

The background of the page features a large, faint watermark of the seal of the Episcopal Diocese of Newark. The seal is a shield-shaped emblem with a crown at the top, a central figure, and a cross at the bottom. The Latin text "DIOECESIS NEWARKENSIS IN NOVA CAESAREA SIG. MDCCCCLXXIV" is inscribed around the border of the seal.

# **CONSTITUTION & CANONS OF THE EPISCOPAL DIOCESE OF NEWARK**

**Last Revised January 2020**

*Canon 2 • Added Anti-Sexism Training requirements to Canon 2, Article 6*

*Canon 5 • Revised Diocesan Council Composition and Election Procedures (to be elected at Convention); increased size of Council from 26 to 27 members; removed District-specific representation*

# TABLE OF CONTENTS

## THE CONSTITUTION

ARTICLE		PAGE
I	ACCEDING TO THE GENERAL CONSTITUTION	3
II	THE DIOCESAN CONVENTION	3
III	CHANCELLOR	5
IV	THE STANDING COMMITTEE	5
V	DEPUTIES TO THE GENERAL CONVENTION	5
VI	DEPUTIES TO THE PROVINCIAL SYNOD	5
VII	ELECTION OF A BISHOP	5
VIII	ADMISSION OF NEW PARISHES	6
IX	AMENDMENTS	6
X	INCLUSIVE LANGUAGE	6

## THE CANONS

CANON		PAGE
1	THE CONVENTION	7
2	VOTING AND ELECTIONS	8
3	THE REGISTRAR	9
4	THE COMMISSION ON MINISTRY	9
5	THE DIOCESAN COUNCIL	9
6	DEPARTMENT OF FINANCE	11
7	DIOCESAN ADMINISTRATION	11
8	DISTRICT CONVOCATIONS	12
9	PARISHES AND MISSIONS	12
10	LEASES	16
11	PLEDGE TO BUDGET	17
12	ARCHDEACONS	17
13	PENSION BENEFITS	17
14	INSURANCE	17
15	TRUSTEES OF THE FUND FOR AGED & INFIRMED CLERGY	17
16	THE DIOCESAN INVESTMENT TRUST	18
17	ECCLESIASTICAL DISCIPLINE	18
18	(Reserved for Future Use)	20
19	AMENDMENTS	20
20	INTERPRETATION OF CANONS	20
21	SERVICE ON MULTIPLE COMMITTEES	21
22	TRUSTEES OF THE EPISCOPAL FUND & DIOCESAN PROPERTIES	21

# CONSTITUTION

## ARTICLE I • ACCEDING TO THE GENERAL CONSTITUTION

The Church in the Diocese of Newark, as a constituent part of the Protestant Episcopal Church in the United States of America, accedes to the Constitution and Canons of that Church, and acknowledges their authority.

## ARTICLE II • THE DIOCESAN CONVENTION

1. There shall be a Convention of the Church in this Diocese, on the second Saturday in May in each year, or on such other day as may be specially appointed by the Ecclesiastical Authority. The Convention shall be held at the Cathedral unless the Ecclesiastical Authority appoints otherwise.

### 2. SPECIAL CONVENTIONS

The Bishop, or if the Episcopate be vacant or the Bishop be incapacitated from acting, the Standing Committee shall have the power when it appears requisite for the good of the Church in this Diocese to call a Special Convention. No business shall be transacted at any such meeting other than that stated in the notice.

### 3. NOTICE OF CONVENTION

Written notice of every Convention shall be given by the Secretary of the Convention by mail at least four (4) weeks previous to the date of the Convention, stating the time and place. Such notice shall be given to all Clergy entitled to seat in the Convention, every Parish and Aided Parish in union with the Convention, and every Incorporated Mission and Mission. In the case of a Special Convention the notice shall specify the purpose for which the Convention is called.

### 4. MEMBERS OF THE CONVENTION

The Convention shall be composed of:

- (i) The Bishops:
- (ii) Every Presbyter and Deacon canonically resident in the Diocese fourteen (14) days immediately preceding the meeting of the Convention, except that a vote shall not be accorded to retired priests whose service in the Diocese was fewer than five years prior to retirement; and
- (iii) Three (3) Lay Deputies from each Parish and Aided Parish in union with the Convention and from each Incorporated Mission and Mission.
- (iv) One (1) Youth Deputy and one (1) Alternate Youth Deputy elected by each District Convocation. Each shall be at least 14 years of age and under the age of 20, and none shall serve at more than two consecutive Diocesan Conventions.

### 5. EXCLUSION OF LAY DEPUTIES FROM VOTING IN CERTAIN CASES

Lay Deputies shall not be entitled to seat, voice or vote at any session of the Convention of this Diocese in any of the following circumstances:

- (i) In case the Parish, Aided Parish, Incorporated Mission, or Mission sending such Deputies shall for the year immediately preceding have failed to report to the Bishop as required by Canon.
- (ii) In case the Parish, Aided Parish, Incorporated Mission or Mission sending such Deputies, having been for the two (2) years immediately preceding without a Minister, and not having provided for regular services, shall have failed to notify the Bishop thereof, and to request that a Minister be assigned to it.
- (iii) In case the Parish, Aided Parish, Incorporated Mission, or Mission sending such Deputies shall for one year immediately preceding willfully refuse to comply with any provision of this Constitution or the Canons after having been duly notified by the Ecclesiastical Authority of its failure to comply.

6. PRESIDENT OF CONVENTION

The President of the Convention shall be such one of the following as shall be present, and in the order named: the Bishop; the Bishop Coadjutor; the Suffragan Bishop; and the President of the Standing Committee.

7. QUORUM AND MANNER OF VOTING

Subject to the provisions of this Constitution pertaining to election of a Bishop, the Presbyters entitled to vote who may be present at the time of meeting, with the Deputies from ten (10) Parishes, Aided Parishes, Incorporated Missions, and Missions shall constitute a quorum.

On the demand of five (5) Clergy entitled to vote, or of five (5) Lay Deputies each from a different Parish, Aided Parish, Incorporated Mission, or Mission, the vote upon any question shall be by orders, each Clerical and each Lay Deputy voting individually; and, when a vote is thus taken, a concurrent majority in both orders shall be necessary to carry any measure.

8. SECRETARY OF THE CONVENTION

At each annual Convention a Secretary shall be elected. The person elected shall be a communicant of the Diocese in good standing. The Secretary shall give notice of all Conventions as required by the Constitution, take Minutes of the proceedings, preserve the journals and records, attest the public acts of the Convention, and perform such other services as may from time to time be prescribed by the Canons or by the Convention. At the commencement of the term of office of a successor, the outgoing Secretary shall deliver to his/her successor all books and papers relating to the concerns of the Convention and to the office of Secretary.

The term of Secretary shall commence at the adjournment of the Convention at which the Secretary was elected and shall continue until the adjournment of the next Annual Convention.

