.

Section 3. All real and personal property held by or for the benefit of any parish, mission or institution is held in trust for the Episcopal Church and this Diocese. The existence of this Trust, however, shall in no way limit the power and authority of the Parish, Mission or Institution otherwise existing over such property so long as the particular Parish, Mission or Institution remains a part of the Diocese of Maine and subject to the Constitution and Canons of the Diocese of Maine and of the Episcopal Church.

PART V - PARISHES AND MISSIONS

CANON 19

Of Delegates to the Annual Convention

Section 1. The number of Lay Delegates to which a parish or mission is entitled at any convention of the Diocese of Maine will be based on the Average Sunday Attendance specified in the Annual Parochial Report for the most recent year for which the filing deadline for Annual Parochial Reports shall have passed. All doubtful cases shall be submitted to the Bishop for decision.

Section 2. Where no Annual Parochial Report is filed for the calendar year just passed, the parish or mission shall not be entitled to any delegates. In the case of a parish or mission newly admitted to union with the convention, the number of delegates shall be based on the Average Sunday Attendance at the time of union.

Section 3. Lay delegates may be elected by their Vestry or at the Annual Meeting of the congregation. A certificate of the Delegates elected to the Convention shall be prepared and sent by the Rector or Priest in Charge, or in the absence of either, by a Warden.

CANON 20

Of the Episcopate Fund

Each Parish and Organized Mission shall pay annually to the Episcopate Fund a sum set by Convention for each communicant in good standing on its Annual Parochial Report for the year just passed.

CANON 21

Of the Election of the Vestry

Section 1. No one shall be elected a Warden or a member of the Vestry who is not a lay communicant in good standing, and a stated contributor to, and worshipper in, the parish for which he or she is elected. No one shall be elected a Warden who is not of full legal age, or a member of the Vestry who is not at least 15 years of age. Wardens and members of the Vestry shall meet the eligibility standards of the laws of Maine. In every Parish, a majority of the members of the Vestry shall be persons of full legal age.

Section 2. Any Parish may by special vote provide that the members of the Vestry chosen at any specified time shall be divided into classes, holding office for 1, 2, and 3 years respectively, and that thereafter the election of a member to the Vestry (except to fill vacancies) shall be for 3 years; and any such Parish may also by special vote provide that no member of the Vestry shall be re-elected at the end of a full 3 years of office, but only after an interval of at least 1 year.

CANON 22

Of Clerical and Lay Employee Compensation

Section 1. There shall be a Clerical and Lay Employee Compensation and Review Committee appointed by the Bishop to recommend to the annual Convention the minimum compensation, expense reimbursement and related matters required by this canon. The Committee shall develop compensation and review guidelines. The Committee shall also serve as a Board of Advice to the Diocese in areas relative to clerical and lay employee compensation, expense reimbursement and related matters. Throughout this canon the term "compensation" refers to salary and benefits accruing to presbyters, deacons and lay employees, while the term "expense" refers to expenditures made by presbyters, deacons and lay employees on behalf of the congregation or Diocese.

Section 2. Each presbyter in full time service shall receive the following compensation:

(1) Total Clergy Compensation of not less than the amount to be prescribed by a majority vote of the annual convention. The Total Clergy Compensation includes:

(a) Cash stipend.

(b) An allowance for housing and utilities, and suitable living quarters with all utilities provided. If living quarters are provided, the value of provided housing as part of Total Clergy Compensation is either (a) calculated according to the Church Pension Fund Formula detailed in the Clergy Compensation Handbook, or (b) the fair rental value of the provided property, whichever is the lesser amount.

(c) A cash payment equal to one-half the amount of the presbyter's self-employment tax.

(2) Health, dental and life insurance package and Section 125 Cafeteria Plan as approved by Diocesan Council or its designee with congregations responsible for (a) 100% of life insurance premiums; (b) (1) at least 90% of health insurance premiums of the High Deductible Health Plan policy option plus 50% of the deductible to be paid to the Health Savings Account of the Presbyter, or (2) the cost of (1) (above) plus 50% of the difference in cost between (1) (above) and the premium cost of other policy options; (c) at least 90% of dental insurance. Health and dental insurance will cover the Presbyter and the Presbyter's spouse, domestic partner, children of domestic partner, children, step-children, and children for whom the Presbyter is the legal guardian. Presbyters may elect, in writing, to negotiate alternative arrangements.

(3) A minimum annual vacation of 30 calendar days, four of which are Sundays.

(4) Participation in the Church Pension Fund.

Section 3. A presbyter in part time service shall receive compensation as defined in Section 2 based upon that proper proportional part of the full time standard called for in the

agreement he or she has made with the congregation. A presbyter in part time service shall not be required to work every Sunday.

Section 4. Each congregation in union with the convention shall provide the following expenses relative to the services provided by the presbyter.

(1) Mileage for church purposes shall be reimbursed at the current IRS rate.

