

**Constitution and Canons Revision Group  
REPORT TO THE BISHOP OF THE VIRGIN ISLANDS**

**[8 August 2010]**

**MEMBERSHIP**

Mr. JAMAL S. SMITH, Esq.  
*Vice Chancellor & Chairman*

Dr. ELATUNBI ADEOGBA  
Mr. WAYNE BIGGS  
The Very Rev. THOMAS W. GIBBS III (Dec'd.)  
Mrs. MAVIS R. HENNESSY  
Ms. DENISE JOHANNES  
Lt. Col. CAROLYN Y. LANCLOS, Esq.  
Mr. RENARD PENN, Esq.  
Mr. CLAUDE WALKER, Esq.

**REPRESENTATIVES OF THE CCRG ON THE COMMITTEE ON CONSTITUTION & CANONS: Lt. Col. Carolyn Lanclos and Mr. Renard Penn**, as members of the Committee on Constitution & Canons, are authorized to receive non-substantive amendments to this report from the Committee on Constitution and Canons in the preparation of its report to the Diocesan Convention.

**SUMMARY OF WORK**

The Constitution and Canons Revision Group (“**CCRG**”) met in St. Thomas at the Bishop’s Office on 9 August 2009, 17 October 2009, 19 December 2009 and 20 February 2010. In addition, the CCRG met via telephone conference call three times: 16 January 2010, 26 June 2010 and 10 July 2010. The CCRG also approved a draft of the revised Constitution and Canons (“**Alpha Draft**”) by round robin which was placed on the Diocesan website for access throughout the Diocese and held consultative meetings across the Diocese on 10 April 2010 (BVI Deanery), 17 April 2010 (STX Deanery) and 15 May 2010 (STT Deanery and Finance Committee, separately). In addition to comments received through the consultative meetings the CCRG also received comments from the Bishop and several other persons. All those comments were discussed, weighed by the CCRG and amendments to the Alpha Draft were adopted in a second draft of the revised Constitution and Canons (“**Beta Draft**”) by round robin. The Beta Draft is attached as an APPENDIX to this report and notice is hereby given to the Bishop that the CCRG will have a final draft ready for a Special Convention in November 2011. In addition to several updated sections, the Beta Draft includes for the first time a Preamble and the Schedules to the draft Constitution and Canons.

The CCRG also acknowledges the contribution of the Very Rev. Thomas “Tom” Gibbs III, who served as Chaplain of the CCRG until he was called to rest by the Almighty on 18 July 2010. As the Dean of the Cathedral Church of All Saints for more than 25 years and the service of this Diocese for many more years, we are indebted to the late Dean Gibbs for the wisdom he shared in this project. The CCRG also wishes to thank the Rev. William Potter, who was a former member of the CCRG who resigned after leaving the Diocese for medical reasons.

For a detailed account of the CCRG’s proceedings, refer to the minutes of the CCRG’s meetings, available at the CCRG’s web page on Diocesan web site.

## REVIEW OF MANDATE

The CCRG was appointed by the Bishop with a view to prepare a completely revised draft of the Constitution and Canons of the Diocese for submission to the Committee on Constitution and Canons by the Bishop in anticipation of either a Special Convention in 2010 or the Annual Convention in 2011.

## ACKNOWLEDGEMENTS

The CCRG wishes to express its gratitude to its members for their many contributions during this year along with their spouses, significant others and families for their support since it would have been impossible to accomplish this work without their understanding and support; to the Regional Deans (the **Rev. Mrs. Delores Gumbs** of the St. Croix Deanery; the **Rev. Sandra Walters Malone** of the BVI Deanery; and the **Rev. Dr. Wesley Williams** of the St. Thomas-St. John Deanery); to the consultants to the CCRG (**Canon Rosalie Simmons-Ballentine, Esq.**, the Chancellor who delivered introductory remarks at the consultative meetings in St. Croix and St. Thomas; **Mr. George Dudley, Esq.**, who served as Chairman of the Committee on Constitution and Canons for the major part of the life of the CCRG, and **Mr. Lewis S. Hunte, QC**, the immediate past Vice Chancellor who delivered introductory remarks at the consultative meeting in the BVI); to the **San Francisco Mission** in St. Croix for hosting the consultative meeting and making the team feel so warmly welcomed; to the **St. George's Primary School** and the entire **St. George's Church family** in the BVI for hosting the consultative meeting; to the entire **St. Luke's Church family** for hosting the consultative meeting with the STT/STJ Deanery; to the **Finance Committee** for facilitating a consultative meeting with them and their contributions to the work of the CCRG; to the **H. Lavity Stoutt Community College** for allowing the use of their projector for the consultative meetings in the BVI and on St. Thomas; to **Mr. Wayne Biggs**, a member of the CCRG who rose to the occasion and provided us with a projector for the consultative meeting on St. Croix; to **Mrs. Mavis Hennessey**, a member of the CCRG who went above and beyond the call of duty in assisting with the consultative meeting in St. Croix and also with facilitating the work of the CCRG; to **Ms. Denise Johannes**, a member of the CCRG who went above and beyond the call of duty by serving as CCRG liaison following the consultative meetings with both the STT/STJ Deanery and the Finance Committee, as well as liaising with Bishop Gumbs on the work of the CCRG; to **Mr. & Mrs. Wilkinson** of the St. Croix Deanery for transporting the Chairman of the CCRG and the Chancellor to and from the airport and for being such wonderful hosts; and to all the **staff members of the Bishop's Office** whose patience and dedication in facilitating CCRG's meetings, travel and deliberations.

## RESOLUTIONS FOR ACTION

### A. CONSTITUTIONAL REVISION PROPOSED FOR FIRST READING IN 2010

#### RESOLUTION REPEALING AND REPLACING THE CONSTITUTION OF THE DIOCESE

*Resolved*, That the Constitution of the Diocese be amended in its entirety and replaced with the Constitution attached to this Report.

#### EXPLANATION

The **Preamble** to the Constitution has been amended to recognize the addition of the British Virgin Islands to the Diocese since the first writing of the Preamble and therefore outlines the jurisdictional scope of the Diocese. It also seeks to update the historical account of the Diocese, in particular, the reference to the "Missionary District" has now been updated to reflect the current relationship between

the Diocese and The Episcopal Church. Additionally, Article 7.11 shows that the preamble is to be construed as part of the Constitution.

The **Name** of the Diocese has been included in Article 1.1 which seeks for the first time to recognize the official name of the Diocese within the Constitution.

The **Accession** to the authority of The Episcopal Church is for the first time incorporated into the Constitution of the Diocese under Article 1.2 as is required by the Constitution and Canons of The Episcopal Church.

The **Emblems** of the Diocese have been improperly applied and there are different representations of these emblems at different times without any appropriate mechanism for the authorized revision of these emblems. Articles 1.3 and 1.4 now provides for the first time a means for the control and management of the emblems of the Diocese.

The **Canons of the Diocese** are specifically referred to within the Constitution to form the Constitution and Canons of the Diocese, and Article 2 divides the Constitution and Canons into three parts, with Part I being the Constitution, Part II being the Canons of the Diocese, and Part III being the Schedules. This allows for easier reference to the various parts and a separate mechanism for amendment of each of the three parts which inform and relate to the other parts.

