CONSTITUTION AND CANONS

for the Government of

THE EPISCOPAL DIOCESE OF ROCHESTER

in the State of New York

As Revised and Adopted
in the Convention of
2025

Including the Rules of Order

INDEX

THE CONSTITUTION

PREAMBLE
ARTICLE I - Authority of the General Church
ARTICLE II - Annual and Special Convention
ARTICLE III - Members of the Convention
ARTICLE IV - President of the Convention
ARTICLE V - Secretary, Treasurer, Chancellor, Registrar
ARTICLE VI - Voting in Convention
ARTICLE VII - The Standing Committee
ARTICLE VIII - Election of a Bishop
ARTICLE IX - Amendment of Constitution

THE CANONS

Canon 1 - The Diocesan Convention
Canon 2 - Duties of Officers
Canon 3 - Convention Elections
Canon 4 - Deputies to the General Convention
Canon 5 - Deputies to the Provincial Synod
Canon 6 - Diocesan Council
Canon 7 - Trustees of the Diocese
Canon 8 - Parish and Diocesan Properties
Canon 9 - Business Methods
Canon 10 - The Admission of Churches
Canon 11 - Establishment of New Churches
Canon 12 - Vacant Cures
Canon 13 - Application by Parishes for Diocesan Assistance
Canon 14 - Organization of Missions
Canon 15 - Hobart College
Canon 16 - Convocations
Canon 17 - The Parish Organization
Canon 18 - Parish Records and Reports
Canon 19 - Family Instruction
Canon 20 - Diocesan Societies and Institutions
Canon 21 - Ecclesiastical Discipline
Canon 22 - The Clergy List
Canon 23 - Church Pension Fund
Canon 24 - Commission on Ministry
Canon 25 - Arms and Seal of the Diocese
Canon 26 - The Bishop and the Cathedral
Canon 27 - Removal for Absences of Members of Diocesan Bodies, Vestries and Executive Committees
Canon 2 - Interpretation of Canons
Canon 2 - Amendments and Repeal
- The Rules of Order

PREAMBLE

We thank God for our part in the noble past of the Diocese of Western New York from which we have been informed and in which we have had our place, and, prior to its formation in A.D. 1838, our participation in the Diocese of New York; for our spiritual descent from the Mother Church of England before the independence of these United States of America and for our origin and part in the One, Holy Catholic and Apostolic Church of Jesus Christ to which we yield our allegiance.

ARTICLE I
Authority of the General Church

The Church in the Episcopal Diocese of Rochester comprises the Counties of Allegany, Livingston, Monroe, Ontario, Schuyler, Steuben, Wayne and Yates, in the state of New York; and, as a constituent part of the Protestant Episcopal Church in the United States of America, accedes to the Constitution and Canons of that Church, and acknowledges its authority accordingly.

ARTICLE II
Annual and Special Convention

Section 1.
There shall be a Convention of the Church in this Diocese called annually no later than November 30 at such time and place as shall be determined by the Bishop with the approval of the Standing Committee.

Section 2.
The Ecclesiastical Authority shall have power to call Special Conventions; provided the notice of such meeting shall state the purpose for which it is called and is sent to all clergy entitled to vote and all parishes and missions entitled to representation in such Convention at least 30 days before the appointed time thereof. No business other than that stated in the notice shall be transacted, except by a two-thirds vote of all clergy equal to the number of parochial clergy, and by the two-thirds vote of lay delegates who in aggregate equal the number of delegates from two-thirds of all parishes and missions entitled to representation.

Article II amended 1968, 2000, 2006

ARTICLE III
Members of the Convention

The Convention shall consist of clergy and laity; and shall be the judge of the election, eligibility and qualification of its members.

Section 1. The Clerical Members

The Clerical Members of the Diocese shall include:

(a) The Bishop or Bishops of the Diocese:

(b) All the other clergy of the Diocese duly admitted by the Ecclesiastical Authority thereof, who have been at least six weeks in regular standing in accordance with the Constitution and Canons of the Diocese and of the Protestant Episcopal Church in the United States of America;

(c) Ordained Episcopal clergy functioning in charge of congregations by license with this Diocese, provided that any of the foregoing have been in office at least six weeks;

(d) And ordained, non-Episcopal clergy who are in good standing with the Ecclesiastical Authority of the denomination under whose discipline they minister and who are serving as minister-in-charge or co-minister-in-charge of an ecumenical parish or mission in union with the Church in this Diocese as represented in Convention, except that neither Episcopal clergy functioning by license nor ecumenical clergy shall be eligible to vote on a question to amend the Constitution and Canons of this Diocese or in any election of a Bishop.

Section 2. The Lay Members

(a) Each parish and organized mission received into union with the Convention shall be entitled to not more than three delegates, or alternates, who have been duly chosen by the vestry or congregation of such parish or by the executive committee or congregation of such mission, and who shall be baptized persons qualified to vote for the members of the Vestry or officers of such parish or mission.

(b) No lay delegate, or other representative, shall be qualified for a seat in the Convention (except a Convention for the election of a Bishop) until the parish's or mission's apportionment for the Diocese and National Church shall have been fully paid, nor until the report of the parish or mission required by the Canons of the Diocese and General Convention shall have been made, nor until the Pension Fund premiums for the previous calendar year shall have been fully paid; except in special cases recommended by the Diocesan Council or its authorized agent, as provided by Canon, and approved by the Convention.

(c) The Chancellor, Secretary and Treasurer of the Diocese, ex officio, or their assistants, if the principals are not able to serve, and Lay Canons, if they are not otherwise members of Convention, shall have seat, voice and vote in the Convention, except in the case of a vote by Orders. Other Diocesan Staff, members of elected or appointed diocesan bodies shall have seat and voice subject to the direction of the Ordinary. Official guests of the Convention invited by the Ecclesiastical Authority shall have the courtesy of the floor, and at the Authority's invitation may address the Convention.

(d) No lay delegate, or other representative, of any parish or mission, shall be qualified for a seat in a Convention for the Election of a Bishop unless such person shall be canonically resident in this Diocese.

Amended 1962, 1965, 1966, 1970, 1973, 1976, 1983, 1993, 2000, 2006

ARTICLE IV
President of the Convention

The Bishop of the Diocese, or in the Bishop's absence, the Bishop Coadjutor or the Suffragan Bishop, if there be such and in that order, shall preside in the Convention; but in case of absence or vacancy in the Episcopate, the President of the Standing Committee shall call the Convention to order and the members shall thereupon elect a President from among the clergy.

Amended 2000

ARTICLE V
Secretary, Treasurer, Chancellor, Registrar

Section 1.

A Secretary and a Treasurer shall be nominated by the Bishop and Standing Committee and shall be confirmed by the Convention and shall hold office for a term of five years. Should there be a vacancy in either office, the Bishop in consultation with the Standing Committee shall appoint a proper officer to complete the unexpired term.

Section 2.

On the nomination of the Bishop, a Chancellor of the Diocese who is skilled in ecclesiastical and civil law, shall be elected by the Convention for a term of three years. In the event of a vacancy due to removal from office or other cause, the Bishop, in consultation with the Standing Committee, may appoint a successor who shall serve until the next Convention.

Section 3.

The Bishop shall appoint the Registrar and notify the Convention thereof.

Section 4.

The Secretary, Treasurer, Chancellor or Registrar may be removed from office at any time by the Bishop in consultation with the Standing Committee.

Amended 1968, initiated 1969. Section 3 amended 1983, 2016.

ARTICLE VI
Voting in Convention

Section 1.

The clergy and laity shall deliberate as one body. Each member shall be entitled to one vote; and a majority of all the votes cast shall determine the question unless otherwise provided.

Section 2.

If a separate vote by orders is required by Canon or by the request of five members, the clergy and laity shall vote as individuals, and a majority of the votes in each order shall be necessary to carry any measure.

ARTICLE VII
The Standing Committee

Section 1.

There shall be a Standing Committee of the Diocese, consisting of four presbyters or deacons and four lay persons, communicants of the Church in the Diocese. One member of the clergy and one member of the laity shall be elected at each annual meeting of the Convention to serve four years and no member shall be eligible for re-election until at least one year shall have elapsed after serving one full term. One member of the clergy and one member of the laity shall be elected at each annual Convention for a four year term as aforementioned. The Committee may meet from time to time in conformity to its own rules, shall elect a President and Secretary from its membership, shall perform such duties as may be assigned to it by the Diocesan Convention, and shall perform all duties and exercise all powers directed to it by the Canons of General Convention. Vacancies in the Committee shall be filled until the next Convention by the concurrent vote of the remaining clerical and lay members, and the consent of the Bishop. A quorum of the Standing Committee shall consist of five elected members provided that at least two members in each Order are present.

Section 2.

As provided by the Constitution (Article IV) and Canons, (Title I, Canon 12, Section 1) of the General Convention, the Standing Committee shall act as the Bishop's Council of Advice. It shall be summoned on the requisition of the Bishop whenever the Bishop shall desire its advice; and it may meet of its own accord and agreeable to its own rules when it may be disposed to advise the Bishop.

Section 3.

In the absence of the Bishop, the Standing Committee shall be the Ecclesiastical Authority of the Diocese for all purposes declared by the General Convention."

Section 4.

No member of the clergy or lay person shall hold office concurrently as a member of the Standing Committee, excepting any ex officio members, and also as a member or member-at-large of the Diocesan Council, a Trustee of the Diocese and/or as a member of the Commission on Ministry.

Amended 1966, 1972, 1974, 1976, 1999, 2000, 2006

ARTICLE VIII
Election of a Bishop

Section 1.

(a) A Nominating Committee shall be established by the Ecclesiastical Authority with the advice and consent of the Standing Committee and a slate of nominees shall be developed. The Standing Committee may also establish other procedures for securing nominees. The list of nominees shall include candidates who have been selected with due consideration of the Diocesan Profile (if there be one,) and of the guidelines of the National Church.

(b) The Electing Convention shall convene under the Rules of Order for an Electing Convention (if such exist, otherwise under the standing Rules of Order for a Convention.) Such Rules of Order shall be presented to the Electing Convention for its ratification or amendment, which shall be by majority vote. However, after the first vote is taken, all amendments of the Rules shall be by two-thirds (2/3) majority.

Section 2.

After the Convention has been opened with the Celebration of the Holy Communion and is in order for business, the President shall call for nominations of fit and qualified persons. After the nominations procured by the Standing Committee have been presented, individual nominations are in order, each of which shall require at least two seconds. Individual nominating and seconding speeches may be limited as to time, as provided by the electing Convention.

Section 3.

During the election all persons, save canonical voters and officers of the Convention, shall be required to leave the floor. The Clerical and Lay Orders shall then ballot separately for a Bishop as provided by Article VI, § 2 of this Constitution. A concurrent majority of both orders shall be necessary for the election. However, if less than two-thirds (2/3) of all the parishes be represented, then a two-thirds (2/3) majority in the lay order shall be required for the election. And, if there are fewer clergy present and voting than the whole number of parochial clergy then a two-thirds (2/3) majority shall be required
in the clerical order for an election. The election when completed shall be duly declared.