9. ASSISTANT SECRETARIES

The Secretary shall appoint a sufficient number of Assistant Secretaries, not exceeding three, to assist in performing the duties of the office. In the event of a vacancy in the office of Secretary, the senior Assistant Secretary in point of service shall be acting Secretary. If no one of the Assistant Secretaries is able or willing to act as Secretary, the Secretary of the Standing Committee shall act until a Secretary is elected.

10. SECRETARY TO PREPARE REPORT

The Secretary shall prepare, immediately after the adjournment of the Diocesan Convention next preceding the regular meeting of every General Convention, and forward forthwith to the Secretary of the House of Deputies of the General Convention, a report in the form and containing the information required by the Canons of the General Convention.

11. TREASURER AND ASSISTANT TREASURER OF THE CONVENTION

At each Annual Convention a Treasurer and Assistant Treasurer shall be elected to serve until the next Annual Convention. Each shall give satisfactory security for the faithful performance of his/her duties. The Treasurer shall be entitled to a seat in the Convention and shall submit a statement of the accounts to each Annual Convention. The Assistant Treasurer shall perform such duties as may be assigned by the Treasurer of the Convention.

In case the Treasurer should die, resign, move from the Diocese or otherwise be incapable of acting, the Assistant Treasurer shall on certification of the Ecclesiastical Authority, assume all of the duties and powers of the Treasurer, until such time as the Treasurer shall resume his/her duties or a successor be elected or appointed. The Ecclesiastical Authority may fill a vacancy in the office of Treasurer or Assistant Treasurer.

### **ARTICLE III • CHANCELLOR**

There shall be a Chancellor appointed by the Bishop for a term of three (3) years. The Chancellor shall be a communicant of the Diocese in good standing and learned in the law. He/she shall be the legal advisor of the Ecclesiastical Authority and the Convention and shall be entitled to a seat in the Convention.

### **ARTICLE IV • THE STANDING COMMITTEE**

The Standing Committee shall consist of four (4) Presbyters entitled to vote in the Convention and four (4) Lay Communicants of the Diocese who shall be elected by the Convention for a term of four (4) years, provided that no person shall be elected to serve more than two (2) full terms in succession. As soon as convenient after each election, the Standing Committee shall organize and choose a President from among its members and a Secretary. During the intervals when the Convention is not in session, the Standing Committee may fill vacancies in its membership.

### **ARTICLE V • DEPUTIES TO THE GENERAL CONVENTION**

1. At the Annual Convention in the calendar year next before the year in which the triennial General Convention is held, four (4) Clerical and four (4) Lay Deputies from the Diocese shall be elected. The voting shall be by ballot, the Clergy and Laity voting by orders, and a majority in both orders shall be necessary to constitute an election. Deputies so chosen shall hold office for three years. A corresponding number of supplementary Deputies in each order shall be elected in like manner, except that a majority of the total vote cast shall be necessary to constitute an election.

2. The Deputies-elect shall signify to the Bishop at least thirty (30) days before the meeting of General Convention their intention to perform their duties as such: in default of which the Bishop shall designate so many of the supplementary Deputies, in the order of their election, as may be necessary to insure a full representation of the Diocese. If such representation cannot be obtained from among the Deputies and supplementary Deputies, the Bishop shall appoint, with consent of the Standing Committee, sufficient individuals to achieve such representation. Supplementary Deputies so designated and other individuals so appointed shall have the same power and authority as Deputies elected by Convention. In case of a vacancy in the Episcopate, the power conferred in this section upon the Bishop, shall be exercised by the Standing Committee.

### **ARTICLE VI • DEPUTIES TO THE PROVINCIAL SYNOD**

Those persons elected as Deputies to General Convention pursuant to the provisions of Article V hereof shall by virtue of such election be Deputies to the Provincial Synod. Those persons elected as supplementary or alternate Deputies to General Convention pursuant to the provisions of Article V hereof shall by virtue of such election be supplementary or alternate Deputies to the Provincial Synod.

### **ARTICLE VII • ELECTION OF A BISHOP**

1. Election of a Bishop shall be made at an Annual Convention or at a Special Convention duly summoned as provided in this Constitution.

2. The voting shall be by ballot, the Clergy and Laity voting by orders and a concurrent majority of both orders shall be necessary to constitute an election. A quorum for the election of a Bishop shall be at least a majority of the Presbyters entitled to vote and Lay Deputies from a majority of Parishes, Aided Parishes, Incorporated Missions and Missions.

## **ARTICLE VIII • ADMISSION OF NEW PARISHES**

A new Parish may be admitted into union with this Convention by a majority of votes provided it shall have submitted:

- (i) Satisfactory evidence of the consent of the Bishop upon advice of the Standing Committee, or if the Episcopate is vacant, of the consent of the Standing Committee;
- (ii) Authenticated copies of the proceedings of its organization;
- (iii) A copy of its Certificate of Incorporation; and
- (iv) An authenticated copy of a resolution of its incorporators, Wardens, and Vestry promising conformity and obedience to the Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America and to the Constitution and Canons of that Church and of this Diocese.

## **ARTICLE IX • AMENDMENTS**

This Constitution may be amended in the following manner only:

The proposed amendment or amendments having been submitted to the Convention and approved by a majority of the members voting by orders shall lie over until the next Convention; and then if approved by a majority of the members voting by orders shall thereupon stand adopted. The second Convention at which such amendment or amendments are voted shall not be held less than four (4) months later than the prior Convention.

## **ARTICLE X • INCLUSIVE LANGUAGE**

The language of this constitution shall be inclusive.

# THE CANONS

## CANON 1 • THE CONVENTION

### 1. THE ROLL OF CLERGY

The Bishop, or in the case of a vacancy in the Episcopate, the Standing Committee, shall no later than one (1) week before the day of meeting of a Convention or Special Convention, cause to be delivered to the Secretary of the Convention a certified list of all Clergy canonically resident in the Diocese and eligible for votes or seats at the Convention pursuant to Article II, section 4(ii) of the Constitution, together with the names of their respective cures or other stations or assignments. In the case of Clergy who have been ordained or received into the Diocese within the year immediately preceding, the date of their ordination or reception shall also be given. From the list so furnished, the Secretary shall prepare the roll of Clergy entitled to votes or seats in the Convention. The roll thus prepared shall be prima facie evidence of the rights of clerical members. Should any dispute arise, it shall be referred to a committee of two Presbyters and one Layperson appointed by the Convention, who shall decide and report on each case as early as may be; and the decisions thus made, if accepted by the Convention, shall not be called in question again during the same session.

### 2. THE TESTIMONIAL OF LAY DEPUTIES

Lay Deputies to the Convention shall present certificates of their election in the following form: (Name of the Church, the Place, and Date)

This certifies that at a meeting of the Congregation of this Church, held for the purpose of electing Church Officers and Deputies and Alternate Deputies to the Diocesan Convention (or, for the purpose of electing Deputies and Alternate Deputies to the Diocesan Convention, if the meeting be for that object alone), A.B., C.D., and E.F., being Communicants of the Church in good standing, and qualified voters in this Parish (Aided Parish, Incorporated Mission, or Mission), were chosen as Deputies; and B.C., D.E., and F.G., also being Communicants in good standing, and qualified voters in this Parish (Aided Parish, Incorporated Mission, or Mission), were duly chosen as Alternate Deputies to represent the Parish (Aided Parish, Incorporated Mission or Mission), in that body for the year ensuing.