The **Diocesan Convention** remains the single most important legislative authority within the Diocese as provided by Article 3. Provision is made for the Annual Convention and Special Conventions between any two Annual Conventions. The powers of the Diocesan Convention are also enumerated. For the first time referring to the concept of a “Lay Delegation” from each Congregation, and also making provision for the concept of the “Convention Year” within which a Lay Delegation is elected to act. Additionally, Article 3.6 clearly outlines how a presiding officer is to be elected from among the Clergy in the absence of the Bishop, with the President of the Standing Committee first calling the meeting to order. Additionally, for the first time it is made clear that Clergy and Lay Delegates represent the Diocese and are to be free from imperative mandate even from the Congregation which they serve or any other group or body, therefore, they are free to vote their conscience on any matter before the Diocesan Convention. Also, for the first time the Diocesan Convention will have its own Rules of Order to govern parliamentary procedure during its meetings, and in any matter where the Rules of Orders are silent, unless the Diocesan Convention makes any special rules of order, then *Roberts Rules of Order Newly Revised* governs the proceedings.

Much of the provisions governing the **Ecclesiastical Authority** is found in TITLE III of the Canons of The Episcopal Church and, therefore, has not been repeated. The Standing Committee will continue to be the Ecclesiastical Authority upon any vacancy in the Episcopate, but Article 4.1 provides for the situation where although there is no vacancy in the Episcopate but no Bishop is qualified and able to act, then the Standing Committee again becomes the Ecclesiastical Authority, and anything which the Bishop can canonically do so can the Standing Committee when acting as the Ecclesiastical Authority, but subject to the Canons of The Episcopal Church. The functions of the Ecclesiastical authority are outlined in Article 4.2 as both CEO of the Diocese and Chief Pastor and Ordinary, with the right to attend and preside over all meetings of non-parochial Episcopal organizations and institutions within the Diocese. There is also the power for the Ecclesiastical Authority to exercise the powers of the Diocesan Convention subject to

the Canons providing for the Bishop to be a part of any other body or consult with any other body in exercising such powers. Finally the procedure for the election of a Bishop remains with a Nominating Committee establishing rules for its procedure in selecting candidates for the Episcopate and then nominating any such candidate for election by the Diocesan Convention, which shall vote by orders with a concurrent majority vote by each order still necessary to elect a Bishop.

Provision is made for **Parishes and Missions to be Bound by this Constitution**, so that by Article 5.1 every existing Congregation will continue to be bound by the Constitution once it is adopted and future Congregations will likewise be bound upon being made a Congregation in union with the Diocesan Convention. Article 5.2 provides a general power to the Diocesan Convention to create sanctions which are subject to any other provision in the Constitution and Canons. Article 5.3 provides for the Diocesan Convention to have the power to prescribe the procedure for admitting any new Congregation into union with the Diocesan Convention subject to any provision of the Canons, while Article 5.4 provides the power in the Diocesan Convention, by a two-thirds vote, to dissolve its union with any Congregation upon the recommendation of the Ecclesiastical Authority.

The **Transitional Provisions** in Article 6 allows for the continuation of all the existing Congregations as they existed immediately prior to the adoption of this Constitution, similarly for all records and office holders or members of any committee or commission. Article 6.5 provides for the Ecclesiastical Authority to make a final decision on the status of any person or body as a result of changes made by the new Constitution and Canons. This may be read in conjunction with the Article 7.22 which gives the Bishop the power to change any title of any office by issuing a Pastoral Letter, which itself is governed by the Canons of The Episcopal Church.

The **Interpretation** of the Constitution is governed by Article 7 in comprehensive provisions dealing with all aspects of interpretation that is likely to arise in a canonical setting. In particular, it should be noted that throughout the draft text the masculine gender is used in all roles but Article 7.16 ensures that any reference to the masculine gender also includes the feminine and therefore no neutral gender or the use of both genders was considered necessary in light of this provision. As a recognition of the dual legal systems within the one Diocese, in making any reference to measurements both the metric system (used in the British Virgin Islands) and the United States customary units (used in the U.S. Virgin Islands) are to be used in accordance with Article 7.17, while Article 7.18 provides for Atlantic Standard Time as common to both jurisdictions. Additionally, the Bishop may delegate certain powers by an instrument in writing under Article 7.25 while Article 7.26 enables bodies meeting within the Diocese, other than the Diocesan Convention, to hold their meetings electronically or via teleconference as well as by Consent Resolution as provided in Article 7.27.

The **Amendments to the Constitution and Canons** provided by Article 8 now requires all Congregations to get a copy of any resolution that was passed to amend the Constitution before it is adopted at a subsequent Diocesan Convention. Provision is made for a certificate of adoption, amendment or addition, to be signed by both the President of Convention and the Secretary to the Convention and certified copies of the Constitution and Canons of the Diocese to be produced in book form within sixty (60) days after the Diocesan Convention and provided to persons with particular responsibilities who would need to have an official copy as a result of their work within the Diocese.

## **B. CONSTITUTIONAL REVISION PROPOSED FOR A SECOND READING IN 2011 ALONG WITH CANONICAL REVISION PROPOSED FOR ADOPTION**

### **RESOLUTION REPEALING AND REPLACING THE CONSTITUTION AND CANONS OF THE DIOCESE**

*Resolved*, That the Diocesan Convention having resolved at a Special Convention called for the purpose of amending the Constitution of the Diocese in [November 2010] to amend the Constitution of the Diocese in its entirety and replace it with a new Constitution, that the Constitution and Canons of the Diocese be and is hereby amended in their entirety and replaced with the Constitution and Canons attached to this Report as the Constitution and Canons (2011 Edition).

### **EXPLANATION**

The Constitution must be passed at two separate meetings of the Diocesan Convention before it can be adopted and since it would have received its first reading at a Special Convention held in [November 2010], it can now be adopted along with the Canons.

### **TITLE I: ORGANIZATION OF THE CONVENTION**

**Canon 1** outlines the requirement for the Bishop to certify a list of the Clergy of the Diocese which must be kept up to date and is important for purposes of the Church Pension Fund. The qualifications and disqualifications of Clergy to be entered on the certified list is provided, which includes both active and retired Clergy. It is from the certified list that Clergy will be allowed a right to seat and vote at the Diocesan Convention, but provision is made for disputes to be settled by the Diocesan Convention based on the findings and recommendations of the Bishop since it is the Bishop who certifies the list. Provision is also made for any Clergy who is also on the certified list but is subject to some form of Ecclesiastical Censure to be refused any vote at the Diocesan Convention. Additionally, Clergy who have not submitted their Parochial Reports shall not have seat and vote at the Diocesan Convention. Although all Clergy whose name appears on the certified list must attend every Diocesan Convention at the expense of the Congregation or other body which the Clergy serves unless they provide a written statement of their absence to the President of the Diocesan Convention, retired clergy who are no longer serving a Congregation or the Diocese are not required to attend.