Amended 1986, 2002, 2006, 2016 (former Section 1(a) deleted 2016)

ARTICLE IX
Amendment of Constitution

Any proposal to alter or amend this Constitution shall first be submitted to the Secretary of the Diocese and by the Secretary submitted to the Committee on Constitution and Canons at least sixty (60) days before the annual meeting of the Convention of the Diocese, and after consideration and recommendation by that Committee shall be delivered into the hands of the Secretary of the Diocese at least one month before the opening of the Convention and the Secretary shall then circulate the same among the parishes, unless by a two-thirds vote of each Order the Convention shall consent to suspend the time requirement; and if approved by a majority of each Order it shall be acted upon at the next annual Convention; and if the Convention shall then adopt said amendment by a majority of each Order it shall become valid and effective forthwith, unless the Bishop should disapprove of such amendment, and within 24 hours communicate his reasons to the Convention. Should the Convention, however, by its early adjournment prevent the communication of the Bishop's objections, he may present the same on the opening day of the next annual Convention, the amendment in the meantime being ineffective. And should the Convention, at either time after receiving and considering the Bishop's objections, adopt said amendment by a two-thirds vote of each Order, it shall become a valid part of the Constitution.

Amended 2016

THE CANONS

CANON 1
The Diocesan Convention

Section 1.

(a) Some time, not less than one week before the meeting of the Diocesan Convention, the Bishop shall prepare, or cause to be prepared, a list of the canonically resident clergy entitled to seats in the Convention. None other than clergy free from all canonical censure shall be recorded in such list. Such list, authenticated by the Bishop, shall be laid before the Diocesan Convention on the first day of its session, for correction of any errors or omissions.

(b) The right of any member of the clergy to a seat in the Diocesan Convention shall be determined by the Convention, according to the provisions of the Constitution and Canons. The Bishop's list shall be presumptive evidence of the right of those whose names are there registered to seats.

(c) In case the right of any member of the clergy holding or appointed to a parish or cure in this Diocese is contested, the evidence of the member's having a cure of souls shall be the record required by Canon 22, or in the production of the canonical certificate; which certificate, if not previously recorded, shall thereupon be placed on record.

(d) In case the right of any member of the clergy claiming a seat is contested, the evidence of such right shall be the written certificate of the Ecclesiastical Authority.

(e) And in case the right of any member of the clergy who may claim a seat by virtue of the member's having been received into this Diocese is contested, the production of the record, or of the certificate of acceptance, as hereinafter provided for, shall be presumptive evidence of a canonical admission; which certificate, if not previously recorded, may thereupon be placed on record by the Secretary, on vote of the Convention.

(f) A member of the clergy who has been admitted to this Diocese according to its Constitution is qualified for the purposes mentioned in these Canons.

Section 2.

(a) The evidence of the appointment of a lay delegate shall be a written certificate signed by the Rector, Vicar or Priest in charge of the church, if there be one, or, in case of vacancy, or disability of the clergy, by the Warden who presided at the meeting at which such delegate was appointed, or by the Clerk of the Vestry; which certificate shall be sent to the Secretary at least one week before the meeting of the Convention.

(b) The right of any member of the laity, duly qualified as above, to a seat in the Convention of the Diocese, in cases of doubt or dispute, shall be determined by the Convention.

Section 3.

Unless it be otherwise ordered by the Convention, the notice of a meeting shall be by a printed or written notice, designating the time and place of such meeting, mailed by the Secretary to each member of the clergy having the right to a seat, and to a Warden or Clerk of the Vestry of each parish in union with the Diocese.

Section 4.

The attendance of at least one-third of the clerical members entitled to vote in the Diocesan Convention, and of delegates from at least one-third of the parishes and missions, entitled to representation, shall be requisite for the transaction of business; but a smaller number may adjourn from day to day, or to some other day within three calendar months.

Section 5.

(a) It shall be the duty of each clerical delegate attending the Convention to report to the Secretary of the Convention immediately upon arrival. The Secretary shall announce the number of clergy enrolled on the canonical list and entitled to seats who have reported themselves present.

(b) It shall be the duty of each lay delegate attending the Convention to report to the Secretary of the Convention immediately upon arrival. The Secretary shall announce the number of churches entitled to representation, whose delegates have reported themselves present, and whose certificates have been received and are in due form. Irregular and defective certificates, and certificates and documents referring to contested seats, shall be immediately reported to the Committee on Credentials appointed by the presiding officer.

(c) A canonical quorum being present, the Bishop or the Presiding Officer shall declare the Convention duly organized.

(d) The Convention shall then proceed to the election of a Secretary. The Secretary may at any time nominate an Assistant Secretary for the action of the Convention.

(e) The Rules of Order in force at the preceding annual Convention shall be in force for the organization of the Convention and shall remain in force until changed by action of the Convention. Notwithstanding the foregoing, a Convention assembled to elect a bishop shall convene under the "Rules of Order for a Convention to Elect a Bishop," if such exist.

(f) Any member who is obliged to leave the Convention before its final adjournment, will notify the Secretary when possible.

Section 6.

The regular attendance of the clergy and laity at the meetings of the Convention being of essential consequence to the interests of the Church, this duty is hereby enjoined upon them; and it shall be the duty of every parish to make provision for the expenses of its clergy in attending the Convention.

Section 7.

The *Journal* of the proceedings and acts of the annual Convention shall be published in suitable form. Likewise, a *Journal* of any special Convention shall be published bound together with the *Journal* of the annual Convention immediately preceding or following, or separately, as may be most convenient.

Section 8.

The Diocesan Convention shall annually establish salary scales and additional material provisions or expense allowances to be received by all clergy in the employ of the Diocese, its parishes, missions, or programs.

Amended 1965, 1969, 1972, 1982, 1999, 2001

CANON 2
Duties of Officers

Section 1. The Secretary:

In addition to other duties imposed by the Constitution and Canons of the Diocese, the Secretary shall perform the following duties:

(a) The Secretary shall record and attest the proceedings and acts of the Convention; preserve the *Journals* and other records of the Diocese and deliver them to the Registrar for safe keeping; and also perform such other duties as the Convention shall prescribe.

(1) The *Journal* shall display lists of the names of each person elected or appointed to a term of office, together with the year in which the term expires.

(2) Beside each name there shall be a notation as to whether the current term is a full term or a partial term and whether the person is eligible for reelection or reappointment.

(b) The Secretary shall give at least sixty days' notice to every member of the clergy of the Diocese, and to every Vestry therein, of the time and place appointed for the meeting of the annual Convention of the Diocese.

(c) The Secretary shall hold and preserve all books and papers belonging to the office of Secretary and duly transfer the same to a successor when elected.

(d) The Secretary shall sign and transmit annually to each of the Diocesan Bishops of this Church, and to the Secretary of the House of Deputies of the General Convention, and to the Secretary of every Diocesan Convention or Council, (except in those cases in which a wish has been expressed not to receive it), a copy of the Journal of the Convention, and shall secure, so far as possible, from the Secretaries of the Diocesan Conventions or Councils, copies of their Journals in exchange.

(e) The Secretary shall also sign and transmit to every General Convention, for the Secretary of the House of Deputies thereof, in addition to other documents canonically required, a signed certificate, containing a list of the Members of the clergy of this Diocese; and, also, a like certificate of the due election or appointment of clerical and lay deputies.

(f) The Secretary shall, with such aid as may be required, prepare, immediately after the adjournment of the Diocesan Convention next preceding the regular meeting of every General Convention, and forward forthwith to the Secretary of the House of Deputies of the General Convention, upon the blanks provided by the General Convention for that purpose, a condensed summary of the statistics contained in the Parochial Reports and Bishop's statements, with information as to all institutions in any way connected with the Church within the Diocese; and also as to the condition of all invested funds and the amount of all contributions received or expended by the Bishop or otherwise, within the Diocese.

Section 2. The Treasurer

(a) It shall be the duty of the Treasurer to receive and disburse monies collected under the authority of the Convention, and other contributions for Church objects, except as may be otherwise provided by the Convention or the Diocesan Council. The Treasurer shall report annually to the Convention the amounts so received and disbursed in accordance with this Canon, and shall render to each annual Convention an exhibit of all such accounts, which shall be duly audited.

(b) An Assistant Treasurer may be chosen by the Diocesan Council and may be removed from office by said Council in consultation with the Bishop.

(1) It shall be the duty of the Assistant Treasurer to perform the duties of the Treasurer in the Treasurer's absence.

(c) Each Treasurer shall give a Surety Company Bond, in an amount determined by the Diocesan Council, conditioned for the faithful performance of the duties of this office. The form of each bond and the manner of its execution shall be such as shall be approved by the Chancellor of the Diocese; and when so approved, the bond shall be delivered to the Secretary of the Convention. The cost of providing said bonds shall be a charge upon the Diocese.

Section 3. The Chancellor

(a) The Chancellor shall at all times afford to the Bishop, Standing Committee, and Diocesan Council at their request, confidential or public advice on legal or canonical matters; and shall, on request, give similar advice to the Diocesan Convention.

(b) It shall also be the Chancellor's duty to review any proposed amendments to the laws of the State which affect the Religious Corporations Law or the property interests of the Church, and to cooperate with the representatives of other Dioceses in the State in securing the passage or defeat of such proposed amendments after reference to the Convention whenever possible.

(c) At the consecration of any Bishop to serve within this Diocese, the Chancellor shall be present, either in person or by deputy, and shall make a record of such consecration, which record the Chancellor shall authenticate by hand and seal with the subscription of witnesses, and place the same on file among the Archives of the Diocese.

(d) Assistant Chancellors may be appointed by the Bishop to serve at the Bishop's pleasure under the Bishop and the Chancellor and to perform such duties as shall be assigned to them by the Chancellor.

Section 4. The Registrar

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

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

(c) It shall be the Registrar's duty also to preserve, in a proper Registry Book, a record of the consecration of the successive Bishops of this Diocese, designating accurately the time and place

of the same, with the names of the chief Consecrator, and of the Bishops canonically present and assisting; to record a list of all the presbyters and deacons of the Diocese, and the dates of their connection therewith, and copies of the charters and acts of incorporation of churches in the same, with such additional records as may be worthy of safekeeping in the archives of the Diocese.

(d) It shall be the duty of every member of the clergy who shall be transferred to this Diocese by Letter Dimissory, or who shall remove into this Diocese with the intent to be so transferred, to forthwith transmit to the Registrar a written statement signed by the member, setting forth the date and place of said member's birth; when, where and by whom the member was ordained; the times and places of the member's previous pastoral and missionary labor; with such other details of the said member's personal and official record as the member may think proper, and it shall be the duty of the Registrar to report to the Bishop the name or names of any clergy failing to comply with this provision.

Amended 1965, 1972, 1973, 1999, 2001

CANON 3
Convention Elections

Section 1.

(a) In elections the voting shall be by ballot as required by the Canons; provided, that balloting may be dispensed with by a unanimous vote of the Convention, except as hereinafter provided.

(b) When voting is by ballot, a majority of the ballots cast (excluding blank ballots) shall be necessary to a valid election, unless otherwise provided by Constitution or Canon. If in any election a greater number of persons than the number of offices to be filled shall receive a canonical majority of ballots cast, those who up to the number of offices to be filled receive the highest majorities shall be declared elected. In the event there is only one candidate for an office, the Convention may direct the Secretary to cast one vote for that candidate.

(c) In any election the candidate or candidates (to the required number) receiving the highest number of votes on the third ballot (if such is needed) shall be declared elected; however, elections for a Bishop shall require be as the Constitution directs.

