



# DIOCESE OF SOUTH CAROLINA (hereinafter the “Diocese”)

## CANONS

*As Amended*

*March 14, 2015*

*(hereinafter the “Canons”)*



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## **Title I**

### **Of the Organized Bodies and Officers of the Diocese**

#### **CANON I Of the Clergy**

*Section 1.* Within one week before the meeting of every Convention of the Diocese, the Ecclesiastical Authority shall prepare or cause to be prepared a list of the clergymen Canonically Resident in the Diocese, annexing the names of their respective Parishes or cures, or of their stations as missionaries, or of the institutions of learning, constituted by civil or Ecclesiastical Authority, in which they are engaged, or in regard to those not engaged in Parishes, Missions or Institutions of learning, as above, their places of residence only; designating those who are entitled to all the privileges of the Convention, and those who are entitled to seats but no votes, and those who are entitled to neither seats nor votes.

*Section 2.* No clergyman, while suspended from the ministry, shall have a place on the list.

*Section 3 -* Canonical residence in the Diocese shall be established by Letters Dimissory, provided by a bishop in recognized succession, and received by the Ecclesiastical Authority of this Diocese, or by ordination within this Diocese. No rector or clergy associate may be called to serve in a congregation of this Diocese without the express prior approval of the Ecclesiastical Authority.

*Section 4 -* The ordination process in the Diocese shall be under the direction of the Ecclesiastical Authority of the Diocese, working with the advice and consent of the Commission on Ministry and Standing Committee, as detailed in the Diocesan Customary for the selection and ordination of priests and deacons.

*Section 5 -* Any clergy wishing to serve in the Diocese, but who have not become canonically resident, may apply to the Ecclesiastical Authority for licensing at the discretion of the Ecclesiastical Authority, for a period of one year, to be renewable annually upon request and receipt of a report of ministry during that time.

*Section 6 -* Clergy may be removed from the rolls of the licensed or canonically resident clergy, by the Ecclesiastical Authority, as follows:

- a. As provided for in the Disciplinary Canons of the Diocese (Title III).
- b. By reason of a requested transfer of canonical residence by Letters Dimissory.
- c. When clergy have departed from this Diocese, if the departure has been without an express request for Letters Dimissory in order to effect such a transfer of canonical residence.

#### **CANON II Of the Organization of Missions**

*Section 1.* Whenever not less than ten persons residing in any neighborhood not included within the limits of a Mission or Parish already organized desire to be organized as a Mission, they shall make application to the Bishop in writing, expressing their desire, and promising conformity to the Constitution and Canons, doctrine, discipline and worship of the Diocese, and to the rules regulating such Missions. They may propose a name for the Mission, and shall state the minimum amount they are able to contribute to the support of the proposed Mission.

*Section 2.* If the Bishop thinks such organization expedient, he shall require that the applicants form a corporation, the charter of which has been approved by the Chancellor of the Diocese, and contains the provisions required for the organization of a Parish under Canon III. Upon incorporation the Bishop, or a Presbyter under his direction, shall appoint a Warden, who shall always be a confirmed Communicant, and a Secretary and Treasurer, from among the members of the Mission, and these officers shall be appointed



annually thereafter, on the second Monday in January, or thereafter, and shall continue in office until their successors are appointed. The Bishop may appoint a Minister-in-Charge of the Mission, withdraw the Minister so appointed at any time, and may appoint another.

*Section 3.* It shall be the duty of the Warden to procure a suitable place for public worship, and provide things necessary for the decent and orderly performances of Church services.

*Section 4.* It shall be the duty of the Treasurer to collect or receive all contributions, and remit or disburse them, under the direction of the Ecclesiastical Authority.

*Section 5.* Missions so organized shall report to the Bishop, through the Minister-in-Charge, or if there be none, through the Warden, in like form as Parishes.

### **CANON III**

#### **Of the Organization of Parishes**

*Section 1.* Whenever any organized Mission shall desire to become an organized Parish, it shall make application to the Bishop in writing, which application may state such facts as applicant deems pertinent; but it must show (a) the facts of applicant's organization in accordance with the Canons of the Diocese and its continued existence thereunder for at least one year, (b) that its organization has not been dissolved by the Ecclesiastical Authority, (c) the number of adult members and the number of Communicants, (d) its willingness to conform to the Constitution and Canons of the Convention of the Diocese, which are then, or thereafter may be, enacted by the authority of the same, and (e) evidence that it is self-supporting and the prospects of remaining so, which evidence of self-support shall include its ability to pay the full salary of its minister at or greater than the minimum salary scale approved by the Department of Missions with the approval of the Bishop. The application must be accompanied by a certified copy of its corporate charter, with the approval of such charter by the Chancellor. Said charter must contain the provision that the corporation is formed for the purpose of operating a Parish or Mission, organized pursuant and subject to the Canons of the Diocese as now in force or as thereafter may be amended. In the event said charter does not otherwise contain a provision for the orderly distribution of assets upon dissolution in a manner consistent with the intents and purposes of the Diocese, said charter shall contain a further provision that upon being dissolved pursuant to the Canons of the Diocese, automatically the offices of the Vestry, Wardens, and other officers of the corporation shall become vacant, and the Standing Committee of the Diocese (the "Standing Committee") shall become the managing body of the corporation, with full power and authority, without restriction, to liquidate the property of the corporation, to sell or mortgage its property or any part thereof, to convey any or all of its property to the Trustees of the Diocese of South Carolina, and upon complete liquidation to surrender the charter of the corporation.

*Section 2.* Whenever such organization is proposed within the bounds of any existing Parish or Parishes, they shall give due notice to the Minister or Ministers thereof; or, if the Parish or Parishes be without a Minister or Ministers, then to the Vestry or Vestries of the same. In forwarding to the Bishop its application for permission to organize as a new Parish, it shall enclose the written approval or disapproval of the Minister or Ministers, the Vestry or Vestries aforesaid; and, if he or they fail to give either, a certificate of the fact.

*Section 3.* If the Bishop is satisfied that the Mission, if organized as a Parish, will be self-supporting and that all of the requirements of this Canon III have been met, he shall organize the Mission as a Parish.

### **CANON IV**

#### **Of Parishes and Missions in Union With Convention**

*Section 1.* It shall be the duty of every Parish or Mission in union with the Convention to send Deputies -- one at least to every Convention.



*Section 2.* At the annual meeting of the parish, any member may nominate as deputies to the next annual Convention of the Diocese the Senior Warden or the Junior Warden, separately, by title with the words appended to the nomination, "or his/her successor". That title shall appear on the ballot as a nominee and the nomination shall be treated as the nomination of a Communicant as provided for in Article III, Section 3 of the Constitution of the Diocese. If nominated, he/she or they shall be voted on and elected by the members of the meeting as though they were named Communicants. In complying with Section 3 of this Canon, however, the name and not the title of any person so elected shall be reported as a deputy to the Diocesan Convention. In no case shall either the Senior or Junior Warden of the parish be designated as a deputy unless he or she has been nominated and elected at the annual meeting of the parish in the manner prescribed herein.

*Section 3.* It shall be the duty of every Vestry to forward to the Secretary of the Convention following the Annual Parish Meeting, but no later than thirty (30) days prior to the next annual Convention, a certificate, signed by the Rector, the Secretary of the Vestry, or one of the Wardens, in the following form:

Diocese of South Carolina.

Parish or Mission of \_\_\_\_\_

This is to Certify, That at a meeting of the Congregation of the Parish or Mission of \_\_\_\_\_ held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_, the following communicants of the church were elected to represent the same in the \_\_\_\_\_ Convention of the Diocese of South Carolina, to be held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_. The following alternates were elected:

(Signed) \_\_\_\_\_  
\*Rector, Secretary, Warden

\*Delete title not applicable.

## **CANON V**

### **Of Dormant Parishes and Missions**

*Section 1.* Whenever it shall occur that an organized Parish can no longer provide for the support of a Minister, it shall be competent for the Bishop to provide for services in the said Parish; and such Parish, if in union with the Convention, shall forthwith be entitled only to the privileges of a Mission in the Convention, but union with the Convention shall not cease.

*Section 2.* If any Parish or Mission shall have failed for three successive years to elect a Vestry (if a Parish), or to send a Deputy to the Convention (if in union with the Convention), or to make the required reports, or to make a financial contribution to the program of the Diocese, such Parish or Mission shall be considered dormant, and may be dissolved by the Bishop with the consent of the Standing Committee of the Diocese.

*Section 3.* Dormant Parishes or Missions may not again become in union with the Convention, except under the provisions of Article VIII of the Constitution.

*Section 4.* It shall be the duty of the Ecclesiastical Authority to adopt measures necessary to preserve the property of such Parishes or Missions as may be dormant or virtually extinct, and as to a dormant Parish, if not dissolved pursuant to Section 2 of this Article, the Ecclesiastical Authority may appoint a Minister-in-Charge for such Parish if it be without a Rector, which Minister may be withdrawn at any time.

*Section 5 – A* Diocesan Convention may vote by simple majority, to remove a parish or mission from union with the Diocese at the recommendation of the Ecclesiastical Authority of the Diocese, if the parish or mission has communicated that it has withdrawn its membership or has demonstrated that it has withdrawn



from this Diocese by its failure to attend convention, to contribute to the Diocesan Budget and to participate in the joint ministry of the Diocese.

## **CANON VI Of Annual Parish Meetings**

*Section 1.* There shall be an annual meeting of the members of each Parish on the second Monday in January, or some other day to be designated upon not less than one week's notice, given by the Rector, or the Vestry, if there be no Rector, for the purpose of electing Wardens, members of the Vestry, and Lay Deputies to the Convention, as provided by the Constitution; and of transacting such other business as may be brought before it; PROVIDED, however, if the Constitution or by-laws of the Parish so provide, Wardens may be elected by the Vestry.

(a) A "Member" is an individual who has requested that their baptism be recorded in the parish register, either by a transfer of membership or baptism in the parish. Membership shall be in only one congregation.

*Section 2.* At least thirty (30) days prior to the annual meeting the Rector shall compile and publish a list of the Communicants In Good Standing of the Parish as defined by the Canons of this Diocese, and shall indicate which are confirmed Communicants.

(a) "Confirmed Member" is one who has received the sacramental rite of Confirmation by a bishop in recognized succession, and has transferred such membership into the congregation or been received as such.

(b) A "Communicant in good standing" is one who has been regular in worship and who works, gives and prays regularly for the spread of God's Kingdom.

(c) Parish bylaws may further define these minimum canonical expectations for membership.

*Section 3.* At these meetings the Rector shall preside; but if there be no Rector; or if he be absent, then a presiding officer shall be chosen by the Vestry, and a Secretary appointed.

*Section 4.* The elections shall be by voice vote unless the presiding officer in his sole discretion determines that the result is unclear then it shall be by ballot of those in attendance, and the qualifications of those who may vote shall be prescribed by the by-laws of the Parish; PROVIDED, that at such meetings and elections none shall vote except members who have attained the age of seventeen years.

*Section 5.* The Vestry shall make to this meeting an annual report of their official acts during the year.

## **CANON VII Of Vestries**

*Section 1.* In every Parish there shall be a Vestry composed of two Wardens, and not less than three (3) or more than fifteen (15) persons as the Vestry, members of the Parish, to continue in office for the term elected, which shall not exceed five years, and until their successors are elected. The Wardens shall always be confirmed Communicants of the Parish who have attained the age of 21 years and who have communicated at least three times in the year preceding their election. The Vestry shall always be confirmed Communicants of the Parish who have attained the age of 18 years and who have communicated at least three times in the year preceding their election.

*Section 2.* The election shall be by voice vote unless the presiding officer determines in his sole discretion that the result is unclear then it shall be by ballot of those in attendance, and the vote necessary for election shall be a majority of the votes cast.

*Section 3.* The Wardens, and Vestry, thus elected, together with the Rector, if there be one, and if not, then themselves, shall constitute the Vestry, and shall be the official representative of the Parish. The Rector shall preside at all meetings, and in case of his absence one of the Wardens shall preside.



*Section 4.* The Vestry shall have charge of the temporalities of the Parish which shall include those listed as follows:

- (1) They shall provide for all repairs to Parish owned properties and insurance thereof;
- (2) They shall pay salaries to all employees who have, prior to appointment, been authorized by the Vestry, to be paid with Parish funds. No employee of the Parish, except an Assistant Rector, shall be employed without the consent and financial support of the Vestry, but the Rector shall have the right to employ, supervise and fire all employees of the Parish whose duties are concerned with the spiritual mission of the Parish, or whose duties, while not primarily of a spiritual or sacerdotal nature, have such bearing on the ability of the Rector to perform his or her duties that the hiring and supervision of those employees should be the Rector's responsibility. While the employment of an Assistant Rector does not require the consent of the Vestry, his or her employment is subject to the financial support of the Vestry given prior to appointment.
- (3) They shall pay current expenses which they have approval to be paid or which they, in their discretion deem necessary to be paid;
- (4) They shall take all necessary steps to raise funds annually or periodically for the support of the Parish and its programs.
- (5) They shall keep a proper account of all monies received by the Parish and expended by it and make an annual report of the financial condition of the Parish at each annual congregational meeting.
- (6) They shall employ, supervise and have the rights to fire those employees who are employed to give advice to the Vestry on matters of finance, long term planning for the use of Parish property, and investment of Parish monies.

