

**CONSTITUTION AND CANONS  
OF  
THE DIOCESE OF WESTERN MICHIGAN**

**APRIL 2008**

**THE DIOCESE OF WESTERN MICHIGAN**

**CONSTITUTION**

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# THE DIOCESE OF WESTERN MICHIGAN

## CANONS

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# **CONSTITUTION OF THE DIOCESE OF WESTERN MICHIGAN**

Dedicated to the worship and service of Almighty God, this Constitution is ordained and established for the Diocese of Western Michigan.

## **ARTICLE I ACCESSION TO PROTESTANT EPISCOPAL CHURCH**

This diocese is a constituent of the Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church (which name is hereby recognized as also designating The Church) and accedes to the doctrine, discipline, worship, constitution, canons and authority of that Church.

## **ARTICLE II TERRITORY IN DIOCESE**

The Diocese of Western Michigan embraces substantially the western half of the Lower Peninsula, including thirty-three counties and the islands jurisdictionally attached to any thereof, and extends north from the south line of said state a distance of three hundred miles, more or less, to the Straits of Mackinac, and is bounded west by the west line of said state opposite the western tier of the counties hereafter named, and is bounded on the east by the east line of the several counties of Branch, Calhoun, Eaton, Ionia, Montcalm, Isabella, Clare, Missaukee, Kalkaska, Antrim, Charlevoix, and Emmett, and includes all of the territory within said counties, and includes as well all of the territory within the counties of Berrien, Cass, St. Joseph, Van Buren, Kalamazoo, Allegan, Barry, Ottawa, Kent, Muskegon, Oceana, Newaygo, Mecosta, Mason, Lake, Osceola, Manistee, Wexford, Benzie, Grand Traverse and Leelanau.

## **ARTICLE III CONVENTIONS**

### **Section 1. AUTHORIZATION.**

An Annual Convention shall be, and special Conventions may be, called and held in this diocese, as shall be provided by canon.

### **Section 2. COMPOSITION OF CONVENTION**

The Annual Convention shall be comprised of clerical and lay delegates as follows:

- a) The Bishop;
- b) Each member of the clergy canonically and actually resident and having pastoral charge, or engaged in work requiring exercise of clerical duties;
- c) Each member of the clergy canonically and actually resident in the diocese but not exercising clerical duties solely by reason of age or sickness; d) Each member of the clergy canonically resident in this diocese but who is on active duty in the Chaplain's Corps of the Armed Forces of the United States of America;
- e) Each abbot, prior or acting head of a monastic community who is canonically and actually resident in the Diocese.

- f) Professed and ordained members of a monastic community canonically and actually resident in the Diocese and having pastoral charge of a parish in the Diocese.
- g) Lay delegates shall be adult communicants in good standing chosen as prescribed by Canon. Each congregation in union with convention shall be entitled to not more than four lay delegates nor less than one lay delegate as prescribed by Canon. Congregations shall be intentional about the inclusion of Persons of Color as delegates.
- h) Youth delegates shall be adult communicants in good standing, between the ages of 16 and 21 years. Each Deanery shall select one (1) youth delegate and an additional five (5) youth delegates shall be selected as prescribed by Canon. Congregations shall be intentional about the inclusion of Persons of Color as delegates.

**Section 3. QUORUM**

A majority of the clergy entitled to vote and a majority of the qualified lay delegates entitled to vote, duly assembled in Convention shall constitute a quorum. In the absence of a quorum, a majority of the voting members present may adjourn the Convention from time to time.

**Section 4. OTHERS WHO MAY BE SEATED**

Provision may be made by canon for seating any officer of the Diocese in the Convention, but without right to vote unless otherwise qualified.

**Section 5. OFFICERS OF CONVENTION**

The Bishop shall be the presiding officer at any Convention. In the absence of the Bishop, the Bishop Coadjutor, if any, shall preside, or in the Bishop Coadjutor's absence the Suffragan Bishop, if any, shall preside. Otherwise, the Convention shall elect a president pro tempore from among its clerical members or a Bishop performing episcopal functions in the diocese as provided by Canon. In case of a tie in any vote, the presiding officer shall cast the deciding vote.

The Convention shall elect annually by ballot: (a) members sufficient to fill any vacancy on the Standing Committee, such committee to consist of four clergy and four lay adult communicant in good standing whose terms shall be delineated under the provisions of Title 1, Canon 3, Section 11, and shall elect annually (b) a secretary, (c) a treasurer, (d) an assistant treasurer, and (e) a registrar.

A chancellor shall be nominated annually by the Bishop, subject to confirmation by the Convention.

There shall be elected, or appointed, such other officers, committees, boards and trustees as shall be required by Canon, wherein their respective powers and duties shall be defined.

**Section 6. LEGISLATION**

The Convention shall have power to adopt such Canons and other legislation as it shall deem beneficial to Diocese, and to amend or repeal the same, provided that such legislation shall be consistent with this constitution and with the Constitution and Canons of the General Convention and not in conflict with any valid law established by civil authority.

**Section 7. PARISHES**

Provision shall be made by Canon for the organization of congregations as parishes and for their admission into union with the Diocese, and for their continuation therein or exclusion therefrom, or dissolution.

**Section 8. VOTING**

A simple majority vote shall be sufficient for the adoption of any motion, resolution or legislation, except as shall be otherwise required by Constitution or Canon. When required by Constitution or by Canon, or upon request of any seven members entitled to vote, the two orders shall vote separately, and concurrence of the requisite majority of each order shall be necessary for adoption.

**ARTICLE IV  
ELECTION OF A BISHOP**

The procedure for election of a Bishop shall be as provided by Canon, and the same procedure shall be applicable to election of a Bishop Coadjutor or a Suffragan Bishop. At any such election, a motion to go into committee of the whole shall be of highest privilege after the first ballot, and shall be carried by one-third of the votes of each order.

**ARTICLE V  
NOTICE**

Notice of any meeting or action shall be valid if given as provided by Canon.

**ARTICLE VI  
AMENDMENT OF CONSTITUTION**

This Constitution or any part thereof may be amended in the following manner only: At least ninety days in advance of the annual Convention then next ensuing, the proposal to amend shall be submitted to the Bishop in writing, who shall cause the substance of the proposed amendment to be mailed, not less than thirty days in advance of the Convention, to each member of the clergy entitled to seat and vote and to each parish in union with the Diocese. The Bishop shall refer such proposal to an appropriate committee, which shall report to the Convention. After hearing the report of the committee, the amendment may be considered by the Convention and, if approved, or approved with change, then shall lie over until the next annual Convention. If the amendment is adopted at the Second Annual Convention by a majority of each order, the Constitution shall stand amended accordingly from and after the close of the day of final adjournment of the Convention at which such adoption occurs.

# CANONS OF THE DIOCESE OF WESTERN MICHIGAN

## TITLE I ORGANIZATION AND ADMINISTRATION

### CANON I OF THE ASSOCIATION OF THE DIOCESE

#### **Section 1. STATUS**

The Diocese of Western Michigan (for brevity also referred to as “Diocese” in these Canons) is a non-profit, non-stock, ecclesiastical trustee corporation organized and existing under the laws of the State of Michigan, and is custodian for the collection, holding, investment and management of:

- a) All property and permanent funds of the Diocese except such as are or may be held by the Bishop as discretionary funds.
- b) All property and funds which may be conveyed to and held by it in trust for specified congregation, societies, groups or communities.
- c) All property and funds conveyed to it in trust for the furtherance of any religious, educational or charitable purpose of this Church.

The Executive Council of the Diocese of Western Michigan, as defined in Canon 5 of this Title, shall function as the executive committee of the Diocese acting with the authority of and in the name of the Diocese between meetings of the Annual Convention and in accordance with such direction and limits as may be set forth by the Diocese in its own articles of incorporation or by such resolutions or canons that may be passed by the Convention.

#### **Section 2. TITLE**

Except as otherwise provided in the preceding Section 1 hereof, all conveyances shall be made to, and title to all property belonging to the Diocese shall vest in the Diocese, to be held for such purposes as its articles provide, or as the Convention may direct by Canon or resolution, or as may be provided in any will, trust instrument or valid order of a court of competent jurisdiction; provided that title to such property may be conveyed to and held by the Bishop Whittemore Foundation, a Michigan nonprofit corporation organized and operated for the purpose of furthering the work of the Diocese, whenever and to the extent the Executive Council deems it necessary or expedient, and subject to such terms and conditions, if any, as the Executive Council sees fit to impose.

#### **Section 3. SECURITIES AND CONTRACTS**

The Diocese shall have full authority to buy and sell investments, securities, notes, mortgages, and to enter into leases and other contracts upon the approval of the Annual Convention or Executive Council.

#### **Section 4. INCOME FROM THE EPISCOPAL FUND**

The income from the Episcopal Fund shall be paid by the Association to the Treasurer monthly, and shall be used solely for payment of the designated salary of the Bishop, and of the Bishop Coadjutor and of the Bishop Suffragan, if any. If in any month such income is insufficient for said purpose, the deficiency shall be paid by said Treasurer of Convention from the General Fund.

**Section 5. EXTENSION OF AGENCY SERVICE TO VESTRIES AND OTHERS**

If any vestry, society, guild, circle, or board of any congregation of this diocese shall desire to avail itself of the services of the Diocese as an Agency for the safekeeping and management of funds or securities, it may do so under such form of agency agreement as may be approved by the Executive Council. Application for such service shall be pursuant to resolution of the governing body of the applicant and shall have the written approval of the rector.

**CANON 2  
OF THE CONVENTION: MEETINGS COMPOSITION AND FUNCTIONS**

**Section 1. ANNUAL CONVENTION**

The Annual Convention shall be held at a place to be determined by vote of the Annual Convention immediately preceding. This shall follow the submission of an invitation. The date and time of Annual Convention shall be appointed by the Ecclesiastical Authority, which appointment shall be made at the same Annual Convention which determines the place.

**Section 2. SPECIAL CONVENTIONS**

The Bishop or other person then acting as the Ecclesiastical Authority as defined by the Canons of the General Convention of the Episcopal Church in the United States of America shall have power to call special conventions and shall do so when requested in writing by any five members of the Standing Committee. When there is no Bishop, Bishop Coadjutor, or Bishop Suffragan, the Standing Committee shall have power to call a special convention.

**Section 3. NOTICE OF ANNUAL OR SPECIAL CONVENTION**

Written notice of the date, hour and place of holding any annual or special Convention shall be given by the Secretary, by mailing to every member of the clergy in the diocese and to the wardens of every parish without a rector at least thirty days before the date of meeting.

Notice of an Annual Convention shall be accompanied by a copy of the provisions of the Constitution and Canons relating to the election of lay delegates and alternates, together with a form of certificate of their election, which is to be signed by the rector or warden and by the secretary of the vestry or the secretary of the annual meeting at which they were elected.

