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**CANONS  
OF  
THE PROTESTANT EPISCOPAL CHURCH  
IN  
THE DIOCESE OF HAWAII**

**As amended through  
October 24, 2015**

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# CANONS

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# CANONS

## I. THE CONVENTION

### **Canon 1. Clerical Members of Convention**

Sec. 1.1. At least two weeks prior to the day of convening of the Convention in any annual or special session, the Bishop, or, if there be no Bishop, the President of the Standing Committee, shall cause to be prepared a list of all the clergy canonically resident in this Diocese, specifying the dates of the beginning of their canonical residence and the titles of their respective Pastoral Cures, or, in the case of those without Pastoral Cure, the dates above prescribed, the names of their respective positions, if any, and their places of residence; but no such clergy while suspended from the ministry shall have a place on such list. There shall be indicated on such list the names of such clergy entitled to seats and votes in the Convention as prescribed by Article III of the Constitution of this Diocese, and such indication shall be taken as presumptive evidence of the rights of those who shall be thus indicated, and of the right of no others. Such list shall be laid before the Convention immediately after it shall have been called to order and shall be appended to the Journal. This list shall include clergy of denominations in full communion with the Episcopal Church who are installed as rector, vicar, priest-in-charge, Associates, Curates, or Youth Ministers of an Episcopal Church in the Diocese of Hawai'i.

Sec. 1.2. If the right of any clergy to a seat and vote in the Convention is claimed or disputed, the Convention, after having heard the report and recommendation, if any, of the Committee on Credentials, shall determine either question in conformity with the provisions of the Constitution of the Diocese and of these Canons.

Sec. 1.3. It shall be the duty of all clergy having the right to vote in the Convention to attend every meeting thereof. Such clergy who shall absent themselves from Convention shall do so only with the previous consent of the Bishop.

(Amended: Sec. 1.1, 47th Ann. Conv. 2015)

### **Canon 2. Lay Members of Convention**

Sec. 2.1. The election of lay delegates and alternate lay delegates to the Convention of this Diocese shall be certified by the Rector, Vicar, or Priest-in-Charge of the Parish or Mission which they represent, or, in the absence of such a person, by a Warden of such Parish or Mission, and also, in every case, by the Clerk of such Parish or Mission. Certification of their election shall be upon a form approved by the Committee on Credentials, and no other certificate or evidence of the election of any lay delegate or alternate lay delegate shall be allowed or received except in accordance with Canon 2.4 below. The Secretary of the Convention, not less than one month before the date appointed for the convening of an annual or special

meeting of the Convention, shall send to the Rector of every Parish and a Vicar of every Mission in canonical union with the Convention blank certificates of election of lay delegates and alternate lay delegates; provided, that if any such Parish or Mission be without a Rector or a Vicar, then such blank certificates shall be sent to the Priest-in-Charge thereof or if there be none, to the Senior Warden or Bishop's Warden.

Sec. 2.2. The certificates of election herein prescribed shall be delivered to the Committee on Credentials, through its Chairman, not less than ten days prior to the day appointed for the convening of the Convention. From these certificates, the Committee on Credentials shall prepare a list of the lay delegates entitled to seats and votes in the Convention, and such list shall be appended to the Journal.

Sec. 2.3. If the right of any lay delegate to a vote in the Convention is claimed or disputed, the Convention, after having heard the report and recommendation, if any, of the Committee on Credentials, shall determine either question in conformity with the provisions of the Constitution of the Diocese and of these Canons.

Sec. 2.4. In the case of failure of one or more delegates or alternates from any Parish or Mission to attend the Convention, the Rector, Vicar, or Priest-in-Charge of such congregation shall have the power to appoint alternates to replace them. In the absence of such Rector, Vicar, or Priest-in-Charge, or such person's failure to act, the power of appointment shall fall to the Wardens in order of precedence. In the event there be no Wardens, or upon their failure to act, the power of appointment shall fall to the Bishop. Any such appointments shall be promptly reported to the Committee on Credentials.

Sec. 2.5. The lay delegates elected for an annual meeting of the Convention shall serve as delegates for any special meeting of the Convention which shall be convened subsequent to such annual meeting of the Convention and prior to the following annual meeting, provided, however, that any Parish or Mission has the power to fill vacancies or to make changes in their delegation, giving due notice thereof to the Committee on Credentials in accordance with the provisions of this Canon.

Sec. 2.6. It shall be the duty of every Parish and Mission entitled to representation in the Convention to send lay delegates to every session of the Convention in accordance with the provisions of the Constitution. It shall be the duty of lay delegates to insure by their attendance at all sessions of that Convention of which they are members that their Parish or Mission electing them is at all times fully represented.

Sec. 2.7. If, for whatever cause, a Parish or Mission is not represented at any Convention or during any portion thereof, such Parish or Mission shall nonetheless be bound by all acts of such Convention.

Sec. 2.8. No Parish or Mission which shall have failed to pay any assessment properly levied upon it for the preceding fiscal year by the 15th day subsequent to the end of such fiscal year shall be entitled to representation in the Convention; provided,

however, that the lay delegates representing such delinquent Parish or Mission may be admitted to seats and votes by the vote of the Convention upon the payment in full of such existing delinquency, or, by a majority vote of the Convention upon the report and recommendation of the Diocesan Council. The Treasurer of the Diocese shall report all such delinquencies to the Committee on Credentials no later than ten days prior to the day on which the Convention convenes, and the Committee shall report the same to the Convention in its initial report to certify the presence of a quorum.

(Amended: Sec. 2.1, 11<sup>th</sup> Ann. Conv. 1979; Sec. 2.8, 29<sup>th</sup> Ann. Conv. 1997)

### **Canon 3. The Secretary of the Convention**

Sec. 3.1. In addition to the duties prescribed in the Constitution of the Diocese and elsewhere in these Canons, the Secretary of the Convention shall have the following responsibilities:

Sec. 3.1.1. To record the minutes of the proceedings of the Convention and, when approved by the Committee for the Approval of the Minutes, to enter them in the Journal.

Sec. 3.1.2. To send the blank certificates of election of lay delegates and alternates as required by Sec. 2.1.

Sec. 3.1.3. To furnish a list of the members of every special committee appointed ad interim to the chairman of such committee, with a copy of the resolution creating it.

Sec. 3.1.4. To send to the Secretary of the House of Deputies of the General Convention a proper certificate of the election of Clerical and Lay Deputies as representatives in the General Convention, and to perform such other duties as may be required by the authority of the General Convention.

Sec. 3.2. The Secretary of the Convention shall attend to the production, under the supervision of the Bishop, and distribution of a sufficient number of copies of the Journal of the Convention which shall contain a directory of Diocesan officers, commissions, and departments, a list of the clergy of the Diocese and of Parishes and Missions and of lay delegates present at the meeting of the Convention, the Bishop's annual address to the Convention, the minutes of the proceedings of the Convention, a list of the Committees of the Convention, the Necrology, and such reports to the Convention as may be specified. Distribution of said Journal shall be made as follows:

Sec. 3.2.1. One copy to every member of the clergy canonically resident and domiciled in the Diocese.

Sec. 3.2.2. One copy to the clerk of each Parish and Mission in the Diocese.

Sec. 3.2.3. Two printed copies certified to be correct by the Bishop and by the Secretary of the Convention to the Registrar.

Sec. 3.2.4. One copy each to the Presiding Bishop, the President of the House of Deputies, the Chairman of the Joint Commission on the State of the Church, and to such others as required by the General Convention or Ecclesiastical Authority.

Sec. 3.3. The Secretary shall furnish to the Treasurer of the Diocese within one month after the adjournment sine die of the session of the Convention, a true statement of all special appropriations allowed by the Convention and not included in any approved budget. The Secretary shall also examine and certify to the Treasurer of the Convention the bills for printing and other expenses of the Journal and for any other official work as appropriate.

Sec. 3.4. The Secretary shall perform any other duties of the office as the General Constitution and Canons, the Convention and the Ecclesiastical Authority may direct.

(Amended: 11<sup>th</sup> Ann. Conv. 1979; Sec. 3.2, 16<sup>th</sup> Ann. Conv. 1984; 32<sup>nd</sup> Ann. Conv. 2000)

#### **Canon 4. The Treasurer of the Convention**

Sec. 4.1. The Treasurer of the Diocesan Council shall be ex officio, the Treasurer of the Convention.

Sec. 4.2. It shall be the duty of the Treasurer to establish the budget for each annual meeting of the Convention and any special meeting of the Convention and to submit the same to the Diocesan Council for inclusion in the annual budget to be presented to the Convention.

Sec. 4.3. It shall be the duty of the Treasurer of the Convention to administer the shared travel expense fund of the Convention in the following manner:

Sec. 4.3.1. The total amount of the air fare of all members of Convention, both clerical and lay, parochial and non-parochial, who shall be located on islands other than the island on which the Convention is to be held shall be determined.

Sec. 4.3.2. Such amount shall be divided by a number equal to the maximum number of lay members of the Convention.

Sec. 4.3.3. The share of each Parish and Mission shall be determined by multiplying the figure arrived at in Sec. 4.3.2 above times the number of lay delegates to which such Parish or Mission is entitled. Such amount shall be collected by the Treasurer prior to the meeting of the Convention being convened.

Sec. 4.3.4. Upon certification of actual travel expenses of each clerical member of the Convention and from each Parish or Mission of its lay delegates to the

Convention who attended from an island other than the island on which the Convention was held, the Treasurer shall disburse the appropriate amounts.

Sec. 4.3.5. In the event of a surplus in the fund, such surplus shall be utilized in the subsequent year and the travel expense fund assessments to each Parish and Mission shall be reduced accordingly.

Sec. 4.3.6. In the event any Parish or Mission shall fail to remit its share as required, an amount equal to such share shall be deducted from the payments of its Diocesan assessment and in the event this results in a deficiency in the latter, appropriate sanctions found elsewhere in these Canons shall apply.

Sec. 4.4. The Treasurer shall perform any other duties pertaining to the office as the Convention or the Ecclesiastical Authority may direct.

## **Canon 5. Business of the Convention**

Sec. 5.1. At the opening of Convention, the President shall call it to order.

Sec. 5.1.1. In the absence of a Bishop, the President of the Standing Committee shall call the Convention to order and a President pro tempore of the Convention shall be elected from among its members.

Sec. 5.2. The President shall call for a report from the Committee on Credentials in order to ascertain the presence of a quorum. In the event such a quorum is present, the President shall declare the Convention open and ready for business.

Sec. 5.3. The President shall then call for a report from the Committee on Dispatch of Business which shall recommend such changes, if any, as may be appropriate to the Standing Order of Business. For all annual meetings of the Convention, such Order of Business shall include the following:

- Announcement of committee appointments;
- Nominations from the floor for offices to be filled by the Convention;
- The election of officers;
- The presentation of annual reports;
- The report of the Treasurer of the Diocese;
- Presentation of the annual budget;
- Reports of committees of the Convention and of Diocese as appropriate;
- The selection of the times and places for subsequent annual meetings of the Convention.

(Amended: Sec. 5.3, 33<sup>rd</sup> Ann. Conv. 2001)



## **Canon 6. Committees of the Convention**

Sec. 6.1. Within 120 days of the adjournment of each annual meeting of the Convention, the President of the Convention shall appoint the membership of those committees enumerated hereafter. Additional committees may be created by the Convention as deemed appropriate. The members of each committee shall serve until the convening of the annual meeting of the Convention next following the one to which they are elected and any vacancies occurring may be filled immediately. The President shall announce the appointments at each annual meeting of the Convention. Except as otherwise indicated, the composition and membership of each committee shall be determined at the discretion of the President.