*Section 5.* It shall be the especial duty of the Wardens to provide whatever may be necessary for the due celebration of divine worship (as books, vestments, etc.); also for the decency and comfort of the church building and furniture, books for church records, and the elements of the Lord's Supper, and to put down all disorder during public worship. They shall be ready to collect "the alms and other devotions of the people," and in case the Parish is without a Rector shall disburse them; and also provide for public worship by occasional clerical services, or by lay reading, as circumstances will permit. They shall also, during such vacancy, take charge of the church plate, records, etc., and shall present to the Bishop, at each Annual Convention, a report of the Parish. It shall also be their further duty to aid the Rector or Minister in all agencies and efforts for the advancement of the Parish-- as Sunday Schools, etc. -- and they may report to the Bishop any irregularities in the mode of conducting public worship, and all offenses by their Ministers, or by any other officiating for him, against Rubrics of the Book of Common Prayer or Canon, faith or morals.

*Section 6.* The pastoral connection shall not be dissolved except as provided for by Canon XXVII of this Diocese or upon reaching the mandatory retirement age. On reaching the age of seventy-two years, a Priest shall resign from all positions in the Diocese, and the resignation shall be accepted. Thereafter, the Priest may accept any position in the Diocese, including, with the permission of the Ecclesiastical Authority, the position or positions from which resignation pursuant to this Section has occurred.

*Section 7.* When a Parish is vacant, it shall be the duty of the Vestry to notify the Bishop of the fact, and also to elect and invite a Rector; but not without due regard to the ascertained wishes of the congregation and the approval of the Bishop.

*Section 8.* All Parish buildings and the personal property contained therein shall be insured in a reliable insurance company or companies for an amount to be determined by the Vestry or other governing body having ownership or supervision of the property.





## **CANON VIII**

### **Of the Calling and Organization of Conventions**

*Section 1.* Notice of the meeting of any Convention shall be given by the Secretary, in a letter, to every clergyman and Parish and Mission in the Diocese at least thirty (30) days prior to the convening thereof. These letters shall contain a notice of the time and place of holding the Convention, and, if it be a Special Convention, called as provided in the Constitution, for a particular purpose, they shall specify that purpose. Those to the clergy shall also contain the form of Parochial Reports, and those to the Parishes the form of certificate for Deputies, and such extracts from the Constitution, Canons and Standing Resolutions as relate to their appointments.

*Section 2.* Holy Communion shall be celebrated immediately prior to the organization of the Convention, or immediately following the adjournment of the Convention as the Ecclesiastical Authority may direct. Additional services may be directed by the Ecclesiastical Authority. If the Bishop sees fit to have a sermon preached by another other than by himself, at these services, he shall appoint the preacher and the alternate.

*Section 3.* Immediately after the Convention is duly organized, two committees on Credentials shall be appointed. The first, consisting of three clergymen, to whom the roll of the clergy shall be referred; the other, of at least three laypersons, to whom shall be referred the roll of the Deputies, together with the certificates of their appointment. All these committees, severally, shall examine forthwith and report to the Convention upon the lists so referred, specifying in their report which of the clergy and Parishes and Missions are entitled to all the privileges of the Convention, and which of the clergy are, by Article III of the Constitution, debarred from voting, until admitted by a vote of the Convention. Should the committee have considered any certificates unsatisfactory, these shall be then taken up, and the question of their sufficiency settled by the Convention.

## **CANON IX**

### **Of the Secretary**

*Section 1.* It shall be the duty of the Secretary to keep a correct Journal of the proceedings of the Convention, to attest its public acts, preserve its records, and to deliver to his successor all books and papers belonging to it, or appertaining to its business.

*Section 2.* Whenever there is a vacancy in the office of Secretary, its duties shall devolve upon the Secretary of the Standing Committee until a successor is appointed, except, however, if the vacancy occurs while Convention is in session, the presiding officer of the Convention shall appoint a temporary Secretary to serve until the Convention adjourns.

## **CANON X**

### **Of the Treasurer**

*Section 1.* It shall be the duty of the Treasurer to collect and disburse all monies collected under the authority of the Convention, and of which the collection and distribution are not otherwise regulated. He shall keep regular accounts of all transactions, to be annually laid before the Convention, and shall deliver into the hands of his successors all books, papers and funds relative or belonging to the Convention, which may be in his charge.

*Section 2.* He shall give bond for the faithful performance of his duties in the sum of Twenty-five Thousand Dollars (\$25,000) in some reputable Surety Company to be approved by the Finance Department, and shall place and keep on deposit the funds and securities in his hands, in a Depository to be





selected and designated by said Finance Department, the premium on said bond to be paid from the Diocesan Budget.

*Section 3.* The Treasurer shall keep in force at Diocesan expense a blanket Fidelity bond of not less than Ten Thousand Dollars (\$10,000) on the Treasurers of all Diocesan organizations as designated by the Finance Department.

*Section 4.* If the office of Treasurer should become vacant, the Standing Committee shall appoint a Treasurer, to serve until the next regular appointment by the Convention.

## **CANON XI**

### **Of the Historiographer**

It shall be the duty of the Historiographer, or of the Secretary if a Historiographer has not been appointed, to collect and take charge of all documents and papers pertaining to the history of the Diocese or in any one of the congregations, and to report to the Annual Convention the important events in the life of the Diocese in the year preceding, and the important events in the life of the several congregations of the Diocese in the year preceding.

## **CANON XII**

### **Of the Missions of the Diocese**

The missionary work of the Diocese being under the supervision and control of the Bishop, he shall appoint all missionaries and may at his discretion, suspend or remove them.

## **CANON XIII**

### **Trustees of the Diocese**

In pursuance of the Act of the General Assembly of the State of South Carolina providing for the substitution of a Board of Trustees of the Diocese, in the place and stead of the Bishop and Standing Committee of the same, as Trustees under a former Act, approved on the 20th day of February, 1902, by the Governor of South Carolina.

*Section 1.* There shall be a Board of Trustees to oversee and manage property owned by the Diocese (the "Board"). The Board will consist of the Bishop, ex officio, and eight (8) Communicants of Parishes in the Diocese, canonically resident in this Diocese if a Presbyter, and a member of a Parish or Mission in union with the Convention if laypersons, that is to say three (3) Presbyters and five (5) laypersons, to be elected by ballot at the Annual Diocesan Convention (the "Trustees"). The Chancellor of the Diocese or such person designated by the Chancellor, shall be ex officio, a member of the Board, with voice but no vote.

*Section 2.* Trustees shall hold office until their successors, respectively, shall be elected under this Canon. When the term for which any Trustee shall have been elected be about to expire, the next Annual Convention sitting prior to such expiration shall elect their successors, who shall hold their offices for the term of six (6) years. In case of a vacancy occurring on the Board by reason of death or resignation of any Trustee or officer it not a Trustee, the next Annual Convention shall elect a successor to hold office for the un-expired term of the person so vacating the same or until his successor be elected by the Convention.

*Section 3.* The Bishop shall be the President of the Board. The Board shall elect a Vice-President, a Secretary, a Treasurer, and such other officers as its By-laws may provide. The term of office for the officers elected by Board shall be from the date of election to the next Annual Convention of the Diocese and until their successors are elected. Any two offices may be combined, with the exception of the office of the President. The Secretary may be one of the Trustees or some other communicant of a Parish in the Diocese. The Treasurer may be one of the Trustees, but not necessarily so; and if the office is combined with the office of Secretary, then the Treasurer must be a communicant of a Parish in the Diocese. The duties and salaries, if any, of the officers elected by the Board shall be fixed by the by-laws adopted by Board pursuant to the aforesaid Act of the General Assembly of South Carolina. The Treasurer shall be



required to give bond amounting to three-fourths (3/4) of all bonds, stocks, securities, or money which may be entrusted to his keeping, unless the same shall be reduced by resolution adopted by two thirds (2/3) of all the Trustees.

*Section 4.* The Board shall make a report to each Annual Convention of the Diocese upon the first day of its meeting, of all their actions and doings, with a detailed statement of all funds in their hands, the investment thereof, and of all changes made by them in investments during the preceding year.

*Section 5.* The Board shall determine and appoint times for regular meetings of the same, and shall provide for the calling of extra meetings, and of the notification of the same.

*Section 6.* Four (4) Trustees shall constitute a quorum for the transaction of business of the Board.

*Section 7.* The Board shall apply the net income or principal of any funds held in trust by it in the manner directed by the terms of the instrument creating such trust; it shall apply the net income or principal of any funds entrusted to it for management and investment, by either the Diocese, or any agency or department thereof, any corporation or other person, as it is directed by the entity placing the funds with the Board for management and investment; and all net income or principal of any fund managed or held in trust by the Trustees under which the instrument creating the trust or conveying the fund to the Trustees does not direct the manner of application of the funds or the income therefrom, or directs the application to a particular Diocesan purpose in general terms, the said Board shall apply such funds in the manner as directed annually, or at lesser intervals, by Diocesan Council with the advice of the Department of Finance, provided that the Diocesan Council shall not direct the application of any funds contrary to the purposes for which they were placed in the hands of the Trustees.

*Section 8.* The Board shall make to the Department of Finance such reports of its operations and its future income expectations as the Department of Finance shall from time to time require and request; and each fund committed in trust to the Trustees shall be reported separately.

*Section 9.*

a. It shall be the policy of the Diocese to convey title to any and all real property which is not being actively used by the Diocese, or which has not been actively used by the Diocese for a period of one (1) year, to the Trustees to be held in trust for the Diocese.

b. The Trustees shall convey to the Diocese title to any real property to which they hold title upon the written request of the Diocese and upon its statement the said real property is to be put into active use by the Diocese.

c. Except as otherwise provided in these Canons, any property impressed with a trust at the time the Trustees took title and re-conveyed to the Diocese shall not be alienated, encumbered, or disposed of without the written consent of the Trustees.

## **CANON XIV**

### **Of The Episcopal Home for Children (hereinafter "York Place")**

*Section 1.* The institution known as York Place is hereby recognized and adopted as the Institution of this Diocese for the purpose of caring for children and families in need of its services.

*Section 2.* York Place is managed and controlled by a Board consisting of twenty-four (24) Trustees, and the Bishop of the Diocese shall be an ex officio member of said Board with full privileges.

The Trustees shall be elected as follows:



- (1) Three persons (1 layperson, 1 clergy and a third person who may be either lay or clergy) shall be elected each year for a term of three (3) years by the Convention of the Diocese upon nomination by the Board of Trustees of the York Place;
- (2) No person who has served two successive terms of three years shall be eligible for re-election as a Trustee, until the expiration of one year after the completion of such service; PROVIDED, however, the service of an un-expired term of office of two years shall be deemed, for purposes of eligibility, a full three-year term. The Standing Committee of the Diocese upon nomination by the Bishop shall fill any un-expired term or terms until the next Convention of the Diocese at which time a successor or successors shall be elected by the Convention to fill the un-expired term or terms. Said Board shall control and manage York Place, promulgate its own By-laws, and establish and elect its own officers.

## **CANON XV Of The Episcopal Church Home**

*Section 1* The Institution known as "The Episcopal Church Home" is hereby recognized and adopted as the institution of this Diocese for the purpose of providing a Christian institution for the care of persons who cannot provide a home for themselves.

*Section 2.* The Episcopal Church Home shall be managed and controlled by a Board consisting of twelve (12) Trustees, appointed by the Board, six (6) of whom must be Episcopalians The Bishop of the Diocese or his designated representative and the Chair of the Advisory council shall be ex-officio members. There shall also be an ex-officio trustee who is a vestry person of St. James' church. The trustee's tenure on the Board shall be for his term of office on the vestry of St. James. All ex-officio members shall have all privileges of membership including voting rights. There shall be at least two ordained Episcopal Clergy on the Board. Trustees shall be elected for a term of office of three years and may be re-elected for an additional term of three years. No Trustee who has served two (2) successive terms of three (3) years shall be eligible for reappointment as a Trustee, until the expiration of one (1) year after the completion of such service; PROVIDED, however, that the service of an un-expired term of office shall not be taken into consideration for the purpose of determining eligibility. This Board of Trustees shall control and manage the affairs of the Episcopal Church Home, promulgate its own constitution and by-laws, establish, and elect its own officers.

## **CANON XVI Of The South Carolina Episcopal Home At Still Hopes (herienafter the "Home at Still Hopes")**

*Section 1.* The Home at Still Hopes, Incorporated" is hereby recognized and adopted as an institution of the Diocese for the purpose of providing care for elderly persons in need of its services.

*Section 2.* The South Carolina Episcopal Home shall have a Board of Directors, of which one-half shall be elected by the Convention of the Diocese upon nomination by the Board of Directors, and one-half shall be elected or appointed by the Diocese of Upper South Carolina of the National Episcopal Church. The Bishops of the two Dioceses shall be ex officio members of the said Board with full privileges. The Board of Directors shall control and manage the Home, promulgate its own by-laws, and establish and elect its own officers.

## **CANON XVII Of The Pension Fund**

*Section 1.* All clergy of the Diocese shall participate in the Diocesan Pension and Health Insurance Programs. All Parishes, Missions, and other ecclesiastical organizations or bodies of the Protestant Episcopal Church in the Diocese of South Carolina shall provide all lay employees who work a minimum of 1,000 hours annually, retirement benefits through participation in the Protestant Episcopal Church in



the Diocese of South Carolina 403(b) Retirement Plan. Such participation shall commence no later than January 1, 2013.

- a. The employer contribution to the plan shall be 5% of the employee's salary and the employer shall match employee contributions up to another 5%.
- b. Lay employees must have a minimum of one year of continuous employment before becoming eligible to participate.
- c. The committee members of the Volunteer Employee Benefits Association (VEBA) Trust shall have the authority to review and revise the plan guidelines as needed and to make appropriate recommendations for changes.

*Section 2.* The Bishop shall appoint the members of a Benefits Subcommittee of the Department of Finance to oversee and manage the Pension and Health Insurance programs of the Diocese. The subcommittee shall be composed of no less than 6 and no more than 8 individuals with experience or significant knowledge of these industries. Appointments shall be on an annual basis. One member shall be a member of the Finance Department. Ex-Officio members of the subcommittee shall be the Diocesan Bishop, the Diocesan Treasurer and the Chancellor. A Chairman, appointed by the Bishop, shall conduct the meetings of the subcommittee.