Notice of a special convention shall specify the purpose or purposes thereof.

**Section 4. COMPOSITION OF CONVENTION**

A convention, whether annual or special, shall be composed as provided in Section 2 of Article III of the Constitution. Lay delegates and alternates shall be chosen at a preceding annual meeting of the parish or vestry in accordance with the parish by-laws and with Title II, Canon 3, Section 1, unless there be a vacancy, in which case it shall be filled as prescribed by such by-laws. At least one lay member of a parish's delegation shall where possible be a member of the vestry. Representation at any convention by lay delegates shall be based upon the average Sunday attendance as reported in the annual parochial report filed in the current year as determined by Title 1, Canon 6, Section 3. The number of delegates shall be determined by the following table:

Classification based on parish size

Average Sunday Attendance	Authorized number of delegates
1-26	1
27-100	2
101-150	3
151+	4

Youth Delegates at any Convention shall be selected as follows:

- a) One youth delegate and one alternate from each of the five Deaneries shall be selected by each Deanery, at its first meeting following the preceding Diocesan Convention. The Deanery shall have the authority to fill any vacancies that occur in these two positions.
- b) Five Youth Delegates and five alternates shall be selected at the Annual Youth Convention, or by the Committee on Youth Ministries if a Youth Convention is not held. This Committee shall have the authority to fill any vacancies that may occur in these ten positions.

The following officials shall be seated in the convention as members ex-officio, but without right to vote unless qualified as clerical or lay delegates: the Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer, the members of the Standing Committee, the members of the Executive Council, the Chancellor, the Registrar and the Historiographer.

**Section 5. DETERMINATION OF QUORUM**

At the opening of each convention, annual or special, the Bishop or other person then acting as the Ecclesiastical Authority shall present to the convention, and the Secretary shall record, a list of the members of the clergy actually and canonically resident in the diocese, together with the names of their respective cures, offices and residences, and the dates on which they became resident in the diocese. By reference to this list and to the list of accredited lay delegates registered at the Convention, the presence of a quorum as Section 3 of Article III of the Constitution shall be determined.

**Section 6. FUNCTIONS OF CONVENTION**

A convention, whether annual or special, except as limited by Constitution or Canon, has Power:

- a) To prescribe its own rules of procedure;
- b) To amend the Constitution;
- c) To enact, amend, or repeal Canons;
- d) To elect a Bishop, in case of vacancy;
- e) To elect a Bishop Coadjutor or a Bishop Suffragan as provided by Constitution or Canon;
- f) To elect officers and confirm appointments as provided by Constitution or Canon;

- g) To appoint instrumentalities, ad hoc or otherwise, as necessary for the business of the Convention, and to define their duties;
- h) To admit a congregation into union with the Convention in the manner prescribed by Canon, and to terminate such union;
- i) To adopt, order filed, or reject reports of officers and other instrumentalities; and
- j) To adopt budgets.

**Section 7. AMENDMENT OF CANONS**

Any proposal to amend any canon of the Diocese shall be submitted in writing to the Bishop not less than ninety days in advance of the meeting of the convention at which time the same is to be offered. The Bishop shall cause the proposed amendment to be mailed out not less than thirty days in advance thereof, to each member of the clergy entitled to seat and vote at the convention, the lay delegates to convention, if known, and a warden of each parish in union with the Diocese. Such a proposal may be referred to an appropriate person or committee prior to the convention if the Bishop feels that expert analysis and comment would be useful and enlightening to the convention. Any persons or Committee so appointed may be asked to report to the convention. If such amendment shall then be approved by vote of the convention in accordance with Article III, Section 8 of the Constitution, the amendment shall become effective as of the close of the day of final adjournment of the convention.

**CANON 3  
OF THE OFFICERS: ELECTED AND APPOINTED**

**Section 1.**

A year for the purpose of this Canon shall mean the interval between successive Annual Conventions.

**Section 2. QUALIFICATIONS**

To be eligible to serve as an officer of any convention, member of the Standing Committee or Executive Council, deputy to the General Convention or Provincial Synod, any member of the clergy or lay person must have the qualifications required of members of the Annual Convention by Article III, Section 2, of the Constitution of the Diocese, except that a lay person may be elected who is not a delegate to the Annual Convention.

**Section 3. PRESIDING OFFICER**

The presiding officer shall be as provided in Article III, Section 5, of the Constitution. The presiding officer shall:

- a) Control the order of business except as otherwise provided by rules prescribed by the Convention or by Canon,
- b) Maintain order and decorum and accelerate the dispatch of business, and
- c) Shall have no vote except in case of a tie.

**Section 4. SECRETARY**

The Secretary shall be elected by the Annual Convention for a term of one year and shall have the duty to:

- a) Attend to the giving of all notices of the convention and shall perform all duties

- b) assigned by the presiding officer or by the Convention, or by Canon,  
File and preserve all certificates of election of lay delegates and all written reports laid before the Convention;
- c) Preserve in permanent form complete minutes of the proceedings of the convention and all its records;
- d) Deliver to the Bishop such documents of historical value as the Bishop may request;
- e) Prepare, proofread and cause promptly to be printed, the Journal of the Annual Convention, and shall transmit or disseminate a printed copy thereof throughout the diocese at the direction of the Executive Council.

The Secretary may appoint an Assistant Secretary or secretaries with approval of the Annual Convention.

### **Section 5. TREASURER**

The Treasurer shall be elected by the Annual Convention for a term of one year. Prior to engaging in the duties of office, the Treasurer shall give bond as required by Canon of the General Convention. Such bond shall be deposited with the Bishop.

The Treasurer shall have the duty to:

- a) Receive and safely preserve and account for all monies and other things of value which come into the Treasurer's possession or control, and to make disbursement there from when, as, and only to the extent, duly authorized;
- b) Maintain in books belonging to the Diocese an accurate record in detail of all receipts and disbursements of money or other things of value and to maintain a separate complete account of each fund;
- c) Obtain and keep on file proper receipts and vouchers evidencing all disbursements;
- d) Present to the Annual Convention, and deliver to the Executive Council upon request, a detailed report of the receipts and disbursements of each fund, and of the balance on hand;
- e) Cause an audit satisfactory to the Executive Council to accompany the annual report;
- f) Exercise diligence in the collection of all funds due and payable to the Diocese; and
- g) Deliver promptly to a duly elected and qualified successor in office, all monies and other things of value which have come into the Treasurer's hands, or control and which have not been lawfully disbursed, together with all books, records, files, documents, receipts, vouchers, and correspondence pertaining to the office of Treasurer.

### **Section 6. ASSISTANT TREASURER**

The Assistant Treasurer shall be elected and shall give bond in the same manner as the Treasurer and shall assist the Treasurer as requested and perform the duties of Treasurer in case of absence or disability of the Treasurer.

**Section 7. REGISTRAR**

The Registrar shall be elected by the Annual Convention for a term of one year and shall be the custodian of all diocesan documents and records not in the hands of the Bishop or required by Canon to be in the custody of some other officer.

**Section 8. CHANCELLOR AND VICE CHANCELLORS**

The Bishop shall appoint a Chancellor and may appoint such Vice Chancellors as the Bishop deems necessary, all for a term of one year.

Chancellor and Vice Chancellors shall have the duty to, promptly, upon request from the Bishop prepare, sign and transmit, in duplicate, to the Bishop a written opinion of the law or procedure relating to any question of law or legal procedure relating to the affairs of the diocese, or any parish.

The Vice Chancellors shall assist the Chancellor and act under the Chancellor's supervision. In the absence or disability of the Chancellor, the Bishop may designate one of the Vice Chancellors to act.

**Section 9. HISTORIOGRAPHER**

The Bishop may appoint without necessity for confirmation an Historiographer to serve at the pleasure of the Bishop. As the historian of the Diocese, the Historiographer shall prepare and file with the Registrar accurate records, or copies thereof of important diocesan events.

**Section 10. STANDING COMMITTEE**

The Annual Convention shall elect by ballot a Standing Committee consisting of four members of the clergy and four adult communicants in good standing for no more than two consecutive terms of three years each in the following manner:

In the initial year (1993), one member of the clergy and two confirmed adult communicant shall be elected for three-year terms. In addition, one member of the clergy and one confirmed adult communicant shall be elected for two-year terms. In subsequent years, two members of the clergy and one adult communicant in good standing, or one member of the clergy and two adult communicants in good standing, or one member of the clergy and one adult communicant in good standing, as the case may be, shall be elected by the Annual Convention for terms of three years as terms expire.

**Section 11. EXECUTIVE COUNCIL**

The Annual Convention shall elect by ballot members of the Executive Council as required under the provisions of Canon 5, Title I.

**Section 12. NOMINATING COMMITTEE**

The Bishop shall appoint members of Nominating Committee subject to confirmation by the Executive Council, to assist in nominating persons for appropriate offices, to be elected by the Annual Convention. At least 2 members of the Nominating Committee shall be Persons Of Color. The Anti-Racism Team shall assist the Bishop in identifying individuals for these positions. The term of office for members of the Nominating Committee shall be from the time of appointment until the conclusion of the next subsequent Annual Convention.

**CANON 4  
OF THE DEPUTIES TO GENERAL CONVENTION  
AND PROVINCIAL SYNOD REPRESENTATIVES**

**Section 1. ELECTION OF DEPUTIES AND ALTERNATES TO GENERAL CONVENTION**

The Annual Convention shall elect by ballot, not later than the next year preceding any General Convention, eight deputies to the General Convention, being four members of the clergy and four adult lay communicants in good standing together with an equal number of alternate deputies having like qualifications.

The four members of the clergy and four adult lay communicants in good standing first receiving a simple majority of the votes cast, shall be declared elected deputies. An election shall then be held for alternate deputies. The four members of the clergy and four adult lay communicants in good standing receiving the highest number of the votes cast, shall be declared elected alternate deputies. Alternate deputies are to be ranked in the order of their election.

**Section 2. PROVINCIAL SYNOD**

Every three years the Annual Convention shall elect by ballot one member of the clergy and two adult lay communicants in good standing to serve as diocesan representatives on the Provincial Synod for a period of three years. At the same time one member of the clergy and two adult lay communicants in good standing shall be elected to serve as alternate diocesan representatives on the Provincial Synod for a period of three years. One representative, either clerical or lay, must be a deputy to General Convention.

**Section 3. DUTIES**

It shall be the duty of the Deputies to the General Convention and Provincial Synod to notify the Bishop and the Secretary of the Diocesan Convention at least three weeks before the session of the General Convention or Provincial Synod, as the case may be, whether or not they will attend the same; and it shall be the duty of the Bishop and Secretary, in case any deputies decline to attend such session, to notify the alternate deputies consecutively as provided in Canon 4, Section 1, above, of the vacancies as they occur, and to see that they are filled accordingly by some alternate deputy. If any vacancy shall occur in the delegation from the Diocese during a session of the General Convention or of the Provincial Synod, the Bishop, with the concurrence of such deputies or representatives as may be present, may appoint to fill such vacancy any person possessing the qualifications necessary for a deputy or representative, with preference to alternates present.

