

## As approved by the Synod on October 26, 2020

*(Ordinances previously amended on 4/25/2016, 5/7/2018, and 5/6/2019)*

## PREAMBLE AND ORDINANCES OF THE THIRD PROVINCE

*In the name of the Father and the Son and the Holy Spirit. Amen*

The Synod of the Third Province, in pursuance of authority granted by the Constitution and Canons of the General Convention of The Episcopal Church, sets forth the following Ordinances for its regulation and government in carrying out the following functions:

The Third Province exists to further the mission of The Episcopal Church in the Third Province by coordinating the interdependent ministries of its thirteen dioceses in a spirit of mutual responsibility. Those thirteen Dioceses are: Bethlehem, Central Pennsylvania, Delaware, Easton, Maryland, Northwestern Pennsylvania, Pennsylvania, Pittsburgh, Southern Virginia, Southwestern Virginia, Virginia, Washington, and West Virginia.

### **The Third Province has as its goals:**

to create and support effective sharing of training programs and ministries among our bishops, clergy and lay people in our dioceses, parishes and interest groups to equip all of us to be better ministers of the Gospel in a secular world; and to provide opportunities for the Province, dioceses and other groups and networks within the Province to influence those people involved in decision-making at all levels of this Church, particularly the General Convention and the Executive Council.

## **ORDINANCE I**

### **Of the Name**

This Province shall be known as the Third Province. The Synod of this Province shall be known as the Synod of the Third Province.

## **ORDINANCE II**

### **Of *the Composition of Synod***

Section 1. Every Bishop Diocesan of this Church, having jurisdiction within the Province, and every Bishop Coadjutor, Bishop Provisional, Bishop Suffragan and Assistant Bishop shall have a seat and vote in the House of Bishops of the Province.

Section 2. House of Bishops. The bishop who is President or Vice President of the Province shall chair the House of Bishops and shall preside over its deliberations when meeting separately. In his or her absence the senior active bishop in years of consecration present shall preside. The House of Bishops shall elect one of its members to act as its Secretary.

Section 3. House of Deputies. One clerical deputy and two lay deputies from each diocese within the Province shall have a seat and vote in the House of Deputies. Said deputies shall be elected or appointed in such manner as is deemed appropriate by the individual Dioceses. The cleric or lay person who is President or Vice President of the Province shall chair the House of Deputies and shall preside over its deliberations when meeting separately. In his or her absence the deputies present shall elect a chair. The House of Deputies shall elect one of its members to act as Secretary. All Deputies shall be encouraged to complete anti-racism training within one year of being elected or appointed.

Section 4. Each person holding office or appointment under the Synod shall have a seat and voice in the Synod, but shall not have the right to vote unless such person be a deputy or bishop.

### **ORDINANCE III**

#### **Of the Officers of the Province**

Section 1. The officers of the Third Province shall be a President, a Vice President, a Secretary and a Treasurer. They shall be elected at the Provincial Synod in the year of the General Convention for a three-year term and take office upon adjournment of the electing Synod. All officers shall have completed or shall complete anti-racism training within one year of being elected.

Section 2. The President shall be one of the bishops, presbyters, deacons or lay persons canonically resident in the Third Province and elected by the Synod and shall hold office as specified in Section 1 or until a successor is chosen. The President shall chair the Provincial Council and, ex-officio, be a member of all Standing Committees and Departments. In the case of a vacancy caused by death, resignation or otherwise, the Vice President shall assume the responsibilities of the President until a new President is elected at the next meeting of the Synod. No individual shall serve more than two consecutive terms as President but may be elected again after an interval of three years.

Section 3. The Vice President shall be one of the bishops, presbyters, deacons or lay persons canonically resident in the Third Province, elected by the Synod and shall hold office as specified in Section 1 or until a successor is chosen. A vacancy in the office of Vice President shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. No individual shall serve more than two consecutive terms as Vice President but may be elected again after an interval of three years.

Section 4. When the person elected President is not a bishop, the Vice President shall be elected who shall be a bishop of the Third Province. When the person elected President is a Bishop, a Vice President shall be elected who shall be a presbyter, deacon, or lay person of the Third Province.