Sec. 6.2. The Committee on Credentials shall consider all claims and disputes affecting the right to seat or representative privilege in the Convention and shall perform such other like duties as may be assigned to it by these Canons or by the Convention. The Secretary of the Convention shall be a member of this committee ex-officio.

Sec. 6.3. The Committee on Dispatch of Business shall arrange the agenda for sessions of the Convention, expedite the transaction of business in an orderly manner and present for consideration of the Convention all unfinished or delayed business. The committee shall also consider, prior to and during the Convention sessions, all proposed additions to, amendments to and alterations of the Rules of Order of the Convention. The Chancellor shall be a member of this committee ex-officio.

Sec. 6.4. The Committee on Nominations shall present candidates for each office or position to be elected. Upon the request of the Bishop, this committee shall act as a council of advice with regard to those Diocesan offices or positions which are filled on the appointment of the Bishop and confirmation by the Convention.

Sec. 6.5. The Committee on Constitution and Canons shall have the responsibility to consider and report to the Convention on all proposed changes to the Constitution and Canons, and the Charter of the Diocesan Corporation.

Sec. 6.6. The Committee on Elections shall have the duty to supervise, in the interest of accuracy and fairness, all elections by ballot of the members of the Convention and also, when requested by the President, to determine the results of other voting by the Convention.

Sec. 6.7. The Committee on Necrology shall have the duty to report to each annual meeting of the Convention a list of clergy and laity who since the last annual meeting of the Convention have departed this life and shall offer suitable memorials or resolutions pertaining thereto.

Sec. 6.8. The Committee on Resolutions shall consider and evaluate such resolutions as shall be referred to it by the President of Convention and shall recommend to the Convention such action thereon as it deems appropriate. The

committee may offer resolutions of courtesy on its own initiative. The resolutions which shall be referred to the Committee on Resolutions shall be those which do not fall within the purview of any other committee or commission of the Convention.

Sec. 6.9. The Committee on the Bishop's Address shall present to the Convention matters raised in the Bishop's Address for which consideration and action by the Convention is necessary or proper.

Sec. 6.10. The Committee to Approve the Minutes of the Convention shall have the responsibility of reviewing the minutes and the approval of same prior to their being printed in the Journal.

Sec. 6.11. The Committee on Convention Plans shall have the responsibility of planning for the annual meetings and any special meetings of the Convention. In addition to any members appointed by the President, there shall be the following ex-officio members: the President, the Chancellor, the Chairman of each of the above committees and the Secretary and Assistant Secretary of the Convention.

(Amended: Sec. 6.11, 16<sup>th</sup> Ann. Conv. 1984)

## **Canon 7. Rules of Order**

Sec. 7.1. In addition to the Constitution and Canons of this Diocese, but not in conflict therewith, for the regulation of legislative action, the proceedings of the Convention shall be by Rules of Order, which, having been once adopted, shall continue in force until they shall have been amended, repealed or suspended.

## **II. OFFICERS OF THE DIOCESE**

### **Canon 8. The Treasurer of the Diocese**

Sec. 8.1. In addition to the duties prescribed elsewhere in these Canons and as enumerated in the By-Laws of the Diocesan Corporation, the Treasurer of the Diocese shall have the following responsibilities:

Sec. 8.1.1. To act as the financial agent of the Diocese for the receipt and disbursement of funds collected under the authority of the Convention, the receipt and disbursement whereof is not otherwise regulated.

Sec. 8.1.2. As requested, to present to the Diocesan Council, a report at any meeting thereof as to the financial condition of the Diocese from time to time.

Sec. 8.1.3. To present annually to the Convention a written account of the several funds in the custody of the Treasurer for the previous fiscal year.

Sec. 8.1.4. To deliver to a duly elected successor all funds, credit accounts, papers and books belonging to the Diocese and held in custody and to take a proper receipt therefor.

Sec. 8.2. The accounts and records of the Treasurer shall be audited annually by an independent certified public accountant approved by the Diocesan Council.

Sec. 8.3. The Treasurer may be removed from office at any time by the Bishop, acting by and with the advice and consent of the Diocesan Council, for any neglect, misconduct or incapacity.

Sec. 8.4. The Treasurer shall receive such salary as is approved by the Convention upon the recommendation of the Diocesan Council.

### **Canon 9. The Registrar of the Diocese**

Sec. 9.1. It shall be the duty of the Registrar of the Diocese to receive and preserve in some safe place, the Journals of the Convention of this Diocese, the Journals of the General Convention, such other records as belong or shall hereafter belong to the Convention and all Parish Registers, documents and papers belonging to the Diocese, the Standing Committee or other Diocesan bodies or officers and not required to be kept by any other person or officer.

Sec. 9.2. The Diocese shall provide a fireproof safe in a suitable place for the safekeeping of the Registrar's records.

Sec. 9.3. In the case of the death or inability to act of the Registrar, a successor shall be confirmed by a majority vote of the Diocesan Council upon the appointment by the Bishop.

### **Canon 10. The Historiographer of the Diocese**

Sec. 10.1. It shall be the duty of the Historiographer of the Diocese to collect and preserve such materials as can be obtained relative to the history of the Diocese, its Bishops, Parishes, Missions, institutions and undertakings, and so to arrange, catalog and classify all such books, documents, photographs and papers in his custody as to make their content accessible for reference and research. All such materials shall remain the property of the Diocese and shall be delivered to the custody of a duly elected successor in office.

Sec. 10.2. Records and materials in the custody of the Historiographer shall be available for research purposes to persons approved by the Bishop, and shall be made accessible by the Historiographer under such rules as may be reasonably established.

Sec. 10.3. The Historiographer, when requested by either the Bishop or the Convention, shall obtain, prepare and furnish material or data on any specific matter and shall make a report of such findings to the Bishop or the Convention at its next annual session as appropriate.

Sec. 10.4. The Historiographer shall annually present to the Convention a written report showing the performance of the duties of the office, the condition of the collections and the additions made to them, with such recommendations as may appear proper concerning their safe preservation, arrangement and increase, and concerning the best method of securing to the Church a knowledge of all matters of importance contained therein.

### **Canon 11. The Chancellor of the Diocese**

Sec. 11.1. In addition to the duties elsewhere prescribed in the Constitution of the Diocese and these Canons, it shall be the duty of the Chancellor:

Sec. 11.1.1. To serve as parliamentarian to the meetings of the Convention and the Diocesan Council.

Sec. 11.1.2. On request of the Ecclesiastical Authority of the Diocese to render opinions as to legal construction of the General Constitution and Canons and of the Diocesan Constitution and Canons.

Sec. 11.1.3. To be the advisor, when requested by each, confidential or otherwise, of the Bishop, the Diocesan Council, and the Standing Committee.

Sec. 11.1.4. To represent the Diocese, unless unable to do so, in all litigation involving the interest, rights, or property of the Diocese.

Sec. 11.1.5. On the request of the same, to give advice and assistance to the Parishes and Missions of the Diocese.

Sec. 11.2. In fulfilling the duties enumerated above, the Chancellor may call on the services of the Vice Chancellor and Deputy Vice Chancellors, if any.

Sec. 11.3. In the event of a vacancy in the office of Chancellor or Vice Chancellor, the Bishop, with the advice and consent of the Diocesan Council, may appoint a successor until the next annual meeting of the Convention.

Sec. 11.4. Whenever the Bishop shall so desire, subject to confirmation by a majority vote of the Convention, the Bishop may appoint an individual who has previously served the Diocese as Chancellor to the honorary position of Chancellor Emeritus. Appointment to the honorary position of Chancellor Emeritus shall continue for the appointee's lifetime unless and until such appointee shall resign or shall be removed pursuant to the provisions of Canon 12.

(Added: Sec. 11.4, 20<sup>th</sup> Ann. Conv. 1988)

### **Canon 12. Removal of Officers**

Sec. 12.1. If, while the Convention is not in session, a majority of the whole number of the members of the Diocesan Council shall deem it necessary or expedient

to remove from office any of the officers of the Diocese or officers of the Convention, the reason therefor shall be communicated to the Bishop in writing and the Bishop thereupon shall call a special meeting of the Standing Committee to consider the matter.

Sec. 12.2. If upon hearing the charges and the defense, if any, the Standing Committee, or a majority of the whole membership thereof, shall find such removal in the best interests of the Diocese, and if the Bishop shall concur in such judgments, such removal shall be ordered by the Bishop.

### **III. ORGANIZATION OF THE DIOCESE**

#### **Canon 13. The Diocesan Council**

Sec. 13.1. There shall be a Diocesan Council (hereinafter referred to as the "Council") which shall be composed of the Bishop Diocesan, the Bishop Coadjutor and the Bishop Suffragan, if there be such, and the following members elected by the Convention: five (5) clerical members, one (1) lay member each from the Counties of Hawai`i, Kauai, Maui, and the City and County of Honolulu, and three (3) lay members-at-large. Members shall be divided into three (3) classes so that the terms of four (4) members shall expire each year with no more than two (2) clerical members in a class. Class 1 will consist of one (1) clergy, one (1) lay member-at-large, the Hawai`i lay member, and the Honolulu lay member. Class 2 will consist of two (2) clergy members, the Kauai lay member, and one (1) lay member-at-large. Class 3 will consist of two (2) clergy, the Maui lay member, and one (1) lay member-at-large. Each lay member shall be, at the time of election, at least eighteen (18) years of age and a communicant in good standing and each clerical member shall be canonically resident in the Diocese of Hawai`i. The Council shall have power to fill vacancies occurring through any cause in its membership elected by the Convention, for the remainder of such term; unless such vacancy occurs sixty (60) days before the annual meeting of the Convention; in which case the vacancy shall be filled through election by the Convention. A vacancy in a county membership shall be filled by a person from the County from which such vacancy exists for such unexpired term. A permanent vacancy shall be declared to exist upon the majority vote of the entire membership of the Diocesan Council when a member shall have been absent, without cause, for three (3) successive regular Diocesan Council meetings or for a period of three (3) successive months, if more than three (3) regular meetings have been held within such period. A majority of the members shall constitute a quorum; provided, however, that the quorum shall contain a minimum of two (2) clerical members. No member, who has served two (2) consecutive full three-year terms, shall be eligible for re-election until the second annual meeting of the Convention following the annual meeting at which said terms expire. The terms of the members shall be three (3) years; however, they shall remain in office until their respective successors have been elected. No member shall serve concurrently on the Standing Committee.

(Amended: 24<sup>th</sup> Ann. Conv. 1992; 26<sup>th</sup> Ann. Conv. 1994, eff. after 27<sup>th</sup> Ann. Conv. 1995; 30<sup>th</sup> Ann. Conv. 1998; 31<sup>st</sup> Ann. Conv. 1999; 37<sup>th</sup> Ann. Conv. 2005; 39<sup>th</sup> Ann. Conv. 2007; 43<sup>rd</sup> Ann. Conv. 2011)

Sec. 13.2. The officers of the Council shall be a President, who shall be the Bishop; a Vice President, who shall be the Bishop Coadjutor, if there be one, or, if not, the Suffragan Bishop, if there be such, and if none such, then a member elected by the Council; a Treasurer appointed by the Bishop with the advice and consent of the Council, an Assistant Treasurer elected by the Council from among its own members, and a Secretary and Assistant Secretary elected by the Council from among its own members. In the absence of the President, the Vice President shall be the presiding officer.