**CANON 5  
OF THE EXECUTIVE COUNCIL**

**Section 1. COMPOSITION**

The Executive Council shall be composed of the Bishop, a member of the Standing committee, the President of the Episcopal Church Women, a designated youth representative, the Chairperson of each Deanery Convocation, and two additional persons nominated by each Deanery and elected by Annual Convention. The Bishop shall have the authority to appoint the designated youth representative on an annual

basis or as vacancies arise. Each Deanery Delegation to Executive Council must include at least one lay person and at least one member of the clergy. The Chancellor and the Treasurer shall be ex-officio members of the Executive Council without vote.

## **Section 2. ELECTION**

In the years in which a full term for Chairpersons of deanery convocation begins, no other three-year term members will be elected to Council. In every other year, each convocation of the deaneries shall nominate and the Annual Convention shall elect one person, lay or clerical, to serve a three-year term on Executive Council. Members so elected to a three-year term shall not be eligible to succeed themselves more than once.

Vacancies between Annual Conventions shall be filled for the remainder of the unexpired term by election of the same deanery convocation from which the member causing the vacancy was nominated. All persons elected to fill vacancies shall be confirmed by election at the next Annual Convention.

## **Section 3. OFFICERS**

The Bishop shall normally serve as presiding officer. The Council shall elect from its ranks annually a Vice President. A secretary, who need not be a member of the Executive Council, may be likewise elected.

## **Section 4. DUTIES OF THE EXECUTIVE COUNCIL**

The Executive Council shall:

- a) Meet once a month on call of the presiding officer; however, upon mutual agreement and sufficient reason, the number of meetings may be increased or decreased;
- b) Have general supervisory oversight over the work of all commissions of the Diocese;
- c) Develop strategy, policy and work in the name of the Diocese in conjunction with the Bishop and all other agencies of the Diocese and the Executive Council;
- d) Receive, control, and expend through the Treasurer, for purposes designated by the Budget adopted by Convention, all monies of the General Fund; and
- e) Submit a written annual report of its work to the Annual Convention.

## **Section 5. RETIREMENT PENSIONS OF LAY EMPLOYEES**

The Executive Council shall maintain, or cause to be maintained, a system of retirement pensions for all lay employees of the Diocese, commensurate with the Canons and directives of the General Convention. All such programs shall be reviewed annually in light of changing economic conditions and needs of such employees. The Council also recognizes the right of lay employees to enter into individual or collective bargaining with the Diocese on any economic issue.

## **Section 6. COUNCIL MEETINGS TO BE OPEN AND PUBLIC**

All meetings of the Council shall be held in open session, with time, date, and place being announced by appropriate means to the entire Diocese, and members thereof, clerical and

lay, shall be invited and urged to attend such meetings. Executive sessions shall be permitted upon two-thirds vote of all persons present and voting for the considerations of personnel matters. The ultimate resolution of such personnel matters shall be reported and ratified by vote in open meeting.

## **CANON 6 OF THE DEANERIES AND CONVOCATIONS**

### **Section 1. COMPOSITION**

The Diocese shall be divided into five Deaneries, the same to be determined by the Executive Council.

### **Section 2. PURPOSE AND POWERS**

The Deanery Convocation shall be responsible for carrying out the following duties:

- a) Promoting and aiding in the implementation of cooperative ministries among the congregations in the Deanery;
- b) Identifying and communicating program and ministry ideas to the appropriate Diocesan Commission;
- c) Aiding diocesan commissions in the implementation of programs and ministries in the Deanery;
- d) Raising funds as necessary to its activities;
- e) Disseminating and responding to Diocesan communications relating to Annual Convocation concerns;
- f) Proposing names as required for membership on Diocesan Commissions; and
- g) Performing such other duties assigned by these Canons or the Constitution.

### **Section 3. MEMBERS**

The membership of each Deanery Convocation shall consist of the canonically resident clergy in that deanery, the lay delegates to Annual Convention from each congregation contained within the deanery and the youth delegates to the Annual Convention from congregations contained within that Deanery. Each Deanery Convocation may determine additional deanery membership as desired.

### **Section 4. MEETINGS**

Each Deanery Convocation shall meet not less than three times each year and such additional times as may be deemed necessary by the Chairperson or at the request of not less than 8 members of the convocation.

### **Section 5. OFFICERS**

Each Deanery Convocation shall have the following officers:

- a) A Chairperson to serve for a three-year term beginning immediately after the conclusion of the Annual Convention commencing in 1997. The Chairperson may be lay or clerical, and shall be elected by secret ballot by the Deanery Convocation. In

case of a vacancy, the Deanery Convocation shall fill the vacancy in the same manner for the remainder of the unexpired term. The Chairperson shall preside at meetings of the Deanery Convocation, and shall carry out such duties and communications as the Deanery Convocation or the Bishop may assign.

- b) A Vice-chairperson, who shall preside at convocation meetings in the absence of the Chairperson.
- c) Either the Chairperson or Vice-Chairperson must be a member of the clergy.
- d) A Secretary and a Treasurer, who each shall perform the customary duties of their respective offices.

All officers shall be elected and members of the Executive Council shall be nominated by the Deanery Convocation at a meeting held no more than 60 days prior to the Annual Convention.

## **CANON 7 OF THE GENERAL FUND**

### **Section 1. PURPOSE**

The General Fund shall include all unrestricted funds of the Diocese and shall be used for the share of the Diocese in the General Church Program of the Episcopal Church as adopted by the General Convention, support of diocesan institutions, the stipend and expenses of the Bishop and the salaries and expenses of the Diocese.

### **Section 2. SOURCES, RECEIPTS AND DISBURSEMENTS**

The General Fund shall be derived from income from designated and unrestricted endowment and trust funds and from the pledges of each congregation. All monies due or accruing to the Fund shall be paid to the Treasurer, who shall pay no monies therefrom which have not been provided for by the Budget adopted at the Annual Convention, unless authorized to do so by the Executive Council, or by the Bishop for expenditures under \$100.

### **Section 3. PARISH APPORTIONMENT**

The Program and Budget of the Diocese, including its obligation to the Episcopal Church, shall be funded by an annual apportionment of each parish based on its Net Operating Income. This income shall be the total operating income as shown on the most current annual Parochial Reports.

A parish may use as its Net Operating Income for this formula the average of the last three Parochial Reports, or the most recent Parochial Report, whichever is the smaller amount.

A parish may then deduct from this amount the actual dollar amount of apportionment funds paid to the Diocese in the preceding year. This is the figure upon which the new apportionment is to be based.

The apportionment formula is as follows:

- 10% of the first \$75,000 (\$1 - \$75,000)
- 12% of the second \$75,000 (\$75,001 - \$150,000)
- 14% of the third \$75,000 (\$150,001 - \$225,000)
- 16% of any amount above \$225,001

This apportionment shall be paid in twelve equal monthly payments.

Should a parish believe it needs time to live into this new apportionment plan, it may take up to five years to do so, increasing its support of the Diocese proportionately each year.

The Diocesan office will inform each parish of its apportionment in a timely manner. Each parish will then have a maximum of 45 days to respond in writing. If a parish

believes itself to be unable to meet the apportionment it must indicate in writing why that is so. The Apportionment Review Committee will then contact the Rector/Senior Warden to meet with them and to connect them with those groups in the Diocese that are prepared to offer assistance.

If a parish will not work in good faith with the Apportionment Review Committee and the supportive groups within the Diocese, with the goal of strengthening the parish and meeting the apportionment goal, the Bishop and the Standing Committee will have the option of prescribing a course of action for the health of the parish.

#### **Section 4. BUDGET**

The Executive Council shall:

- a) Be responsible for submitting to the Annual Convention for approval, a balanced budget incorporating all the work and program of the Diocese. The proposed budget shall be distributed to all Convention delegates at least thirty (30) days prior to the Annual Convention.
- b) Advise the National Executive Council of the amount the Diocese intends to pay towards the National Church Program that year; and
- c) Have the authority during the course of the year to modify the budget approved by the Annual Convention in any manner it deems necessary to balance expenditures with anticipated resources.

#### **Section 5. BUDGET PROCEDURE**

- a) In April of each year, the Executive Council will ask the chairs of each commission and committee to prepare a proposed budget for the following year and submit them to the Executive Council by the end of May.
- b) A report will be prepared listing all proposed receipts and expenditures shall be presented to the Executive Council at its June meeting.
- c) The Executive Council will review the report and initiate the process of balancing the proposed expenditures with the forecasted receipts. At its September meeting, the Executive Council will approve a proposed balanced budget for the following year. The proposed budget will be distributed to all convention delegates at least thirty (30) days prior to the Annual Convention.
- d) Upon receipt of the formal written pledges from all congregations giving its pledge for the forthcoming year, the Executive Council shall prepare and submit a modified budget for the forthcoming year.
- e) Upon approval of the modified budget by the Executive Council, a copy of the budget will be sent to all congregations and a condensed version will be published.

**CANON 8**  
**OF THE COMMITTEE ON CONSTITUTION AND CANONS**

**Section 1.**

After the close of each Annual Convention the Bishop shall promptly appoint, with the Executive Council concurring, a Committee on Constitution and Canons to consist of such number of persons, clergy or lay, as the Bishop shall deem necessary. The Bishop shall appoint, the Executive Council concurring, one of the members of the committee to serve as chairperson of the committee. The members of the Committee shall serve a term commencing upon appointment by the Bishop and running through the close of the next subsequent Annual Convention or until their successors are appointed and approved.

**Section 2. DUTIES**

The Committee on Constitution and Canons shall review proposed revisions to the Constitution and Canons of the Diocese referred to it by the Bishop. Such review shall be to determine the canonical propriety of said revision and the compatibility of the proposed revision with the Constitution and Canons of the General Convention, the Constitution and Canons of the Diocese and any other documents that may be relevant. The Committee shall report the results of such review to the Bishop, the Executive Council, and the Annual Convention.

**CANON 9**  
**OF THE STANDING COMMITTEE**

**Section 1. ORGANIZATION**

The Standing Committee shall elect at its first meeting following the Annual Diocesan Convention a member to be president, a member to be vice-president and a member to be secretary. A majority shall constitute a quorum.

**Section 2. EXPENSES**

All necessary expenses incurred by members of the Standing Committee in attending its sessions shall be paid by the Treasurer from the General Fund.

**Section 3. POWERS**

During the interval between Annual Conventions, the Standing Committee, by and with the approval of the Bishop, shall have the power to fill by appointment, any vacancy in any elective or appointive office of the Diocese, except as otherwise provided by Canon. Such appointment will be for the unexpired portion of the term.