(d) If two or more candidates receive the number of votes necessary to be elected and are tied, and the order of their election must be determined, then there shall be a runoff election among such candidates solely for determining the order of their election, which shall be deemed the election. In no event shall this procedure operate to elect more persons than there are offices to be filled.

Section 2.

In all cases of failure or omission to elect officers by the Convention, the persons last elected, if still resident within the Diocese, shall continue in office until others are duly chosen in their stead, and vacancies may be filled for the time by the Bishop with the advice and consent of the Standing Committee.

Section 3.

(a) The Bishop, with the approval of the Diocesan Council, shall appoint a Nominating Committee and its chair for the Diocesan Convention composed of two clergy and five lay persons. With the consent of the Bishop, the chair of the Nominating Committee may employ other members of this Church to assist the Committee in its administrative work.

(b) The Nominating Committee shall be appointed immediately following a Diocesan Convention to serve until the next Convention.

Section 4.

(a) The Nominating Committee shall establish in each calendar year a schedule for receiving nominations for offices to be filled and present such schedule to Diocesan Council. The Diocesan Council shall approve or amend that schedule as it deems appropriate at its next meeting and direct that it be communicated to the Diocese promptly after such approval or amendment. The Nominating Committee may establish any schedule that seems reasonable given calendar considerations in any given year, provided that the schedule established by the Nominating Committee may not offer less time for informing the Diocese of open positions, receiving nominations and disseminating information on nominees than is provided in Canon 3,

Sections 4(b), (c), (d), and (e) herein. Any nominations received after the deadlines set forth in the Nominating Committee's annual schedule for a given year shall be treated as "late nominations" which may then be offered as nominations from the floor of Convention.

(b) At least ninety (90) days before a Convention at which elections for diocesan bodies are to be held, the Secretary shall send to:

(1) All the clergy entitled to vote,

(2) All the Clerks of the Vestries and of other bodies in union with this Diocese

and

(3) the Nominating Committee, lists specifying:

(i) all the offices to be filled by election at the upcoming Convention and

(ii) the incumbents in each office whose terms are expiring, together with a statement as to whether each is eligible for reelection.

(c) Clerical or lay delegates entitled to seats and votes in a forthcoming annual Convention and vestries of parishes and executive committees of missions may file nominations for the offices to be filled at the said Convention, prior to the assembling thereof. All such nominations shall be placed in writing and signed by either a clerical or lay delegate; shall be accompanied by information as to the residence, parish, and ecclesiastical status of each nominee; and shall be delivered to the Nominating Committee at least forty-five (45) days before the opening of the Convention; and the Nominating Committee shall then circulate the same among the parishes. Nominations, stating the information required above, may also be made from the floor of the Convention.

(d) The Nominating Committee is to review all nominations, keeping in mind the requirements for the Convocations of the Diocese to be represented on Diocesan Council by Members elected by and according to the Convocation. (See Canon 6, Section 2). Where no nominations are forthcoming, the Committee is to communicate with the Dean of each Convocation so to advise them and request nominations. Whenever possible the Committee shall present multiple nominations for each vacancy; nevertheless, it shall make certain there is at least one nomination for each vacancy.

(e) The Nominating Committee shall ascertain the willingness of each nominee to serve if elected. The Committee shall secure biographical data and a photograph of each nominee to be included in the nominee's profile. Whenever possible it shall prepare profiles of nominees to be made available throughout the Diocese at least thirty days prior to the Diocesan Convention.

(f) The Nominating Committee shall be present at the Diocesan Convention to present the nominations predetermined in the form of a ballot on which the names of the nominees for each office shall be placed, as well as nominations made from the floor of the Convention, ascertaining first the willingness of such nominees to serve, if elected.

(g) The Nominating Committee costs for communications, preparations and mailing and/or distribution of the profiles and Convention materials shall be borne by Convention.

(h) Any ballot on which are marked more names than there are vacancies to be filled for a particular office shall be declared void, as to such office.

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Section 5.

All persons elected to office by the Convention must accept such office in writing to the Bishop or Secretary within thirty (30) days after the sending notification of such election by the Secretary of the Convention. The Secretary, within seven (7) days of the adjournment of any meeting of the Convention, shall send notification to each person elected to office, who has not already signed the acceptance, at such meeting that a written notice of acceptance is required. The form of acceptance shall state the office to which the person is elected and the requirements of this canon of written acceptance. In default of such acceptance within the time above specified the office shall be vacant and the vacancy shall be filled in the manner provided by the Canons.

Amended 1959, 1968, 1969, 1975, 1987, 1995, 1999, 2001 (Former Section 5 deleted 2001), 2012, 2016, 2025

CANON 4
Deputies to the General Convention

Section 1.

At the annual Convention no less than eighteen months before the General Convention, four presbyters or deacons and four lay persons shall be elected to represent this Diocese as Deputies to the General Convention.

Section 2.

At the annual Convention following the annual Convention at which Deputies were elected, four presbyters or deacons and four lay persons shall be elected as provisional Deputies to the General Convention.

Section 3.

The clerical Deputies shall each be a presbyter or deacon in active status within the Diocese at the time of the meeting of General Convention and entitled to seats in the Convention of this Diocese, and the lay Deputies shall be communicants in good standing of this Church in this Diocese, but not necessarily domiciled within this Diocese.

Section 4.

It shall be the duty of the Deputies to signify to the Bishop, in writing, at least one month before the meeting of the General Convention, their acceptance of the appointment and intention to perform its duties. Provided that in case of any provisional Deputies' having had an equal number of votes, the Bishop shall elect which of them to notify as aforesaid. And provided also that should there be an insufficient number of available provisional Deputies, the Bishop, with the advice and consent of the Standing Committee, may fill such vacancy.

Amended 1956, 1965, 1975, 1982, 1984, 1990, 1995, 2001

CANON 5
Deputies to the Provincial Synod

Deputies to the Provincial Synod shall be appointed each year by the Bishop with the consent of the Standing Committee and in such manner as shall be deemed sufficient to provide adequate representation of the Diocese.

Amended 1966, 1967, 1982

CANON 6
Diocesan Council

Section 1.

There shall be an executive body known as the Diocesan Council, which shall have charge of the unification, development, and prosecution of the work of Missions, Church Extension, Christian Education, and Christian Social Relations in the Diocese, shall perform such other work as may be committed to it by the Diocesan Convention, and shall assist the Bishop in the initiation and development of such new work between sessions of the Convention as the Bishop may deem necessary, subject, however, to the provisions of the Constitution and Canons of the Diocese.

Section 2.

The Council shall be composed of:

(a) The Bishop of the Diocese, the Bishop Coadjutor and/or the Bishop Suffragan if there be such, and twelve additional members, six of whom shall be clergy, each either as presbyter or as deacon, canonically resident in the Diocese, and six lay persons, communicants in good standing of the Church in the Diocese, including

(b) Six clergy and six lay persons, taken from the three Convocations of the Diocese, which are:

Genesee River Convocation - western Monroe County, including western portions of the City of Rochester and Livingston County

East Convocation - eastern Monroe County, including the eastern portions of the City of Rochester, Ontario County and Wayne County

Southern Convocation - Schuyler, Steuben, Yates and Allegany Counties

the boundaries of all of which Convocations shall be determined by the Bishop and Diocesan Council by resolution not more frequently than annually, and the members of Council shall be elected as provided below:

Pursuant to authority granted by Convention the clerical and lay delegates resident in each Convocation, as specified in paragraph (f), shall at a duly called meeting of the Convocation before Convention elect one clergy person and one lay person to represent that Convocation for a term of two years, such person shall be attached to a parish or other congregation in the Convocation as described in paragraph (f), or shall have designated that Convocation as that person's Diocesan Council Convocation by so notifying the Secretary of the Convention in writing not less than thirty (30) days prior to the Diocesan Convention.

(c) No member who shall have served two full terms shall be eligible for re-election until at least one year shall have elapsed.

(d) Any vacancy in the membership of the Council elected by Convocation shall be filled by the respective Convocation for the unexpired term within thirty days after the vacancy occurs by an election at a duly called meeting of the Convocation.

(e) The Chancellor, the Secretary and the Treasurer shall be *ex officio* members of the Council with seat and voice but without vote in the meetings of the Council.

(f) For the purpose of balloting under subparagraphs (b):

"Clerical delegates resident in each Convocation" shall mean those full or part time parochial presbyters and deacons otherwise entitled to vote in Convention, each of whom is a Rector of, assisting clergy of, or in charge of a parish or other congregation which has its place of worship in such Convocation; and those non-parochial presbyters and deacons who, more than ninety days prior to the Diocesan Convention shall have designated that Convocation as the Diocesan Council Convocation of such presbyter or deacon by so notifying the Secretary of the Convention in writing.

(2) "Lay delegates resident in each Convocation" shall mean those delegates otherwise qualified to vote in Convention, each of whom is a member of a parish or other congregation which has its place of worship in such Convocation.

Section 3.

The Council shall meet annually before the meeting of the Convention of the Diocese, and at other times at its own appointment, or at the call of the Bishop or the call of three of its members. The Bishop of the Diocese, or, in the Bishop's absence, the Bishop Coadjutor or the Bishop Suffragan, if there be such, or, in the absence of a Bishop, the Vice-Chair, shall preside at the meetings of the Council, and seven (7) members and the Presiding Officer shall constitute a quorum for the transaction of business.

Section 4.

The Council shall elect one of its members to be Vice-Chair. The Diocesan Secretary and Treasurer elected by the Convention shall be, ex officio, the Secretary and Treasurer, respectively, of the Council. It shall also have power to elect such other officers and to employ such other persons as its work may require, fixing their duties and stipends according to the Canons, for terms not exceeding one year.

Section 5.

(a) Before the beginning of each fiscal year, the Council shall formulate the Budget as directed by the Convention and shall receive and disburse all monies applicable thereto.

(b) The Council shall each year establish an apportionment to be paid by each parish and each mission in support of the Diocesan Budget; and the Council shall publish such apportionments with the publication of the Diocesan budget and shall present the same to the Diocesan Convention for its approval at the Convention preceding the beginning of the fiscal year for which the apportionments are to be effective.

Section 6.

(a) The Council may organize other subordinate groups and shall determine the scope and power of each. The Bishop and the Bishop Coadjutor and/or the Bishop Suffragan, if there be such, shall be *ex officio* members of each.

(b) The Bishop, with the advice and consent of Council, may designate a member of the Diocesan Staff to meet with each subordinate group interact with the Bishop and Staff and each body. Such Staff member shall have seat and voice in the body but no vote.

Section 7.

The Council shall present an annual report to the Convention of the Diocese, which shall include:

(a) a summary of its activities and those of the subordinate groups;

(b) statements covering receipts and disbursements in the administration of the Budget for the preceding fiscal year;

(c) a copy of the proposed Budget for the ensuing fiscal year.

Section 8.

The Council shall have authority to require such reports and statements from the parishes and missions as the successful prosecution of its work may necessitate and it shall be the duty of the respective parochial clergy and officers to furnish such information promptly.

Section 9.

The Council shall have power to adopt such By-Laws as are needed for the conduct of its affairs.

Section 10.

No appointed member of the Diocesan Staff shall be eligible to be elected to membership on the Diocesan Council.

Section 11.

No person shall hold office concurrently as a member of Diocesan Council, excepting as an *ex officio* member, and also as a member of the Standing Committee and/or as a Trustee of the Diocese.