Sec. 13.3. The Council shall have the following responsibilities:

Sec. 13.3.1. The Council shall exercise all powers of the Convention between meetings thereof and shall act on its behalf with regard to all matters.

Sec. 13.3.2. The Council shall be the program planning and policy making body of the Diocese between meetings of the Convention.

Sec. 13.3.3. The Council shall interpret, detail and/or adjust any policy, program and budget to meet the realities of changing situations and availability of funds.

Sec. 13.3.4. The Council may approve the initiation and development of such new work between annual meetings of the Convention as is deemed necessary and consistent with Convention policy.

Sec. 13.4. The duties of the Council shall be to:

Sec. 13.4.1. Provide leadership for enabling congregations to meet the mission and vision of the Diocese.

Sec. 13.4.2. Shall annually submit to the Convention a budget based on the goals and objectives developed for the ensuing year for the program of the Diocese, including administrative expenses and the Diocesan contribution to the National Church.

Sec. 13.4.3. Provide for an annual review and revision of the personnel policies to cover clergy and lay members employed by the Diocese and clergy and lay workers within the Parishes and Missions of the Diocese.

Sec. 13.4.4. In the event of a vacancy in the Episcopate, and there be no Suffragan Bishop, in cooperation with the Standing Committee, to make the necessary arrangements for the continuing management of the Diocese.

Sec. 13.5. In accordance with Canon 18, the Council may from time to time establish such commissions, committees, task forces, and other groups as are necessary to aid the Council in conducting the business of the Diocese. All Bishops of the Diocese shall be, ex officio, members of each commission, committee, task force, or other group established by Council, and the Bishop Diocesan, or the Vice President of Council if there is no Bishop Diocesan, shall appoint the conveners, chairs, and members of all such groups with the advice of Council.

(Amended: 31<sup>st</sup> Ann. Conv. 1999. The amendments adopted at the annual meeting in 1999 became effective at the convening of the annual meeting in 2000; Amended: Secs. 13.4 and 13.5, 43<sup>rd</sup> Ann. Conv. 2011)

### **Canon 13A. Regions**

Sec. 13A.1. There shall be seven regions (“Regions”, each of which is a “Region”). The Regions of Hawai`i, Kauai and Maui shall include parishes, missions and institutions in the Counties of Hawai`i, Kauai and Maui, respectively. The Regions of Central O`ahu, East O`ahu, West O`ahu and Windward O`ahu shall include the parishes, missions and institutions in the City and County of Honolulu as determined from time to time by the Diocesan Council. Institutions shall include those described in Canon 16 but not those described in Canon 17.

Sec. 13A.2. Each Region shall nurture its churches and institutions and help them to relate to the wider Church, shall be tools of evangelism, and shall do such other things as it may deem useful to further the Kingdom of God. The manner in which Regions accomplish this shall be the decision of each Region.

(Adopted: 24<sup>th</sup> Ann. Conv. 1992; Amended: Sec. 13A.2 and 13A.2A, 27<sup>th</sup> Ann. Conv. 1995; 31<sup>st</sup> Ann. Conv. 1999. The amendments adopted at the annual meeting in 1999 became effective at the convening of the annual meeting in 2000; Amended in its entirety: 43<sup>rd</sup> Ann. Conv. 2011)

### **Canon 14. The Standing Committee**

Sec. 14.1. There shall be a Standing Committee for Diocese of Hawai`i as provided for by the Constitution of the Diocese and the Constitution and Canons of the Protestant Episcopal Church in the United States of America.

Sec. 14.2. It shall be the duty of the Standing Committee, along with other duties as prescribed by the Constitution of the Diocese and the Constitution and Canons of the Protestant Episcopal Church in the United States of America to serve as the Bishop’s council of advice.

Sec. 14.3. It shall be the duty of the Standing Committee to conduct a mutual ministry review with the Bishop and the Diocese at least once every three years.

Sec. 14.4. It shall be the duty of the Standing Committee to review annually the compensation to be paid to the Bishops and all clergy and lay employees of the Diocese and to make recommendations pertinent thereto to the Diocesan Council and to the Convention.

(Amended in its entirety, 43<sup>rd</sup> Ann. Conv. 2011; added: Secs. 14.3 and 14.4, 47th Ann. Conv. 2015)

### **Canon 15. The Commission on Ministry**

Sec. 15.1. The membership of the Commission on Ministry shall consist of four (4) clerical members canonically resident in this Diocese and four (4) lay members. The members shall be appointed by the Bishop and confirmed by a majority vote of the members of the Convention at the annual meeting for terms of four (4) years or until their successors are duly appointed and confirmed. The terms of the members shall be staggered so that the term of one member in each order shall expire at each annual meeting of the Convention. Should a vacancy occur between annual meetings of the Convention, it may be filled for the remainder of the term by appointment of the Bishop and confirmation by the Standing Committee.

Sec. 15.2. The Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop.

Sec. 15.3. The Commission on Ministry shall assist the Bishop in matters pertaining to the enlistment and selection of persons for the Ministry: in the guidance and pastoral care of all Postulants, Candidates for Holy Orders, Deacons, Diaconesses, if there be such, and Professional Church Workers; and shall assist the Bishop in matters pertaining to the continuing education of the Ministry.

Sec. 15.4. In the presence and under the guidance and oversight of the Bishop, the Commission on Ministry shall interview each Candidate prior to ordination, alike to the Diaconate and the Priesthood, to ascertain such Candidate's personal readiness for such ordination. The results of this interview shall be reported in writing without delay to the Bishop and the Standing Committee.

Sec. 15.5. In those cases where the conduct and evaluation of the examination of persons for Holy Orders is assigned to the Commission on Ministry, the Commission shall make the report called for under Title III, Canon 31 of the General Canons and shall transmit a copy of said report to the General Board of Examining Chaplains.

(Amended: Sec. 15.1 and Sec. 15.5, 33<sup>rd</sup> Ann. Conv. 2001)

### **Canon 16. Organizations and Institutions**

Sec. 16.1. Institutions of Parishes and Missions.



Sec. 16.1.1. No Mission shall create, sponsor, or participate in the creation of any institution such as a day school, day kindergarten, day-care school, retirement home, nursing home, community house, or other institution of a similar nature unless it shall first be approved by the Vicar, the Bishop's Committee, the Ecclesiastical Authority, and the Diocesan Council.

Sec. 16.1.2. No Parish shall create, sponsor, or participate in the creation of any institution such as a day school, day kindergarten, day-care school, retirement home, nursing home, community house, or other institution of a similar nature unless it shall first be approved by the Rector, the Vestry, and the Ecclesiastical Authority.

Sec. 16.2. Organizations and Institutions of the Diocese.

Sec. 16.2.1. No Organization or Institution of the Diocese or of any Parish or Mission shall be incorporated without prior approval of the Diocesan Council, and the Ecclesiastical Authority, and approval by the Chancellor of its charter and bylaws.

Sec. 16.2.2. No Organization or Institution shall be deemed for any purpose the agent of the Diocese, and it may not obligate the Diocese by any contract, or pledge the credit of the Diocese.

Sec. 16.2.3. No Organization or Institution of the Diocese or of any Parish or Mission, whether incorporated or unincorporated, may use the word, Episcopal, in its name without the prior approval of the Ecclesiastical Authority and the Diocesan Council.

Sec. 16.2.4. The Convention may require any Organization or Institution to be terminated.

Sec. 16.3. The Ecclesiastical Authority and the Diocesan Council may require any Organization or Institution of the Diocese or of any Parish or Mission to incorporate under the Hawai'i Nonprofit Corporation Law.

(Adopted: 16<sup>th</sup> Ann. Conv. 1984; Added: Sec. 16A.3, 21<sup>st</sup> Ann. Conv. 1989)  
(Commission on Episcopal Schools repealed: 39<sup>th</sup> Ann. Conv. 2007)

**Canon 17. Organizations, Institutions and Other Agencies in Affiliation with the Diocese**

Sec. 17.1. Any entity heretofore or hereafter organized may be identified as being affiliated with the Diocese, provided:

Sec. 17.1.1. It shall not be operated for profit and its articles of incorporation and bylaws if it is incorporated or its constitution if it is unincorporated shall specify a religious, charitable or educational purpose;

Sec. 17.1.2. It shall request affiliation with the Diocese, the Ecclesiastical Authority and Diocesan Council shall recommend affiliation to the Convention, the Chancellor shall certify that its articles of incorporation and bylaws or constitution meet the requirements of this Canon, and the Convention shall approve the affiliation by resolution;

Sec. 17.1.3. If incorporated, it shall be and remain in good standing under the Hawai'i Nonprofit Corporation Act; and, except as otherwise provided in this Canon, its articles of incorporation or bylaws or constitution shall provide that

(a) the Bishop or another person appointed by the Bishop shall be a member of the governing board; and

(b) the election of any person to the governing board shall be subject to the written consent of the Ecclesiastical Authority and of the Diocesan Council;

provided, that, this Section 17.1.3 shall not apply, if upon written petition of an entity, the Ecclesiastical Authority and Diocesan Council waive some or all of the requirements of this Section 17.1.3 for entities in which the Church participates with other denominations on an ecumenical basis or in which community or other considerations justify an exception;

Sec. 17.1.4. It shall file with the Secretary of the Diocesan Council copies of its articles of incorporation and bylaws or constitution and all amendments thereto and copies of the minutes of its governing body on a timely basis;

Sec. 17.1.5. It shall make a written report to the annual meeting of the Convention; and

Sec. 17.1.6. It shall permit the Bishop or the Bishop's designee to visit it and examine its books, minutes, records and affairs to determine whether it conforms, and continues to conform, to the provisions of this Canon and whether its standards and performance of its work and service warrant continued recognition. If in the opinion of the Bishop it shall fail to meet such requirements, the Bishop may so report to the Convention, whereupon the Convention may take such action as, in its discretion, may be deemed appropriate, either to correct undesirable conditions or to end its status as an organization, institution or agency in affiliation with the Diocese.

Sec. 17.2. The Secretary of the Convention shall annually publish and the names of all organizations, institutions or agencies in affiliation with the Diocese in the Journal.

Sec. 17.3. Disclaimer. The affiliation, under the provisions of this Canon, of any entity as a Diocesan institution, or the continued recognition of any Diocesan institution heretofore affiliated, is made without any warranty, representation or assurance of any kind of any responsibility whatever on the part of the Bishop, the Diocese, The Episcopal Church in Hawai'i, or any committee, department, constituent part thereof or

any of their employees, agents or representatives for any financial, contractual or legal obligation now existing, or which may hereafter be incurred, by or on behalf of any entity, except as may be expressly undertaken in a written agreement duly executed pursuant to appropriate corporate action authorized by the Convention or Diocesan Council and specifically approved by the Bishop.

Sec. 17.4. Exceptions. This Canon shall not apply to organizations authorized by other Canons, to religious communities, or to a Parish, a Mission, the Cathedral, the National Church or its Eighth Province.

Sec. 17.5. Incorporation. The Ecclesiastical Authority and the Diocesan Council may require any entity affiliated with the Diocese to incorporate under the Hawai'i Nonprofit Corporation Act.

Sec. 17.6. Name. No affiliated entity may use the word "Episcopal" in its name without the prior approval of the Bishop and the Diocesan Council.

Sec. 17.7. No entity within this Diocese shall represent that it is sponsored by or connected with the Church or the Diocese unless it has met and continues to meet the provisions of this Canon.