**Section 4. DUTIES**

The Standing Committee shall have the duty to:

- a) Call a special convention when there is no Bishop, Bishop Coadjutor or Bishop Suffragan.
- b) Investigate and make a recommendation to the Bishop regarding any matter of difference arising between a member of the clergy and a congregation or vestry, which matter is first referred to the Standing Committee by the Bishop or other person acting as the Ecclesiastical Authority. Such recommendation shall be binding upon the Bishop's approval.
- c) Preserve in a book belonging to the Diocese, correct minutes of all proceedings of the Committee which shall be signed by the secretary and countersigned by the

president. Such record shall be at all times subject to inspection by the Bishop or other person then acting as the Ecclesiastical Authority and a summary thereof shall be presented at the Annual Convention next following.

## **CANON 10 OF THE ELECTION OF A BISHOP**

### **Section 1.**

The election of a Bishop, or of a Bishop Coadjutor, or of a Suffragan Bishop, shall be made at a convention, either annual or special, as described by these canons. If such election occurs at an Annual Convention it shall be required that notice of the convention include notice of the intent to elect such a Bishop, and that such notice be distributed to convention delegates not less than 60 days prior to the convention. Notification of a special convention called for the purpose of electing a Bishop, a Bishop Coadjutor, or a Suffragan Bishop shall be distributed to convention delegates not less than 60 days prior to the special convention, and such notice shall state the purpose of the special convention.

### **Section 2.**

The election of a Bishop, or of a Bishop Coadjutor, or of a Bishop Suffragan shall be in the following manner:

- a) Nominations shall only be made as follows to the Standing Committee no later than the date specified by the Standing Committee:
  - 1) By the Search Committee appointed as directed by the Standing Committee; and
  - 2) By petition, the form of which shall be determined by the Standing Committee, signed by no less than three (3) clergy members canonically resident in no less than two (2) deaneries and by no less than three (3) lay members in good standing of at least two (2) deaneries. The person nominated must indicate such person's willingness to be nominated and consent in writing to the normal background checks no later than the date specified by the Standing Committee.
- b) All nominees whose nomination has been made as set forth in subsection (a) hereof shall be eligible for election and no nominations may be made from the floor of convention.
- c) The members of clergy and lay delegates to convention shall vote by ballot and by orders. A concurrence of a majority of both orders shall be necessary for an election. If in either order less than 60 percent of all entitled to vote are present, two-thirds of the votes of those present in that order shall be necessary to determine the election. Absent non-stipendiary members of the clergy and absent retired members of the clergy shall not be counted in determining the majority of clergy.

### **Section 3.**

In case of failure to elect upon any ballot as herein provided, the Convention shall continue to ballot until an election occurs or the convention adjourns.

**CANON 11  
OF THE BISHOP COADJUTOR**

The Bishop Coadjutor, if any, shall be ex-officio a member of all diocesan boards, commissions, and committees of which the Bishop is ex-officio a member. In the Bishop's absence or disability to act, the Bishop Coadjutor shall possess all the powers and perform all the duties of the Bishop prescribed in these canons.

**CANON 12  
OF SUPPORT COMMITTEES**

The Bishop may establish support committees whose duties, membership and duration shall be designated from time to time by the Bishop with the advice and consent of Executive Council.

**CANON 13  
COMMISSION ON MINISTRY**

The Commission on Ministry shall be appointed by the Bishop. The Commission shall consist of twelve members appointed for three year terms from members of the laity, deacons, and presbyters. At least three members of the Commission shall be persons of color. The duties of the Commission will be to advise and assist the bishop in the implementation of Title III of the national canons.

**TITLE II  
PARISHES**

**CANON 1  
ADMISSION OF PARISHES INTO UNION WITH DIOCESE**

**Section 1. DEFINITION**

All congregations, financially self-supporting or otherwise, shall be equal with respect to the Canons of the Diocese. Where the word "parish" occurs it is meant to refer to the official organization of any congregation in union with the Diocese.

**Section 2. ESTABLISHMENT**

- a) On recommendation of the Bishop, the Executive Council may establish a congregation, subject, however, to the provisions of Section 3 of this Canon.
- b) Before recommending the establishment of a congregation, the Bishop shall be satisfied that:
  - 1) a need exists for the establishment of such a congregation;
  - 2) a building has been acquired, or the use of a building provided;
  - 3) by-laws and articles of incorporation, consistent with the Constitution and Canons of the General Convention of this Church and the Constitution and Canons of the Diocese have been executed or are in the process of being executed;

- 4) an application for establishment of a congregation has been made by letter, addressed to the Bishop, substantially as follows:  
“We, the subscribers, baptized, adult persons, residents of the town of \_\_\_\_\_ in the state of Michigan, request that a congregation be established at \_\_\_\_\_ to be known as \_\_\_\_\_. We promise obedience to the Constitution and Canons of the Episcopal Church in the United States Of America, the Constitution and Canons of the Diocese Of Western Michigan, and to the Bishop of Western Michigan. We promise the sum of \$ \_\_\_\_\_ annually for the support of the congregation and the clergy administering it.”

### **Section 3 CONSENTS**

If the location of the place of worship of the proposed congregation is within three miles of the church of any congregation in union with the Diocese, the Bishop and the Executive Council shall obtain consent from the rector and vestry of each such congregation before establishing the proposed congregation.

### **Section 4. APPROVAL BY CONVENTION**

If, after the establishment of a congregation by the Executive Council as herein above provided, the next Annual Convention of the diocese shall approve the same, the congregation shall thereby be admitted to union with the Diocese. If such establishment shall not receive approval of the Annual Convention, the Annual Convention shall by resolution determine the disposition of the congregation.

### **Section 5. CERTIFICATE OF UNION**

The Bishop’s certificate that said union has been effected shall be retroactive to the close of the Convention which approved the application, and shall be final and conclusive.

### **Section 6. ORGANIZATION**

Upon establishment of a new congregation such congregation shall in a timely fashion organize itself by the election of a vestry and officers consistent with its own by-laws, its articles of incorporation, and the Constitution and Canons of the Diocese. Provisions for the conduct of worship shall be made in consultation with the Bishop and consistent with the policies of the Diocese.

## **CANON 2 PARISH MEETINGS**

### **Section 1. BY-LAWS**

All by-laws adopted by any congregation shall be consistent with the Constitution and Canons of the General Convention and the Constitution and Canons of the Diocese.

### **Section 2. ANNUAL PARISH MEETING**

A parish meeting shall be held annually in each congregation within the month of January. Such annual meeting shall:

- a) Elect qualified adult communicants in good standing to the vestry;
- b) Consider and act upon recommendations of the vestry concerning secular business of the parish;
- c) Receive reports of the rector, secretary, treasurer, and other officers of the parish and of its organizations;

- d) Consider and act upon proposed amendments, if any, to the articles of incorporation or by-laws of the parish.

**Section 3. NOTICE OF ANNUAL MEETING**

Notice of the date, hour and place of holding each annual meeting shall be given at a regular service on each of the two Sundays next preceding such meeting, by the rector, or in the rector's absence by a warden; or notice may be given with like effect by such publishing, posting, or mailing as the vestry may direct.

**Section 4. SPECIAL PARISH MEETING**

Special meetings of a congregation may be called by the rector or by written consent of two-thirds of the vestry, or by written consents of a majority of the vestry if the rector approves, or by consent of a majority of the vestry if there be no rector. Notice of a special meeting shall state the purpose or purposes thereof and may be given in the same manner as notice of an annual parish meeting.

**Section 5. QUALIFICATIONS OF VOTERS**

At all parish meetings, whether annual or special, the right to vote shall be limited to baptized persons:

- a) not less than 16 years of age,
- b) whose baptisms have been duly recorded in said parish,
- c) who for a period of not less than six months preceding have been regular worshiper in the parish and
- d) who for not less than six months preceding have been bona fide regular contributors to its support, according to the method used in the parish. Physical disability or absence from the parish during the preceding six months shall not disqualify an otherwise qualified voter.

Before any vote has been taken, the presiding officer shall state to the persons present the foregoing qualifications of voters. The rector and the wardens shall be judges of the qualifications of voters. If a warden is absent, the presiding officer may appoint a member of the vestry to act in place of the warden. The judges of election shall not permit an unqualified person to vote. Proxy ballots shall not be accepted.

**Section 6. ORDER OF BUSINESS**

Unless otherwise provided by by-law or resolution, the presiding officer shall control the order of business. The presiding officer may appoint tellers and other assistants. The secretary shall preserve a list of the names of all persons who voted for vestry members. The list shall be signed by the judges of election.

**CANON 3  
THE VESTRY: ITS OFFICERS, MEETINGS, AND DUTIES**

**Section 1. ORGANIZATION OF VESTRY**

The vestry of a parish shall consist of not less than six nor more than fifteen lay members. Within these limits the number may be fixed by by-law. Members of the vestry shall be adult communicants in good standing as defined by Sections 2 and 3 of Canon 17, Title I of the General Convention, and shall be qualified voters of the congregation.

Unless otherwise provided by by-law, the term of a vestry member shall be one year and until a successor shall be elected. The by-laws of a parish may provide that the term of a vestry member shall be three years. In case the term be three years, the vestry at the first election shall be classified into three equal classes, as nearly as may be, and those of the first class shall be elected for one year; those of the second class for two years; and those of the third class, for three years. At subsequent elections their successors shall be elected for three years.

An election of vestry members shall be preceded by nomination. No voter shall vote for more candidates than the total number of vestry members to be elected. A majority of all votes cast shall be necessary to elect.

Immediately following the annual meeting (unless otherwise provided by by-law) the newly constituted vestry shall meet and elect for a term of one year:

- a) a senior warden,
- b) a junior warden,
- c) a secretary,
- d) a treasurer, and
- e) the authorized number of lay delegates to represent the parish at the Convention, as determined according to Title I, Canon 2, Section 4, together with the same number of alternate.

The secretary and the treasurer shall be ex-officio the secretary and treasurer, respectively, of the parish, unless otherwise provided by by-law.

## **Section 2. QUALIFICATIONS**

The wardens shall be vestry members. The secretary and treasurer shall be qualified voters of the congregation who may or may not be members of the vestry. The delegates and alternates shall be communicants of some congregation in the diocese and shall likewise be qualified voters of the congregation.

## **Section 3. VESTRY MEETINGS**

Unless otherwise provided by by-law, the vestry shall meet as often as once in each month in ten months of the calendar year at such day, place and hour as shall be fixed by resolution or by-law. Notice of a stated meeting, although desirable, shall not be legally necessary. The rector, when present, shall preside at all vestry meetings but shall have no vote except in the case of a tie. In the rector's absence from the meeting, one of the wardens, if present, shall preside.

A special meeting of the vestry may be called by the rector at any time, upon notice given in any practical manner to each vestry member. The purpose of the special meeting shall be stated as a part of the notice. In a vacancy of the rectorate, a special meeting may be called by either warden at any time upon notice given in any practical manner to each other vestry member.