Section 5. The Secretary shall be one of the bishops, presbyters, deacons or lay persons canonically resident in the Third Province, elected by the Synod, and shall hold office as specified in Section 1 or until a successor is chosen. A vacancy in the office of Secretary shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. The Secretary shall perform such duties as shall be assigned by the President of the Province. No individual shall serve more than two consecutive terms as Secretary but may be elected again after an interval of three years.

Section 6. The Treasurer shall be one of the bishops, presbyters, deacons or lay persons canonically resident in the Third Province, elected by the Synod, and shall hold office as specified in Section 1 or until a successor is chosen. A vacancy in the office of Treasurer shall be filled by appointment of the President until the next meeting of the Synod. The person elected to fill a vacancy shall hold office until the end of the term specified in Section 1. It shall be the duty of the Treasurer to receive and disburse all monies under the authority of the Synod. Accounts shall be rendered to each stated meeting of the Synod and the Provincial Council and shall be audited annually under the authority of the Provincial Council in such a manner as is deemed appropriate. No individual shall serve more than two consecutive terms as Treasurer but may be elected again after an interval of three years.

Section 7. No person canonically resident in a Diocese which has not paid in full its apportionment to the Third Province in the previous fiscal year shall be eligible for election

as an Officer. This section may be temporarily suspended by the Synod for good cause by a two thirds affirmative vote by orders.

## **ORDINANCE IV**

### **Of the Meetings and Duties of the Provincial Synod**

Section 1. The regular session of the Synod shall be held each year at such time and place (or via electronic means) as may be designated by the President or by concurrent action of the other three officers. A member may participate in, and vote at, Synod meetings by means of technology where all participants may hear one another simultaneously. Special meetings shall be called by the President on the request, in writing, of ten deputies with the consent of the majority of the active bishops of the Province, or by action and authority of the Provincial Council. Bishops, clerical deputies and lay deputies shall meet in one body. During the regular or special meeting of the Synod, the three orders of bishops, clergy and laity may sit and deliberate in council, separately, upon notification to the other orders.

Section 2. (a) On all matters the Synod shall vote as one body and on any question a vote of the majority of the deputies and active bishops present shall suffice, unless otherwise noted by these ordinances.

Section 2. (b) A vote by orders shall be taken on any question when requested by any two bishops or any four deputies.

Section 3. To constitute a quorum for the transaction of business, there shall be present at least three bishops and, in addition, one clerical deputy and one lay deputy from a majority of the dioceses, but a lesser number may adjourn.

Section 4. Every debatable resolution considered by the Synod shall have been submitted in writing to the Secretary no less than 30 (thirty) days before the date of the Synod, unless otherwise admitted by two-thirds of those present and eligible to vote. The Secretary shall distribute the resolutions received to the deputies and bishops at least twenty (20) days prior to the meeting of the Synod either by regular mail or electronically.

Section 5. The clerical deputy from each diocese shall send to the Secretary the names and addresses of the Third Province deputies and the duly elected General Convention deputies within two weeks of their election in his or her diocese.

## **ORDINANCE V**

### **Of the Provincial Council**

Section 1. There shall be a Provincial Council which shall be comprised of the four Officers of the Province, one person elected by the delegation from each Diocese (Bishop(s), one clerical Deputy to Synod, and two lay Deputies to Synod) who is a member of said delegation, and such other persons appointed by the President. The two persons elected by the Synod as representatives to the Executive Council shall have seat, voice, and vote at meetings of the Provincial Council. An Officer may be elected as his/her Diocesan representative. The size of the Provincial Council shall be no less than seventeen (17), no more than twenty-one (21) persons. Provincial Coordinators and paid staff persons shall be *ex officio* members with seat and voice but no vote.

Section 2. (a) The Provincial Council shall meet in the fall of each year and at such other times and places (or via electronic means) as may be designated by the President or by concurrent action of the other three officers. A member may participate in, and vote at, Council meetings by means of technology where all participants may hear one another simultaneously.

Section 2. (b) The Provincial Council shall have all the powers of the Synod in the period between meetings of the Synod, subject to the Constitution and Canons as adopted by the General Convention of The Episcopal Church and the directives of the Synod.

Section 3. A quorum shall be a majority of the total of the four officers plus the Diocesan representatives plus those appointed or designated as members of the Provincial Council.

Section 4. The President of the Province shall preside at meetings of the Provincial Council. In the absence of the President, the Vice President, Secretary, or Treasurer (in that order) shall preside. In the absence of all four Officers, those present shall elect a person to preside.

