

EPISCOPAL DIOCESE  
OF  
WESTERN KANSAS



CONSTITUTION  
AND  
CANONS  
2020

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# THE CONSTITUTION

## PREAMBLE

In the Name of the Father, the Son, and the Holy Spirit, Amen.

We the clergy and laity of the Diocese of Western Kansas, Christians and members of the one Holy, Catholic and Apostolic Church in communion with the See of Canterbury, wishing to propagate the faith and establish beliefs and traditions historically adhered to by those corporate bodies in communion with the See of Canterbury, and commonly known as the Anglican Communion, and further desiring to participate in the worship of God and corporate life of our branch of the Church in the United States of America, do hereby establish and ordain this Constitution and these Canons as and for those of the Diocese of Western Kansas.

## ARTICLE I

### Title and Bounds of the Diocese

This Diocese shall be known as the Diocese of Western Kansas and comprise all that part of the State of Kansas lying west of the eastern boundaries of Republic, Cloud, Ottawa, Saline, McPherson, Reno, Kingman, and Harper Counties.

## ARTICLE II

### Acceding to the Constitution of the General Convention

Section 1. Accession. The Church in this Diocese, as a constituent part of the Episcopal Church in the United States of America also known as ECUSA, accedes to, recognizes and affirms its adoption of the Constitution and Canons of the ECUSA, as established by the bishops, clergy, and laity in General Convention assembled.

Section 2. Diocesan Canons. Canons of this Diocese shall stand as law of the Diocese insofar as they are not in conflict with this Constitution, the General Constitution and Canons of The Episcopal Church, or civil law.

Section 3. Most Current Version. Any references to the Constitution and Canons of the ECUSA in the Constitution or in the Canons of the Episcopal Diocese of Western Kansas refer to the most current versions of the Constitution and Canons of the ECUSA.

### ARTICLE III

#### Ecclesiastical Authority

Section 1. Vested in the Bishop. Ecclesiastical authority of the Diocese is vested in and shall be exercised by the Bishop and in accordance with the General Canons of The Episcopal Church.

Section 2. Powers of the Bishop. As Ordinary, the Bishop shall have original and sufficient jurisdiction in all ecclesiastical causes, except as shall be reserved to other authority. The Bishop shall have power to determine all controversies between the rectors of two or more parishes or between persons adversely claiming to be a vestry member of a parish. The Bishop shall have appellate jurisdiction over the proceedings of all religious and benevolent organizations of the Church within the Diocese insofar as may be consistent with civil law.

Section 3. Ecclesiastical Authority. When the Diocese is without a Bishop, or in the case of the inability to act of the Bishop, or Bishop Coadjutor, if there be one, the Standing Committee shall be the Ecclesiastical Authority for all purposes declared in the Constitution and Canons of General Convention and this Diocese.

### ARTICLE IV

#### Diocesan Convention

Section 1. Annual: Time and Place. There shall be an annual Convention of the Church in this Diocese at such time and place as may be designated by the preceding Convention. If no designation shall have been made, then the Bishop with the consent of the Diocesan Council shall designate the time and place of such Convention.

Section 2. Change of Time and Place. The Bishop, with the consent of the Diocesan Council, or the Standing Committee when acting as the Ecclesiastical Authority, shall have the power to change the time and place of the annual Convention, or either, provided that notice is given to the clerical and lay delegates, and to the vestry of parishes and representatives of diocesan missions at least 60 days before said meeting.

Section 3. Special Meetings. Special meetings of Convention may be called by the Ecclesiastical Authority, whenever, in the judgment of the same, the necessity or the good of the Church may require. In such case, notice thereof shall be given as prescribed in Section 2; and such notice shall specify the purposes thereof, and no other business shall be transacted.

Section 4. Quorum. Lay delegates from a majority of the congregations entitled to representation and a majority of the clergy entitled to vote and having an active cure or charge within the Diocese, when duly assembled, shall constitute a quorum for the transaction of business.

Section 5. Voting. At meetings of Convention the clergy and laity shall deliberate and vote as one body, provided that on the demand of any four clerical or any four lay members, the vote shall be taken by orders; in which case the concurrence of both orders shall be necessary to the adoption of a measure.

## ARTICLE V

### Membership in Convention

Section 1. Clergy. All clergy canonically resident within the Diocese, and in good standing, shall have a seat and vote in the Convention, and all clergy having clerical work in the Diocese recognized by the Bishop, but not canonically resident, shall have a seat and voice in the Convention without vote.

Section 2. Lay Members. Lay Members entitled to a seat and vote in Convention shall be communicants in good standing elected by the parishes or diocesan missions which they represent at the annual parish meeting of the parish or the annual meeting of the diocesan mission; or in default of this, by vestry or mission committee. If there be no election as above provided, the priest-in-charge, or the Bishop in the absence of a priest-in-charge, may appoint delegates.

Section 3. Certificate of Election. Each congregation shall certify to the Bishop the names and addresses of all delegates and alternates not more than 30 days after the date such delegates are elected or appointed.

Section 4. Representation. Each parish or diocesan mission shall be entitled to two lay delegates and to one additional lay delegate for each fifty communicants in good standing or fraction thereof, in excess of 100; provided, that no parish or diocesan mission shall be entitled to more than five lay delegates.

Section 5. Ex-officio Members. All officers of the Convention and members of committees elected or approved by Convention who are not certified delegates shall have a seat and voice in the Convention without voting; provided that the Bishop may vote at the Convention.

Section 6. Qualification. The Convention shall be judge of the qualification of its own members.

## ARTICLE VI

### Officers of Convention

Section 1. President. The Bishop of the Diocese shall be the President of the Diocesan Convention and shall preside at the meetings of Diocesan Convention. If there be no Bishop of the Diocese present, then the Diocesan Council shall appoint a President.

Section 2. Other Officers of Convention. At each annual Convention a Secretary, Treasurer, Registrar, and Chancellor shall be elected for the terms and in the manner prescribed by the Canons of the Diocese.

## ARTICLE VII

### Standing Committee

Section 1. Membership; Manner of Election and Tenure. The Standing Committee of the Diocese shall consist of six persons, three clergy and three lay communicants in good standing. Each Year as such terms expire, respectively, at the annual Convention of the Diocese, there shall be nominated and elected to the Standing Committee one clergy and one lay communicant in good standing for a term of three years; provided, that no clergy or lay communicant in good standing shall be eligible for reelection to the Standing Committee until one year has elapsed after the expiration of this term. In order for clergy to be eligible to be elected and remain on the Standing Committee, the clergy member must be both physically and canonically resident within the Diocese. No member of the clergy who is a member of the Diocesan Council shall be elected to the Standing Committee.

Section 2. Vacancies. The Standing Committee shall fill vacancies occurring in its own membership between annual meetings of the Diocesan Convention. At the next meeting of the Convention such vacancies shall be filled by election for the unexpired term.

Members thus elected shall be eligible for reelection to a full term immediately upon the expiration of the short term.

Section 3. Duties. The duties of the Standing Committee are those prescribed by the Canons of The Episcopal Church, and by the Constitution and Canons of the Diocese, and such additional duties as may be prescribed by the Convention or the Diocesan Council.