No notice of any meeting at which the rector and all members of the vestry are present shall be necessary. Any or all members may waive notice in writing either before or after the meeting has been held. All waivers of notice shall be kept on file by the secretary.

A majority of the members of the vestry, not counting the rector, when duly assembled, shall constitute a quorum. Less than a quorum may transact business if there be no objections, but any business so transacted is subject to ratification at the next regular meeting of the vestry.

#### **Section 4. DUTIES OF VESTRY**

The vestry shall have the duty to:

- a) Be helpful to the rector;
- b) Employ and fix the compensation of all employees of the parish PROVIDED THAT no person shall be employed or retained except by and with the approval of the rector;
- c) Provide maintenance for the rector and such compensation as shall be agreed upon for employees of the parish;
- d) Elect and call a rector after consultation with the Bishop, in case of a vacancy, provided that prior to the election of a rector of any parish, the vestry shall inform the Bishop of the name and residence of the person they propose to elect. It shall be unlawful for the vestry to take action on any name until the receipt of the Bishop's acknowledgment of such notification, and the Bishop's accompanying suggestion if there be any so long as the Bishop is then within the territory of the United States and his reply is made within thirty days after the receipt of such notification;
- e) Have charge, care and management of all property and temporal affairs of the parish;
- f) Supervise collection, control, and disbursement of all monies contributed or due to the parish corporation;
- g) Keep all buildings, structures, and tangible property of the parish adequately insured against loss;
- h) See to it that all treasurers and custodians of funds (other than banking institutions) obtained, contributed, held, or accumulated for the benefit of the parish, or of any of its activities, shall be adequately bonded;
- i) See to it that all treasurers and custodians of funds maintain records sufficient to enable proper accounting and audits;
- j) Deposit all trust funds, permanent funds and all securities, which come under their control, with a national bank, a state bank, the Executive Council pursuant to Canon 1, Section 6 of Title I, or some other custodian approved by the Finance Committee of the diocese, under a suitable deposit arrangement requiring not less than two signatures upon all checks and orders for withdrawals;
- k) Manage trust funds and income there from strictly in accordance with the lawful express requirements of the instruments creating the trust;
- l) Sell and convey unneeded personal property of the parish when deemed for the best interest of the parish to do so;
- m) Pursuant to a vote of the congregation, at a meeting duly called, sell and convey

real estate of the parish, when deemed for the best interest of the parish to do so, but only pursuant to written consent of the Bishop and Standing Committee first obtained. Acting within the limitations upon debt contained in Title II, Canon 8, and in compliance with the requirements of that canon, to do any of the following acts, namely to:

- n) Cause necessary repairs to be made upon the parish property; and
- o) purchase necessary furnishings and equipment; and
- p) mortgage real estate when deemed for the best interest of the parish to do so, but only pursuant to written consent of the Bishop and the Standing Committee first obtained; and
- q) acquire appropriate real estate, and on real estate held in fee simple by the parish pursuant to consent of the congregation given at a parish meeting duly called and held, take down and remove or alter existing buildings, and erect, construct, or reconstruct, a church building, chapel, rectory, and/or parish house. This subsection shall not be held to apply to alterations which do not involve major structural changes to the buildings in question.

The foregoing duties of the Vestry shall always be subject to the authority of the rector to direct the spiritual activities of the congregation subject to the Bishop or other person acting as the Ecclesiastical Authority and to Canon Law and the rector's right to possession, use and control of the property of the parish as provided by the canons of the Episcopal Church.

#### **Section 5. DUTIES OF OFFICERS OF VESTRY**

- a) **WARDENS.** In case the congregation be without a rector, or in the absence of the rector, the wardens shall preside at meetings of the congregation and of the vestry, and shall provide public worship as circumstances shall permit.
- b) **SECRETARY.** The secretary shall keep correct minutes properly bound of all meetings of the vestry and of the congregation and shall sign the same and deliver the same to his/her successor. The records of the congregation and the vestry at all times shall be safely and permanently kept open to inspection by the Bishop, the rector, and all qualified voters of the congregation. The secretary shall be the custodian bond of the treasurer. The secretary shall see to it that proper timely notice is given of all meetings of the vestry and of the congregation.
- c) **TREASURER.** The treasurer shall receive and keep safe all monies of the parish, and shall make disbursements there from only upon order of the vestry. The treasurer shall obtain and keep on file proper receipts and vouchers covering all disbursements and shall maintain proper accounts covering all funds received disbursed and on hand. The treasurer shall report to the vestry at each stated meeting thereof, and whenever requested, all receipts and disbursements and the condition of the parish finances. The treasurer shall make a like report to the annual parish meeting. The treasurer shall give bond for the faithful performance of his/her duties. The treasurer's records shall be open to inspection by the Bishop and shall be promptly delivered to the treasurer's successor in office.

**CANON 4**  
**REGISTERS AND PAROCHIAL REPORTS**

**Section 1. DUTIES**

It shall be the duty of all rectors, vicars, and other clergy of the Diocese to record in the appropriate Parish or Mission register all the official acts listed in Title I, Canon 6, of the Canons of General Convention.

**Section 2. REPORTS**

A report of every congregation and of every bishop, presbyter, and deacon not officially attached to a congregation shall be prepared annually as required by and in the manner set forth by Title I, Canon 6, of the Canons of the General Convention.

**CANON 5**  
**FINANCIAL ASSISTANCE TO CONGREGATIONS**

**Section 1. ELIGIBILITY**

Any congregation in union with the Diocese may make application for financial assistance from the Diocese. Such application shall be made through the Executive Council or such committee(s) as it may designate.

**Section 2. PROCEDURE**

The Executive Council shall establish and administer a process whereby congregations may apply for financial assistance from the Diocese. Such process shall be communicated to all congregations in the Diocese in an appropriate and timely manner and shall include, but is not limited to, the following:

- a) Dates and deadlines for applications and/or steps within the application process.
- b) Method of reporting from the applying congregation of:
  - 1) Conduct of a stewardship program for the support of the congregation and the diocese;
  - 2) Activity and worship in the congregation in the preceding year;
  - 3) Expectations for the future of the congregation.
- c) Method of accountability for use of assistance fund.

**Section 3. FINAL APPROVAL**

The final decision on all financial assistance grants shall be made by the Executive Council.

**Section 4. FUNDING**

Funds for financial aid to congregations within the Diocese shall be identified by the Annual Convention as a part of the budget of the General Fund as described in Canon 8 of Title I, in a line item entitled, "Aid to Congregations." In any given fiscal year, the total of all financial assistance granted by the Executive Council shall not exceed the total of the amount allocated for "Aid to Congregations."

**CANON 6**  
**DISSOLUTION OF CONGREGATIONS**

**Section 1. DISSOLUTION**

Whenever any congregation shall be determined by the Bishop and Executive Council to be virtually extinct, the Convention may exclude it from union with the Diocese, but without prejudice to subsequent application for readmission in the manner prescribed by Canon for original admission.

In such case the real estate and invested funds that may be held by the Diocese or the Bishop Whittemore Foundation for the benefit of such congregation shall be administered for the benefit of the general missionary work of the Diocese and may be leased, mortgaged, sold or otherwise disposed of by the

Bishop and the Executive Council pursuant to Title III, Canon 5, Section 4(f) of these Canons and pursuant to the requirements of the Canons of the General Convention. All personal property and funds in the custody of the treasurer of the congregation shall be turned over to the Treasurer, to be used under the direction of the Bishop and the Executive Council for the general Missionary work of the Diocese.

**Section 2. REORGANIZATION OF CONGREGATION AFTER DISSOLUTION**

A dissolved congregation may be reorganized by the same procedure prescribed in these Canons and after reorganization having been completed, the reorganized congregation shall be entitled to the income accruing thereafter from invested funds derived from the predecessor congregation and then continuing to be held by the Executive Council, and not in the meantime disposed of, which fund shall be held for the benefit of such reorganized congregation, subject to such encumbrances as may have been created thereon in the meantime by action of the Executive Council or otherwise.

**CANON 7**  
**OF CHURCH PROPERTY**

A parish or other entity of the Diocese of Western Michigan must obtain the approval of both the Bishop and the Standing Committee before acquiring real property, whether by purchase, gift, bequest, or otherwise. Title to real property shall be held *in trust* for the Diocese of Western Michigan, except as otherwise directed by the Bishop and the Standing Committee.

**Section 1. LIMITATIONS ON DEBT**

Hereafter no indebtedness shall be incurred by any congregation without the approval of both the Bishop and the Standing Committee, EXCEPT:

- a) Indebtedness for permanent improvements, replacement or additions to real estate or equipment, where the amount of such indebtedness, plus indebtedness of every kind already existing, shall not exceed 150% of the average annual receipts of such congregation during the three years then last preceding;
- b) Indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing, shall not exceed 20% of the total current receipts of such congregation during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable

expectation of its payment out of the receipts of the next two years;

- c) Indebtedness incurred to finance existing loans, provided the total amount thereof be not increased.

In computing receipts under subsections (a) and (b) hereof, income from endowments, devises and bequests available for general purposes may be INCLUDED but principal and income not available for payment of debts, and receipts earmarked for non-parochial purposes shall be EXCLUDED.

### **Section 2. PLAN OF PAYMENT REQUIRED**

Where approval of proposed indebtedness is required, the application therefore shall be accompanied by a plan of payment, and such approval shall not be granted in any event unless such a plan is deemed feasible by the Bishop and the Standing Committee.

### **Section 3. EXISTING INDEBTEDNESS**

This Canon shall not apply to the refinancing of existing indebtedness, provided the total existing indebtedness is not increased.

## **CANON 8 FISCAL YEAR, AUDITS AND INSURANCE**

### **Section 1. FISCAL YEAR**

The fiscal year of this diocese and of every congregation and affiliated or subsidiary organization thereof, shall be the calendar year beginning January 1, and ending December 31, both inclusive.

### **Section 2. AUDITS**

As soon as may be after the close of each fiscal year, the accounts of all officers handling funds, whether of the Diocese or its auxiliaries, or of congregations and their auxiliaries, shall be audited in a manner satisfactory to the Executive Council.

### **Section 3. INSURANCE**

- a) All buildings and tangible personal property, owned or held in trust by the Diocese or by any congregation, shall be insured under the Diocesan Blanket Insurance program; including but not limited to hazards to be insured against, amount and sufficiency of such insurance for each congregation, and insurance carrier or carriers, shall be as prescribed by the Executive Council. Each congregation insured under this program shall pay to the Convention Treasurer its fair share of the cost of the total Blanket Insurance program, which fair share shall be determined by the Executive Council.
- b) If any congregation neglects or refuses to pay its fair share of the cost of the Blanket Insurance Program, the Executive Council may exclude its property from the program.
- c) Each congregation and the Cathedral Corporation that provides employee health insurance shall provide that coverage through the organization providing coverage to Diocesan employees. The diocesan employee plan will provide a range of benefit plans that are financially sound, providing high quality care, and in a range of prices. Failure to comply with this subsection may result in the Diocese no longer providing a group health insurance plan. At that point, each parish would

have to seek its own health insurance coverage.

