

The following is hereby certified to be the correct text of the Constitution and Canons of the Diocese of Tennessee, as in effect at the conclusion of the One Hundred and Seventy Third Annual Convention, 2005, and is published in accordance with the authorization of the said Convention.

David B. Herbert, Chancellor of the Diocese  
The Rev. Robert Dedmon Secretary of the Convention  
September 12, 2007

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**CONSTITUTION AND CANONS**  
**OF THE DIOCESE OF TENNESSEE**

**CONSTITUTION**

The Clergy and Laity of the Protestant Episcopal Church in the State of Tennessee, for the purpose of promoting the cause of religion and piety, establishing order and securing to themselves and posterity the advantages of the ministry and ordinances of the Church, do ordain and establish this Constitution.

**ARTICLE I**

Sec. 1. The Diocese shall be known and distinguished by the name of THE DIOCESE OF TENNESSEE.

Sec. 2. The Diocese of Tennessee will be composed of the counties of Bedford, Cannon, Cheatham, Clay, Coffee, Davidson, DeKalb, Dickson, Fentress, Franklin, Giles, Grundy, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Stewart, Trousdale, Van Buren, Warren, Wayne, White, Williamson, and Wilson in the State of Tennessee.

**ARTICLE II**

The Constitution of the Protestant Episcopal Church in the United States of America is hereby acceded to and adopted, and its authority fully recognized and acknowledged.

**ARTICLE III**

Sec. 1. A Convention of the Church in this Diocese shall be held annually, at such time and place as the last regular preceding Convention may appoint; and the Bishop, or if there be no Bishop, the Standing Committee, for any good or urgent cause moving thereto, may change the time and place appointed.

Sec. 2. Special meetings of the Convention, when necessary, may be called by the Bishop, or, in case of vacancy in the Episcopate, or the inability of the Bishop to act, from sickness, absence, or other cause, by the Standing Committee. At least thirty days notice shall be given of the time and place of such meeting to all the clergy entitled to seats and to all Parishes and Missions entitled to representation. No other business shall be transacted than that for which such Convention was called.

#### **ARTICLE IV**

The Convention shall be composed of the Clergy and Lay Delegates, constituting one deliberative body. All Presbyters and Deacons of the Protestant Episcopal Church canonically resident in this Diocese, and all Lay Delegates, shall be entitled to seats and votes in this Convention. Each Parish and each Organized Mission in union with this Convention shall be entitled to representation in the Convention by Lay Delegates in such numbers as shall be prescribed by Canon; provided, no person under ecclesiastical censure or process shall be entitled to a seat in this Convention; and provided, that any Parish or Mission ceasing, in the judgment of the Convention, to function as such shall be suspended from representation therein; or, at the option of the Convention, any parish which does not continue to fulfill the canonical conditions required for admission as a Parish, may be reduced to the status of a Mission. Provisions shall be made by Canon for the adjudication of any cases arising hereunder.

#### **ARTICLE V**

One third of all Clergy canonically resident in this Diocese and one third of all the Lay Delegates entitled to seats and votes shall constitute a quorum for the transaction of business, but a smaller number may adjourn.

#### **ARTICLE VI**

In all matters other than procedure that shall come before the Convention, the Clergy and Laity shall deliberate in one body and the concurrence of a majority shall give validity to any measure, except as otherwise specified in this Constitution; but when two members require it, there shall be a vote by orders, in which case the concurrence of a majority of each order shall be required to give validity to the measure.

#### **ARTICLE VII**

- Sec. 1. The Bishop shall be ex-officio President of the Convention, and may make any motion, but shall not enter into debate; the Bishop may deliver sentiments on any subject after it has been discussed, and before any vote thereon.
- Sec. 2. The Bishop Coadjutor, if there be one, shall be ex-officio Vice-President of the Convention, and, in case of the absence of the Bishop or inability to act by reason of any cause, the Vice-President shall exercise all the powers and be subject to all the limitations provided in Section 1.
- Sec. 3. The Bishop Suffragan, if there be one, shall be ex-officio Vice-President of the Convention (2<sup>nd</sup> Vice-President if there be a Bishop Coadjutor), and, if for any reason the Bishop and the Bishop Coadjutor be unable to act, the Bishop Suffragan shall exercise all the powers and be subject to all the limitations provided in Section 1 and 2.
- Sec. 4. In case the Episcopate be vacant or no member thereof be able to act for any cause whatsoever, the Convention shall be called to order by the President of the

Standing Committee, who shall appoint from the order of the Clergy an acting President, and the Convention shall be organized as provided by the Canon.

#### **ARTICLE VIII**

A Secretary shall be elected annually, whose duty it shall be to record the proceedings of the Convention, to notify the Parishes generally of the time and place of the meeting of the Convention, to preserve its Journals and records, to attest the public proceedings of the body, and faithfully deliver in the hands of the Secretary all books and papers relative to the concerns of the Convention which may be in the possession of such person. A Treasurer shall also be elected annually, whose duty it shall be to receive and disburse the funds of the Convention, by the order thereof, and to render an account of transactions to each Annual Convention.

#### **ARTICLE IX**

The Standing Committee shall be composed of seven members, four clergy and three lay who shall be Confirmed Communicants in Good Standing. Members shall be elected for three-year terms with the initial election of one lay and one clergy for one year, one lay and one clergy for two years, and one lay and two clergy for three years. Members having served a full term on the Standing Committee shall be ineligible to serve again for a period of two years. Not more than one person from the same Parish or Mission, either clergy or lay, shall be eligible to serve on the Standing Committee at the same time except for instances where such person transfers to a Parish or Mission.

The Committee will have the power to fill vacancies in their body until the next Annual Convention and to perform all other acts which may be required of them by the Canons of the General Convention or the Convention of this Diocese.

#### **ARTICLE X**

Sec.1. Each parish in union with the Convention of the Diocese of Tennessee shall elect a Vestry, consisting of adult Confirmed Communicants in Good Standing of the Church, who shall be registered communicants of the Parish at the time of election. The time and manner of such election, and the number of vestrymen, shall be prescribed by Canon.

Sec.2. The Vestry shall appoint two Wardens out of its own body, and shall appoint a Secretary and Treasurer, and delegates to the Diocesan Convention, all of whom shall be Confirmed Communicants in Good Standing; and shall exercise all other powers vested in a Vestry by the usages of the Church; and members of the Vestry shall continue in office until a new Vestry is chosen. The Rector or such member of the Vestry designated by the Rector shall preside at all meetings of the Vestry.

#### **ARTICLE XI**

The election of a Bishop of this Diocese shall be by a concurrent vote of the Clergy and Laity in Convention assembled. The vote shall be taken by orders, and a two-thirds vote in

each order shall be necessary to the election of a Bishop. Immediately after an election, the Convention shall proceed to sign the testimonials.

## **ARTICLE XII**

Any proposition for the alteration and amendment of this Constitution must be made in writing, and assented to by a majority of the members in Convention. It shall then lie over for consideration until the next Convention, and shall require for its adoption the suffrages of two-thirds of the members present.

## **CANONS**

### **PREAMBLE A**

#### **DEFINITIONS**

Where used herein:

Annual Convention means the annual meetings of Clergy and Lay Delegates referred to in Canon 1.

Annual Report means the report of each Parish and other Congregation required by Title 1, Canon 6, Sec. 1, of the Canons of the General Church, and by Canon 21 herein.

Assistant Minister means all clergy of a Parish or Mission other than the Rector or Missioner, although they may be designated also as an Associate Minister, a Vicar, or a Curate.

Bishop means the Bishop of the Diocese unless the text otherwise requires.

Clergy, unless the context otherwise requires, means Priests or Deacons canonically resident in this Diocese.

Clerk is another name for the office of Secretary of a Vestry or Mission Council.

Communicant and Communicant in Good Standing refers to such persons as defined in Title I, Canon 17 of the Canons of the General Church.

Convention means the corporation known as *The Diocese of the Protestant Episcopal Church in the Diocese of Tennessee*, unless the context indicates otherwise.

Council means the Council provided for in Canon 6, whose correct name is "The Bishop and Council".

Department means Program Council or such other administrative unit as may be created from time to time.

Diocese means the Diocese of Tennessee.

Ecclesiastical Authority means the Bishop, or if there be no Bishop, then the Bishop Coadjutor, or if there be no Bishop Coadjutor, then the Bishop Suffragan, and if none of the foregoing, then the Standing Committee.

Executive Council means the body of the General Church by that name.

General Church means the Protestant Episcopal Church in the United States of America.

Journal means the Journal of the Annual Convention.

Rector is the Priest called as the Chief Minister of a Parish and elected to such pursuant to these Canons and the Canons of the General Church.

Secretary, where not otherwise qualified, refers to the Secretary of the Diocese.

Standing Committee means the Standing Committee as defined in the Canons of the General Church.

Treasurer, where not otherwise qualified, refers to the Treasurer of the Diocese.

Vicar means the Priest or Deacon of a Mission.

