

# CONSTITUTION & CANONS

OF THE DIOCESE OF EAST TENNESSEE



ADOPTED BY THE 2018 ANNUAL CONVENTION

The following is hereby certified to be the corrected text of the Constitution and Canons of the Diocese of East Tennessee as in effect at the conclusion of the Thirty-fourth Annual Convention, Feb.9-10. 2018, and is published in accordance with the authorization of the said Convention.

A handwritten signature in cursive script, appearing to read "L. Marie Williams".

L. Marie Williams,  
Chair Constitution and Canons Committee

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## **CONSTITUTION**

The Clergy and Laity of The Episcopal Church in the Counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Claiborne, Carter, Cocke, Cumberland, Grainger, Greene, Hancock, Hamilton, Hamblen, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union and Washington in the State of Tennessee, and all that territory within the State of Georgia encompassed within the boundary lines of the Counties of Dade and Catoosa, and the northern portion of the County of Walker shown as Census Tracts Nos. 201, 202, 203, 204 and 205 upon the Walker County Census Tract Map dated August, 1967, for the purpose of promoting the cause of religion and piety, establishing order and securing to themselves and posterity the advantages of the ministry and ordinances of the Church, do ordain and establish this Constitution for the Diocese:

### **ARTICLE I. Name of Diocese**

The Diocese shall be known and distinguished by the name of THE DIOCESE OF EASTTENNESSEE.

### **ARTICLE II. Recognition of the Authority of The Episcopal Church**

The Constitution of The Episcopal Church is hereby acceded to and adopted, and its authority fully recognized and acknowledged.

### **ARTICLE III. Meetings of the Convention**

**Sec. 1.** The Convention is hereby established as the legislative body of the Diocese, and it shall exercise such powers at its annual or special meetings as are not held by the Bishop or other entity of the Diocese.

**Sec. 2.** Membership in the Convention shall be determined in accordance with Article IV of this Constitution and the Canons of the Diocese.

**Sec. 3.** The Annual Meeting of the Convention shall be held at such time and place as shall have been appointed by action of a preceding meeting of the Convention. The Bishop, or if there be no Bishop, the Standing Committee, for any good or urgent cause moving thereto, may change the time and place appointed.

**Sec. 4.** Special meetings of the Convention may be called by the Ecclesiastical Authority. At least thirty days' notice shall be given of the time and place of, and the business to be transacted at, such meeting to all the Clergy entitled to seats and to all Parishes entitled to representation. No other business shall be transacted than that stated in the notice of such meeting.

### **ARTICLE IV. The Membership of the Convention**

The membership of the Convention shall be composed of members of the Clergy canonically resident in the Diocese and Delegates elected as members, constituting one deliberative body, and each shall be entitled to a seat and vote in the Convention. Each Parish and College Chapel in union with the Diocese shall be entitled to representation in the Convention by Delegates in such numbers as shall be prescribed by Canon; provided, no member of the Clergy shall be entitled to a vote in the Convention if otherwise prohibited by this Constitution or Canon; and provided, that any Parish ceasing, in the judgment of the Convention or as provided by Canon, to function as such shall be suspended from representation therein. Provision shall be made by Canon for the adjudication of any cases arising hereunder.

### **ARTICLE V. Quorum**

One third of all Clergy canonically resident in the Diocese and one third of all the Delegates entitled to seats and votes shall constitute a quorum for the transaction of business at meetings of the Convention, and a majority of those present at a meeting of the Convention may adjourn.

### **ARTICLE VI. Clergy and Delegates to Deliberate in One Body**

In all matters that shall come before the Convention, the Clergy and Delegates shall deliberate in one body, and decisions shall be by a majority vote of those present, provided that upon the request of twenty-five percent of those registered of either the Clergy or Delegates the Convention shall vote separately by the Clergy and Delegates, and a majority vote of each shall be necessary for approval.

## **ARTICLE VII. The President**

**Sec. 1.** The Bishop shall be ex-officio President of the Convention, and may make any motion, but shall not enter into debate; the Bishop may deliver sentiments on any subject after it has been discussed, and before any vote thereon.

**Sec. 2.** The Bishop Coadjutor, if there be one, shall be ex-officio Vice-President of the Convention, and, in case of the absence of the Bishop or inability to act by reason of any cause, the Vice-President shall exercise all the powers and be subject to all the limitations provided in Section 1.

**Sec. 3.** The Bishop Suffragan, if there be one, shall be ex-officio Vice-President of the Convention (2<sup>nd</sup> Vice-President if there be a Bishop Coadjutor), and, if for any reason the Bishop and the Bishop Coadjutor be unable to act, the Bishop Suffragan shall exercise all the powers subject to all the limitations set forth in Sections 1 and 2.

**Sec. 4.** In case the Episcopate be vacant or no member thereof be able to act for any cause whatsoever, the Convention shall be called to order by the President of the Standing Committee, who shall appoint from the order of the Clergy an acting President, and the Convention shall be organized as provided by Canon.

## **ARTICLE VIII. The Secretary and Treasurer**

**Sec. 1.** The Secretary shall be elected annually, and it shall be the duty of the Secretary to record the proceedings of the Convention, to notify the Parishes generally of the time and place of meeting of the Convention, to preserve its Journals and records, to attest the public proceedings of the body, and faithfully deliver into the hands of the successor Secretary all books and papers relative to the concerns of the Convention which may be in the possession of such person.

**Sec. 2.** The Treasurer shall be elected annually, and it shall be the duty of the Treasurer to receive and disburse the funds of the Convention, by the order thereof, and to render an account of transactions to each annual meeting of the Convention.

## **ARTICLE IX. The Standing Committee**

**Sec 1.** There shall be a Standing Committee of the Diocese of six persons, consisting of three Clergy and three Lay Members who shall be Confirmed Communicants in Good Standing. The term of each member of the Standing Committee shall be three years, and at each annual meeting of the Convention, one Clergy and one Lay Member shall be elected to replace those members whose terms have expired. The commencement and expiration dates of the terms of office of such persons shall be as provided by the Canons. The Standing Committee shall have the power to fill any vacancy in its body until the next annual meeting of the Convention, with the approval of the Bishop and Council, at which time a person will be elected to fill the unexpired term if there be one. In each case the new member shall be of the same order, Lay or Clergy, as the member leaving the Committee. The Committee shall be empowered to perform all other acts which may be required of it by the Constitution and Canons of the Episcopal Church or the Convention of this Diocese. A member shall be ineligible for re-election for one year after the completion of two successive full three-year terms. At the conclusion of the annual meeting of the Convention the Standing Committee shall meet to elect a President from its members and to conduct such other business as may be appropriate.

## **ARTICLE X. Wardens and Vestry**

**Sec. 1.** Each Parish of the Diocese shall elect or select a Vestry, consisting of adult Confirmed Communicants in Good Standing, who shall be registered communicants of the Parish at the time of election or selection. The time and manner of such election, and the number of Vestry members, shall be prescribed by Canon.

**Sec. 2.** The Vestry shall elect a Senior Warden and a Junior Warden out of its own body. At its option, however, a Parish, by by-law, may permit the selection of the Senior Warden by other procedures. The Vestry shall also elect a Secretary and Treasurer, and delegates to the Convention, all of whom shall be Confirmed Communicants in Good Standing; and shall exercise all other powers vested in a Vestry by the usages of the Church. Members of the Vestry shall continue in office until a new Vestry is chosen. In all meetings of the Vestry the Rector shall preside, or, in the absence of the Rector, the Senior Warden, or, in the absence of the Rector and Senior Warden, one designated by the body.

**ARTICLE XI. Election of a Bishop**

The election of a Bishop of this Diocese shall be by a vote of the Clergy and Delegates taken concurrently in a meeting of the Convention called pursuant to Article III. The vote shall be taken separately by Clergy and Delegates, and a two-thirds concurrent vote in each order shall be necessary for the election of a Bishop. Immediately after an election, the Convention shall proceed to sign the testimonials.

**ARTICLE XII. Constitution, How Amended**

Any proposition for the alteration or amendment of this Constitution must be made in writing, and assented to by a majority of the members in Convention. The alteration or amendment shall be effective at the close of the succeeding annual meeting, unless the adopting amendment provides otherwise, upon approval by two-thirds of those members present at that meeting.

## **TITLE I ORGANIZATION**

### **CANON 1: Definitions**

Unless otherwise defined in these Canons, the terms used herein shall have the same definition as they have in the Constitution and Canons of The Church.

As used in this and other Titles, the following words and phrases have the following definitions:

“Annual report” means the report of each Parish and other Congregation required by Title I Canon 6, Section 1 of the Canons of The Episcopal Church, and by Title VII, Canon 1 herein.

“Areas” means the counties or sections of counties constituting the Diocese of East Tennessee as provided in the Constitution.

“Assistant Minister” and “Associate Minister” mean all ordained clergy of a Parish other than the Rector.

“The Bishop” means the Bishop of the Diocese.

“Chair” means the person who presides at the Convention as provided in Article VII of the Constitution.

“Chancellor” means that person, learned in the law, who is the legal advisor to the Bishop, the Convention, the Standing Committee, and the Bishop and Council upon all legal matters of the Diocese.

“Church” means the church as defined in the Canons of The Episcopal Church, otherwise known as The Protestant Episcopal Church in the United States of America.

“Clergy” means Bishops, Priests, and Deacons canonically resident in this Diocese. “Clerk” is another name for the office of the Secretary of a Vestry or a College Chapel.

“Communicant” and “Communicant in Good Standing” refer to such persons as defined in Title I, Canon 17 of the Canons of The Episcopal Church.

“Council” or “the Bishop and Council” means the Council provided for in Title II, Canon 7.

“Cure” means a place of ordained ministry.

“Diocese” means The Diocese of East Tennessee, a corporation chartered by the State of Tennessee.

“Ecclesiastical Authority” means the Bishop, or if there is no Bishop, then the Bishop Coadjutor, or if there is neither, then the Standing Committee.

“Journal” means the Journal of the Annual Convention.

“Rector” means the priest called as the Chief Minister of a Parish and elected as such pursuant to these Canons and the Canons of the Church.

“Registrar” means that person whose duty is to collect and preserve such papers, reports, journals, records, and other documents relating to the history and property of the Diocese as are now, or may hereafter become, the property of the Diocese and to keep them in a safe and convenient place, subject to the inspection of the Bishop or the Convention at any time.

“Secretary” means the Secretary of the Diocese.

“Standing Committee” means the Standing Committee as defined in the Canons of the Church. “Treasurer” means the Treasurer of the Diocese.

“Vicar” means a priest appointed by the Bishop as the Bishop’s representative and clergy in charge of a parish or cure for a finite period of time, as further provided in Title V, Canon 1.