(Amended: All Sections, 21<sup>st</sup> Ann. Conv. 1989)

## **Canon 18. Committees and Commissions of the Diocese**

Sec. 18.1. To facilitate the work of the Diocese, the Convention or the Diocesan Council may from time to time establish such committees and commissions with such duties as it may determine, and, unless otherwise provided, the Bishop shall appoint members thereto.

Sec. 18.2. A commission, committee, task force, or other group established by Council may include persons not members of the Convention. The Bishop shall be, ex-officio, a member of all commissions and committees established under this Canon.

Sec. 18.3. The committees and commissions shall report and make recommendations to the annual meeting of the Convention next following upon their appointment, at the conclusion of which meeting they shall be considered discharged, unless specific actions contrary be taken.

## **IV. MISSIONS, PARISHES AND THE CATHEDRAL**

### **Canon 19. Formation and Organization of Missions**

#### **A. Formation of Missions**

Sec. 19.1. Twelve or more adult baptized persons resident in the Diocese, desiring to have the ministries of this Church, may on their own initiative, or in

consequence of initiative taken by the Bishop and the Diocesan Council, petition the Bishop for recognition as a Mission of this Church as follows:

Sec. 19.1.1. They shall set forth their desire to become a Mission, together with their reasons;

Sec. 19.1.2. They shall declare their adherence to the doctrine, discipline, and worship of the Protestant Episcopal Church in the United States of America, and to the Constitution and Canons of this Church, General and Diocesan, and their willingness to conform to rules which are or may hereafter be established for Missions of the Diocese by duly constituted authority; and

Sec. 19.1.3. They shall affix their signatures and indicate in each case the congregation of their present religious affiliation.

Sec. 19.2. The Bishop and Diocesan Council, having received the petition described in Sec. 19.1, shall make a thorough study of the situation, giving opportunity for the Rector and Vestry or Vicar and Bishop's Committee of the churches of this Diocese adjacent to the proposed Mission to express themselves in relation thereto, unless such study has been made prior to the petition.

Sec. 19.3. If the Bishop and Diocesan Council, having made such studies, approve the formation of the Mission, this approval shall be communicated to the petitioners, and the Bishop shall appoint from their number not fewer than three persons to serve as a Bishop's Committee until such time as the Mission shall have become organized as provided in Part "B" naming from their number, a Warden, a Secretary and a Treasurer. The Bishop shall advise the Rectors and Vicars of the adjacent Churches of this action, and shall appoint a Priest-in-Charge to provide pastoral ministries and conduct services in the Mission.

#### B. Organization of Missions

Sec. 19.4. At any time after the formation of a Mission as provided in Part "A", the Mission may be organized under the following conditions:

Sec. 19.4.1. There shall be at least twelve communicants among the members of the Mission.

Sec. 19.4.2. There shall be prepared a set of By-Laws which shall include:

- (a) the name by which the Mission is to be known;
- (b) the time and place of the annual meeting;
- (c) the qualifications of voters, the minimum of which shall be: they shall be baptized persons of at least fourteen (14) years of age, who for the past six months have been regular in church attendance in the Mission and recorded as

contributors to its support, provided any Mission may, if it so desires, increase the age requirement up to and including eighteen (18) years;

(d) provisions for the election of members to serve with the Vicar as a Bishop's Committee which shall set forth: their number, which shall not be fewer than three (3); their qualifications, which shall be at least those required for voters; provided however that a majority shall be communicants; their term of office; their duties, which shall be those pertaining to the Vestries of Parishes, except as to the right to incorporate and of calling a Minister; and the manner of filling vacancies;

(e) provisions for the nomination to the Bishop of a Warden to be selected by the Bishop and for election by the Bishop's Committee of officers, which shall include from their own number a Clerk who shall be a communicant in good standing, and, from among the qualified voters, a Treasurer; and

(f) provisions for amendment of the By-Laws.

Sec. 19.4.3. The By-Laws shall be approved by the Bishop and the Standing Committee and submitted for study to the Committee on Constitution and Canons, which, upon recommendation of the Chancellor, shall certify in writing as to their conformity to the Constitution and Canons of the Diocese. Upon certification, the By-Laws shall be submitted to a meeting of the members of the Mission, the Priest-in-Charge presiding, and if adopted by a majority vote, shall become effective immediately, except that the members of the Bishop's Committee and the Bishop's Warden, Secretary and Treasurer previously appointed shall continue in office until the date of the annual meeting when elections shall be held in accordance with the By-Laws.

Sec. 19.4.4. A certificate as to the number of communicants, a copy of the By-Laws and of the certificate of the Committee on Constitution and Canons, together with a record of the proceedings of the meeting at which the By-Laws were adopted, signed by the Priest-in-Charge, shall be sent to the Bishop, who shall certify to the Standing Committee and the Secretary of the Convention that the Mission is organized in accordance with the Canon.

#### C. Admission into Union with the Convention

Sec. 19.5. At the next annual meeting of the Convention after the organization of a Mission, there shall be laid before the Convention:

Sec. 19.5.1. The certificate from the Bishop described in Sec. 19.4.4;

Sec. 19.5.2. An application, signed by a majority of the members of the Bishop's Committee, requesting that the Mission be admitted to union with the Convention; and

Sec. 19.5.3. The customary certificate of election of lay delegates and lay alternates.

Sec. 19.6. The Convention may thereupon, by majority vote, resolve that the Mission as organized be admitted to union with the Convention and that the elected lay delegates be seated.

**Canon 20. Organization and Recognition of Parishes**

A. Formation as a Mission

Sec. 20.1. A congregation, other than an organized Mission in union with Convention, desiring to become a Parish of the Diocese and to be admitted into union with the Convention as such shall first follow the procedure outlined in the Canon entitled “Formation and Organization of Missions”.

B. Approval of Bishop and Standing Committee

Sec. 20.2. An organized Mission desirous of becoming a Parish shall present to the Bishop a written petition signed by no less than twelve communicants of the Mission, including a majority of the members of the Bishop’s Committee, setting forth this desire and the reasons therefor. The petition shall be accompanied by evidence showing:

Sec. 20.2.1. Authorized access to a location adequate to the current and immediately foreseeable future needs of the congregation; and

Sec. 20.2.2. The amount of money they are prepared to contribute to their self-support and a statement regarding their ability to meet their share of the annual Diocesan assessment and to further the work of the General Church and this Diocese.

Sec. 20.2.3. A vision for their life as an Episcopal faith community.

Sec. 20.3. The Bishop shall refer the petition to the Standing Committee for its advice and approval. If the Bishop and the Standing Committee both approve, they shall give their consent in the following forms:

Sec. 20.3.1. By the Standing Committee:

“The Standing Committee of the Diocese of Hawai’i, having duly considered the petition of \_\_\_\_\_, an organized Mission, to become a Parish, and having approved thereof, does hereby consent thereto.

\_\_\_\_\_  
President  
\_\_\_\_\_

Secretary”

Sec. 20.3.2. By the Bishop:

“I hereby give my canonical consent to \_\_\_\_\_, an organized Mission, to become a Parish.

\_\_\_\_\_  
Bishop”

C. Organization as a Parish

Sec. 20.4. Upon receipt by the Bishop’s Committee of the consents required by this Canon, it shall take the following steps to complete its organization as a Parish:

Sec. 20.4.1. There shall be prepared a set of By-Laws which shall include the following, subject to the provisions of the Canons of the Diocese concerning Rectors, Wardens, and Vestries;

- (a) The name by which the Parish is to be known and its location;
- (b) Provisions for acknowledging conformity with and obedience to the doctrine, discipline and worship of the Protestant Episcopal Church in the United States of America, and the Constitution and Canons of this Church, General and Diocesan;
- (c) Time and place of the annual meeting;
- (d) Qualifications of voters;
- (e) Provision for the selection of Wardens and Vestry members, which shall set forth: their number and their qualifications, which shall be at least those prescribed for Parishes; their terms of office; their duties; and the manner of filling vacancies;
- (f) Provision for Parish officers and the manner of their selection; and
- (g) Provision for the amendment of the By-Laws.

Sec. 20.4.2. The proposed By-Laws shall be submitted to the Committee on Constitution and Canons for study following which the said Committee, upon the recommendation of the Chancellor, shall certify in writing as to their conformity to the Constitution and Canons of the Diocese. Upon such certification, the By-Laws shall be submitted to a meeting of the members of the Mission, the Vicar presiding, and if adopted by a majority vote shall become effective immediately, and the selection of Wardens, Vestry members and other officers shall be made in conformity with the provisions thereof.

Sec. 20.4.3. A Rector shall be elected.

D. Recognition as a Parish

Sec. 20.5. There shall be sent to the Bishop, by the Rector:

Sec. 20.5.1. A certificate as to the number of communicants;

Sec. 20.5.2. A copy of the By-Laws and a copy of the certificate from the Committee on Constitution and Canons;

Sec. 20.5.3. A record of the meeting or meetings at which the By-Laws were adopted and the Wardens, Vestry members and officers who were chosen; and

Sec. 20.5.4. A record of the meeting at which the Rector was elected.

Sec. 20.6. The Bishop shall certify to the Standing Committee and to the Secretary of the Convention that the Mission, having satisfied the requirements for Parish status, is to be recognized as a Parish as of the date of such certification.

E. Admission to Union with the Convention

Sec. 20.7. At the next annual meeting of the Convention after the recognition of a Parish, there shall be laid before the Convention:

Sec. 20.7.1. A copy of the certification by the Bishop pursuant to Sec. 20.6;

Sec. 20.7.2. An application signed by a majority of the members of the Vestry requesting that the Parish be admitted to union with the Convention; and

Sec. 20.7.3. The certification of lay delegates and lay alternates in accordance with the Constitution.

Sec. 20.8. The Convention may thereupon, by majority vote, resolve that the Parish be admitted to union with the Convention and the elected lay delegates be seated.

(Amended: Secs. 20.2.1 and 20.2.2, 43<sup>rd</sup> Ann. Conv. 2011; Added: Sec. 20.2.3, 43<sup>rd</sup> Ann. Conv. 2011))

**Canon 21. The Cathedral Church**

Sec. 21.1. The church, commonly known as "St. Andrew's," shall be the Cathedral Church of the Diocese.



Sec. 21.2. There shall be established a governing body of the Cathedral which shall be entitled "The Chapter of the Cathedral of St. Andrew" the membership of which shall be as follows:

Sec. 21.2.1. Ex-officio members including the Bishop, who shall be President, the Bishop Coadjutor and Suffragan Bishop if there shall be such, the Dean of the Cathedral, who shall be Vice President, the Senior Warden of the Cathedral, and the Junior Warden of the Cathedral; and

Sec. 21.2.2. No less than four nor more than ten lay persons to be elected by the Cathedral congregation for terms of three years at each annual meeting of the Cathedral; and

Sec. 21.2.3. One lay member and one clerical member to be elected for a term of two years at each annual meeting of the Convention; and

Sec. 21.2.4. Such other members, not to exceed three in number, as may be provided for in the By-Laws of the Chapter.

Sec. 21.2A. In the event of a vacancy on the Chapter from among those individuals elected by the Cathedral congregation at its annual meeting, the Chapter shall have the power to fill such vacancy until the next annual meeting at which time an election shall be held to fill the unexpired term. In the event of a vacancy among the members elected at the annual meeting of the Convention, the Diocesan Council shall have the power to fill such vacancy until the next annual meeting of the Convention.