Amended 1959, 1965, 1966, 1970, 1975, 1976, 1980, 1987, 1993, 1995, 1999, 2001, 2016, 2025

CANON 7
Trustees of the Diocese

Section 1.

In compliance with a Resolution of the First Annual Convention of the Episcopal Diocese of Rochester and of the Certificate of Incorporation of said Diocese, providing for the election of

nine members to serve with the Bishop as the Board of Trustees, three members are to be elected annually by a plurality vote of the Convention for a term of three years.

Section 2.

The general powers, duties and responsibilities of the Trustees shall be as are set forth in Section 5 of the Religious Corporations Law of the State of New York.

Section 3.

No presbyter, deacon, or lay person shall hold office concurrently as a Trustee, excepting any person who is a Trustee ex officio, and also as a member or member-at-large of Diocesan Council and/or as a member of the Standing Committee

Amended 1965, 1976, 1980

CANON 8
Parish and Diocesan Properties

In conformity and consistent with the provisions of Title I, Canon 7, of the General Convention, it is hereby explicitly reaffirmed that all real and personal property held by or for the benefit of any Parish, Mission, Chapel, or Congregation located in the Diocese of Rochester is held in trust for the Episcopal Church and the Diocese of Rochester. The existence of this trust, however, shall in no way limit the power and authority of the Parish, Mission, Chapel, or Congregation, or the power and authority of the Trustees of the Diocese holding title thereto, otherwise existing over such property so long as the particular Parish, Mission, Chapel, or Congregation remains a part of, and subject to, the Episcopal Church and the Diocese of Rochester and the Constitution and Canons of each of them.

Old Canon 8 defined the Diocesan Investment Trust, which was dissolved in 1988. New Canon 8, above, was substituted at the 1988 Convention.

CANON 9
Business Methods

(See General Convention Title I, Canon 7)

Section 1.

In this Diocese the following standard business methods shall be observed:

(a) The Fiscal Year of the Diocese and of each parish and mission thereof shall begin January first.

(b) Trust and permanent funds and all securities of whatsoever kind shall be deposited with a Federal or State Bank, or Trust Company, or a Diocesan Corporation, or with some other agency approved in writing by the Diocesan Council or its authorized agent under either a deed of trust or an agency agreement, providing for at least two signatures on any order of withdrawal of such funds or securities.

(c) Records shall be made and kept of all trust and permanent funds showing source and date, terms governing the use of principal and income, to whom and how often reports of condition are to be made, and how the funds are invested.

(d) Treasurers and custodians, other than banking institutions, shall be adequately bonded; except treasurers of funds that do not exceed $500 at any one time during the fiscal year.

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

(f) All accounts shall be audited annually by a Certified Public Accountant, or by such an accounting agency as shall be approved by the Diocesan Council or its authorized agent.

(g) All accounts shall be audited, as reasonably determined by the Bishop, within ninety (90) days after either (1) the end of the month following the end of the tenure of a rector or preist-in-charge, or (2) the close of the parish's fiscal year following the end of the tenure of a rector or priest-in-charge. Such audit shall be performed by a certified public accountant or such an accounting agency as shall be approved by Diocesan Council or its authorized agent, except that such audit shall not be performed by an audit committee from the parish. The parish and the Diocesan Council shall mutually approve the Certified Public Accountant or accounting agency. The cost shall be borne by the Diocese.

(h) Copies of any and all accounts shall be filed with the Diocesan Council or its authorized agent, who shall report annually thereon to the Convention.

(i) The Parish or Mission, including all buildings, and their contents, shall be kept adequately insured, as reasonably determined by the Trustees of the Diocese.

Section 2.

(a) No indebtedness shall be incurred by a parish, mission, congregation, or institution for permanent improvements, replacements, or additions to real estate, or equipment, without the written approval of the Bishop and Standing Committee.

(b) No indebtedness shall be incurred by a parish, mission, congregation, or institution for current expenses without the written approval of the Bishop and Standing Committee, where the amount of such indebtedness, plus any existing indebtedness heretofore incurred for current expenses, exceed 20% of the total receipts for current expenses during the preceding fiscal year.

(c) Whenever such approval is required, payment of all indebtedness must be provided for in a plan of amortization or other method of payment approved by said authority.

(d) This canon shall not apply to emergency repairs to real estate, buildings, or equipment.

Amended 1972, 1974, 2003, 2016, 2021

CANON 10
The Admission of Churches

Section 1.

(a) To entitle a church to admission as a parish into union with the Church in this Diocese as represented in Convention, the Vestry of said church shall submit to the Convention, or to the Bishop and Standing Committee, the certificate of act of incorporation, or a copy thereof, certified by the officer whose duty it is or may be to record or file certificates of incorporation according to the law of the State.

(b) There shall also be submitted a certificate of the Bishop, that the incorporation of such church had received the Bishop's approbation before such act of incorporation, and that such church is duly and satisfactorily established; and that the Bishop has received satisfactory evidence that such church in addition to meeting its current expenses is able to maintain regular priestly services worked out on a contractual basis and, where applicable, at a salary level not in violation of the standards set by the Convention or the Bishop and Council, and to meet its annual premium to the Church Pension Fund.

(c) Satisfactory testimony, by Certificate of the Rector, Missionary, or Warden, or otherwise, shall be given that not less than twenty-five persons of 18 years or more, members of such church, have habitually, for at least twelve months preceding such application, attended Divine Service in such church or congregation.

(d) The application for admission shall be in writing, and shall be accompanied with a copy of a resolution adopted by the Vestry subsequent to incorporation, that such church agrees to abide by and conform to the Constitution and Canons in force within this Diocese, and to all the canonical and legal enactments thereof. Such copy shall be certified by the Secretary, or Clerk, the seal of the corporation affixed thereto, and shall be kept on file by the Registrar of the Diocese.

(e) Upon approval by the Convention, or by the Bishop and Standing Committee, such parish shall thereupon be deemed in union with the Church in this Diocese as represented in Convention.

Section 2.

(a) To entitle a church to admission as a mission into union with the Church in this Diocese as represented in Convention, the Warden and Clerk of said church shall submit to the Convention or to a committee thereof, a copy of the written consent of the Bishop of the Diocese to the organization of the mission according to the Canons of this Diocese, together with a copy of the minutes of the first Annual Election of the mission showing the name of the duly elected Warden, Clerk, Treasurer and other officers if any; a copy of the last Annual Report of the mission to the Bishop of the Diocese; a certificate from the Trustees of the Episcopal Diocese of Rochester as to the vested property of the mission, if any, held by them; and a certificate from the Diocesan Council recommending admission of the mission into union with the Diocese.

(b) The application for admission shall be in writing and shall be accompanied with a copy of a resolution, adopted by the congregation subsequent to the written approval of the Bishop for

the formation of the mission, that such mission church agrees to abide by and conform to all canonical and legal enactments thereof. Such copy shall be certified by the Warden and Clerk and be authorized by the Minister-in-charge (if there be one), or by the Bishop of the Diocese, and shall be kept on file by the Registrar of the Diocese.

Section 3.

Whenever a parish or mission in union with the Church in this Diocese shall have failed to conform to the Constitution and canonical requirements of this Diocese and shall have been thereby debarred from seating delegates in the annual Convention of the Diocese, the said parish or mission shall be listed as temporarily out of union with the Diocese and such listing shall continue until the Diocesan Convention shall have restored it to the status of union with the Church in this Diocese.

Amended 1965, 1972, 1999

CANON 11
Establishment of New Churches

Section 1.

No new church or chapel shall be established, or new congregation or church school gathered, nor shall the site of any existing church, chapel or church school building be changed, without the consent of the Bishop of the Diocese.

Section 2.

When it is desired to take any such action, a petition shall be presented to the Bishop, setting forth the site proposed for the new place of worship or church school building, as the case may be, and stating that notice of the proposed change of the site has been given by the Rector or Minister-in-charge to the congregation, at one public service on each of the three Sundays immediately preceding the filing of said petition.

Section 3.

As soon as may be after the receipt of said petition, the Bishop shall cause a copy of the same to be served, either personally or by registered mail, upon the Rector and Clerk or some member of the Vestry of each of the three parishes whose places of worship are nearest to the site of the new place of worship or church school building, together with a notice to said Rector and Vestry to appear before the Bishop and Standing Committee at a time named by the Bishop, not less than twenty days from the service of said notice, and show cause, if any they have, why the prayer of the petition should not be granted. Notice of the time and place of hearing shall be served in like manner upon the Rector and Clerk or some member of the Vestry of the petitioner.

Section 4.
Notice similar to that provided for in Section 3 may be given by the Bishop to any Rector or Minister-in-charge of a congregation, or Vestry, whose interests the Bishop may consider likely to be affected should the prayer of the petition be granted.

Section 5.
At the time named, the Bishop and Standing Committee shall hear any person or persons who may desire to be heard either for or against said petition. The Standing Committee shall promptly advise the Bishop of its opinion in the premises, and the reason or reasons upon which the same is based, and as soon as may be thereafter, the Bishop shall either grant or refuse the prayer of said petition, and file with the Secretary of the Convention such decision in writing.

Section 6.
If any of the Churches mentioned in Section 3 be without a Rector, service of the petition and notice upon the Clerk or a member of the Vestry, of said church shall be sufficient.

Amended 1965, 1999

CANON 12
Vacant Cures

Section 1.
Whenever a church becomes vacant, it shall be the duty of the Vestry to give immediate notice to the Bishop or Ecclesiastical Authority.

Section 2.
No election of a Rector shall be had until the name of the presbyter whom it is proposed to elect has been made known to the Bishop, if there be one (or to the Ecclesiastical Authority), and sufficient time, not exceeding thirty days, has been given to communicate with the Vestry thereon; nor until such communication, if made within that period, has been considered by the parish or Vestry at a meeting duly called and held for that purpose.

Section 3.
When a parish or mission is unable to hold services by reason of lack of clerical supply, the Bishop shall appoint those of the clergy in the Diocese who can with most convenience discharge the duty, to supply such vacant parishes as have been reported to the Bishop, at such times as may be deemed convenient and proper. It shall be the duty of such vacant churches thus supplied to defray all the expense incident to such occasional services.

Section 4.
The Bishop shall provide for lay reading whenever the supply of clerical services is impracticable.

Amended 1999

CANON 13

Applications by Parishes for Diocesan Assistance

Section 1.

A congregation having been organized as a parish which is unable to support a Rector, or maintain the worship or work of the parish or fulfill the canonical obligation to the Convention of the Diocese may, with the consent of the Bishop, apply to the Council for a grant subject to such conditions and limitations as the Bishop and Council may impose.

Section 2.

Whenever it shall appear to the Bishop and the Council that a congregation organized as a parish has ceased to fulfill the requirements of a parish under the Religious Corporations Law of the State of New York and under these Canons, they may recommend to the Convention that the parish be declared extinct; and if the Convention shall so declare, the Bishop may proceed to the organization of the congregation as a mission in accordance with the provisions of the Canons.

Section 3.

A congregation organized as a parish may voluntarily apply to the Bishop and the Council for reorganization as a mission under the provisions of this Canon.

Section 4.