**Canon 2** governs Lay Delegates to the Diocesan Convention which retains the same number of Lay Delegates to be elected by each Mission and Parish as existed before, along with an equal number of Alternate Lay Delegates. Provision is made for an Academic Chaplaincy, if any is established within the Diocese, to be represented at the Diocesan Convention by one Lay Delegate. To qualify to be a Lay Delegate a person must be an Adult Communicant in Good Standing, which in accordance with the Canons of The Episcopal Church means that they must at least be 16 years of age and received Holy Communion at least three times a year and in the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying and giving for the spread of the Kingdom of God. However, Lay Delegates elected at an annual congregational meeting begin to serve for one year immediately after the Annual Convention following their election, and unless they are being re-elected as a Lay Delegate shall be referred to as a "Lay Delegate-Elect" and likewise "Alternate Lay Delegate-Elect". Their Regional Dean is responsible for ensuring there is a smooth transition of Lay Delegates-Elect following their election. Within 45 days before the date of the Diocesan Convention the Lay Delegation, along with the Alternate Lay Delegates, must be certified by the Clerk or Clergy-in-Charge in the form provided by the Rules of Order of the Diocesan Convention, provided that a person

who has been elected as a Lay Delegate but has since been excommunicated shall not be given seat and vote at the Diocesan Convention. Alternate Lay Delegates will now be entitled to be seated. However, the Lay Delegation and Alternate Lay Delegates from a Distressed Parish cannot be seated or where certain obligations of the Congregation have not been met, including where the Bishop has imposed a sanction against its Vestry. Vacancies are filled by the Vestry or Bishop’s Committee, except in emergency situations the Clergy-in-Charge may do so but must inform the Vestry or Bishop’s Committee at the next possible opportunity. Lay Delegates are required to attend every Diocesan Convention at the expense of their Congregation and failure for a Congregation not having a full Lay Delegation may result in sanctions against its Vestry.

**Canon 3** establishes for the first time a formal status of “Officer of the Diocese” which is required to be listed by the Bishop and form part of the Journal of the Convention. Every Officer of the Diocese has a duty to attend every Diocesan Convention at the expense of the Diocese, even if they are also Clergy or Lay Delegates in their own right.

**Canon 4** reiterates the powers provided in the Constitution. It also provides for the concept of what it means for a Congregation to be “in union with the Diocesan Convention”, and a list of all Congregations is to form part of the Journal of the Convention. The Secretary to the Convention must provide everyone entitled to seat at the Diocesan Convention all the documents to be acted upon at that Convention not less than 30 days before the Diocesan Convention. In addition to Clergy and Lay Delegates, the Deanery Synod may propose resolutions, as well as the Vestry or Bishop’s Committee of any Congregation, along with Diocesan bodies, the Officers of the Diocese and a majority of the General Convention Deputation. With the exception of finance resolutions or resolutions amending the Constitution and Canons, those persons must submit their resolutions to the Secretary to the Convention not less than 60 days before the Diocesan Convention. The Secretary to the Convention must then refer all resolutions to the Committee on Constitution and Canons for review which replaces the Committee on Resolutions of the Diocesan Convention, and it has until 45 days before the Diocesan Convention to forward the proposed resolution along with a report to the Secretary to the Convention so that it can make the package to be sent to Clergy and Lay Delegates within 30 days prior to the Diocesan Convention. The Bishop’s power of dispensation is trumped by Canon 4.8 so that only the Diocesan Convention can grant permission to consider a proposed resolution, not being a finance resolution or a resolution to amend the Constitution and Canons, from the floor that was not submitted in time. A general timeline is as follows:

EVENT	DEADLINE DATE
Notice of Annual Convention	24 September 2011
Budget Resolutions submitted to Finance Committee	23 December 2011
Resolutions to Amend Part I submitted to DCCC	23 December 2011
Resolutions to Amend Part II submitted to DCCC	23 December 2011
Resolutions to Amend Part III submitted to DCCC	23 December 2011
Solicitation Resolutions submitted to Finance Committee	22 January 2012
Annual Synod	22 January 2012
Submission of Resolutions to the DCCC	22 January 2012
Annual Congregational Meetings	31 January 2012
Final Submission of Resolutions to the Secretary	6 February 2012
Notice of Nominations from Deaneries	6 February 2012

Additional Nominations	6 February 2012
Certification of Delegates	6 February 2012
Transmittal of Information by the Secretary	21 February 2012
<b>ANNUAL CONVENTION</b>	<b>22 - 24 MARCH 2012</b>
Notification of Result of Elections	3 April 2012
Notification of Action Taken at Convention	23 April 2012
Annual Meeting of Standing Committee	23 May 2012
Meeting of the Cathedral Chapter	23 May 2012

**Table 1: Suggested Timeline before Annual Convention**

The Parliamentarian is to be appointed by the President of the Diocesan Convention with the advice and consent of the Chancellor. The phrase “advice and consent” is used in several other places and whenever used it suggests a confirmation hearing by the person who must give the advice and consent, so that in this case, the Chancellor must be satisfied that the person nominated by the President of the Diocesan Convention is fit and proper for that position. Additionally, there are three Permanent Select Committees, which is a term used instead of Standing Committees so as not to confuse the terminology with the Standing Committee of the Diocese. However, the Diocesan Convention has the power to establish special committees.

**Canon 5** deals with the Annual Convention and requires the Secretary to the Convention to give 180 days written notice to Clergy and the Clerk of each Congregation, generally since it is the Vestry’s responsibility to ensure that there is a full Lay Delegation attending the Annual Convention. As shown in Table 1 above, the Deanery Nominations must be submitted not less than 45 days prior to the Annual Convention so that they can be included in the package prepared by the Secretary to the Convention which is to be sent out 30 days prior to the Annual Convention. There will not be nominations from the floor, but persons who are not satisfied with the decisions taken by the Deanery Synod can make additional nominations once it is supported by at least one other Clergy or Lay Delegate who is not from the same Congregation. All nominees must indicate their consent to the nomination in a form approved by the Secretary to the Convention. As shown in Table 1 above, the Secretary to the Convention must notify all the nominees of the results of the election not more than 10 days after the Annual Convention.

**Canon 6** applies all the requirements for an Annual Convention to a Special Convention. Since Article 3.3 of the Constitution already provides for 30 days written notice to be given for a Special Convention, no additional provision is made for this.

**Canon 7** provides for the business of the Convention to be done by resolutions and describes the various types of resolutions and requirements for each type of resolution. As shown in Table 1 above, the Secretary to the Convention is required to provide a record of all actions taken on resolutions within 30 days of the Diocesan Convention.

**Canon 8** is the first to deal with one of the Officers of the Diocese, the Secretary to the Convention. The Secretary is nominated by the Bishop and elected at the Annual Convention and continues in office until a successor is elected. Provision is made to ensure that despite the fact that a Secretary is not re-elected that anything which was required to be done by them is completed and handed over to the incoming Secretary. Provision is also made for 4 Assistant Secretaries, who must be a Clergy, Lay Delegate or Alternate Lay Delegate elected by the Deanery Synod as its Secretary, plus one Lay Delegate from the

Cathedral elected by its Lay Delegation to serve as an Assistant Secretary, and any of the Assistant Secretaries may be appointed by the President of the Diocesan Convention to act as the Secretary to the Convention in the absence of the Secretary.

**Canon 8.7** creates the Planning and Credentials Committee. The Assistant Secretaries, together with the Secretary to the Convention as Chairman, the Canon Liturgist (who is a member of the Cathedral Chapter), the Dean and Sub-Dean of the host Regional Deanery or the Dean and Warden of the Cathedral, and the President of the ECW or her designee, forms the Planning and Credentials Committee which is the first time a Permanent Select Committee of the Diocesan Convention is fully outlined in the Canons.