Sec. 21.3. Except as otherwise provided for in this Canon 21, the congregation of the Cathedral shall be a Parish, with all the usual parochial organizations, rights and privileges, the Rector of which Parish shall be the Dean of the Cathedral.

Sec. 21.4. The Dean shall be confirmed by a majority vote of the Chapter upon appointment by the Bishop. Subject to the control of the Bishop, the Dean shall:

Sec. 21.4.1. In consultation with the Chapter, decide all matters pertaining to Cathedral services;

Sec. 21.4.2. Exercise detailed supervision and management of the Cathedral;

Sec. 21.4.3. Assign duties to the clergy of the Cathedral.

Sec. 21.4.4. Serve as Chairman, ex officio of all committees of the Cathedral, unless the Dean shall select a member of the committee to so serve.

Sec. 21.5. The clergy of the Cathedral shall be active Canons and shall be appointed by the Dean with the approval of the Bishop and confirmed by a majority vote of the Chapter.

Sec. 21.5.1. The Canons shall perform such duties as shall be assigned to them by the Dean.

Sec. 21.5.2. In the absence of the Dean, subject to the approval of the Bishop, the Chapter shall appoint a Canon to perform those duties delineated in Sec. 21.4 above.

Sec. 21.6. The Bishop has the discretionary right to use the Cathedral upon due notice thereof to the Dean, has the general direction of the services therein and shall be invited to use it for Easter, at least three other Sundays each year and at Christmas.

Sec. 21.7. The Cathedral Chapter may enact By-Laws not inconsistent with this Canon for the purpose of the orderly accomplishment of its business.

Sec. 21.8. Upon adoption of this Canon, the former "Statutes of St. Andrew's Cathedral Chapter" shall be repealed, however the validity of any previous action taken in accordance with them shall not be affected.

(Amended: Sec. 21.2A, 11<sup>th</sup> Ann. Conv. 1979; 12<sup>th</sup> Ann. Conv. 1980)

## **Canon 22. Change of Parish Status**

Sec. 22.1. When any Parish shall

Sec. 22.1.1. fail to pay its Rector a salary at least equal to that to which the Rector is entitled in accordance with the minimum annual compensation schedule adopted by Convention in accordance with Canon 38 below, unless such failure is justified to the satisfaction of the Bishop and Standing Committee; or

Sec. 22.1.2. fail for two successive years to pay in full the Diocesan assessment levied upon it; or

Sec. 22.1.3. persistently fail to comply with the conditions and requirements for its organization and conduct as a Parish,

then after full investigation, and upon concurring action of the Bishop and Standing Committee, said Parish shall be declared an "Aided Parish".

Sec. 22.2. Upon being declared an Aided Parish, such Parish shall formally forego and relinquish its rights and privileges as a Parish, to wit: the election of a Rector and the holding and control of its property both real and personal. In the event the Parish shall have been incorporated, subsequent to its transfer of whatever real property it may have held, such corporation shall be dissolved. Upon a vacancy in the office of Rector, the Bishop shall appoint a Priest-in-Charge.

Sec. 22.3. The Ecclesiastical status of the Aided Parish shall be that of a Mission and it shall be governed by all of the provisions of these Canons applicable to

Missions, except as otherwise specifically provided herein. The Bishop shall certify such change to the Secretary of the Convention and the Secretary shall note the change in the list of Parishes and Missions of the Diocese and shall give corresponding notice to the Convention.

Sec. 22.4. At any time prior to the expiration of four years, an Aided Parish may be restored to full and regular Parish status by approval of the Bishop, with the advice and consent of the Standing Committee, either upon the initiative of the Bishop, or upon the petition of the Vestry of the Aided Parish. If an Aided Parish shall remain in such status for a period of four years, then a special meeting of the Aided Parish shall be called, and by majority vote thereof, it shall be determined whether such Aided Parish shall petition to be restored to full and regular Parish status or to be changed to the status of a Mission.

Sec. 22.4.1. Upon restoration to regular Parish status, if the Bishop shall have appointed a Priest-in-Charge, such priest shall forthwith resign and a successor shall be elected in the manner provided for regular Parishes.

Sec. 22.4.2. If the Aided Parish elects to change to the status of the Mission, it shall take the necessary legal steps to immediately organize itself in accordance with the provisions of these Canons relating to organized Missions.

Sec. 22.5. If the Vestry of any regular Parish shall resolve that it is unable to effectively or properly to carry on as a Parish and voluntarily requests change of status to either that of an Aided Parish or an organized Mission, and if such resolution shall receive the written approval of a majority of the qualified voting members of the Parish, then a certificate of such Vestry resolution and membership approval shall be submitted to the Bishop for his consideration with the advice and consent of the Standing Committee. If the Bishop and Standing Committee shall approve the resolution, then such Parish shall thereupon become an Aided Parish or organized Mission, as the case may be, in accordance with the request, and thereafter all acts and things shall be accomplished as herein required to conform to such new status.

### **Canon 23. Change of Status of Mission**

Sec. 23.1. Whenever any organized Mission shall

Sec. 23.1.1. fail to pay its Vicar its agreed upon portion of the Vicar's salary unless such failure is declared to be only temporary to the satisfaction of the Bishop and Standing Committee; or

Sec. 23.1.2. fail for two successive years to fully pay the assessment levied upon it; or

Sec. 23.1.3. persistently fail to comply with the conditions and requirements for its organization and conduct as an organized Mission, then after full investigation, and upon concurring action of the Bishop and Standing Committee, said

organized Mission shall either be dissolved in its entirety or it shall be declared to be an unorganized Mission in accordance with these Canons.

Sec. 23.1A. If the Bishop's Committee of any organized Mission shall resolve that it is unable effectively or properly to carry on as an organized Mission and voluntarily requests a change of status to that of an unorganized Mission or that it be dissolved in its entirety, and if such resolution shall receive the written approval of a majority of the qualified voting members of the organized Mission, then a certificate of such Bishop's Committee resolution and membership approval shall be submitted to the Bishop for the Bishop's consideration with the advice and consent of the Standing Committee. If the Bishop and Standing Committee shall approve the resolution, then such organized Mission shall thereupon become an unorganized Mission or shall be dissolved in its entirety, as the case may be, in accordance with the request, and thereafter all acts and things shall be accomplished as herein required to conform to such new status.

Sec. 23.2. In the event that the Mission is dissolved in its entirety, then such property as it may own shall be delivered and conveyed as the Bishop may direct and all Mission records shall be delivered to the Registrar of the Diocese.

Sec. 23.3. In the event the new status shall be of an unorganized Mission, then its members shall be governed in accordance with the provisions relating to same contained in these Canons.

(Amended: Sec. 23.1A, 31<sup>st</sup> Ann. Conv. 1999)

#### **Canon 24. The Change of Name by a Parish or Mission**

Sec. 24.1. In the event that a Parish or a Mission desires to change its name, a resolution to that effect must be adopted at a special meeting of such Parish or Mission, which resolution must specify the reasons therefor. The resolution shall first have been approved by the Vestry of the Parish or the Bishop's Committee of the Mission with the specific concurrence of the Rector or Vicar respectively. Upon such approval and concurrence, a special meeting shall be called to consider the resolution. Notice of such special meeting shall be given as provided for in Canon 29 for a Parish and Canon 32 for a Mission.

Sec. 24.2. A copy of such resolution, certified to be correct by the presiding officers of such special meeting must be presented to the Bishop and the Standing Committee for the respective approval of each.

Sec. 24.3. At the regular meeting of the Diocesan Council next following the approval of the Bishop and the Standing Committee, the matter shall be taken up by resolution and upon passage of same, the Bishop shall certify such change to the Secretary of the Convention. The Secretary shall thereupon note the change on the roll of the Convention and give notice of the change to the Convention.

Sec. 24.3A. At the meeting of the Convention next following the passage of the resolution by the Diocesan Council, the President of the Convention shall formally welcome the Parish or Mission by its new title.

### **Canon 25. Missionaries**

Sec. 25.1. Missionaries of the Diocese, who shall be known as Vicars, shall be such clergy as shall be appointed by the Bishop for missionary work in the Diocese, and assigned by the Bishop to the charge of organized Missions or to work in places not adequately served by any existing Parish or Mission; provided that a Missionary may be assigned to two or more Missions or other missionary charges; and a Rector of a Parish, with the approval of the Vestry, may be assigned to duty as a Missionary outside of the Parish and be given a missionary stipend therefor.

Sec. 25.2. The duties and authority of a Vicar of a Mission shall be, so far as applicable, the same as those of a Rector of a Parish as prescribed in these Canons, including the right to voice and vote at all annual meetings of the Mission and Bishop's Committee meetings, and the right to preside at each in the absence of the Bishop.

### **Canon 26. The Filling of Vacant Cures**

Sec. 26.1. When the Cure of a Parish becomes vacant, the Wardens or other proper officers shall give notice of such fact to the Bishop and Standing Committee within thirty days from the occurrence of such vacancy. If the authorities of the Parish shall for thirty days subsequent to such vacancy have failed to make provisions for regular services, it shall be the duty of the Bishop to take such measures as may be deemed expedient for the temporary maintenance of worship services therein.

Sec. 26.2. The Vestry of such Parish shall, at a meeting called for such purpose, elect a Priest in good standing in the church to fill such vacancy. Notice of such election shall be given to the Ecclesiastical Authority who, within a period of thirty days from such notification, shall indicate concurrence or lack thereof in such election. In the event of the latter, the election shall be held to have failed.

Sec. 26.3. Written notice of the final election signed by the Church Wardens or the Secretary of the Vestry shall be sent to the Ecclesiastical Authority of the Diocese who shall forward such notice to the Secretary of Convention for purposes of recordation. Such recordation shall be sufficient evidence of the relationship between the Rector and the Parish.

Sec. 26.4. In the case of the selection of a Priest or Deacon to assist the Rector, the name of the individual whom the Rector proposes to select shall be made known to the Ecclesiastical Authority. In the event the Ecclesiastical Authority indicates its disapproval within thirty days of such notification, such selection shall not be made. In the selection of a Priest or Deacon to assist the Rector, the certificate of selection shall be signed by the Rector and Wardens.

## **Canon 27. Of the Dissolution of the Pastoral Relation**

Sec. 27.1. Except upon mandatory resignation by reason of age, a Rector may not resign as Rector of a parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of a Parish be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided.

Sec. 27.2. If for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the Diocese. Whenever the Standing Committee is the Ecclesiastical Authority of the Diocese, it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

Sec. 27.3. Within sixty days of receipt of the written notice the Bishop, as chief pastor of the Diocese, shall mediate the differences between Rector and Vestry in every informal way which the Bishop deems proper and may appoint a committee of at least one Presbyter and one Lay Person, none of whom may be members of the Parish involved, to make a report to the Bishop.

Sec. 27.4. If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:

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

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

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

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

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

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

(g) If the relation is to be dissolved:

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

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

Sec. 27.5. In either event the Bishop shall offer appropriate supportive services to the Priest and the Parish.

Sec. 27.6. In the event of the failure or refusal of either party to comply with the terms of the judgment, the bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

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

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

Sec. 27.7. For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.

Sec. 27.8. (a) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Canon 43 provided that this does not require the exclusion of evidence in any proceeding under the Canons which is otherwise discoverable and admissible.

(b) In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under Canon 43, all proceedings under this Canon shall be suspended until the charge has been resolved or withdrawn.