*Section 3.* Recommendations of the subcommittee will be made through the Finance Department to the Diocesan Council.

*Section 4.* In general, the Committee shall inform the Clergy and Laity of the Diocese of the pension and health insurance systems created by the Diocese, whereby the Clergy of the Church are assured of pensions, as of right, to their widows and minor orphans, and to do all things that may be necessary or advisable in the premises to the end, that the monies necessary to be paid by the Parishes, Missions and other ecclesiastical organizations may be fully and systematically paid.

*Section 5.* It shall be the duty of the Treasurer of the Diocese to pay to the Pension and Health Insurance premiums payable on behalf of the Bishop of the Diocese, the Bishop Coadjutor, the Suffragan Bishop, the Archdeacon, and other qualified personnel on the Diocesan Staff, if there be such. It shall be the duty of the Treasurer of every Parish and Mission in this Diocese to pay to the Diocese, the premiums payable as required for the Pension and Health Insurance programs.

*Section 6.* It shall be the duty of every clergyman receiving remuneration, to furnish a statement of such remuneration, and of every change in the amount thereof, as soon as such change shall occur, to the Diocesan office.

## **CANON XVIII**

### **Of The Diocesan Council**

*Section 1.* The Diocesan Council as hereinafter constituted shall administer and carry on the Missionary, Educational and Social Work of this Diocese and such other work as may be committed to it by the Diocesan Convention and for the initiation and development of new work between meetings of the Diocesan Convention as it may deem necessary and to receive and administer all funds raised within the Diocese subject, however, to the provisions of the Constitution and Canons of the Diocese.

The Bishop of the Diocese shall be the President of the Diocesan Council and Executive Head of all such work, and nothing hereinafter provided shall be construed as in any way conflicting with this Canonical and Constitutional authority as the administrative head of the Diocese.

*Section 2.* The Diocesan Council shall be composed of:

- (1) The Bishop of the Diocese
- (2) The Bishop Coadjutor and the Suffragan Bishop, if there be any
- (3) The Assistant Bishop, if any



- (4) The Archdeacon of the Diocese, if non-parochial
- (5) The Executive Secretary of the Diocese, ex-officio
- (6) The Treasurer of the Diocese
- (7) The Chancellor of the Diocese
- (8) The President of the Standing Committee
- (9) The President of the Churchwomen of the Diocese
- (10) A representative of the Youth Council The method of selecting this representative shall be determined by the Department of Council responsible for Youth Ministries.
- (11) Six (6) Presbyters and six (6) laypersons, to be elected whenever vacancies exist by the Annual Diocesan Convention, for a term of three (3) years or until a successor is elected.
- (12) A person representing the organized student groups on College and University Campuses in the Diocese; such person to be a Communicant in Good Standing of a Parish or Mission in union with this Convention, and such person to be no less than eighteen years of age, nor more than twenty-two years of age at the time of his appointment. The method of selecting this representative shall be determined by the Department of Council responsible for College Work.
- (13) The Dean of the Cathedral

Within thirty (30) days after the close of the Convention in 1995, the Deans of each Deanery shall convene the Convention delegates in that deanery and elect one(1) Presbyter and one (1) layperson from a term of three (3) years or until a successor is elected. No Deanery shall have more than one (1) Presbyter and one (1) layperson, thus elected, representing them.

In addition to the elected members of the Diocesan Council, the following shall have a vote:

- (1) The Bishop
- (2) The President of the Churchwomen of the Diocese
- (3) The Treasurer of the Diocese

All other non-elected members shall have a seat and voice, but no vote.

After serving one full term, the aforesaid elected members of the Diocesan Council shall be ineligible for membership on the Diocesan Council for a period of one Convention year.

The members of the Diocesan Council shall remain in office until their successors are elected. The Diocesan Council shall have power to fill any vacancy in its elective membership.

No person shall serve on the Diocesan Council either elected or non-elected who is not a member in good standing of a Parish or Mission in union with the Convention.

**Section 3.** The Diocesan Council shall be organized by the Bishop into departments, including a Department of Finance, and such other departments as he may deem necessary to carry out the program and work of the Diocese, including but not limited to the following activities:

Missions	Church Extension
Christian Education	Youth Ministries
College Work	Christian Social Relations
Institutional Ministries	Evangelism
Stewardship	Camps and Conferences

Each department so organized shall have at least one (1) voting member of the Diocesan Council. The Bishop shall annually appoint fit persons to serve as chair of each of the departments. These appointments shall be subject to confirmation by the Diocesan Council.

Subject to confirmation by the Diocesan Council, each department may increase its own membership; having, if practicable, representation from the various deaneries; such additional members to have votes and seats in such department, but not in the Diocesan Council.

The Bishop of the Diocese shall be ex officio a member of each department, with the right to preside at any meeting when present.



*Section 4.* There shall be maintained a permanent Diocesan Headquarters at a place fixed by the Diocesan Council.

*Section 5.* The Diocesan Council may enact all necessary by-laws for its government and for the government of its several departments, subject to the provisions of this Canon. Each department shall make to the Bishop and Council annually and at such other times and in such form as it may require, a report of the work done under its direction and shall file a duplicate copy of such report with the Diocesan Headquarters.

*Section 6.* The Diocesan Council shall submit to each annual meeting of the Diocesan Convention a report of the work done under its supervision during the preceding year, which report shall include the annual report of the Treasurer.

*Section 7.* The Diocesan Council shall meet for organization at such place and time as the Bishop may designate. It shall hold other fixed meetings as it may appoint in its by-laws. The Bishop may call such other special meetings as may seem to him to be necessary. A majority of the elected members shall constitute a quorum. In the absence of the Bishop, the Bishop Coadjutor, if there be one, shall serve as Chairman. If neither the Bishop nor the Bishop Coadjutor be present at the meeting, the Diocesan Council shall choose a chairman from its own membership.

*Section 8.* The Diocesan Council, through its Departments, shall submit to the Annual Convention of the Diocese a proposed program of activities for the year in which the Convention is held, together with an operating budget it feels necessary to implement the program, assigning as nearly as possible the estimated amounts necessary for implementing each separate activity. Both the proposed program of each department and the operating budget, which shall include the general operating expenses of the Diocese, shall be approved by the Diocesan Council before it is submitted to the Convention.

*Section 9.* The Diocesan Council shall enter upon the duties imposed by this Canon immediately after the election of its members provided for in Section 2 of this Canon.

The Convention shall adopt a program, including a budget which shall be administered by the Diocesan Council during the year in which the Convention is held. If no program or budget is adopted by the Convention, the last program and budget so adopted shall be used for the year.

## **CANON XIX**

### **Of The Departments of The Diocesan Council**

*Section 1.* Of the Department of Finance

- (1) The Department shall be composed of the Chief Fiscal Officer of the Diocese, as designated by the Ecclesiastical Authority, the Treasurer of the Diocese, and not more than four members of the Diocesan Council, with such additional members as may be chosen and confirmed in conformity with Canon XVIII, Section 3.
- (2) The Department shall act as a Council of Advice to the Bishop and to the Diocesan Council in the financial matters of the Diocese.
- (3) The Department may require reports from the Treasurer of the Diocese, the Trustees of the Diocese, and such other persons as shall be charged with the receipts and custody of funds for any Diocesan purposes, and they shall respond to all requests of the Department for financial reports.
- (4) The Department shall maintain, repair and insure all property of the Diocese, except as otherwise provided in these Canons, whether title thereto be in the Trustees of the Diocese, or some other agency of the Diocese, as well as the property of any dormant Parish or Mission. To properly implement this responsibility, there is hereby established a subcommittee known as the Property and Insurance Committee, consisting of the Chairman of the Department, the Treasurer of the Diocese, the Treasurer





of the Trustees of the Diocese, and the Chief Fiscal Officer of the Diocese, as designated by the Bishop, which shall be charged with these specific duties.

*Section 2. Of the Other Departments of The Diocesan Council*

- (1) The other Departments of the Diocesan Council shall develop and execute the programs and activities of the Diocese assigned by the Diocesan Council, and report regularly to the Council, and may organize into as many Divisions as found necessary.
- (2) The Department charged with Camps and Conferences shall be responsible for the maintenance and use of all property designated for camps and conferences.

**CANON XX  
Of Deaneries**

*Section 1.* The Diocese shall be divided into Deaneries, the number and boundaries of which shall be determined from time to time by the Ecclesiastical Authority. The presiding officer of each Deanery shall be a Dean appointed by the Ecclesiastical Authority to serve for one year, such appointment to be made at each Annual Convention.

*Section 2.* There shall be regularly scheduled meetings of the Clergy in each Deanery. (This shall include canonically resident clergy as well as other clergy, retired and/or licensed by the Bishop who reside in the Deanery). In each Deanery it shall be the duty of all Clergy to meet as a Deanery Clericus at regular times scheduled by the Dean, to discuss affairs of diocesan and regional concern, and other matters that will strengthen collegiality and further the work of the Church.

*Section 3.*

- (1) The Deanery Convocation shall be composed of all Clergy physically residing or serving a parish or mission of that Deanery who are entitled to seat, voice and vote at the Diocesan Convention, lay deputies to the Convention from each congregation within the Deanery and lay representatives to the Diocesan Council from the Deanery. All such Clergy, deputies and Diocesan Council members from the Deanery shall have seat, voice and vote.
- (2) The Convocation will meet at least two times each year, one to give input during the formation of the Diocesan Budget and at other times at the call of the Dean or of the Ecclesiastical Authority.
- (3) The Deanery Convocation shall have the responsibility for the planning and financial aspects of the Deanery, including advising the Department of Congregational Development on grants and loans to congregations within the Deanery, and such other responsibilities as may be assigned to it by the Diocesan Council. It shall also be the responsibility of the Convocation to study the needs and opportunities of the deanery and to develop programs, when appropriate, consistent with those needs; to elect Deanery Representatives to the Diocesan Council; and to assist through the year all Diocesan officers, the Deans and the Diocesan Council in the work and mission of the Church.
- (4) The Dean shall be the executive head of all such work and shall delegate necessary authority and responsibility as he or she deems necessary to carry out the work. The Deanery Convocation shall elect from among its own members a Vice-Chairperson, to preside at meetings in the absence of the Dean, and a Secretary/Treasurer to record all actions and maintain such records in a permanent form.
- (5) Only such actions of the Deanery Convocation which are the result of a majority vote of the Convocation with a quorum present shall constitute official actions of the Deanery Convocation. A majority of clergy eligible to vote in the Convocation and lay deputies from a majority of the





congregations entitled to representation, when duly assembled, shall constitute a quorum for the transaction of business.

## **CANON XXI**

### **The Establishment of a Cathedral Church**

*Section 1.* A Cathedral Parish may be established by the Bishop in the manner provided by this Canon, and when so established shall be known and used as the Cathedral Church of the Diocese.

*Section 2.* The Cathedral Parish shall be established by written agreement between the Bishop and the Parish to be designated as the Cathedral Church, which to become effective and binding upon the Diocese must be approved by both the Bishop and Council of the Diocese and the Standing Committee of the Diocese, and shall include the following provisions:

- (1) That the Parish to be designated as the Cathedral Church shall retain ownership of property, both real, chattel and mixed, of the Cathedral Parish, except such chattel property as may be furnished by or for the use of the Diocese at the Cathedral Church.
- (2) That the Parish to be designated as the Cathedral Church shall be responsible for all items of expense in connection with the operation of the Cathedral Church, including but not limited to the salary of the Dean of the Cathedral, and all assistants and persons employed by the Cathedral Church, except to the extent the Diocese obligates itself in the aforesaid written agreement establishing the Cathedral Church.
- (3) That the Parish to be designated as the Cathedral Church shall be solely responsible for all capital improvements, additions and alterations to the property of the Parish designated as the Cathedral Church; and the Diocese shall be responsible for no capital improvements, additions or alterations unless specific authority therefore is authorized by a Convention of the Diocese.
- (4) That the parties thereto presently intend and expect that the contract shall continue in full force and effect as long as both parties thereto shall exist; but it is mutually agreed that either party may at any time cancel the contract by delivering one year's written notice thereof to the other party.

*Section 3.* The Parish designated as the Cathedral Church shall not be deprived of any privileges afforded Parishes under the Constitution and Canons of the Diocese, except as provided in this Canon, nor relieved of any duties or responsibilities imposed upon it hereby; and such Parish shall continue its activities as a separate entity, but shall be known as a Cathedral Parish.

*Section 4.* The Rector of the Cathedral Parish shall be the Dean of the Cathedral Church, and when the Cathedral Parish is vacant, it shall be the duty of its Vestry to elect and invite a Rector, but not without due regard to the ascertained wishes of its congregation, and the prior written approval of the Bishop.

*Section 5.* The operation of the Cathedral Parish shall be in the control of the Dean of the Cathedral as Rector, and its Vestry, as provided by Canons for Parishes, and for Diocesan functions at the Cathedral Church shall be in the control of its Cathedral Chapter as herein established, both operating with the delineation of uses and responsibilities set forth in the agreement establishing the Cathedral Church.

*Section 6.* The Cathedral Chapter shall be composed of the Bishop of the Diocese, as Chairman, the Dean of the Cathedral, the President of the Standing Committee of the Diocese, one Representative of the Diocesan Council elected by that body for a one year term, the Senior Warden of the Cathedral Parish and one Clergyman and three Laypersons elected by the Convention for three (3) year terms. The said elected members to take office upon their election provided by this Canon.

*Section 7.* The Bishop may appoint Honorary Canons to the Cathedral Church of the Diocese.