**Canon 8.9** is the first time provision is made for the position of Staff Liaison, which is a new development that occurs several times within the Canons. It recognizes the volume of work required by a volunteer Secretary to the Convention, and therefore is expected to provide administrative support to the Secretary to the Convention from within the Bishop's Office. Also, because the Secretary is required to receive information, send out information to Clergy, Lay Delegates, Congregations, the Secretary of the General Convention, prepare the Journal of the Convention, as well as serve on the Cathedral Chapter and Chair the Planning and Credentials Committee, this role requires some administrative support from the Bishop's office.

## **TITLE II: ORGANIZATION AND ADMINISTRATION OF THE DIOCESE**

**Canon 9** recognizes that the Diocesan Corporation is a transnational enterprise comprised of a corporate entity legally established in each of the two jurisdictions that comprise the Diocese. It provides for a deed to join both corporations as opposed to establishing any subsidiary relationship between the two corporate entities and recognizes the OECD Guidelines for Multinational Enterprises.

**Canon 10** provides for the Bishop to employ staff within the Diocesan Office, who are subject to certain restrictions so as not to cause any undue conflicts of interest with information from working in the Bishop's Office and are usual restrictions in many other Dioceses. The terms and conditions of the Diocesan Staff would be determined by Diocesan rules and regulations.

**Canon 11** makes provision for a Chief Financial Officer as a member of the Diocesan Staff to replace the Diocesan Treasurer and Finance Committee as they existed prior to these Canons. Provision is also made for a new Finance Committee, which is another Permanent Select Committee of the Diocesan Convention, which is to be comprised of 2 persons elected by the Diocesan Convention on the recommendation of the Bishop with a background in finance, along with the Treasurer of each Regional Deanery who must also have a background in business or finance. The CFO is the staff liaison to the Finance Committee, which has the power to conduct investigations and inquiries as well as hold hearings. It also outlines the budget process for the Diocesan Budget.

**Canon 12** provides for the Chancellor and Vice Chancellor of the Diocese as two additional Officers of the Diocese. It clearly outlines the requirements for each office and ensures that they comply with legal rules that prohibit the practice of the law in either jurisdiction by persons not qualified in that jurisdiction. It also makes it clear that both provide advice to the Bishop, the Diocesan Convention, the Standing Committee, as well as other Diocesan committees, bodies and institutions. Although the

Bishop appoints the Chancellor in his absolute discretion, he nominates the Vice Chancellor which is subject to confirmation by the Chancellor since the appointment of the Vice Chancellor is subject to the “advice and consent” formula. There is also provision for the first time for the appointment by the Bishop of Assistant Chancellors which is also subject to the “advice and consent” formula. Additionally, each Clergy-in-Charge may appoint Parish Chancellors who are also subject to the “advice and consent” formula, but where no Parish Chancellor is appointed the Chancellor and Vice Chancellor are the de facto Parish Chancellors. The Chancellor is responsible for training the Vice Chancellor, all the Assistant Chancellors and the Parish Chancellors in canon law to ensure uniform advice across the Diocese.

**Canon 13** provides for the Historiographer of the Diocese as another Officer of the Diocese who is appointed by the President of the Convention in his absolute discretion. The Historiographer is to be assisted by 3 Assistant Historiographers who are elected as the Historiographer of each Regional Deanery. There is also provision for the Parish Historiographer to be appointed by the Vestry using the “advice and consent” formula. This Canon also establishes the Archives of the Diocese for the first time, which is to be managed by the Historiographer, who must provide an annual report to the Diocesan Convention.

**Canon 14** gives the Bishop power to make rules, policies, regulations or guidelines, and to present them to the Diocesan Convention which are to be interpreted in accordance with Article 7 of the Constitution. However, the exercise of this power is subject to consultation with the Standing Committee, or in certain cases, with the Commission on Ministry or other bodies.

**Canon 15** acknowledges the Bishop’s historic power of dispensation and outlines the procedure for the granting of relief. Similar to Canon 14, the exercise of this power is subject to consultation with the Standing Committee.

**Canon 16** recognizes the indispensable exercise of the Bishop’s right of visitation and what is to happen during an Episcopal visitation and how a scheduled visitation is to take place, so that it would not be an Episcopal visitation if the Bishop merely appears on the steps of a Parish, as the Bishop must schedule a visitation with the Parish. Outside of a scheduled visitation, however, a Congregation must cooperate fully with the Bishop in providing the necessary information.

**Canon 17.1** completely revises the provisions governing Regional Deaneries and recognizes that a Deanery is a geographical area and not a decision-making body. Therefore, the existing three deaneries continue as the regional deaneries.

**Canon 17.2** establishes a Deanery Synod comprised of the Clergy, Lay Delegates and Alternate Lay Delegates, although the Bishop can request any of the Officers of the Diocese to serve as ex officio members, which in accordance with Robert’s Rules of Order Newly Revised, once they serve at the request of the Bishop they have all the rights of the other members, including the right to vote and the right to be appointed as Dean or Sub-Dean.

**Canon 17.3** provides for the appointment of Deans by the Bishop, but also provides those matters which would disqualify a person from serving as Dean.

**Canon 17.4** provides for the appointment of the Sub-Dean by the Bishop with the prior approval of the Annual Synod so that although the Sub-Dean will receive an appointment from the Bishop, the appointment is dependent on an election by the Annual Synod. A Sub-Dean is subject to the same things that disqualify a Dean.

**Canon 17.5** shows that the Dean is the Bishop's official representative, and serving as Dean will not interfere with any Clergy holding a cure. Additionally, the Sub-Dean is to assist the Dean and act as Dean during an inability in the Dean to perform the duties of that office. A critical aspect of the role of Dean is, as the Bishop's official representative, the Dean does not need any written instrument by the Bishop delegating any power of the Bishop for the Dean to exercise the powers of the Bishop once the Dean is given instructions, whether written or oral, to perform those powers within that Deanery. Therefore, for example, the Bishop may instruct the Dean to conduct an Episcopal Visitation of any Constituent Congregation, or to perform certain functions as may be required by the Bishop during an interregnum in any Congregation.

**Canon 17.6** provides for the Dean to preside over the Deanery Synod or the Sub-Dean to preside in the Dean's absence.

**Canon 17.7** provides that a quorum for the transaction of business at the Deanery Synod is in two orders, the majority of Clergy and the majority of the Laity comprising the Lay Delegates, Alternate Lay Delegates and the Officers of the Diocese requested to serve by the Bishop.

**Canon 17.8** provides for the voting at the Deanery Synod as one body except when a vote by orders is requested or required.

**Canon 17.9** provides for election by ballot unless the Deanery Synod unanimously dispenses with election by ballot.

**Canon 17.10** provides for *Robert's Rules of Order Newly Revised* to govern all matters of parliamentary procedure.

**Canon 17.11** provides for an annual meeting of the Deanery Synod to be called the Annual Synod which as shown in Table 1 above, must take place within 60 days before the Annual Convention, where the Deanery Nominations are chosen to be taken to the Annual Convention.

**Canon 17.12** provides for regular meetings of the Deanery Synod to be called the Regular Synod, which must be held at least quarterly as determined by the Deanery Synod.

**Canon 17.13** provides for regular meetings of the Clergy within each Deanery to be called Clericus Groups as facilitated by the Deanery Synod, and it allows for the coordination of annual or semi-annual Inter-Deanery or Diocesan Clericus Groups.