“Written Notice” includes electronic communications, such as notice by fax and email.

Words used in these Canons to refer to persons are to be interpreted in a generic sense to include both females and males.

## **CANON 2: The Corporation**

**Sec. 1.** The Diocese is a civil, not-for-profit corporation, chartered by the State of Tennessee.

**Sec. 2.** The Constitution and Canons shall constitute the Bylaws of the Corporation.

**Sec. 3.** The Board of Directors of the Corporation shall be the Bishop and Council.

**Sec. 4.** The Bishop shall be the President of the Corporation, and the Bishop Coadjutor and Bishop Suffragan, if there are any, shall be Vice-Presidents of the Corporation.

**Sec. 5.** In all secular matters, the Corporation shall act by and through its officers. All contracts and legal instruments to be binding on the Corporation shall be signed by the President, or a Vice-President, or by some agent vested with authority by a resolution of the Convention or the Bishop and Council.

**Sec. 6.** All moneys and properties of the Corporation shall be devoted to its corporate purposes, and shall not be used for the private profit or benefit of any individual; provided that nothing herein shall prevent the payment of compensation for services to officers, agents, and employees of the Corporation as fixed and determined at the Convention or by the Bishop and Council.

## **CANON 3: Meetings of the Convention**

**Sec. 1.** The Convention is the legislative body of the Diocese and shall exercise all powers of the Diocese not reserved by the Constitution, Canon, or tradition to the Bishop, the Bishop and Council, or any other entity.

**Sec. 2.** The schedule for every Convention of the Diocese shall include a Celebration of the Holy Eucharist, such other services as the Bishop may direct, and an address by the Bishop.

**Sec. 3.** At least five days prior to a meeting of the Convention, the Bishop, or if there is no Bishop, the President of the Standing Committee, shall furnish the Secretary with a complete list of the Clergy canonically resident in the Diocese, setting forth those who are entitled to seats in the Convention; and giving their respective Cures or places of residence.

**Sec. 4.** The Convention shall be called to order by the Chair, and the Secretary shall report the number of the Clergy and Lay Delegates present as shown by their personal registration. A roll call of each group may be required upon the affirmative vote of a majority of each group.

**Sec. 5.** If there is a quorum in each order, the Convention shall proceed to elect a Secretary for the ensuing Convention year, after which the Chair shall declare the Convention to be duly organized.

**Sec. 6. (a)** Rules of Order and an Order of Business shall be adopted for the government of the Convention. The Rules of Order and Order of Business adopted at the previous Convention, if no action is taken to the contrary, shall

be in force for the succeeding Convention, with any amendments as may be made thereto by the Convention.

(b) If at any time after the organization of the Convention, the right of any Lay Delegate to sit in the Convention is called in question, the issue shall be determined by a majority vote of the Convention, whether the person has already been admitted to a seat or not.

(c) Voting by proxy is prohibited.

**Sec. 7.** The Secretary, Treasurer, Chancellor, the Vice Chancellors, the Chair of the Committee on Constitution and Canons, the Registrar, the Lay Members of the Bishop and Council and the Standing Committee, three youth representatives of the Youth Action Council, the President of the Episcopal Endowment Corporation, the Vice Chancellor, the Dean of the School of Theology, and the Chaplain of the University of the South, and the Headmaster of St. Andrew's-Sewanee School, if not members of the Convention by virtue of being either a member of the Clergy canonically resident or a Lay Delegate representing a Parish of the Diocese, shall be ex-officio, admitted to seats upon the floor of the Convention, with all privileges except the right to vote.

**Sec. 8. (a)** Each Congregation in union with the Diocese may be represented by the following number of Lay Delegates according to the then existing average Sunday attendance of the Congregation as reported on the most recent parochial report:

(1) Congregations with fewer than two hundred average Sunday attendees will have three Lay Delegates; congregations with two hundred average Sunday attendees but fewer than three hundred will have four Lay Delegates; and Congregations with three hundred or more average Sunday attendees will have five Lay Delegates.

(2) If a University or College Chapel has complied with all of the sections of Title IV, Canon 3, that chapel may hold two seats with voice and vote, one of which shall be the Chaplain (if canonically resident in the diocese), and the other of which shall be elected by the Chapel Board.

(3) A Worshipping Community, upon application to the Bishop, may be permitted to select one lay delegate with seat, voice and vote. The application shall be made to the Bishop by October 1 of the year preceding each convention. The Bishop may grant or deny the application in his or her discretion. The application process shall be delineated by Diocesan policy and procedure.

(b) It shall be the duty of each Chapel Board and of the Vestry of each Congregation to elect its Lay Delegates and an equal number of Alternates, each of whom shall be a Confirmed Communicant in Good Standing of the Congregation and at least sixteen years of age.

(c) If any or all of the Lay Delegates shall fail to attend the Convention, Alternates shall be entitled to serve in their stead, in the order of their election.

(d) The evidence of election or appointment of Lay Delegates and Alternates shall be a written submission from the Clerk, which shall set forth, in the order of their election, the names of all Lay Delegates and Alternates and the fact of their qualification to serve. The submission, which may be sent by mail, hand delivery or electronically, shall be sent to the Secretary of the Convention not less than six weeks prior to the date set for the annual meeting of the Convention, and shall be prima facie evidence of the right of the persons named therein to seats in the Convention. If the submission is sent electronically, the Rector of such parish, or in the event of the unavailability of the Rector, the Senior Warden, shall confirm electronically that the submission is accurate.

(e) The Lay Delegates duly elected or appointed to serve at the annual meeting of the Convention shall be the Delegates to any other meeting of the Convention prior to the succeeding annual meeting of the Convention. Vacancies occasioned by death, removal, resignation, or incapacity to serve shall be filled in the same manner as the original election or appointment.

**Sec. 9.** In case any Vestry shall fail to elect Lay Delegates, or in case all the Delegates and Alternates elected from any Parish shall fail to attend the Convention, the Rector of such Parish shall have the authority to appoint one Lay

Person, who shall be a Confirmed Communicant of the Parish in Good Standing, to represent the Parish in the said Convention as a Lay Delegate.

**Sec. 10.** Any Delegate, Vestry, the Bishop and Council, the Chancellor, the Chair of the Committee on Constitution and Canons, and the Registrar of the Diocese may submit resolutions for consideration by the Convention by delivering them to the Secretary of the Convention at least thirty days prior to the date set for the Convention. They may also introduce resolutions at the Convention in accordance with the Rules of Order.

#### **CANON 4: The Cathedral Church**

Saint John's Episcopal Church, Knoxville, shall be the Cathedral Church of the Diocese. Its status as such shall be in accordance with the Articles of Agreement between St. John's Episcopal Church of Knoxville, Tennessee, and the Diocese, dated December 4, 1986, which is Appendix A to these Canons. The Cathedral Church, to be known as Saint John's Cathedral, shall be the official Seat of the Bishop of the Diocese; a House of Prayer for all people; and a sign and servant of the unity and mission of The Episcopal Church in East Tennessee. It shall be a Church and center for diocesan services, programs and administrations and shall assist the Bishop and the Diocese in proclaiming the Gospel of Jesus Christ and in extending the ministry of the Church to the people of the Diocese of East Tennessee.

**TITLE II**  
**EXECUTIVE — Officers and Commissions**

**CANON 1: General Power**

**Sec. 1.** Any person elected or appointed to an office or position pursuant to the provisions of the Constitution or the Canons of this Diocese shall take office upon election or appointment unless the Bishop or Convention specifies, upon such election or appointment, another date and shall hold office until such person's successor is elected or appointed, unless the Bishop or Convention specifies another date.

**Sec. 2.** The Bishop shall have authority to appoint all officers, whose method of selection is not otherwise specified in the Constitution or Canons, and to fill vacancies which may occur by death, resignation or other cause between annual meetings of the Convention, and all officers so appointed shall continue in office until their successors are elected or appointed at the next annual meeting of the Convention.

**Sec. 3.** Offices not provided for in these Canons may be created and filled at the Convention, and filled by it upon nomination by the Bishop. In like manner, the Bishop and Council may create offices which shall be filled by the Bishop and Council upon nomination by the Bishop.

**CANON 2: Secretary and Treasurer**

**Sec. 1.** The Secretary of the Convention may also serve as Secretary of the Bishop and Council, and, in addition to the duties prescribed in the Constitution, shall perform such other duties as the Convention or Bishop and Council may require.

**Sec. 2. (a)** The Treasurer shall perform those duties which are usually performed by the Treasurer of similar organizations, shall receive from Parishes and other organizations within the Diocese funds designated for the work authorized at the Convention and all other funds payable to the Diocese, shall disburse the same in accordance with the budget adopted at said convention or as directed by the Council, and shall also receive funds raised or appropriated for the work of the Church outside of the Diocese and shall forward such funds to the Treasurer of the Executive Council or to such other persons as shall be duly authorized to receive the same.

**(b)** The Treasurer shall render to the Bishop and Council a periodic accounting of all receipts and disbursements, such accounting to be incorporated in the report of the Bishop and Council at the Convention.

**(c)** The Treasurer shall invest and manage all funds committed to the care of such office under policies established by the Bishop and Council.

**Sec. 3.** The Secretary and Treasurer shall be Confirmed Communicants in Good Standing.

**CANON 3: Registrar**

**Sec. 1.** The Bishop shall nominate and the members of the Convention shall elect a Registrar. The Registrar shall make a report of official acts at each annual meeting of the Convention.

**Sec. 2.** The Registrar shall have the authority to make such exchange of journals and other documents with the officers of other Dioceses as may be necessary or expedient to render the archives of this Diocese as complete as possible, the expenses of which shall be paid by the Treasurer of the Diocese.

**Sec. 3.** The Registrar shall be a Confirmed Communicant in Good Standing.

#### **CANON 4: Chancellor**

The Bishop shall nominate and the Convention shall elect a Chancellor. One or more Vice-Chancellors, who shall be learned in the law, may be elected, in like manner, to assist the Chancellor. The Chancellor and Vice-Chancellors shall be Confirmed Communicants in Good Standing.

#### **CANON 5: Deputies**

**Sec. 1.** At the annual meeting of the Convention in the calendar year next preceding the calendar year in which the General Convention meets, or at such time as directed by The Episcopal Church, the Convention shall elect four Clerical and four Lay Deputies to represent this Diocese in the following General Convention, and also a like number of Alternate Deputies in each order. The Bishop shall appoint with the Standing Committee's approval sufficient Deputies to fill the slate for the General Convention in case a sufficient number of Deputies and Alternates is not available to serve.

**Sec. 2.** The Bishop shall appoint Deputies and Alternates to represent the Diocese in the Provincial Synod.

**Sec. 3.** The Deputies to the General Convention and to the Provincial Synod shall hold office until their successors are elected or appointed.