(2) Each presbyter canonically resident in the Diocese shall, following each five year period of service, be eligible for a leave of absence for four months for spiritual and intellectual refreshment and shall be entitled to full compensation during such period of leave, provided however, that no presbyter shall be eligible for such leave of absence unless he or she has served in the position from which he or she would take leave for at least three years. This leave may not be used at the time of termination of employment or retirement, nor may it be accrued. If questions shall arise concerning the proper interpretation of this section, the parties shall consult with the Bishop and the decision of the Bishop shall be final and binding on all concerned parties.

(3) Time and financial assistance shall be provided for continuing education consisting of a minimum of 10 days and \$750 per year.

(4) In the event of childbirth or adoption, clergy shall receive a paid eight week primary care parental leave, or a paid two week non-primary care parental leave, as the case may be, and shall be entitled to up to twelve weeks of total leave, the balance of which need not be paid. This parental leave shall be taken within a reasonable time before or after the birth or adoption of a child. If questions shall arise concerning the proper interpretation of this section, the parties shall consult with the Bishop and the decision of the Bishop shall be final and binding on all concerned parties.

(5) Clergy who live in housing provided by the congregation shall be paid a housing equity allowance equal to at least 3% of the Total Clergy Compensation. These monies shall be invested in a tax sheltered investment account that becomes the property of the clergy person after one year of service.

Section 5. (1) Each congregation shall review annually the compensation to be paid to the clergy in the ensuing year and the expenses relative thereto to the end that fair and suitable compensation and expense reimbursement be provided in line with guidelines established by the Clerical and Lay Compensation and Review Committee.

(2) The Total Clergy Compensation figure established at this review will be sent annually to the Church Pension Fund. In the case of a retired clergy person serving as a Priest-in-Charge, interim or part time rector, the results of this review will be sent to the Clerical and Lay Compensation Committee.

Section 6. The union of the congregation with the Convention and the right of representation may be forfeited by vote of the convention on proof of the failure of said congregation to comply with the provisions of Section 5 of this Canon for two successive years.

Section 7. As used in this Canon, the words vote of this convention shall mean a vote by a majority of both orders.

Section 8. Each lay employee shall receive the following compensation:

- (1) Lay employees who are paid for 250 or more hours annually shall receive no less than the Diocesan Lay Minimum Wage. The Diocesan Lay Minimum Wage shall be established annually by the Convention of the Diocese.
- (2) Lay employees who are paid for 1,000 or more hours annually shall participate in the Church Pension Fund's Lay Employee Pension Plan and the employer shall make the required employer contributions. Lay employees may elect, in writing, to negotiate alternative arrangements.
- (3) Lay employees who are paid for 1,500 or more hours annually shall receive the same health, dental and life insurance and Section 125 Plan as required by this canon for clergy. All lay employees eligible for the benefits of this section shall be allowed the same alternate arrangements as allowed for clergy who have other insurance coverage.
- (4) Lay employees who are paid for 1,000 hours or more annually shall receive a minimum of 2 weeks vacation. A vacation week shall equal the average work week. All lay employees who are paid for 1,000 hours or more annually shall receive pay and the day off for all Federal and State holidays which fall on a day which that lay employee would have been scheduled to work.
- (5) Lay employees shall be provided the necessary tools for the job at the expense of the employer. Lay employees shall be reimbursed for their business expenses including business mileage at the current IRS rate.
- (6) Nothing in this section shall supersede any Federal or State laws regarding employment. Nothing in this canon shall supersede any provision of the Canons of the Foreign and Domestic Missionary Society of the Protestant Episcopal Church of the United States

CANON 23

Of Assisted Congregations

When any congregation fails to pay in full its fair share assessment in any calendar year, it shall, until its past year and presently due assessment payments are current, be considered an assisted congregation and shall be subject, to such degree as the Bishop shall determine, to the same diocesan supervision as a Mission. As a minimum, the congregation shall submit, along with its Parochial Report for that calendar year, its Stewardship report, Ministry Review and projected budget for the following year in the same manner as required for congregations receiving direct financial assistance.

CANON 24

Of Parishes Without a Rector

Whenever a Parish is without a Rector, the Wardens shall promptly notify the Ecclesiastical Authority.

CANON 25

PART VI - DISCIPLINE

CANON 26

Of Misconduct by a Priest or Deacon

PART A: Multi-Diocese Agreement. The Diocese may enter into an Agreement to develop and share resources necessary to implement Title IV of the Canons of the General Convention with one or more other dioceses as authorized by Canon IV.5.3(i) (an “Agreement”). An Agreement and any amendment to it must be signed by the Bishop and ratified by Convention before becoming effective. During the effectiveness of an Agreement, the provisions of Part B below shall apply except as modified by the following provisions of this Part A of this Canon.