**Canon 17.14** provides for an executive body of each Deanery to operate between Deanery Synods to be called the Deanery Chapter. Where the Bishop requests any Officer of the Diocese to serve on a Deanery Synod, that Officer of the Diocese is also a member of the Deanery Chapter.

**Canon 17.15** recognizes that since the Regional Deanery becomes an important part of the Diocesan apparatus for carrying out the mandates of the Diocesan Convention, that the administration of the Deanery requires an administration center to be known as the Deanery Office. Provision is made for the Constituent Congregation that provides the Deanery Office to have its Diocesan Assessment adjusted to take into account the expenditure that would be necessary to facilitate the Regional Deanery.

**Canon 18** establishes the Episcopal Charities of the Virgin Islands for general charitable purposes with the possibility for expansion without the need for a canonical amendment. There is to be a Board of Trustees elected by the Diocesan Convention on the recommendation of the Bishop comprised of 3 Clergy and 3 Lay Persons with the Bishop, or his designee, as the Chairman. Vacancies are filled by the remaining trustees. There are 4 committees to be appointed by the Board of Trustees, each comprising 3 members who need not be Trustees, and they include the Investment Committee, the Fundraising Committee, the Marketing Committee and the Grants Committee. Additionally, each Congregation is to have a Friend of the Episcopal Charities to ensure that the Congregations are informed of the work of the Episcopal Charities and serve as a bridge between charitable work at the congregational level and the Diocesan level. While this is not intended to replace charitable work at the congregational level, all charitable work at the congregational level is to be coordinated by the Episcopal Charities, and it is to be accountable to the Diocesan Convention through its audited accounts and annual report. There is also to be a staff liaison from the Bishop's office until such time as the Episcopal Charities becomes self-sufficient and hires its own staff.

**Canon 19** provides for an 8 member Standing Committee elected at each Annual Convention as a council of advice for the Bishop as well as to serve as the Ecclesiastical Authority in the absence of the Bishop. Wherever the Bishop is canonically required to seek the advice of the Standing Committee he may, unlike any other body, refuse that advice but in so doing must provide reasons for refusing to accept such advice, which provides transparency in the Bishop's exercise of his powers. The Standing Committee must hold an Annual Meeting within 60 days following each Annual Convention at which they are to elect a President and a Secretary. Following the Annual Meeting, the Standing Committee may hold Special Meetings at its discretion or at the request of the Bishop, and a quorum for the transaction of any business would be 5 members. The President and members of the Standing Committee are required to attend every meeting of the Diocesan Convention at the expense of the Diocese and the President of the Standing Committee has seat and voice, whether or not he is also Clergy or a Lay Delegate. It is important to note that in the absence of the Bishop, the President of the Standing Committee is responsible for calling the meeting of the Diocesan Convention to order for the purpose of electing the President of the Convention. However, it is required to provide an annual report to the Diocesan Convention of its official acts, but notwithstanding that the Bishop has the right to examine the record of proceedings of the Standing Committee and all its other records.

**Canon 20** recognizes the importance placed by our Church on the ministry of all the baptized through the Commission on Ministry. There are 3 Clergy and 2 Lay Persons to be appointed by the Bishop at each Annual Convention and the Bishop fills vacancies and appoints the Chair of the Commission and the Dean of Examining Chaplains from among the Clergy on the Commission. This Canon seeks to decentralize the discernment process so that each Deanery is responsible for discerning aspirants through a Deanery Discernment Committee. The licensing of lay persons is also regulated by this Canon, where the Commission on Ministry may establish guidelines for the licensing of lay persons. The Commission on Ministry must interview all aspirants for Holy Orders while the Examining Chaplains

must examine each candidate for the diaconate. The Board for Theological Education of the General Convention and other institutions of The Episcopal Church may be used by the Commission on Ministry whenever it would be helpful in performing their tasks. Recognizing that simply licensing of lay persons or ordination is not an end in itself and there is a need to ensure everyone remains properly trained and equipped for ministry, the Commission on Ministry is responsible for establishing a minimum standard of continuing education for all active Clergy and licensed lay persons and provide support and resources as well as a reporting mechanism for continuing education. Rules adopted by the Commission on Ministry are subject to the approval of the Bishop which must be in accordance with the provisions of TITLE III of the Canons of The Episcopal Church. Recognizing the need for some administrative and other support for the work of the Commission on Ministry, the Bishop is required to appoint a staff liaison to the Commission on Ministry.

**Canon 21** makes provision for a Commission for Episcopal Schools to have responsibility for the oversight and regulation of Episcopal Schools within the Diocese. The members of the Commission are to be appointed by the Bishop annually at each Annual Convention, with the Chair and Deputy Chair not both being from the U.S. Virgin Islands or the British Virgin Islands, and ensuring that Episcopal Schools provide religious instruction based on the Book of Common Prayer which is subject to review by the Bishop and the Diocesan Convention, with the Commission for Episcopal Schools making an annual report to the Diocesan Convention. Episcopal Schools are required to comply with certain minimum standards applicable in their Deanery, as well as maintain insurance coverage to protect the Diocese and The Episcopal Church. The Bishop is expected to provide a staff liaison to the Commission for Episcopal Schools.

**Canon 22** reforms the Committee on Constitution and Canons, which is also a Permanent Select Committee of the Diocesan Convention, so that there are to be 9 members appointed by the Bishop at each Annual Convention, with the Officers of the Diocese serving as *ex officio* members at the request of the Bishop. The Committee replaces the former Committee on Resolutions of the Diocesan Convention so that it, or a designated sub-committee appointed by it, now has the responsibility for drafting, reviewing and reporting on resolutions being presented to the Diocesan Convention. It also has the responsibility for considering, recommending and drafting rules and regulations to be made by the Bishop, the Commission on Ministry, the Nominating Committee on the process for nominating a Bishop, as well as rules of procedure to ensure compliance with the Constitution and Canons of the Diocese and of The Episcopal Church. On the direction of the Bishop the Committee, or a designated sub-committee appointed by it, is also responsible for considering, recommending and drafting written instruments to be issued under the Seal of the Diocese to ensure compliance with the Constitution and Canons of the Diocese. It, like the Finance Committee, has the power to conduct investigations, inquiries and hearings. Additionally, the Chairman and members of the Committee are required to attend every meeting of the Diocesan Convention at the expense of the Diocese whether or not they are also Clergy or Lay Delegates, and the Chairman of the Committee will have seat and voice at the Diocesan Convention. The Committee is to have a staff liaison designated by the Bishop.