**Sec. 4.** It shall be the duty of the Deputies to the General Convention or to the Provincial Synod to inform the Bishop, thirty days before the meeting of the body to which they are elected or appointed, of their purpose to be present and perform the duty assigned to them. If they, or any of them, shall decline or fail to attend the sessions, the Bishop shall call upon the Alternate Deputies. Alternate Deputies to the General Convention shall be designated in order of their election.

**Sec. 5.** All Deputies and Alternate Deputies shall be adult Confirmed Communicants in Good Standing.

#### **CANON 6: Commission on Ministry**

**Sec. 1. Duties.** The Commission on Ministry is responsible for those matters set forth in Title III, Canon 2 of the Canons of The Episcopal Church.

**Sec. 2. (a) Membership.** The Bishop, Bishop Coadjutor and Bishop Suffragan shall be ex-officio members of the Commission on Ministry.

(b) The Commission on Ministry shall be comprised of not less than six persons, who shall be elected annually by the members of the Convention upon nomination by the Bishop. The total number of Lay members shall not exceed the number of Clergy members. All Lay members shall be Confirmed Communicants in Good Standing.

(c) Subject to the approval of the Bishop, the Commission on Ministry may adopt rules for its work. The rules may establish committees of the Commission whose members shall be appointed by the Bishop, and those appointments shall be reported annually to the Convention.

**Sec. 3.** The Commission on Ministry shall report annually to the Convention.

**Sec. 4.** No member of the Commission on Ministry may also simultaneously serve on the Standing Committee.

## **CANON 7: Bishop and Council**

**Sec. 1. (a)** The Bishop is the executive head of the Diocese and is responsible for its operation in respect to its executive and administrative functions provided, however, that nothing herein shall be deemed to affect in any way the Ecclesiastical Prerogatives or Authority of the office of Bishop.

**(b)** If there is a vacancy in the office of Bishop, the Council shall convene at the call of the President of the Standing Committee or any two members of the Bishop and Council and shall make provision for the discharge of the executive and administrative functions during the continuance of the vacancy.

**Sec. 2.** The Council shall have and exercise all powers of the Diocese not reserved to another entity between meetings of the Convention, provided it may not (a) elect a Bishop, (b) amend the Constitution or Canons, (c) take any action contrary to the actions taken by the Convention, or (d) elect any canonical officers of the Diocese.

**Section 3.** The Council shall consist of the Bishop, Coadjutor Bishop, Suffragan Bishop, Dean of St. John's Cathedral, and ten members elected pursuant to this Canon. The Dean, with the concurrence of the Bishop, may designate a member of the clergy of the Cathedral to serve on the Council for the Dean. The Chancellor and the Treasurer shall be ex officio members and shall be entitled to all privileges except the right to vote. The ten members shall be elected as follows:

**(a)** Five Clergy and five Lay persons (who shall be Confirmed Communicants in Good Standing) shall be elected to serve for a term of three years. A member shall be ineligible for reelection for one year after completion of a three-year term.

**(b)** Two Clergy and two Lay persons of the ten shall be elected from each of the Southeast and Middle East Tennessee Areas, and one Clergy and one Lay person of the ten shall be elected from the Upper East Tennessee Area.

**Sec. 4.** The Bishop, or if the Bishop is absent, the Bishop Coadjutor, or if the Bishop Coadjutor is absent, the Bishop Suffragan, shall preside at meetings of the Council. If no Bishop is present, the Council shall select one of its members to preside.

**Sec. 5. (a)** The Bishop and Council shall have the power to fill any vacancy in its body until the next annual meeting of the Convention by a majority vote of the members present at the Bishop and Council meeting at which the vote takes place. A quorum of the members of Bishop and Council must be present for such an election to take place. In each case, the new member shall be from the same area and the same order, Lay or Clergy, as the member whose seat is vacant. Nominees for each such position shall be included in the written notice of meeting referred to in Section 9 of this Canon.

**(b)** If a member has two unexcused absences from meetings of Bishop and Council in a 12-month period, the member's seat on Bishop and Council shall be deemed vacant; provided, however, after pastoral consultation with the member, the Bishop, within his or her discretion, may allow the member to retain the seat in question.

**Sec. 6. (a)** Lay persons eligible to serve on the Council include all Confirmed Communicants in Good Standing eighteen years of age or more, except that no person whose compensation in whole or in part is paid by the Diocese, or by an Organization or Institution of the Diocese, shall be eligible to serve.

**(b)** All Clergy canonically resident in the Diocese, except members of diocesan staff, are eligible to serve on the Council.

**(c)** A person may not serve simultaneously on the Council and the Standing Committee.

**Sec. 7.** Not more than one person from the same Parish, either Clergy or Lay, shall be eligible to serve with a vote on the Council at the same time, except in the case of St. John's Cathedral, from which a Lay person may be elected.

If a Clergy or Lay member of the Council transfers to another Parish, or other institution in an Area of the Diocese different from the Area in which he or she was elected, or if a Clergy or Lay member of the Council transfers within the same Area of the Diocese to another Parish which already has a Clergy or Lay member on the Council, the member of the Council so transferring shall vacate his or her office at the next Convention of the Diocese. The foregoing limitation applies only to voting members.

**Sec. 8.** The Council shall elect a Secretary who shall perform such duties as may be required by the Council. With the permission of the Bishop, any person employed by the Diocese, not a member of the Council, may act as Secretary.

**Sec. 9.** The Council shall meet with the Bishop not less frequently than four times per year, one of which may be immediately prior to or immediately following the meeting of the Convention. The dates, times and places of all regular meetings shall be set by the Council. Special meetings of the Council may be called by the Bishop, or by the Secretary on request of any four elected members of the Council. Written Notice of all meetings shall be given each member by the Secretary at least ten days prior to the meetings, except the meeting immediately after adjournment of the Convention. Said Written Notice may be given by electronic means. A majority of the elected members shall constitute a quorum.

In addition to scheduled, in-person meetings, action may be taken in the following ways:

(a) Any member of the Council may participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all members participating may simultaneously hear each other during the meeting. Examples include teleconference by speakerphone and various types of online audio communication, which may, but need not, include video communication. A Council member participating in a meeting by this means is deemed to be present in person at the meeting.

(b) Action may be taken without a meeting. If all Council members consent to taking such action without a meeting, the affirmative vote of the number of Council members that would be necessary to authorize or take such action at a meeting is the action of the board. The action must be evidenced by one (1) or more written consents describing the action taken, signed by each Council member, and included in the minutes filed with the corporate records reflecting the action taken. Action taken under this section is effective when the last Council member signs the consent, unless the consent specifies a different effective date. A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(c) A Council member may waive any notice required in this section. Except as provided hereafter, the waiver must be in the form of a document, signed by the Council member entitled to the notice, and filed with the minutes or the corporate records. A Council member's attendance at or participation in a meeting waives any required notice of the meeting unless the Council member at the beginning of the meeting (or promptly upon his/her arrival) objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

**Sec. 10. (a)** The policies of the Diocese as determined by the Bishop and Council shall be implemented by the Bishop. The Council shall provide for the organization of the program and the work of the Diocese.

(b) The Council shall be responsible for the receipt, administration, and disbursement of funds of the Diocese as it deems advisable, consistent with the budget adopted at the Convention. The Council shall prepare and submit to the Convention an annual budget to carry out the program and work of the Diocese, for the support of the Episcopate, for Diocesan Administration, and for support of The Episcopal Church. It shall fix the compensation and allowances of all persons paid from diocesan funds, subject only to change at the Convention. The annual budget prepared by the Council shall be based upon the reasonably expected income of the Diocese, including anticipated receipts from the voluntary giving of the Parishes and other donors. In adopting a final budget, the members of the Convention may refer all or portions thereof to the Council for readjustment.

**Sec. 11.** The Council shall submit to each annual meeting of the Convention a report of the work done under its supervision for the preceding year. It shall make and preserve a full record of all its acts.

**Sec. 12.** The Council may request reports and statements from any Parish, Worshiping Community, Organization or Institution of the Diocese, or from Organizations and Institutions of any Parish, as it may deem necessary or desirable, and such reports and statements shall be given when requested by the Council.

**Sec. 13.** If the receipts of the Diocese during the calendar year exceed the amounts required to meet the budget as adopted at the annual meeting of the Convention, the Council may authorize the expenditure of the excess receipts. In like manner, the Council may reduce or eliminate items of the budget if receipts are less than those previously anticipated.

**Sec. 14.** The Bishop may appoint and remove all persons to be employed by the Diocese, but their salaries shall be fixed by the Council. At each meeting of the Council, the Bishop shall report to the Council all appointments or removals made pursuant to this section which have occurred since the last meeting of the Council.

**Sec. 15.** No person may incur any pecuniary liability against the Diocese or the Council in carrying on his or her work, which shall be a charge against the Diocese or the Council, or the property of the Diocese or of any Parish, Worshiping Community, School, Organization or Institution, unless such charge be included in an approved budget, or upon the written authority of the Council.

**Sec. 16.** The Bishop and Council shall provide for the organization of the program and the work of the Diocese through the creation of such commissions, task forces, and committees that it deems necessary for the administration of the program and work of the Diocese and shall designate the title, define the structure, establish the duties and responsibilities, and provide for the finances of each commission, task force, and committee.

**Sec. 17.** The administration of the program and work of the Diocese shall be the responsibility of the Bishop, and the work of all commissions, task forces, and committees shall be subject to the Bishop's executive and administrative authority. The Bishop and Council shall make provision for such administrative assistants, canons, deputies, and archdeacons, including their compensation and expenses, as shall be required to enable the Bishop to carry on the administration of the Diocese.

**Sec. 18.** Each commission, task force, and committee shall include both Clergy and Lay Members, and the members thereof shall be appointed by the Bishop, who shall designate a Chairman. All Lay members shall be Communicants in Good Standing. Each commission, task force, and committee shall keep minutes of its meetings, file copies of them with the Secretary of the Bishop and Council, make such reports to the Bishop and Council as it may require, and upon request of the Bishop, file an annual report of its activities with the Secretary for inclusion in the Journal.

**Sec. 19.** Nothing contained herein shall restrict the right of the Bishop to appoint such committees as the Bishop deems advisable. The Bishop shall make a report of the appointment of any such committee at the next meeting of the Bishop and Council following its creation.

#### **CANON 8: Committee on Constitution and Canons**

**Sec. 1.** There is hereby created a Committee on Constitution and Canons, composed of four Clergy and three Lay Persons, at least one of whom shall be an attorney at law. The Chancellor shall be an ex-officio member. Committee members shall be appointed by the Bishop for terms of three years. All Lay Members shall be Confirmed Communicants in Good Standing.