[Amended in its entirety, 21<sup>st</sup> Ann. Conv. 1989]

## **Canon 28. Ministers and their Duties**

Sec. 28.1. The Rector, subject to the Bishop of the Diocese, shall have ultimate responsibility for all things pertaining to or affecting the spiritual interests of the Parish. It shall be the Rector's duty and right to give orders concerning public worship, together with all that appertains thereto.

Sec. 28.2. For the purposes of the office and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the church and Parish buildings with the appurtenances and furniture thereof.

Sec. 28.3. Any other Minister of a Parish, by whatever name designated, is to be regarded as being under the authority of the Rector.

Sec. 28.4. The Vicar of an organized Mission shall have authority like to that of a Rector.

## **Canon 29. Parish Meetings**

Sec. 29.1. The meeting of every Parish shall be held annually for the election of members of the Vestry, for the reception of reports and for the transaction of other business which may legally and canonically come before the meeting.

Sec. 29.2. A special meeting of any Parish may be held at any time on the call of the Rector with the consent of the Vestry, on the call of the Vestry when the office of Rector is vacant or on the call of ten per cent (10%) of the qualified voters of the Parish; provided, that the notice of such special meeting shall set forth the business which it is proposed to transact at such meeting and no other business than that specified in the notice shall be in order except by a two-thirds majority.

Sec. 29.3. The annual meeting of a Parish shall be held not later than the thirty-first day of January, the day and hour being determined by the Vestry.

Sec. 29.4. Notice of any Parish meeting shall be given during all services held on the two Sundays preceding such meeting and by mail posted at least ten days prior to such meeting to all members of the Parish.

Sec. 29.5. At any meeting of the Parish, qualified voters shall be those persons of fourteen (14) years of age or over who, at the time of such meeting, shall be either communicants on the records of the Parish or baptized persons who have been contributors to the funds of the Parish for six months and whose names as regular contributors shall have been for that period entered or entitled to be entered upon the books of the Treasurer of the Parish, provided, however, that any Parish by its By-Laws may increase the age requirement up to and including eighteen (18) years. Any dispute as to whether an individual is a qualified voter shall be determined by majority vote upon the recommendation of the Rector and Treasurer. If the Parish shall have been organized within six months before the day of such meeting, then the prescribed period of qualification shall be considered as beginning with the date of such organization.

Sec. 29.6. At any meeting of the Parish, the presence of ten percent (10%) of qualified voters of the Parish shall constitute a quorum for the transaction of business, and no person shall be permitted to vote by absentee ballot or by proxy. A Parish by its By-Laws may increase the percentage of qualified voters to constitute a quorum.

Sec. 29.7. The Rector shall preside at all Parish meetings; provided, however, in the absence of a Rector, the Wardens, according to seniority by title, shall preside. The Clerk of the Vestry shall be the Clerk of the Parish and shall discharge the duties



of that office at any meeting of the Parish, but in the case of the Clerk's absence or disability, the voters shall elect a Clerk to serve for that meeting. The election of the Junior Warden and the members of the Vestry shall be by ballot. The Presiding Officer shall appoint three tellers who shall receive and count the ballots and notify the presiding officer of the results thereof.

(Amended: Secs. 29.2, 29.4, 29.5, 29.6, 29.7, 11<sup>th</sup> Ann. Conv. 1979)

### **Canon 30. The Vestry**

Sec. 30.1. The Vestry shall consist of the Rector, two Wardens, and not less than five nor more than eighteen lay members. The number of members, the method of selection, the length of their term of office and manner of rotation, if any, shall be determined by each Parish and shall be specified in the Parish By-Laws. A majority of the lay members of the Vestry shall be communicants of the Parish. The remaining lay members shall be qualified voters.

Sec. 30.2. The Vestry shall have the power to fill any vacancy in their number, and members of the Vestry shall continue in office until their successors are elected. In the event of multiple year terms, the power of the Vestry to fill any vacancy shall be until the next annual meeting at which time an election shall be held to fill the unexpired term. The Vestry may declare that a vacancy exists when a member shall have been absent, without cause, from three successive regular Vestry meetings or for a period of three successive months, if more than three regular meetings have been held within such period.

Sec. 30.3. A quorum for a meeting of the Vestry shall consist of a majority of all the members thereof, all having been given due notice thereof. No meeting of the Vestry shall be valid unless either the Rector or the Senior Warden shall be present; provided, that if the office of the Rector be vacant, then the presence of both the Senior and Junior Warden shall be required; but if the offices of the Rector and either Warden shall be vacant, then the presence of the other Warden shall be required.

Sec. 30.4. The Rector shall preside at all Vestry meetings except that the Rector may appoint the Senior Warden as the presiding officer, provided however, in the case of a Parish without a Rector, or when the Rector is absent from the Diocese, the Senior Warden shall preside.

Sec. 30.5. The Vestry shall have charge of the temporalities and shall attend to all business matters of the Parish, including the providing and keeping in good order a house of worship and all the necessary furniture and appointments of the same and the payment of all Parish obligations and dues. They shall be the agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish and its clergy.

(Amended: Sec. 30.3, 20<sup>th</sup> Ann. Conv. 1988)

## **Canon 31. Wardens and Vestry Officers**

Sec. 31.1. The Senior Warden of the Parish shall be appointed by the Rector for a term of one year or until a successor shall be duly appointed. In the case the Parish be without a Rector and a vacancy in the office occurs, or in the case of the organization of a new Parish, the Bishop shall either appoint the Senior Warden or direct the Vestry to elect an individual to the position. The Senior Warden shall be, ex-officio, a member of the Vestry of the Parish.

Sec. 31.2. The Junior Warden shall be elected at the annual meeting of the Parish for a term of either one or two years or until a successor is duly elected. The length of the term shall be determined by each Parish and shall be specified in the Parish By-Laws. In the event of a vacancy in the office of Junior Warden, the elected members of the Vestry may elect a replacement to hold office until the next annual Parish meeting. The Junior Warden shall be, ex-officio, a member of the Vestry of the Parish.

Sec. 31.3. It shall be the duty of the Wardens to supervise the care, protection and maintenance of the Church and other buildings of the Parish, to see that they are kept in decent repair and to guard them from use prohibited by law of the Church. They shall also see that all things needed for the orderly worship of God and for the proper administration of the sacraments are provided at the expense of the Parish and they shall discharge such other duties as may devolve upon them by the provisions of the law of the Church.

Sec. 31.4. At the first Vestry meeting held after the annual meeting of the Parish, the Vestry shall elect a Clerk from among its members. The Clerk shall be the secretary to the Vestry and shall perform the duties required of such office as well as such other duties as may be prescribed in the By-Laws of the Parish and shall serve until a successor in office is elected.

Sec. 31.5. At the first Vestry meeting held after the annual meeting of the Parish the vestry shall elect a Treasurer who may or may not be a member of the Vestry. The Treasurer shall perform the usual functions of such office as well as such other duties as may be prescribed in the By-Laws of the Parish and shall serve until a successor in office is elected.

Sec. 31.6. Both the Clerk and the Treasurer shall faithfully deliver into the hands of their respective successors in office all property of the Parish, including records, books and papers relative to the affairs and business of the Parish, which may be in their possession.

(Amended: Sec. 31.2, 19<sup>th</sup> Ann. Conv. 1987)

## **Canon 32. Mission Meetings**

Sec. 32.1. The meeting of the members of every organized Mission of this Diocese shall be held annually as set forth in Sec. 29.3 of these Canons, the day and hour being determined by the Bishop's Committee. The qualifications for voters shall be the same as prescribed by these Canons for voters in the election of a Vestry of a Parish and, so far as may be applicable, the manner of giving notice of and the conduct of meetings of Missions shall be the same as are prescribed by these Canons for the meetings of Parishes, except as otherwise provided.

Sec. 32.2. The Vicar of the Mission shall be, ex-officio, Chairman of the meeting and shall preside unless the Bishop is present, but in the absence of both the Vicar and Bishop, the Bishop's Warden shall serve as Chairman pro tempore; provided that if the Mission is without a Vicar, the Bishop may appoint a chairman pro tempore.

## **Canon 33. Bishop's Committees of Missions**

Sec. 33.1. In every organized Mission of this Diocese there shall be a Bishop's Committee which shall perform such duties as may be prescribed by the Constitution and Canons of the Diocese, by the written directives of the Bishop or by orders of the Diocesan Council, and which shall represent the Bishop in and have charge of the secular and financial affairs of the Mission, subject to such civil and canonical limitations as may be provided. The number of members of the Bishop's Committee, being not less than three nor more than nine persons, shall be determined from time to time by the Bishop. Members shall serve three-year terms. Qualifications for members of the Bishop's Committee and their relative proportions shall be the same at those which are prescribed by these Canons for the members of a Parish Vestry.

Sec. 33.2. At the annual meeting of the members of a Mission, the determined number of persons to serve on the Bishop's Committee shall be nominated to the Bishop for approval and appointment. No person, having served on the Bishop's Committee continuously for three years, shall be eligible to be nominated until after the expiration of one year, unless the Bishop consents to waive this provision. The result of such nominations shall be immediately reported by the Vicar or the Chairman of the meeting to the Bishop. The Bishop may reject any or all of the nominations made by the members of the Mission and may appoint another or others instead and may at any time remove from office any member or members of the Bishop's Committee and appoint other or others instead. In the event of a vacancy in the Bishop's Committee, for whatever cause occurring, appointment to fill such vacancy shall be the sole prerogative of the Bishop.

Sec. 33.3. The Vicar shall preside, with the right to vote, at all meetings of the Bishop's Committee unless the Vicar shall appoint the Bishop's Warden as the presiding officer. In the absence of the Vicar, or if there be none, the Bishop's Warden shall preside. No meeting of the Bishop's Committee shall be valid at which there shall not be present either the Vicar or the Warden, or else the Bishop or someone appointed by the Bishop.

Sec. 33.4. A quorum of the Bishop's Committee shall consist of a majority of the members thereof including the Vicar or other Chairman.

### **Canon 34. The Warden and Bishop's Committee Officers**

Sec. 34.1. From their own number, the Bishop's Committee shall annually nominate a Clerk to the Bishop. They shall also annually nominate to the Bishop a Treasurer who may, but need not be, a member of the Bishop's Committee. The Mission may, by provision within its By-Laws, at the annual meeting nominate a Junior Warden to the Bishop. The Vicar shall nominate a Warden to the Bishop. The Bishop may reject any or all of such nominations and may appoint another or others instead and may at any time remove any or all of such officers and appoint another or others instead. In the event of a vacancy in any of these offices, for whatever cause occurring, appointment to fill such vacancy shall be the sole prerogative of the Bishop.

Sec. 34.2. The Wardens, Clerk and Treasurer shall perform the duties usually pertaining to like offices in a Parish so far as these may be applicable in a Mission according to the judgment of the Vicar subject to appeal to the Bishop.

(Amended: Secs. 34.1, 34.2, 11<sup>th</sup> Ann. Conv. 1979)

### **Canon 35. Church Records**

Sec. 35.1. Great care shall be taken to preserve church records. The Rector, Vicar or Priest-in-Charge shall be the custodian of the Parish Register. Upon vacating a Cure, the Rector, Vicar or Priest-in-Charge shall deposit the Register with the Senior Warden of the Parish, the Warden of the Mission, or the Bishop.

Sec. 35.2. When a new Parish Register shall be begun in any of the Parishes or Missions, the old one shall be sent to the Registrar for safekeeping, unless the Parish or Mission has a place for safekeeping satisfactory to the Bishop.