## **CANON XXII**

### **Of a Commission on Ministry**

*Section 1.* The Commission on Ministry shall consist of not more than five (5) and not less than three (3) Presbyters, and not more than five (5) and not less than three (3) laypersons, nominated by the Bishop and



confirmed by vote of the Annual Convention of the Diocese. The number of Presbyters and the number of laypersons on the Commission to be determined by the Bishop. The term of office of each member of the Commission shall be three years and until his or her successor is nominated and confirmed. The Chairman shall be a Presbyter, and both the Chairman and Secretary shall be named annually by the Bishop from among the Commission.

*Section 2.* The Commission on Ministry hereby established shall have following duties and powers: -  
To assist the Bishop (a) in the determination of present and future opportunities and needs for the ministry of all baptized persons and (b) in the design and oversight of the ongoing process for recruitment, discernment, formation for ministry, and assessment of readiness therefor.

*Section 3.* With respect to the discernment process, the Bishop, in consultation with the Commission on Ministry, (a) shall provide encouragement, training, and necessary resources to assist each congregation in developing an ongoing process of community discernment for persons seeking direction in their call to ministry;

(b) may utilize college and university campus ministry centers and other communities of faith as additional communities where discernment takes place.

(c) shall actively solicit from; congregations, schools and other youth organizations, college and university campus ministry centers, seminaries, and other communities of faith names of persons whose demonstrated qualities of Christian commitment and potential for leadership and vision mark them as desirable candidates for positions of leadership in the Diocese; and.

(d) shall assist persons engaged in a process of ministry discernment to determine appropriate avenues for the expression and support of their ministries, either lay or ordained.

### **CANON XXIII**

#### **Of a Commission on Architecture and Construction**

*Section 1.* The Bishop shall appoint annually a Commission on Architecture and Construction, consisting of two Priests and three Laymen.

*Section 2.* All Parishes in the Diocese are urged to consult with this Commission when any construction or renovation of buildings is contemplated.

*Section 3.* All Missions in the Diocese and Institutions owned exclusively by this Diocese shall be required to have the approval of this Commission when any construction or renovation of buildings is contemplated.

*Section 4.* Where grants or loans are made by the Diocese or one of its affiliated agencies for any construction or renovation of buildings the approval of this Commission shall be required.

### **CANON XXIV**

#### **Elections**

*Section 1.* No person shall hold elected membership at the same time on more than one of the following Boards of the Diocese:

Diocesan Council  
Standing Committee  
Board of Trustees of the Diocese.

*Section 2.* In the elections for membership, the Diocesan Council, Board of Trustees, and the Standing Committee, the vote necessary for election shall be by a majority. In all other elections the vote necessary for election shall be by a plurality.



## **Title II**

### **Of Ministers and Their Duties**

#### **CANON XXV**

#### **Of the Parish Register and Reports**

*Section 1.* Each Clergyman shall keep a register of all baptisms, marriages and burials solemnized by him or in his Parish by another Minister; and if he has a cure of souls, a list of persons confirmed in his Parish or congregation; and of Communicants, and baptized persons not Communicants belonging to same.

*Section 2.* The register so kept shall specify the name and date of birth of the person baptized, the names of the parents and sponsors -- in the case of an adult the name, and those of the witnesses -- the names of persons married and buried with the date of every rite performed.

*Section 3.* In every Parish these entries shall be made by or under the direction of the Rector, in a book provided by the Church Wardens for that purpose -- and in case there be no Rector, the Wardens themselves shall see that such registry be made -- which book shall be known as the Parish Register, and preserved as a part of the record of the Parish. And it shall be the duty of every Rector, in case of removal from a Parish, to deposit this register with the Church Wardens.

*Section 4.* It shall be the duty of every Rector in charge of a Parish or congregation, or if there be no Rector in charge, of the Church Wardens, or other proper officer, a report for the year ending December 31 preceding, and to deliver the same to the Bishop of the Diocese, or where there is no Bishop, to the Secretary of the Diocese, not later than February 1. This report shall include the following information: (1) The number of baptisms, confirmations, marriages, and burials during that year; the total number of baptized persons and Communicants at the time of the report; (2) a summary of the receipts and expenditures, from whatever source derived, and for whatever purpose used; and (3) a statement of the property held by the Parish whether real or personal, with an appraisal of its value together with a statement of the indebtedness of the Parish, if any, and of the amount of insurance carried. And every Minister not in charge of any Parish or congregation shall also report his occasional services, and if there have been none, the causes or reasons which have prevented the same. And these reports, or such parts of them as the Bishop may deem proper, shall be recorded and such records will be maintained for future reference.

*Section 5.* The fiscal year shall begin January 1.

*Section 6.* All reports shall be made in the form of a schedule, prepared by the Secretary, in accordance with the provisions of this Canon. And the failure of any persons to make out his Parochial Report according to this form shall be deemed sufficient cause for the exclusion of such report from the records of the Diocese.

#### **CANON XXVI**

#### **Candidates for Orders, Ineligible, etc.**

No person who is a candidate for Orders shall be admitted to a seat in any Convention of the Diocese as a Lay Deputy.



## **Title III**

### **Of Discipline**

#### **CANON XXVII**

#### **Dissolution of Pastoral Ministry**

*Section 1* Except upon mandatory resignation by reason of age as provided in Canon VII.6, a Rector may not resign as Rector of a Parish without the consent of its Vestry, nor may any Rector canonically or lawfully elected and in charge of any Parish be removed therefrom by said Vestry against his will, except as hereinafter provided.

*Section 2.* If for any urgent reason, the Rector or the Vestry of a Parish shall desire a separation and dissolution of the pastoral relation, and the parties be not agreed respecting a separation and dissolution, written notice of such desire and disagreement stating the specific reasons for the intervention shall be given to the Ecclesiastical Authority by either party, and a copy of such notice shall be given to the other party to such disagreement.

*Section 3.* Within fifteen days of receipt of such notice the Ecclesiastical Authority shall appoint one Presbyter and one Lay Person, neither of whom is a member of the parish involved, to make a written report to the Bishop stating the nature of the dispute and the respective positions of the Vestry and the Rector. Such report shall be delivered to the Bishop, the Rector and the Vestry as soon as possible, but in no case later than thirty (30) days after their appointment. Within ten days of the receipt of the report, the Bishop shall initiate mediation proceedings and each of the parties shall participate in such mediation in good faith and labor for an amicable resolution of differences. Each party shall be entitled to have representation in such mediation proceeding.

*Section 4.* If the pastoral process described in Section 3 does not resolve the difference between the parties, as evidenced by written notice thereof to the Bishop from either of the parties:

- (1) Within thirty days after such notice, the Bishop shall conduct a hearing with regard to the conditions of dissolution of the pastoral relation. The Bishop shall fix a date, time and place therefor, shall notify the parties thereof, and shall conduct such hearing by allowing each party thereof, or a representative thereof, to present a statement of position and the reasons therefor. No testimony or other evidence shall be presented at such hearing, unless allowed by the Bishop for compelling reasons and in the interest of justice.
- (2) If the pastoral relationship is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the Rector and the Vestry.
- (3) If the pastoral relationship is to be dissolved:
  - (a) The Bishop shall render a Godly judgment, with the advice and consent of the Standing Committee, requiring such compensation or indemnity (if any) as he shall deem just and compassionate, and under taking to offer (as he deems suitable) such supportive services as career counseling and vocational retraining. Said judgment shall be final; shall be in writing; and shall set forth the reasons for the terms and conditions thereof.
  - (b) A copy of said judgment shall be furnished to each of the parties and a copy be available for public inspection.

*Section 5.* In either event, the Bishop shall offer appropriate supportive services to the Rector and to the Parish.



**Section 6.** In the event of the failure or refusal of either party to comply with the terms of said judgment, the Bishop may inflict such penalties as may be provided by 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, inhibit such Rector from officiating in such parish until the priest shall comply with said judgment.
- (2) In the case of Vestry, recommend to Diocesan Convention that the union of the Parish with Convention shall cease until it shall have complied with the Bishop's judgment.

**Section 7.** If there be no Ordinary, the Ecclesiastical Authority shall appoint the President of the Standing Committee to act as the Bishop, and with like force and effect.

**Section 8.** For urgent 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 exact length of any time extension that may be provided.

**Section 9.**

- (1) Statements made during the course of proceedings under this Canon are not admissible in any proceeding under Canon XXVIII of this Diocese. This section 9 does not, however, require the exclusion of evidence in any proceeding under the Canons of the Diocese which is otherwise discoverable and admissible, merely because it was also presented in proceedings under this Canon.
- (2) In the course of proceedings under this Canon, if a charge is made against the Rector that could give rise to a disciplinary proceeding under the Canons of the Diocese all proceedings under this Canon shall be stayed until the charge has been resolved or withdrawn.

**Section 10.** This canon shall not apply in contravention of any right of any Rector, Parish Congregation, or Vestry under the laws of the Civil Authority.

## **CANON XXVIII**

### **Of the Trial of a Priest or Deacon**

**Section 1.** The Ecclesiastical Court of the Diocese.

(1) A Priest or Deacon of this Diocese shall be liable for Presentment and Trial for the Offenses specified in Canon XXVIII. There is hereby established an Ecclesiastical Court for the Diocese of South Carolina (hereinafter the "Court") for the trial of Priests and Deacons whose name and style shall be as follows: *The Ecclesiastical Court of the Diocese of South Carolina*

- (2) The members of the Court shall be eleven (11) in number and shall include lay persons and Priests or Deacons. There shall be a majority of the Priests or Deacons serving on the Court but at no time shall that majority be by more than one. The lay members of the Court shall be residents of the State of South Carolina and shall be Communicants in Good Standing of a parish or mission in the Diocese, and the Priests or Deacons shall be canonically resident in the Diocese and entitled to a seat in the diocesan convention.
- (3) The members of the Court shall be elected annually at the Convention of the Diocese for terms of three (3) years and until their successors are elected. The election of the members of the Court shall in such manner that there shall be staggered terms as established by the election of the initial Court at the convention of the Diocese held in 1996: viz, at the diocesan convention in 1996, there were eleven members of the Court elected: five lay persons (hereinafter "Lay Order") and six Priests or Deacons (hereinafter "Clergy Order"); three of those elected (one from the Lay Order and two from the Clergy Order) shall serve for one (1) year; four of those elected (two from the Lay Order and two from the Clergy Order) shall serve for two (2) years; and four of those elected (two from the Lay



Order and two from the Clergy Order) shall serve for three years). Thereafter, their successors shall be elected for terms of three years and until their successors are elected.

- (4) No member of the Court shall serve for longer than two successive terms, but shall be eligible for election to the Court after having been a non-member for more than one year.
- (5) The Court shall annually, within two months following the Diocesan Convention, elect from its members one member who shall be the Presiding Judge whose term of office shall be for one year and until a successor is elected.
- (6) The death, disability rendering a person unable to act, resignation or declination to serve as a member of the Court shall constitute a vacancy on the Court.
- (7) Notice of resignation or declinations to serve shall be given by members of the court in writing to the Presiding Judge of the Court.
- (8) If any Priest elected to membership of the Court is elected a Bishop, or if any lay person elected membership of the Court is ordained prior to the commencement of a trial, that person shall immediately cease to be a member of the Court. If either event occurs following the commencement of a trial, the person shall continue to serve until the completion of the trial and the rendering of a verdict thereon.
- (9) Vacancies, other than for cause as provided hereinafter, shall be filled by the Court by and with the advice and consent of the Ecclesiastical Authority from the same order which the former member represented and for the un-expired term of that member being replaced.
- (10)
  - (a) Upon the receipt of a Presentment, the Court shall convene as the Ecclesiastical Trial Court (hereinafter "Trial Court") to determine and resolve any challenges to the membership of the Trial Court from the Church Attorney or from the Respondent's Attorney.
  - (b) The members of the Court who are impaneled to serve as a Trial Court shall be no less than seven (7) members of the Court and the majority of the priests or deacons serving on a Trial Court shall at no time be by no more than one. Challenges for cause shall be made in writing addressed to the Presiding Judge of the Court not less than thirty (30) days prior to the date set for the trial of a Priest or Deacon by the Trial Court.
  - (c) Those members of the Court shall be excluded from serving on the Trial Court by the Presiding Judge if they are members of the diocesan staff, employees working in the diocesan headquarters or in any activity controlled in whole or in part by the diocesan office; if they have expressed an opinion as to the guilt or innocence of the Respondent; if they have knowledge of the facts about the case; if they are to be a witness in the trial of the case; if they are related to the Respondent either by birth or marriage within the fifth degree of kinship; if they are members of the same Church or Parish as the Respondent, the Accuser or the Victim; or state, on the record, that they are not able to give either the Respondent or the diocese a fair and impartial trial.
  - (d) After the Trial Court has heard and ruled on the challenges, if it is determined by the Presiding Judge that there are seven (7) or nine (9) members, including the Presiding Judge, of the Trial Court who are qualified of which the Clergy Order has no more than a majority of one member then they shall constitute the Trial Court for that particular case. If there remain an even number of members who are qualified, the Trial Court shall determine by lot the exclusion of the member or members, other than the Presiding Judge, in order properly to constitute a Trial Court of not less than seven (7) members. If exclusion by lot cannot be used properly to constitute a court of at least seven (7) members, including the Presiding Judge, then the Trial Court, by and with the consent of the Ecclesiastical Authority, shall appoint from the order affected the number or numbers necessary to comply with the canon. Such appointment to membership shall be of a temporary nature and only for the purpose of sitting on the trial of a particular case. The member or members so appointed shall be subject to being challenged for cause. If the Presiding Judge has been disqualified for cause, then the qualified members





of the Trial Court shall elect an Acting Trial Judge from the qualified members of the Trial Court for the purpose of presiding over the trial for which it has been constituted.