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

## **PREAMBLE B**

### ***THE CORPORATION***

- Sec. 1. "The Convention of the Protestant Episcopal Church in the Diocese of Tennessee" is a civil, not-for-profit corporation, chartered by the State of Tennessee.\*
- Sec. 2. The Constitution and Canons shall constitute the Bylaws of the Corporation.
- Sec. 3. The Board of Directors of the Corporation shall be The Bishop and Council.
- Sec. 4. The Bishop of Tennessee shall be the President of the Corporation, and the Bishop Coadjutor and Bishop Suffragan, if there be any, shall be Vice-Presidents of the Corporation.
- Sec. 5. The Treasurer of the Diocese shall be Treasurer of the Corporation, and the Secretary of the Diocese shall be Secretary of the Corporation. The President and Vice-Presidents may not serve as Secretary.
- Sec. 6. The Annual Convention of the Diocese shall be the membership meeting of the Corporation, and the duly authorized Delegates to the Annual Convention shall be the Members of the Corporation.
- Sec. 7. In all secular matters, the Corporation shall act by and through its officers. All contracts and legal instruments to be binding on the Corporation shall be signed by the President, or a Vice-President, or by some agent vested with authority by a resolution of the Annual Convention or by The Bishop and Council.
- Sec. 8. All moneys and properties of the Corporation shall be devoted to its corporate purposes, and shall not be used for the private profit or benefit of any individual; provided that nothing herein shall prevent the payment of compensation for services to officers, agents and employees of the Corporation as fixed and determined by the Annual Convention or by The Bishop and Council.

\* (Acts of 1858, Chapter 132, Section 10)

## **CANON 1.**

### ***THE CONVENTION***

- Sec. 1. The Convention is the legislative body of the Diocese, and shall exercise all powers not reserved to the Bishop by Canon or tradition, or reserved to any other entity of the Diocese.
- Sec. 2. Every Convention of this Diocese shall be opened by the celebration of the Holy Eucharist. There shall be an address by the Bishop during the Convention. There shall be a daily celebration of the Holy Eucharist.
- Sec. 3. Within the five days immediately preceding the meeting of the Convention, the Bishop, or if there be no Bishop, the President of the Standing Committee, shall furnish the Secretary with a complete list of the Clergy canonically resident in the Diocese, setting forth those who are entitled to seats in the Convention; and giving their respective Cures, Parishes, Stations or places of residence. At the time appointed for the meeting of the Convention, and after the opening service, The Convention shall be called to order, and the Secretary shall report the number of Clerical Members and Lay Delegates present as shown by their personal registration. A roll call may be required upon the affirmative vote of a majority of the Clergy and Lay Delegates present.
- Sec. 4. If it shall appear that there is a quorum in each order the Convention shall proceed to elect a Secretary for the ensuing Convention year, after which the Chair shall declare the Convention to be duly organized.
- Sec. 5. (a) At each session of the Diocesan Convention, Rules of Order and an Order of Business shall be adopted for the government of that session. But the Rules of Order and Order of Business adopted at the previous Annual Convention of the Diocese, if no action is taken to the contrary, shall be in force for the succeeding Convention, with such alterations or amendments as may be made thereto by said Convention.
- (b) If at any time after the organization of the Convention, the right of any Lay Delegate to sit in the convention be called in question, the point shall be determined by a vote of the Convention, and this whether the person has already been admitted to a seat or not.
- Sec. 6. The Secretary of the Diocese, the Treasurer of the Diocese, the Chancellor of the Diocese, the Registrar of the Diocese, the lay members of The Bishop and Council and the Standing Committee, the President of the Episcopal Endowment Corporation, the Vice-Chancellor, the Dean of the School of Theology, and the Chaplain of the University of the South, and the Headmaster of St. Andrew's-Sewanee School (if not members of the Convention by virtue of being either a

member of the Clergy canonically resident or a Lay Delegate representing a Parish or Mission of the Diocese), shall be ex-officio, admitted to seats upon the floor of the Convention, with all privileges except the right to vote.

Sec. 7.(a) Each Congregation in union with the Convention may be represented by the following number of Lay Delegates according to the present number of Confirmed communicants in Good Standing of the Congregation as shown in the last published Journal.

Mission Congregations, including Parochial Missions, with fewer than twenty-five Communicants shall have one Lay Delegate; and those with twenty-five or more communicants will have two Lay Delegates.

Parish Congregations with fewer than five hundred Communicants will have three Lay Delegates; with five hundred Communicants but fewer than one thousand will have four Lay Delegates; and Congregations with one thousand or more Communicants will have five Lay Delegates.

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

In the case of a Mission, if there be no Mission Council, Lay Delegates and Alternates shall be appointed by the Vicar in Charge or by the Bishop.

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

(c) The evidence of election or appointment of Lay Delegates and Alternates shall be a certificate signed by the Rector or Vicar, or by one of the Wardens or the Clerk of the Vestry or Mission Council; which certificate shall set forth, in the order of their election, the names of all Lay Delegates and their Alternates and the fact of their qualification to serve. The certificate shall be sent to the Secretary of the Convention not less than six weeks prior to the assembling thereof, and shall be prima facie evidence of the right of the persons named therein to seats in the Annual Convention.

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

Sec. 8. In case any Vestry shall fail to elect Lay Delegates, or in case all the Delegates and Alternates elected from any Parish shall fail to attend the Annual

Convention, the Rector of such Parish shall have the authority to appoint one Lay Person, who shall be a Confirmed Communicant of the Parish in Good Standing, to represent the Parish in the said Convention as a Lay Delegate.

- Sec. 9. Only lay or clergy Delegates, Vestries, Mission Councils, Missionary Convocations, and the Bishop and Council, may submit nominations and resolutions for consideration by the Annual Convention. Resolutions must be received by, or postmarked for delivery by mail, to the Secretary of the Convention forty-five days preceding the first business day of the Convention. No other resolutions may be considered by the Annual Convention without the approval of a simple majority of the Convention delegates in accordance with the Rules of Order. Nominations shall be made in accordance with the Rules of Order.
- Sec. 10 Proxy voting or voting by absentee ballot is prohibited at the Annual Convention or any other diocesan function.

## **CANON 2.**

### ***THE SECRETARY AND THE TREASURER***

- Sec. 1.(a) The Secretary of the Convention may also serve as Secretary of the Bishop and Council, and in addition to the duties prescribed in the Constitution, shall perform such other duties as the Convention may require.
- (b) Assistant Secretaries may be elected by the Convention.
- Sec. 2.(a) The Treasurer shall perform those duties which are usually performed by the Treasurer of similar organizations; shall receive from Parishes and other organizations within the Diocese funds designated for the work authorized by the Annual Convention or as directed by the Council; and shall also receive funds raised or appropriated for the work of the Church outside of the Diocese and shall forward such funds to the Treasurer of the Executive Council or to such other persons as shall be duly authorized to receive the same.
- (b) The Treasurer shall render to the Council a periodic accounting of all receipts and disbursements, such accounting to be incorporated in the report of the Council to the Annual Convention.
- (c) The Treasurer shall invest and manage all funds committed to the care of such office under policies established by the Council.
- (d) Provision shall be made in the budget of the Annual Convention for the reasonable and necessary expenses of the office of the Treasurer; and the Treasurer shall have authority to employ help necessary to carry out the duties of the office within the budget funds.

- (e) Assistant Treasurers may be elected by the Convention.
- (f) Should the Office of the Treasurer or Assistant Treasurer become vacant between meetings of the Convention, the Bishop and Council may elect a Treasurer or Assistant Treasurer to serve until the next meeting of the Convention.

Sec. 3. The Secretary, the Treasurer and their assistants shall be Confirmed Communicants in Good Standing.

### **CANON 3.**

#### ***THE REGISTRAR***

Sec. 1. There shall be a Registrar of the Diocese elected by the Convention upon the nomination of the Bishop, whose duty shall be to collect and preserve such papers, reports, journals, records, and other documents relating to the history and property of the Church in this Diocese as are now, or may hereafter become, the property of the Convention, and to keep the same in a safe and convenient place, subject to the inspection of the Bishop or the Convention at any time. The Registrar shall make a report of official acts at each Annual Convention.

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

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

### **CANON 4.**

#### ***THE CHANCELLOR***

The Bishop shall nominate and the Convention shall elect a Chancellor, learned in the law, who shall be the advisor of the Bishop, of the Convention, and The Bishop and Council, upon all legal matters touching the interests of the Diocese, and shall hold the office until a successor is elected. One or more Vice-Chancellors may be elected, in like manner, to assist the Chancellor. The Chancellor and Vice-Chancellors shall be Confirmed Communicants in Good Standing.

### **CANON 5.**

#### ***DEPUTIES TO GENERAL CONVENTION AND PROVINCIAL SYNOD***

Sec. 1. At the Annual Convention in the calendar year next preceding the calendar year in which the General Convention meets, the Convention shall elect four Clerical

and four Lay Deputies to represent this Diocese in the next General Convention, and also a like number of Alternate Deputies in each order.

- Sec. 2. The Bishop shall appoint Deputies and Alternates to represent this Diocese in the Synod.
- Sec. 3. The Deputies to the General Convention and to the Provincial Synod shall hold office until their successors are elected or appointed.
- Sec. 4. It shall be the duty of the Deputies to the General Convention or to the Provincial Synod to inform the Bishop, thirty days before the meeting of the body to which they are elected or appointed, of their purpose to be present and perform the duty assigned to them. If they, or any of them, shall decline or fail to attend the sessions, the Bishop shall call upon the Alternate Deputies. In the case of Alternate Deputies to the General Convention this shall be in order of their election.
- Sec. 5. All Lay Deputies and Lay Alternate Deputies shall be Confirmed Communicants in Good Standing in this Diocese. Clerical Deputies shall be canonically resident in this Diocese.