## ARTICLE VIII

### Diocesan Council

Section 1. Membership. The Diocesan Council shall consist of six clergy canonically and physically resident in the Diocese; six lay communicants in good standing of the Diocese; the Bishop who may serve as President of Council at his prerogative; and the Treasurer of the Diocese who shall have voice but no vote on the Council. Two members of the clergy and two lay members shall be elected each year at the Diocesan Convention for three year terms. The Council shall meet quarterly and at the call of the President or any two members of the Council. The first meeting shall be held as soon as convenient following the annual Convention. At the first meeting the Council shall elect a vice-president from among its members and a secretary. The secretary shall keep a record of all Council proceedings and report to each Convention. The secretary need not be an elected member of the Diocesan Council and may serve for as long as the Council wishes. The Diocesan Council shall appoint a member to fill any vacancy and such appointed member shall serve until the next Diocesan Convention.

Section 2. Duties. The Diocesan Council shall with the assent of the Standing Committee assure that a corporate discipline of long range planning results in policies and goals as adopted by the Convention for the guidance of congregations and diocesan agencies. It is responsible for the annual revision of the Program Plan and Budget which is submitted to Convention; and, as passed by Convention, and for the implementation thereof. The Council shall determine policy regarding diocesan trust funds, advise the Bishop regarding diocesan staff personnel and perform such duties as may be assigned to it by the Convention.

Section 3. Quorum. The majority of the members of the Diocesan Council shall constitute a quorum.

Section 4. Committees. The Diocesan Council shall appoint any committees necessary for the dispatch of its work.

Section 5. Trustees of Church Property. The Council shall appoint six of its members as Trustees of Church Property, at least four of whom shall be lay members of the Diocesan Council, to hold, acquire and convey title to real property within the Diocese in accordance with the instructions of the Diocesan Council.

## ARTICLE IX

### Election of Bishop

Section 1. Manner of Election. The election of any Bishop for this Diocese shall be made by an annual Convention of the same, or by special Convention called for that purpose and in the manner prescribed by the Canons of this Diocese.

## ARTICLE X

### Admission of Parishes and Missions

Section 1. Admission of Parishes. Any diocesan mission within this Diocese and regularly organized according to the Canon may, on motion, be admitted as a parish into the union with the Convention by majority of votes of the Convention; provided it shall have laid before the Convention its Constitution and Articles of Incorporation, if incorporated, or duly certified copies thereof, wherein it expressly adopts and recognizes the authority of the Constitution and Canons of this Diocese and the Constitution, Canons, Doctrine, Discipline and Worship of the Episcopal Church; provided also that it shall have complied with the canonical requirements for such admission.

Section 2. Diocesan Missions. Any congregation within the limits of this Diocese and regularly organized according to the Canon may, on motion, be admitted as a diocesan mission in union with Convention by majority of votes of the Convention.

Section 3. Property of Parishes and Diocesan Missions. All real and personal property held by or for the benefit of any parish, diocesan mission or community located within the Diocese is held in trust for the Diocese. The existence of this trust shall in no way limit the



power and authority of the parish, diocesan mission or community otherwise existing over such property so long as the particular parish, diocesan mission or community remains a part of and subject to this Diocese and its Constitution and Canons.

Section 4. Accession of Parishes. Each parish within the Diocese shall accede to recognize and affirm the Constitution and Canons of the Diocese. In order to implement such accession, each parish shall provide in its Articles of Incorporation and By-Laws provisions which are acceptable to the Diocese which provide that all real and personal property held by or for the benefit of the parish shall become the property of the Diocese in the event the parish terminates its accession to the Constitution and Canons of the Diocese.

Section 5. Dissolution of Parish, Mission, Community or Congregation. In the event of the dissolution of any parish, mission, community or other congregation of this Diocese, or in the event that any such congregation shall no longer accede to the constitution and canons of the Diocese, all assets of such parish, mission, community or other congregation shall be transferred to the Diocese to be used or held in trust for the benefit of the church and people of the Episcopal Church in Western Kansas.

## ARTICLE XI

### Finances

Section 1. Raising of Money. The Convention shall have power to raise money as prescribed by Canon or by Resolution of the Convention.

Section 2. Penalties. The Convention shall have the power to impose such penalty as may lie within its lawful authority for neglect to pay moneys promised or prescribed by Canon.

## ARTICLE XII

### Rights of Clergy

No member of the clergy shall be suspended or censured by the Bishop without prior adjudication as provided for by Canon.

## ARTICLE XIII

### Amendments to the Constitution

Amendments to the Constitution must be approved by two successive meetings of the annual Diocesan Convention by a two-thirds majority vote of each order.

## ARTICLE XIV

### The Episcopal Church in Western Kansas Endowment Fund

Section 1. Establishment. There shall be an Episcopal Church in Western Kansas Endowment Fund for the sole benefit of the Diocese of Western Kansas and its congregations and institutions, for the purpose of receiving, administering, investing, managing, and distributing property and funds contributed to it for those purposes.

Section 2. Relation to Civil Law. The Diocese of Western Kansas has entered into a certain Trust Agreement dated 1 December 1980 with the Trustees of the Episcopal Church in Western Kansas Endowment Fund. The Diocese agrees that this trust shall be governed by the laws of the State of Kansas. The Trustees agree to act in accordance with the Kansas Uniform Management of Institutional Funds Act. It is further intended that this Endowment Fund shall be operated in such a way that it shall be exempt from taxation and shall not be considered to be a "private foundation" under the provisions of the Internal Revenue Code of the United States of America.

Section 3. Permanence. When funds or other property have been donated to the Episcopal Church in Western Kansas Endowment Fund and have been accepted by the Trustees and designated by the donor for permanent investment, the wishes of the donor shall be honored by the Trustees and by the officers of the Diocese.

Section 4. Application of Income. After paying the necessary expenses incident to the management of the Episcopal Church in Western Kansas Endowment Fund, ten percent of the net annual fund income shall be returned to, and become a part of, the principal of the Endowment Fund. The remainder of the said net income shall be applied for the necessary support, salary, residence, equipment, and expenses of the Bishop and other diocesan officers and of the employees of the Diocese of Western Kansas as approved annually by the Diocesan Convention. The residue of said net income shall be made available in whole or in part for general diocesan purposes or shall be returned to and become part of the principal of the Endowment Fund. These provisions shall not apply to the income generated by property entrusted to the Endowment Fund and designated by the donors thereof for special purposes.

Section 5. Entrusted Property. With respect to property entrusted to the Episcopal Church in Western Kansas Endowment Fund by any congregation of this Diocese, the Trustees shall administer such property in conformance with the official action of the Vestry or Bishop's Committee of such congregation, as properly certified in writing to the Trustees. All funds so entrusted by any congregation shall be charged their proportionate share of the management expenses.

# **THE CANONS**

## **CANON 1**

### Of Clergy Entitled to Membership

Section 1. Within one week before the convening of Convention, the Ecclesiastical Authority shall prepare a list of all clergy entitled to membership therein as provided by the Constitution, annexing the names of their respective parishes, diocesan missions, offices, and residences. This list shall be presumptive evidence of the right of those whose names appear thereon to membership in Diocesan Convention which may correct and revise the list at any time.

## **CANON 2**

Of Attendance

Section 1. It shall be the duty of all ordained persons entitled to seats in Convention to attend the same; and likewise the duty of every parish and diocesan mission in union with the Convention to send to the same, the number of delegates prescribed by the Constitution, who shall be Communicants in Good Standing and who shall be chosen by the congregation to be represented at its Annual Meeting, or in default of this, by the vestry or the diocesan mission's Bishop's Committee. Alternate delegates shall be selected in a like manner and in the same number as delegates.