Any congregation (a) whose Rector or other clergy are not in receipt of an over-all amount equal to the combined total minimum compensation, including salary, additional material provisions and expense allowances required by resolution of Convention, or,

(b) which is unable adequately to maintain its property or support all other functions and services normally expected from a place of worship, shall by such fact be held to have applied to the Bishop for a grant-in-aid and to have subjected itself to the requirements of such a grant. The Diocesan Council shall be responsible for determining when the facts listed under (a) and (b) actually exist in any congregation and so certifying to the Bishop; and the Diocesan Council shall make annual reviews of such situations.

Amended 1963, 1970, 1972, 1973

CANON 14
Organization of Missions

Section 1.

New congregations may be formed in the Diocese only with the consent and under the direction of the Bishop and subject to the provisions of Canon 11 on Establishment of New Churches. The Bishop shall have the right to form a congregation at any place in the Diocese where there is a sufficient number of persons requiring the ministrations of the Church and willing to contribute to the maintenance thereof.

Section 2.

Until such time as a congregation formed under the direction of the Bishop can qualify to be admitted as a mission church in union with the Convention of the Diocese, it shall be conducted as an unorganized mission and the Bishop shall from time to time appoint such ministers, officers and committees as its affairs require.

Section 3.

Such a congregation may become an organized mission church in the following manner:

(a) Application shall be made to the Bishop of the Diocese in the following form:

Dear Bishop: We the undersigned, residents of _____, Town of _____, County of _____, within the Episcopal Diocese of Rochester, desiring to establish in our midst the regular and permanent ministrations of the Protestant Episcopal Church and to be numbered with those who share in the fellowship and work of the Convention of the said Diocese and of the General Convention, do respectfully petition to be received unto your spiritual charge and direction and to be organized as a Mission Church in union with the Convention of the Episcopal Diocese of Rochester, under the name of _____.

"We do severally and collectively promise to provide for the maintenance of said Mission Church as the Bishop or other canonical authority shall from time to time require; and to work faithfully and harmoniously to promote its influence in our neighborhood.

"We promise conformity to the Doctrine, Discipline, and Worship of the Protestant Episcopal Church and to the Constitution and Canons of the General Convention and the Convention of the Episcopal Diocese of Rochester."

To this petition shall be attached the signatures of only such persons who are baptized and have attained the age of 18 years.

(b) If the Bishop approves the establishment of a congregation as an organized mission, the Bishop shall give consent thereto in writing, and shall appoint a provisional Executive Committee to serve until the first regular annual meeting of the congregation.

(c) There shall be an annual meeting of the congregation of each organized mission church in the month of January on a day approved by the Bishop. Special meetings of the congregation may be held with the consent of the Bishop. Notice of all meetings shall be given as provided for a parish (see Canon 17, Section 2(a) (3), paragraphs 1 and 3). The presiding officer at all annual and special meetings of the organized mission shall be the Bishop or the Bishop's representative.

Only persons 18 years or more who have regularly attended its services of worship and have regularly contributed to its support for the sixty (60) days preceding, shall be qualified to vote in any meeting and to hold office in an organized mission; and the Warden shall be a communicant of the Church.

(d) At the time of each annual meeting, an Executive Committee of not less than five (5) persons shall be elected to serve until the next annual meeting. The Executive Committee shall organize with the election of:

(1) a Warden;

(2) a Clerk; and

(3) a Treasurer of the congregation, who may be members of the mission at large. The Bishop, if present, shall preside in meetings of the Executive Committee; in the Bishop's absence the Minister-in-charge; and in the absence of both, the Warden.

Section 4.

The admission of an organized mission into union with the Convention shall be in accordance with the provisions of Canon 10, Section 2.

Section 5.

The title to all real estate acquired by an organized mission shall be vested in the Episcopal Diocese of Rochester and all trust funds of an organized mission shall be held and administered by the Trustees of the Diocese, until such time as the mission is incorporated as a parish in union with the Convention, when the title to its real estate and the custody of its trust funds shall be transferred to the parochial corporation.

Section 6.

The procedure for changing the status of an organized mission to that of a parish in union with the Convention shall be in accordance with the provisions of Canon 10, Section 1, and Canon 11.

Section 7.

An organized mission which has become incorporated as a parish but has not been admitted into union with the Convention as a parish, shall be organized and administered according to the provisions of the Religious Corporations Law of the State of New York; save that it shall not be entitled to call a presbyter to be Rector, but shall accept a member of the clergy appointed by the Bishop to be Minister-in-charge; and that the representation of such a congregation in the Convention of the Diocese shall be that accorded an organized mission.

Section 8.

The provisions of the Canon shall apply to St. John's Chapel, Hobart College, Geneva, N.Y., only so far as it is consistent with the Canon entitled "Hobart College."

Section 9.

A parochial mission, chapel or branch church school may be established and organized by a parish, provided that the written consent of the Bishop and Standing Committee be first obtained in the manner specified in Canon 11, and provided said parish shall satisfy the Bishop and Standing Committee of its desire and ability to sponsor and financially support said parish mission, chapel or church school.

Amended 1965, 1966, 1972, 1999

CANON 15
Hobart College

The Bishop of the Diocese is an *ex officio* member of the Board of Trustees of Hobart College.

St. John's Chapel is consecrated to the worship and service of Almighty God according to the ministry, doctrines, liturgy, rites and usages of the Protestant Episcopal Church in the United States of America; and, by the instrument of donation and the statutes of the Trustees, is placed under the spiritual jurisdiction of the Bishop of this Diocese with the right to nominate the Chaplain.

The President of the College, if a Communicant of the Protestant Episcopal Church in the United States of America, shall *ex officio* hold the office of Warden of St. John's Chapel and the provisions of Canon 14 on "Organization of Missions", shall apply to the Chaplain only insofar as the same is consistent with the Chaplaincy Statutes of the Trustees.

If the President of Hobart College is not a Communicant of the Protestant Episcopal Church in the United States of America, the Bishop of the Diocese, upon recommendation of the President of Hobart College, shall appoint a Communicant of the Protestant Episcopal Church in the United States of America to be the Warden of St. John's Chapel. However, in that event, the President of Hobart College shall be entitled to a seat and voice without vote in the Convention.

St. John's Chapel is admitted as a church in union with the Convention and the cure shall consist of the students of Hobart College as defined by the statutes of the Trustees.

The Chapel shall have the status of an organized mission and as such is entitled to representation in the Convention as provided by Article III, Section 2(b) of the Constitution.

Amended 1999

CANON 16
Convocations

There shall be Convocation of the Diocese as determined from time to time by the Bishop and Diocesan Council, the purpose of which shall be to provide a regional opportunity to exchange information among congregations and with the Diocese and to make recommendations and share in decision-making on the issues of importance to the congregations represented, on such matters as nominations to Diocesan Council (See Canon 6, Section 2(b)), the expenditure of discretionary funds and matters slated to come before the Annual Convention.

Former Canon 16 repealed 2001. New Canon 16 adopted 2001. Amended 2025

CANON 17
The Parish Organization

(See Religious Corporations Law, Art. II, Secs. 5 and 12; Art. III, Secs. 42 and 43. Also General Convention Title I, Canons 6 and 13)

Section 1. Organizing

A parish or mission shall be organized in accord with the Religious Corporations Law of the State of New York insofar as it relates directly or indirectly to this Church. (See Canons 11 and 14.)

Section 2. Parish Meetings and Elections

(a) (1) There shall be an annual meeting of the members of every parish on the day designated on its Certificate of Incorporation, for the purpose of electing Wardens and Vestry, and for the consideration and disposition of all other business devolving upon the meeting of the parish through the provisions of the Religious Corporations Law of the State of New York or the Canons of the Diocese. If no day is specified in the Certificate, then the meeting shall be held on such day, either a Sunday or a secular day as may be determined by vote of the Vestry. For a parish incorporated after the enactment of Religious Corporations Law Art. III, Section 43, the meeting shall be held on the day, either a Sunday or a secular day, designated in its Certificate of Incorporation.

(2) Special meetings of any parish may be held on any Sunday or secular day fixed by the Vestry.

(3) Notice of an annual or special meeting of the parish shall be read by the Rector of the parish, or if there be none, or if the Rector be absent, by the officiating member of the clergy, or by a Warden thereof, on each of two Sundays next preceding such annual or special meeting, in the time of divine service; or if, for any reason, the usual place of worship of the parish be not open for divine service, the notice shall be posted conspicuously on the outer door of the place of worship for two weeks next preceding the annual or special meeting. Such notice shall specify the place, day and hour of holding the annual or special meeting.

The notice of an annual meeting shall also specify the number and terms of office of each Warden and member of the Vestry whose terms of office shall then be vacant for any cause, and the office for which each such officer is to be then elected.

The notice of a special meeting shall also specify the matter or question to be brought before such meeting, and no matter or question not specified in such notice shall be acted on at such meeting.

(b) The presiding officer of such annual or special meeting shall be the Rector of the parish, if there be one; or if there be none, or the Rector be absent, one of the Wardens elected for the purpose by a majority of the duly qualified voters present; or if no Warden be present, a member of the Vestry elected in like manner.

Such presiding officer shall be the judge of the qualifications of the voters; shall receive the votes cast and shall declare the meeting in the book of minutes of the Vestry, the officer shall

sign such book, and have as many of the qualified voters present as the officer deems necessary also sign.

(c) Persons of 18 years or more belonging to the parish, who have been baptized and are regular attendants at its worship and contributors to its support for at least twelve months prior to such annual or special meeting or since the establishment of such parish, shall be qualified voters at such annual or special meeting, unless the charter or By-Laws of said parish shall specify otherwise.

(d) Any action of an annual or special meeting shall be determined by a majority of the qualified voters voting thereon.

(e) By-Laws, as proposed by the Vestry or Trustees and consistent with the requirements of other governing authority, may be adopted or amended by a two-thirds vote of the qualified voters present and voting at the meeting, after written notice embodying such By-Laws or amendment, has been openly given at a previous meeting, and also in the notices of the meeting at which such proposed By-Laws or amendment is to be acted upon. By-Laws thus adopted or amended shall control the actions of the Trustees.

(f) The polls of an election shall continue open for one hour and longer, in the discretion of the presiding officer, or if required by a vote of a majority of the qualified voters present and voting.

Section 3. The Vestry

(a) At each annual meeting of the parish unless otherwise provided by its act of incorporation, one Warden shall be elected to hold office for two years; and one-third of the total number of members of the Vestry shall be elected to hold office for three years. Each Warden and member of the Vestry shall hold office after the expiration of the term and until a successor is chosen.

(b) The Wardens and members of the Vestry who with the Rector constitute the Trustees of the parish, shall be elected by ballot from persons qualified to vote at such election; and no person shall be eligible for election as Warden unless such person also be a confirmed communicant in the Protestant Episcopal Church, nor be eligible for election to the Vestry, unless such person shall have been baptized. (For qualifications of voters, see Section 2 (c) above.)

(c) No meeting of the Vestry or Trustees of any parish shall be held unless either all the members thereof are present, or three days' notice thereof shall be given to each member thereof, by the Rector in writing, either personally or by mail; or, if there be no Rector or if the Rector be incapable of acting, by one of the Wardens; except that twenty-four hours' notice of the first meeting of the Vestry after an annual election shall be sufficient, provided such meeting be held within three days after the election.

Should the Rector refuse or neglect to call a meeting of the Vestry or Trustees, the Clerk of the Vestry shall, on the written request of two-thirds of the whole Vestry, call a meeting of the same, by giving at least fifteen days' written notice to be served on each member of the Vestry personally; if personal service cannot be had, then upon such member by mailing the notice to the member's last known place of residence.