## **CANON 6.**

### ***THE BISHOP AND COUNCIL***

- Sec. 1.(a) The Bishop is the executive head of the Diocese, and is responsible for its operation in respect to its executive and administrative functions provided, however, that nothing herein shall be deemed to affect in any way the Ecclesiastical Prerogatives or Authority of the office of the Bishop, and provided further, that the Bishop Coadjutor shall be responsible for the exercise of such jurisdiction as may have been lawfully conferred upon the office under the rules of the Church.
- (b) If there be a vacancy in the office of Bishop, the Council shall convene at the call of the President of the Standing Committee or any two members of the Council and shall make provision for the discharge of the Executive and administrative functions during the continuance of the vacancy.
- Sec. 2. The Council shall have and exercise all powers of the Convention between meetings of the Convention, provided it may not (a) elect a Bishop, (b) amend the Constitution or Canons,(c) take any action contrary to actions taken by the Convention, or (d) elect any canonical officers of the Diocese.

#### **Memberships and Meetings**

- Sec. 3. The Council shall consist of the Bishop, the Bishop Coadjutor, the Bishop Suffragan, and twelve elected members, together with the Chancellor, Vice Chancellors, Treasurer, and Assistant Treasurer, except that the Chancellor, Vice

Chancellors, Treasurer, and Assistant Treasurer shall have voice but no vote.

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

Sec. 5.(a) There shall be six Clergy and six Laypersons (who shall be Confirmed Communicant in Good Standing) on the Council, each elected to serve for a term of two years, and eligible for election to second term. A member shall be ineligible for re-election for one year after completion of two consecutive terms.

(b) Eight of the members of the Bishop and Council (four Clergy and four Lay members) shall be elected by the missionary convocations in the following manner beginning with the 170<sup>th</sup> Annual Convention and at each annual convention thereafter: the convention delegates from the congregations in each missionary convocation shall caucus during Annual Convention and elect a Clergy member of Bishop and Council when an even-numbered Annual Convention is held and a Lay member when an odd-numbered Annual Convention is held. The members of the Bishop and Council shall take office at the close of the Annual Convention. Nominations may be made in advance of Annual Convention or may be made from the floor of the convocation caucus in accord with the rules of the Annual Convention concerning floor nominations. Any member elected by a caucus must (1) be a member or clergy of a Parish or Mission in the convocation caucus by which such member is elected, and (2) be otherwise qualified for Bishop and Council membership under these canons. A majority of the caucus delegate votes is required for election. Persons designated by the Bishop shall serve as the chair of the caucuses and shall be chosen from the convocation congregations with a continuing member on the Bishop and Council and will report and certify the election results to the Annual Convention immediately following the caucuses.

(c) Four of the members of Bishop and Council (two Clergy and two Lay members) shall be elected by the Annual Convention in the following manner: at the even-numbered Annual Convention, the Convention shall elect two Clergy members to Bishop and Council, and at the odd-numbered Annual Convention, the Convention shall elect two Lay members to Bishop and Council.

Sec. 6. In the event of a vacancy occurring during a member's term, the body electing the vacating member shall elect a person to fill the unexpired term.

Sec. 7.(a) Lay persons eligible to serve on the Council include all Confirmed Communicant in Good Standing eighteen years of age or more, except that no lay person whose compensation in whole or in part is paid by the Diocese, or by an Organization or Institution of the Diocese, shall be eligible to serve.

(b) All Clergy canonically resident in the Diocese are eligible for election to the Bishop and Council. Only one retired clergy person may serve at a time; retirement

while in office will not cause the loss of a seat.

(c) A person, Lay or Clergy, may not serve concurrently on the Bishop and Council and the Standing Committee.

Sec. 8. Not more than one person from the same Parish or Mission, either Clergy or Lay, shall be eligible to serve on the Council at the same time, except for instances where such person transfers to a Parish or Mission.

Sec. 9. The Council shall elect a Secretary who shall perform such duties as may be required by the Council. With the permission of the Bishop, some person employed by the Diocese, not a member of the Council, may act as Secretary.

Sec. 10. The Council shall meet with the Bishop not less frequently than four times per year, one of which meetings may be immediately prior to or immediately following the meeting of the Annual Convention. The dates, times and places of all regular meetings shall be set by the Council. Special meetings of the Council may be called by the Bishop, or by the Secretary on request of any four elected members of the Council. Written notice of all meetings shall be given each member by the Secretary at least ten days prior to the meeting, except the meeting immediately after adjournment of the Convention. A majority of the elected members shall constitute a quorum.

#### Functions

Sec. 11.(a) The policies of the Diocese as determined by The Bishop and Council shall be implemented by the Bishop and the Departments. Any program initiative in the several Departments shall be consonant with the policies of the Diocese. The Council shall provide for the organization of the program and the work of the Diocese.

(b) The Council shall see to the administration and disbursement of funds of the Diocese as it deems advisable, consistent with such budget as may be adopted by the Convention. It shall prepare and submit to the Convention an annual budget to carry out the program and work of the Diocese, for the support of the Episcopate, for Diocesan Administration, and for support of the General Church. It shall fix the compensation and allowances of all persons paid from Diocesan funds, subject only to change by the Convention.

Sec. 12 The Council shall submit to each Annual Convention a report of the work done under its supervision for the preceding year. It shall make and preserve a full record of all its acts, and shall have the right to adopt rules and regulations for its government.

Sec. 13. The Council shall have the power to ask for such reports and statements from any Parish, Mission, Department, Organization or Institution of the Diocese, or from Organizations and Institutions of any Parish, as it may deem necessary or desirable, and such reports and statements shall be given when requested by the Council.

- Sec. 14. The annual budget prepared by the Council shall be based upon the reasonably expected income of the Diocese, including anticipated receipts from the voluntary giving of the several Parishes and Missions. In adopting a final budget, the Convention may refer all or portions thereof to the Council for readjustment.
- Sec. 15. If the receipts of the Diocese during the calendar year exceed the amounts required to meet the budget as adopted by the Convention, the Council may authorize the expenditure of the excess receipts. In like manner, the Council may reduce or eliminate items of the budget if receipts are less than those previously anticipated.
- Sec. 16. The Bishop may appoint and remove all persons to be employed by the Diocese, but their salaries shall be fixed by the Council. At each meeting of the Council, the Bishop shall report to the Council all appointments or removals made pursuant to this section which has occurred since the last meeting of the Council.
- Sec. 17. No person may incur any pecuniary liability against the Convention, or the Council, in carrying on such person's work, which shall be a charge against the Diocese or the Council, or the property of the Diocese or of any Parish, Mission, School, Organization or Institution, unless such charge be included in an approved budget, or upon written authority of the Council.

## **CANON 7.**

### ***DIOCESAN PROGRAM***

- Sec. 1. The Bishop and Council shall provide for the organization of the program and the work of the Diocese, through the creation of Program Councils or other bodies that may from time to time be deemed necessary or appropriate. It shall designate the title, define the structure, duties and responsibilities, and provide for the expenses of each Department.
- Sec. 2. Each Program Council shall include both Clergy and Lay Members, and the Bishop who shall designate a Chair who shall also be a member of the Bishop and Council. All Lay members shall be Confirmed Communicants in Good Standing.
- Sec. 3. Each Program Council and its constituent committees shall keep minutes of its meetings, shall file copies of the same with the Secretary of The Bishop and Council, shall file an annual report of its activities with the Secretary of Convention for inclusion in the annual Journal, and shall make such reports to Bishop and Council as it may from time to time require.
- Sec. 4. Each Program Council, as to work or program assigned to it, shall:

- (a) Advise, assist and cooperate with the Bishop in carrying in its program.
- (b) Prepare and maintain in a current state, plans for the program and work in its field. Such plans, when approved by the Bishop and Council, shall be presented to the Annual Convention.
- (c) Prepare and present through the Bishop to The Bishop and Council for its consideration, budget requests for the work and program committed to it.
- (d) Carry out such other functions as may be recommended by The Bishop and Council and assigned by the Bishop.

Sec. 5. The administration of the program and work of the Diocese shall be the responsibility of the Bishop, and the work of all Program Councils shall be subject to the Bishop's executive and administrative authority. The Bishop and Council shall make provision for such administrative assistants as shall be required to enable the Bishop to carry on the administration of the Diocese, and shall make provision for their compensation and expenses.

Sec. 6. Nothing herein shall restrict the right of the Bishop to appoint ad hoc committees as may be deemed proper, provided that a report of the formation of any such committee shall be made by the Bishop to the next meeting of the Bishop and Council, and that no program or work committed to a Program Council shall be the function of any ad hoc committee. Ad hoc committees shall be dissolved when the work committed to them has been completed, and funding the work of such committees shall be at the discretion of The Bishop and Council.

## **CANON 8.**

### ***COMMISSION ON MINISTRY***

Sec. 1. Membership

- (a) The Bishop shall ex-officio be a member of the Commission on Ministry. The Bishop Coadjutor and the Bishop Suffragan, if there be such, shall be ex-officio members of the Commission on Ministry.
- (b) The Commission on Ministry of this Diocese shall be comprised of not less than six persons to be nominated to staggered three year terms, the total lay membership of which shall not exceed the Clergy membership, to be elected annually by the Convention upon nomination by the Bishop. In the event of a vacancy between annual conventions, the Bishop may nominate a new member to be confirmed by the Bishop and Council to fill the term of such vacancy. All lay members shall be Confirmed Communicants in Good Standing.

(c) The Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop. These rules may include the appointment of committees of the Commission to act on its behalf.

Sec. 2. The Commission on Ministry shall annually report in full to the Convention of the Diocese.