## **CANON 9 SEASONAL CHAPELS**

Any Summer or Seasonal Chapel within the confines of the diocese shall be under the control and direction of the Bishop, who, in turn, shall order the liturgical norm for such chapels and be responsible for appointing members of the clergy to officiate, as the Bishop sees fit and proper.

The Bishop has the discretion for purposes of administration, to appoint a presbyter, resident in the diocese, as priest-in-charge, to function and administer such a chapel.

All assets and real properties of such chapels shall be vested in the hands of the Diocese as provided under Title I, Canon 1, Section 2, of the Canons of the Diocese.

## **CANON 10 OF MINIMUM COMPENSATION STANDARDS FOR CLERGY**

### **Section 1.**

There is hereby established a minimum standard of compensation for all members of the clergy exercising a full-time, parochial, stipendiary ministry in the Diocese of Western Michigan. Compensation is defined as stipend, social security reimbursement (if provided), housing/housing allowance, and utilities.

The establishment of a minimum compensation standard is not meant to prevent a congregation from providing additional forms of compensation.

### **Section 2.**

The Executive Council shall present to each Annual Convention a recommendation for an annual compensation minimum. Upon adoption by the Annual Convention such shall become the minimum compensation standard for the next ensuing fiscal year. For those who have been ordained more than one year, the minimum standard shall be increased by an amount, to be determined by the Annual Convention on recommendation from the Executive Council, for each year of ordained ministry beyond the first year to a limit of ten years.

### **Section 3.**

In any case where compensation provided is below the minimum standard the position should realistically be regarded as less than a full-time position and the Bishop, or the Bishop's representative, shall assist in negotiating a mutually agreeable solution.

### **Section 4.**

Consideration for adequate reimbursement shall also be given by vestries in the areas of:

- a) Reimbursement of automobile expenses;
- b) Continuing education; and
- c) Other professional expenses.

## **CANON 11**

## **ON DISSOLUTION OF THE PASTORAL RELATION**

### **Section 1.**

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

### **Section 2.**

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

### **Section 3.**

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

### **Section 4.**

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

- a) The Bishop shall give notice to the Rector and Vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.
- b) If a timely request is made, the President of the Standing Committee shall set a date for the conference, which shall be held within thirty days.
- c) At the conference each party shall be entitled to representation and to present its position fully.
- d) Within thirty days after the conference, or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter the Bishop, as final arbiter and judge, shall render a godly judgment.
- e) Upon the request of either party, the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.
- f) If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the Rector and the Vestry.
- g) If the relation is to be dissolved:
  - 1) The Bishop shall direct the Secretary of the Convention to record the dissolution.
  - 2) The judgment shall include such terms and conditions including financial

settlements as shall seem just and compassionate.

**Section 5.**

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

**Section 6.**

In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may:

- a) In the case of a Rector, suspend the Rector from the exercise of the priestly office until he Priest shall comply with the judgment.
- b) In the case of a Vestry, invoke any available sanctions including recommending to the convention of the diocese that the Parish be placed under the direct supervision of the Bishop until it has complied with the judgment.

**Section 7.**

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

**Section 8.**

- a) Statements made during the course of proceedings under this Canon are not discoverable nor admissible in any proceedings under Title IV of the National Church Canons, provided that this does not require the exclusion of evidence in any proceeding under the National Church Canons which is otherwise discoverable and admissible.
- b) In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under Canon IV, 1, of the National Church Canons, all proceedings under this Canon shall be suspended until the charge has been resolved or withdrawn.

**CANON 12  
NEW CHURCH STARTS**

**Section 1. ESTABLISHMENT**

On recommendation of the Bishop, the Executive Council may establish a new church start, subject, however, to the provisions of Section 4 of this canon.

**Section 2. CONSULTS**

If the gathering place for worship of the proposed new church be within three miles of the church of any parish in union with the Convention, the Bishop and Executive Council shall consult with the rector and vestry of each such parish church before establishing the new church start.

**Section 3. ACTION BY CONVENTION**

If, after the establishment of a new church start by the Executive Council as hereinabove provided, the next annual Convention of the diocese shall approve the same, the new church start shall thereby be admitted to union with the Convention. If such establishment shall Not receive approval of the Convention, the Convention shall by resolution determine the

disposition of the new church start.

#### **Section 4. ORGANIZATION**

- a) After establishment of a new church start under this canon: the Bishop shall appoint a presbyter, as the church planter, to have charge of the spiritual affairs of the new church start under direction of the Bishop. The Church Planter's salary shall be fixed within the approved diocesan guidelines for clergy compensation. A new church start established under this canon shall not place itself under the charge, temporary or permanent, of any person without the consent of the Bishop.
- b) The Bishop and church planter shall appoint an advisory committee from new church missionary members.

#### **Section 5. MEETINGS**

- a) A meeting of the new church congregation shall be held annually during the month of January on such date as may be fixed by the by-laws. The first annual meeting shall adopt bylaws; and the first and each subsequent annual meeting shall be for the following purposes:
  - (1) The election of a warden, secretary, treasurer and not more than 6 other persons, having the qualifications of voters, to constitute the advisory committee;
  - (2) Consideration and action upon recommendations of the church planter or advisory committee concerning secular business of the new church start;
  - (3) Reception of reports;
  - (4) Consideration and action upon proposed amendments to the by-Laws.
- b) Special meetings may be called by the church planter or advisory committee for purposes to be stated in the notice of the meeting.
- c) Notices of the annual and all special meetings shall be given in not less than 7 days in advance of the meeting.
- d) All covenant members who are 16 years of age or older, are regular attendants at the services of the New Church Start, and who make bona fide regular contributions to its support, shall be entitled to vote at the meetings of the congregation.
- e) The annual meetings shall also choose the authorized number of lay delegates to represent the New Church Start at the Convention, as determined according to Diocesan Canons Title I, Canon 2, Section 4, together with the same number of alternates, if the New church start is in union with the Convention under the Constitution of this Diocese. They must have the same qualifications as prescribed for delegates from parishes. If not so elected, the advisory committee may appoint delegates and alternates.

#### **Section 6. PROPERTY**

New church starts shall be incorporated under the Michigan non-profit act when they show evidence of being financially self-sufficient for one year. Title to all personal property given to or purchased by or for a new church start established under this canon, and to monies contributed for operating purposes, shall vest in the treasurer of the new church start and his/her successors in office in trust for the new church start, subject to use by the church planter in his/her canonical administrations.

The Diocese of Western Michigan shall hold title to all real estate given to or purchased by or for a new church start established under this canon. Donations of real estate for the benefit of a new church start shall not be accepted except by consent of the Bishop and the Standing Committee of the Diocese of Western Michigan.

Title to endowments and invested funds given or bequeathed for the use or benefit of a new church start established under this canon shall be held by the Diocese of Western Michigan, which shall administer the same for the purposes directed in the instrument of gift or trust, unless some other Trustee shall be named in such instrument and shall accept the trust.

When a new church start is replaced by an incorporated parish, such parish shall be deemed the lawful successor of the new church start and all property held in trust for the new church start shall be conveyed to such parish, provided such conveyance is not inhibited by the provisions of the trust.

Before any church, parish house or other buildings shall be built by such a new church start, or structural alterations made to any existing building, satisfactory drawings thereof shall be submitted to and approved by the Bishop and the Standing Committee of the Diocese of Western Michigan.

**Section 7. OFFICERS' DUTIES.**

The wardens, the secretary and treasurer shall have such duties, as conform as nearly as practicable to those of the corresponding officers of a parish. The treasurer shall give bond under the circumstances and in the form required by the canons of this diocese and of the General Convention, satisfactory to the Bishop and Standing Committee.

**Section 8. SUPERVISION OF NEW CHURCH STARTS RECEIVING DIOCESAN FINANCIAL ASSISTANCE.**

The Bishop and Executive Council shall exercise supervision over the financial affairs of every new church start.

**Section 9. CHANGE FROM NEW CHURCH STATUS TO PARISH STATUS.**

To become a parish, a new church start must follow the procedure and comply with the standards prescribed by Title II, Canon 1.

**Section 10. DISSOLUTION.**

On recommendation of the Bishop, the Executive Council may close a new church start after giving the officers of the new church start a reasonable opportunity to be heard. In such case the real estate and invested funds held by the Diocese of Western Michigan for the benefit of such new church start shall be administered for the benefit of the evangelical work of the diocese and may be leased, mortgaged, sold or otherwise disposed of, with the advice and consent of the Bishop and Executive Council. All personal property and funds in the custody of the new church start treasurer shall be turned over, in such case, to the treasurer of the diocese, to be used under the direction of the Bishop and Executive Council for the evangelical work of the diocese.

## **PAROCHIAL MISSIONS**

### **Section 1. ESTABLISHMENT**

On recommendation of the Bishop and Standing Committee, the Executive Council may establish a Parochial Mission, subject, however, to the provisions of Section 4 of this Canon.

### **Section 2. CONSULTS**

If the gathering place for worship of the proposed Parochial Mission be within three miles of the church of any parish in union with the Convention, the Bishop and Executive Council shall consult with the rector and vestry of each such parish church before establishing the Parochial Mission.

### **Section 3. APPLICATION**

An application for establishment of a Parochial Mission shall be made by in writing to the Bishop by the parish proposing to sponsor the Parochial Mission. The application shall set forth:

- a). A description of the group (which may be identified by native language, ethnic group, geographic location, or other affinity) to be served by the proposed Parochial Mission;
- b). An explanation of the reasons why such group would be better served by the establishment of the proposed Parochial Mission than by the sponsoring parish as presently constituted or by some other existing parish;
- c). A description of the physical facilities to be used by the proposed Parochial Mission;
- d). A description of the arrangements proposed for taking charge of the spiritual affairs of the proposed Parochial Mission;
- e). A description of the relationship contemplated between the sponsoring parish and the proposed Parochial Mission, including the arrangements for supervision of the financial affairs of the Parochial Mission and any expectations for eventual self-sufficiency of the proposed Parochial Mission; and
- f). An affirmation to the effect that the proposed Parochial Mission will, if established, obey the Constitution and Canons of the Protestant Episcopal Church in the United States of America, the Constitution and Canons of the Diocese of Western Michigan, and the Bishop of Western Michigan.

The sponsoring parish shall in addition furnish the Bishop with such other information as he/she may require to satisfy himself/herself of the need, and the adequacy of the arrangements, for such proposed Parochial Mission.

### **Section 4. ACTION BY CONVENTION**

If, after the establishment of a Parochial Mission by the Executive Council, the next annual Convention of the diocese shall approve the same, the Parochial Mission shall thereby be admitted to union with the Convention. If such establishment shall not receive approval of the Convention, the Convention shall by resolution determine the disposition of the Parochial Mission.