### **TITLE III: ORGANIZATION AND GOVERNANCE OF CONGREGATIONS**

**Canon 23** makes canonical provision for the Cathedral of the Diocese as a Parish where the Bishop's cathedra is located, and it will continue to be the Cathedral Church of All Saints, which is to afford the Bishop a place of right to administer the duties of the Ordinary, but provides that he must be invited by

the Dean of the Cathedral to use it for Easter Sunday, at least three other Sundays each year, and on Christmas Day. It is to be the center of Diocesan unity and administration as well as serve as the center of Diocesan mission and ministry. The Cathedral Chapter is formally established as the executive committee of the Diocese for carrying on the work of the Diocesan Convention in between meetings. It provides for the Bishop, as the Chief Executive Officer of the Diocese as provided under the Constitution, to be the President of the Cathedral Chapter. The Dean of the Cathedral, who is the Rector of the Cathedral, would be elected by the Vestry of the Cathedral like any other Rector but unlike any other Rector the election is subject to confirmation by the Diocesan Convention, and serve as Vice President of the Cathedral Chapter. In addition to the Dean of the Cathedral, there are 3 other Officers of the Cathedral, who are also Officers of the Diocese, and entitled to have their expenses for attending Diocesan Convention paid by the Diocese, although the Diocesan Convention may create more Officers of the Cathedral from time to time. They include the Canon Liturgist, who as a member of Clergy can act as Dean of the Cathedral when there is no Dean and is the Diocesan liaison to the Standing Commission on Liturgy and Music of The Episcopal Church and any related organization. There is also the Canon Theologian who may be either Clergy or a licensed lay pastor or lay preacher who will be the Chaplain to the Diocesan Convention and serves as the Diocesan liaison with the Standing Commission on Ecumenical and Interreligious Affairs of The Episcopal Church, the Standing Commission on World Mission and other related organizations. Also, the Canon Missioner also has certain temporal responsibilities and may be a lay person with responsibility for reviewing plans for new church buildings, renovations, church furniture and musical instruments, with the responsibility for advising the Bishop on buildings in relation to missions and Distressed Parishes, while serving as the Diocesan liaison with the Standing Commission on Stewardship and Development and other related organizations. The Canon to the Ordinary is not an Officer of the Diocese since he is a member of the Diocesan Staff, but is a member of the Cathedral Chapter along with any other Clergy designated by the Bishop as a Canon of the Cathedral which cannot exceed 3. The Chancellor of the Diocese, though not an Officer of the Cathedral, is an Officer of the Diocese and serves on the Cathedral Chapter along with any other Officer of the Diocese who is not Clergy not exceeding 3 who are designated by the Bishop as a Canon of the Cathedral. Additionally, the Dean and Sub-Dean are also members of the Cathedral Chapter and it finally clarifies the style of office to be used by a Regional Dean as "The Venerable" as distinct from the Dean of the Cathedral as "The Very Reverend", and where the Dean is also a Deacon, provision under Canon 28.2 requires them to be styled as "The Venerable Mister". The Cathedral also has a place on the Cathedral Chapter by any 2 of its Lay Delegates appointed annual by its Lay Delegation. Provision is also made for the Bishop to appoint persons who was a Canon of the Cathedral to be Canon Emeritus and no member of the Cathedral Chapter, as the executive body of the Diocese, may serve on the Standing Committee which has to serve as the Ecclesiastical Authority when there is no Bishop. The Cathedral Chapter has the power to fill vacancies until the next Annual Convention. So that if there is no Bishop, the Dean of the Cathedral acts as President of the Cathedral Chapter until a Bishop is elected. If there is both no Bishop and Dean, then the Canon Liturgist who acts as Dean until a Dean is elected and confirmed by the Diocesan Convention acts as President of the Cathedral Chapter to call the meeting for the purpose of filling any other office that is vacant. It is to be noted that while the Canon Liturgist is serving as Dean of the Cathedral or as President of the Cathedral Chapter, he still holds the substantive post of Canon Liturgist and therefore that post is not vacant. However, as shown in Table 1 above, the President of the Cathedral Chapter must call a meeting within 60 days after a Diocesan Convention. The Secretary of the Convention serves as the Secretary to the Cathedral Chapter for purposes of recording the minutes, and it is possible for the President of the Cathedral Chapter to appoint any Assistant Secretary to serve as the Secretary to the Cathedral Chapter in the absence of the Secretary of the

Convention. The Cathedral Chapter must provide an annual report to the Diocesan Convention for its approval, adoption and acceptance.

**Canon 24** provides the minimum requirements of a parish, includes membership in a parish, as well as defining the categories of membership, such as “Communicant”, “Communicant in Good Standing” and “Adult Communicant” which are used throughout the Constitution and Canons and follows the definitions used in the Canons of The Episcopal Church. However, it also used the term “Inactive Member” which is important to determining who is a “Voting Member” and establishing the Certified List of Voters which is required to be kept up to date by the Clerk of the Congregation and is critical to several other roles included in the Constitution and Canons of the Diocese. Property in the Diocese is to be held in trust for The Episcopal Church and the Diocese in the name of the Parish as incorporated since it is an obligation of every Parish to be incorporated. Every time a Parish acquires new property it must report it to the Bishop within six months. The Bishop shall approve any construction of new facilities or permanent improvements to any property of the Parish, but this power of approval is subject to the “advice and consent” formula so that the Standing Committee has a duty to confirm the approval of the Bishop before it becomes effective. The demolition of property must first have the approval of the Bishop which is also subject to the “advice and consent” formula of the Standing Committee, but the Vestry must have the approval of the Parish before it can seek the approval of the Bishop. Any encumbrance of the property must have the joint consent of the Bishop and the Standing Committee, but must first get approval from the Parish, but where the Parish is refinancing an encumbrance that does not exceed the amount of the original indebtedness there is no need to obtain any additional consent of the Bishop and the Standing Committee. Therefore, a Parish can continue to be indebted indefinitely once approval has been granted up to the amount for which approval was granted, but must keep both the Bishop and the Standing Committee informed by providing them with statements of accounts beginning 30 days after encumbering the property and then every year thereafter along with the parochial report. Alienation or transfer of personal property with a fair market value of 50% or more of the total market value of all the assets of the Parish, as well as any real property of the Parish, must have the prior joint consent of the Bishop and the Standing Committee, but before seeking their approval the Vestry must obtain the approval of the Parish. A Parish that fails to properly incorporate as required by the Constitution and Canons of the Diocese will have a caution or related restriction entered on the property so that there will be nothing that can be done with the property until the Parish complies. These provisions also apply to a Mission under Canon 25.4 where the Bishop and the Standing Committee jointly agree to transfer property to the Mission if it is incorporated as a body corporate, but in every other case the property of a Mission other than funds for current expenses or trust funds, is held by the Diocese on trust for the Mission and The Episcopal Church and subject to the control and direction of the Diocesan Convention.

**Canon 25** organizes Missions and does not provide any minimum requirements for a Mission, but apply all the criteria for membership in a Parish to membership in a Mission. Additionally, the provisions relating to Clergy under Canon 28 apply to the Clergy of a Mission, except that it makes it clear that a Vicar is a Missionary of the Diocese appointed by the Bishop for missionary work within the Diocese, provided that a Rector may be permitted by his Vestry to serve as Vicar, Supply Clergy or Interim Clergy of a Mission and be given a stipend for such service. Where the Mission is not incorporated, it must have Bylaws approved by the Bishop. Additionally, Congregational Meetings under Canon 29 apply to Mission Meetings as they do to Parish Meetings. Additionally, the provisions governing a Vestry under Canon 30 apply to the Bishop’s Committee of a Mission, except that the number of persons serving on the

Bishop's Committee shall be determined in the Bylaws, and although they may be elected by the Mission they are subject to the "advice and consent" formula, wherein the Bishop must confirm any person elected by a Mission in accordance with that formula, and the Bishop may also appoint others, and may remove from office any member of the Bishop's Committee subject to the Bylaws. It also provides for how meetings of the Bishop's Committee shall be conducted and the requirement for the adoption of a Mission budget by the Mission except that any material amendment to the Mission budget after approval must obtain the written approval of the Bishop. The procedure for conversion from Mission to Parish is also outlined in detail, and it is in the discretion of the Bishop to withdraw the Clergy since the Vicar is a Missionary of the Diocese, and also with the consent of the Standing Committee may dissolve a Mission when the Bishop considers that it is no longer a viable Congregation.