**Sec. 2.** The Committee shall, as soon as possible after adjournment of each session of the General Convention, ascertain whether changes have been made in the Canons of The Episcopal Church and report to the next Convention of the Diocese whether any changes are required in the Constitution or Canons of the Diocese in order to conform to the Canons of The Episcopal Church. The Committee may also make recommendations at the Convention for amendments to the Constitution or these Canons for the operation of the Diocese.

**Sec. 3.** All proposed amendments to the Constitution or Canons of the Diocese shall be submitted to the Committee on Constitution and Canons for its consideration and recommendation(s) before they are considered at the Convention.

#### **CANON 9: Agreements with Other Dioceses**

**Sec. 1.** The Bishop and Council may enter into agreements with other Dioceses respecting matters of common interest and concern.

**Sec. 2.** If an agreement is entered into pursuant to Section 1, the Bishop and Council shall elect representatives of the Diocese to any joint board or committee which may be created by the agreement.

**Sec. 3. (a)** Any funds required from this Diocese for funding agreements under this Canon shall be included in the Annual Budget and approved by the Bishop and Council.

**(b)** No assets of this Diocese may be used for the performance of any agreement entered into under this Canon except with the express approval of the Convention or the Bishop and Council.

**Sec. 4.** Every agreement entered into pursuant to this Canon shall contain a provision permitting the termination of participation by this Diocese upon reasonable Written Notice.

#### **CANON 10: Election of Trustees to the Board of Trustees of the University of the South**

**Sec. 1.** The Diocese is one of the owning Episcopal Dioceses of the University of the South at Sewanee, Tennessee and, as such, is entitled to four representatives on the University's Board of Trustees, including the Bishop by office and, by election, a member of the clergy, and two lay persons from the Diocese.

**Sec. 2.** One clerical and two lay person Trustees from this Diocese shall be elected to serve on the Board on a rotating basis by a plurality vote to serve for a three-year term. One such Trustee shall be elected at each Annual Convention and the order of the Trustee to be elected shall be the same as the order of the retiring Trustee. A Trustee who is serving one full or partial term will be eligible for re-election for one additional full term. A vacancy created by death, resignation, non-residency or removal of a Trustee from this Diocese will be filled for the remainder of the term by a plurality vote of the next Annual Convention. A Trustee who is elected to fill an unexpired term shall be eligible for re-election for one full term. A Trustee who has served two successive terms, either full or partial, shall not be eligible for re-election until the passage of at least one year. Nominations for a Trustee should be made in accordance with and subject to the Rules of Order. A lay person so nominated shall be a confirmed communicant in good standing and preferably a graduate of the University of the South.

**TITLE III  
ASSETS OF THE DIOCESE AND PARISHES**

**CANON 1: Real and Personal Property**

**Sec. 1.** All property, whether held by the Diocese, a Parish, or an Organization or Institution of the Diocese, and regardless of the manner in which title is held, is to be held in trust for and used for the benefit of the Diocese of East Tennessee of The Episcopal Church, according to the Constitution and Canons and Doctrine, Discipline and Worship of The Episcopal Church and of the Diocese of East Tennessee, and for the purposes and programs of said Episcopal Church and Episcopal Diocese.

**Sec. 2.** Title to real property shall be held as follows:

(a) If title is to be held by the Diocese, it shall be conveyed, and title shall be in the name of The Diocese of East Tennessee, a not for profit corporation.

(b) If title is to be held by any Parish, Organization, or Institution which is incorporated, title shall be conveyed by full warranty deed to it in its corporate capacity with the following language: “to be held in trust for and used for the benefit of the Diocese of East Tennessee of The Episcopal Church, according to the Constitution and Canons and Doctrine, Discipline and Worship of The Episcopal Church and of the Diocese of East Tennessee, and for the purposes and programs of said Episcopal Church and Episcopal Diocese, and shall not be sold, transferred, alienated, conveyed, mortgaged, or encumbered, in whole or in part, except in conformity with the Constitution and Canons of The Episcopal Church and The Diocese of East Tennessee.”

(c) If title is to be held by any Parish, Organization, or Institution which is not incorporated, title shall be conveyed by full warranty deed to “The Rector, Wardens and Vestry of [name of parish] to be held in trust for and used for the benefit of the Diocese of East Tennessee of The Episcopal Church, according to the Constitution and Canons and Doctrine, Discipline and Worship of The Episcopal Church and of the Diocese of East Tennessee, and for the purposes and programs of said Episcopal Church and Episcopal Diocese, and shall not be sold, transferred, alienated, conveyed, mortgaged, or encumbered, in whole or in part, except in conformity with the Constitution and Canons of The Episcopal Church and The Diocese of East Tennessee.”

**Sec. 3.** Real property may be transferred, encumbered, or assigned only as follows:

(a) If title to real estate is held by the Diocese, the written consent of the Bishop and of the Standing Committee is required.

(b) If title to real estate is held by any Parish, or by any Organization or Institution of the Diocese, approval of the Vestry, or Board of the Parish, Organization, or Institution and the written consent of the Bishop and of the Standing Committee, is required.

(c) If the property has been dedicated, consecrated, or used for services of Divine Worship, the consent of the Bishop and of the Standing Committee is required.

(d) If for sufficient cause the Bishop determines that consent cannot await the next meeting of the Standing Committee, the Bishop may, with the advice of the Chancellor, give written notice to the Standing Committee of the proposed real estate transaction and seek consent to the proposed action. Upon receipt of the consent of at least 50% of the Standing Committee, the Bishop may give written consent to the proposed action but shall make report thereof to the next meeting of the Standing Committee.

(e) No consecrated or dedicated Church or Chapel may be removed, taken down or otherwise disposed of for any worldly or common use without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee.

**Sec. 4.** No consecrated or dedicated Church or Chapel may be used for purposes other than public worship of the Church if the Bishop expresses disapproval.

**Sec. 5.** All deeds, deeds of trust, mortgages, options, leases, assignments, and conveyances of every description of any real property title to which is held by the Diocese, shall be executed and acknowledged by the President or a Vice-President of the Diocese, provided that with consent of the Bishop, the Bishop and Council may by resolution confer authority upon a named agent or agents to execute and acknowledge such instruments on behalf of the corporation.

**Sec. 6.** The Standing Committee or the Bishop and Council shall have the authority to approve agreements with other Dioceses, or with other churches, for joint ownership, management, use or disposition of real or personal property, provided (a) that no encumbrance may be placed upon such jointly owned property except with consent of all joint owners, nor (b) may expenditures be undertaken therefore except as may be provided in the annual budget.

**Sec. 7.** If any property, real or personal, such as is referred to in Section 1 of this Canon, be abandoned, or if it be devoted to uses not sanctioned by the Bishop as being in conformity with the Constitution and Canons and the Doctrine, Discipline, and Worship of The Episcopal Church or of this Diocese, and their purposes and programs, it shall be the duty of the Bishop, and of Standing Committee and the Bishop and Council, to take possession of title to said property, to be held in trust by the Diocese for such proper use.

**Sec. 8. Insurance.** All property of the Diocese or Parishes shall be insured by a reliable insurance company for an amount to insure its replacement. All Parishes, Organizations, and Institutions of the Diocese shall obtain from a reputable insurance company and maintain in force and effect comprehensive general liability insurance, including sexual misconduct insurance with limits of not less than One Million Dollars.

**Sec. 9.** All Parishes, Organizations, and Institutions of the Diocese shall conform in the conduct of their business affairs to the requirements of Title I, Canon 7 of The Episcopal Church, to the requirements of these Canons, and to such additional requirements as from time to time may be prescribed by the Diocese or the Bishop and Council.

## **CANON 2: Episcopal Endowment Corporation**

**Sec. 1.** The Episcopal Endowment Corporation, a corporation duly chartered and organized (the "Corporation") and governed by the laws of the State of Tennessee, shall have custody and control of, and be charged with the investment of, all funds heretofore placed with the Corporation by the Diocese. The Diocese shall have the authority, with the approval of the Bishop and Council, to place any or all donations bequests, devises, or legacies with the Corporation, which shall hold and administer the same in accordance with the direction of the donor, conveyer, or testator. In all cases where the donor, conveyer, or testator has not directed the use of the funds, then the same shall be held, managed, administered, and dealt with, together with the income arising therefrom, under the recommendation of the Bishop and Council.

**Sec. 2.** The Convention shall elect those directors of the Corporation to which this Diocese is entitled from nominees submitted by remaining members of the Corporation's board representing this Diocese and approved by the Bishop of this Diocese. In the event there are no such remaining members, nominations shall be made by Bishop and Council. Each director shall be elected to a three-year term. Vacancies occasioned by death or otherwise shall be filled by the Bishop and Council for the remainder of the unexpired term. The term of office shall commence in February of the year of election. The Secretary of the Diocese shall certify the name(s) of those elected to the President of the Corporation.

**Sec 3.** A trust shall be construed to be authorized with the Corporation, to be authorized by this Canon, as being for the use and benefit of this Diocese, if the Diocese, any Institution, or Parish in union therewith has any present, future, or contingent interest in the corpus or income of such trust.

**Sec. 4.** The Corporation shall submit an annual audit performed by an independent Certified Public Accountant

showing the status of the investments in the fund. This report shall be submitted to the Convention and those institutions within the Diocese that have funds entrusted to the Episcopal Endowment Corporation for investment.

### **CANON 3: Church Funds and Audit**

**Sec. 1.** All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes or other diocesan Institutions or Organizations shall be audited annually by an independent Certified Public Accountant or independent Licensed Public Accountant or such audit committee as shall be authorized by the Bishop and Council or other appropriate diocesan authority. The Bishop and Council may adopt such regulations as it deems necessary or proper to insure compliance with this section, to provide for uniform audit procedures, and to provide for annual reviews of audit reports. It shall report annually at the Convention any failure to comply with the requirements of this section for such action as the Convention may deem proper. Each such audit shall include, but not be limited to, all trust funds, permanent funds, discretionary funds and all securities of whatever kind.

**Sec. 2.** All treasurers and other persons receiving, disbursing, or accounting for funds and all Parishes and diocesan Institutions or Organizations shall be adequately bonded, except treasurers of funds that do not exceed \$500.00 at any one time during the fiscal year.

**Sec. 3. (a)** It is the duty of every congregation established within the Diocese to contribute its share of the Annual Budget of the Diocese, including its share of the objective apportioned to the Diocese by the Executive Council of The Church.

**(b)** The Treasurer shall report at the Annual Convention the contributions made by each congregation during the preceding year.