Section 1. Disciplinary Structure. The Disciplinary Board provided for in an Agreement shall be a court for the Diocese for the discipline of Priests and Deacons of the Diocese. Members of that Board from the Diocese shall meet the eligibility requirements and be selected as provided in Part B, Sections 2(2)-2(4) below, except that the number of members shall be as provided in the Agreement and their terms shall be staggered so that as nearly as is practicable one-third of the members shall be elected each year. Vacancies among those members shall be filled as provided in Part B, Section 2(5) below.

Section 2. Intake Officer. The Intake Officer(s) for the Diocese shall be selected as provided in Part B, Section 2(8) below, except that the Bishop shall consult with the Standing Committee instead of the Board in making a selection.

Section 3. Investigators. The Investigator(s) for the Diocese shall be selected as provided in Part B, Section 2(9) below, except that the Bishop shall consult with the President of the Standing Committee instead of the President of the Board in making a selection.

Section 4. Church Attorney. The Church Attorney(s) for the Diocese shall be selected or removed as provided in Part B, Section 2(10) below, except that the Bishop shall consult with the President of the Standing Committee instead of the President of the Board in making a selection or removal.

Section 5. Clerk and Records. The Diocese shall be obligated to provide a Clerk and recordkeeping in accordance with Part B, Sections 2(13) and 4 below only to the extent that those matters are not provided for in the Agreement.

PART B. DISCIPLINE

Section 1. Title IV of General Canons. Those provisions of Title IV of the Canons of the General Convention which are applicable to the Diocese are hereby incorporated as part of this Canon. To the extent, if any, that any of the provisions of this Title are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

Section 2. Discipline Structure.

(1) Disciplinary Board. There is hereby created a court for the Diocese to be known as the Disciplinary Board (the "Board"). The Board shall consist of nine persons, five of whom are Priests or Deacons and four of whom are Laity.

(2) Clergy Members. The Clergy members of the Board must be canonically and geographically resident within the Diocese.

(3) Lay Members. The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese.

(4) Election and Terms. The initial members of the Board will be appointed by the Bishop, to serve until January 1, 2012. Thereafter, the members of the Board shall be elected by the Convention. The Convention in 2011 will elect one clergy and two lay members for a term of one year, two clergy and one lay member for a term of two years, and two clergy and one lay member for a term of three years. Thereafter, three members shall be elected annually for a three (3)-year term; except, if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of each member except the initial members shall commence on the first (1st) day of the year following election.

(5) Vacancies. Vacancies on the Board shall be filled as follows:

- (a) Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
- (b) The Bishop shall appoint a replacement Board member.
- (c) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.
- (d) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the term of any person selected as a replacement Board member shall be until the first day of the year following the next annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.

(6) Preserving Impartiality. In any proceeding under Title IV, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

(7) President. Within sixty (60) days following January 1 of the year following each annual Convention, the Board shall convene to elect a President to serve for that calendar year.

(8) Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

(9) Investigator. The Bishop shall appoint one or more Investigators in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church. The compensation and terms of appointment of each Investigator will be provided in a written retainer agreement to be entered into between the Diocese and the Investigator.

(10) Church Attorney. The Bishop in consultation with the Chancellor and President of the Board shall appoint one or more Church Attorneys. Each person so selected must be a Member of the Church and a duly licensed attorney, but need not reside within the Diocese. The Bishop may, with the advice and consent of the Chancellor and President of the Board, remove a Church Attorney from that position at any time for cause, which shall include but not be limited to matters of importance to the good order and well being of the Diocese. Each Church Attorney will execute a written retainer agreement setting forth the compensation and other terms of engagement of the Church Attorney, which agreement will specifically require the Church Attorney to render periodic reports and submit reasonably detailed budgets for each matter pending from time to time and assigned to the Church Attorney.

(11) Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Canon IV.8 of the Canons of the General Convention and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon.

(12) Advisors. In each proceeding under this Canon, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

(13) Clerk. The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

Section 3. Costs and Expenses. The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of the Diocese.

Section 4. Records.

(1) Records of Proceedings. Records of active proceedings before the Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

(2) Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under this Canon at the Diocesan Archives and the Archives of the Episcopal Church, as prescribed in Title IV.

Section 5. Privileged Communication. The term “Privileged Communication” as defined in Canon IV.2 of Title IV shall include communications between same-sex partners in a committed long term domestic relationship.

PART VII - THE CANONS

CANON 27

Of Amendments to the Canons

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

Section 2. But no existing Canon shall be changed, and no new Canon shall be enacted, on the day on which the change or enactment may be proposed, unless such change or enactment shall have been referred to and reported upon by a committee of at least two Presbyters and two laymen.

Section 3. The Secretary of the Diocese, with any member of the Committee on Canons selected by such Committee, shall at the close of each Annual Convention, certify the changes made in the Constitution and in the Canons, and the Secretary shall print the same in the Journal.

CANON 28

Of the Repeal of Former Canons

All former Canons of this Convention are hereby repealed.