**Canon 26** introduces the concept of a Distressed Parish where any Parish that does not meet the minimum requirements of a Parish for 3 consecutive years can be subject to an Inquiry by the Bishop or his designee (which may be the Regional Dean or any other person appointed by written instrument), and then declared as a Distressed Parish with the consent of the Standing Committee. The Clergy of any Distressed Parish may have their salaries and benefits reduced in accordance with rules that may be issued by the Bishop after consulting with the Commission on Ministry. The important aspect of being a Distressed Parish is not being declared as such, but finding ways to help it meet the minimum requirements of a Parish and several tools are provided for this purpose, which includes Congregational redevelopment over a 90 day period, conveyance of property to the Diocese, a plan for yoking, merging or clustering it with other Congregations, total ministry under the supervision of the Bishop, and with the consent of the Standing Committee, declaring the Parish to be a Mission. It is therefore possible that where, for example, a Parish sees that it is in its best interest to revert to Mission status that it may voluntarily invite the Bishop to conduct an inquiry and then with the consent of the Standing Committee, the Bishop may declare the Parish to be a Distressed Parish and then revert it to a Mission, and ultimately for the Bishop with the consent of the Standing Committee to dissolve that Mission. However, any of these remedies applied by the Bishop may be modified or repealed by resolution of the Diocesan Convention.

**Canon 27** came as a result of the concern by the Bishop that there is no incentive for a Parish to grow after it has met the minimum requirements of a Parish. Therefore, in the spirit of one of the themes of the Diocesan Conventions, "Come and Grow", every Parish is encouraged to exceed the minimum requirements through a system of awards as an exemplary parish within the Diocese. It seeks to tie clergy compensation to church growth, so that the Clergy in a congregation that is growing may expect an increase in compensation although Clergy in a declining congregation would not have their compensation reduced until the Congregation is declared a Distressed Parish.

**Canon 28** is subject to TITLE III of the Canons of The Episcopal Church which deals with Ministry and covers Clergy. It determines the relationship between Clergy, the Bishop and Congregations. It also outlines the relationship between the Clergy-in-Charge and other Clergy in that Congregation, as well as outlining the Diaconate of the Diocese which is required to meet with the Bishop from time to time as he deems necessary. Although it provides that the Rector is *ex officio* a member of the Vestry there is an express limitation on the Rector's membership so that he is restricted from voting at Vestry meetings. Canon 28.5 provides a comprehensive procedure for the dissolution of the pastoral relationship bearing in mind the function of the Bishop under Article 4.2(i) of the Constitution to settle disputes between Clergy and the Vestry or the Congregation. Clergy have a canonical mandatory retirement at age 72, but

prior to that a Rector cannot resign his cure without the consent of the Vestry and the Vestry cannot remove a Rector other than in accordance with the Constitution and Canons of the Diocese. However, it is acceptable for the Rector and the Vestry to amicably dissolve the pastoral relationship by agreement in accordance with Canon 28.5(viii). However, where the Vestry or the Rector becomes aware that there is a problem with the relationship between the Rector and the Congregation, for example, where parishioners are not attending Divine Services or are requesting transfers to other Congregations, then either of them need to put the matter to the Bishop. However, where there is a need to have an immediate dissolution of the pastoral relationship and they cannot agree then either the Rector or Vestry must inform the Bishop in writing, and where there is no Bishop then the Standing Committee must request the Bishop of another Diocese to act as Bishop in this case, and the timeline is in accordance with the following Table.

<b>DAYS</b>	<b>EVENT</b>	<b>INITIATED BY</b>
0	Information to Bishop in writing of situation requiring dissolution	Rector/Vestry
+90	Period of Reconciliation & Issuing Pastoral Direction	Bishop
<b>+90</b>	<b>Request for Final Judgment from Bishop</b>	<b>Rector/Vestry</b>
<b>+90</b>	<b>Notice to Rector &amp; Vestry of Final Judgment</b>	<b>Bishop</b>
<i>+10</i>	<i>Written Request to Confer with Standing Committee</i>	<i>Rector/Vestry</i>
<i>+30</i>	<i>Standing Committee Pastoral Conference</i>	<i>President of Standing Comm</i>
+30	Standing Committee Conference with Bishop	Bishop
+30	Final Judgment	Bishop
<i>+30</i>	<i>Request to Bishop for Reasons for Final Judgment</i>	<i>Rector/Vestry</i>
<i>+30</i>	<i>Reasons for Final Judgment</i>	<i>Bishop</i>
+90	Suspend the Rector or Sanction the Vestry	Bishop

**Table 2: Timetable for Dissolution of Pastoral Relationship when Bishop is involved**

Regardless of how the pastoral relationship is dissolved, it is the duty of a Warden to notify the Bishop and be available for a process of transition in Clergy leadership by the Bishop and the Diocesan Staff, while the relationship between the Congregation and the former Clergy is to be governed by rules and regulations made by the Bishop. During the Interim Period it is important for the Bishop and the Vestry to work together to ensure a smooth transition. It is for the Bishop and the Diocesan Staff to assist the Vestry in retaining Clergy during the Interim Period. Ultimately, the Vestry must, in consultation with the Bishop or his designee, appoint an Interim Clergy to be the Clergy-in-Charge during the Interim Period who must be trained in interim ministry in a manner approved by the Commission on Ministry unless they are a trained interim ministry specialist. The Vestry is responsible for forming a search committee after consulting with the Bishop or his designee and the search committee must conduct its work in accordance with any rules and regulations made by the Bishop. Once the search committee has completed its work, the Vestry must forward the name of each nominee to the Bishop. After receiving any communication from the Bishop the Vestry must consider the Bishop's comments, and following that consideration must call a meeting specifically for the purpose of electing a Rector. If they have been able to elect a Rector the Wardens must then give written notice of the election to the Bishop whose responsibility it is to ascertain that the Clergy has accepted the call. Before calling any new Clergy, the Congregation must ensure that any outstanding compensation and benefits payable to its Clergy have been paid, including its obligations to the Church Pension Fund.

**Canon 29** provides for annual congregational meetings to take place in December or January, and for there to be special congregational meetings called by the Vestry, the Clergy-in-Charge, the Wardens, or by the Clerk on a petition received from 10% of the Voting Members, by giving notice not less than two (2) Sundays immediately preceding the meeting. However, a significant change is that a quorum for a congregational meeting will be 25% of the persons on the Certified List of Voters which must be updated within 30 days prior to the annual congregational meeting by the Vestry in consultation with the Clergy-in-Charge and must be kept up-to-date by the Clerk.