**Sec. 4.** The Bishop and Council shall be charged with the enforcement of this Canon, and shall have authority to adopt and maintain such reasonable rules and regulations as may be proper and necessary thereto.

**Sec. 5.** The Bishop shall serve as interim Trustee for the Church, and for this Diocese, should any trust arise under provision of Title I, Canon 7, Sections 4 and 5, or Title II, Canon 6, Section 4 of the Canons of The Episcopal Church. In event such trust arises or is created, the Bishop shall promptly report same to the Bishop and Council, which is empowered and directed to select persons permanently to administer and enforce the trust, and to take any such other actions as it deems proper for the best interest of this Diocese and the Church consistent with existing canonical provisions.

**Sec. 6.** All cash receipts of the Diocese or of any Parish, Organization, or Institution of the Diocese shall be deposited promptly in a bank or savings institution in an account fully insured by FDIC or FSLIC. The entity responsible for said funds may adopt procedures regarding the withdrawal, disbursement, or investment of such funds after the deposit thereof.

**Sec. 7.** In every Parish, Organization, or Institution within this Diocese, the following standard business methods shall be observed:

**(a)** In addition to the foregoing standard business methods, every Parish, Organization, or Institution in this Diocese shall have and adhere to the Manual of Business Methods in Church Affairs as published by the Church in 1999 and as thereafter amended.

**(b)** Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Bank having trust powers or with the Episcopal Endowment Corporation or with some other independent entity having trust powers which has been approved for the purpose by the Bishop and Council either under a written trust indenture or an agency agreement, which indenture or agreement shall provide for at least two signatures on any order of withdrawal of such funds or securities and for a statement of the purpose or purposes for which such funds are held.

(c) The foregoing subparagraph (a) shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities shall be under the care of the persons or corporations properly responsible for them.

(d) Records shall be made and kept by each Parish, Organization, or Institution of all trust and permanent funds showing at least the following:

- (1) Source of the funds and date of receipt.
- (2) Terms governing the use of principal and income.
- (3) To whom and how often reports of condition are to be made.
- (4) How the funds are invested.

(e) Trust and permanent funds and securities to which this Canon applies are those received by gift or legacy or in any other manner whereby it is provided or intended that the principal sum be retained by the beneficiary organization, either with the income to be applied to purposes specified by the donor or the beneficiary organization or for uses extending more than five (5) years after the funds are received.

**Sec. 8.** The Bishop and Council is hereby constituted as the Finance Committee of the Diocese as required by Title I, Canon 7, Sec. 2 of the Canons of The Episcopal Church, and said Finance Committee shall have the power and authority, from time to time, to act through subcommittees of its members which it may create by resolution.

#### **CANON 4: The Pension Fund**

**Sec. 1.** The Diocese hereby accepts and acknowledges the system of The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York as subsequently amended, as the authorized and approved pension system for the Clergy of the Church and for their dependents, and declares its intention of participating in the Fund in accordance with its rules as subsequently amended.

**Sec. 2.** The Bishop shall appoint annually a Committee on the Church Pension Fund (the "Committee"), to consist of two members of the Clergy and three Lay Persons.

**Sec. 3.** The duties of the Committee shall be as follows:

(a) To furnish annually to the Fund a list of the Clergy together, with a statement of the stipend received by any Clergy from each of the said Parishes or other Organizations in this Diocese which employ Clergy and elect to come into the Fund (the "Employing Agencies").

(b) To receive from the Fund from time to time a statement of the contributions necessary to be paid to the Fund by each of the Employing Agencies, and of the time and manner of payment of these, in order that the Clergy in receipt of stipends from them may be entitled respectively to pensions under the Fund.

(c) To inform the Treasurer or other appropriate authority of each of the Employing Agencies of the contributions payable by them and of the time and manner of payment thereof.

To elect a Treasurer who may or may not be a member of the said Committee, who shall be required to give bond, satisfactory to the Committee, and whose duty it shall be to receive from all of the said Employing Agencies, the aforesaid contributions and to transmit the same to the Treasurer of the Fund. Alternatively, by mutual agreement between the Committee and the Fund, a method of payment of contributions by direct remittance from the Employing Agencies to the Fund may be substituted. All such approved, direct payments to the Fund shall be

documented to the Committee. The accounts of the Committee shall be audited annually.

(d) To inform the Fund from time to time of the Clergy and the surviving spouses and minor orphans of Clergy who may be entitled to receive pensions in respect of this Diocese from the Fund.

(e) To inform the Clergy and Laity of the Diocese of the pension system of the Fund, to do all things advisable to ensure that the necessary contributions are fully and systematically paid and to make an annual report to the Bishop and Council on the financial and operational actions of the Committee.

**Sec. 3. (a)** The Treasurer of the Diocese shall pay to the Committee the contributions payable on behalf of the Bishop of the Diocese and also of the Bishop Coadjutor and Bishop Suffragan and to pay the contributions payable on account of all stipends paid by the Diocese to other Clergy.

(b) The Clergy and all Employing Agencies in this Diocese shall provide, upon request, such information and cooperation to the Committee as may be necessary to enable the Committee to properly perform its functions.

**Sec. 4.** No Employing Agency in this Diocese which for two successive years shall fail to pay the full amount of its contributions due to the Fund shall be entitled to representation at any Annual or Special Convention of this Diocese until such arrearages shall have been paid in full.

#### **CANON 5: Camp and Retreat Center**

**Sec. 1.** The management of the affairs of the diocesan camp and retreat center shall be provided by a Camp and Retreat Center Board of Managers.

**Sec. 2.** The Camp and Retreat Center Board of Managers shall consist of no fewer than twelve persons appointed by the Bishop with the consent of the Convention. The Bishop shall be an ex officio member of the Board, and other ex officio members may be appointed as the Board deems necessary. Board members shall serve for a term of three years, with the initial Board to be appointed to staggered terms so that the terms of one third of the Board shall expire each year. Members of the Board may serve for successive terms but will be ineligible for reappointment for one year after serving two consecutive terms.

**Sec. 3.** The Board shall report to the Convention annually on the affairs of the camp and retreat center.

**TITLE IV  
PLACES OF WORSHIP**

**CANON 1: Parishes**

**Sec. 1.** Except as otherwise provided, each congregation in union with the Diocese shall be known as a Parish.

**Sec. 2.** Each Parish shall be incorporated according to the laws of the state in which the Parish is located. A copy of the proposed corporate Charter and Bylaws shall be submitted to the Bishop, who will review, and may revise them, in consultation with the Chancellor. After the Bishop grants his or her approval, the Parish shall proceed to become incorporated. Within thirty days of incorporation, a copy of the corporate Charter and Bylaws shall be filed in the Bishop's office. Any amendments to the Charter and Bylaws shall follow the same procedure. Each Parish shall comply with all state requirements to maintain its corporate status.

**Sec. 3.** Each Parish in union with The Diocese shall, on the first convenient day in each calendar year, or within the quarter preceding that year, elect or select by a method set out in the Bylaws of the Parish a Vestry, consisting of not less than 6 nor more than 18 persons, having qualifications prescribed in Article X of the Constitution, to serve for that year and until their successors are elected or selected and have qualified; provided, however, that each Parish shall, by resolution adopted at any Parish meeting, upon prior notice, by a majority vote of the qualified voters present at the meeting, provide for a rotation in office of members of the Vestry by either of the following methods:

(a) retaining a one-year term, but prohibiting a person from serving more than three consecutive one-year terms, or

(b) making provision for a term in office of three years, one-third of the members of the vestry to be elected or selected each year to serve three-year terms. After expiration of three years consecutive service, a vestry member shall not be eligible for re-election or re-selection until at least one year shall have expired, nor shall a vestry member who has been elected or selected to serve a full term on the Vestry and who has subsequently resigned from that position be eligible for re-election or re-selection until at least one year shall have expired from the date of resignation. A Senior Warden and Junior Warden shall be elected or selected from the members of the Vestry, either by election by the Vestry or by some other selection procedure permitted by the Bylaws of the Parish.

**Sec. 4.** Each Parish shall hold an annual meeting within the times stated in Section 3 of this Canon. At such meeting the Rector and the Treasurer or principal financial officer shall report to the congregation. The agenda of the meeting shall also include such other matters as may be required by the corporation laws of the Parish's state of incorporation. Notice of the time and place for the Parish meeting and the election or selection of members of the Vestry shall be given at a public service of the congregation at least two weeks prior to the date of such meeting or meetings.

**Sec. 5.** Qualified voters in such election or selection shall be all Adult Confirmed Communicants in Good Standing of the Church registered in the Parish.

**Sec. 6.** Vacancies occurring in a Vestry during the term of office of its members shall be filled by the majority vote of the remaining members of the Vestry; provided, however, that no person may be elected to fill a vacancy if ineligible under the provisions of Section 2 above. Members so elected may, at the option of the Vestry, hold office either until the next annual election or until the remainder of the term of the person replaced.

**Sec. 7.** The Rector shall have the exclusive charge of all things affecting the spiritual interests of the Parish subject only to the Bishop. It shall be the duty of the Rector to take order concerning the worship of the Church, together with all that appertains thereunto. The Rector may appoint, from time to time, fit persons to assist in all duties which may lawfully be performed by Lay persons; shall be, at all times, entitled to access to the Church, to open the same for public worship, for catechetical or other religious instructions, marriages, baptisms, burials, and all other offices authorized by the Church; shall have spiritual direction and control of all Sunday Schools, Parish Schools, and other

educational and charitable associations connected with the Parish; and shall preside at all Parish and Vestry meetings.

**Sec. 8.** The Vestry shall administer the temporal affairs of the Parish; shall elect and call the Rector, unless otherwise set forth in these Canons, shall provide for the regular and well-ordered worship of Almighty God, and shall cooperate with the Rector in all efforts to develop the spiritual life of the Parish. The Vestry shall, at all times, keep the church in proper condition for its uses, and likewise give proper care to all buildings and grounds belonging to the Parish. A quorum shall consist of not less than a majority of all the members of the Vestry in office immediately before a meeting begins.

**Sec. 9.** The Rector or Senior Warden, or, in the absence of both, the Junior Warden, may call a meeting of the Vestry. In addition, a meeting shall be called on the request of three members of the Vestry.

**Sec. 10.** Other Parish meetings may be called by the Rector or Wardens at any time, and shall be called by them upon the written request of a number of Confirmed Communicants in Good Standing of the Parish but not less than twice the number of Vestry members of said Parish.

**Sec. 11.** Voting by proxy in Parish meetings shall not be allowed.

**Sec. 12.** A Parish may provide in its Charter, Bylaws, or rules for the election of Vestry members by absentee ballot, provided that the Parish adopts a written procedure for absentee voting, delineating the criteria for the use of an absentee ballot and provided reasonable notice of such procedure is given prior to each election.