Sec. 3. No member of this Commission, as described in Section 1.(b) of this Canon, may serve on the Standing Committee while a member of the Commission.

Sec. 4. Not more than one person from the same Parish or Mission, either Lay or Clergy, shall be eligible to serve on the Commission on Ministry at the same time.

## **CANON 9.**

### ***STANDING COMMITTEE ON CONSTITUTION AND CANONS***

Sec. 1. There shall be a Standing Committee on Constitution and Canons, composed of four Priests and three Lay Persons, at least one of whom shall be an attorney at law, and the Chancellor and Vice-Chancellors shall be ex-officio members without vote. Committee members shall be appointed by the Bishop for staggered terms of three years. All Lay Members shall be Confirmed Communicants in Good Standing.

Sec. 2. It shall be the duty of the Committee, as soon as possible after adjournment of each session of the General Convention, to ascertain whether changes have been made in the General Church Canons, and to report to the next succeeding Annual Convention of the Diocese whether any changes are required in the Canons of the Diocese in order to conform to the Canons of the General Church.

Sec. 3. All proposed amendments to the Canons of the Diocese shall be submitted to the Standing Committee on Constitution and Canons for its recommendations before the same are considered at an Annual Convention.

## **CANON 10.**

### ***OF REAL ESTATE AND OTHER PROPERTY***

Sec. 1. Of the Use of Property

All property of every kind and character, whether held by the Convention, or by a Parish or Mission, or by an Organization or Institution of this Diocese, and regardless of the manner in which title is vested, is held in trust to be used for the glory of God and the spread of His kingdom, according to the Constitutions and Canons, and Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United

States of America and of this Diocese, and for the purposes and programs of said Church and Diocese.

Sec. 2. How title to real property may be transferred, encumbered, or assigned:

(a) If title to real estate be held by the Diocese in its corporate capacity, it may not be alienated, conveyed, transferred, encumbered, mortgaged, assigned, or leased without the prior consent of the Annual Convention, or of The Bishop and Council.

(b) If title to real estate be held by any Parish or Mission, or by any Organization or Institution of the Diocese, such title may be alienated, conveyed, transferred, encumbered, mortgaged or assigned by action of the Vestry, Council or Board of the Parish, Mission, Organization or Institution, provided that the prior consent of the Annual Convention, or of The Bishop and Council be given.

(c) In addition to the foregoing, if the property has been dedicated, or consecrated, or used for services of Divine Worship, the consent of the Bishop and of the Standing Committee shall also be required.

(d) In any case referred to in paragraph (a) or (b) of this Section 2., if for sufficient cause the Bishop determines that consent cannot await the next meeting of the Annual Convention, or of The Bishop and Council, the Bishop may, with the advice of the Chancellor, give consent to the proposed action, but shall make report thereof to the next meeting of The Bishop and Council.

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

Sec. 3. How title to real property shall be vested.

(a) After the adoption of this Canon, title to all real property thereafter acquired shall be taken and vested as follows:

(1) If title is to be held by the Diocese, it shall be conveyed and held in the name of "The Convention of The Protestant Episcopal Church in the Diocese of Tennessee, a corporation."

(2) If title is to be held by any Parish, or by any Organization or Institution, which is incorporated under the laws of this state, then title shall be conveyed to it in its corporate capacity, but with these words added, "to be held subject to the Charter, Constitution and Canons of The Convention of The Protestant Episcopal Church in the Diocese of Tennessee, a corporation."

(3) If title is to be held by a Parish, or by any Organization or Institution, which is not incorporated, then title by deed shall be conveyed to "The Rector, Wardens and Vestry of \_\_\_\_\_ to be held subject to the Charter, Constitution and Canons of

The Convention of The Protestant Episcopal Church in the Diocese of Tennessee, for the use and benefit of the Parish.”

Sec. 4. Use of consecrated or dedicated Churches or Chapels

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

Sec. 5. Authority to execute documents.

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

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

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

Sec. 8. Insurance

All Church buildings, the personal property contained therein, and all other real and personal property, shall be insured in a reliable insurance company for an amount to be determined by the Vestry or other governing body having ownership or supervision of the property.

Sec. 9. All Parishes, Missions, Organization or Institution of the Diocese shall conform in the conduct of their business affairs to the requirements of Title 1, Canon 7 of the General Church, to the requirements of these Canons, and to such additional requirements as from time to time may be prescribed in the Convention or The Bishop and Council.

## **CANON 11.**

### ***THE CHURCH PENSION FUND***

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

Sec. 2. The Bishop shall appoint, annually, a Committee on the Church Pension Fund, to consist of two Clergy and three Laypersons.

The duties of the Committee shall be as follows:

(1) To furnish annually to The Church Pension Fund a list of the Clergy canonically resident in this Diocese, and of the Clergy canonically resident in other Dioceses or Missionary Districts licensed to officiate in this Diocese, with a statement of the stipend received by each of said Clergy from any Parish or Mission in this Diocese, or other Organization in this Diocese, which either is subject to this Convention, or being engaged in religious or charitable work as a Church institution, elects to come into The Church Pension Fund.

(2) To receive from The Church Pension Fund from time to time a statement of the premiums necessary to be paid by each of the said Parishes, Missions or other Organizations in order that the Clergy in receipt of stipends from them may be entitled respectively to pensions.

(3) To inform the authorities of each of the said Parishes, Missions or other Organizations of the premiums payable by them and of the time and manner of payment thereof.

(4) To elect a Treasurer who may or may not be a member of the said Committee, who shall be required to give bond, satisfactory to the Committee, and whose duty it shall be to receive from all of the said Parishes, Missions or other Organizations the aforesaid premiums, and to transmit the same to the Treasurer of The Church Pension Fund; provided, however, that by mutual agreement between the Diocesan Committee and head office of The Church Pension Fund, a method of payment of premiums by remittance direct from the Parishes and other employing agencies to the head office of the Fund may be substituted for that of reception and transmission by the Treasurer of the Committee herein set forth.

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

(6) In general, to inform the Clergy and Laity of the Diocese of the pension system created by the General Convention, and committed by it to the operation of The Church Pension Fund, whereby the Clergy of the Church are assured of pensions, as of right, to themselves in the event of old age, or disability, and in the event of death, to their surviving spouses and minor orphans, and do all things that may be necessary or advisable in the premises to the end that the moneys necessary to be paid by the Parishes, Missions or other ecclesiastical Organizations may be fully and systematically paid.

Sec. 3.(a) It shall be the duty of the Treasurer of the Diocese to pay the Committee of The Church Pension Fund the premiums payable on behalf of the Bishop of the Diocese and also of the Bishop Coadjutor and Bishop Suffragan, if there be such.

(b) It shall be the duty of The Bishop and Council to pay the Committee on The Church Pension Fund the premiums payable on the account of all stipends received by Clergy from said Bishop and Council.

(c) It shall be the duty of The Bishop and Council to authorize the Treasurer of the Diocese to pay to The Church Pension Fund the premiums due on account of stipends paid by the Diocese to Clergy other than those specified in the preceding clauses, and to make all necessary arrangements to provide for the cost of such premiums.

(d) It shall be the duty of every Clergy as aforesaid, receiving a stipend or stipends, and the duty of every Parish, Mission or other Organizations as aforesaid, paying a stipend or stipends, to furnish a statement of such stipend or stipends to the Committee on The Church Pension Fund whenever said Committee shall, in writing, request such statement.

## **CANON 12.**

### ***OFFICERS OF THE DIOCESE***

Sec. 1. All officers shall remain in office until their successors are chosen.

Sec. 2. The Bishop shall have authority to appoint all officers whose method of selection is not otherwise provided for, and to fill vacancies not otherwise provided for, which may occur by death, resignation or other cause, between the sessions of the Annual Convention; and all officers so appointed shall continue in office until the next meeting of the Annual Convention. This shall apply as well to all trustees of literary or benevolent institutions elected by the Annual Convention.

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

Sec. 4. Except for ministers in Parishes, all ministers serving cures of souls or Institutions of the Diocese shall be appointed by and serve during the pleasure of the Bishop.

**CANON 13.**

***[RESERVED]***

**CANON 14.**

***MISSIONARY CONVOCATIONS***

Sec. 1. With the consent of the Bishop, The Bishop and Council may create four (4) missionary convocations in any part of the Diocese. The resolution creating the missionary convocations shall at a minimum prescribe:

- (a) The geographic area to be included;
- (b) The congregations to be included in the missionary convocation area;
- (c) Due direction for initial organization of the missionary convocation; and
- (d) The appointment of the initial co-conveners who shall be one layperson and one clergy.

Sec. 2. The number of lay members from each congregation elected to a missionary convocation shall be the same number of lay delegates authorized for each congregation for Annual Convention as specified in Canon 1, Section 7, together with each priest or deacon licensed in the State of Tennessee regularly serving a congregation in the geographic area designated. Non-parochial clergy shall be members of the missionary convocation in the geographical area where they are serving.

Sec. 3. The missionary convocation shall be called together by the co-conveners of the missionary convocation for the initial meeting. At such meeting, the initial co-conveners shall resign and call for an election. The missionary convocation shall elect two co-conveners, a secretary and a treasurer. The secretary and treasurer may be the same person. The co-conveners shall be one layperson and one Clergy. Officers of the convocation are not to be members of The Bishop and Council.

Sec. 4. The missionary convocation shall thereafter meet a minimum of four times each calendar year.