(d) To constitute a quorum of the Vestry or Board of Trustees, there must be present either:

(1) the Rector and at least a majority of the whole number of

Wardens and members of the Vestry; or

(2) one Warden and one more than a majority of the Vestry, or both Wardens and a majority of the members of the Vestry; or

(3) if the Rector be absent from the diocese and shall have been so absent for over four calendar months; or if the meeting be called by the Rector and the Rector be absent therefrom or be incapable of acting, one Warden and a majority of the members of the Vestry, or both Wardens and one less than a majority of the members of the Vestry.

(e) If there be a Rector of the parish, no measure shall be taken in the Rector's absence, in any case, for effecting the sale or disposition of the real property of the corporation, nor for the sale or disposition of the capital or principal of the personal property of the corporation, nor shall any act be done which shall impair the rights of such Rector.

(f) The presiding officer of the Vestry shall be the Rector, or if there be none, or the Rector be absent, the Warden who shall be called to the chair by a majority of the votes, if both Wardens be present, or the Warden present, if but one be present.

(g) The Vestry shall have power to fill a vacancy occurring in the office of a Warden or member of the Vestry by death, resignation or otherwise than by expiration of term, until the next annual election, at which, if such vacancy would continue thereafter, it shall be filled for the remainder of the unexpired term.

(h) If vacancies exist in the offices of Wardens or members of the Vestry in such number that a quorum is not in office at any time, the Rector shall forthwith call a special meeting of the parish for the filling of such vacancies. If there be no Rector the Warden longest in office shall call such special meeting.

Notice of such special meeting shall be read by the Rector, or if there be none, or the Rector be absent, by the officiating member of the clergy or by one of the Wardens, on the Sunday next preceding such meeting in the time of divine service. If for any reason the usual place of worship of the parish be not open for divine service on such Sunday, such notice shall be posted conspicuously on the outer door of the place of worship for one week next preceding the meeting. Such notice shall conform to that required for an annual election. Such vacancies shall be filled at such election for the remainder of the unexpired terms.

(i) (1) The Vestry as the Trustees of the incorporated parish are the custodians of its real and personal property and its agents and legal representatives in all matters concerning its corporate affairs, subject always to the Religious Corporations Law and the Canons of the Diocese and General Convention. A Vestry may not convey title, mortgage, or encumber the real property of a parish or divert any of its endowments, or in any way alienate any said property of a parish from the use of this Church in the Episcopal Diocese of Rochester without the previous consent of the Bishop and Standing Committee. (See General Convention Title I, Canon 7)

(2) The Vestry is the agent and legal representative of the parish in all matters concerning the relations of the parish to its clergy. It is its duty to elect and call a Rector and to provide for the Rector's maintenance, and all expenses incident to the worship and work of the parish. (See General Convention Title I, Canon 13, Section 2).

(3) The Vestry shall elect a Secretary or Clerk who need not be one of its members to take and record the minutes of its proceedings and of all annual and special meetings of the incorporated parish, attest the public acts of the Vestry and the meetings of the incorporated parish, preserve all records and papers belonging to the incorporated parish, not otherwise

provided for, perform such duties as shall be legally assigned to the Clerk, and faithfully deliver to the successor in office, all books and documents in the Clerk's possession belonging to the incorporated parish.

(4) The Vestry shall elect a parish Treasurer, who need not be one of its members, whose duty it shall be to receive, disburse, and account for the funds of the incorporated parish. Such Treasurers shall be bonded in accordance with the Canons.

(5) When for any reason the parish shall be without the services of a Rector it shall be the duty of the Wardens to provide for the regular services of worship and occasional ministrations either by the temporary employment of a member of the clergy or lay reader, and if the Rector, from disability or any other cause, neglect to perform the regular services in the parish, and refuse without good cause, consent to any other duly qualified member of the clergy of this Church to officiate within the cure, the Vestry shall have power, with the written consent of the Ecclesiastical Authority of the Diocese, to permit any duly qualified member of the clergy of this Church to officiate.

(6) It is the duty of the Vestry to make the work embodied in the program of the Diocese and the program of the General Church known to the parishioners, and to provide for the payment of the apportionment for the Diocesan budget to support the work of the Diocese and the General Church by including the same in its budget for current expenses, and transmitting one-twelfth thereof to the Diocesan Treasurer each month. (See Canon 6.)

(7) The Vestry is jointly responsible with the Rector for furnishing the Bishop at every visitation with such information as the Bishop may request concerning the spiritual and temporal affairs of the parish; and to furnish on a form authorized by the General Convention a report covering the year ending on the 31st day of the preceding December, which report shall be sent to the Bishop, or other person designated by the Bishop. (See Canon 18, Section 2(a)).

(8) The Vestry is required by the Canons of the General Convention to approve the application of any communicant of the parish before admission as a Candidate for Holy Orders and for ordination to the diaconate and to the priesthood.

(9) The Vestry shall have power to make such By-Laws as are necessary for the performance of its duties and which are not inconsistent with the provisions of the certificate of incorporation of the parish, the corporations laws of the State of New York, or the Canons of the Diocese or the General Convention. Any proposed parish By-Law, amendment thereto, or amendment to the Certificate of Incorporation shall be submitted to the Chancellor at least thirty (30) days prior to its publication at any meeting; and, either the proposal shall be conformed to the Chancellor's advice, or the Chancellor's comments about the proposal shall be read aloud to the meeting before any vote is taken.

Section 4. Acceptance of Election to Office

All persons elected to office in any parish must accept such office in writing to the presiding officer within thirty days after the mailing to them of written notification by the presiding officer of such election. The presiding officer within seven days of the adjournment of the meeting at which such election occurred shall send written notification by mail to each person elected to office at such meeting. The notification shall state the office to which the person is elected and the requirements of this Canon of written acceptance. In default of such acceptance within the

time above specified the office shall be vacant and the vacancy shall be filled in the manner provided for such office.

Amended 1957, 1964, 1965, 1970, 1972, 1974, 1986, 1993, 1995, 1999, 2001, 2016

CANON 18
Parish Records and Reports

Section 1.

(a) Every member of the clergy officiating in this Diocese shall keep a Parish Register of baptisms, confirmations, communicants, marriages, and burials, and of the families and individuals within the cure.

(b) The Register to be kept in the parish shall specify:

(1) The name, and place and date of birth, of the child or adult baptized, with the names of the parents, and sponsors or witnesses, signed by the officiating member of the clergy.

(2) The name, and place and date of birth of person confirmed.

(3) The names of all communicants within the member of the clergy's cure, with the time of their admission or reception to communion in the same, and of death, removal or transfer. There shall also be indicated the names of those whose domicile is unknown, and those whose domicile is known but are inactive.

(4) The names, ages and residences of the persons married and their witnesses, signed by the officiating member of the clergy.

(5) The names, ages and residences of the persons buried, signed by the officiating member of the clergy.

(6) The time when, and the place where, each rite was performed.

(7) The names of all the families and individuals within cure, as nearly as can be ascertained.

(c) These entries shall be made by the member of the clergy in a book provided for that purpose by the Vestry of the parish, the mission, or the incorporated religious society under which the member is at work, and approved as
suitable by the Bishop; which book shall be the Parish Register and shall be preserved as part of the records of the church, by the member of the clergy, or in the case of a vacant parish or mission, by a Warden.

(d) Such Register shall be always open to inspection by the Bishop, or by any person authorized by the Bishop, and also, in the case of a mission, by an authorized representative of the Diocesan Council.

(e) A member of the clergy resigning the charge of a parish or mission shall deliver the Register, with the requisite entries complete, to the successor in office, or to a Warden, and take a receipt therefor.

(f) Whenever a parish or mission or other incorporated religious society, shall cease to function and be abandoned for any cause, other than the uniting with or being absorbed by another parish, the Rector or missionary, or if there be none, the Warden or official head shall deliver to the Bishop for safe keeping the Parish Register, and the Bishop shall place the same in the Diocesan Archives.

Section 2.

(a) It shall be the joint duty of the Rector and Vestry of every parish, and of the Minister-in-charge and Warden of every mission, to prepare upon the blank form adopted by the General Convention, a report for the year ending December 31st preceding, and to deliver the same on or before the first day of February in every year to the Bishop of the Diocese, or to the person designated by the Bishop to receive it; or, when there is no Bishop, to the Secretary of the Convention. A grace period of not more than thirty days will be allowed before a parish is considered non-reporting. [See subsection (e)]. This report shall include the following information:

(1) The number of baptisms, confirmations, marriages, and burial during the year; the total number of baptized persons and communicants at the time of the report;

(2) A summary of all receipts and expenditures from whatever source derived, and for whatever purpose used; and

(3) A statement of the property held by the parish, whether real or personal, with an appraisal of its value, together with a statement of the indebtedness of the parish, if any, and of the amount of insurance carried.

(b) It shall be the duty of every member of the clergy not in charge of any parish or congregation to report any occasional services, and if there have been none the causes or reasons which have prevented the same.

(c) The parochial and personal reports, or such parts of them as the Bishop may deem proper, shall be entered in The Journal.

(d) It shall be the duty of the Bishop of the Diocese to pass upon all reports of which there may be any doubt as to the accuracy or completeness of the information rendered and to return all reports which do not conform to the requirements of this Canon to the parish or mission and member of the clergy making the same, with the request that the report be made conformable to these requirements.

(e) At the time of the annual Diocesan Convention all parishes and missions which have failed to make and file the report as required by this Canon shall be counted as Non-Reporting.

Section 3.

Communicants removing from one parish to another, or wishing their names to be transferred from the list of communicants in one parish to the list of communicants in another without changing their residence, shall procure a certificate of good standing as communicants, as provided for in the Canons of the General Convention.

Amended 1999

CANON 19
Family Instruction

Section 1.

Every member of the clergy in charge of a congregation shall give or cause to be given, to both adults and children, regular instruction in the relation of the Church and the family; which

instruction shall include the duties and responsibilities of membership in a family, the mutual obligations and privileges of spouses and of parents and children, and the Christian doctrine and discipline of marriage, together with the particular ministrations of the Word and Sacraments and the work and worship of the Church of which the family and its members have need for the fulfillment of the Christian life.

Section 2.

Every member of the clergy in charge of a congregation shall, in exercising pastoral ministry, take care to make the family a basic unit and objective of such effort.

Amended 1999

CANON 20
Diocesan Societies and Institutions

Section 1.

No institution, society, or corporation shall represent itself to be an institution of the Diocese of Rochester for the purpose of soliciting money, or for any other purpose, unless it shall have qualified and shall continue to qualify as a diocesan institution as provided herein.

Section 2.

In order to qualify as a diocesan institution, each institution shall be incorporated as a charitable or non-profit corporation under the applicable provisions of the laws of the State of New York and shall duly maintain such corporate status.

Section 3.

In addition to the matters required by the applicable laws of the State of New York, the Certificate of Incorporation or By-Laws of any such institution shall contain the following provisions:

(a) That the Bishop shall always be a member of the Board of Directors or Trustees of the institution, either *ex officio* or by election, as appropriate.

(b) That at least a majority of the Board of Directors shall be members in good standing of a parish or mission of the Diocese of Rochester, or presbyters canonically resident in that Diocese.

(c) That the institution shall not alienate or encumber real property belonging to it without first obtaining the written consent of the Bishop and Standing Committee.