Section 2. Should one or more of the elected delegates from any parish or diocesan mission be unable to attend Convention, then the alternate or alternates chosen according to Section 1 shall take their place(s) as regular delegates to Convention. If any of the elected or appointed delegates or alternates are unable to attend Convention, the rector or priest-in-charge shall appoint one or more lay delegates to give such parish or diocesan mission its full representation.

Section 3. Evidence of the election of lay delegates and alternates shall be a certificate of election or appointment of a lay delegate, signed by the clerk of the congregation, or of a vestry, or by the warden who presided at the meeting at which such lay delegates and alternates were elected, or by the rector or priest-in-charge in substance, as follows:

CERTIFICATE OF ELECTION OR APPOINTMENT OF LAY DELEGATES

This is to certify that at the Annual Meeting of the congregation (or a meeting of the vestry) of \_\_\_\_\_ Church, in \_\_\_\_\_, Kansas, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_

Signed \_\_\_\_\_  
Clerk of the Vestry (Rector, Priest-in-Charge,  
Vicar, Warden)

**CANON 3**

## Of Default of Representation

Section 1. Any parish or diocesan mission which has not paid all of its assessment for the year immediately prior to the year in which each Annual Meeting is held shall not be entitled to representation in Convention until such assessments have been paid, unless such parish or diocesan mission shall have been exonerated by a majority vote of the Convention, provided that:

(a) Such parish or diocesan mission shall, at least 120 days prior to the date of the Convention, request in writing, directed to the Bishop, that it be granted a hearing upon its entitlement to representation at such convention. Such requests shall contain an agreement by the Vestry or Bishop's Committee of such parish or diocesan mission that it will make a full disclosure of all facts and circumstances requested of it.

(b) A hearing on such a request from any parish or diocesan mission shall be held before the Diocesan Council not less than ten (10) days prior to the Convention. Such parish or diocesan mission shall receive at least 30 days written notice of the time and place of such hearing.

(c) At the hearing, the Diocesan Council may adopt such rules as appear to be in the best interest of the Diocese, and may, prior to the hearing, require of such parish or diocesan mission that it fully disclose its records to such person or persons as the Diocesan Council designates for such purpose.

(d) The Diocesan Council shall make its recommendations to the Convention.

Section 2. Any congregation three or more months in arrears in payment of any assessment levied for the Church Pension Fund shall be denied lay representation.

Section 3. If a congregation for any reason whatsoever is not represented in Convention, it shall nevertheless be bound by all acts of the Convention.

## CANON 4

### Of Business

Section 1. The Ecclesiastical Authority shall appoint the following committees at least 30 days before the convening of Convention.

- (a) Committee on Dispatch of Business
- (b) Committee on Nominations
- (c) Committee on Resolutions
- (d) Committee on Credentials
- (e) Committee on Necrology
- (f) Any such other committees as the Ecclesiastical Authority may deem necessary.

Section 2. The established Order of Business for Convention shall be as follows:

1. Call to Order
2. Election of a Secretary
3. Appointment of an Assistant Secretary
4. Report of Committee on Credentials
5. Certification of a quorum by the Secretary, who may conduct a roll-call if deemed necessary by the Chairperson of the Convention or upon request of any four delegates
6. Report of the Committee on Dispatch of Business
7. The Order of Business thereafter shall be that as presented in the first report of the Committee on the Dispatch of Business and approved by the Convention.

Section 3.

1. The Ecclesiastical Authority shall appoint members of the Diocese to the following Special Meeting or Convention Committees:
  - (a) Credentials Committee
  - (b) Dispatch of Business Committee
  - (c) Resolutions Committee
  - (d) Any other committees deemed necessary to conduct the business of the Special Meeting or Convention
2. Officers elected at the annual Convention immediately preceding the Special Meeting or Convention will serve the Special Meeting or Convention.
3. Elections prescribed in Articles VII and VIII and in Canons 5, 8, 15 and 16 for the annual Convention will not be required at the Special Meeting or Convention, unless any of those are a purpose of the Special Meeting or Convention.
4. Canon 3 will not apply to the Special Meeting or Convention.
5. The Ecclesiastical Authority will be allowed discretion in applying Canon 4, Section 1, to the appointment of committees for a Special Meeting or Convention.
6. The Order of Business for the Special Meeting or Convention shall not depart from the order outlined in Canon 4, Section 2.

7. The provision of Canons 22, 23, and 24 pertaining to committees and elections will not apply to a Special Meeting or Convention, unless any of these are a purpose of the Special Meeting or Convention.
8. The provisions of Article VIII and Canon 26 do not apply to a Special Convention or Meeting.

## CANON 5

### Of Officers of Convention

Section 1. At each annual Convention a Secretary shall be elected from the members thereof, who shall discharge the duties appropriate to that office and such others as may be imposed by action of the Convention, and it shall be the duty of the Secretary to make a record of the Convention and to give written notice of the following Convention. An Assistant Secretary shall be appointed by the Secretary with the approval of the Convention. Whenever there shall be a vacancy in the office of the Secretary, the duties thereof devolve upon the Assistant Secretary, or if there be none, upon the Secretary of the Diocesan Council.

Section 2.

(a) The Treasurer of the Diocesan Convention shall be elected annually by the Convention. The Treasurer shall discharge the duties imposed by Canon or by the action of the Convention and shall make annual reports to the Convention of all money for which he or she shall be made accountable. The Treasurer shall be afforded such assistance in the discharge of that office as he or she may request and the Convention may direct.

(b) In case of the death, resignation, removal from the Diocese, disability or removal for cause of the Treasurer, occurring during a recess of the Convention, the Diocesan Council shall appoint in his or her stead, a Treasurer to whom all funds, books and papers in the hands of the Treasurer, by virtue of his or her office, all of which are the property of the Convention, shall be delivered to such successor, and who shall continue in office until the next annual meeting of the Convention and until a successor shall be elected.

Section 3. The Registrar of the Diocese may be elected annually by the Convention on nomination by the Bishop. The Registrar shall discharge the duties imposed by Canon or by the action of the Convention and shall have charge of and keep all diocesan documents and records.

Section 4. The Chancellor of the Diocese shall be elected annually by the Convention on nomination by the Bishop. The Chancellor shall be a lay communicant of the Diocese in good standing and learned in the law. The Chancellor shall be the legal advisor to the Bishop and the Convention and of all officers and agencies of the Diocese.

Section 5. The terms of office of the Secretary, the Registrar, and the Chancellor shall commence immediately upon election and shall terminate when their successors shall have been elected and qualified.

## CANON 6

### Of Election of Bishop

Section 1. At least 60 days prior to the election of a Bishop written notice of the proposed election shall be sent by the Secretary to all clergy, to the vestry of every parish and to the Bishop's Committee of every diocesan mission in the Diocese.

Section 2. The election of a Bishop shall be, without exception, by orders and ballot. Members of the Clergy who are canonically resident within the Diocese shall be entitled to vote. Clergy who shall have resigned their cures in order to accept another outside of the Diocese shall not be entitled to vote. If two-thirds of the clergy entitled to membership and lay representation from two-thirds of all the parishes and diocesan missions entitled to representation be present, a majority of votes cast in each order shall determine a choice.