**Sec. 13.** With the adoption of this Canon by the Convention, each and every congregation in union with the Diocese shall automatically come under the items set forth in Sec. 2 of Title III, Canon 1.

## **CANON 2: New Parishes**

**Sec. 1.** A group of at least 50 Adult Confirmed Communicants canonically entitled to vote may submit to the Bishop an application to form a Parish. Upon receipt of such application, the Bishop shall forward copies thereof for written comment to any existing Parish within a 10-mile radius of the proposed location of the new Parish. Such written comments shall be sent to the Bishop within sixty (60) days of receipt of the application. After the expiration of such sixty (60) day period, the Bishop shall send the application, together with the Bishop's comments and any written comments received from the existing Parishes, to the Standing Committee for its consideration and consent. If the Standing Committee consents and the Bishop concurs, Articles of Association, as set forth in Section 2 below, shall be signed and forwarded to the Convention and, upon the affirmative vote of the Convention, the Parish shall be established. For good cause, so stated, the Bishop may shorten the sixty (60) day period to no less than twenty (20) days.

**Sec. 2.** The persons seeking to establish a new Parish shall sign the Articles of Association in the following form:

### ARTICLES OF ASSOCIATION OF PARISH

Whereas, the following persons, Adult Confirmed Communicants of the Church, resident in \_\_\_\_\_ and vicinity, in Tennessee with others, have associated together for the purpose of organizing a Parish according to the doctrine, discipline, and worship of The Diocese of East Tennessee, they do hereby declare the following to be the articles and conditions of their association:

The name of this Parish shall be \_\_\_\_\_.

The Parish acknowledges, accedes to, and adopts, and shall at all times adhere to the Constitution and Canons and the Doctrine, Discipline, Worship, and usages of The Episcopal Church and of the Diocese of East Tennessee.

The affairs of this Parish shall be conducted by the Vestry and Rector according to the Constitution and Canons of The Episcopal Church and of the Diocese.

The Rector of the Parish shall be elected by the Vestry in a meeting, duly convened for that purpose.

The Wardens and Vestry of this Parish shall all be registered Adult Confirmed Communicants of the same. The title to all real estate now owned or hereafter acquired by the Parish shall be vested as required by Title III, Canon 1 of the Diocese of East Tennessee.

All real estate now owned or hereafter acquired by the Parish, title to which is vested in any manner as aforesaid, shall be held, sold, transferred, alienated, conveyed, mortgaged or encumbered, in whole or in part, only in conformity with the Constitution and Canons and the Doctrine, Discipline, and Worship of the Diocese of East Tennessee and The Episcopal Church.

In the case of the dissolution or extinction of this Parish, or disassociation or attempted disassociation of this Parish from the Diocese, or failure of this Parish to be or remain in union with the Diocese, for any cause or reason whatsoever, the lands, tenements, and other estates, real or personal, if such there shall be, shall vest in The Diocese of East Tennessee.

**Sec. 3.** If, upon presentation of these articles, the Convention gives its consent, the Parish shall be deemed duly established. Said Parish shall immediately provide a corporate Charter and Bylaws to the Bishop for review and shall comply with the provisions of Title IV, Canon 1, Section 2 of the diocesan canons.

**Sec. 4 (a)** In any area within the Diocese, a number of Parishes may desire to associate under a written cooperative plan for the better promotion and support of the work of the Church in that area this may be done, with the approval of such plan by the Bishop and by the Bishop and Council.

**(b)** Any unit organized in accordance with the provisions of the preceding paragraph shall assume so much of the responsibility for the promotion and support of the work of the Church in its area as may be approved by the Bishop and by the Bishop and Council.

**(c)** Such association shall not relieve the parishes so associated from any constitutional or canonical responsibilities.

**Sec. 5.** Any place where there is a group of members of this Church not yet constituted into a Parish, and where stated services are held not less than four times in each year, with the approval of the Bishop, shall be known as a Worshiping Community and so listed in the Journal of the Convention and other records of the Diocese. The Worshiping Community shall keep a register, and the members resident in such Worshiping Community and the services and official acts performed therein shall be recorded in and reported from the register of the Worshiping Community.

### **CANON 3: University and College Chapels**

**Sec. 1.** Any number of Confirmed Communicants canonically entitled to vote who are members of any academic community in the Diocese, but not less than ten, may apply to the Bishop for the establishment of a Chapel or Center of the Church. Those so applying shall sign the following application:

#### **APPLICATION TO THE BISHOP**

Right Reverend Father in God:

We, the undersigned, members of the Academic Community of \_\_\_\_\_, the Diocese of East Tennessee, being desirous of obtaining

the ministry of the Church, and ready according to our several ability, to sustain the same, do hereby request you to provide for us as you deem proper and expedient. We do hereby promise conformity to the Doctrine, Discipline, and Worship of the Church; and, further, we promise to obey the Constitution and Canons of The Episcopal Church and of The Diocese of East Tennessee. We therefore ask to be established as a Chapel or Center of the Church under the name of: \_\_\_\_\_.

(Signed) \_\_\_\_\_

**Sec. 2.** Chapels and Centers so established shall be enrolled at the Convention bearing the status of Diocesan Chapels.

**Sec. 3.** The Chapel or Center shall be under the direction of a Chaplain, who shall be appointed or approved by the Bishop, and who shall exercise such ministry under the direction of the Bishop.

**Sec. 4. (a)** Each Chapel or Center shall have a Board which shall be appointed or approved by the Bishop, upon nomination of the Chaplain. The Board shall consist of not less than seven nor more than twelve members, representing both the academic community and the Laity at large. They shall be appointed for one-year terms and may succeed themselves. One half of the membership of the Board shall constitute a quorum, and all members of the Board must be Confirmed Communicants in Good Standing in some Parish of this Diocese. There shall be an annual meeting and three other meetings during the year held at the call of the Chaplain. Special meetings may be held at the request of a majority of the Board.

**(b)** The Chaplain shall act as Chair of the Board. If there is no Chair, the Assistant Chair shall preside. The Board shall elect an Assistant Chair, a Secretary, a Treasurer, and shall make other appointments it deems necessary.

**(c)** The Board, with the consent of the Bishop, may have the powers and perform the duties assigned by Canon to the Vestry of a Parish, except that the Board shall not elect or call a Chaplain, but such powers may be restricted in any case at the Convention or by the Bishop and Council.

**Sec. 5.** The Chaplain shall keep an Official Register of membership and Official Acts, and shall transfer Communicants enrolled at the time of their permanent departure.

**Sec. 6.** All Chapels and Centers shall make such annual reports as shall be prescribed by the Ecclesiastical Authority.

**Sec. 7.** In those academic communities wherein the college work is ecumenical, the participation, financing, and personnel of the Diocese shall be that recommended by the Department of Ministries in Higher Education and approved by the Bishop and by the Council.

**Sec. 8.** The Convention shall make suitable provision for the support of such Chapels and Centers.

#### **CANON 4: Restrictions on Organization**

**Sec. 1.** 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. 2. (a)** No Institution, including without limitation, retirement centers, nursing homes, conference centers or community houses, may be an Institution of the Diocese unless (a) its Charter and Bylaws have been reviewed by the Chancellor, and (b) it has been accepted as a diocesan Institution by the Bishop and Council and by the Ecclesiastical Authority, acting separately.

**(b)** No Organization or Institution of the Diocese or of any Parish shall be incorporated without prior approval of the Bishop and Council, and the Ecclesiastical Authority, and approval by the Chancellor of its Charter

and Bylaws.

(c) 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.

(d) No Organization or Institution of the Diocese or of any Parish, whether incorporated or unincorporated, may use the word, Episcopal, in its name without the prior approval of the Ecclesiastical Authority and the Bishop and Council.

(e) The Convention may require any Organization or Institution to be terminated.

### **CANON 5: Article IV Adjudications**

**Sec. 1.** This Canon provides for adjudication of matters arising under Article IV of the Constitution of the Diocese of East Tennessee, which may involve the suspension of a Parish.

**Sec. 2.** Unless and until the procedure for adjudication set out herein has been substantially complied with, the Convention shall not proceed under Article IV.

**Sec. 3.** Notice of intent to seek Convention action against any Parish under Article IV and setting forth the charges shall be given to the Bishop by any Clergy Member or Lay Delegate to the Convention, by any officer of the Diocese, or by the Bishop and Council, such notice to be in writing and a copy thereof served by certified mail return receipt requested on the Rector of the Parish not less than 30 days before the convening of the Convention.

**Sec. 4.** Upon receipt of the notice provided for in Section 3 of this Canon, the Bishop shall appoint a Tribunal to consist of the President of the Standing Committee, who shall serve as Chair, the Chancellor, and three Communicants. Three members of the tribunal shall constitute a quorum with power to act.

**Sec. 5.** The Chair shall convene the Tribunal at a time and place prior to the meeting of the Convention, and in writing invite the attendance of the Parish or its representatives at such meeting. Notice to the Parish shall be by registered mail addressed to the Rector or Warden, mailed at least seven days before the Tribunal convenes. Notice shall also be given in like manner to the person who filed the charges.

**Sec. 6.** The Tribunal shall hear evidence offered in support of and in opposition to the charges, as well as any evidence offered in aggravation, mitigation, or explanation. Formal rules of evidence shall not be applicable, and the Tribunal may make such rules of procedure as it deems just and appropriate. If the person filing the charges does not appear, the charges shall be treated as abandoned, and if the Parish does not appear, the Tribunal shall hear such evidence as may be offered prior to making its decision.

**Sec. 7.** The Tribunal shall, by majority vote, prepare and deliver to the Convention its findings and recommendations, and no finding of fact made by the Tribunal shall be open to further controversy before the Convention.

**Sec. 8.** Action on the report of the Tribunal shall be a special order of business at the Convention, which may accept or reject the recommendations of the Tribunal, and may take such action pursuant to Article IV as it deems proper. In lieu of actions under Article IV, and in its discretion the Convention may take any such other action as it deems proper and desirable to remedy or correct any delinquency or wrongdoing on the part of a Parish, including, but not limited to, depriving its Clergy and Laity of seat and vote in the Convention or publication of a public censure.

**Sec. 9.** If a Parish is suspended by the Convention pursuant to Article IV of the Constitution of the Diocese, the penalty may be removed only by a vote of the members of a Convention, on recommendation of the Bishop.

**Sec. 10.** Any action cognizable by the Convention under this Canon may also be taken by a Special Convention.

## TITLE V MINISTERS

### CANON 1: Calling to Cure of Souls

**Sec. 1.** Whenever the office of Rector of a Parish shall become open it shall be the duty of the Vestry to give immediate notice thereof to the Bishop, who shall render the Vestry such assistance as may be in the power of the Bishop in filling the opening.