Sec. 5. The missionary convocation may design and implement programs that are

mutually beneficial to the member congregations. Programs must advance the mission of the Diocese. Funding for such programs will be provided by the Diocese within the limits of the Diocesan budget allocations and upon final approval by The Bishop and Council.

- Sec. 6. The missionary convocation shall make an annual written report of its program to the Annual Convention. Based on the evaluation, The Bishop and Council will determine eligibility of continued funding for the following year.
- Sec. 7. The missionary convocation will elect two persons, one clergy and one lay, to be members of The Bishop and Council. Canon 6 of the Diocese of Tennessee shall provide for the qualification, timing of election, and the length of each term. Members of Bishop and Council so elected shall report regularly to The Bishop and Council, their missionary convocation and their congregations.
- Sec. 8. The missionary convocation shall be a division of the Diocese and may not apply for a separate civil corporate charter. All property acquired by a missionary convocation shall be held in trust for the Diocese, and alienation or hypothecation of any such real property shall be governed by the provisions of Canon 10.
- Sec. 9. Each missionary convocation may adopt bylaws for its government, provided that before the same may become effective, bylaws must be submitted to and approved by the Bishop, by the Chancellor, and by The Bishop and Council.
- Sec. 10. Each missionary convocation shall be deemed an administrative agency of the Diocese, under the control of and responsible to the Bishop, but each missionary convocation shall have no power to enter into contracts, or to incur obligations of any description on behalf of, or as agent for the Diocese, in the name of the Diocese.
- Sec. 11. The Bishop and Council may, by resolution, amend or revoke the resolution adopted pursuant to Section 1 of this Canon. In the event The Bishop and Council terminates any missionary convocation, title to all of its property and assets, real and personal, shall be vested in the Annual Convention, to be used for such purposes as the Annual Convention shall direct.
- Sec. 12. The Bishop shall be ex-officio member of each missionary convocation and when present at a meeting of any board, committee, or membership meeting, the Bishop or the duly authorized representative of the Bishop, shall have voice.

## **CANON 15.**

### ***PARISHES***

- Sec. 1. A Parish is a self-supporting congregation, admitted to Union with the Convention of the Diocese. Such self-support shall consist of the maintenance of a place of worship, provision of an adequate living for its Rector and other Clergy which shall be at least equal to the basic stipend and allowance currently provided by the Diocese for Mission clergy, the payment of all assessments levied upon it in accordance with the Canons, and the defrayment of its other current operating expenses, together with a suitable contribution to the missionary program of the Diocese and the General Church all from its own local resources without assistance from diocesan funds unless otherwise provided in these canons.
- Sec. 2. With approval of the Annual Convention, and of the Bishop, two congregations may unite as a single Parish.
- Sec. 3. Every Parish shall have an Annual Parish Meeting of its members in January of each year or in the preceding Calendar Quarter, the date to be set by the Vestry. Notice of time and place of the Meeting shall be announced at a service of public worship at least two weeks prior to the Meeting.
- Sec. 4. Confirmed Communicants in Good Standing in the Parish sixteen years of age or older may vote at a Parish Meeting, and no proxies shall be allowed. A parish may allow absentee voting, the procedures for which shall be approved in writing by the Bishop and the Chancellor.
- Sec. 5. The Rector, or in the Rector's absence, one of the Wardens, or if all be absent then a person selected by the Meeting, shall preside. The Meeting shall receive from the Clergy and Laity detailed reports on all Parish affairs, shall hear from members their concerns, and generally shall perform all business proper for such a meeting.
- Sec. 6. The Vestry shall be elected at the Annual Parish Meeting by secret written ballot and nominations from the floor shall always be requested and received. Election to the Vestry shall be by a plurality vote of those voting, provided that, by vote of the Parish Meeting, or as provided in the parish by-laws, election by a majority vote of those voting may be required. Alternate methods for election may be used subject to the approval of the Bishop and Chancellor.
- Sec. 7. There shall be no election unless ten percent (10%) of the adult Communicants shown on the current Parish register have participated in the election.
- Sec. 8. Special Parish Meetings may be held at any time upon two weeks written notice to all Communicants entitled to vote. Such meetings may be called by the Rector or Wardens, and shall be called by them upon the request of a majority of the Vestry or upon written request of Communicants not less than twice the number of

Vestry members. All Canons respecting Annual Parish Meetings shall apply to Special Parish Meetings except that Vestry members may not be elected at a Special Parish Meeting.

The Vestry:

- Sec. 9. The Vestry shall consist of Confirmed Communicants in Good Standing in the Parish not less than eighteen years of age.
- Sec. 10. The Parish Meetings or its bylaws shall determine the number of members of the Vestry, which shall be not less than six nor more than twenty-one. One third of the members of the Vestry shall be elected each year, to serve a three-year term. After expiration of three years consecutive service, a Vestry member shall not be eligible for re-election until at least one year shall have expired; provided that rotation and ineligibility may be waived by the Bishop upon request at the Annual Meeting.
- Sec. 11. The Vestry shall elect from among its members a Senior Warden and a Junior Warden. The Vestry shall also elect a Treasurer, a Clerk, and such other officers as it shall desire, none of whom need be members of the Vestry. It shall organize itself as it deems proper, into committees for the better attention to its work.
- Sec. 12. (a) The Vestry shall have responsibility for raising and disbursing moneys and for keeping proper records thereof. It shall be responsible for building, maintaining and keeping in good condition for the use of the Parish, all parish buildings and improvements. It shall be responsible for all equipment and property belonging to the Parish, and for the maintenance of the grounds, and real properties owned apart from the church building. It shall be responsible for all business and temporal affairs of the Parish. In discharging these duties, it shall carefully observe all requirements of the General Church, and of the Diocese.
- (b) Subject to Canon 16, the Vestry shall call a Rector and cooperate in discharging the Rector's duties with respect to the spiritual life of the Parish. It shall represent the Parish in its dealings with the Diocese, and with the Clergy.
- (c) The Vestry shares equal responsibility with the Rector for the prompt and accurate preparation and filing of the Annual Parochial Report and the financial audit.
- (d) It shall be responsible for the proper organization and financial affairs of all organization and institutions of the Parish including, but not limited to, book shops, day kindergartens or schools and the like.
- Sec. 13.(a) The Vestry shall set the time and place of its regular meetings, which shall not be less frequently than quarterly.

(b) The Rector or the Senior Warden, or, in the absence of both, the Junior Warden may call a meeting of the Vestry; a meeting shall be called on the request of three members of the Vestry.

(c) The Rector, or such member of the Vestry designated by the Rector, shall preside at all meetings of the Vestry.

(d) The Vestry shall set by resolution the quorum for transaction of business, which shall not be less than a majority of its elected members. All Vestry meetings shall be held in person with a quorum actually present, and no proxy voting shall be permitted.

Sec. 14. In the event of a vacancy on the Vestry, the remaining members shall elect a successor to serve until the next Annual Parish Meeting or until their successors are elected and qualified.

Sec. 15.(a) The Rector of a Parish shall have exclusive charge of all things affecting the spiritual interest of the Parish, subject only to the Bishop. For the purpose of the Rector's office and for the full and free discharge of all functions and duties pertaining thereto, the Rector shall, at all times, be entitled to the use and control of the Church and Parish building with the appurtenances and furniture thereof.

(b) The Rector's counsel and advice shall be sought on all projects involving buildings and grounds.

(c) It shall be the Rector's duty to take order concerning the worship of the Church, together with all that appertains thereto. The Rector may appoint, from time to time, fit persons to assist in all duties which may lawfully be performed by laypersons. The Rector shall have spiritual direction and control of all Sunday Schools, Parish Schools, and other educational and charitable associations connected with the Parish. The Rector shall preside at all Parish and Vestry Meetings with voice but no vote.

## **CANON 16.**

### ***CALLING OF RECTORS***

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

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

cases, the Clergy so sent shall have access to the Church.

Sec. 3. If the office of Rector of a Parish becomes vacant, the Vestry shall call a Rector, but such a call shall be subject to the provisions of this Canon;

(a) Notice shall be given the Bishop by the Wardens and Vestry not more than ten days after the vacancy occurs, and the Vestry shall seek and consider the guidance of the Bishop in seeking a Rector.

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

(c) To ensure mutual understanding, a covenant or letter of agreement between the Rector and the Vestry, stipulating the stipend and allowances of the Rector shall be signed by both Rector and Vestry, a copy spread upon the minutes of the Vestry, and a copy furnished to the Bishop.

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

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

(b) The stipend and allowances of the Assistant shall be fixed by the Vestry, which must create and may abolish the office to be filled.

(c) Upon the call of a new Rector, it is the obligation of all Assistant Clergy to offer their resignations.