Section 3. At least 60 days prior to the meeting of such Convention a nominating committee, consisting of an equal number of clergy and laity, shall be appointed by the Diocesan Council to receive and make nominations to the Convention, and such committee is to make a written report of the nominees to each parish and diocesan mission 30 days prior to such Convention or Special Convention. Nominations may also be made from the floor in open Convention.

## CANON 7

### Of Diocesan Staff

Section 1. The Bishop with the advice and consent of the Diocesan Council, may employ diocesan staff members.

Section 2. Each staff member shall be appointed by the Bishop.

Section 3. The salary of each staff member shall be agreed upon by the Bishop and the staff member and approved by the Diocesan Council.

Section 4. The duties of each staff member shall be determined by the Bishop from time to time.



## CANON 8

### Ecclesiastical Discipline

Section 1. **Title IV of General Canons.** Those provisions of Title IV of the General Canons of the Episcopal Church which are applicable to the Diocese of Western Kansas are hereby incorporated as part of this Canon. To the extent, if any, that any of the provisions of the Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

#### Section 2. **Discipline Structure.**

- A. **Disciplinary Board.** The Board shall consist of not less than seven (7) persons, four (4) of whom are members of the Clergy, and three (3) of whom are Laity/
- B. **Clergy Members.** The Clergy members of the Board must be canonically and geographically resident within the diocese.
- C. **Lay Members.** The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese.
- D. **Appointment by the Bishop.** The Clergy and lay members of the Board shall be appointed by the Bishop for a three (3) year term; except if a member is appointed to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of the members shall commence on the first (1<sup>st</sup>) day of the year following their appointment. The terms of office of the Board shall be staggered and arranged into three (3) classes.
- E. **Vacancies.** Vacancies on the Board shall be filled as follows:
  - 1. Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
  - 2. The Bishop shall appoint a replacement Board Member in consultation with the Standing Committee/Diocesan Council;
  - 3. Persons appointed to fill vacancies on the Board shall meet the same eligibility requirement as apply to all Board members.
  - 4. With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the terms of any person selected as a replacement Board member shall be until the next annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is serving as a result of the challenge.
- F. **Preserving Impartiality.** In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of the Panel for

conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

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

H. **Intake Officer.** The Intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

## CANON 9

### Of the Commission on Ministry

Section 1. There shall be a Commission on Ministry consisting of four clergy persons, four lay persons and one clergy chairperson, each of whom shall enjoy equal voice and vote with respect to matters coming before the commission. Each of four clergy members and clergy chairperson shall be canonically and physically resident within the Diocese. Each of the lay members shall be a communicant in good standing within the diocese.

Section 2. The chairperson and one-half of the clergy and lay members of the Commission shall be appointed by the Bishop, and one-half of the clergy and lay members shall be nominated to and elected by the Diocesan Convention. The chairperson shall be appointed annually and the clergy and lay members shall serve terms of two years, and may serve successive terms. The terms of office shall be staggered such that one-half of the clergy and one-half of the lay members shall be elected or appointed annually. Should a vacancy occur during the Convention adjournment, the Bishop shall nominate to the Standing Committee a qualified person of like order to the person whose withdrawal or incapacity has resulted in such vacancy to serve out the remainder of such person's term. Not more than one member of the Standing Committee may serve concurrently on the Commission on Ministry.

Section 3. The Commission on Ministry may adopt rules for its work, subject to the approval of the Bishop, provided that the same are not inconsistent with the Canons of the General Convention. These rules may include the appointment of a committee of the Commission to act in its behalf.

Section 4. It shall be the duty of the Commission on Ministry to assist the Bishop in matters pertaining to the enlistment and selection of persons for the ministry, and in the guidance and pastoral care of all postulants and candidates for Holy Orders; Deacons; professional church workers; and to assist the Bishop in matters pertaining to the continuing education of the ministry. That the Commission on Ministry be given the authority, with the guidance, oversight and approval of the Bishop, to set up a program to train and prepare people for ordination.

Section 5. Under the guidance and oversight of the Bishop, the Commission shall interview each candidate before ordination, alike to the diaconate and priesthood, to ascertain the candidate's personal readiness for such ordination. The Commission on Ministry shall report in writing, without delay, the findings of this interview to the Bishop and the Standing Committee.

Section 6. In those cases where the conduct and evaluation of the examination of persons for Holy Orders is assigned to the Diocesan Commission on Ministry, the said Commission shall make the report called for under Title III, Canon 7, of the General Board of Examining Chaplains.

CANON 10  
Of Institutions

Section 1. No diocesan institution or other institution related to the Episcopal Church shall be formed within the bounds of the Diocese of Western Kansas unless express approval in writing shall be given by the Bishop, the Standing Committee and the Diocesan Council.

Section 2. The Bishop shall be the visitor of all such institutions with Ordinary jurisdiction over the chapels and houses of worship belonging thereto; provided, however, that severally and by re-script the Bishop may delegate this faculty at the Bishop's discretion to bishops or priests canonically resident in the Diocese.

Section 3. Each such institution shall make an annual written report to Convention setting forth its financial status and its activities during the preceding year.

CANON 11  
Of The Cathedral

Section 1. The Convention of the Diocese recognizes that the Bishop shall be resident within the boundaries of the Diocese (rev 10/2011).

Section 2. A Dean shall be elected by the Vestry of the Cathedral Church in accordance with the provisions of the Canons of the ECUSA. The Dean shall have charge of the Cathedral Congregation.

Section 3. The Cathedral Church shall be a parish, with the usual parochial organization and with all the rights and privileges of any parish.

Section 4. Christ Church in the See City of Salina is hereby adopted and constituted the Cathedral Church of the Diocese of Western Kansas.

CANON 12

Of Parishes

Section 1. No parish shall be organized except from a diocesan mission and pursuant to the Constitution of the Diocese.

Section 2. No congregation shall hereafter become a parish unless for three consecutive years it has been able wholly to support a rector, to pay its local operating costs, to pay its diocesan assessment, to do its proportionate share in the support of the missionary work of the Church, and is provided with a Church.

Section 3.

(a) A diocesan mission desiring to be organized as a parish, and having met all the requirements contained in Section 2 above, shall make written application through its Bishop's Committee to the Bishop.

(b) The form of the application shall be as follows:

**To the Right Reverend A.B., Bishop of Western Kansas:  
We, the undersigned members of the Bishop's Committee of \_\_\_\_\_ Diocesan Mission, at \_\_\_\_\_, Kansas, do hereby apply to be organized as a parish under the name and style of \_\_\_\_\_ Church at \_\_\_\_\_, Kansas.**

**This application has been approved by a regular congregational meeting, or by a special congregational meeting duly and lawfully called. Pursuant to the favorable action of the aforesaid congregational meeting, we bind ourselves and all who shall hereafter become members of this congregation to conform to and observe the Canons of the General Convention and of the Diocesan Convention. We declare that the requirements contained in Section 2 of this Canon have been fully met by this diocesan mission.**

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.**

Section 4. If the Bishop, with the advice of the Standing Committee and the Diocesan Council, shall approve the aforesaid application, the Bishop shall lay it, a summary of the advice of the above named committee and council, and all documents required by Article X, Section 1, of the Constitution of the Diocese of Western Kansas, before the Convention, which shall, thereupon, approve or deny it.