(d) That the provisions of the Constitution and Canons of the Protestant Episcopal Church in the United States of America and in this Diocese, as they are now and as they may be amended, shall be a part of the By-Laws of such institution and that in case of conflict between said Constitutions and Canons, and said By-Laws, the provisions of said Constitutions and Canons shall be paramount.

Section 4.

The Certificate of Incorporation and By-Laws shall be submitted to the Chancellor of the Diocese not less than sixty (60) days prior to the meeting of the Convention at which approval is sought. The Chancellor shall examine such Certificate of Incorporation and By-Laws to

determine whether they meet the requirements herein set forth and whether they are otherwise in proper form, and shall transmit the same to the Secretary of the Convention, together with the Chancellor's written recommendation as to approval or disapproval. The Secretary shall then present the matter to Convention for action.

Section 5.

A true copy of the Certificate of Incorporation of such institution and of any amendments thereof, duly certified by the Secretary of such institution, shall be filed with the Secretary of Convention, and shall be open to inspection at all times by the Ecclesiastical Authority or any person or persons duly delegated by said Authority.

Section 6.

Each diocesan institution shall make a written annual report to the Convention, setting forth its financial transactions and other activities during the previous year.

Section 7.

The Secretary of the Convention shall report the names of all institutions qualified under this Canon, and their activities, in the Journal each year.

Section 8.

This Canon shall apply to existing institutions as well as to those which may be organized in the future. If the Certificate of Incorporation or By-Laws of existing institutions do not conform to the requirements of this Canon, they shall be amended accordingly.

Section 9.

In case of any institution which shall have a provision in its Certificate of Incorporation or By-Laws for the election of a member or members of its Board of Directors by the Convention, such member or members shall be elected by the Convention in the manner prescribed by the Rules of Order.

Section 10.

The Ecclesiastical Authority shall have the power of visitation of any diocesan institution and power to examine its books, minutes, records, and affairs, to determine whether such institution conforms and continues to conform to the provisions of this Canon, and whether its standards and performances of work and service are sufficiently high to warrant continued recognition as a diocesan institution. If, in the opinion of the Ecclesiastical Authority, any institution shall fail to meet such requirements, the Authority may so report to Convention, with the reasons and recommendations, whereupon Convention may take such action as in its discretion may be deemed appropriate, either to correct undesirable conditions or to end the status of such institution as a diocesan institution.

Former Canon 20 (Marital Relations Court) deleted 1965. Present Canon 20 added 1965.

Amended 1999, 2016

CANON 21
Ecclesiastical Discipline

Section 1. Title IV of the Canons of The Episcopal Church

The ecclesiastical discipline of Clergy shall be governed by Title IV of the Canons for the Government of The Episcopal Church, as from time to time amended ("Title IV"). To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern. Capitalized terms in this Canon shall have the meaning as set forth in Title IV.

Section 2. Disciplinary Board Structure

(a) **Disciplinary Board.** There is hereby established a Disciplinary Board consisting of seven (7) members, four (4) of whom shall be Clergy, canonically resident in the Diocese, and three (3) of whom shall be lay adult ("Lay") Communicants in Good Standing in the Diocese.

(b) **Election**.

(1) Members of the Disciplinary Board shall be elected by the Convention. Each member shall serve a three (3) year term; except, if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The terms of the members shall commence immediately following election. The terms of office of the Disciplinary Board shall be staggered and arranged into three classes. The first class shall consist of two (2) members (one Clergy, one Lay), the second class shall consist of two (2) members (one clergy, one Lay), and the third class shall consist of three (3) members (two Clergy, one Lay).

(2) No member shall be eligible for reelection for a year after the end of the second consecutive full term. Each member serving a one-year term ending in 2012 or a two year term ending in 2013 shall not be deemed to have served a full term. No Members of the Standing Committee or any person serving as Chancellor, Assistant Chancellor, Advisor, Conciliator, Church Attorney, Intake Officer, Investigator, or any member of the diocesan staff shall be eligible to serve on the Disciplinary Board.

(c) **Vacancies**. Vacancies on the Disciplinary Board shall be filled as follows:

(1) Upon the determination that a vacancy exists in accordance with Title IV.5.3 (a) and (b), the President of the Disciplinary 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.

(2) The Bishop, in consultation with the Standing Committee, shall appoint a replacement Board member of the proper class and who meets the same eligibility requirements as apply to elected Disciplinary Board members.

(3) 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 Disciplinary Board member shall continue until the next annual Convention. With respect to a vacancy resulting from a

challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the elected Disciplinary Board member is serving as a result of the challenge.

(d) **Removal**. A Disciplinary Board member may be removed from office by the Bishop, whenever in the judgment of the Bishop the best interests of the Diocese would be so served. The Disciplinary Board member so removed may appeal the removal to the Diocesan Council.

Section 3. Concerning Impartiality

In any proceeding under this Canon, if any member of a Conference Panel or Hearing Panel shall become aware of a personal conflict of interest, undue bias, or any grounds as set forth in Title IV.19.14 or IV.19.15, that member shall immediately notify the President of the Disciplinary Board and request a replacement member be appointed to the Panel. Respondent, 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, who are 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.

Section 4. President

Within sixty (60) days following the annual Convention, following at least seven (7) calendar days' written or electronic notice, the Board shall convene in person or by electronic communication to elect by majority vote of the entire Disciplinary Board a President from among its members to serve for the current year.

Section 5. Intake Officers

One or more Intake Officers shall be appointed from time to time by the Bishop, each of whom shall serve at the pleasure of the Bishop. The Bishop shall 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 together with an explanation that any person knowing or reasonably believing an Offense may have been committed by a member of Clergy shall be encouraged to make such complaint known to an Intake Officer. An Intake Officer need not reside in the Diocese or be a Member of the Church.

Section 6. Investigator

When appropriate, the Bishop shall appoint an Investigator in consultation with the President of the Disciplinary Board. The Investigator may, but need not, reside in the Diocese or be a Member of the Church.

Section 7. Church Attorney

The Bishop shall annually appoint one or more attorneys to serve as Church Attorney, in consultation with the Standing committee, for the following year. The person(s) so selected must be a duly licensed attorney, but need not be a Member of the Church or reside within the Diocese. The Bishop, acting in consultation with the Standing Committee, may remove a Church Attorney for cause. In the event of vacancy, the Bishop may appoint a successor Church Attorney, in consultation with the Standing Committee, and said successor shall serve until the next Diocesan Convention.

Section 8. Pastoral Response Coordinator

The Bishop shall provide for an appropriate pastoral response whenever any report is made to the Intake officer. The Bishop may appoint a pastoral response coordinator, to serve at the pleasure of the Bishop, to coordinate the delivery of appropriate pastoral care provided for in Title IV.8. Such person may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under Title IV or this Canon.

Section 9. Advisors

The Bishop shall make available an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include the Chancellor or Assistant Chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

Section 10. Clerk

The Board shall appoint a Clerk who shall be the custodian of all records and files of the Disciplinary Board and who shall assist the Board with records management and administrative support. The Clerk may be a member of the Board. All records maintained by the Clerk shall be deposited in the Diocesan Archives at the completion of the matter.

Section 11. Costs and Expense

(a) The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Clerk and the pastoral response coordinator shall be the obligation of the Diocese and paid by the Treasurer, in consultation with the Trustees and/or Diocesan Council as deemed appropriate by the Treasurer.

(b) The reasonable defense fees and costs incurred by a Respondent may be paid or reimbursed by the Diocese, in whole or in part, as follows:

(1) In the event of a final Order dismissing the complaint, and a finding made by the Hearing Panel that the matter was without basis in fact, brought in bad faith, or was frivolous; or

(2) In the event of dismissal by an Accord approved by the Bishop, if such Accord provides that the matter was without basis in fact, brought in bad faith, or was frivolous; or

(3) In the event of a determination made by the Bishop or Standing Committee that in the interests of justice such payment or reimbursement is proper. The Respondent may make application to the Bishop and the Standing Committee for the payment or reimbursement of Respondent's reasonable defense fees and costs.

Section 12. 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

Section 13. Permanent Records

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

Section 14. Meetings by Electronic Communication

Any meeting required under these disciplinary canons, other than a hearing at which evidence may be taken or examined, may be conducted either in person or through telephonic or other electronic communications equipment by means of which all persons participating in the meeting can hear each other at the same time.

Section 15. Hearing Panel

In appointing members of a Hearing Panel the President of the Disciplinary Board shall endeavor to ensure an adequate level of legal expertise among its members and in the event that is not possible, the President may authorize the Disciplinary Board to engage the services of an attorney to advise the Hearing Panel on legal issues or of other qualified individuals to advise on technical or scientific matters.

Section 16.

The Bishop, with the consent of Standing Committee, is empowered to negotiate and enter into agreements with other dioceses within the Church for mutual cooperation with and assistance in effectuating the language and intent of this Canon. Such agreements may include creation of panels of advisors, advocates, and attorneys to serve as resources to the Diocese in the application of this Canon.

Adopted 1995 to replace Canon 21 (1974 version)
Adopted November 2011 to replace Canon 21 (1995 version), amended 2016 (Section 2(b)(2) deleted per its terms)

CANON 22
The Clergy List

Section 1.

The Bishop shall prepare, or cause to be prepared and kept by the Secretary:

(a) A list of all canonically resident clergy who hold a parochial cure. This list shall provide the "whole number of parochial clergy" mentioned in Article VIII of the Constitution.

(b) A list of all canonically resident clergy who do not hold a parochial cure. This list, together with the list in Section 1(a) (above), shall constitute the list of clergy entitled to vote under Article VIII.

(c) A list of all clergy ministering by license in charge of parishes or other cures.

Section 2.

Such lists shall be registered by the Secretary of the Diocesan Convention, under the supervision of the Bishop.

Section 3.

The Secretary of the Diocesan Convention shall preserve on file all canonical certificates that shall be presented to the Bishop concerning the election and institution of ministers, provided that the same be accompanied with the certificate of the Bishop that the member of the clergy chosen to any cure, church or parish, in this Diocese, is a member of the clergy of this Church. The Secretary shall also record other certificates transmitted to the Secretary by the Bishop.

Section 4.

(a) When Letters Dimissory shall have been accepted, the member of the clergy received shall procure from the Bishop a certificate that the member has been received into the Diocese, in compliance with the Canons. The member shall deliver such to the Secretary of the Diocesan Convention, who shall record the same. A record thus made shall be evidence of the Canonical residence of such member.

(b) The Bishop shall also certify in writing to the Secretary the name of any member of the clergy who shall in any way become canonically resident within the Diocese, to be duly recorded.

(c) The Bishop shall indicate to the Secretary the name of every member of the clergy of the Diocese deceased, transferred, deposed, suspended, or otherwise disqualified during the year preceding an annual session of the Diocesan Convention; of which record shall thereupon be made by the Secretary.

(d) All records in these Canons provided for, duly exhibited, or transcript of the same attested by the Secretary, shall be admitted in evidence upon all proceedings or trials, under any law or Canon in force in this Diocese.

Amended 1969, 1999, 2001

CANON 23
Church Pension Fund

In conformity with the legislation adopted by the General Convention of 1913, pursuant to which the Church Pension Fund was duly incorporated; and in conformity with the "Church Pension Fund" Canon of the General Convention, as amended; the Diocese of Rochester hereby accepts said Fund as the authorized and approved pension system for the clergy of the Church and their dependents, and declares its intention of supporting this Fund in accordance with its rules.