In testimony of which I have hereunto set my hand (or if two Wardens subscribe, we have set our hands), the day or year above written.

This certificate in the case of a Parish or Aided Parish shall be signed by the Rector, or the Secretary or Clerk of the Vestry, or by the Wardens; and in the case of an Incorporated Mission or Mission by the Minister in charge, or by the Clerk, or by the Wardens, and transmitted to the Secretary of the Convention, within thirty (30) days after the election.

3. If any of the Deputies elected be unable to attend the Convention, the Rector, or the Minister in charge of an Incorporated Mission or Mission, or if there be no Rector, then the Wardens, or if it be an Incorporated Mission or Mission, the Wardens, may designate so many of the Alternate Deputies, in order of their election, as may be necessary to insure a full representation of the Parish, Aided Parish, Incorporated Mission or Mission.

### 4. THE ROLL OF LAY DEPUTIES

From the said certificate of Lay Deputies, the Secretary of the Convention shall prepare a roll of the Lay Deputies entitled to seats and vote in the Convention.

The roll thus prepared shall be prima facie evidence of the rights of the Lay Deputies. But should any dispute arise, it shall be referred to a committee of one (1) Presbyter and two (2) Lay persons appointed by the Convention, who shall decide and report on each case as early as may be; and the decisions thus made, if accepted by the Convention, shall not be called in question again during the same session.

### 5. ATTENDANCE OF MEMBERS OF CONVENTION

It shall be the duty of every Clergyperson and Layperson having a seat in the Convention, to attend every meeting thereof.

6. MANDATED FUNCTIONS AT THE CONVENTION

A celebration of Holy Communion shall be included within the official schedule of every Convention. The Bishop's Address and Episcopal Charge, if any, shall be published in the journal.

7. CONVENTION RESOLUTIONS

Any Resolution calling for the establishment of a task force, committee, commission or any other entity with a lifespan of greater than one year shall also contain, at a minimum, each of the following elements:

- 1.A description of the purpose or mission of the entity to be created;
- 2.A mechanism for creating members of the entity, either through appointment or election, also including a definition of the terms of membership;
- 3.A statement of accountability identifying with particularity whether the entity to be created is responsible to the Bishop, the Convention or the Council;
- 4.A statement detailing whether the entity to be created will require funding and where that funding will come from;
- 5.A statement outlining the anticipated costs of the entity and the benefits to be gained from that expenditure; and
- 6.A statement of whether the entity to be created has a limited life span is permanent in nature or needs to be re-authorized by the Convention after a specific period of time.

## **CANON 2 • VOTING AND ELECTIONS**

1. Upon any question for which provision is not otherwise specifically made in the Constitution or Canons, a voice vote shall be taken by "ayes" and "nays", all members present being entitled to vote. The President shall forthwith announce the result. But, if the President is in doubt or for other good cause or upon appeal from his/her announcement of the result, the vote shall be taken either by a standing vote or by a show of hands in which case each member shall have one vote.
2. If any of the Deputies elected be unable to attend the Convention, the Rector, or the Minister in charge of a Parish or Aided Parish, or if there be no Rector, then the Wardens, or if it be an Incorporated Mission or Mission, the Wardens, may designate so many of the Alternate Deputies, in order of their election, as may be necessary to insure a full representation of the Parish, Aided Parish, Incorporated Mission, or Mission.
3. In all elections in which provision is not otherwise specifically made in the Constitution or Canons, the vote shall be by ballot; each member having one vote for each vacancy to be filled; and those candidates having a majority of the votes cast for the number of vacancies to be filled in each office shall be elected, provided, however, that by unanimous consent, the ballot may in any case be dispensed with and an election made by vote as in paragraph 1 of this Canon or upon such other terms as the Convention may by majority vote determine.
4. Where the Constitution or Canons provide for the filling of vacancies in the interim between Conventions, a person so chosen shall hold office only until the following Annual Convention.
5. Except in cases of death or incapacity, no individual elected or appointed pursuant to the Constitution or Canons may be relieved of his/her duties until a successor assumes such duties.
6. No person shall be eligible for election to any office at Convention, nor shall any person elected by Districts, or appointed to serve on Diocesan Council or other Diocesan Standing Committees, Commissions or Boards accede to



that office, unless that person shall have first completed or arranged for the completion of anti-racism dialogues and anti-sexism training as approved by the Bishop after consultation with the Diocesan bodies responsible for each training.

## **CANON 3 • THE REGISTRAR**

The Bishop shall annually appoint a Registrar of the Diocese, whose duty it shall be to collect and act as custodian for records and documents relating to the history of the Church or which may be useful or necessary to the administration of the affairs of the diocese including but not by way of limitation: journals of the proceedings of the Convention; deeds or other instruments of title of property of the diocese including property held in the name of Trustees of the Episcopal Fund and Diocesan Properties of the Diocese of Newark; the minute books and corporate records of corporations, committees and commissions operating under the authority of the Diocese; registers of dissolved or dormant parishes and missions of the Diocese; copies of histories and other documents of historical interest pertaining to the history of the Diocese, its parishes and its missions.

The Diocesan Council shall provide such financial and other resources as may be reasonably necessary for the discharge of the duties of the Registrar. The Registrar shall act in accordance with such policies concerning the retention and disposal of documents as may be adopted by Diocesan Council from time to time or in absence or inapplicability of such policies as the Registrar may deem reasonable in the circumstances. The Registrar shall be entitled to seek the advice of the Chancellor in the discharge of Registrar's responsibilities. The Registrar shall report to the Diocesan Council and to the Convention annually describing the performance of the Registrar's duties during the year then ending.

## **CANON 4 • THE COMMISSION ON MINISTRY**

### COMPOSITION

There shall be a Commission on Ministry consisting of the Bishop together with no fewer than ten (10) Clergy and ten (10) Laypersons and up to forty-five (45) persons, comprised of equal numbers of Clergy and Lay persons to the extent feasible, who shall be appointed by the Bishop with the concurrence of the Convention.

No person shall serve as a member of the Commission on Ministry and the Standing Committee at the same time.

### DUTIES AND FUNCTIONS

The Commission on Ministry shall perform such duties and in such manner as prescribed by the Canons of General Convention and as directed by the Ecclesiastical Authority.

## **CANON 5 • THE DIOCESAN COUNCIL**

### 1. COMPOSITION

There shall be a Diocesan Council consisting of the Bishop(s); The Secretary of the Convention, who shall also be a Secretary of the Diocesan Council; The Treasurer of the Convention, who shall also be Treasurer of the Diocesan Council; and up to twenty-seven (27) additional members. The Chancellor as legal advisor to the Council shall be afforded seat and voice at all meetings of the Council.