### **Section 5. ORGANIZATION**

After establishment of a Parochial Mission, the Bishop shall appoint a person to have charge as vicar of the spiritual affairs of the Parochial Mission in cooperation with the sponsoring parish under the direction of the Bishop, on such terms and for such period as the Bishop may direct. The Bishop shall also appoint a warden, secretary, and treasurer and advisory committee for the Parochial Mission, to hold office until the next annual meeting of the mission's congregation. The officers and advisory committee of the Parochial Mission shall administer the secular affairs of the Parochial Mission in cooperation with the officers and vestry of the sponsoring parish.

#### **Section 6. MEETINGS**

- a) A meeting of the Parochial Mission shall be held annually during the month of January on such date as may be fixed by the By-Laws. The first annual meeting shall adopt the By-Laws; and the first and each subsequent annual meeting shall be for the following purposes:
  - (1) The election of wardens, secretary, treasurer and not more than 9 other persons having the qualification of voters to constitute the advisory committee;
  - (2) Consideration and action upon recommendations concerning the secular business of the Parochial Mission in cooperation with the sponsoring parish;
  - (3) Reception of reports; and
  - (4) Consideration and action upon proposed amendments to the By-Laws.
- b) Special meetings may be called by the vicar or advisory committee for purposes to be stated in the notice of the meeting.
- c) Notices of the annual and all special meetings shall be given in such reasonable manner as the vicar or the advisory committee shall direct.
- d) All baptized persons who are 16 years of age or older, are regular attendants at the services of the Parochial Mission, and who make bona fide identifiable contributions to its support, shall be entitled to vote at the meetings of the congregation.
- e) The annual meeting shall also choose the authorized number of lay delegates to represent the Parochial Mission at the Convention, as determined according to Diocesan Canons Title I, Canon 2, Section 4, together with the same number of alternates, if the Parochial Mission is in union with the Convention under the Constitution of this Diocese. They must have the same qualifications as prescribed for delegates from parishes. If not so elected, the advisory committee may appoint delegates and alternates.

#### **Section 7. PROPERTY**

Parochial Missions shall not be separately incorporated. Title to all personal property given to or purchased by a Parochial Mission, and to monies contributed for operating purposes, shall vest in the treasurer of the mission and his/her successors in office in trust for the mission, subject to use by the vicar in his/her canonical administration.

The Diocese of Western Michigan shall hold title to all real estate given to or purchased by a

Parochial Mission. Donations of real estate for the benefit of a Parochial Mission shall not be accepted except by consent of the Bishop and the Standing Committee of the Diocese of Western Michigan.

Title to endowments and invested funds given or bequeathed for the use or benefit of a Parochial Mission shall be held by the Diocese of Western Michigan, which shall administer the same for the purposes directed in the instrument of gift or trust, unless some other Trustee shall be named in such instrument and shall accept the trust.

When a mission is replaced by an incorporated parish, such parish shall be deemed the lawful successor of the Parochial Mission and all property held in trust for the Parochial Mission shall be conveyed to the new parish, provided such conveyance is not inhibited by the provisions of the trust.

Before any church, parish house or other buildings shall be built by a Parochial Mission, or structural alterations made to any existing building of a Parochial Mission, satisfactory drawings, cost estimates; thereof shall be submitted to and approved by the Bishop and the Standing Committee of the Diocese of Western Michigan.

#### **Section 8. OFFICERS' DUTIES**

The wardens, secretary and treasurer shall have the same duties as those of the corresponding officers of a parish. The treasurer shall give bond under the circumstances and in the form required by the Canons of the Diocese of Western Michigan and of the General Convention, satisfactory to the Bishop and Standing Committee.

#### **Section 9. SUPERVISION OF FINANCIAL AFFAIRS**

The financial affairs of the Parochial Mission shall be supervised by the sponsoring parish.

#### **Section 10. CHANGE TO PARISH STATUS**

To become a parish, a Parochial Mission must follow the procedure and comply with the standards prescribed by Title II, Canon 1.

#### **Section 11. DISSOLUTION**

On recommendation of the Bishop, the Executive Council may close a Parochial Mission after giving the sponsoring parish and the officers of the mission a reasonable opportunity to be heard. In such case any real estate and invested funds held by the Diocese of Western Michigan for the benefit of such Parochial Mission shall be administered for the benefit of the evangelical work of the diocese and may be leased, mortgaged, sold or otherwise disposed of with the advice and consent of the Bishop and the and Standing Committee. All personal property and funds in the custody of the Parochial Mission treasurer shall be turned over, in such case, to the treasurer of the diocese, to be used under the direction of the Bishop and Executive Council for the evangelical work of the diocese.

### **CANON 14 ON RESTORING CONGREGATIONAL HEALTH**

**Section 1. Purpose.** This Canon is intended to address the exceptional case of a parish whose continued viability as a self-sustaining entity appears to be in jeopardy, such that a degree of Episcopal intervention or oversight is needed as a means of restoring the health of the congregation. It is not intended to derogate from the traditional right and responsibility of parishes in the Episcopal Church to govern themselves. In those cases where an inquiry is initiated, and where a distressed parish is declared, it shall be the duty and obligation of all parties to strive to accomplish the speedy end or substantial amelioration of the conditions

that led to the inquiry or to the declaration of distressed parish, and to restore the congregation to spiritual and temporal health.

**Section 2. Initiation of Inquiry.** An inquiry by the Ecclesiastical Authority leading to a declaration of distressed parish under this Canon may be initiated only in one of the following ways:

The Bishop, believing that one or more of the conditions in Section 4 may exist, may initiate such inquiry;

The Standing Committee by vote of two-thirds of its members, believing that one or more of the conditions in Section 4 may exist, may petition the Bishop to initiate such inquiry; or if the Standing Committee is the Ecclesiastical Authority, it may initiate such inquiry by unanimous vote;

The Rector, both Wardens, or a majority of the Vestry of such parish, believing that one or more of the conditions in Section 4 may exist, may petition the Ecclesiastical Authority to initiate such inquiry.

**Section 3. Inquiry by Ecclesiastical Authority.** Upon proper initiation as provided in Section 2, the Ecclesiastical Authority, either itself or through persons it may designate, shall conduct such inquiry into the condition of the parish as it deems appropriate. Such inquiry shall include conversations with persons in the parish, and may also include written or oral questions to the parish or members thereof and examination of any books and records of the parish. The parish must cooperate in the inquiry by answering such questions fully, accurately, and promptly, and by making available the books and records of the parish upon reasonable notice. If, after such inquiry, the Bishop finds that one or more of the conditions in Section 4 exist in the parish, the Bishop may, with the concurrence of two-thirds of the Standing Committee, declare the parish to be a distressed parish. If the Standing Committee is the Ecclesiastical Authority, it may make such declaration following inquiry, by unanimous vote.

**Section 4. Distressed Conditions in the Parish.** No declaration of distressed parish may be made except upon a finding, following inquiry, that one or more of the following conditions exist in the parish:

- (a) The failure of the parish, for two years or more, to consist of at least twenty-five adult Communicants of the Church or, for two years or more, to be financially self-supporting.
- (b) The failure for at least two years to elect a Vestry or a Rector (where the parish is without a Rector).
- (c) The failure to pay the minimum clergy compensation as required by canon; or the failure to make timely payment of premium under the clergy pension system as required by canon, or of premium for any other obligatory insurance for clergy.
- (d) The refusal or willful failure to arrange for representation of the parish at an Annual Convention of the Diocese.
- (e) The failure or neglect to make canonically-required reports, including the annual parochial report to the Bishop, the annual pledge to the diocese, and parish audit report; or to pay duly-assessed Diocesan apportionments

or assessments. Voluntary giving shall not be considered a Diocesan apportionment or assessment.

- (f) Persistent and significant instability or decline in the financial or temporal condition of the parish, as evidenced by, for example, substantial invasion of the principal portion of endowment or trust funds, to such a degree that, in the judgment of the Bishop and two-thirds of the Standing Committee, the long-term viability of the parish as a self-supporting entity is in jeopardy.
- (g) Persistent failure or neglect to conform to the business methods in church affairs required by the Constitution and Canons of the Episcopal Church or of the Diocese, including those requirements relating to the bonding of treasurers or other custodians of funds, proper record keeping, proper maintenance of books of account, annual audit, and the maintenance of adequate insurance.
- (h) The purchase, use, or conveyance of property of the parish, or the incurring of debt, other than in conformity with the Constitution and Canons of the Episcopal Church and of the Diocese, except where such non-conformity was inadvertent and resulted in no substantial prejudice to the property or temporal interests of the parish.
- (i) The failure to cooperate in an inquiry under this Canon, or in connection with any other canonical inquiry by the Ecclesiastical Authority or its designee, including the failure or refusal to provide full and accurate information on the state of the parish and its affairs.
- (j) The failure to implement in good faith any plan or arrangement agreed to by the parish under this Canon.
- (k) Apart from the foregoing, any deliberate and manifest breach of obligation of the parish, set out in the Constitution and Canons of the Episcopal Church or of the Diocese, but only if the following additional conditions are met:
  - (i) the Bishop shall have transmitted to the parish a written warning summarizing the conduct or failure to act by the parish which constitutes the deliberate and manifest breach under this section, indicating the reasons why such conduct or failure to act constitutes such breach, and explicitly directing the parish to cease and desist from the conduct which constitutes the breach, or to act affirmatively as the canonical obligation requires; and
  - (ii) within 30 days following transmittal of the warning and direction, the parish shall have failed or refused to conform to the directive so provided, or shall have failed or refused to provide to the Bishop a written plan and agreement satisfactory to the Bishop to bring its conduct into prompt conformity with its canonical obligation.

**Section 5. Remedies.** If a parish is declared to be a distressed parish in accordance with this Canon, the Bishop, with the concurrence of two-thirds of the standing committee, may require the application of one or more of the remedies below, anything in the articles of incorporation or by-laws of such parish to the contrary notwithstanding. The remedies shall be considered independent remedies with no requirement of exhaustion of certain remedies

before the application of others. If the standing committee is the Ecclesiastical Authority, it may require such application by unanimous vote.

- (a) A plan for the parish to cure the conditions which led to the declaration of distressed parish, agreed to by the parish within 90 days, and implemented thereafter in accordance with its terms.
- (b) Appointment by the Ecclesiastical Authority of five or more adult communicants temporarily to govern the affairs of the parish as Warden and Vestry, notwithstanding any other canonical or other provision for such governance, until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons.
- (c) Designation of the Rector of the parish Clergy-in-charge, until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons.
- (d) Conveyance of title of all real property of the parish to the Diocese, which shall preserve and control such property in trust until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons.
- (e) Such other measures as the Ecclesiastical Authority shall determine with the advice and consent of two-thirds of the Standing Committee (or as determined by the Standing Committee acting unanimously, if it be the Ecclesiastical Authority), until the Ecclesiastical Authority declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons.