CANON 24
Commission on Ministry

Section 1. Membership

(a) The Commission on Ministry shall consist of not more than nineteen (19) nor less than nine (9) persons, no more than a simple majority of which may be from either the clerical or lay order.

(b) The Bishop, the Bishop Coadjutor and the Bishop Suffragan, if there be such, shall be *ex officio* members of the Commission. The Bishop(s) shall not be counted in the "simple majority" requirement of this Canon.

(c) The Annual Convention shall elect at least a simple majority of the members of the Commission, the remaining number to be appointed by the Bishop. No person shall hold office concurrently as a member of the Commission on Ministry, excepting *ex officio* members, and also as a member of the Standing Committee. The Secretary shall assure that the lists of members required by Canon 2, Section 1 are published in the *Journal* each year.

(d) The term of the membership on the Commission shall be three years. No one elected or appointed for two full consecutive terms shall be eligible for membership until the Annual Convention following the expiration of the member's term. The Bishop's appointments shall be considered to have been made at the time of the Annual Convention.

(e) Vacancies among the elected membership of the Commission occurring between Annual Conventions shall be filled by appointment by the Bishop with the advice and consent of the Standing Committee. Members so appointed shall serve until the next Annual Convention.

(f) The Chair of the Commission shall be elected annually by the Commission.

Section 2. Duties

(a) The duties of the Commission shall be those set forth in the Canons of the Episcopal Church, together with such other such duties as the Bishop may appropriately assign.

(b) At the discretion of the Bishop, the Commission on Ministry in the Diocese may join with like Commissions of other dioceses in fulfilling its responsibilities.

Section 3. Working Rules

The Commission shall have the power to devise its own rules of order and/or By-Laws for its own governance, not inconsistent with the Constitution and Canons of the Diocese.

Section 4.

The Commission shall report to each Annual Convention of the Diocese.

Former Canon 24, on Examining Chaplains, amended 1969, repealed 1971.
New Canon 24, on Commission on Ministry, adopted 1971, amended 1972, 1976, 1998, 1999, 2001 and 2011.

CANON 25
Arms and Seal of the Diocese

Section 1.

The arms of the Episcopal Diocese of Rochester hereinafter described are derived from the Arms of the Anglican Diocese of Rochester.

Argent, a saltire gules between a fountain proper in the center chief point, and three mitres of the second garnished or.

The three mitres are symbolic of the three Sees of which the Episcopal Diocese of Rochester was formerly a part, viz., London, New York, and Western New York; and the fountain is symbolic of the Genesee River which flows the length of the Diocese from south to north.

Section 2.

The official seal shall be held in the custody of the Bishop of the Diocese and shall be used to authenticate all official acts of the Bishop or of the Convention of the diocese.

CANON 26
The Bishop and the Cathedral

Section 1.

The Bishop with the approval of the Diocesan Council may, from time to time, or until a Diocesan Cathedral shall be established upon a proper and permanent foundation, and with the consent of the Rector, Wardens, and Vestry, select a parish church as the Bishop's Church, which may also be known as the Cathedral and Parish Church of (here insert the name of the parish.)

Section 2.

The Bishop with the approval of the Diocesan Council may enter into such stipulations in writing with the Rector, Wardens and Vestry of such church touching upon the Bishop's rights in the use of the church building and in parochial affairs, as may be agreed upon, and as embodied in "The Institutes of the Cathedral."

Canon 26 added 1965, Amended 1999

CANON 27
Removal For Absences of Members of Diocesan Bodies, Vestries and Executive Committees

Section 1.

(a) The members of any Diocesan body, as defined in this section, by majority vote of all members then serving, and with the consent of the Ecclesiastical Authority, may remove from office any member who shall have failed to attend three (3) successive regular meetings of the body without excuse by the chairperson of the body.

(b) For purposes of this section, the term "Diocesan body" shall mean the Trustees of the Diocese, the Standing Committee, Diocesan Council, and the Commission on Ministry.

Section 2.

Unless otherwise provided by the Certificate of Incorporation or the By-Laws of the parish, the Vestry of any parish, by majority vote of all persons then serving, may remove from office any Warden or Vestry member who shall have failed to attend three (3) successive regular meetings of the Vestry without excuse by the Rector, or if there is no Rector, a Warden.

Section 3.

The Executive Committee of any organized mission church, by majority vote of all persons then serving, may remove from office any Warden or Executive Committee member who shall have failed to attend three (3) consecutive regular meetings of the Executive Committee without excuse by the Minister-in-charge; or if there is no Minister-in-charge, the Warden or in the case of a Warden, a member of the Executive Committee.

Section 4.

Any vacancy created by such removal shall be filled as provided by New York State law or the Constitution and Canons of the Diocese, or, if not so provided, by a majority vote of the persons remaining in office.

Canon 27 adopted 1996

CANON 28
Interpretation of Canons and Miscellaneous Provisions

Section 1

In the interpretation of all Canons, words of the masculine gender shall include the feminine.

Section 2

(a) Any meeting required under these Constitution and Canons, other than a hearing at which evidence may be taken or examined, may be conducted either in person or, in whole or in part, through telephonic or other electronic communications equipment by means of which all persons participating in the meeting can hear each other at the same time.

(b) Any notices, consents, acknowledgments, signatures, writings, written communications or similar actions may be provided by electronic mail. Such actions shall be deemed to be given

at the time of their transmission. If a notice period for facsimile, telegraph or similar means of communication is specified, such period shall apply to electronic notices.

Renumbered 1995 to reflect the deletion of old Canon 27
Renumbered 1996 to reflect adoption of new Canon 27, amended 2016

CANON 29
Amendment and Repeal

All proposals to alter, amend, or repeal these Canons shall first be submitted in writing to the Secretary of the Diocese and by the Secretary submitted to the Committee on Constitution and Canons at least ninety (90) days before the annual meeting of the Convention of the Diocese, and after consideration and recommendation by that Committee shall be delivered into the hands of the Secretary of the Diocese at least one month before the opening of the Convention and the Secretary shall then circulate the same among the parishes, unless by a two-thirds vote of each Order the Convention shall consent to suspend the time requirement; and then approved by a majority vote in each Order at two successive Conventions, or by a two-thirds vote in each Order at the Convention at which the resolution is introduced. When so adopted it shall become effective at the close of the Convention.

Amended 1965
Canon 28 adopted 1976. Old Canon 28 then re-numbered to Canon 29
Renumbered 1995 to reflect the deletion of old Canon 27
Renumbered 1996 to reflect adoption of new Canon 27

RULES OF ORDER

1. The Convention shall include some form of liturgical offering, as approved by the Bishop, and an address by the Bishop, either of which shall be in order at any time."

2. Report of the Committee on Credentials.

3. When a quorum of Clerical and Lay Delegates are present, the Presiding Officer shall declare the Convention open for business.

4. Election of a Secretary and Treasurer (every fifth year).

5. Election of an Assistant Secretary.

6. Appointment of the following Convention Committees:
   (a) On Elections, a Chief Teller and other fit persons
   (b) On Credentials, one Clerical and two Lay Delegates
   (c) On Dispatch of Business, one Clerical and one Lay Delegate

7. Granting of the courtesy of the Convention to non-delegates.

8. Report of the Committee on Dispatch of Business.

9. Nominations from the prepared ballot and from the floor.

10. Elections, casting the first ballot for the following:
   (a) Standing Committee
   (b) Trustees of the Diocese
   (c) Diocesan Council
   (d) Commission on Ministry
   (e) Deputies to the General Convention (eighteen months prior to each General Convention)
   (f) Provisional Deputies to the General Convention (one year after election of Deputies)
   (g) Disciplinary Board

11. Report of the Committee on Constitution and Canons.

12. Confirmation by the Convention of the nomination by the Bishop of the Chancellor (triennially).

13. Communications from Secretaries of General, or Diocesan Conventions or of the Provincial Synod.

14. Acceptance of reports by title or presentation of reports for action where appropriate:
    (a) Commission on Ministry
    (b) Treasurer of the Diocese
    (c) Trustees of the Diocese
    (d) Diocesan Council and Departments
    (e) Standing Committee
    (f) Registrar

15. Report of Committee on Resolutions

16. Presentation of the following reports for action, or on request of the Bishop, or on recommendation of the Committee on Dispatch of Business:
    (a) Special Committees of the last Convention
    (b) Special Committees Appointed by the Bishop or Diocesan Council
    (c) Special Committees of this Convention

17. Miscellaneous and unfinished business.

18. Appointment by the Presiding Officer of the following:
    (a) Standing Committees of Convention
        (1) Committee on Constitution and Canons
        (2) Committee on Resolutions
        (3) Committee on Nominations
        (4) Special Committees to report to the next Convention
        (5) A Committee to read, correct and approve the minutes
        (6) Committee on Arrangements
    (b) A Registrar
    (c) An Archivist

19. No rule of order shall be suspended, varied, amended or rescinded unless by a majority vote of the delegates present.

20. Unless otherwise provided in these Rules of Order, Robert's Rules of Order shall prevail in the conduct of business.

21. Committee Procedures

(a) Resolutions Committee The Committee on Resolutions shall be responsible for receiving all resolutions except those proposed by the Standing Committee, the Diocesan Council, the Commission on Ministry, and District, or General Convention Deputies.

(1) All miscellaneous resolutions to be considered for action by the Convention shall be submitted to the Secretary of the Convention in writing and signed by the proposer at least sixty (60) days before the date of Convention. Resolutions should be submitted on white 8 ½ x 11 paper, typed and double spaced, or electronically in a .doc format, and contain two sections: the Resolved specifying the desired action; and a further Resolved, as appropriate, providing for the implementation of the resolution if adopted. A separate, brief supporting statement may accompany the resolution. After the expiration of the sixty (60) day deadline, the Secretary shall transmit to the committee all resolutions so submitted.

(2) The Committee on Resolutions shall prepare the proposed resolutions for consideration by the Convention, exercising the rightof editorial judgment on any resolution, in consultation with the proposer, or choosing between several resolutions offered on the subject or relating them to one another in a final version.

(3) The Committee shall at least fifty (50) days before the date of Convention submit its report to the Secretary with its recommendation for action upon each resolution. This report shall be distributed to the delegates by publication, by mail or otherwise at least thirty (30) days before the date of Convention.

(4) Any resolution from the floor shall be permitted only if reviewed and approved for presentation by the Resolutions Committee and only upon majority vote by the Convention approving consideration of the resolution. Such resolution should be duplicated in advance by the proposer(s)," with sufficient copies (350) available for distribution to the officers and delegates.

(b) Committee on Arrangements

The Committee on Arrangements shall be responsible for receiving post-Convention recommendations, and from such recommendations to make referrals in the following areas:

(1) To the Ecclesiastical Authority - recommendations pertaining to location, date, and length of sessions.

(2) To the Nominating Committee - recommendations pertaining to the nominating and election procedures.

(3) To the Committee on Resolutions - recommendations pertaining to the resolutions procedure.

(4) To the Diocesan Council - recommendations pertaining to the agenda and calendar of business.

The Committee on Arrangements shall be responsible for all physical arrangements of the Convention.

Revised 1972, 1974, 1977, 1986, 1987, 1992, 1995, 2011, 2021, 2025