Of the additional members, eighteen (18) Council members shall be elected at Diocesan Convention, who shall take office upon adjournment of the Annual Convention. Nine (9) of these members shall be from the clergy order, and nine (9) from the lay order. The remaining nine (9) shall be appointed by the Bishop to ensure broad representation across the diocese, with appointments named and approved at Diocesan Convention.

Members shall be elected or appointed to serve for a term of three (3) years, provided that no person shall be elected to serve more than two (2) full terms in succession. Diocesan Council shall have the authority to establish classes, and to fill vacancies between Annual Conventions.

At the 147th Diocesan Convention in 2021, up to six people shall be elected, three lay and three clergy. The Bishop shall appoint 3 people from either order to the class of 2024 and an additional individual from either order, for a two year term to the class of 2023.

At each of the next two subsequent Conventions, there shall be elections for up to three lay and up to three clergy, and the Bishop shall appoint up to three additional members each year. In all three conventions referenced, all incumbent members of Council as of January 2020 shall have their current terms observed, and if they are eligible for a second term as defined, they may run in their respective elections.

Diocesan Council shall have the authority to establish classes to insure equal clergy and lay representation on Diocesan Council.

## 2. PURPOSE

The Diocesan Council shall act for the Convention in the interim between meetings, and working with the Bishops and staff, shall be responsible for long-range planning and determining program priorities, presenting them clearly to the Convention for consideration. The Council acting for the Convention shall from time to time review and evaluate the program approved by the Convention. The Council shall have all power necessary to carry out its functions and duties subject to law, the Constitution and Canons of the General Church, and the Constitution and Canons of this Diocese.

## 3. ORGANIZATION

The President of the Convention shall preside over the Council, and the Council shall have power to enact By-laws and Regulations for the performance of its duties not inconsistent with the Constitution and Canons of General Convention and of this Diocese. The Committees of Council shall be as set forth in its By-laws and shall include a Finance Committee. The Finance Committee may include a minority of non-Council members, as provided by the By-laws, who shall be appointed by the Bishop.

## 4. DUTIES

- a. Analyze needs, determine primary concerns and program priorities, and develop goals and policy for the Diocese.
- b. Review and evaluate the program of the Diocese, set standards, gather and analyze data, and compare results with goals and policy.
- c. Establish such planning groups as the Council may deem appropriate to carry out its purposes and duties.
- d. Engage consultants and utilize resources sufficient to accomplish the planning process.
- e. Supervise the financial affairs of the Convention, including budgetary matters.
- f. Submit annually to the Convention a unified budget for the ensuing year to provide for the total operation of the Diocese.
- g. In the event the Convention fails to adopt a unified budget at its annual Convention, to provide for such a budget for the ensuing year in accordance with any general or specific mandates of the Convention.
- h. Adopt a working budget annually.
- i. Provide for the maintenance of sound and accepted business practices in the affairs of the Diocese, its institutions, organizations, and agencies, and its Parishes, Aided Parishes, Incorporated Missions, and Missions. To accomplish this duty the Council shall be empowered to make regulations concerning the investment of trust funds, the bonding of treasurers and custodians, methods of keeping books of account, provisions for auditing and reporting thereof, maintenance of insurance, and such other matters consistent with this Canon, provided that all such regulations shall be subject to review, alteration, or amendment by Convention.
- j. Give recognition to accredited organizations, institutions, and other activities of the Diocese and provide regulations whereby such recognition can be given. No such organization, institution, or other activity shall receive financial support from the budget for the program of the Diocese or shall be permitted

to use in its title any designation indicating it to be affiliated with the Diocese or in any other way hold itself out as a Diocesan organization, institution, or agency without first having received recognition from the Diocesan Council. The Diocesan Council shall have the further power of establishing standards, requiring reports, and the like in connection with all such organizations, institutions, and activities.

- k. Approve ACTS/VIM, Ward J. Herbert and Congregational Growth and Development Fund grants.
- l. Together with the Diocesan Staff, to encourage the timeliness and accuracy of parochial reports.

## **CANON 6 • DEPARTMENT OF FINANCE**

A Department of Finance is hereby provided for as required by Title 1, Canon 6, Section 2 of the Canons of the Protestant Episcopal Church in the United States of America. Said Department shall be headed by a Chief Financial Officer, who shall be appointed by the Bishop. The Convention, the Diocesan Council or the Bishop may delegate to said Department matters relating to the financial affairs of the Diocese. The Chief Financial Officer shall have the authority to act in the name and on behalf of the Department of Finance in all matters not inconsistent with the Constitution and Canons of the Protestant Episcopal Church in the United States of America or of this Diocese. Said Department and the Chief Financial Officer, as may be appropriate in the circumstances, shall report to the Convention, the Diocesan Council or the Bishop with regard to matters it has considered and actions taken.

## **CANON 7 • DIOCESAN ADMINISTRATION**

1. The Bishop shall be responsible for the administration and implementation of all programs and functions adopted by the Convention.
2. The Bishop may allocate responsibilities for the program of the Convention among designated departments, commissions, and committees as necessary, which shall be subject to his/her regulation and control.
3. The Bishop shall be responsible for the coordination of the various Diocesan activities, organizations, and institutions, among themselves and with their counterparts in the General Church.
4. The Bishop may determine the manner and composition of each department, commission or committee, whether by the Bishop's own appointment, by Convention election, or otherwise subject to the provisions of such departments, etc., as may be incorporated, etc.
5. The Bishop shall have authority to employ and supervise such staff as may be necessary to administer the affairs of the Diocese within the limits of the administrative and program budget.
6. The Bishop shall assist the Diocesan Council in its function of review and evaluation.
7. The Bishop and staff shall participate in the planning process as necessary and as requested.
8. The Bishop may delegate any of the foregoing responsibilities to the Suffragan Bishop, if there be one.
9. Whenever the Bishop shall leave the Diocese, the Bishop may designate the Suffragan Bishop, if there be one, to be the ecclesiastical authority of the Diocese during the absence of the Bishop.

## **CANON 8 • DISTRICT CONVOCATIONS**

1. The Diocesan Council shall divide the Diocese into districts in each of which there shall be a Convocation.

2. Each Convocation shall be composed of:
  - (i) every clergy person canonically resident or licensed to officiate in the Diocese, who regularly serves a Parish, Aided Parish, Incorporated Mission or Mission in the district as an officiating clergy person and any canonically resident non-parochial or retired clergy person resident in the district;
  - (ii) three (3) Lay Persons (if possible, at least one of whom shall be a Warden, Treasurer, Clerk or member of the Vestry or Executive Committee and at least one of whom shall be between the ages of 14 and 21) from each Parish, Aided Parish, Incorporated Mission or Mission in the district elected at an annual or special meeting of the Parish, Aided Parish, Incorporated Mission or Mission.
3. Each Convocation shall elect its own officers in accordance with By-laws adopted by Diocesan Council.
4. The Convocations shall have the following functions and powers:
  - (i) to elect their representatives to the Diocesan Council;
  - (ii) to provide communication between the local congregations and the Diocese; and
  - (iii) to provide a network of support for parish life and development, a clergy collegiality and lay leaders.