Section 5. As soon as may be, after approval of the application by the Convention, a congregational meeting shall be held, which shall elect pursuant to Section 7 of this Canon two wardens and such a number of vestry members as the parish shall determine, consistent with these Canons, and for such terms of office as the congregational meeting shall decide.

Section 6.

- (a) As soon as may be, after the aforesaid congregational meeting, the vestry shall convene.
- (b) It shall execute a certificate in the following form:  
**We, the wardens and vestry members of \_\_\_\_\_ Church, at \_\_\_\_\_, Kansas, do hereby agree to conform to and observe the Canons of the General Convention and of the Diocesan Convention.**  
**Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.**
- (c) This certificate shall be sent to the Bishop; and thereupon the organization of the parish shall be held complete.

Section 7. A vestry shall consist of the rector of the parish, two wardens and such number of vestry members (not fewer than five nor more than 12) as each parish at a parish meeting shall determine. Wardens and vestry members shall be communicants in good standing of the parish. The rector shall have the right to preside at the meetings of the vestry and shall have all the rights of other members. In the absence of the rector the senior warden shall preside. Vacancies in the vestry may be filled by majority of the remaining members.

Section 8. A rector shall be elected by the vestry pursuant to Title III, Canon 9.3 (a)(b), of the Canons of the Episcopal Church.

Section 9. Of the reconciliation of disagreements affecting the pastoral relation. When a pastoral relationship in a parish between a rector and the vestry or congregation is imperiled by disagreement or dissension, and the issues are deemed serious by a majority vote of the vestry or by the rector, either party may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties in their efforts to resolve the disagreement. The Ecclesiastical Authority shall initiate such proceedings as are deemed appropriate under the circumstances for that purpose by the Ecclesiastical Authority, which may include the appointment of a consultant. The parties to the disagreement, following the recommendations of the Ecclesiastical Authority, shall labor in good faith so that the parties may be reconciled.

Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop of a neighboring diocese to perform the duties of the Ecclesiastical Authority under this Canon.

Section 10. Of the dissolution of the pastoral relation.

- (a) Except upon mandatory resignation by reason of age, a rector of a parish without the consent of its vestry, nor may any rector canonically or lawfully elected and in charge of a parish be removed there from by the vestry against the rector's will, except as hereinafter provided.
- (b) If for any urgent reason a rector or vestry desires a dissolution of the pastoral relation, and the parties cannot agree, either party may give notice in writing to the Ecclesiastical Authority of the diocese. Whenever the Standing Committee is

the Ecclesiastical Authority of the diocese, it shall request the Bishop of another diocese to perform the duties of the Bishop under this canon.

- (c) Within sixty days of receipt of the written notice, the Bishop as chief pastor of the diocese shall mediate the differences between rector and vestry in every informal way which the Bishop deems proper and may appoint a committee of at least one presbyter and one lay person, none of whom may be members of the parish involved, to make a report to the Bishop.
- (d) If the differences between the parties are not resolved after completion of the mediation, the Bishop shall proceed as follows:
  - 1. The Bishop shall give notice to the rector and vestry that a godly judgment will be rendered in the matter after consultation with the Standing Committee and that either party has the right within ten days to request in writing an opportunity to confer with the Standing Committee before it consults with the Bishop.
  - 2. If a timely request is made, the President of the Standing Committee shall set a date for the conference which shall be held within thirty days.
  - 3. At the conference each party shall be entitled to representation and to present its position fully.
  - 4. Within thirty days after the conference or after the Bishop's notice if no conference is requested, the Bishop shall confer with and receive the recommendation of the Standing Committee; thereafter the Bishop, as final arbiter and judge, shall render a godly judgment.
  - 5. Upon the request of either party the Bishop shall explain the reasons for the judgment. If the explanation is in writing, copies shall be delivered to both parties.
  - 6. If the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the rector and the vestry.
  - 7. If the relation is to be dissolved:
    - a. The shall direct the Standing Committee to record the dissolution.
    - b. The judgment shall include such terms and conditions, including financial settlements as shall seem to the Bishop just and compassionate.

- (e) In either event the Bishop shall offer appropriate supportive services to the priest and the parish.
- (f) In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may impose such penalties as may be set forth in the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:
  - 1. In the case of a rector, suspend the rector from the exercise of the priestly office until the priest shall comply with the judgment.
  - 2. In the case of a vestry, invoke any available sanctions including recommending to the convention of the diocese that the parish be placed under the supervision of the Bishop as a mission until it has complied with the Judgment.
- (g) For cause, the Bishop may extend the time periods specified in this canon, provided that all be done to expedite these proceedings. All parties shall be notified in writing of the length of any extension.
- (h)
  - 1. Statements made during the course of proceedings under this canon are not discoverable nor admissible in any proceedings under Title IV of the Constitution and Canons of The Episcopal Church provided that this does not require the exclusion of evidence in any proceeding under the canons which is otherwise discoverable admissible.
  - 2. In the course of proceedings under this canon, if a charge is made by the vestry against the rector that could give rise to a disciplinary proceeding under Canon IV.1 of the Constitution and Canons of The Episcopal Church all proceedings under this canon shall be suspended until the charge has been resolved or withdrawn.

Section 11. The rector must be a priest in good standing, and if not already canonically resident in the Diocese must be transferred thereto within sixty days of acceptance of the call. If the vestry of a parish that has been vacant shall for thirty days fail to make provision for the services, it shall be the duty of the Bishop to take such steps as may be deemed expedient for the maintenance of Divine Service therein. If the vestry has not within three months filled a vacancy, the Bishop may nominate a priest-in-charge.

Section 12. If a parish for five consecutive years fails to conform to any of the criteria for parish status listed in Section 2 of this Canon, then the Bishop, with the consent of the Diocesan Council and with the consent of the Standing Committee may require a parish to reorganize itself as a diocesan mission; and in such event the Bishop shall appoint a minister-in-charge and a Bishop's Committee.

Section 13. In the event of the dissolution of a parish or in the event a parish no longer accedes to the Constitution and Canons of the Diocese, then the parish shall be required to transfer all of its assets to the Diocese. Each parish shall promptly take such action as may be required to amend its Articles of Incorporation and By-laws in such manner as to assure compliance with this provision and shall furnish a certified copy of appropriate amendments to its Articles of Incorporation and By-laws to the Diocese on or before January 1.

Section 14. A parish with the consent of the Bishop, Standing Committee, and Diocesan Council may organize one or more parochial missions. The government of such missions will be vested in the rector and vestry of the organizing parish; and said parish shall be responsible for the financial requirements of any such parochial mission or missions.



CANON 13

Of Diocesan Missions

Section 1. Hereafter, diocesan missions may establish themselves in accordance with Section 2, Article X, of the Constitution.

Section 2.

(a) A community or parochial mission desiring to be organized as a diocesan mission of the Diocese shall make a written application to the Bishop.

(b) The form of the application shall be as follows:

**To the Right Reverend A.B., Bishop of Western Kansas:  
We, the undersigned, who are communicants in good standing, do hereby apply to be organized as a diocesan mission of the Diocese under the name and style of \_\_\_\_\_ Mission, at \_\_\_\_\_, Kansas. Conditional upon favorable action upon \_\_\_\_\_ this application, we do collectively and individually bind ourselves and all who shall hereafter become members of such diocesan mission to conform to and observe the Canons of the General Convention and of the Diocesan Convention.**

**Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.**

(c) In addition to complying with subsection (b) above, a parochial mission desiring to be organized as a diocesan mission shall not have said application considered by the Bishop until he also receives a Certificate of Endorsement of the application by the vestry of the parish having jurisdiction over the parochial mission.