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

## **CANON 17.**

### ***NEW PARISHES***

Sec. 1. Any number of persons, not less than twenty Confirmed Communicants in Good Standing canonically entitled to vote, may associate themselves together to form a new Parish. If the proposed new Parish is not to be within the limits of a Parish already established, they shall sign and forward to the Convention Articles of Association in the following form, to-wit:

## ARTICLES OF ASSOCIATION

of \_\_\_\_\_ Parish

Whereas, the following named persons, Communicants of The Protestant Episcopal Church, resident in \_\_\_\_\_ and vicinity, in Tennessee, viz: with others, have associated together for the purpose of organizing a Parish according to the Doctrine, Discipline and Worship of The Protestant Episcopal Church in the Diocese of Tennessee, they do hereby declare the following to be the articles and conditions of their association:

- (1) The title of this Parish shall be the Rector, Wardens and Vestry of
- (2) The Parish acknowledges and accedes to the Constitution, Canons, Doctrine, Discipline and Worship of The Protestant Episcopal Church in the Diocese of Tennessee.
- (3) The affairs of this Parish shall be conducted by the Vestry, consisting of the Rector, Wardens, and Vestry thereof, according to the constitution and Canons of the Church. The Rector, when present, shall preside ex-officio at the meetings of the Vestry.
- (4) The Rector of this Parish shall be elected by the Wardens and Vestry in open meeting, duly convened for that purpose.
- (5) The Wardens and Vestry of this Parish shall all be Confirmed Communicants in Good Standing of the same.
- (6) The title to all real estate now owned or hereafter acquired by this Parish shall be vested as required by Canon 10.
- (7) All real estate now owned or hereafter acquired by this Parish, title to which is vested in any manner as aforesaid, shall be held, sold, transferred, alienated, conveyed, mortgaged or encumbered, in whole or in part, only in conformity with the Constitution, Canons, Doctrine, Discipline and Worship of The Protestant Episcopal Church in the Diocese of Tennessee.

If, upon presentation of these articles, the convention gives its consent, the Parish shall be accounted duly established.

Sec. 2. If the proposed new Parish is to be formed within the limits of an existing Parish, or Parishes, application shall be made to the Bishop, who shall forward the application with such endorsements as may be deemed proper to the Standing Committee, whose duty it shall be to inform the authorities of said existing Parish or Parishes and the Area Commission, if the proposed location is within its area, that such application has been made, and that any objection to the formation of the proposed new Parish will be duly considered, if made in writing. After sixty days from such notice given, the said Committee shall act upon the application. If consent be

given, Articles of Association shall be signed and forwarded as above; and, upon a vote of the Convention, the Parish shall be duly established.

- Sec. 3.(a) In any area within the Diocese, where a number of Parishes or Missions, or both, may desire to associate under a cooperative plan for the better promotion and support of the work of the Church in that area, this may be done, with the approval of such plan by the Bishop and by The Bishop and Council.
- (b) Any unit organized in accordance with the provisions of the preceding paragraph shall assume so much of the responsibility for the promotion and support of the work of the Church in its area as may be approved by The Bishop and Council.
- (c) Such association shall not relieve the Parishes or Missions so associated from any constitutional or canonical responsibilities.

## **CANON 18**

### ***DIOCESAN MISSIONS AND MISSION STATIONS***

- Sec. 1.(a) It shall be competent for any number of persons, not less than ten Confirmed Communicants canonically entitled to vote, to be organized as a Mission as follows.
- (b) The following application shall be made to the Bishop, duly signed by all who propose to be members of the Mission:

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

Right Reverend Father in God:

We, the undersigned, residents of \_\_\_\_\_ County of , Diocese of Tennessee, being desirous of obtaining the services of the Church, and ready, according to our several abilities, to sustain the same, do hereby request you to provide for us as you deem proper and expedient. We do hereby declare ourselves, individually and collectively, ready to do whatever may be necessary to establish and sustain the regular worship of the Church. We do hereby promise conformity to the Doctrine, Discipline and Worship of The Episcopal Church; and further, we promise to obey the Constitution and Canons of the General Convention and of the Diocese of Tennessee. We, therefore, hereby ask to be organized as a Mission under the name of \_\_\_\_\_ Mission.

Furthermore, we do hereby stipulate and agree to raise annually among us a sum sufficient for the support of the Diocese and the program of the Diocese, together with the amounts necessary for our self-support, but not to include a living for such Minister as may be furnished us. As to the latter, we agree to work toward progressive assumption of full Clergy cost and the attainment of Parish status.

Remaining obediently yours in the Church,  
(Signed)

(c) Formation of a Mission shall be initiated in cooperation with the appropriate Diocesan Body.

(d) The Vicar or Minister in Charge shall be appointed by the Bishop. If the Bishop consents to the organization of the Mission, the following officers shall be appointed by the Bishop to serve until the first Annual Meeting of the Congregation, and thereafter, they shall be elected, viz: a Senior Warden, a Junior Warden, a Treasurer, and a Clerk. The Communicants signing said applications shall, upon allowance thereof by the Bishop, become Communicants of said Mission, and be enrolled as such, and the proper officer shall thereupon notify their former Rector or Minister; and said Mission, after organization and permission from the Annual Convention shall be in union with and entitled to representation in the Annual Convention as a Mission of the Diocese. Those entitled to vote, and all officers elected, shall be Confirmed Communicants in Good Standing.

Sec. 2.(a) In any Mission there shall be formed a Mission Council consisting of not less than three nor more than twelve persons who shall be Confirmed Communicants in Good Standing of the Mission, at least eighteen years of age, and shall be elected at the Annual Meeting of the Congregation. Membership on the Mission Council shall be rotated as is provided in the case of Parish Vestries provided that rotation and ineligibility may be waived by the Bishop upon request of the Annual Meeting. The Mission Council shall elect from its members a Senior Warden and a Junior Warden, and it shall also elect a Clerk, a Treasurer, and Lay Delegates to the Annual Convention, none of whom need be members of the Mission Council. A majority of the members of the Mission Council shall constitute a quorum. All officers shall be Confirmed Communicants in Good Standing.

(b) The Mission Council, and its several officers, shall have the same powers and perform the duties assigned by Canon to the officers and Vestry of a Parish except that they shall not elect nor call a Vicar or Minister in Charge.

Sec. 3.(a) There shall be an Annual Meeting of the Communicants of the Mission on the first convenient day in each calendar year, or within the quarter preceding that year, for the election of the Mission Council. Qualified voters in such election shall be all registered Confirmed Communicants in Good Standing of the Mission who are sixteen years of age and older.

(b) At this meeting, the Vicar or Minister in Charge, if present, shall preside; otherwise, the Senior Warden, or the Junior Warden, in the order named. In the absence of these officers, the meeting shall elect its presiding officer. All provisions respecting the annual or special meeting of a Parish shall be applicable to the meeting of a Mission unless otherwise specifically provided in this Canon.

#### Mission Stations

Sec. 4. Any place where there is a group of members of this Church not yet constituted into a Mission, and where stated services are held not less than four

times in each year, with approval of the Bishop, shall be known as a Mission Station and so listed in the Journal of the Convention and other records of the Diocese. The members resident in such Mission Station and the services and official acts performed therein, shall be recorded in and reported from the Diocesan Register.

## **CANON 19.**

### ***PAROCHIAL MISSIONS***

- Sec. 1. Upon recommendation of the Rector and Vestry, a Parish Meeting may approve establishment of a Parochial Mission.
- Sec. 2. Before submission to a Parish meeting, the Vestry shall:
- (a) Prepare a plan for the organization, structure and government of the Mission, its financial support, and the relation of the Mission and its communicants to the Parish, and such other matters as are deemed relevant.
  - (b) Secure written approval of said plan by the Bishop.
  - (c) Secure approval of the appropriate Diocesan body for the location proposed for the Mission.
- Sec. 3. Once the plan referred to in Sec. 2(a) has been approved by the Bishop, it may be amended or modified only with consent of the Bishop and of the governing body of the Mission.
- Sec. 4. The Vicar of the Mission and all other Clergy serving it shall be deemed assistants to the Rector of the Parish.
- Sec. 5. A Parochial Mission, established as herein provided, shall be recognized by the Annual Convention as such, and shall be entitled to representation therein to the same extent as Missions of the Diocese.
- Sec. 6. Title to Mission property, real and personal, shall be vested in the Parish in the manner provided in Canon 10. A Parochial Mission may not be incorporated.
- Sec. 7. The Parish shall at all times be responsible and liable to the Diocese and to third parties for all obligations of the Mission.
- Sec. 8. The Annual Convention may, by action applicable to all Parochial Missions, make such changes in their organization, structure, status or representation in the Annual Convention as it may deem proper; or it may terminate the existence as a separate entity of any Parochial Mission.

**CANON 20.**

**UNIVERSITY AND COLLEGE CHAPELS**

Sec. 1. It shall be competent for any number of persons, not less than ten members of any academic community in the Diocese of Tennessee, and being Confirmed Communicants canonically entitled to vote, to make application to the Bishop for the establishment of a Chapel or Center of the Church. Those so applying shall sign the following application:

**APPLICATION TO THE BISHOP**

Right Reverend Father in God:

We, the undersigned, members of the Academic Community of , Diocese of Tennessee, being desirous of obtaining the ministry of the Church, and ready, according to our several abilities, to sustain the same, do hereby request you to provide for us as you deem proper and expedient. We do hereby promise conformity to the Doctrine, Discipline and Worship of the Episcopal Church; and further, we promise to obey the Constitution and Canons of the General Convention and of the Diocese of Tennessee. We therefore ask to be established as a Chapel or Center of the Church under the name of:

(Signed)

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

Sec. 3. The Chaplain shall be appointed by the Bishop, and shall exercise such ministry under the direction of the Bishop.

Sec. 4.(a) Each Chapel or Center shall have a Board which shall be appointed by the Bishop, upon nomination of the Chaplain. The Board shall consist of not less than seven nor more than twelve members, representing both the academic community and the Laity at large. They shall be appointed for one year terms, and may succeed themselves. One half of the membership of the Board shall constitute a quorum, and all members of the Board must be Confirmed Communicants in Good Standing in some Parish or Mission in this Diocese.