- (11) (a) The Chancellor shall give the members of the Court and of the Trial Court his/her opinion as to the procedure required by the Canons for them to organize and comply with the provisions of canon law but shall not directly or indirectly express any opinion as to the facts of the case or the guilt or innocence of the respondent. After a Lay Assessor or Assessors have been appointed, the Chancellor shall have no further communication with the Trial Court, unless specifically asked by the Trial Court to give an opinion on canon law. When requested by the Lay Assessor, Church Attorney, or by counsel for the Respondent, the Chancellor shall give his/her opinion on the meaning or purport of a provision of the Constitutions and Canons of the Diocese. The Chancellor shall be permitted to attend all open sessions of trials before the Court.
- (b) As soon as possible after the Trial Court has been established, the members of the Trial Court shall assemble with the Chancellor of the Diocese and the Chancellor shall cause each to take an oath as follows:
- I will well and truly try and true deliverance make between the Diocese of South Carolina and the Respondent---(name)--- whom you shall have in your charge, and true deliverance make according to the law and the evidence.
- The oath shall be reduced to writing, signed by each member of the Trial Court, and made part of the record in the case.
- (c) The Code of Judicial Conduct (SCRAP Rule 501), to the extent it is practicable, shall govern the conduct of members of the Trial Court.
- (12) The Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Priest or Deacons or adult confirmed Communicants in Good Standing in the Diocese and who shall serve at the pleasure of the Court. The Trial Court may appoint one of its own members as its Clerk. If the Clerk is not a member of the Trial Court, he or she shall not express to the members of the Trial Court any opinion about the facts of the case or concerning the guilt or innocence of the respondent, and shall not participate in any deliberations of the Trial Court.
- (13) The Trial Court shall be governed by the portion of the Federal Rules of Civil Procedure set forth in Appendix A to this Canon XXVIII.10.13 attached hereto and incorporated herein by reference.
- (14) The Trial Court shall be governed by the Federal Rules of Evidence in the conduct of a trial.
- (15) The Trial Court shall appoint a Reporter who shall be a qualified court reporter or public stenographer who shall serve at the pleasure of the Trial Court and who shall make a verbatim transcription of all proceedings held before the Trial Court including pretrial motions and hearings on challenges to the membership of the Trial Court.
- (16) The Trial Court shall keep a record of the proceedings in each case brought before it and the record shall be certified by the Presiding Judge of the Court. If the record cannot be authenticated by the Presiding Judge by reason of the Presiding Judge's death, disability or absence, it shall be authenticated by a member designated by the Trial Court to do so.
- (17) The documents relating to the trial, including the verbatim transcript of proceedings shall, upon the conclusion of the trial, forthwith be delivered by the Clerk of the Trial Court to the Chancellor who shall provide for their safe keeping in the Diocesan Office. None of these documents shall be made available to anyone without written authorization of the Chancellor.





## *Section 2. The Lay Assessors*

- (1) The Trial court shall appoint at least one but no more than three Lay Assessors (hereinafter "Lay Assessor") each of whom shall be a Communicant in Good Standing of a parish or mission of the Diocese, , a Notary Public commissioned by the State of South Carolina, and a practicing attorney admitted to practice law in the State of South Carolina. Evidence of the qualifications of the Lay Assessors shall be contained in a statement from the rector of the parish in which he/she or they are members, and an affidavit of the Assessor or Assessors stating their qualifications as attorneys.
- (2) The Lay Assessor shall have no vote and shall not express to the court or to the public his/her or their opinion as to the facts or as to the guilt or innocence of the Respondent or the Trial Court's recommendation of punishment.
- (3) It shall be the duty of the Lay Assessor to give the Trial Court an opinion on any question of law, procedure or evidence, but not on any question of doctrine, upon which the Trial Court or any member thereof, or either party shall desire an opinion. Any question of whether a question is a matter of doctrine shall be decided by the Trial Court by a majority vote.
- (4)
  - (a) The Lay Assessor shall rule initially upon all motions made during the trial of a case, all objections made to the admission of evidence, and all motions made after the swearing in of the Trial Court.
  - (b) The Lay Assessor shall hear, in the presence of the Trial Court, argument of counsel on any disputed matter and shall determine the matter conditionally subject to the right of the Trial Court to overrule the decision by majority vote. In making a ruling, the Lay Assessor shall preface the determination by stating, "Subject to the right of a majority of the Court to reverse, the-----is (denied, sustained, or granted as the case may be)."
  - (c) The Presiding Judge of the Trial Court shall, immediately following the ruling of the Lay Assessor, ask the members of the Trial Court if there is any objection to the ruling. If there is none, the Presiding Judge of the Trial Court shall state, "The ruling is affirmed." If there is objection, the Presiding Judge shall poll the members of the Trial Court without further discussion of the matter and announce that a majority of the Trial Court "affirm" or "reverse the ruling of the Lay Assessor." If any member of the Trial Court request that there be a recess to discuss the matter with the Lay Assessor, the Presiding Judge shall call for a recess of the trial and the members of the Trial Court shall retire with the Lay Assessor to discuss, in private, the basis of the Lay Assessor's ruling. The Trial Court shall thereafter be called to order and the members of the court shall vote, on the record, to affirm or reverse the Lay Assessor's ruling.

## *Section 3. The Church Attorney.*

- (1) After receiving a Charge against a Priest or Deacon which it determines requires an investigation, the Standing Committee of the Diocese shall appoint a Church Attorney to investigate the charge on behalf of the Standing Committee; to represent the Diocese in the trial of the person or persons charged.
- (2) The Church Attorney shall be a Communicant in Good Standing of a parish or mission of the Diocese of South Carolina and a practicing attorney admitted to practice law in the State of South Carolina. Evidence of the qualifications of the Church Attorney shall be contained in a statement from the rector of the parish in which he or she is a member, and an affidavit of the Church Attorney stating his or her qualifications as an attorney.

## *Section 4. Of Presentments.*

- (1) A Presentment to the Ecclesiastical Court may be issued only by the Standing Committee of the Diocese



- (2) A Charge against a Priest or Deacon Canonically Resident in the Diocese shall be in writing, verified and addressed to the Standing Committee of the Diocese ..
- (3) A Charge may be made by the following:
  - (a) by a majority of the lay Members of the Vestry of the Parish of the Respondent; or
  - (b) by any three Priests Canonically Resident in the Diocese or;
  - (c) by any seven adult Communicants in Good Standing whether in a Parish in this Diocese or in another Christian Church, in the Diocese ; or
  - (d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by the Bishop, only by the Bishop or the Ecclesiastical Authority of the Diocese, or by a successor to the Bishop of South Carolina if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act; or
  - (e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim; or
  - (f) in a case where the Offense alleged is that of a member of the Clergy of the Diocese holding and teaching publicly or privately any doctrine contrary to that held by this Diocese, only by a majority of the members of the Standing Committee of the Diocese.
- (4) If a complaint or accusation is brought to the Bishop by a person claiming to be the alleged Victim, or the spouse of an alleged Victim, or by the parent or guardian of an alleged Victim who is a minor or is under a disability, of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Diocese, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian so choose. Alleged Victims or Complainants shall also be entitled to the counsel of an attorney and/or Advocate of their choice.
- (5) Whenever the Bishop has sufficient reason to believe that any Priest or Deacon Canonically Resident in the Diocese has committed an Offense and the interests and good order and discipline of the Diocese require investigation by the Standing Committee, the Bishop shall, after consultation with the Chancellor, concisely and clearly inform the Standing Committee in writing as to the nature and facts surrounding each alleged Offense and specifications of each Offense but without judgment or comment upon the allegations or guilt, and the Standing Committee shall proceed as if a Charge had been filed.
- (6) Any Priest or Deacon Canonically Resident who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may, on his or her own behalf, complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a member of the Clergy, it shall be the duty of the Bishop to cause the matter to be investigated.
- (7) Except as expressly provided in the Canon, the Bishop of the Diocese shall not prefer a Charge against a Priest or Deacon Canonically Resident in this Diocese. If, however, a Priest or Deacon is charged with an Offense or Offenses or serious acts are complained of to the Bishop that would constitute the grounds for a Charge of an Offense, and, in the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Bishop may issue a Temporary Inhibition. A Temporary Inhibition must (i) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

A Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon and is effective for a period of ninety (90) days from the date of service; provided such ninety (90)



day period may be extended by the Bishop for additional ninety (90) days for cause shown.

- (8) Any Charge against a Priest or Deacon shall be promptly filed with the President of the Standing Committee.
- (9) Upon the filing of a Charge with the Standing Committee, the Standing Committee shall promptly communicate the same to the Bishop and the Respondent.
- (10) Within thirty (30) days after the filing of a Charge, other than a Charge alleging a conviction in a criminal Court of Record in a case involving Immorality or alleging the entry of a judgment in a civil Court of Record in a case involving Immorality, it shall be the duty of the Standing Committee, if the Priest or Deacon is Canonically Resident in the Diocese, to institute an inquiry into the matter. If the conviction or judgment be established, a duly certified copy thereof, the Standing Committee shall issue a Presentment against the Priest or Deacon for Trial.
- (11) Within thirty (30) days after the filing of a Charge with the Standing Committee, other than a Charge alleging conviction in a criminal Court of Record in a case involving Immorality or alleging the entry of a judgment in a civil Court of Record in a case involving Immorality, the Standing Committee shall convene to consider the Charge. If, after such consideration, the Standing Committee determines that an Offense may have occurred if the facts alleged be true, the Standing Committee shall appoint a Church Attorney and shall prepare a written general statement of the Charge and facts alleged to support the Charge and transmit the same to the Church Attorney.
- (12) The Church Attorney shall promptly make such investigation of the matter as the Church Attorney deems appropriate under the circumstances.
- (13) Within sixty (60) days after receipt of the statement from the Standing Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential report to the Standing Committee of the findings of that investigation and to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of the Diocese and based upon such other matters as shall be pertinent (the "Report"). The Report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Standing Committee. Provided, however, the Standing Committee shall share the Report of the Church Attorney with the Bishop of the Diocese and the Chancellor.
- (14)
  - (a) Within thirty (30) days after receipt of the Report of the Church Attorney, the Standing Committee shall convene to consider the Report and determine whether or not a Presentment shall issue.
  - (b) In its deliberations, the Standing Committee may consider the Church Attorney's Report, responsible writing or sworn statements pertaining to the matter, including expert's statement, whether or not submitted to it by the Church Attorney.
  - (c) The Standing committee shall issue a Presentment for an Offense when the information before it, if proved at Trial, provides Probable Cause to believe (i) an Offense was committed, and (ii) the Respondent committed the offense.
- (15) Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential except as may be determined to be pastorally appropriate by the Ecclesiastical Authority.
- (16) Upon the issuance of a Presentment or the determination that a Presentment will not issue, all further proceedings of the Standing Committee in the matter shall cease and terminate.



- (17) Non-compliance with time limits set forth in this Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

*Section 5. The Ecclesiastical Trial.*

- (1) The Chancellor shall be responsible for coordinating the actions of the Standing Committee, the Ecclesiastical Court, the Church Attorney and the counsel of the parties up to the time of the swearing in of the Trial Court. No communications with the Bishop shall be made by the Standing Committee, the Court, the Church Attorney, counsel for the respondent, the Lay Advisor, or any witness summoned to appear in the trial with regard to the investigation or the trial of a respondent except through the Chancellor.
- (2) Before pleading to the merits, all exceptions to the personnel of the court, to the venue of the trial, or the Presentment, or any Charge, specification or count thereof, or plea in abatement, shall be presented, urged, and determined by the Court before proceeding to hear the case on the merits. Should the accused neglect or refuse to appear or to answer in person or by counsel, in accordance with the notice served on him/her, as aforesaid, except for some reasonable cause to be allowed by the Court, they shall proceed to announce him/her in contumacy, and notify him/her that sentence of suspension or deposition will be pronounced against him/her at the end of three months, unless within that time he/she tenders himself/herself ready, and accordingly appear and take his/her trial on the presentment. But if the accused shall not tender himself/herself before the expiration of the said three months, sentence of suspension or deposition from the ministry may be recommended by the Court to be pronounced against him/her by the Bishop.
- (3) It is hereby declared to be the duty of all Members of the of Parishes or Missions in the Diocese to attend and give evidence, when duly summoned by the Court, to do so, in any Ecclesiastical trial or investigation under authority of the Diocese. in case there is ground to suppose that the attendance of any witness on the trial cannot be obtained, it shall be lawful for either party to apply to the Court, if in session, and if not, to any member thereof, who shall thereupon approve the taking of the deposition in accordance with Rule 30 of the Federal Rules of Civil Procedure as they may apply to the Ecclesiastical trial. The testimony of such witness shall be taken upon oath or affirmation, and shall be transmitted to the court under seal; but no deposition shall be read at the trial unless the Court has reasonable assurance that the attendance of the witness cannot be procured, or unless both parties consent that it be read.
- (4) The Lay Assessor shall administer all oaths to WITNESSES. The oath to be administered orally to each witness at the trial, or before examination by deposition shall be as follows:

I do solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth, so help me God.

At the option of the Presiding Judge, or a majority of its members if there be objection, any witness may be permitted "to affirm" rather than swear, provided such affirmation is of a solemn nature and regarded as the equivalent of an oath.