They shall also have further functions and powers as may be assigned or delegated to them by the Convention, the Ecclesiastical Authority or the Diocesan Council.

## **CANON 9 • PARISHES AND MISSIONS**

### **1. CLASSIFICATION OF CONGREGATIONS**

- (a) All congregations which are a part of the Diocese of Newark shall be classified in one of the following categories:
  - (1) Parish
  - (2) Aided Parish
  - (3) Incorporated Mission
  - (4) Mission

### **2. CREATION OF PARISHES**

Parishes shall be created as provided by the laws of the State of New Jersey and the Constitution of this Diocese.

### **3. CREATION OF MISSIONS**

- (a) Missions shall be created by the Bishop who shall be ex-officio the rector thereof and who may appoint a Vicar to be in charge of each Mission and to serve during the pleasure of the Bishop. No termination of such appointment shall be made except on one (1) month's notice.
- (b) The temporal affairs of a Mission shall be in charge of an Executive Committee which shall be elected at an organization meeting.
- (c) Such organization meeting shall be held on the call of the Bishop, or at his/her direction of the Archdeacon having jurisdiction. The meeting shall be presided over by the Bishop or such Archdeacon, or by a priest designated by the Bishop. At the organization meeting such persons shall be entitled to vote as shall sign an application for the establishment of the Mission in such form as the Bishop shall require.

- (d) The Bishop may appoint one (1) or two (2) Wardens and a Treasurer for the Mission. There shall also be an Executive Committee consisting of the Vicar, the Wardens, the Treasurer, and not less than three (3) nor more than nine (9) additional persons who shall be elected at the organization meeting. The terms of such elected members shall continue until the next Annual Meeting. The Executive Committee shall elect one of their number as Clerk.
- (e) The annual election of members of the Executive Committee shall be held on the Monday following the first Sunday in Advent or such other day as the Bishop shall appoint. At the first annual election the notice of the annual election or of any special meeting shall be given as provided in the case of Parish meetings. The Vicar, or such persons as may be designated by the Bishop, shall preside at all meetings of the Mission or Incorporated Mission and of the Executive Committee.
- (f) The Bishop shall have the power to set aside any election, to suspend the annual election and to remove from office any and all officers and members of the Executive Committee of a Mission.
- (g) Title to all real and personal property of a Mission, excepting funds received for the current expenses thereof, shall be vested in the Trustees of the Episcopal Fund and Diocesan Properties of the Diocese of Newark, a New Jersey corporation, or another corporation designated by it. Upon the Mission becoming an incorporated Parish in union with the Convention, the Trustees of the Episcopal Fund and Diocesan Properties, or such corporation, shall with the consent of the Bishop and Standing Committee transfer all such property to the Parish.
- (h) All powers and authority given by the preceding subsections of this section to the Bishop shall in the event of vacancy in the Episcopate be exercised by the Standing Committee.

4. REGISTERS AND REPORTS

- (a) In every Parish, Aided Parish, Incorporated Mission and Mission there shall be maintained a register in which shall be recorded under the appropriate date the names of all persons baptized, confirmed, married or buried. In the case of baptism of children, the names of the parents and sponsors also shall be recorded. Each entry shall be signed by the person performing the action.
- (b) Every Parish, Aided Parish, Incorporated Mission and Mission shall maintain such other records and make such reports as may be provided by General Convention or by or pursuant to authority of the Convention of this Diocese.

5. QUALIFICATION OF VOTERS

The persons entitled to vote at any meeting of a Parish, Aided Parish, Incorporated Mission or Mission shall be:

- (a) Baptized;
- (b) At least 16 years of age;
- (c) Of good moral character;
- (d) Adherents of the Protestant Episcopal Church;
- (e) Regular attendance at the services of the Parish, Aided Parish, Incorporated Mission or Mission for six (6) calendar months before the meeting; and
- (f) Regular contributors for the same period of time to the current expenses of the Parish, Aided Parish, Incorporated Mission or Mission. A record of the regular contributors for the support of the Parish, Aided Parish, Incorporated Mission or Mission shall be maintained by the Treasurer, with the dates of their contributions. Such records shall be sufficient evidence as to the qualification of a voter with respect to the last preceding requirement.

6. QUALIFICATION OF OFFICERS

- (a) The persons entitled to hold office in any Parish, Aided Parish, Incorporated Mission or Mission shall be qualified voters of the Parish, Aided Parish, Incorporated Mission or Mission. A person entitled to hold Diocesan office or office in a District Convocation, a Warden, and a Deputy or Alternate Deputy to the Diocesan Convention shall be a Confirmed Communicant in good standing in addition to being a qualified voter.
- (b) No person shall hereafter succeed herself or himself more than twice in the office of Warden, and no person shall serve more than six (6) consecutive years in such office.

7. BOUNDARIES OF PARISHES, AIDED PARISHES, INCORPORATED MISSIONS AND MISSIONS

In any case where it shall be expedient, the Bishop, upon the advice of the Standing Committee, or if the Episcopate be vacant the Standing Committee may establish the boundaries of Parishes, Aided Parishes, Incorporated Missions and Missions of this Diocese. An opportunity to be heard shall first be granted to the various representatives of any Parish, Aided Parish, Incorporated Mission or Mission which may be affected by the establishment of such boundaries. Boundaries thus constituted shall be valid for all canonical purposes, and also for fixing Parochial connection of all persons desiring, or entitled to, the ministrations of this church, who have not by some act of their own become attached to a congregation and for defining for each Rector or Vicar the extent of his/her responsibility for the cure of souls.

8. CLERGY COMPENSATION

- (a) All Parishes, Aided Parishes, Incorporated Missions and Missions within the Diocese of Newark shall provide their full-time clergy with not less than the minimum stipend and other perquisites established by Diocesan Convention, except with the consent of the Bishop and the Standing Committee. Nothing herein shall prevent the acceptance of voluntary service by non-stipendiary clergy. The provisions of this paragraph shall not apply to Clergy holding cures within the Diocese at the time of its adoption with respect to such cures.
- (b) Any Parish which is unable to pay the minimum compensation to its Rector may notify the Diocese of its need for financial assistance. During any period of Diocesan assistance, it shall continue to function as a Parish of the Diocese in all respects except that during such temporary status, no assets or endowment funds of the Parish shall be expended without notification to the Finance Office of the Diocese.