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

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

- Sec. 5. The Chaplain shall keep an Official Register of membership and Official Acts. It shall be his special duty to transfer Communicants enrolled at the time of their permanent departure.
- Sec. 6. All Chapels shall make such annual reports as shall be prescribed by the Ecclesiastical Authority.
- Sec. 7. In those academic communities wherein the college work is an ecumenical operation, the participation, financing, and personnel of the Diocese in such operation shall be that recommended by the Department of Ministries in Higher Education and approved by The Bishop and Council.
- Sec. 8. The Annual Convention shall make suitable provision for the support of such Chapels and Centers.

## **CANON 21.**

### ***PARISH AND DIOCESAN REGISTERS AND REPORTS***

- Sec. 1.(a) It shall be the duty of every Minister of this Church to record in the Parish Register all Baptisms, Confirmations, Receptions, Marriages, Burials, and the names of all Communicants within the Minister's cure.
- (b) The registry of every Baptism shall be signed by the officiating Minister.
- (c) Every Minister of this Church in charge of a congregation shall have recorded in the Parish Register a list of all persons who have been Confirmed or Received; shall indicate upon the Parish Register each year the names of those who have died in the past year or whose names have been removed by letter of transfer; shall also indicate (1) those whose domicile is unknown, and (2) those whose domicile is known but are inactive; and shall maintain as far as practicable a list of all families and persons within the Cure of such Minister which list shall remain in the Parish for the use of any successor.
- Sec. 2.(a) A report of every Parish and other congregation of this Diocese shall be prepared annually for the year ending December 31 preceding, in the form authorized by the Executive Council and approved by the Committee on the State of the Church, and shall be filed not later than March 1, with the Bishop, or, if there is no Bishop, with the Ecclesiastical authority of this Diocese. The Bishop or the Ecclesiastical Authority, as the case may be, shall keep a copy and submit the report to the Executive Council not later than May 1. The preparation and filing of this report shall be the joint duty of the Rector and Vestry or the member of the Clergy in charge of every other congregation. This report shall include the following information:

(1) The number of Baptisms, Confirmations, Marriages, and Burials during the year; the total number of baptized members; the total number of Communicants in Good Standing; and the total number of Communicants in Good Standing under 16 years of age;

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

(3) Such other relevant information as is needed to secure an accurate view of the state of the church, as required by the approved form.

(4) The Bishop may require that the reports provided for herein be supplemented with such additional information from each congregation as the Bishop deems necessary to determine the state of the Diocese.

( b ) Every Presbyter or Deacon whose report is not included in a parochial report shall also report on the exercise of such office, and if there has been none, the causes or reasons which have prevented the same.

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

(d) The report required by the foregoing paragraphs of this section shall be made up to and include all items from January 1 to December 31, and such parts thereof as the Bishop may direct shall be published in the Journal of the convention for each year.

(e) The Secretary of the Diocese shall send the report to the Executive Council not later than May 1.

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

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

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

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

## **CANON 22.**

### ***THE EPISCOPAL ENDOWMENT CORPORATION***

- Sec. 1. The Episcopal Endowment Corporation, a duly chartered and organized Corporation, under and by virtue of the laws of the State of Tennessee, shall have the custody and control of, and be charged with the investment of, all funds heretofore entrusted to the Trustees of the Episcopal Endowment Fund, all trust funds heretofore in the custody of the Treasurer of the Diocese, and all other trust, endowment or permanent funds coming to the Diocese.
- Sec. 2. The Convention shall elect those directors of the Episcopal Endowment Corporation to which this Diocese is entitled, such election to be held annually for a three-year term. Terms of office of directors shall commence in the month of January of the year of election and the Secretary of the Convention shall certify the names of those elected to the president of the Episcopal Endowment Corporation. Vacancies occasioned by death or otherwise, shall be filled by The Bishop and Council for the remainder of the unexpired term.
- Sec. 3. The Episcopal Endowment Corporation shall hold and administer all funds that may be turned over to it by the Convention, and any or all donations, bequests, devises, legacies and grants of land and personally that may be given, conveyed or bequeathed to it for the use and benefit of the Convention, and shall hold and administer the same in accordance with the direction of the donor, conveyor, or testator. In all cases in which the donor, conveyor, or testator has not indicated any special or general object to which the same shall be applied or administered, then the same shall be held, managed, administered and dealt with, together with the income arising there from, or from any property both real and personal, under the direction of the Convention and upon the recommendation of The Bishop and Council.

A trust shall be construed to be authorized by this Canon as being for the use and benefit of this Convention, if the Diocese, the Convention, and Institution or Mission thereof, or any Parish in union therewith has any present, future or contingent interest

in the corpus or income of such trust; and when there is such beneficial interest in a trust, of which the Episcopal Endowment Corporation is trustee, there may be one or more other and additional beneficiaries of such trust or other uses or purposes which are not for the benefit of the Convention.

- Sec. 4. The Episcopal Endowment Corporation shall submit an annual report to the Convention showing the status of all property entrusted to it, and a financial statement of receipts and disbursements of all funds.

## **CANON 23.**

### ***CHURCH FUNDS MANAGEMENT***

- Sec. 1. All accounts of the Diocese shall be audited annually by an independent Certified Public Accountant. All accounts of Parishes, Missions or other Diocesan Institutions or Organizations shall be submitted annually by an independent Certified Public Accountant or independent Licensed Public Accountant or such audit committee as shall be authorized by The Bishop and Council or other appropriate Diocesan authority. The Bishop and Council may adopt such regulations as it deems necessary or proper to insure compliance with this section, to provide for uniform audit procedures, and to provide for annual reviews of audit reports. Each such audit shall include all trust and permanent funds and all securities of whatsoever kind. The Bishop and Council shall report annually to the Annual Convention any failure to comply with the requirements of this section.

In the event any Parish, Mission or other Institution shall fail to timely file the audit report as provided herein and in Title 1, Canon 7, Section 1 (5) of the General Church, the Treasurer shall report to The Bishop and Council all Parishes, Missions, and other Institutions known to the Treasurer to have failed to file audit reports, not later than September 15 of each year and to each such organization. In the event the required report is not filed by the next Annual Convention, The Bishop and Council shall take such action to secure the audit as required and all costs shall be paid by such organization.

- Sec. 2. All treasurers and custodians, other than banking institutions or fiduciary corporations, shall be adequately bonded, except treasurers of funds that do not exceed \$500.00 at any one time during the fiscal year.
- Sec. 3.(a) It is the duty of every congregation established within the Diocese to contribute its share of the Annual Budget of the Diocese, including its share of its pledge to the National Church, provided that each congregation be permitted to deduct that portion of its Fair Share designated by the Diocese for the National Church and send it directly to the National Church or other local, national, or international ministries designated by the congregation's Vestry or Mission Council, and that a report of such contributions to the National Church or other ministries is made to the Treasurer, who shall report to the Convention pursuant to Canon 3 (Sec. 3B).

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

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

Sec. 5. The Bishop shall serve as interim Trustee for The Protestant Episcopal Church in the United States of America, and for this Diocese, should any trust arise under provision of Title 1, Canon 7, Sections 4 and 5, or Title II, Canon 7, Section 4 of the Canons of the General Church. In event such trust arises or is created, the Bishop shall promptly report same to The Bishop and Council, which is empowered and directed to select persons permanently to administer and enforce the trust, and to take any such other actions as it deems proper for the best interest of this Diocese and The Protestant Episcopal Church in the United States of America consistent with existing canonical provisions.

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

Sec. 7. In every Parish, Mission, Organization or Institution connected with the Episcopal Church within this Diocese, the following standard business methods shall be observed:

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

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

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

(1) Source and date

(2) Terms governing the use of principal and income

(3) To whom and how often reports of condition are to be made

(4) How the funds are invested

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

(e) This paragraph shall not be deemed to prohibit investments in securities issued in the book entry form or other manner that dispenses with the delivery of a certificate evidencing the ownership of the securities or the indebtedness of the insurer.

Sec. 8. The Council is hereby constituted as the Finance Committee of the Diocese as required by Title 1, Canon 7, Section 2 of the Canons of the General Church, and said Finance Committee shall have the power and authority, from time to time, to act through sub-committees of its members which it may create by resolution.

## **CANON 24.**

### ***ORGANIZATION AND INSTITUTIONS***

Sec. 1. Institution of Parishes or Missions

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

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

Sec. 2. Organizations and Institutions of the Diocese

(a) No institution, including without limitation, retirement centers, nursing homes, conference centers or community houses shall be deemed to be an Institution in the Diocese unless (a) its charter and bylaws have been reviewed by the Chancellor, and (b) it has been accepted as a Diocesan Institution by The Bishop and Council and by the Ecclesiastical Authority, acting separately.

(b) No Organization or Institution of the Diocese or of any Parish or Mission shall be incorporated without prior approval of The Bishop and Council, and the Ecclesiastical Authority, and approval by the Chancellor of its charter and bylaws.

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

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

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

## **CANON 25.**

### ***JOINT ACTIONS WITH OTHER DIOCESES***

Sec. 1. The Bishop and Council shall have power and authority to enter into agreements with other Dioceses respecting matters of common interest and concern, and to provide for the methods and means by which such interests and concerns may be made effective.

Sec. 2. If an agreement is authorized pursuant to Section 1, The Bishop and Council shall elect representatives of the Diocese to any joint Board or Committee which may be created by agreement.

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

(b) No assets of this Diocese may be committed to any joint undertaking, nor sold, encumbered or, otherwise obligated except with the express approval of the Annual Convention or The Bishop and Council, which power may not be delegated.