**Sec. 2.** In case the Vestry of an open Parish fails to make arrangements for maintaining the services of the Church during the vacancy, the Bishop shall have the power to send such Clergy as may be available for that purpose, and, in all such cases, the Clergy so sent shall have access to the Church.

**Sec. 3.** If the office of Rector of a Parish becomes open, the Vestry shall call a Rector, but such call shall be subject to the provisions of Title III, Canon 9 of The Episcopal Church and the following provisions of this Canon:

(a) Notice shall be given the Bishop by the Wardens and Vestry not more than ten days after the opening occurs. In the process of calling a Rector, the Vestry shall follow the guidelines developed and published by the Bishop.

(b) Unless the Bishop permits otherwise, no call shall be issued until thirty days after the identity of the Priest whom the Vestry proposes to call has been made known to the Bishop, and the Vestry shall have met and considered any communication received from the Bishop.

(c) To ensure mutual understanding, the Rector and Parish shall enter into a letter of agreement. Such letter shall, at a minimum, stipulate the Rector's stipend and other allowances, which shall be in accordance with guidelines developed and published by the Diocese. Such letter shall be subject to the review of the Chancellor or Vice-Chancellor and approval of the Bishop prior to its execution.

**Sec. 4.** All other ordained ministers of a Parish shall be under the jurisdiction of the Rector, who shall have the power to appoint or to dismiss them, provided that:

(a) Unless the Bishop permits otherwise, the Rector may not appoint a member of the clergy as an Assistant Minister until thirty days after the Bishop has been given notice of the Rector's intent and of the identity of the proposed Assistant Minister.

(b) The stipend and allowances of the Assistant Minister shall be fixed by the Vestry in accordance with guidelines developed and published by the Diocese. The Vestry must create and may abolish the office to be filled.

(c) Assistant Ministers shall serve at the discretion of the Rector and may continue to serve beyond the period of service of the Rector, pending the call of a new Rector, if requested to-do so by the Vestry and under such conditions as the Bishop and Vestry shall determine. An Assistant Minister may continue to serve at the request of the new Rector.

**Sec. 5.** A Member of the Clergy not canonically resident in the Diocese may be called as a Rector or Assistant Rector only with prior permission of the Bishop, said permission to be confirmed in writing.

**Sec. 6. (a)** It shall be the duty of the Vestry to make arrangements for maintaining the services of the Church during the interim period of the opening. In consultation with and under the guidance of the Bishop, the Vestry shall employ a Priest during that time under one of the following three classifications:

*Supply* - A Priest who conducts weekday and Sunday services.

*Extended Supply* - A Priest who conducts weekday and Sunday services and provides pastoral care in emergencies.

*Interim Rector* - A Priest with Parish experience and interim ministry skills and training, who can give guidance to parishes during an interim period, and who understands and is trained to respond to dynamics and issues that may exist during the interim period. The Parish and the Interim Rector shall enter into a letter of agreement which sets forth the responsibilities, stipend, and allowances of the Interim Rector and which shall be reviewed by the Chancellor or Vice-Chancellor and approved by the Bishop. The Interim Rector may not be called directly as Rector, but may ultimately be called as Rector after serving as Priest-in-Charge pursuant to the provisions of Section 6(b) below, with the approval of the Vestry and the Bishop.

(b) Under special circumstances as determined by the Bishop, the Bishop may offer a parish the appointment of a Priest-in-Charge. The following standards are established for the relationship among the Parish, the Priest-in-Charge, and the Bishop:

(1) The Bishop shall appoint the Priest-in-Charge with the consent of the Vestry.

(2) The Parish, Priest-in-Charge, and the Bishop shall enter into a letter of agreement, which shall follow the guidelines for such agreements and be reviewed by the Chancellor or Vice-Chancellor.

(3) The length of the relationship shall be for a maximum of three years. The length may be shortened at the discretion of the Bishop.

(4) An evaluation of the relationship shall be conducted by the office of the Bishop at six-month intervals.

(5) The Parish shall engage in a self-study during the relationship and shall begin or continue a search for a Rector pursuant to diocesan guidelines when authorized by the Bishop.

(6) After consultation with and the approval of the Bishop, the Priest-in-Charge may be called as Rector.

(c) Under special circumstances as determined by the Bishop, in consultation with the Vestry, the Bishop shall appoint a Vicar to serve for a finite period of time, usually one year, as the Bishop's representative in the parish. The Vicar has the same authority as a Rector with the exception of tenure. The Bishop appoints a Vicar in order to put a priest in place quickly to address an existing special situation or unique need and to facilitate the proper functioning and health of the parish.

## CANON 2: Lay Ministries

**Sec. 1.** Lay Ministers requiring licensing in accordance with Title III, Canon 4 of the Canons of The Episcopal Church shall be encouraged in this Diocese and said licensing shall be in compliance with the above Canon and in conformity with the training required by this Diocese. Such ministries shall include Lay Reader, Pastoral Leader, Lay Preacher, Lay Eucharist Minister (either that commonly called "Chalice Bearer" or "Lay Eucharistic Visitor"), and Catechist.

**Sec. 2.** Lay Ministers shall be trained as required by (a) the Canons of The Episcopal Church and (b) the written policy of the Bishop (as amended from time to time).

**Sec. 3.** No licensing shall be required of Lectors. A Lector shall be appointed by the Member of the Clergy in charge of the congregation in which the Lector is to serve.

**Sec. 4.** A Lector is a person trained in reading the Word and appointed without license by the Member of the Clergy in charge of the Congregation to read lessons or to lead the Prayers of the People.

**TITLE VI  
LEGAL**

**CANON 1: Title IV of the Canons of The Episcopal Church.** Those provisions of Title IV of the Canons of The Episcopal Church, which are applicable to the Diocese, are hereby incorporated as part of this Title. To the extent, if any, that any of the provisions of this Title are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

**CANON 2: Discipline Structure**

**Sec. 2.01 Disciplinary Board.** The Board shall consist of seven persons, four of whom are members of the Clergy and three of whom are Laity, except as provided in Section 2.04, provided that no member of the Standing Committee may be a member of the Disciplinary Board.

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

**Sec. 2.03 Lay Members.** The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese.

**Sec. 2.04 Election and Terms.** The members of the Board shall be elected by the Convention. Each member shall be elected for a three (3) year term; except that if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of the member shall commence on the last day of the Convention at which the member is elected. The terms of office of the Board shall be staggered and arranged into three (3) classes, provided that the five (5) members of the Ecclesiastical Court shall constitute the first members of the Board until their terms shall expire at which time the terms will be staggered. However, any member who is on a Hearing Panel for this ongoing proceeding shall continue in office until the conclusion of the hearing.

**Sec. 2.05 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 approval of the Bishop and Council.

(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. 2.06 Preserving Impartiality.**

(a) In any proceeding under this Title, 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.

(b) A vacancy on a panel as the result of a challenge under this section shall be filled with another Board member. However, if none is available, the vacancy shall be filled with a Board member from another diocese pursuant to Title IV, Canon 5, Section 3(i) of the Canons of The Episcopal Church.

**Sec. 2.07 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. 2.08 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. 2.09 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. 2.10 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.

**Sec. 2.11 Pastoral Response Coordinator.** The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV, Canon.8 of the Canons of The Episcopal Church and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

**Sec. 2.12 Advisors.** In each proceeding under this Title in accordance with Title IV, Canon 19, Section 10, 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 Title, and shall not include the Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

**Sec. 2.13 Clerk.** The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

### **CANON 3: Costs and Expenses**

**Sec. 3.01 Costs Incurred by the Church.** The reasonable and necessary costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator and Advisors shall be the obligation of the Diocese.

**Sec. 3.02 Costs Incurred by the Respondent.** In the event upon recommendation of the hearing panel of a final Order dismissing the complaint, or by provisions of a Covenant approved by the Bishop, the reasonable and necessary defense fees and costs incurred by the Respondent may be paid or reimbursed by the Diocese in the sole discretion of the Bishop and Council.

### **CANON 4: Records**

**Sec. 4.01 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. 4.02 Permanent Records.** The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the Canons of The Episcopal Church.

**TITLE VII  
REGISTERS AND REPORTS**

**CANON 1: Diocesan**

**Sec. 1. (a)** Every Minister of this Church shall record in the Parish Register all Baptisms, Confirmations, Receptions, Marriages, Burials, and the names of all Communicants within his or her Cure.

(b) The registry of every Baptism shall be signed by the officiating Minister.

(c) Every Minister of this Church in charge of a congregation shall have recorded in the Parish Register a list of all persons who have been Confirmed or Received; shall indicate upon the Parish Register each year the names of those who have died in the past year or whose names have been removed by letter of transfer; shall also indicate (1) those whose domicile is unknown, and (2) those whose domicile is known but are inactive; and shall maintain as far as practicable a list of all families and persons within the Cure of such Minister which list shall remain in the Parish for the use of any successor.

**Sec. 2. (a)** Not later than March 1 of each year, the Clergy in Charge or the Senior Warden of each Parish shall accurately complete and submit to the Bishop the Annual Parochial Report on the form provided by the Executive Council of The Episcopal Church.

(b) In case any Parish shall fail to submit before the first day of March, the report required by this section, the Bishop and Council, at the expense of the Parish, may send a certified accountant to said Parish, who shall have access to the books of said Parish, make up the report and forward it to the proper person, for the carrying out of the provisions of this section.

(c) The report required by the foregoing paragraphs of this section shall be prepared for the period from January 1 to December 31, and such parts thereof as the Bishop may direct shall be published in the Journal of the Diocese for each year.

**Sec. 3.** Parish registers shall be open to the inspection of the Bishop, who may call for any information they may contain at reasonable times.

**Sec. 4. (a)** The Bishop may direct that a Diocesan Register be maintained which shall contain, so far as may be ascertained, a complete list of the names of Communicants of the Church, not active and enrolled upon the Registry of any Parish, who may be resident within the Diocese. Communicants may be enrolled upon the Diocesan Register and may be transferred to or received from a Parish in the manner prescribed by Canon for Communicants removing from one Parish or Congregation to another, excepting only persons enrolled in the Diocesan Registration under the provision of Section 4 (b) of this Canon, in which case those provisions shall apply.

(b) Any person to whom the Sacraments of the Church shall have been refused, or who has been repelled from the Holy Communion under the rubrics, may, with the approval of the Bishop, or Ecclesiastical Authority, be transferred to the Diocesan Register with notation of such action. Such person may then be transferred to a Parish or Mission only with the approval of the Bishop, or Ecclesiastical Authority, and only in accordance with the provisions of Title 1, Canon 17, of the Canons of The Episcopal Church.