**Canon 30** provides for the management of the temporal and business affairs and the property of the Congregation to be in the hands of the Vestry or Bishop's Committee. The qualifications for serving is being on the Certified List of Voters plus any additional qualification as may be provided by the constitutional documents of the Congregation which must include a valuable contribution of time, talent and treasure, as well as participation in the training program called "Safeguarding God's Children" or such other requirements in accordance with a Safe Church Policy to be issued by the Bishop, and subject to any criminal background and reference checks, except that the Congregation's staff cannot serve on the Vestry and only where the Bishop gives a written dispensation may Clergy serve as an elected or appointed member of the Vestry. The constitutional documents of the Parish must fix the number of members of the Vestry from 6 to 15 with a staggered group divided into 3 classes, and they are to be elected at each annual meeting to fill expiring terms although the remaining members of the Vestry may fill vacancies for any unexpired term. A member of the Vestry is eligible to serve for a maximum of 2 consecutive terms of 3 years each, and where a person is appointed to fill the unexpired term of another person and have subsequently been elected they cannot serve more than 6 consecutive years without a 1 year hiatus in between, although it is possible for the Vestry to dispense with this rule when no other eligible person stands for election to the Vestry. Although the constitutional documents may provide for certain limitations on the terms of members, as a minimum they must include an evaluation process for Vestry members, the results of which must be made available to the Congregation. Within 15 days following the annual meeting, the Vestry must hold an organizational meeting to elect or appoint a Junior Warden (while the Clergy-in-Charge appoints the Senior Warden from among the members of the Vestry), the Secretary, the Treasurer and such other officers and assistants as it deems necessary, who does not need to be members of the Vestry but must be on the Certified List of Voters, and the office of Junior Warden should not be vacant for more than 15 days before the Vestry replaces the Junior Warden. The Vestry must meet at least 6 times a year between annual meetings upon 5 days notice although due notice may be waived. Failure to attend meetings regularly may result in removal from the Vestry by the remaining members subject to the "advice and consent" formula by the Clergy-in-Charge. It is significant to note that the Vestry has significant responsibilities in the management of the affairs of the Congregation and their failure to carry out their duties may result in sanctions ranging from a fine not exceeding 1/3 of their Diocesan Assessment for each year that the contravention continues to the Bishop refusing to consider any matter relating to that Congregation for as long as the contravention continues, plus any other sanction which may be authorized by the Diocesan Convention. However, as provided under Canon 11.9, a Congregation cannot refuse to pay any financial sanction without coming into arrears of its Diocesan Assessment. If it goes into arrears with the payment of its Diocesan Assessment it would then be in breach of its minimum requirements as a Parish under Canon 24.2(e) and can then be subject to being declared a Distressed Parish under Canon 26, wherein its Clergy may become subject to a reduction in their compensation and benefits. Therefore, although the Clergy-in-Charge cannot vote at Vestry meetings, as the presiding officer at its meetings, they have a duty and

responsibility to ensure that the Vestry operates in such a way that it complies with its obligations since their compensation and benefits may be adversely affected by an ineffective Vestry.

**Canon 31** allows for two or more Congregations to merge and outlines the process to be taken in relation to a merger. It also allows for a Congregation to Change its name.

#### **TITLE IV: ECCLESIASTICAL DISCIPLINE**

As a result of the intended repeal and replacement of TITLE IV of the Canons of The Episcopal Church as of 1 July 2011, this Title was added to the Beta Draft to incorporate TITLE IV of the Canons of The Episcopal Church and include provisions that were specifically left for the decision of the determination of each Diocese, in particular:

- 1. Establishment of the Disciplinary Board.** The Ecclesiastical Court is replaced with a 7 member Disciplinary Board whose members are prohibited from serving on the Standing Committee and are elected by the Diocesan Convention for a staggered 2 year term. This is tied to Canon 17.11(b) of the Beta Draft which allows each Deanery to nominate 2 Clergy and 1 Lay Person to be elected by the Diocesan Convention, except for the first nomination to the Disciplinary Board after it is established on 1 July 2011, which will take place in 2012. As a result of the transitional provisions, the members of the Ecclesiastical Court at the time when Title IV comes into force should continue as the members of the Disciplinary Board until the first election for the Disciplinary Board takes place at the next Diocesan Convention.
- 2. Filling vacancies on the Board.** The procedure for filling any vacancy on the Board is outlined in the Beta Draft to provide for the President of the Board to inform the Bishop of the vacancy and for the Bishop to fill the vacancy subject to the “advice and consent” formula by the Standing Committee. This also includes where there is a vacancy on the Board as a result of a challenge to any member of the Board serving on any of the Panels in relation to a particular matter.
- 3. Selection of the President of the Disciplinary Board.** The means by which the President of the Board is selected is open to each Diocese, and it is expected that immediately following the Annual Convention the Disciplinary Board would be fully constituted with a President designated by the Bishop from among the elected members of the Board.
- 4. Selection of Intake Officer.** The Intake Officers for each Regional Deanery may be its Dean and Sub-Dean, by appointment of the Bishop after consulting with the Board, and if they are not the Dean and Sub-Dean, then the Bishop must ensure that people throughout the Diocese knows who they are and how to contact them.
- 5. Conciliators.** The conciliation process is an important aspect of ecclesiastical discipline, and therefore ensuring that there is an adequate cohort of candidates to provide conciliation service within the Diocese is the reason for the certified list of persons who may act as Conciliators for the purpose of Title IV proceedings. The Bishop certifies the list subject to the “advice and consent” formula by the Chancellor and Vice Chancellor, so that it becomes the responsibility of the Chancellor and Vice Chancellor, as the principal legal advisors of the Diocese, to scrutinize

persons nominated by the Bishop for entry on that certified list and ensure that they are in fact fit and proper persons.

- 6. Selection of the Church Attorney.** The Canons of The Episcopal Church allows each Diocese to determine how the Church Attorney is to be selected. For this reason, it was considered appropriate to have a Church Attorney and a Deputy Church Attorney to reflect the two separate jurisdictions in the Diocese in the same manner as the Chancellor and the Vice Chancellor. The manner in which the Church Attorney is appointed annually by the Bishop with the advice of his principal legal advisors jointly and when filling any vacancy in these offices shall give notice to the Disciplinary Board.
- 7. Removal of the Church Attorney for cause.** Since it is possible for each Diocese to determine if the Church Attorney may be removed for cause, the Beta Draft considers the removal of the Church Attorney and the Deputy Church Attorney for cause, since it relates to the attorney-client relationship, then where that relationship is affected for good cause the Bishop may remove them and appoint someone qualified to hold the post with written notice to the Board.
- 8. Reporting Offences.** Rules and Regulations made by the Bishop, after consulting with the Disciplinary Board instead of consulting with the Standing Committee, is to determine the manner of reporting information concerning Offences since this was not provided in the Canons of The Episcopal Church and expressly left to each Diocese to determine for itself.
- 9. Staff Liaison.** There is to be a Diocesan Staff member designated by the Bishop to serve as staff liaison to the Clerk of the Disciplinary Board to ensure that there is the necessary administrative support for the work of the Disciplinary Board.
- 10. Costs and Expenses.** The Diocesan Budget does need to take into consideration the costs and expenses of proceedings under Title IV, and as there are limitations on the amount of money that can be expended in support of Title IV proceedings, the CFO is responsible for maintaining a check on spending in this regard.
- 11. Records.** The Clerk has responsibility for maintaining the records of proceedings of the Board and the Historiographer is responsible for the permanent storage of the records at the Diocesan Archives and also at the Archives of The Episcopal Church.
- 12. Developing and sharing resources with other Dioceses.** Although it is open for each Diocese to develop and share resources with other Dioceses, the Beta Draft does not enter into a multijurisdictional arrangement.