Sec. 35.3. The Parish Register as adopted by the General Convention shall be the standard for this Diocese, and every Rector, Vicar, or Priest-in-Charge of a congregation, or the Warden of the same, when there is no Rector, Vicar or Priest-in-Charge, shall make the proper entries in the Register of the Parish or Mission, as required by the Canons of the General Convention.

Sec. 35.4. It shall be the joint duty of every Rector and Vestry, Vicar and Bishop's Committee or other Priest-in-Charge of a Congregation, or, if there is no Rector, Vicar or Priest-in-Charge, of the Church Wardens, or other proper officers, to prepare, upon the blank form adopted by the General Convention, a report for the year ending December 31st preceding, and to deliver the same by the following first of February to the Ecclesiastical Authority. This report shall include the following information: (1) the number of baptisms, confirmations, marriages and burials during the year; the total number of baptized persons and communicants at the time of the report; (2) a summary of all receipts and expenditures from whatever source derived,

and for whatever purpose used, and (3) a statement of the property held by the Parish or Mission, whether real or personal with an appraisal of its value, together with a statement of the indebtedness of the Parish or Mission, if any, and the amount of insurance carried.

Sec. 35.5. Every Minister not in charge of any Parish or congregation shall report all occasional services, and if there be none, the causes and reasons which have prevented same. These reports or such part of them as the Bishop may deem proper shall be entered in the Journal. This report shall be made in the form of report adopted by the General Convention.

Sec. 35.6. It shall be the duty of every Minister of the Church, head of every school or institution under the authority of the Church to report annually to the Convention a summary of any organization and source of income thereunder.

(Amended: 11<sup>th</sup> Ann. Conv. 1979)

## **V. FINANCE AND MANAGEMENT**

### **Canon 36. Real Property, Investments, and Incorporation**

Sec. 36.1. The Diocesan Corporation known as “The Episcopal Church in Hawai`i” is hereby constituted the custodian of the real property and investment funds of the Diocese and the unincorporated Parishes and the Missions thereof, and of the schools and institutions and shall have charge of all monies and properties collected, bestowed, devised, or provided for the support of the Episcopate and the other work of the Church, provided, however, that other wholly-owned corporations may be created and given custody of appropriate portions of the real property and the funds. Beneficial ownership of the real property and investment funds of the unincorporated Parishes and Missions shall be in said Parishes and Missions.

Sec. 36.2. When any conveyance of land to the corporation shall be made for a particular purpose, such land shall be held for such purpose; and the proceeds thereof shall not be diverted therefrom, either permanently or temporarily, until the said purpose has been altogether accomplished, or the use or need for such purpose no longer exists, which fact shall be ascertained and declared by the Diocesan Council at a regular meeting, and shall be reported to the following annual meeting of the Convention.

Sec. 36.3. All trust and permanent funds belonging to this Diocese or any Parish thereof shall, if the same can lawfully be done, be deposited and thereafter left with one or more trust companies or banks organized under the laws of the United States of America or this State and authorized to receive the same, or with the Corporation known as “The Episcopal Church in Hawai`i”, and a full and detailed statement of all such trust or permanent funds shall be presented annually to the Convention upon a form to be prescribed by the Diocesan Council. The Diocesan Council shall from time

to time make rules and regulations with respect to the deposit of such trust funds and the management thereof as shall be proper, and shall report such rules and regulations, so adopted by it, annually to the Convention.

Sec. 36.4. All real property belonging to the Diocese, or any Parish thereof, shall be adequately insured against fire, the amount thereof to be determined in the first instance by the proper officers of the Diocese or Parish owning such property, but subject thereafter to the direction of the Diocesan Council, and to that end, the Diocesan Council is hereby vested with general authority to compel the adequate insurance of such real property by the Diocese, or any Parish thereof.

Sec. 36.5. All accounts of the Diocese shall be audited annually by a certified independent public accountant, as shall be designated by the Diocesan Council.

Sec. 36.6. The following shall apply to the incorporation of Parishes:

Sec. 36.6.1. Any Parish giving evidence to the Bishop and Standing Committee of its ability for self-support may, subject to the approval of the Bishop and Standing Committee, incorporate under the laws of the State of Hawai`i.

Sec. 36.6.2. The Board of Directors of such Parish, when incorporated, shall consist of the Rector, and the Wardens and Vestrymen of such Parish duly elected according to these Canons. The Board of Directors shall be presided over by the Rector of the Parish, or in the Rector's absence, by the Senior Warden.

Sec. 36.6.3. Such incorporated Parish may at the option of the Parish hold title of and administer the real property or trust funds, or both, of the Parish.

Sec. 36.6.4. Provided that no incorporated Parish shall alienate or mortgage any of its real property without the consent of the Bishop and the Standing Committee.

### **Canon 37. Insurance**

Sec. 37.1. It shall be the duty of Parishes and Missions to participate in and contribute financially for their respective employees to such insurance programs as may be adopted and approved by the Diocesan Council. These programs may benefit:

Sec. 37.1.1. All active clergy who receive their principal compensation from Parishes and Missions, and the dependents of such clergy;

Sec. 37.1.2. All retired clergy who at the time of their retirement received their principal compensation from a Parish or Mission or who were canonically resident within this Diocese, and their dependents;

Sec. 37.1.3. Surviving spouses (who have not remarried) of all such active or retired clergy, and their dependents;

Sec. 37.1.4. Full-time lay employees who receive their principal compensation from Parishes and Missions, and their dependents.

Sec. 37.2. The Diocesan Council shall have the authority to determine the type of such programs and prescribe the qualifications of the beneficiaries thereof and to determine the terms and conditions of the obligations of the Parishes and Missions.

Sec. 37.3. It shall be the duty of the Parishes and Missions to inform the Diocesan Council, or its nominee, promptly of such facts and information as may be required by the Diocesan Council for the proper administration of such insurance programs as may be so adopted and approved and to cooperate with the Diocesan Council in such other ways as may be necessary in order that the Diocesan Council may discharge its obligations in accordance with such programs.

Sec. 37.4. It shall be the duty of the Parish or Mission through its Treasurer or other proper official to promptly pay to the Diocesan Council, or its nominee, such sums as may be required under the terms and provisions of such insurance programs as may be so adopted and approved.

### **Canon 38. Compensation Review Committees**

Sec. 38.1. At each annual meeting of the Convention, it shall, by resolution, set the minimum annual compensation which shall be payable to all full-time parochial clergy during the next succeeding calendar year.

Sec. 38.2. The Vestry of every Parish and the Bishop's Committee of every Mission shall appoint a committee of not less than three persons to be known as the "Compensation Review Committee", and it shall be the duty of such committee to review annually with the Rector or Vicar the compensation to be paid the clergy and all lay employees in the ensuing year, to the end that all clergy and all lay employees shall receive fair and equitable compensation. The word "compensation" as used in this Canon shall include not only cash salary, but also allowances for housing, utilities, travel, insurance and any other customary allowances.

Sec. 38.3. At the time of filing the parochial report required by Canon 35, the Rector and Treasurer of every Parish and the Vicar and Treasurer of every Mission shall append to such report a certificate that the mandatory annual review of compensation has taken place and the results thereof.

Sec. 38.4. The Bishop shall appoint a committee to be known as the "Diocesan Compensation Review Committee" consisting of not less than three persons from the clerical order and not less than three persons from the lay order. The members shall have rotating three-year terms. The duty of this committee shall be to seek full compliance with this Canon, to cooperate with and advise parochial committees when called upon, to provide annually parochial committees with relevant statistics and information concerning fair and equitable clergy and lay employee compensation, and

to make recommendations to the Diocesan Council and to the Convention regarding clergy and lay employee compensation.

Sec. 38.5. Any Parish unable to pay, or continue to pay minimum compensation as provided for in Sec. 38.1 shall immediately notify the Diocese of its need for financial assistance. During such period of Diocesan assistance, the Parish shall assume the status of “Aided Parish”, subject to the conditions specified in these Canons, unless it shall be determined that such failure shall be justified in accordance with such Canons.

(Amended: repealed Sec. 38.5 and renumbered Sec. 38.6, 47th Ann. Conv. 2015)

### **Canon 39. The Church Pension Fund**

Sec. 39.1. It shall be the duty of this Diocese and of the Parishes, Missions, and other Ecclesiastical organizations therein, each through its Treasurer or other proper official, to inform the Church Pension Fund of the salaries and other compensation paid to clergy by the Diocese, Parishes, Missions, or 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 compensations as they occur, and to pay promptly the Church Pension Fund, the pension assessments required thereon under the Canon of the General Convention, and in accordance with the rules of said Fund. Should any Parish or Mission be delinquent in payment of such premiums, the Diocesan Council may order payment of such delinquency to be made to the Treasurer of the Church Pension Fund and such payment shall be added to the Diocesan assessment of the Parish or Mission for whose account payment has been made, and constitute a first lien upon any monies which may be received by the Treasurer of the Diocese from such Parish or Mission.

Sec. 39.2. 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 the Trustees thereof may deem necessary for its proper administration, and to cooperate with said Fund in such other ways as may be appropriate to assist the Fund in the discharge of its canonical obligations.

Sec. 39.3. It shall be the duty of the Diocesan Council to provide for the annual payment to the Church Pension Fund of the premiums payable on behalf of all Bishops, Priests and Deacons under contract with the Diocese.

Sec. 39.4. The Diocesan Council shall have charge of all matters relating to the Church Pension Fund.

### **Canon 40. Assessments and Offerings**

Sec. 40.1. The pro rata share of each Parish and Mission of the total assessment for the support of Diocesan programs and fulfillment of Diocesan obligations of support of the program of the General Convention shall be determined



by the annual meeting of the Convention upon the recommendation of the Diocesan Council. Such pro rata share shall be paid in twelve equal monthly installments throughout the fiscal year, unless otherwise scheduled by the Diocesan Council.

Sec. 40.2. The undesignated plate offering at the official visitation of the Bishop shall be remitted to the Bishop to be disbursed for such needs as may be presented. The items of expenditure in this Bishop's Pastoral Fund shall not be reported. The fund shall be reviewed regularly and audited annually.

Sec. 40.3. Reserved.

(Amended: Sec. 40.2 and Sec. 40.3, 40<sup>th</sup> Ann. Conv. 2008)

### **Canon 41. Business Methods in Church Affairs**

Sec. 41.1. In every Parish and Mission, the following standard business methods shall be observed:

Sec. 41.1.1. Trust and permanent funds and all securities of whatsoever kind shall be deposited with a federal or state bank, or the Diocesan corporation, or with some other agency approved in writing by the Diocesan Council, under either a trust or agency agreement, providing for at least two signatures on any order of withdrawal of such fund or securities, however, this provision shall not apply to funds and securities too small to be received by such depositories for acceptance. Such small funds and securities shall be kept under the care of the persons or corporations properly responsible for them.

Sec. 41.1.2. Records shall be made and kept of all trusts 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 conditions are to be made.
- (d) How the funds are invested.

Sec. 41.1.3. Treasurers and custodians, other than banking institutions, shall be adequately bonded.

Sec. 41.1.4. Books of account shall be so kept as to provide the basis for satisfactory accounting.

Sec. 41.1.5. All accounts shall be audited annually by such an accounting method as shall be permitted by the Diocesan Council. All reports of such audits, including any memorandum issued 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 thirty (30) days following the date of such report, and in no event, not later than September 1 of each year, covering the financial reports of the previous calendar year. Those congregations that fail to comply with the September 1 deadline shall be reported by name to the next Annual Meeting of the Diocesan Convention and such report shall be recorded in the minutes of said Annual Meeting.