9. AIDED PARISHES

- (a) A Parish may be reclassified to Aided Parish status if:
  - (1) The Parish requests reclassification; OR
  - (2) The Parish is no longer able to support the necessary operating expenses and indebtedness of the parish; OR
  - (3) The Parish is so diminished in numbers that it is no longer viable as a Parish; OR
  - (4) The Parish fails to elect officers in compliance with its corporate charter; OR
  - (5) The Parish persistently fails to comply with the constitutional and canonical requirements for Parish status; OR
  - (6) The Parish fails to hold its assets in accordance with the Canons of the Episcopal Church.
- (b) A Parish may be reclassified to Aided Parish status as follows:
  - (1) Report by the Bishop to the Standing Committee with recommendation of reclassification; AND
  - (2) Concurring action by the Bishop and Standing Committee recommending reclassification to the Diocesan Council; AND
  - (3) Written notification by the Standing Committee to the Rector and Vestry advising of recommendation of reclassification and of their right to appear before the Diocesan Council to oppose reclassification, such notice to be given not less than thirty (30) days prior to the Diocesan Council considering such recommendation; AND

- (4) A hearing before the Diocesan Council at a regular or special meeting thereof on not less than thirty (30) days prior notice to the members of the Diocesan Council; AND
  - (5) The affirmative vote of not less than two-thirds of the members of the Diocesan Council present and voting.
- (c) An Aided Parish shall continue to function as a Parish of the Diocese in all respects as follows:
- (1) It shall be eligible to apply for financial assistance from the Diocese;
  - (2) Title to all real and personal property and endowment funds shall immediately be transferred to the Trustees of the Episcopal Fund and the Diocesan Properties of the Diocese of Newark, in trust for that church until subsequently reclassified.
- (d) No congregation may maintain the status of Aided Parish for more than three (3) consecutive years. At the third Diocesan Convention following the reclassification to Aided Parish status, such congregation shall be (a) restored to full Parish status; or (b) reclassified to Incorporated Mission status, effective on the third anniversary of reclassification to aided parish status. The Bishop and Standing Committee may, at the request of a majority of the members of the Vestry of an Aided Parish, delay action on reclassification to incorporated mission status to the fourth Diocesan Convention following reclassification to Aided Parish status.
- (e) At any time prior to the expiration of three (3) years, an Aided Parish may be restored to full and regular Parish status by approval of the Bishop and Standing Committee or the Diocesan Convention either upon the initiative of the Bishop or upon petition of the Vestry of the Aided Parish. If an Aided Parish shall remain in such status for a period of three (3) years, then a special meeting of the Aided Parish shall be called, and by majority vote thereof, shall determine to petition for restoration to full Parish status or to be changed to the status of an Incorporated Mission.
- (f) The Diocesan Council shall be responsible for administering all Diocesan financial aid to Aided Parishes, subject to guidelines and procedures adopted by it. All decisions pertaining to financial aid to Aided Parishes shall require the consent of the Diocesan Council.

#### 10. INCORPORATED MISSIONS

- (a) An Aided Parish may be reclassified to Incorporated Mission status as follows:
- (1) Certification by Bishop that Aided Parish is no longer viable to the Rector, Wardens and Vestry of the Parish concerned;
  - (2) Report by Bishop to an annual or special Convention of the Diocese together with his/her recommendation that the Parish be reclassified; and
  - (3) Adoption by Convention of the recommendation of the Bishop.
- (b) The failure of Convention to adopt the recommendation of the Bishop for reclassification to Incorporated Mission Status will have the effect of restoring the Aided Parish to full Parish status.
- (c) If a Parish or an Aided Parish requests reclassification to Incorporated Mission in writing signed by a majority of all current members of the Vestry, the Bishop may present such request before Standing Committee which may act on such request and reclassify.
- (d) The Ecclesiastical status of an Incorporated Mission shall be that of a Mission, and it shall be governed by all of the provisions of these Canons applicable to Missions, except as otherwise specifically provided herein.
- (e) Upon reclassification to Incorporated Mission status, the Rector relinquishes tenure, except Rectors in cures at the time of adoption of this canon. Any such Rector will retain tenure notwithstanding reclassification, but upon vacancy in the office of Rector, the Incorporated Mission lose the right to call a successor while so classified. A Rector retaining tenure under this section shall become the Vicar of the Incorporated Mission, and shall act at all times under the authority of the Bishop who shall be the ex officio Rector of such Incorporated Mission and President of the corporation.

(f) An Incorporated Mission shall retain the corporate structure it had as a Parish and shall elect officers and conduct its business in accordance with the provisions of its corporate charter, subject to the provisions of these Canons.

(g) An Incorporated Mission may be reclassified to Mission status upon the approval of the Bishop, the Standing Committee, and a majority of the deputies to an annual or special Convention of the Diocese voting by orders. In addition, if an Incorporated Mission requests such reclassification in writing signed by a majority of the qualified voting members of congregation, an Incorporated Mission may become a Mission with the consent of the Bishop and Standing Committee.

(h) Upon reclassification to Mission status, the church continues to function as a Mission of the Diocese, but the Parish corporation shall be dissolved.

#### 11. AREA MINISTRIES

Two or more Parishes may choose to enter into a compact to establish an Area Ministry with the prior consent of the Bishop and the Standing Committee. Similarly, one or more Parishes may choose to enter into a compact to establish an Area Ministry with one or more Incorporated Missions or Missions operating under the authority of the Diocesan Council. The terms and conditions of such compact shall be as are agreed upon by the respective Rectors, Wardens and Vestries (in the case of Parishes), the Diocesan Council, and the respective Executive Committees (in the case of Missions and Incorporated Missions) and approved by the Bishop and Standing Committee. Those terms and conditions shall include the following:

- (1) Provisions for the selection, term and compensation of clergy serving the Area Ministry;
- (2) Provisions for the administration of such Area Ministry;
- (3) Provisions for withdrawal from any Area Ministry by any member church; and
- (4) Provisions for the dissolution of the Area Ministry.

#### 12. EMERGENCY POWERS

- a) In the event that the capital assets of a Parish are in imminent danger of being transferred, expended or dissipated in violation of the Canons of the Episcopal Church, the Bishop, with the consent of three-fourths (3/4) of the members of the Standing Committee, may direct that no such transfer or expenditure be made pending a determination by the Diocesan Council as to whether reclassification to Aided Parish Status is appropriate.
- b) In the event that the Treasurer of any Parish fails to act in accordance with his or her duties or engages in acts which are contrary to his or her duties or the Canons of the Episcopal Church, and the Vestry having failed to secure the Treasurer's compliance with his or her duties or the Canons, the Bishop, with the consent of three-fourths (3/4) of the members of the Standing Committee, may temporarily suspend such Treasurer and appoint a temporary replacement until the Treasurer either resigns from that office or agrees to comply. Such action may be appealed to the Diocesan Council, which may over-rule the suspension.

#### 13. DISSOLUTION OF MISSIONS

The Bishop and Standing Committee in any case where they deem it be in the best interests of the Church to terminate a Mission may declare such Mission to be dissolved.

## **CANON • 10 LEASES**

A Parish may enter into a lease or leases of Parish-owned property, other than for residential use, without the prior consent of the Bishop and Standing Committee provided the term of such lease does not exceed (1) year in duration, and the lease does not obligate the Parish to extend or renew the tenancy beyond one year. No Parish-owned property shall be used or leased for residential purposes without the prior consent of the Bishop and Standing Committee, in writing, regardless of the extent of such use and the duration of such lease, except that no such consent shall be required for the occupancy of Parish-owned property by Clergy or lay employee(s) of such Parish.