(d) The form of the Certificate of Endorsement shall be as follows:

**To the Right Reverent A.B., Bishop of Western Kansas:  
We, the Rector, Wardens, and Vestry Members of \_\_\_\_\_ Church, at \_\_\_\_\_, Kansas, do certify that at a duly called regular meeting of the vestry, held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_, the vestry voted to endorse the application of \_\_\_\_\_, a mission of this parish, to organize as a diocesan mission of this Diocese.**

**Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_.** Section

3.

(a) If the Bishop, with the advice of the Diocesan Council, shall approve the application detailed in Section 2 (a) and (b) above, the Bishop shall lay said application, the Certificate of Endorsement required by Section 2 (c) and (d) if applicable, and a summary of the advice of the Diocesan Council, before the Convention, which shall, thereupon, approve or deny it.

(b) Upon approval by the Convention, and the appointment of a minister-in-charge and the Bishop's Committee, the organization of the diocesan mission shall be held complete.

Section 4.

a) The government of a diocesan mission is vested in the Bishop who shall appoint a minister-in-charge who shall represent, conform to the Bishop's instructions, and be responsible to the Bishop.

b) The Bishop shall appoint a Bishop's Committee upon recommendation of the minister-in-charge. The Bishop's Committee shall consist of the minister-in-charge who shall preside at the meetings of the Bishop's Committee and shall have all the rights of other members, a warden, treasurer, secretary and such other members as the Bishop may deem necessary. The warden of the Bishop's Committee, and all other member thereon, shall be active communicant members in good standing of the diocesan mission. The committee shall attend to the ordinary business affairs of the diocesan mission. It shall not undertake anything beyond ordinary business without instructions from the Bishop. Missions wishing to dispense with the organization of a Bishop's Committee may, with the approval of the Bishop, elect to conduct its affairs at meetings of the congregation. Such meetings shall exercise the full responsibility and authority of a Bishop's Committee as set forth in Section 4b of this Canon and as hereinafter provided. The congregation may function as a Bishop's Committee at meetings regularly scheduled or called. The congregation's warden(s), treasurer and clerk shall be selected in accordance with Section 4b of this Canon.

Section 5. If a diocesan mission for five consecutive years fails to conform to any of the criteria for diocesan mission status listed in Section 1 of this Canon, then the Bishop, with the consent of the Diocesan Council may require the diocesan mission to be reorganized as a community. In such event the Bishop shall appoint a minister-in-charge.

CANON 14

Of Communities

Section 1.

- (a) A congregation which does not meet the requirements of either Canon 12 or Canon 13 may be organized as a community.
- (b) A congregation desiring to be organized as a community shall make written application to the Bishop as follows: To the Right Reverend A.B., Bishop of Western Kansas:  
**We, the undersigned, do hereby apply to be organized as a Community of the Diocese under the name and style of \_\_\_\_\_ Community, at \_\_\_\_\_, Kansas. We declare that this congregation meets regularly for worship under your approval and encouragement; and, conditional upon favorable action upon this application, we do collectively and individually bind ourselves and all who shall hereafter become participants in the life and worship of this community to conform to and to observe the \_\_\_\_\_ Canons of the General Convention and of the Diocesan Convention.**  
**Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.**

Section 2.

- (a) If the Bishop, with the advice of the Diocesan Council, shall approve the aforesaid application, he shall lay it, and a summary of the advice of the Diocesan Council, before the Convention which shall, thereupon, approve or deny it.
- (b) Upon approval by the Convention, and the appointment of a minister-in-charge, the organization of the community shall be held complete.

Section 3.

- (a) The community shall create and maintain a Register of Church Services. It shall not, however, have a "Canonical Parish Register" as defined by the Canons of the Episcopal Church; Nor shall the community be a site of canonical residence.
- (b) Persons baptized or confirmed in the community shall have their names entered on the "Canonical Parish Register" of the parish or diocesan mission as the Bishop shall direct.

Section 4. As the Bishop and Diocesan Council may direct, a community may send one or more representatives to the annual Convention of the Diocese and to any special conventions of the Diocese; provided, however, in all such cases, said representatives shall have voice only, without vote.

Section 5. Communities shall not be subject to assessment pursuant to Canon 18.

### Canon 15

#### Of Deputies to General Convention and Delegates to Provincial Synod

Section 1. At the Diocesan Convention next preceding the meeting of the Provincial Synod, but not less than twelve (12) months prior to the next succeeding General Convention, the Diocesan Convention shall nominate and elect deputies and provincial deputies to represent this diocese at General Convention in such numbers and orders as is provided by the Constitution and Canons of the Episcopal Church.

Section 2. Each lay person elected deputy or provisional deputy shall be a confirmed adult communicant in good standing of a congregation of the diocese. Each ordained person elected deputy or provisional deputy shall be both canonically and physically resident in this diocese.

Section 3. Deputies and provisional deputies selected under the provisions of this canon, in addition to representing this diocese at General Convention, shall represent this diocese as delegates and alternate delegates, respectively, to Provincial Synod.

Section 4. In the event that a person duly elected to the position of deputy is unable to attend the General Convention and/or the Provincial Synod, the provisional deputy of the same order as the deputy unable to serve (lay or ordained) who received the highest number of votes in the election at Convention shall succeed as deputy. In the event that a provisional deputy shall be named to serve as deputy under the provisions of this canon, the candidate of the same order (lay or ordained), if any, who was nominated, but not elected deputy or provisional deputy at Convention, shall succeed as provisional deputy. In the event that the inability of a deputy or provisional deputy to serve is temporary in nature the duly elected deputy shall resume that position when the circumstances of such inability to serve are removed, and the provisional deputy succeeding to the position of deputy during the term of such inability to serve will revert to the position of provisional deputy.

Section 5. In the event that a duly elected deputy is unable to attend a session of the General Convention, or a session of the Provincial Synod, the Bishop, or in the Bishop's absence, the remaining deputies seated, shall have the authority to appoint an alternate to attend that session.

## CANON 16

### Of Annual Meetings

Section 1. There shall be an annual meeting of every parish and diocesan mission in the month of January for the election of a vestry (if the congregation be a parish) or for the nomination of members of the Bishop's Committee (if the congregation be a diocesan mission), for the election of delegates to Convention, receiving reports and for such other business as may lawfully be transacted. The qualified voters at the annual meeting shall all be communicant members in good standing of the congregation shown by the Parish Register and all other baptized members of the congregation who are regular contributors as shown by the treasurer's books.

Section 2. The rector, if the congregation be a parish, or the minister-in-charge, if it be a diocesan mission, shall preside at the annual meeting. In the absence of the rector or minister-in-charge the warden shall preside.

## CANON 17

### Of Business Methods in Church Affairs

Section 1. In the Diocese and in each parish, diocesan mission, the institution connected with the Diocese, the following standards of business methods shall be observed.