Sec. 4. Every agreement entered into pursuant to this Canon, before becoming effective, shall be approved in writing by the Bishop, and shall contain a provision permitting the termination of participation by this Diocese upon reasonable notice.

## **CANON 26.**

### ***ECCLESIASTICAL DISCIPLINE***

- Sec. 1. Ecclesiastical discipline in the Diocese shall be governed by Title IV of the Canons of the Episcopal Church, also known as the Disciplinary Canon Resolution A019a of the 1994 General Convention (hereinafter referred to as "Title IV"). This Canon is effective upon passage notwithstanding the effective date of Resolution A019a.
- Sec. 2. The Standing Committee of the Diocese shall also serve as the Diocesan Review Committee pursuant to Title IV.3.(A).1 of the General Church canons.
- Sec. 3. There is hereby established an Ecclesiastical Trial Court in and for the Diocese of Tennessee.
- Sec. 4. Membership, Vacancies; Presiding Judge, Church Attorney.
- (a) The Ecclesiastical Trial Court shall consist of five (5) members of the clergy and four (4) lay members. Lay members must be Confirmed Communicants in Good Standing in the Diocese. Clergy members of the Court must be canonically resident within the Diocese.
- (b) At each Annual Diocesan Convention, upon nomination by the Bishop, three persons shall be elected to serve on the Ecclesiastical Trial Court for a term of three years. Persons elected shall be from each order as required to maintain the required composition of the Ecclesiastical Trial Court.
- (c) Vacancies occurring by reason of challenges for cause or recusals shall be governed by Title IV, Canon 4, Section 8.
- (d) All other vacancies occurring within the membership of the Ecclesiastical Trial Court shall be filled by the next Annual Convention. Such vacancies occurring between meetings of the Annual Convention shall be filled by the Bishop and Council until the next Annual Convention. Persons elected to fill a vacancy must be from the same order as the persons they replaced. Vacancies must be filled within three months of notification of the vacancy unless sooner required by other provision of national or diocesan canons.
- (e) Within two months following each Annual Diocesan Convention, the members of the Ecclesiastical Trial Court shall elect from among themselves by majority vote one person to serve as Presiding Judge for a one year term.
- (f) Within three months following each Annual Diocesan Convention, the Standing Committee shall appoint a duly licensed attorney to serve as Church Attorney for a two year term.

(g) All persons elected or appointed under this section are eligible to be reelected or reappointed upon the expiration of their terms.

#### Sec. 5. Charges; Procedure

(a) Charges for which a Member of the clergy may be made to stand trial are contained in Title IV.

(b) The mode and manner of making charges, securing Presentments and of conducting trials shall be established in Title IV.

(1) if the trial of a member of the clergy results in a finding of guilt by the Ecclesiastical Trial Court, information bearing upon the sentence to be imposed, as authorized by Title IV, may be submitted in writing to the presiding judge within thirty (30) days of the Trial Court's judgment. All such written information, if submitted by the Church Attorney or respondent/Respondent's attorney, shall bear a certificate that it has been served on the opposing attorney by mail or other form of delivery. If written information is submitted by others than the Church Attorney or the Respondent/Respondent's attorney, the presiding judge shall have the duty of serving the information promptly upon the parties' attorneys. At the conclusion of the thirty (30) days during which written materials may be submitted, the parties shall have ten (10) additional days to submit to the presiding judge and serve on the opposing attorney written responses. Thereafter, the Ecclesiastical Trial Court shall meet to adjudge what sentence to impose.

(2) A member of the clergy may, either before or during the trial, enter a plea of guilty to any charge. The Ecclesiastical Trial Court shall then proceed with the trial to receive evidence from the Church Attorney sufficient to support the plea of guilty and shall make it's finding based upon that evidence.

Sec. 6. The powers, duties and procedures of the Ecclesiastical Trial Court and the definition of terms used herein shall be governed by Title IV.

#### Sec. 7. Consultants

(a) At each annual Diocesan Convention, the Bishop shall appoint one or more persons as Consultants pursuant to Title IV, Canon 14.8. The Bishop, The Ecclesiastical Authority, or the Standing Committee that initiates the action shall notify a Member of the Clergy of the availability and identity of the Consultants at the earliest of (i) communication to the Member of the Clergy of a charge, (ii) any interrogation or request for a statement described in Title IV Canon 14.9(a), (iii) the service of a Temporary Inhibition, (iv) and prior to submission to the Ecclesiastical Authority of the Renunciation under Title IV Canon 8, or (v) and prior to the execution of a Waiver and Voluntary Submission to Discipline. Any communication between the Consultant and the Member of the Clergy or his or her legal advisors shall be privileged communications, but not necessarily so in federal and state, in criminal and

civil proceedings. In proceedings under this canon no Consultant shall be required to respond to any questions regarding the Member of the Clergy for whom the Consultant has been asked to act as Consultant. All of the costs and expense of providing and training Consultants shall be the obligation of the Diocese.

(b) The term "Consultant" shall mean a priest, pastoral counselor, chaplain, an attorney at law, or other person familiar with the procedures, alternatives, requirements and consequences of Title IV, and who is made available to a Member of the Clergy pursuant to this Canon.

## **CANON 27.**

### ***ADJUDICATION UNDER ARTICLE IV OF THE CONSTITUTION***

- Sec. 1. This Canon provides for adjudication of matters arising under Article IV of the Constitution which may involve the suspension of a Parish or its reduction to the status of a Mission.
- Sec. 2. Unless and until the procedure for adjudication set out herein has been substantially complied with, the Annual Convention shall not proceed under Article IV.
- Sec. 3. Notice of intent to seek Convention action against any Parish under Article IV and setting forth the charges may be given to the Bishop by any Clergy member or Lay Delegate to the Annual Convention, by any officer of the Diocese, or by The Bishop and Council. Such notice shall be in writing and a copy thereof served by registered mail on the Rector of the Parish not less than 30 days before the convening of the Annual Convention.
- Sec. 4. Upon receipt of such notice, the Bishop shall appoint a Tribunal to consist of the President of the Standing Committee, as Chair, the Chancellor, and three Communicants. At least three members of the Tribunal shall constitute a quorum with power to act.
- Sec. 5. The Chair shall convene the Tribunal at a time and place prior to the meeting of the Annual Convention, and in writing invite the attendance of the Parish or its representatives at such meeting. Notice to the Parish shall be by registered mail, addressed to the Rector or Warden, mailed at least seven days before the Tribunal convenes. Notice shall also be given in like manner to the person who filed the charges.
- Sec. 6. The Tribunal shall hear the evidence offered in support of and in opposition to the charges, as well as any evidence offered in aggravation, mitigation, or explanation. Formal rules of evidence shall not control, and the Tribunal may make such rules of procedure as it deems just and appropriate. If the person filing the

charges does not appear, the charges shall be treated as abandoned, and if the Parish does not appear, the Tribunal shall hear such evidence as may be offered prior to making its decision.

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

Sec. 8. Action on the report of the Tribunal shall be a special order of business at the Annual Convention, which may accept or reject the recommendations of the Tribunal, and may take such action pursuant to Article IV as it deems proper.

In lieu of actions under Article IV, in its discretion, the Annual Convention may take any such other action as it deems proper and desirable to remedy or correct any delinquency or wrongdoing on the part of a Parish, including but not limited to, depriving its Clergy and Laity of seat and vote in the Annual Convention or publication of a public censure.

Sec. 9. If a Parish is suspended or reduced in status by the Annual Convention pursuant to Article IV, the penalty may be removed only by vote of an Annual Convention, on recommendation of the Bishop.

## **CANON 28.**

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

Dissolving the Rector and Parish relation is governed by Title III, Canons 14 and 15 of the General Church.

## **CANON 29.**

### ***CHRIST CHURCH CATHEDRAL***

Sec. 1. Christ Church, Nashville, shall be the Cathedral Church of the Diocese of Tennessee. Its status as such shall be in accordance with the Cathedral Church Agreement, as may be amended from time to time, which is Appendix A to these Canons and is on file in the Diocesan Offices. The Cathedral Church, to be known as Christ Church Cathedral, shall be the official Seat of the Bishop of the Diocese; a place of liturgical and spiritual renewal; a center for Christian education and outreach to the congregations of the Diocese, the wider Church, and the community; an ecumenical center and "house of prayer for all people"; and a place where the Good News of God in Christ is proclaimed "by word and example."

Sec. 2. The Chapter of Christ Church Cathedral shall have four (4) non-Cathedral

members of the Diocese at large as set forth in and in accordance with Article II, paragraph 5 of the Cathedral Church Agreement and the Chapter By-laws. Two (2) non-Cathedral members, one (1) clergy and one (1) lay shall be appointed by the Bishop. The remaining two (2) non-Cathedral members, one (1) clergy and (1) lay, shall be elected by the Diocesan Convention. Each non-Cathedral member shall be appointed or elected for a two (2) year term, and may be reappointed or re-elected for an additional term, but then is not eligible for reappointment or re-election until one year has elapsed after the completion of the second term.

### **CANON 30.**

#### ***ALTERATION OF CANONS***

- Sec. 1. All proposed amendments, additions or alterations to the Canons of the Diocese shall be referred to the Standing Committee on Canons to be reported on; and no Canon shall be acted upon by the Convention unless by unanimous consent of the Convention, without at least one day's previous notice thereof given in open Convention.
- Sec. 2. Whenever there shall be a repealing clause in any Canon, and the said Canon shall be repealed, such repeal shall not operate as a reviver of the repealed Canon.