- (5) If on or during the trial, the accused shall confess the truth of the charges as stated in the Presentment, the Court may dispense with hearing further evidence and proceed to tender judgment; but if he/she shall appear and proceed to trial on the Presentment, the Court shall adjudge him/her guilty or not guilty, according to the evidence. If he/she be found guilty, the Court shall declare to the Bishop to what ecclesiastical censure he/she ought, in their judgment, to be subjected.
- (6) The Secretary shall keep a record of all of the proceedings, which shall contain a copy of the Presentment, specifications, notice to the accused, and his/her answer, with the evidence, both oral and written, and the final judgment of the Court. An attested copy of this record, made out by the Secretary, or by the stenographer and certified by the Secretary, shall be forthwith at the conclusion of the trial delivered to the Bishop, who shall in the consideration thereof be authorized to consult



with the Chancellor or to appoint a Lay Adviser with the same authority and same duty as the Lay Adviser of the Court, and obtain from him/her when advisable, an opinion on all matters not theological. The Bishop shall also have the same authority in passing upon all motions for a new trial.

- (7) The Trial Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection. Counsel for the Respondent, and all other Counsel participating in the trial, must be attorneys in good standing, admitted to practice in the State of South Carolina. The Church Attorney and all other counsel participating the trial shall, to the extent practicable, be bound by the Rules of Professional Conduct. (SCACR rule 407). In every Trial the Court may regulate the number of counsel who may address the Court or examine witnesses.
- (8) The Respondent shall be called upon by the Court to plead to the Presentment and the plea shall be duly recorded; and on neglect or refusal of the Respondent to plead, the plea of not guilty shall be entered for the Respondent, and the Trial shall proceed; Provided, that for sufficient cause the Trial Court may adjourn from time to time; and Provided, also, that the Respondent shall, at all times during the Trial, have liberty to be present, and in due time and order to produce testimony and to make a defense.
- (9) In all Ecclesiastical Trials, the Church Attorney appointed pursuant to this Canon shall appear on behalf of the Standing Committee which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant and alleged Victim shall be entitled to be present throughout and observe the Trial and for each to be accompanied by a person of their own choosing and counsel of their own choosing. The Accused shall be entitled to have a person of his/her choice for support, as well as, counsel.
- (10) Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and also instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed to be innocent until the Respondent's guilt is established by clear and convincing evidence, and unless such standard of proof be met the Respondent must be acquitted, and (ii) that the burden of proof to establish the guilt of the Respondent is upon the Church Attorney.
- (11) If the judgment of the Court be "not guilty," the Bishop shall give his/her certificate of acquittal to the accused, embracing a copy of the Presentment and specifications, and the accused shall not be subject to a second trial on the same charges or for the same Offenses.
- (12) Presumption of Innocence. There is a presumption of innocence until the presumption is overcome by Clear and Convincing evidence.
- (13) Standard of Proof. The standard of proof required to establish an Offense by the Respondent by an Ecclesiastical Trial Court shall be that of Clear and Convincing evidence.
- (14) Burden of Proof. The burden of proof to establish an Offense by a Respondent is upon the Church Attorney.
- (15) Amenability. Priests, and Deacons are amenable for Offenses committed by them; a Presbyter Priest or Deacon to the Ecclesiastical Authority assuming at the time the Charge was made or the Offense occurred such person was Canonically Resident in the Diocese.
- (16) Service of Notices and Citations. (a). A notice or Citation required by any law or Canon of this Diocese to any Member of the Clergy Canonically Resident in the Diocese to appear, at a certain time and place for the Trial of an Offense, shall be deemed to be duly served if a copy thereof be delivered to the person to be served, be left at the person's usual place of abode within the United States., , at least sixty days before the day of appearance named therein, and in case the Member of



the Clergy has departed from the United States and has not been duly served, if a copy of the Citation be published once a week for four successive weeks in such newspaper printed in South Carolina as the Ecclesiastical Authority shall designate, the last publication to be three months before the day of appearance. Acceptance of service will render unnecessary any further process of Citation.

- (17) Vacancies in Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise,, the Ecclesiastical Authority shall appoint persons as is necessary to convene an Ecclesiastical Trial Court as provided in Canon XXVIII.1.9,
- (18) Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, all costs and expenses of the several parties shall be the obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense of the Diocese.
- (19) Privileged Communications. No communication privileged under the law of the state of South Carolina or under applicable federal law shall be required to be disclosed. Further, the secrecy of a confession is morally absolute for the confessor, and must under no circumstances be broken.
- (20) Non-compliance with any procedural requirements set forth in this Canon shall not be grounds for the dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Court on motion and hearing.
- (21) Former Sentence of Removal. Solely for the purposes of the application of these Canons to persons who have received the pronouncement of the former sentence of removal, the former sentence of removal shall be deemed to have been a Sentence of deposition.
- (22) All proceedings in and before the Ecclesiastical Court shall be numbered sequentially each year and shall bear a caption as follows:

IN THE ECCLESIASTICAL COURT	)	CASE NO: 1-(Year)
	)	
OF THE DIOCESE OF SOUTH CAROLINA	)	
<hr style="width: 30%; margin-left: 0;"/>		
The Diocese of South Carolina,	)	
	)	
v.	)	
	)	
John Doe,	)	
Respondent.	)	
<hr style="width: 30%; margin-left: 0;"/>		

- (22) The record of all proceedings before the Ecclesiastical Court shall be confidential. The original and all copies of the transcript of any proceeding before the Ecclesiastical Court, including but not limited to exhibits, shall upon completion of the proceeding or trial be filed in the diocesan headquarters. No one shall be allowed access to these transcripts and exhibits without the written approval of the Chancellor. The attorney for the Respondent shall be entitled to a copy of the transcripts and exhibits, but to the greatest extent practicable, the confidential nature of the record shall be protected by the respondent.
- (23) All proceedings and trials held by the Trial Court shall be closed to the public except for those persons specifically indicated in this Canon to be admitted to open session of the Court.





*Section 6. Inhibitions, Sentences and Appeals.*

- (1) (a) The three sentences which may be adjudged by a Trial Court and imposed are Admonition, Suspension, or Deposition.
  - (b) A Sentence of Admonition may be imposed (i) after the filing of a Waiver and Voluntary Submission, or (ii) after final Judgment by a Trial Court. This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.
  - (c) (1) A Sentence of Suspension may be imposed (i) after the acceptance of a Waiver and Voluntary Submission, or (ii) after final Judgment by a Trial Court.
    - (2) Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the Clergy, the Sentence shall specify on what terms and on what conditions and at what time the Suspension shall cease.
    - (3) Where a Sentence is to be adjudged and pronounced, as a condition of the acceptance discipline under a Waiver and Voluntary Submission, the Ecclesiastical Authority may require the resignation of the Priest or Deacon from ecclesiastical and related secular offices held by that Priest or Deacon upon such terms and conditions as the Ecclesiastical Authority may deem to be appropriate, just and proper.
    - (4) The Suspension of a Member of the Clergy from the exercise of the Sacred Ministry shall terminate the Pastoral Relationship unless the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue. Unless the Pastoral Relationship has been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of a reference to the Offense under these Canons.
  - (d) (1) A Sentence of Deposition may be imposed (i) after the acceptance of a Waiver and Voluntary Submission, (ii) after final Judgment by a Trial Court, or (iii) when there has been a Renunciation, (iv) upon the Abandonment of the Communion of the Diocese.
    - (2) Upon the pronouncement of a Sentence of Deposition, after Trial or after the acceptance of a Waiver and Voluntary Submission to discipline, all ecclesiastical offices held by the Member of the Clergy deposed, including a rectorship and all ecclesiastical and related secular offices, shall be immediately terminated and vacated.
    - (3) A member of the Clergy deposed from the Sacred Ministry is deposed entirely from the Sacred Ministry.
- (2) A Sentence after final Judgment by a Trial court shall be adjudged by the Trial Court.
- (3) The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (i) after the acceptance of a Waiver and Voluntary Submission) (ii) when there has been a Renunciation, or (iii) upon the Abandonment of the Communion of the Diocese.
- (4) (a) If a Priest or Deacon is liable to Sentence upon Judgment by a Trial Court, sentence shall be imposed by the Bishop of the Diocese, or in case such that Bishop is disqualified or there be no Bishop by a majority vote of the Standing Committee of that Diocese.
  - (b) If a Priest or Deacon is liable to Sentence upon Voluntary Submission to discipline, sentence shall be imposed by the Bishop.





- (c) If a Priest or Deacon is liable to Sentence upon Renunciation of the Ministry of this Diocese, sentence shall be imposed by the Bishop of the Diocese, or in case there be no Bishop, by a majority vote of the Standing committee of the Diocese.
- (d) If a Priest or Deacon is liable to Sentence upon Abandonment of the Communion of the Diocese, sentence shall be imposed by the Bishop of the Diocese.
- (5) No Sentence shall be pronounced by the Bishop upon a Priest or Deacon after final Judgment by a Trial Court until an opportunity has been given to the Respondent and the Church Attorney, to show cause why Sentence should not be pronounced and to offer any matter in excuse or mitigation for the consideration of the Bishop.
- (6) It shall be lawful for the Bishop to pronounce a lesser Sentence upon a Priest or Deacon than that adjudged by the Trial Court, if the Bishop so choose.
- (7) Before pronouncing sentence upon a Priest or Deacon, after final Judgment by a Trial Court, the Bishop shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim at the respective persons usual place of abode as provided in Canon XXVIII.5.16 above..
- (8) Before pronouncing any sentence, the Bishop shall summon the accused and any two or more Priests or Deacons to meet him at such a time as in his opinion may be most convenient, in a Parish church, to be designated by him/her, which shall for that purpose be opened at the time to all persons who choose to attend, and the sentence shall then and there be publicly pronounced by the Bishop. No sentence shall be pronounced until the expiration of thirty days after the Bishop shall have been notified of the decision of the Trial Court.
- (9) When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the Convention and the Standing Committee of the Diocese, which shall be added to the official records of the Diocese. The notice shall specify under what Canon the Priest or Deacon has been suspended or deposed.

#### *Section 7. General Provisions*

- (1) Ecclesiastical Nature. Disciplinary proceedings under this Canon are neither civil nor criminal, but ecclesiastical in nature and represent determinations by this Diocese of who shall serve as Members of the Clergy of this Diocese and further represent the policy and order of this Diocese. Clergy who have voluntarily sought and accepted ordination in this Diocese have given their express consent and subjected themselves to the discipline of this Diocese and may not claim in proceedings under this Canon constitutional guarantees afforded to citizens in other contexts.
- (2) Resort to secular courts. No Member of the Clergy of this Diocese may resort to the secular courts for the purpose of delaying, hindering or reviewing any proceeding under this Canon.
- (3) Reviews of proceedings by secular courts. No secular court shall have authority to review, annul, reverse, restrain or otherwise delay any proceeding under this Canon.
- (4) Limitations of Actions.
  - (a) (1) No Presentment shall be made for any Offense that constitutes (a) Crime, (b) Immorality or (j) Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to ten years immediately preceding the time of receipt of a Charge by the Standing Committee except: (i) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final; (ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years; or (iii) if an



alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Standing Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense, provided, however, in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued.

- (2) The time limits of this Section shall not apply to Offenses the specifications of which include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Victim was a Minor.
- (3) Except as provided in clause (2) of this Section, these Limitations of Actions shall not be effective retroactively but shall be effective only from the effective dates of this Canon forward.
- (b) No Presentment shall issue for any of the following Offenses: Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by the Diocese; Violation[s] of the rubrics of the Book of Common Prayer; Violation[s] of the Constitution of the Diocese; or any act which is a violation of Ordination Vows; or Habitual Neglect of the exercise of the Ministerial Office without cause; or habitual neglect of Public Worship, and of Holy Communion, according to the order and use of this Diocese unless the Offense was committed within, or continued up to, two years immediately preceding the time of the Charge is filed with the Standing Committee.
- (c) Periods in which the Respondent is in the custody of secular authorities shall be excluded in computing the period of limitation prescribed in this Canon, if that custody would prevent the Respondent from participating in an Ecclesiastical Trial.
- (5) **Materiality.** In order for the Offense[s] of violating (a) the Rubrics of the Book of Common Prayer, (b) the Constitution or Canons of this Diocese or (c) Ordination Vows be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Standing Committee. Further, in order for the disregard or disobedience of a Pastoral Direction to constitute a violation of Ordination Vows the Pastoral Direction must have been a solemn warning to the Priest or Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral Direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Diocese; and it must have been directed to some matter which concerns the Doctrine, Discipline or Worship of this Diocese or the manner of life and behavior of the Priest or Deacon concerned. Upon trial under any such Presentment, the question of whether the disregard or disobedience of the Pastoral Direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered.
- (6) **Time.**
  - (a) **Computation.** In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday in that jurisdiction, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday in that jurisdiction.
  - (b) **Additional Time after Service by Mail.** Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper, if service is served by mail, five days shall be added to the prescribed period.



- (7) Quorum. In all cases in this Canon where a Canon directs a duty to be performed or a power to be exercised, by the Standing Committee, by a Trial Court or by any other body consisting of several members, a majority of the members, the whole having been duly cited to meet, shall be a quorum; and a majority of the members present when a quorum exists shall be competent to act, unless otherwise expressly required by Canon.
- (8) Influencing proceedings. No person subject to the authority of this Diocese may attempt to coerce or by any other means improperly influence, directly or indirectly, the actions of the Standing Committee, an Ecclesiastical Trial Court, any other Court or Board of Inquiry provided for in these Canons, or any member thereof or any person involved in such proceedings in reaching the issuance of any Presentment or the findings, Verdict or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply with respect to (i) statements and instructions given by the Chancellor, Church Attorney, the Respondent, or counsel for a Respondent to the Standing Committee prior to Presentment or to the Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by Complainants, alleged Victims or their Advocates as provided for in this Canon. Violation of this section shall be deemed to be conduct unbecoming any person subject to the authority of this Church.
- (9) Involuntary Statements.
- (a) No person proceeding under the authority of this Canon may interrogate, or request a statement from a Respondent or a person suspected of an Offense without first informing that person of the nature of the accusation and advising that person that no statement need be made regarding the Offense of which the Respondent is accused or suspected and that any statement so made may be used in evidence against that person in any Ecclesiastical Trial.
  - (b) No Respondent or a person suspected of an Offense may be compelled to incriminate himself/ herself or respond to any question the answer to which may tend to incriminate him/ her or to testify against himself/ herself in any proceedings under this Canon.
  - (c) No statement obtained from any person in violation of this Canon, or through the use of coercion, undue influence or improper inducement may be received in evidence against that person in a Trial under this Canon. However, any relevant statement determined to have been voluntarily made to any person, and not otherwise protected by the seal of the confession or by the attorney client privilege, shall be admissible.
  - (d) No Advocate shall be required to respond to any question regarding any Complainant or alleged Victim.