- (a) Trust and permanent funds shall be managed, invested and otherwise dealt with by such person or persons as may be designated or approved by the Diocesan Council.
- (b) Records shall be made and kept 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 conditions are to be made
  - (4) How the funds are invested
- (c) Treasurers and custodians, other than bank institutions, shall be adequately bonded, but no bond shall be required of any treasurer of funds that do not exceed \$500.00 at any time in any fiscal year.
- (d) Books of account shall be kept as to provide the basis for satisfactory accounting.
- (e) Books of accounts shall be audited annually by a certified or independent public accountant, or by such an accounting agency as shall be permitted by the Diocesan Council.
- (f) The Diocesan Council may require copies of any and all accounts described in this section to be filed with it and shall report annually to the Convention of the Diocese upon its administration of this Canon.
- (g) The fiscal year shall begin January 1.

Section 2. At the annual meeting of every parish and diocesan mission a statement of the liabilities and assets of the parish or diocesan mission shall be made to the congregation by the treasurer of every organization of the congregation. All funds contributed by the congregation shall be publicly accounted for to the congregation.

Section 3. No vestry, trustee or other body authorized by Canon law to hold, manage or administer real property for any parish, diocesan mission, or institution shall encumber or alienate the same or any part thereof, (save for the refinancing of an existing loan) without the written consent of the Bishop, the Diocesan Council, and the Standing Committee, except:

- (a) Indebtedness for permanent improvements, replacements or addition to real estate or equipment for the amount of such indebtedness of every kind already existing, shall not exceed 150 per cent of the average annual receipts of such parish, diocesan mission or congregation during the past three years.
- (b) Indebtedness for current expenses of the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing shall not exceed 20 per cent of the total current receipts of such parish, diocesan mission or institution during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable expectation of its payment out of the receipts of the next two years; provided that in computing receipts under paragraphs (a) and (b) hereof, amounts from or for endowments or by bequests, except income not specifically designated, and receipts for expenditures other than parochial shall not be included, and provided that under any circumstances under which the approval is required, it shall be granted only when the payment of all indebtedness shall be provided for and a plan of amortization or other method of payment to be submitted to and approved by the same authority.

#### Section 4.

- (a) All parishes, missions, and other ecclesiastical organizations or bodies subject to the authority of this church and any other societies, organizations or bodies in the church which under the regulations of the Church Pension Fund have elected or shall elect to come into the pension system, shall provide for all ordained employees who qualify for retirement benefits through participation in the Church Pension Plan, or an equivalent plan, the provisions of which are at least equal to those of the Church Pension Plan.
- (b) All parishes, missions, and other ecclesiastical organizations or bodies subject to the authority of this church and any other societies, organizations or bodies in the church which under the regulations of the Church Pension Fund have elected or shall elect to come into the pension system, shall provide for all lay employees who qualify for retirement benefits through participation in the Episcopal Church Lay Employees' Retirement Plan (ECLERP) or an equivalent plan, the provisions of which are at least equal to those of the Church Pension Plan.

## CANON 18

### Of Assessments

#### Section 1.

- (a) The Diocesan Council shall each year submit to the Convention the anticipated income from the proposed assessment of the congregations of the Diocese which together with other income of the Diocese shall be sufficient to meet the proposed budget of the Diocese for the next fiscal year.
- (b) The proposed budget and assessment when adopted by a two-thirds (2/3) majority of the delegates present and voting at the convention, shall be the actual budget and assessment of the Diocese for the next fiscal year.
- (c) The assessment of each congregation shall be the percentage of Monthly Net Disposable Income established by the annual Diocesan Convention. The same percentage shall be used by each congregation during the same fiscal year.
- (d) Each congregation shall remit to the Diocese its assessed amount for the preceding month together with the completed Diocesan Assessment Report and Monthly Financial Statement by the fifteenth of the month.
- (e) MONTHLY NET DISPOSABLE INCOME shall be defined as all income for general purposes including:
  - 1. Plate offerings, pledge payments and other contributions.
  - 2. Investment and endowment interest and/or income unless designated by trust agreement or will for a specific purpose other than general operating expenses.
  - 3. All other receipts for operating purposes, regardless of the source.
- (f) The following income may be deducted from Monthly Net Disposable Income:
  - 1. Monthly Net Disposable Income used for debt retirement unless debt is incurred to offset operating deficits.
  - 2. Monthly Net Disposable Income used for major capital improvements but only when deductions have been approved by the Diocesan Appeals Board.
  - 3. Base Budget Support received from the Diocese for congregational operating expenses.
  - 4. Income designated by donor for a building fund.
  - 5. Special offerings designated by donors for U.T.O., Presiding Bishop's Fund, Theological Education and Memorial Funds.
  - 6. Sale of capital assets when funds received are transferred to other capital assets.
  - 7. Investment and endowment interest and/or income designated for a special purpose other than operating expenses.



Section 2.

- (a) The Diocesan Council shall appoint a committee to act as an Appeals Board to:
  - 1. Hold hearings and receive exhibits supporting proposed adjustments from the assessment formula adopted by Convention.
  - 2. Make recommendations to Diocesan Council for action to be taken as a result of said hearings.
  - 3. To make recommendations to Diocesan Council of the definition of Monthly Net Disposable Income and exclusions allowed under this Canon.
- (b) The Diocesan Council, in its sole discretion, may adopt, amend or reject the recommendations of the Appeals Board. The decisions of the Diocesan Council shall be final.
- (c) If any congregation shall fail to make monthly payments and furnish report forms for three consecutive months, the wardens, treasurer, and priest-in-charge shall be required to meet with Diocesan Council and furnish financial records to Council with an explanation of the reasons why the assessment has not been paid. Council shall then determine with the congregation what steps shall be taken to assure payment of the assessment.
- (d) On a vote of two-thirds (2/3) of the delegates present and voting, the Convention may adjust any delinquency in payment of the diocesan assessment.

Section 3.

- (a) Upon approval by Convention of the proposed budget and assessment, they shall become binding upon each congregation.

CANON 19

Of Church Records

Section 1. The rector or minister-in-charge shall be custodian of the parish or mission register. After resigning, and before leaving the parish or mission, the minister-in-charge shall deposit the register with the senior warden of the parish, or with the warden of the diocesan mission.

## CANON 20

### Of Clergy Remarriage after Divorce

No member of the clergy canonically resident in this diocese may be remarried after a divorce without written consent of the Bishop.

## Canon 21

### Of The Committee on Resolutions

Section 1. Any canonically resident member of the clergy or lay communicant, or group in good standing, and with domicile in the Diocese may offer a resolution to the Diocesan Convention, provided that it must be received in writing in the diocesan office not less than 21 days prior to the meeting of the annual Convention for the purpose of distribution to members of Convention.

Section 2. Any clerical or lay member of any committee of Convention may propose a written resolution to the Convention, provided it does not involve a canonical change, and with consent of two-thirds (2/3) vote of Convention. All resolutions received prior to Convention or arising from the floor shall be referred to the Committee on Resolutions for report to the Convention.

## CANON 22

### Of The Committee on Nominations

Section 1. The Committee on Nominations shall receive all nominations of candidates to diocesan offices or as deputies to the General Convention or as delegates to the Provincial Synod and shall present to the Convention sufficient candidates to fill such vacant office.

Section 2. All nominations of candidates to diocesan offices must be submitted to the Committee on Nominations not less than 30 days prior to Convention. Provided sufficient nominations are made, the Committee on Nominations shall indicate not fewer than two (2) recommendations for each existing vacant office. The Committee on Nominations shall take such steps as it deems necessary to give advance notice to the delegates as to the identity of the nominees and a statement as to their qualifications for the offices specified.

Section 3. The Committee on Nominations may make its own nominations for any vacant office and shall do so when no other nominations have been received prior to its report to Convention.