### **TITLE III ORGANIZING FOR MINISTRY**

#### **CANON 1 ADMINISTRATIVE PLAN**

##### **Section 1. AUTHORITY**

The Executive Council, which is representative of the five deaneries of the Diocese of Western Michigan, shall create such commissions, committees, and departments as shall be deemed appropriate to the mission and ministry of the Diocese. Each shall have a stated Mission, membership, and program and, when necessary, budget, which collectively shall be deemed the Administrative Plan for that year.

##### **Section 2. ACCOUNTABILITY**

Except for staff groups accountable directly to the Bishop, all such commissions, committees and departments shall be directly accountable to the Executive Council. The Executive Council shall provide supervision, interpretation, clarification, and direction to such groups as the Executive Council may deem necessary.

### **Section 3. COMMISSION REPORTS**

Each commission shall report annually and in writing to the Executive Council and at other times the Council deems reports necessary. Copies of these reports shall also be sent to the Bishop as Presiding Officer. The Bishop and the Council shall submit in writing an annual report of their work to the Annual Convention, including the annual report of the Treasurer.

### **Section 4. REPORT TO CONVENTION**

The Executive Council shall report each year to the Annual Convention on the Administrative Plan, providing the names, mission, membership, and budget for each commission, committee, and department which it has created to meet the mission and ministry needs of the Diocese.

### **Section 5. STAFF GROUPS**

Staff groups are advisory committees appointed by the Bishop to assist diocesan staff persons who work directly under the supervision of the Bishop.

## **CANON 2 YOUTH MINISTRIES**

### **Section 1. COMMITTEE ON YOUTH MINISTRIES**

There shall be a Committee on Youth Ministries which shall have such duties as assigned by the Executive Council. This Committee shall be composed of fifteen members selected by the bishop. The Committee shall convene a Youth Convention as set forth in Section 2, to which the youth of the Diocese grades nine through young adults shall be invited. The Committee shall act upon the recommendations made at the Youth Convention.

### **Section 2. YOUTH CONVENTION**

There shall be an annual Youth Convention, organized by the Committee on Youth Ministries which shall have as one of its responsibilities the nomination of 5 youth delegates and 5 alternates to the Diocesan Convention, which upon approval by the Committee, shall be submitted to the Diocesan Convention pursuant to the Canons of the Diocese.

## **TITLE IV ECCLESIASTICAL DISCIPLINE**

### **CANON 1 OF REGULATIONS RESPECTING THE LAITY**

#### **Section 1. CHURCH REGISTERS**

In every congregation, the wardens shall provide a proper book in which the rector or, if there is no rector, one of the wardens shall record the name and date of birth of every child baptized, with the names of the parents and sponsors; the name and date of birth of every adult baptized, with the name or names of sponsors; the name of every person confirmed and received; the names of all persons married, with the signature of the witnesses to marriages; a list of all burials; and a list of all communicants in the church, with the date of every event recorded, all of which shall be over the signature of the person making such record. The warden shall not drop from the record the name of any resident communicant. No alteration shall be made in the baptismal registers, except:

- a) By the minister who made the original entry, within one year following the making of the entry, to correct a clerical error; or

- (b) Pursuant to final order of appropriate civil authority having jurisdiction to determine the pertinent facts, having binding effect on the church, or accepted as binding by the rector or vestry.

**Section 2. SERVICE RECORDS**

In every congregation, the warden shall provide a proper book in which the rector or, if there is no rector, one of the wardens shall record all services held in the congregation which record shall show the date, time, place, and kind of service held, the number of persons present, and if the service be that of the Holy Eucharist, the number receiving communion.

**Section 3. ANNUAL REPORT TO BISHOP**

The rector or warden of each congregation shall annually, on or before the first day of February, deliver to the Bishop the annual report required by Canon.

**Section 4. CUSTODY OF REGISTER OF EXTINCT CONGREGATION**

When any congregation shall have been determined by the Bishop and Executive Council to have become virtually extinct, its register shall be sent to the Registrar immediately and shall remain in the Registrar's custody subject to the Bishop's further direction.

**Section 5. ABSENCE FROM HOLY EUCHARIST**

If any communicant of a congregation shall be irregular or negligent in coming to Holy Eucharist, it shall be the duty of the rector to admonish the communicant. If after admonition, a communicant shall for a period of one year continue to neglect this sacrament, the communicant shall cease to be counted as a communicant in good standing.

**Section 6. ABSENCE FROM CONGREGATION**

If any communicant from a congregation shall be absent for a period of two consecutive years without sufficient reason therefore made known to the rector, the person's name shall be removed from the register and that person shall not be entitled to a letter commendatory unless and until satisfactory explanation is made.

**CANON 2  
ECCLESIASTICAL DISCIPLINE**

**Section 1.**

This Canon is adopted pursuant to the Canons of the General Convention of the Episcopal Church, including Title IV thereof, "Ecclesiastical Discipline," which Title, including Canon IV. 4 thereof, is incorporated herein by reference.

**Section 2.**

The Ecclesiastical Trial Court of the Diocese of Western Michigan is hereby established. As set forth in Title IV of the Canons of the Church, the members of the Court shall be elected by the Annual Convention of the Diocese; the Court shall include both lay persons and priests or deacons, with the majority by no more than one being priests or deacons; the Court shall annually elect a Presiding Judge from among its members within two months following Diocesan Convention; and the Court shall include, as an officer thereof, one or more persons appointed by the Court as Church Attorney. In addition, the Court shall appoint a Clerk, a Reporter, and at least one (but no more than three) Lay Assessors. The Church Attorney shall be appointed no later than 30 days after the filing of a Charge with the Standing Committee. The Clerk and the Reporter shall be appointed no later than 30 days after the issuance of a Presentment by the Standing Committee. At least one Lay Assessor shall be appointed no later than the commencement of trial.

**Section 3.**

The Court shall consist of seven members, of whom four shall be priests or deacons and three shall be lay persons. The Presiding Judge may be either ordained or a lay person, shall serve a one-year term as Presiding Judge, and may be re-elected by the Court as Presiding Judge. A quorum for the rendering a verdict, judgment, and sentence by the Court is seven, and these actions must be concurred in by a two-thirds affirmative vote, or five of the seven members of the Court. Otherwise, a quorum for the taking of official action by the Court shall be five, of whom three shall be priests or deacons and two shall be lay persons, and the Court may act in such other matters upon the affirmative vote of simple majority.

**Section 4.**

The terms of service shall be three years, commencing at the close of the Convention at which a member's election occurred and expiring at the close of the Convention three years later. Notwithstanding the foregoing, a term shall be deemed extended to permit the completion of a trial actually commenced before the expiration of a term. This section is subject to the initial election procedures set forth in Section 6 hereof.

**Section 5.**

Members of the Court may be re-elected by the Convention, except that no person may serve more than two consecutive three-year terms. No person may simultaneously serve as a member of the Court and a member of the Standing Committee, nor may any member of the Court participate in a case in which that member had direct prior involvement, either as a member of the Standing Committee, as Church Attorney, or otherwise.

**Section 6.**

At the 1995 Annual Convention of the Diocese, all seven members of the Court shall be elected for the following terms of service: three persons (two ordained and one lay) shall be elected to serve for three years, or until the close of Convention in 1998; two persons (one ordained and one lay) shall be elected to serve for two years, or until the close of Convention in 1997; and two persons (one ordained and one lay) shall be elected to serve for one year, or until the close of Convention in 1996.

At each Annual Convention commencing with the 1996 Convention, two persons (one ordained and one lay) shall be elected to three-year terms, except that at every third Convention after 1995 (i.e., at the Annual Conventions of 1998, 2001, 2004, etc.) three persons (two ordained and one lay) shall be elected to three-year terms.

**Section 7.**

In the event of a vacancy on the Court caused by death, disability rendering a person unable to act, resignation, or declination to serve, the remaining members of the Court shall, by majority vote and within a reasonable time, appoint a replacement member of the Court. Such replacement member shall serve until the next Annual Convention, at which time the Convention shall elect a new member to fill the remaining term (if any) of the original member. A replacement member shall be from the same order (ordained or lay) as was the person replaced.

**Section 8.**

If a member of the Court is disqualified from a case for cause, as set forth in Canon IV.4.8 of the Canons of the Church, or is otherwise determined by the Court to be unable to serve in a particular case due to conflict of interest or other cause making it inappropriate or impracticable under the circumstances for that member to serve in the case, the remaining members of the Court shall appoint an acting member to serve. Such acting member shall be elected by majority vote of the remaining members of the Court from persons otherwise qualified for election under the Canons. Such acting member shall be a member of the Court

only for the duration and purposes of the particular case; in all other respects and in regard to any other case before the Court, the duly elected member shall serve. A person selected by the Court to serve as an acting member of the Court shall be from the same order (ordained or lay) as was the person for whom substitution was made.

**Section 9.**

The Court may adopt and publish from time to time such Rules of the Court as it deems appropriate and proper. Such Rules of the Court shall be not inconsistent with the Constitutions and Canons of the Church or the Diocese of Western Michigan, and shall be binding on all persons appearing before the Court or under its jurisdiction.

**Section 10.**

The Chancellor of the Diocese of Western Michigan shall be available to provide advice and counsel to the Ecclesiastical Trial Court on matters of procedure or on any matter touching upon ecclesiastical or civil law, to the extent such involvement is not inconsistent with the responsibilities of the Chancellor under Section 8, Canon 3 of Article I hereof. However, the Chancellor shall not express a view on or have any involvement in the merits of a particular case before the Court.

**CANON 3  
OF THE SEXUAL MISCONDUCT PREVENTION POLICY**

**Section 1.**

The annual Convention may adopt and from time to time amend policies related to sexual misconduct by clergy, parish and diocesan employees and volunteers. Such policies may require periodic training or certification as a mandatory prerequisite for participation in the ministry of the Diocese and its parishes.

**Section 2.**

The failure to abide by the provisions of any policy adopted in accordance with Section 1 hereof, to attend any required training or to comply with a required certification process shall subject such a person to the sanctions and discipline as provided in these Canons and in the Constitution and Canons of The Episcopal Church.

**CANON 4  
OF THE ANTI-RACIST CHURCH POLICY**

**Section 1.**

The annual Convention may adopt and from time to time amend policies related to becoming an Anti-Racist Church. Such policies may require periodic training or certification as a mandatory prerequisite for participation in leadership positions of the Diocese and its parishes.

**Section 2.**

The failure to abide by the provisions of any policy adopted in accordance with Section 1 hereof, to attend any required training or to comply with a required certification process shall subject such a person or congregation to the sanctions and discipline as provided in these Canons and in the Constitution and Canons of The Episcopal Church.