**CANON XXIX**  
**Prohibiting the Desecration of Consecrated Buildings**  
**and the Alienation of Church Property Without Consent of**  
**the Ecclesiastical Authority and the Standing Committee**

*Section 1.* It shall not be lawful for any Vestry, Trustees or other body authorized by laws of any State or Territory to hold property for the Diocese, a Parish or Congregation within the Diocese, to encumber or alienate any dedicated and consecrated Church or Chapel, or any Church or Chapel which has been used solely for Divine Service, belonging to the Parish, Mission or Congregation which they represent, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese.



*Section 2.* No dedicated and consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the previous consent of the Bishop and Standing Committee.

*Section 3.* No Vestry, Trustee, or other body, authorized by Civil or Canon law to hold, manage, or administer property for any Parish, Mission, Congregation or Institution, shall encumber or alienate the same or any part thereof without the written consent of the Bishop and Standing Committee of this Diocese; provided, however, that these restrictions on the sale, mortgaging and leasing of real property other than consecrated Churches or Chapels shall not apply to leases of less than one (1) year or to real property used for sepulture.

*Section 4.* It is within the power of the Ecclesiastical Authority of this Diocese to provide a generous pastoral response to parishes in conflict with the Diocese as the Ecclesiastical Authority judges necessary, to preserve the unity and integrity of the Diocese.



## **Title IV**

### **Miscellaneous**

#### **CANON XXX Rules of Order**

*Rule 1.* After the Convention has been declared organized, and the Committee on Credentials appointed, the order of proceedings for the first day shall be:

- (1) The Secretary of the Convention may appoint if he deems necessary an assistant Secretary or Secretaries.
- (2) The election of a Treasurer.
- (3) The appointment by the President of the following continuing Committees, whose members shall continue in office until their successors be duly appointed, [vis.:]
  - a. A Committee on Admission of New Parishes and Missions to consist of the Chancellor or the Assistant Chancellor, two Presbyters, and two other laypersons.
  - b. A Committee on the Constitution and Canons to consist of three clergymen and two laypersons.
  - c. A Committee on Finance for the Convention to consist of the Treasurer of the Diocese if he be an elected member of the Convention, and if he be not an elected member of the Convention an ex officio member; two other laypersons; and two clergymen.
  - d. A Committee on Elections to consist of the host Rector and two laypersons whose responsibility it shall be to secure a sufficient number of tellers who are not delegates to the Convention.
  - e. A Committee on the Bishop's Address to consist of Five (5) clergymen and Five (5) laypersons, whose responsibility it shall be to report on the Bishop's Address to the Convention.

All vacancies in said Committees may be filled by the President

- (4) The President shall appoint such other committees, including Continuing Committees, as he deems necessary. All vacancies in said Committees may be filled by the President.
- (5) Applications for Parishes and Missions to be admitted into union with the Convention shall be called for and referred to Committee.
- (6) The report of the Committee on the Dispatch of Business.
- (7) The annual communication of the Standing Committee of the Diocese.
- (8) The annual report of the Trustees of the Diocese.
- (9) The annual report of the Treasurer of the Diocese.
- (10) Introduction of resolutions for reference, without debate, to regular and special Committees. No resolution shall be submitted to the Secretary of the Convention unless one or more of the authors of the resolution have presented it in person or in writing to each Deanery Convocation (clergy and lay gathering) of the Diocese, and received the signature of those various Deans verifying such



presentation, prior to the Convention. The resolution shall then be submitted to the Secretary of the Convention not less than thirty (30) days prior to the convening of the Convention. Any late resolution submitted after the time of Deanery Convocation presentations will not be received unless such resolution or resolutions are submitted in typewritten form with sufficient duplicated copies to provide one (1) copy to each of the officers of the Convention, one (1) copy to every clerical delegate seated in the Convention, and one (1) copy for each delegation of lay delegates from every Parish and Mission seated in the Convention. No resolution shall there after be submitted to the Convention for adoption unless permission of the Convention be granted by a majority vote of the Convention.

All resolutions submitted to the Secretary of the Convention thirty (30) days prior to the convening of the Convention shall be distributed to the Deputies by the Secretary prior to the convening of the Convention. All resolutions submitted less than thirty (30) days prior to the convening of the Convention shall be distributed to delegates upon their introduction.

(11) Preliminary report of Committee on Constitution and Canons.

*Rule 2.* The service for the opening of the Convention on every day succeeding the first day shall be at the discretion of the Bishop, and every day's session shall be closed with appropriate prayers, offered by the President.

When the President shall have taken the chair, the daily order of proceedings after the first day shall be:

- (1) The reading and approval of the minutes of the previous day's session.
- (2) Calling the names of members absent on the preceding day.
- (3) Elections, in the order called for in the Order of Business previously adopted.
- (4) Reports to be called for in the following order:
  - a. Committee on Dispatch of Business.
  - b. Committee on Finance for the Convention.
  - c. Committee on Constitution and Canons.
- (5) Order of Business as adopted from the report of the Committee on the Dispatch of Business.

*Rule 3.* Before the rising of the Convention, the Minutes of the last day's proceedings shall be read and approved.

*Rule 4.* When the President shall take the chair, no member shall continue standing, or shall afterward stand up, unless to address the Chair.

*Rule 5.* The delegation of each Church shall sit together.

*Rule 6.* No member shall absent himself from the Convention unless he hath to leave or be unable to attend.

*Rule 7.* When any member is about to speak in debate, or to deliver any matter to the Convention, he shall rise from his seat, and without advancing shall, with due respect, address himself to the President, confining himself to the point in debate, and avoid personality.

*Rule 8.* A question being once determined shall stand as the judgment of this Convention, and shall not again be drawn into debate during the same session, except upon a motion to reconsider which may be moved and seconded by any member who voted in the majority.

*Rule 9.* No member shall speak more than twice on the same question, without leave of the Convention.



*Rule 10.* When the President is putting the question no one shall hold private discourse, stand up, walk into, out of or across the Church.

*Rule 11.*

(a) In voting by ballot the votes shall be deposited with the Tellers, as called for, and no votes shall be received after the Tellers begin to count the votes: PROVIDED, That in voting by Orders the Roll of the Clergy shall be called and their votes deposited with the Tellers FIRST, and immediately thereupon the Roll of the Churches shall be called and their votes deposited with the Tellers. PROVIDED, FURTHER, That in voting, the system known as the Single Transferable Vote may be used when the Convention by a two-thirds majority so orders.

(b) When the votes are collected, they are counted by the tellers, and the result reported to the President, who announces it to the assembly. The President announces the result of the vote, in case of an election to office, in a manner similar to the following: "The whole number of votes cast is \_\_; the number necessary for an election is \_\_; Nominee A received \_\_; Nominee B received \_\_; Nominee C received \_\_. Mr. B, having received the required number is elected --".

(c) When a majority vote is required for an election, on the second and each succeeding ballot all nominees except twice the number of persons to be elected, receiving the highest number of votes on the preceding ballot (including ties), shall be dropped from the ballot.

*Rule 12.* No motion shall be considered before the Convention unless seconded and reduced to writing, if the President, or any other member require it.

*Rule 13.*

(a) When pre-filed resolutions have been referred to a committee by the President, then it is presumed that the proper motion has been made and seconded for the adoption of the resolution. If the committee makes its report favorable, then the chair announces that the question is the adoption of the resolution without the necessity of a motion. If the resolution is reported favorable with amendments, then the person making the report must move the adoption of the amendments which are then voted on. After all amendments have been disposed of, then the chair shall, without the necessity of a further motion, state that the question is the adoption of the resolution as amended.

(b) If the report of the committee is unfavorable, then the President shall state the question as follows: "The question is on the adoption of the resolution, the report of the committee to the contrary notwithstanding." If no motion is made, the President may ask if some one will not make such and such a motion stating the proper one, or the chair may state the question without further delay, assuming the proper motion to have been made.

*Rule 14.* When a question is before the house, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit or amend; which several motions shall have precedence in the order in which they are made. A motion to strike out the word "Resolved" shall have precedence to a motion to amend and if carried shall be equivalent to a rejection of the resolution. Subject to these exceptions, the question first moved shall be first put.

*Rule 15.* Motions to lay on the table and to postpone indefinitely shall be decided without debate and the passage thereof shall require a majority, or a majority of each order, if a vote by Orders is called for. A motion to take up a matter from the table or to recall it from indefinite postponement shall require a simple majority vote and may be made before the Convention adjourns. A motion to adjourn may interrupt a speech or any other business of the Convention.

*Rule 16.* No leave of absence shall be definitely granted to any member unless full and sufficient reasons be given by him to the Convention.

*Rule 17.* All special committees shall be appointed by the President, unless otherwise ordered by the Convention.





*Rule 18.* No member shall vote on any question in the event of which he is immediately and personally interested, or in any case where he was not present when the question was put.

*Rule 19.* If any member, in speaking or otherwise, transgress the rules of the Convention the President shall, or any member may, call to order; in which case the member so called to order shall immediately sit down unless permitted to explain. All questions of order shall be determined in the first instance, without debate, by the President, but any member may appeal from such decision to the Convention and on such appeal no member shall speak more than once, without leave of the Convention.

*Rule 20.* The President shall have the right to name a member to perform the duties of the chair, but the substitution shall not extend beyond an adjournment.

*Rule 21.* At any convention called for the purpose of electing a Bishop diocesan, Coadjutor, Suffragan, or Assistant the process of nomination shall be as follows:

(1) All nominations shall be made to the convention by the President of the Standing Committee with the advice of the Search Committee.

(2) All petitions to nominate a candidate for the office of bishop shall be submitted to the Search Committee appointed for the purpose of advising the Standing Committee regarding nomination of candidates no later than forty-five (45) days before the date set for the convening of the convention called to elect a bishop. The Search Committee has the authority both to seek and receive nominations. No petitions shall be received after that date and no nominations shall be in order in the convention after that date. The Search Committee and the Standing Committee shall have full discretion in determining the number of nominees which shall be considered by the convention.

(3) The petition shall state that the petitioners believe that the candidate being nominated is duly qualified and shall be signed by 5 clergy persons and 5 delegates elected to participate in the convention.

(4) The petition shall be signed by the person being nominated stating the following:

(a) That he or she consents to being nominated and verily believes that he or she is duly qualified to be nominated for the office of bishop and knows of no impediment to being consecrated.

(b) That he or she consents to a background check to verify his or her qualification.

(c) That he or she consents to a medical and licensed psychiatrist examination to verify his or her qualification to undertake the work for which he or she may be chosen.

(d) That he or she consents to participation in a "walk around" to be scheduled in advance of the convention in order to give delegates to the convention the opportunity to see and talk with the person being nominated.

(5) The name and address of the chairperson of the Search Committee will be given in the notice for the calling for the convention to elect a bishop.

(6) A person is duly qualified to be on the slate for election having met the following criteria:

(a) They have been nominated by the Search Committee.

(b) They have accepted the nomination, in writing

(c) They have signed a document that states they have no known impediment that would prevent them from serving.

(d) They have had and passed a background check.



(e) They have had and passed the psychiatric exam, administered by the person who has been selected by the Search Committee and Standing Committee.

(f) They accept the requirement to participate in the walk around so that delegates have ample opportunity to come to know them. No one shall be elected bishop who has not participated in the walk around.

(7) The Search Committee shall publish to the delegates in writing the names of those persons being recommended to the Standing Committee not less than thirty (30) days before the date of the convening of the Convention. A petition candidate whose name has been previously submitted to the Search Committee and not included on those recommended to the Standing Committee may be included by the Standing Committee, in its discretion, as a nominee upon the appeal of at least three (3) clergy and three (3) delegates whose names appear on the petition previously filed with the Search Committee. This appeal and request for inclusion shall be filed with the Standing Committee in writing not less than fifteen (15) days before the convening of the Convention in order to allow for participation of all nominees in the "walk around". The decision of the Standing Committee as to the names and number of persons being nominated to the Convention shall be final. The "walk around" shall not be scheduled until after the appeal, if any has been concluded.

*Rule 22.* None of the Rules of Order shall be suspended without the concurrence of two-thirds of the members present.

*Rule 23.* The foregoing Rules of order may be read at the opening of every Convention, and shall be of force, unless repealed by a vote of the Convention and shall not be altered but by a vote of two-thirds of both Orders, after one day's notice of the proposed alteration.

*Rule 24.* Roberts Rules of Order shall govern the proceedings for this Convention except as otherwise provided by the Constitution and Canons of this Diocese, and by these Rules of Order.

*Rule 25.* No Standing Resolution adopted by this Convention shall be repealed or amended except by a two-thirds vote of this Convention.

## **CANON XXXI Of Expenses**

*Section 1.* On or before the 15th day of December each year, every Parish and Mission shall, on a form furnished by the Diocese, make a pledge to the support of the program of the Diocese for the following calendar year, and forward such pledge to the Diocesan Treasurer.