## **CANON 11 • PLEDGE TO BUDGET**

It is the responsibility of every congregation in the Diocese of Newark to make a financial pledge to the Unified Budget of the Diocese of Newark. Written pledges, in accordance with the approved system of diocesan giving, for each calendar year are due in the Diocesan Finance Office by December 1 of the preceding year.

## **CANON 12 • ARCHDEACONS**

The Bishop shall appoint such Archdeacons, assign them such jurisdiction and impose upon them such duties as is deemed expedient.

## **CANON 13 • PENSION BENEFITS**

All congregations and other entities subject to the authority of the Church shall provide pension benefits to all qualified clergy and lay employees as shall be mandated by the canons of The Episcopal Church, and resolutions of the General Convention or the diocesan convention.

## **CANON 14 • INSURANCE**

The Diocese of Newark shall obtain a group policy or group policies which will provide life and health insurance coverage for the clergy of the Diocese. Participation by Parishes, Aided Parishes, Incorporated Missions and Missions is mandatory. The premium cost attributable to insurance coverage for clergy employed by a Parish, Aided Parish, Incorporated Mission or Mission shall be paid by that Parish, Aided Parish, Incorporated Mission or Mission. The effective date of this shall be January 1, 1985.

## **CANON 15 • TRUSTEES OF THE FUND FOR AGED AND INFIRM CLERGY**

1. The Trustees of the Fund for Aged and Infirm Clergy consisting of the Bishop and the members of the Standing Committee shall administer the several funds committed to their care pursuant to the trusts upon which they were established.

### **2. THE AUTOMATIC PENSION FUND**

In the case of the Automatic Pension Fund the Trustees shall annually divide as of May first the income received on the Fund during the preceding year among those Clergy who:

- a) have attained the age of sixty-five (65) years and have notified the Trustees of that fact prior to May first of the year in question; and
- b) were canonically resident in the Diocese for the five (5) years immediately preceding such notification; and
- c) were for at least five (5) years of their last term of canonical residence settled Ministers or Missionaries duly appointed by the Ecclesiastical Authority; and
- d) have retired on account of age or disability.

No such clergy person shall receive in excess of \$1,000.00 from this fund in any one (1) year and all surplus of income, if any, and gifts and donations to the Automatic Pension Fund shall be added to the principal of the Fund.

### **3. FUND FOR THE RELIEF OF CLERGY AND THEIR DEPENDENTS.**

In the case of the Fund for the Relief of Clergy and Their Dependents, the Trustees shall at their discretion annually as of May first appropriate the estimated income of the Fund during the current year for:

- a) the relief of disabled clergy canonically resident in the Diocese;
- b) the relief of the widows, widowers, and children and the defraying of the funeral expenses of deceased clergy who were canonically resident in the Diocese at the time of their demise.

Unappropriated income shall in the discretion of the Trustees be reserved as a contingency fund for the foregoing purposes or may be added to the principal of the Fund.

## **CANON 16 • THE DIOCESAN INVESTMENT TRUST**

The management of the Diocesan Investment Trust shall be under the control of the Bishop of the Diocese, who shall be President thereof, and ten (10) other Trustees who shall be elected by the Bishop and the Standing Committee for terms of five (5) years. In the case of a vacancy in the Episcopate, the election shall be by the Standing Committee. If a trustee leaves office without having served the full term for which he or she was elected, a successor shall be elected for the unexpired term.

Initially, trustees may be elected for terms of less than five (5) years, but only for the purpose of establishing a program whereby the terms of two (2) trustees shall expire each year.

## **CANON 17 • ECCLESIASTICAL DISCIPLINE**

### 1. EFFECTIVE DATE

The 2009 provisions of Canon 17 as first adopted in or about January 1995 and subsequently amended, remain in effect through June 30, 2011 and, except as provided in Title IV, Canon 20.3 of the General Convention, are repealed.

### 2. INCORPORATION

Those provisions of Title IV of the General Convention Canons which are applicable to the Diocese are hereby incorporated as part of this Canon 17. To the extent that any of the provisions of this Canon 17 are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

### 3. VACANCIES

The death, disability rendering a person unable to act, resignation or declination to serve as a member of the Disciplinary Board shall constitute a vacancy on the Board. Notice of resignations or declinations shall be given by members of the Board in writing to the President of the Board and to the President of the Conference Panel or Hearing Panel, if one has been assigned to such a panel. If any priest elected to the Disciplinary Board is elected a bishop, or if any lay person elected to the Board is ordained prior to the commencement of a proceeding under this Canon, that person shall immediately cease to be a member of the Board and Panel. Notwithstanding the foregoing, however, if a proceeding has commenced, all members of the Panel shall continue to serve until final disposition. A lay person ceasing to be a member under this subsection by reason of ordination may be appointed to fill a vacancy in the clergy member of the Board. Vacancies on the Board shall be filled until the next meeting of the Convention by the remaining members of the Board.

### 4. DISCIPLINARY BOARD

- a. The Disciplinary Board shall consist of eleven (11) persons, six (6) of whom are members of the Clergy and five (5) of whom are Laity.
- b. The Clergy members of the Board must be canonically resident within the Diocese.
- c. The lay members of the Board shall be Adult Communicants in Good Standing in a congregation in this Diocese.
- e. The members of the Board shall be elected by the Convention. Each Clergy member shall be elected for a six (6)-year term and Lay Persons shall be elected for a five (5) year term. No member of the Board may be a member of the Standing Committee.

- f. Within sixty (60) days following the annual Convention, the Board shall convene to elect a President to serve for the following calendar year.

5. INTAKE OFFICER

The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

- a. The Bishop shall appoint one or more persons to serve as Intake Officers to whom information regarding offenses is reported.
- b. The person so appointed shall serve at the Bishop's discretion.

6. INVESTIGATOR

The Bishop shall appoint one or more Investigators in consultation with the President of the Board. The Investigator may but need not be a Member of the Church.

7. CHURCH ATTORNEY

Within sixty (60) days following each annual Convention, the Bishop shall appoint and the Standing Committee shall approve one or more attorneys to represent the Church in proceedings contained in Canon 2 of Title IV. In addition the Bishop may appoint a successor Church Attorney to replace a Church Attorney who has been removed for cause or has resigned. The person so selected must be a Member of the Church and a duly licensed attorney, but need not reside within the Diocese.

8. ADVISORS

- a. The Bishop shall appoint Advisors to Respondents and Complainants for the purposes and at the times provided in Canon 10, Section 10 of Title IV.
- b. All persons serving as Advisors shall hold no other appointed or elected position under Title IV or this Canon 17 and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

9. PASTORAL RESPONSE COORDINATOR

The Bishop may appoint a Pastoral Response Coordinator to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Canon 8, Title IV

The Pastoral Response Coordinator may be the Intake Officer but shall not be a person serving in any other appointed or elected capacity under this Title.