Section 4. Following the report of the Committee on Nominations to the Convention, nominations from the floor shall be in order.

Section 5. When nominations are closed, the chairman or chairwoman of the committee shall see to it ballots are prepared.

## CANON 23

### Of Elections

Section 1. This Canon does not apply to the election of a Bishop.

Section 2.

- (a) Election of all other diocesan officers shall be by plurality vote of all clergy and lay delegates, except as follows:
- (b) In any election in which no candidate receives 20 percent of the votes cast, the candidate receiving the fewest votes shall be dropped and another ballot taken. However, this subsection shall not apply to contests in which more than one candidate can be elected; and,
- (c) In any election, the Convention, by majority vote of all clergy and lay delegates voting, can require election by a majority vote of all votes cast.

Section 3. When the number of nominees is equal to the number of vacant positions to be filled, election shall be by acclamation following the closing of nominations.

Section 4. The term of office or service to which any person shall be elected pursuant to this Canon shall commence immediately upon the report or certification of the results of said election to the electing Convention by the Convention Secretary.

## CANON 24

### Definitions

Section 1. A Parish is a congregation which fulfills all the requirements in Canon 12.

Section 2. A Mission is a congregation which is established and maintained as such pursuant to either of the following:

- (a) A Diocesan Mission is a mission whose government is vested in the Bishop and which fulfills all the requirements of Canon 13.
- (b) A Parochial Mission (sometimes referred to as a Mission of the Parish or Chapel) is a mission whose government is vested in the rector and vestry of a parish.

Section 3. A Community is a congregation which does not meet the requirements of Canon 12 or Canon 13, but which has been recognized and accepted by the Bishop and the Diocesan Convention of the Diocese of Western Kansas in accord with Canon 14.

Section 4. A Congregation is a generic term which describes any parish, mission, community or assemblage of worshipers.

Section 5. A Rector is the senior presbyter of a parish elected in accordance with Canon 12 (4) and who fulfills the requirements of Canon 12 (5). The Bishop is also rector of all diocesan missions.

Section 6.

- (a) A Vicar is a presbyter (or transitional deacon) who is in charge of a congregation defined by Canon as a Mission, and shall be appointed by the Bishop in the case of a Diocesan Mission, or by the Rector in the case of a Parochial Mission.
- (b) A Minister-in-Charge is the person in charge of a recognized Community, and shall be appointed by the Bishop. In the case of a Community, it is not necessary that such person be in Holy Orders.

Section 7. A Priest-in-Charge is a presbyter:

- (a) Nominated by the Bishop to provide to the pastoral and sacramental needs of a parish in the absence of a rector.
- (b) Appointed by the Bishop to serve a mission, or a community or communities, or any combination thereof.

Section 8. A Dean is the rector of the Cathedral (C.f. Canon 11 (4)).

Section 9. The Bishop, unless otherwise designated, refers to the Diocesan Bishop (sometimes also referred to as the Ordinary or as the Diocesan).

Section 10. Net Disposable Income, or NDI, is that sum of money as defined in Canon 18 (1).

Section 11. The National Church and the General Convention both refer to The Episcopal Church or to whatever name may be subsequently adopted by the General Convention of the Episcopal Church to designate this Church.

Section 12. The Diocese refers to the Diocese of Western Kansas (a/k/a/ The Episcopal Church in Western Kansas).

Section 13. A Communicant is a person who fulfills all the requirements imposed by the Canons of the National Church pertaining to the Status of Communicants.

Section 14. Canonically Resident shall mean any person in Holy Orders who: 1) has been ordained into Holy Orders in the Diocese of Western Kansas, and whose Letter Dimissory has not been transferred out of the diocese; or 2) whose Letter Dimissory has been formally accepted by the Bishop of Western Kansas and whose Letter Dimissory has not been transferred out of the diocese.

Section 15. Physically Resident shall mean any person in Holy Orders, who is canonically resident, and who has been licensed by the Bishop to function in the exercise of such orders within the Diocese of Western Kansas; who lives within the boundaries of the Diocese of Western Kansas, or who, regardless of location of residence, is assigned by the Bishop to be responsible for one or more cures in the Diocese of Western Kansas.

Section 16. A Regional Missioner shall mean a presbyter who is appointed by the Bishop to be the principal clergy in charge of a Regional Ministry.

Section 17. A Canon is an esteemed and honored clergy person active in the ministry of the Cathedral. Canons are to be elected by the Vestry of the Cathedral.

Section 18. An Honorary Canon is a clergy person nominated by the Diocesan and elected by the Vestry of the Cathedral. A total of three (3) persons may be so honored.

## CANON 25

### Of Enactment, Amendment, and Repeal

New Canons may be enacted and existing Canons may be amended or repealed in whole or in part, at any annual Diocesan Convention or special convention, by a majority of both orders, provided that it be received in writing in the diocesan office not less than thirty (30) days prior to the meeting of Diocesan Convention for the purpose of distribution to members of Convention.

## CANON 26

### Administration of the Episcopal Church in Western Kansas Endowment Fund

Section 1. The Episcopal Church in Western Kansas Endowment Fund shall consist of two separate parts, which may be invested and administered jointly:

- (a) The Permanent Episcopate Fund, whose principal has been designated for permanent investment by its donors, and whose income is to be used for the salaries and expenses of the Office of Bishop of Western Kansas; and
- (b) The Mission Opportunity Fund, whose principal has not been designated by its donors for the Permanent Episcopate Fund. The special purpose of this fund shall be to finance church opportunities, which might not have been financed through ordinary budgetary channels.

Section 2. The Endowment Fund shall be administered by three trustees, who shall be appointed by the Diocesan Council for non-concurrent terms of three years. No trustee shall serve for more than two consecutive terms. Any trustee may resign at any time by delivering his resignation in writing to the other trustees. Any trustee may be removed at any time by the Diocesan Council by giving thirty days prior written notice of such removal to all the trustees. The Diocesan Council shall appoint a successor trustee in the event of a vacancy resulting from the expiration of the term of appointment, death, incapacity, resignation or removal.

Section 3. The trustees shall exercise the powers, with respect to the Endowment Fund property, which is described in the Trust Agreement entered into on 1 December 1980 between the Diocese and the trustees.

Section 4. The trustees shall make an annual report of the affairs of the Endowment Fund to the Diocese. This report shall be in two parts:

- (a) A narrative report presented to the annual Diocesan Convention, in which particular notice shall be given to gifts made to the Endowment Fund, identifying the person who has made the gift (unless anonymity has been required), the amount of the gift,

the purpose or purposes of the gift, and whether the gift has been made as a memorial; and

a A financial summary presented to the Diocesan Council after the close of the fund's fiscal year, showing the additions to the Endowment Fund through gift and growth of the corpus, the distributions, the amount of the management expense which has been charged to the Mission Opportunity Fund, and the amount of the realized capital gains or losses which have been apportioned between the Permanent Episcopate Fund and the Mission Opportunity Fund. (Revised Oct. 1999) Diocesan Council will distribute the financial summary furnished by the Trustees to all the congregations in the Diocese of Western Kansas; and

(b) The Trustees of the Endowment Fund will be guided by investment policies of the Church Pension Fund in regard to socially responsible investment decisions and prudent diversification between fixed and flexible dollar investment opportunities.  
(Revised Oct. 1999)