*Section 2.* Net Disposable Budget Income (hereinafter "NDBI") shall consist of all undesignated plate and pledge offerings plus all other unrestricted income (including investment and endowment income) but shall not include any income received as aid from the Diocese.

*Section 3.* The form furnished by the Diocese shall provide space to indicate the specific percentage of the Parish's or Mission's NDBI for the following calendar year that is being pledged to the support of the Diocesan program, the Parish's or Mission's anticipated NDBI for the following calendar year, and the dollar amount that the Parish or Mission anticipates giving to the Diocese as a result of the percentage indicated.

*Section 4.* The pledge of each Parish and Mission to the support of the program of the Diocese shall be payable on a monthly basis.



## **CANON XXXII**

### **Of Business Methods in Church Affairs**

In the Diocese and in each Parish and Mission therein, the following standard business methods shall be observed:

*Section 1.* Trust and permanent funds and all securities of whatsoever kind shall be deposited with a National or State Bank, or a Diocesan institution or agency, or with some other agency, including Savings and Loan Associations, approved in writing by the Department of Finance of the Diocese, under either a trust instrument or an agency agreement, providing for at least two signatures on any order of withdrawal of such funds or securities. Securities may be held in a Bank Safe Deposit Box.

*Section 2.* Records shall be made and kept of all trust and permanent funds showing at least the following:

- (1) Source and date of receipt.
- (2) Terms governing the use of principal and income.
- (3) To whom and how often reports of condition are to be made.
- (4) Any limitation on investment policy.

*Section 3.* Treasurers and custodians, other than banking institutions, shall be adequately bonded; except Treasurers of funds which do not exceed five hundred dollars at any one time during the fiscal year. . . . Parishes are encouraged to consult with their insurer to determine the appropriate level of coverage required for their congregation.

*Section 4.* Books of account shall be kept so as to provide the basis for a satisfactory accounting.

*Section 5.* All accounts shall be audited annually by a professional accountant or by a committee of two (2) persons who are Communicants of the Mission or Parish appointed by the Vestry or mission committee, none of whom shall have functioned as Treasurer, bookkeeper or held any responsibility for the accounting records during the period under audit.

*Section 6.* A Certificate of Audit shall be forwarded to the Bishop or Ecclesiastical Authority not later than September 1 of each year, covering the financial reports of the previous calendar year.

*Section 7.* All buildings and their contents shall be insured against property damage, theft and liability.

*Section 8.* The Department of Finance of the Diocese may require copies of any and all accounts described in this Canon to be filed with it, and the Department of Finance shall report annually to the Convention upon its administration of this Canon.

## **CANON XXXIII**

### **Use of Non-Canonical Clergy**

No Priest who is not Canonically Resident in this Diocese shall perform any function of his office in this Diocese without first having obtained permission to do so from the Bishop of the Diocese.

## **CANON XXXIV**

### **Prevention of Sexual Misconduct Within the Diocese**

*Section 1.* Each parish and mission in union with the Diocese shall adopt a definition of the terms *Sexual Misconduct* and *Pastoral Relationship*. In addition to the above definitions of sexual misconduct, the Diocese and the congregations thereof affirm that Holy Matrimony is the context for sexual relations and that clergy shall not bless same-gender relationships as Holy Matrimony and they shall not condone same-



gender sexual relationships by any official act. Sexual relations outside marriage shall be deemed to be a failure to set a wholesome example to other members of the church.

*Section 2.* Each Parish and Mission in union with the Diocesan Convention of the Diocese shall adopt a manual (referred to hereafter in this Canon XXXIV as the “Manual”) that outlines standards of conduct to be maintained and procedures to be followed for the purpose of preventing Sexual Misconduct by any clergy, employees or volunteers of the Parish or Mission.

*Section 3.* The standards and procedures set forth in the Manual shall be followed by the Parish or Mission as long as it is in union with the Diocesan Convention of the Diocese.

*Section 4.* The Manual shall include at a minimum the following:

- a) The definitions of *Sexual Misconduct* and *Pastoral Relationship* which have been adopted in accordance with Section 1;
- b) A statement of specific behavioral standards that proscribe such Sexual Misconduct;
- c) Requirements of strict prohibition of interaction with children and youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphiliac diagnosis (e.g., pedophilia, exhibitionism, voyeurism) as defined by the American Psychiatric Association;
- d) Outline of procedures for the investigation of allegations of Sexual Misconduct that conform to applicable South Carolina laws rules and regulations and demonstrate sensitivity to the complainant and seek justice for all parties;
- e) Statement of procedures, commensurate with the offense, for discipline and professional rehabilitation after an evaluation of evidence indicates Sexual Misconduct, including:
  - i. consultation between the appropriate institutional executive and appropriate bodies for possible disciplinary action, and
  - ii. professional rehabilitation assessment by a credentialed professional.

*Section 5.* Each Parish and Mission shall comply with the following procedures:

- f) It shall keep on file signed statements by all of its clergy, volunteers who regularly supervise youth activities, vestry members, and employees that each party has received the Manual and understands its contents;
- g) It shall make reasonably thorough background checks of all clergy, volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers), and employees, within the confines of permissible law, prior to ordination, employment, or acceptance into this Diocese (either initial licensing or accepting a letter dismissory) to determine current or historic Sexual Misconduct allegations, criminal records or paraphiliac behavior. Such background checks will include inquiries of all bishops having past or present canonical authority over the individual, all schools attended by the individual during the past five years, and all employers of the individual during the past five years. If the individual has had one employer for over five years, then inquirers will be made of the two most recent employers;
- h) It shall require that, within six months of employment, all clergy, volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers) and employees must receive a minimum of four hours of initial training on issues of child sexual abuse in church settings. In addition, it shall distribute to all of its clergy, volunteers who regularly supervise youth activities, vestry members and employees, a summary (which will have been prepared by the chancellor of the Diocese) of current child abuse statutes and reporting requirements for the South Carolina legal jurisdiction;
- i) It shall require that, within six months of employment, all clergy and employees (excluding clerical and maintenance workers) must receive a minimum of four hours of initial training on issues of sexual harassment in employment, mentor and colleague relationships and sexual exploitation in pastoral relationships; and
- j) It shall require that clergy and other pastoral care providers must have ongoing professional supervision or must refer the individual to professional counseling after six sessions have been held around a given life issue, and fees or donations for pastoral care will be proscribed.



Anyone charging fees for counseling outside the scope of church employment must possess appropriate professional credentials and proof of separate professional liability insurance, including coverage for Sexual Misconduct, in force at all time.

*Section 6.* Each Parish and Mission shall adopt and comply with the following procedures whenever an evaluation of evidence indicates Sexual Misconduct by an individual:

- k) It shall notify the Bishop of this Diocese and the members of its Parish vestry or Mission council; and
- l) Prior to the individual's being eligible for future or continuing employment by any Parish or Mission in this Diocese, there shall be:
  - i. a professional rehabilitation assessment by a credentialed professional approved by the Bishop of this Diocese,
  - ii. if the individual in question is ordained clergy, endorsement by the Bishop of this Diocese and the Bishop of canonical residence (if different), and
  - iii. a requirement that the offender make amends to any aggrieved parties to the satisfaction of his or her ecclesiastical superior.

*Section 7.* Each Parish vestry and Mission council shall by formal motion adopt its Manual and shall certify in writing to the Diocesan Headquarters that it has done so. No votes at the Diocesan Convention of this Diocese shall be received from any Parish or Mission which has failed to comply with the requirements of this Canon. Failure to comply for more than two (2) years shall be grounds for the Bishop or Ecclesiastical Authority to declare a Parish or Mission no longer to be in union with the Diocesan Convention.

## **CANON XXXV**

### **Of the Enactment, Alteration and Repeal of Canons**

*Section 1.* No alteration, amendment of or addition to these Canons shall be made unless the same be proposed on the first day of a Convention in writing and in duplicate, and, after reference to the Committee on Constitution and Canons, is adopted by a two-thirds vote of both Orders present at the Convention the proposal is made, PROVIDED, however, if the vote by Orders fails to pass either Order by the required two-thirds vote, but does pass both Orders by a majority vote, then the proposal shall lie over for the consideration of the next Convention and only a majority vote of the next Convention shall be sufficient for its passage.

*Section 2.* In all cases of future enactment, the same if by way of amendment, shall be in the following form: "Canon - (or section of Canon) is hereby amended so as to read as follows":

*Section 3.* All former Canons of this Convention not included in these Canons are hereby repealed.

## **CANON XXXVI**

### **Of the Ecclesiastical Authority**

The Ecclesiastical Authority of the Diocese is the Bishop. If there is no Bishop, the Standing Committee is the Ecclesiastical Authority. The Ecclesiastical Authority of the Diocese, with the advice and counsel of the Chancellor, is the sole and final authority with respect to any dispute concerning the interpretation of the Constitution and Canons of this Diocese and its interpretations shall be final and binding in all respects.



## **CANON XXXVII Of Definitions**

**As used in these Canons, the following terms have the following meanings:**

“Abandonment of the Communion of the Diocese” means that a Priest or Deacon has abandoned the Communion of this Diocese by an open renunciation of the Doctrine, Discipline, or Worship of this Diocese, or by a formal admission into any religious body not in communion with this Diocese, or in any other way.

“Admonition” means a censure or reprimand which is a public and formal reproof of the conduct of a Member of the Clergy.

“Amenable” means subject, accountable, and responsible to the discipline of this Diocese.

“Amenable for Presentment for an Offense” shall mean that a reasonable suspicion exists that the individual has been or may be accused of the commission of an Offense.

“Canonically Resident” means the canonical residence of a Member of the Clergy of this Diocese established by ordination or letters dimissory.

“Charge” means a formal and Verified accusation against a Member of the Clergy that the Member of the Clergy has committed an Offense.

“Clear and Convincing” means proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

“Communicants” means all members of parishes in this Diocese who have received Holy Communion at least three times during the preceding year.

“Communicants in Good Standing” means all communicants of Parishes in this Diocese who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God.

“Conduct Unbecoming a Member of the Clergy” means any disorder or neglect that prejudices the reputation, good order and discipline of the Diocese, or any conduct of a nature to bring material discredit to the Diocese or Holy Orders.

“Crime” means a positive or negative act in violation of a penal law which embraces acts immoral or wrong in and of themselves. As used in this Canon, Crime does not embrace acts or conduct prohibited by statute to which no moral turpitude attached constituting Crimes only because they are so prohibited.

“Deposition” means a Sentence by which a Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God’s word and sacraments conferred at ordination.

“Discipline” means the Discipline recognized by the Diocese shall be found in the Constitution and the Canons of the Diocese, and the Rubrics and the Ordinal of the Book of Common Prayer.

“Doctrine” means the basic and essential teachings of the Diocese. The Doctrine is to be found in the Canon of Holy Scripture as understood in the Apostles’ and Nicene Creeds and in the sacramental rites, the Ordinal and Catechism of the Book of Common Prayer.

“Federal Rules of Evidence” means the Federal Rules of Evidence for United States District Courts and Magistrates, Title 28 United States Code, as amended from time to time.





"Inhibition" means a written command from a Bishop that a Priest or Deacon shall cease from exercising the gifts of ordination in the ordained ministry as specified in the Inhibition.

"Members" means all persons who have received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, in a Christian Church and whose names are duly recorded in this Diocese .

"Offense" means any conduct or proscribed acts specifically the following: (a) crime, (b) immorality, (c) holding and teaching publicly or privately and advisedly, any doctrine contrary to that held by this Diocese, (d) violation of the rubrics of the Book of Common Prayer, (e) violation of the Constitution or Canons of this Diocese, (f) any act that involves the violation of ordination vows, (g) habitual neglect of the exercise of the ministerial office without cause, or habitual neglect of Public Worship and of the Holy Communion, according to the order and use of this Diocese, or (h) Conduct Unbecoming a member of the clergy.

"Presentment" means the writing of the Standing Committee that there are reasonable grounds to believe (i) an Offense has been committed which is triable, and (ii) the person named therein has committed it.

"President" unless otherwise defined herein means as defined in Article IV of the Constitution of the Diocese as may be amended from time to time.

"Renunciation of the Ministry by Members of the Clergy Amenable for Presentment for an Offense" means

if any Priest or Deacon (i) Amenable for but not under Presentment for an Offense of Crime, of Immorality or of Conduct Unbecoming a Member of the Clergy, or (ii) Amenable for or under a Presentment for any other Offense, shall declare in writing to the Ecclesiastical Authority of the Diocese a renunciation of the Ministry of this Diocese and a desire to be removed therefrom.

"Respondent" means a Member of the Clergy charged with an Offense.

"Sentence" means the sentence adjudged by an Ecclesiastical Court after a finding of a commission of an Offense or the lesser Sentence to be pronounced by a Bishop.

"Suspension" means a Sentence by which the Member of the Clergy is directed to refrain temporarily from ministry conferred by ordination.

"Temporary Inhibition" means as provided in Canon XXVIII.4.7.

"Victim" means a person who has been, or is, or is alleged to be the object of acts of the Respondent.

"Waiver and Voluntary Submission" means a written instrument which shall contain:

(i) the name of the Priest or Deacon, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that the Priest or Deacon is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Priest or Deacon, after opportunity to consult with and obtain advice from independent legal counsel of the Priest or Deacon's choosing. If the Priest or Deacon has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be a Chancellor, a Vice Chancellor, the Church Attorney or a Lay Assessor in the Diocese. The Waiver and Voluntary Submission may be withdrawn by the Priest or Deacon within three days of execution by the Priest or Deacon and thereafter shall be effective and irrevocable.

"Worship" in the Diocese of South Carolina shall be those liturgies as described by the 1979 Book of Common Prayer, the 1928 Book of Common Prayer and the 2003 Book of Occasional Services. All other liturgies shall require the express approval by the Ecclesiastical Authority of the Diocese.