(c) The Secretary shall include in the statistical report of the Diocese the appropriate information contained in the Diocesan Register.

**TITLE VIII  
ON THE ELECTION OF A BISHOP**

**CANON 1: The Standing Committee**

**Sec. 1.** Upon the call for an election of a Bishop in accordance with Title III, Canon 11 of the Canons of The Episcopal Church and in accordance with Article XI of the Constitution of the Diocese of East Tennessee, the Bishop shall delegate to the Standing Committee of the Diocese oversight and responsibility for the process unless it already holds this responsibility because of a vacancy in the Episcopate. In this role, the Standing Committee shall:

(a) give notice in all appropriate publications that the Diocese of East Tennessee is entering an Episcopate election process;

(b) establish the date for the election;

(c) establish the necessary committees for the process;

(d) be responsible for obtaining the necessary background checks;

(e) propose Rules of Order for the Electing Convention and oversee the election;

(f) seek the necessary Episcopal and Standing Committee or General Convention consents required once the election has occurred; and

(g) provide for the Consecration and/or Seating of the Elected Bishop.

**CANON 2: Assisting Bishop(s)**

Should there be no Diocesan Bishop, the Standing Committee, in its role as the Ecclesiastical Authority, may engage the services of an assisting bishop(s), designating those ministries for which said person(s) shall be responsible.

**CANON 3: Pre-Election Process**

Once the date for an election has been established in consultation with the Presiding Bishop of The Episcopal Church, the Standing Committee shall appoint three (3) committees to oversee the election process: a Search Committee, a Transition Committee, and an Episcopate Finance Committee.

(a) The Search Committee

(1) The Search Committee shall consist of eighteen (18) Clergy and Adult Confirmed Communicants in Good Standing, including three (3) clergy and three (3) lay persons from each of the Southeast and Middle East Tennessee Areas, two (2) clergy and two (2) lay persons from the Upper East Tennessee Area, none of whom shall be current members of Bishop and Council or the Standing Committee and not more than one (1) person from the same Parish, either Clergy or Lay. The President of the Standing Committee or another member thereof designated by the Standing Committee shall serve as a member. The Chancellor of the Diocese or one of the Vice Chancellors designated by the Chancellor shall serve as a member. The Committee shall determine its own officers and leadership.

(2) The Search Committee shall:

(A) develop and oversee a process for creating a Diocesan profile;

(B) receive nominations;

(C) review the qualifications of those being considered;

(D) submit to the Standing Committee at least ninety (90) days prior to the date of the election at least three (3) nominees who have consented to stand for election and whose background check and physical and psychological examination results have been received and approved by the Standing Committee; and

(E) publish complete profiles of the nominees and any other educational material deemed helpful.

**(b) The Episcopate Finance Committee**

(1) The Episcopate Finance Committee shall be composed of the President of the Standing Committee, the Chancellor and the Treasurer, or a designee of any or all of them.

(2) The Episcopate Finance Committee shall:

(A) establish a timeline for determination of budgeting and providing funding for the search and transition processes;

(B) establish a budget for the search and transition processes, subject to the approval of Bishop and Council, with input from the Search and Transition Committees; and

(C) in consultation with the Search Committee, recommend compensation parameters for the Elected Bishop to Bishop and Council for approval and, within the parameters of the approved compensation budget, negotiate with the Elected Bishop to establish all financial aspects of assuming the office of Bishop.

**(c) The Transition Committee**

(1) The Transition Committee shall consist of eight (8) Clergy and Adult Confirmed Communicants in Good Standing: four (4) clergy and four (4) lay persons, none of whom shall be current members of Bishop and Council, the Standing Committee, or the Search Committee and not more than one (1) person from the same Parish, either clergy or lay. The President of the Standing Committee or other designated member of the Committee shall serve as a member. The Chancellor of the Diocese or one of the Assistant Chancellors designated by the Chancellor shall serve as a member. The Committee shall determine its own officers and leadership and may select additional members, Clergy and/or Lay, to assist it as needed.

(2) The Transition Committee shall:

(A) provide for the “walk about” opportunities for all nominees to meet with as many members of the Diocese as possible;

(B) provide hospitality for the candidates and their families;

(C) shall hold the primary responsibility for the planning of the Consecration and/or Seating of the new Bishop;

(D) assist the Bishop in adapting to and being introduced to the Diocesan Community.

(E) provide for the transition of the retired and/or resigned Bishop from office.

**(d) Committee Nominations and Nominations by Petition.**

The Standing Committee shall announce publicly and in written format to all Clergy and Lay Delegates the

names of those nominated. Nominations by petition may be received by the Standing Committee for fourteen (14) calendar days from the date of the announcement. Each petition must be signed by at least eighteen (18) Clergy and Adult Confirmed Communicants in Good Standing. Sixteen of the signatures must be obtained from the following: three (3) Clergy and three (3) Lay Persons from each of the Southeast and Middle East Tennessee areas and two (2) Clergy and two (2) Lay Persons from the Upper East Tennessee area, none of whom shall be current members of Bishop and Council, the Standing Committee, the Search Committee, the Transition Committee, the Episcopate Finance Committee, or the Chancellor, and no more than one (1) person, Lay or Clergy, from each Parish. The remaining two (2) signatures may be from any area in the Diocese.

Petitions must be accompanied by all information and authorizations required by the Standing Committee. The Standing Committee shall secure the required background check for those persons nominated by petition. Once the deadline has passed and the background checks, medical examinations and psychological examinations have been received and approved, by the Standing Committee, the names of all approved nominees shall be made public by the Standing Committee as soon as practicable.

(a) Each person nominated for consideration by the Search Committee and each person nominated by petition shall undergo a physical examination, a psychological evaluation, and the required background check at the time designated by the Standing Committee. The physical examination, psychological evaluation, and background check shall be conducted by qualified professionals designated by the Standing Committee. All results shall be sent directly to the Chair of the Standing Committee, who may share the information with others as he or she deems necessary for appropriate evaluation of each nominee.

#### **CANON 4: The Electing Convention**

The President of Convention will convene the session to call for nominations. The Standing Committee shall propose Rules of Order for the Electing Convention and oversee the election. The Standing Committee will place in nomination the names of all persons whose names were submitted to it by the Search Committee and those who have fulfilled the petition requirements. Seconding speeches will be governed by the Convention Rules of Order. No nominations from the floor will be permitted.

#### **CANON 5: Testimonials**

Upon election, Convention will remain in session until the Canonical Testimonials are signed by a majority in each order of those eligible to vote.

**TITLE IX  
CONTINUATION OF OPERATIONS IN EMERGENCY CIRCUMSTANCES**

**Preamble**

This Title has been created to provide the mechanism for the continuation of the operations of the Diocese of East Tennessee in a situation where the ability of the Bishop or other Ecclesiastical Authority (as defined in Title I, Canon 1) or, in their inability to function, the Bishop and Council, has been unable to continue the day-to day operations of the Diocese for a material period of time by virtue of a catastrophic event constituting an Emergency.

**CANON 1: Definition**

“Emergency” is defined to mean the existence of a condition whereby the conduct of day-to-day operations of the Diocese by the Bishop or Ecclesiastical Authority is placed in jeopardy for a material period of time by virtue of a catastrophe.

**CANON 2: Declaration**

In the event of an Emergency, the Bishop, or in the absence of the Bishop, the Ecclesiastical Authority, in a manner consistent with the Doctrine, Discipline and Worship of The Episcopal Church, shall have the authority to declare a state of Emergency to invoke these Canons which shall supersede any inconsistent Canons of the Diocese until the Emergency is declared to be ended by the Bishop, or in the absence of the Bishop, the Ecclesiastical Authority.

If there is neither a Bishop nor Ecclesiastical Authority, a majority of available members of Bishop and Council may declare a state of Emergency.

Notice of the declaration of a state of Emergency shall be given to the Presiding Bishop, the Chancellor, the Vice-Chancellors, the Clergy and the Laity of the Diocese by the best means practicable.

Under this Title and in all subsequent Canons, where the context is appropriate, the persons(s) or entities declaring a state of Emergency shall be referred to as the Declaring Entity.

**CANON 3: Emergency Powers**

In the absence of the Bishop and in the event that a quorum of Bishop and Council does not exist after the declaration of an Emergency and until a Special Convention is called to reconstitute the Bishop and Council, the Declaring Entity shall have the authority to conduct the day-to-day affairs of the Diocese, including establishing procedures for calling a meeting of Bishop and Council or a special meeting of Convention, which may include altering quorum requirements. The Declaring Entity may also modify lines of succession to accommodate the incapacity of any director, officer, employee or agent, and relocate the principal office (Diocesan House), designate alternative principal offices, or authorize the officers to do so.

**CANON 4: Notice and Quorum**

Notice of a meeting of Bishop and Council need only be given to those members whom it is practicable to reach and may be given in any practicable manner, including by publication through the media. One or more officers or ex officio individuals present at a Bishop and Council meeting may be deemed to be a member for the meeting in order to achieve a quorum. Quorum requirements may also be modified in exigent circumstances as the circumstances require.

**CANON 5: Effect of Emergency Canons**

These Emergency Canons remain in effect until the Emergency ends. The regular Canons that are not inconsistent with these Emergency Canons also remain in effect during the Emergency. Action taken in good faith in accordance with these Emergency Canons binds the Diocese and may not be used to impose liability on any Diocesan director, officer, employee or agent, provided such action is consistent with the Doctrine, Discipline and Worship of The Episcopal Church.

**TITLE X  
AMENDMENTS**

**CANON 1: Amendment Procedure**

**Sec. 1.** All proposed amendments, additions or alterations to the Canons of the Diocese shall be referred to the Committee on Constitution and Canons to be reported upon; and no Canon shall be acted upon unless by unanimous consent of the Convention, without at least one day's previous notice thereof given in open Convention.

**Sec. 2.** Whenever there shall be a repealing clause in any Canon, and the said Canon shall be repealed, such repeal shall not operate as a reviver of the repealed Canon.

**Sec. 3.** A Canon may only be amended by a vote of two-thirds of those in attendance at the Convention entitled to seat and vote.

**CANON 2: Effective Date of Amendments**

An amendment shall be effective at the conclusion of the Convention at which it is passed unless the amendment states otherwise. An amendment may be effective at the Convention at which it is passed only by a unanimous vote of those in attendance at the Convention entitled to seat and vote.

**CANON 3: Grammatical and Punctuation Changes**

Grammatical and punctuation errors whose correction does not change the meaning of a Canon may be made by the Constitution and Canons Committee without the approval of Convention and those changes shall be included in the next version of the Constitution and Canons of the Diocese of East Tennessee when next published in hard copy and/or on the website.