10. PUBLICATION

Pursuant to Canon 6, Title IV the Bishop shall publish to the congregations and members of the Diocese information concerning the methods and means of reporting Offenses.

11. RECORDS

- a. Records of active proceedings before the Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.
- b. The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV.

**CANON 18 • (Reserved for future use)**

## **CANON 19 • AMENDMENTS**

### 1. COMMITTEE ON CONSTITUTION AND CANONS

The Committee on Constitution and Canons shall consist of ten (10) members elected at each Annual Convention, who shall serve from the adjournment of said Annual Convention until the adjournment of the next Annual Convention, and the Chancellor who shall be a member ex officio and shall serve as its chair and one vice chancellor, if there be any, to be named to the committee by the Chancellor. Vacancies in the interim shall be filled by the Ecclesiastical Authority.

### 2. ADOPTION OF AMENDMENTS TO CONSTITUTION AND CANONS

Unless unanimous consent be given by the Convention for the introduction of amendments to the Constitution or the introduction of amendments to the Canons, no such Amendment shall be considered unless it be submitted by its proponents seventy-five (75) days before the Convention meets. The Committee shall transmit a copy of such proposed amendment to the Secretary of Convention and may recommend to the Convention that the amendment be adopted or that it be rejected. A proposed amendment may also be submitted by the Committee without recommendation. The Committee may suggest however to the proponent of an amendment changes which, if made in the proposed amendment, would secure the Committee's favorable recommendation. If the proponent does not accept the Committee's proposed change or changes, the Committee may transmit to the Secretary of the Convention both the proponent's original proposed amendment and the substitute amendment as recommended by the Committee. The Secretary of the Convention shall distribute copies of all proposed amendments to each person entitled to receive notice of the meeting of the Convention.

### 3. EFFECTIVE DATE OF AMENDMENTS

All amendments to the Canons shall take effect immediately upon their adoption unless otherwise provided.

## **CANON 20 • INTERPRETATION OF CANONS**

1. Any person, being either a presbyter of this Diocese or a member of a congregation of this Diocese, having a bona fide question as to the proper interpretation or application of the Constitution or Canons of the Diocese may pose such question to the Chancellor in writing. The Chancellor shall thereafter render a formal written opinion responding to the question. Such written opinion shall be provided to the person propounding the question, and copies thereof shall be filed with the Bishop, the Standing Committee and the Secretary of Convention, and copies thereof shall be mailed to all Presbyters of the Diocese.

2. All such formal written opinions of the Chancellor shall be submitted by the Secretary of Convention to the Committee on Constitution and Canons within thirty (30) days after filing. Within sixty (60) days of receipt, the Committee on Constitution and Canons shall render an opinion by the affirmative vote of a majority of its members, affirming, rejecting or modifying the opinion of the Chancellor. The opinion of the Committee shall be in writing. Such written opinion shall be provided to the person propounding the question, and copies thereof shall be filed with the Bishop, the Standing Committee and the Secretary of Convention, and copies thereof shall be mailed to all Presbyters of the Diocese and, prior to the next regular meeting of the Convention of the Diocese, to all lay members thereof. Upon such filing, the decision of the Committee on Constitution and Canons shall have the legal force of Canon until the next meeting of the Diocesan Convention, at which such decision shall be either confirmed or overruled by a majority of members thereof.

3. Upon confirmation by Convention, such ruling shall have the force of Canon until amended or repealed as provided in Canon 19 above.

## **CANON 21 • SERVICE ON MULTIPLE COMMITTEES**

No elected or appointed person shall serve as a member of more than one (1) of the following committees, boards or positions at the same time: the Standing Committee, the Diocesan Council, Trustees of the Episcopal Fund and Diocesan Properties, the ACTS/VIM Board and the positions of Chancellor and Vice-Chancellor(s). And, be it further

RESOLVED, Any person currently serving as a member of two or more of any of the above-named bodies, boards or positions as specified in Canon 21 shall submit his or her resignation from one or more of the bodies, boards or positions within three (3) months of the adoption of this amendment to Canon 21, so as to only serve on one of the bodies, boards or positions.

## **CANON 22 • TRUSTEES OF THE EPISCOPAL FUND & DIOCESAN PROPERTIES**

SECTION 1. The Trustees of the Episcopal Fund and Diocesan Properties of the Diocese of Newark (“the Trustees”) is a corporation, not for profit, duly established with duties and powers set forth in the New Jersey Statutes of the Episcopal Church (N.J.S.A. 16:12-20 to 16:12-22) and the Religious Corporations and Associations, N.J.S.A. 16-4-1. The Trustees shall consist of twelve (12) members of the church within this Diocese who shall serve for a term of five (5) years, except as set forth in Section 2 of this canon. The Annual Convention shall elect trustees as required to fill expired terms. Lay trustees shall at all times be communicants in good standing of a congregation in the Diocese of Newark.

SECTION 2. There is created four classes of Trustees:

The 2010 Diocesan Convention shall create three classes of the current Trustees, comprised of three (3) members in each class determined by the Trustees currently in office.

At the 2011 Diocesan Convention, three (3) persons not currently serving as Trustees shall be elected to serve for five-year terms.

At each of the next three subsequent conventions, the terms of three (3) of the Trustees currently serving as of the 2010 Diocesan Convention shall cease by rotation, resignation, or seniority in a manner and order to be determined by the Trustees, and the Diocesan Convention shall then elect three (3) trustees to serve for five-year terms.

Except in the filling of a vacancy as set forth in Section 3 of this canon, the term of any trustee elected by Diocesan Convention in 2011 and thereafter shall be five (5) years.

No trustee elected for a full five-year term shall be eligible for reelection to succeed him/herself, but is eligible for reelection after the lapse of a year.

SECTION 3. Vacancies among the elected trustees created by death, resignation, incapacity, or removal from the Diocese may be filled by the remaining trustees until the next meeting of the Convention, at which a trustee shall be elected by the Convention to fill the unexpired term. Any elected trustees deemed negligent of their duties or unqualified to hold office may be removed by a vote of seven (7) elected trustees, the Bishop concurring.

SECTION 4. The Bishop shall serve as an ex officio member of the Trustees with voice and vote. The Trustees shall elect a President annually from among the members of the Board. The Treasurer of the Diocese shall serve as treasurer of the funds named above. Seven (7) trustees shall be a quorum, all having been cited to meet, and a majority of the quorum, duly convened, shall be competent to act.

SECTION 5. No investment or reinvestment decision shall be executed unless approved at a duly convened meeting or approved in writing by a majority of the trustees, all of whom shall have been notified of the proposed action.

SECTION 6. The Trustees shall present at each meeting of the Board of Trustees and to each Diocesan Convention separate reports of the various trusts under their control. These reports shall contain a detailed statement of the names and properties in each fund, with all additions and changes therein, including receipts and disbursements therefrom.