Sec. 41.1.6. All buildings and their contents shall be kept adequately insured.

Sec. 41.1.7. The Diocesan Council may require copies of any or all accounts described in this section to be filed with it and shall report to the annual meeting of the Convention upon its administration of this Canon.

Sec. 41.2. No Board of Directors authorized to hold, manage or administer real property for any Parish, Mission, or institution, shall encumber or alienate the same or any part thereof except in accordance with the Bylaws of The Episcopal Church in Hawai'i.

(Amended: 12<sup>th</sup> Ann. Conv. 1980; Sec. 41.1.5, 16<sup>th</sup> Ann. Conv. 1984; Sec. 41.2, 21<sup>st</sup> Ann. Conv. 1989; Sec. 41.1.5, 40<sup>th</sup> Ann. Conv. 2008)

## **Canon 42. Church Debt**

Sec. 42.1. No indebtedness shall be incurred by a Parish or Mission without the approval of both the Bishop and Diocesan Council except:

Sec. 42.1.1. Indebtedness for permanent improvement, replacements or additions to real estate or equipment for the amount of such indebtedness, plus indebtedness of every kind already existing, shall not exceed 150% of the average annual receipts of such Parish or Mission during the past three years.

Sec. 42.1.2. Indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing, shall not exceed 20% of the total current receipts of such Parish or Mission during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable expectation of its payment out of the receipts of the next two years.

Sec. 42.2. In computing receipts under Sec. 42.1.1 and Sec. 42.1.2 hereof, amounts from or for endowments or from or by bequests, except income therefrom not specifically designated and receipts for expenditures other than parochial, shall not be included.

Sec. 42.3. Under any circumstances under which approval is required, it shall be granted only when the payment of all indebtedness shall be provided for in a plan

of amortization or other method of payment to be submitted to and approved by the same authority.

Sec. 42.3B. Any indebtedness incurred by the Diocesan Council shall be undertaken in accordance with the following procedures. For the purposes of this Canon, indebtedness shall be deemed to include not only direct indebtedness, but also indebtedness of any kind including, but not limited to, contingent indebtedness by way of the guaranty of the indebtedness of another entity or person.

Sec. 42.3B.1. The Diocesan Council may incur debt upon secured and unsecured loans.

Sec. 42.3B.2. Loans secured by a mortgage upon real property or a pledge of or lien upon other property must be approved in the same manner as a sale of real property.

Sec. 42.3B.3. Unsecured loans may be made upon the following authority:

Sec. 42.3B.3.1. A loan, including a draw upon a Diocesan line of credit, not exceeding \$250,000.00, may be approved by the Diocesan Council or other individual or entity to which the Diocesan Council may delegate such authority in accordance with the applicable provisions of the Bylaws of The Episcopal Church in Hawai'i.

Sec. 42.3B.3.2. A loan, including a draw upon a Diocesan line of credit, exceeding \$250,000.00 must be approved in the same manner as a sale of real property.

Sec. 42.4. This Canon shall not apply to the refinancing of existing loans.

(Amended: Sec. 42.3A, 27<sup>th</sup> Ann. Conv. 1995)

## **VI. DISCIPLINE**

### **Canon 43. Ecclesiastical Discipline**

A. Information received on or before June 30, 2011.

Sec. 43.1. Diocesan Review Committee

Sec. 43.1.1. There shall be a Diocesan Review Committee which shall have the responsibilities as set forth in Title IV of the Canons of The Episcopal Church.

Sec. 43.1.2. The Diocesan Review Committee shall be composed, ex officio, of those individuals who, from time to time, are serving as members of the Standing Committee.

Sec. 43.1.3. The Chair of the Diocesan Review Committee shall be, ex officio, the President of the Standing Committee.

Sec. 43.2. Trial of a Priest or Deacon

Sec. 43.2.1. There shall be an Ecclesiastical Trial Court (“the Court”) for the trial of any Member of the Clergy under its jurisdiction.

Sec. 43.2.2. The Court shall be composed of three (3) Members of the Clergy each of whom shall be canonically resident and domiciled in the Diocese and two (2) lay persons, each of whom shall be an adult confirmed communicant in good standing and regularly active in a Parish or Mission of the Diocese.

Sec. 43.2.3. The members of the Court shall be elected for five (5) year terms at the annual meeting of the Convention and shall remain in office until their successors are elected and qualified. No member, having served a full term, shall be eligible for election at the annual meeting of the Convention at which such member’s term expires. The terms of the members shall be staggered so that one member’s term shall expire at each annual meeting of the Convention.

Sec. 43.2.4. Upon adjournment of each annual meeting of the Convention, and in no event later than two (2) months following its adjournment, the members of the Court shall, by majority vote, elect one of their number to be the Presiding Judge of the Court to serve until the next annual meeting of the Convention.

Sec. 43.2.5. Upon adjournment of each annual meeting of the Convention, and in no event later than two (2) months following its adjournment, the members of the Standing Committee shall, by majority vote, elect a Church Attorney as defined by Title IV of the Canons of The Episcopal Church as the same may be from time to time amended, for a term of one year and until the successor is elected and qualified.

Sec. 43.2.6. Vacancies occurring within the membership of the Court shall be filled as soon as may be convenient by election by a majority vote of the Diocesan Council. The person elected shall be of the same order as the one whose absence created the vacancy and shall have the other qualifications as set forth in Sec. 43.2.2.

Sec. 43.2.7. The Court and any proceedings before it shall be governed by the provisions of Title IV of the Canons of The Episcopal Church as the same may be from time to time amended.

Sec. 43.2.8. Except as otherwise expressly provided or unless the context otherwise requires, as used in this Canon, the terms and phrases shall have the meanings as set forth in General Canon IV.15, as amended in 2006.

Sec. 43.2.9. Sections 43.1 and 43.2 shall apply to any information received on or before June 30, 2011, and shall be applicable and remain in effect until any investigation generated from information received on or before June 30, 2011 is fully resolved.

B. Information received on or after July 1, 2011

Sec. 43.3. Ecclesiastical Discipline

Sec. 43.3.1. Title IV of General Canons. Those provisions of Title IV of the General Canons which are applicable to the Diocese are hereby incorporated as part of this Section. To the extent, if any, that any of the provisions of this Section are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

Sec. 43.3.2. Discipline Structure.

Sec. 43.3.2A. Disciplinary Board. The Board shall consist of not less than seven persons, four of whom are members of the Clergy and three of whom are Laity.

Sec. 43.3.2B. Clergy Members. The Clergy members of the Board must be canonically and geographically resident within the Diocese.

Sec. 43.3.2C. Lay Members. The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese.

Sec. 43.3.2D. Appointment.

(a) Initial members of the Board shall be appointed by the Bishop with the confirmation of the Standing Committee and will take office on July 1, 2011. Terms will expire December 31, 2011. Initial members are eligible for appointment and confirmation in accordance with Sec. 43.3.2D(b).

(b) Beginning with Convention 2011, members of the Board shall be appointed by the Bishop and confirmed by the Convention. Each member

shall serve for a three (3)-year term. The term of the member shall commence on the first (1<sup>st</sup>) day of the year following election. The terms of office of the Board shall be staggered and arranged into three classes.

Sec. 43.3.2E 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 with the advice and consent of the Standing Committee.

(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 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.

Sec. 43.3.2F. Preserving Impartiality. In any proceeding under this Section, 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.

Sec. 43.3.2G. President. Within sixty (60) days following the annual Convention, the Board shall convene to elect a President to serve for the following calendar year.

Sec. 43.3.2H. 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.

Sec. 43.3.2I. Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church.

Sec. 43.3.2J. Church Attorney. Within sixty (60) days following each annual Convention, the Bishop in consultation with the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected must be a Member of the Church and a duly licensed attorney, but need not reside within the Diocese. The Bishop with the consent of the Standing Committee may remove the Church Attorney for cause.

Sec. 43.3.2K. 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 Title IV.8 of the General Canons and this Section. 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 Section.

Sec. 43.3.2L. Advisors. In each proceeding under this Section, 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 Section, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

Sec. 43.3.2M. Clerk. The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

Sec. 43.3.3. Costs and Expenses.

Sec. 43.3.3A. Costs Incurred by the Church. 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.

Sec. 43.3.3B. Costs Incurred by the Respondent. In the event of a final Order dismissing the complaint, or by provisions of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by the Diocese.

Sec. 43.3.4. Records.

Sec. 43.3.4A. 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.

Sec. 43.3.4B. Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under this Section at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

(Amended in full: 27<sup>th</sup> Ann. Conv. 1995; Amended: Sec. 43.3 and Sec. 43.5, 33<sup>rd</sup> Ann. Conv. 2001; Repealed: Sec. 42A, 42<sup>nd</sup> Ann. Conv. 2010; Amended in full: Sec. 43, 42<sup>nd</sup> Ann. Conv. 2010)

## **VII. CANONICAL LEGISLATION**

### **Canon 44. Titles and Descriptions of Canons**

Sec. 44.1. The titles of these Canons shall not be deemed to be a part of the law governing this Diocese.

### **Canon 45. Record of Constitution and Canons**

Sec. 45.1. The Registrar of the Diocese shall procure and keep a suitable book, entitled "The Constitution and Canons of the Diocese of Hawai'i," in which shall be recorded the Constitution and Canons of the Diocese, with a certificate of their adoption signed by the President and Secretary of the Convention.

Sec. 45.2. All Constitutions and Canons, and all amendments thereof and additions thereto, hereafter adopted by the Convention shall be certified by the President and Secretary of the Convention, as having been duly adopted, and shall, with the certificate of adoption, be recorded in said book, and the said book shall be taken and regarded as prima facie evidence of the due adoption and correctness of all papers recorded therein pursuant to this Canon.

### **Canon 46. Amendment of Canons**

Sec. 46.1. To amend these Canons, it shall be necessary that every proposition or resolution so to do shall have been served upon the delegates to any annual meeting of the Convention at which such proposition or resolution shall be considered thirty days prior thereto and such amendment must be approved during the same Convention by a majority vote in each order, voting separately, and concurred in



by the Bishop. In the event such notice shall not have been given or the Bishop does not concur in the amendment, an amendment may be made provided that two-thirds of each order favor the same.

Sec. 46.2. In order to preserve the orderly arrangement of additions or alterations to these Canons, such new matter shall conform to the designation and numbering system followed throughout the foregoing Canons, except that additional material shall be placed and numbered as follows:

Sec. 46.2.1. A new Canon which should logically be inserted between two existing Canons shall bear the arabic number of the Canon it follows with the added designation "A", e.g., a new Canon between Canon 11 and Canon 12 shall be "Canon 11A".

Sec. 46.2.2. A new section of a Canon which should logically be inserted between the material in an existing Sec. "\_.1" and Sec. "\_.2" shall be designated Sec. "\_.1A", and thereafter any material subsequently added which should be logically inserted after said added matter in Sec. "\_.1A" and before Sec. "\_.2" shall be designated Sec. "\_.1B", and so on.

Sec. 46.2.3. A new subsection of material which should logically be inserted after an existing subsection "\_.1" shall be designated "\_.1A". A further addition which should logically be inserted after such new "\_.1A" shall be designated as "\_.1B" and any additional subsections shall be similarly designated and extended according to this principle.

## **Canon 47. Repealing Former Canons**

Sec. 47.1. All former Canons of this Diocese, not included in these Canons, are hereby repealed, but the validity of any previous action taken in accordance with them shall not be affected.