Section 5. The Provincial Council shall prepare and adopt an annual budget for the Third Province and shall also notify all constituent dioceses of the proposed annual apportionment for a subsequent fiscal year at least twelve (12) months in advance.

Section 6. The Provincial Council is authorized to employ such paid staff persons as it deems necessary to support the mission and ministry of the Third Province and consistent with the financial resources of the Province.

Section 7. There shall be an Executive Committee of the Provincial Council comprised of the four Officers and the two Provincial representatives to the DFMS Executive Council. The Executive Committee is authorized to act on behalf of the Provincial Council provided that all such actions shall be approved and ratified by the next meeting of the Provincial Council or the Synod, which meeting may take place by electronic means if no regular meeting is scheduled within the next ninety (90) days.

## **ORDINANCE VI**

### **Of the Budget for the Third Province**

Section 1. The annual Budget, as approved by a majority vote of all voting members of the Provincial Council, shall be presented for review and comment by the Synod. Budgetary resolutions will be exempt from the provisions of IV.4 and may address budgetary issues for the following fiscal year.

Section 2. The annual apportionment requested by the Province from each constituent Diocese shall be determined by a formula proposed by the Provincial Council and approved by the Synod, to take effect as of January 1 of the calendar year following the meeting of the Synod. Such formula shall seek to allocate the costs of Provincial work proportionately among the dioceses, considering membership and all available financial resources.

## **ORDINANCE VII**

### **Of the Staff of the Third Province**

There shall be a Letter of Agreement for all paid staff persons employed by the Provincial Council which shall include the following:

- a) a comprehensive job description and all aspects of compensation;
- b) a provision for an annual mutual ministry reflection;
- c) a statement that the position is at will and may be terminated without cause;
- d) a provision for a severance package;
- e) the name of a Bishop not on the Provincial Council from whom the employee may seek counseling or advice or to whom the employee may address a complaint.

## **ORDINANCE VIII**

### **Of the Third Province Representatives on the Executive Council**

Section 1. The Synod at its regular meeting in the year of the General Convention shall elect one representative to the Executive Council to serve a term twice the interval between General Conventions. This election shall alternate between the ordained and lay

orders, so that the Province is always represented by two persons, one Bishop or Presbyter or Deacon and one lay person. Nominations of persons canonically resident in the Third Province shall be made by the Nominating Committee. A background check of all candidates shall be required. Any potentially disqualifying information, such as criminal charges or convictions, professional discipline, or a history of substance abuse or domestic violence, shall be disclosed first to a potential nominee, and then if the nominee agrees to proceed, to the voting members. Nominations from the floor shall not be permitted. The Secretary shall certify such election to the proper authorities. Terms of office shall commence upon the adjournment of the first regular meeting of the General Convention following election.

Section 2. Consistent with Joint Rule of General Convention VII.21, the Nominating Committee shall procure a background check through the Chief Legal Officer of The Episcopal Church.

Section 3. As a condition for nomination, potential nominees shall, in order to be considered for nomination, provide advance written consent for the Chief Legal Officer of The Episcopal Church to conduct an appropriate background check regarding the following issues:

- a. criminal charges and past criminal record (not including non-violent juvenile offenses),
- b. professional disciplinary infractions or pending proceedings involving alleged violations of applicable ethical codes (including canonical discipline),
- c. citations, charges or convictions for DUI/DWI (including any pretrial diversion),
- d. protective or restraining orders alleging threats of harm to any other person,
- e. orders, including consent orders, barring the proposed nominee from practice before any federal or state agency,
- f. orders (including consent orders) involving alleged or adjudicated violations of state or federal securities laws,
- g. civil claims alleging fraud or dishonesty,
- h. registration in any jurisdiction as a sex offender, and
- i. any pending unresolved indictment, criminal charge (other than minor traffic offenses), civil enforcement action for securities law violations, or civil claim/disciplinary complaint alleging professional misconduct or violations of the ethical standards of the nominee's license profession or occupation.

Section 4. Potential nominees shall disclose in writing, as part of any proposed nomination, the particulars of the items enumerated in Section 2 to the Nominating Committee for transmission to the four Officers of Province III and to the Chief Legal Officer of The Episcopal Church in connection with the pertinent background checks.

Section 5. The findings of any background check shall be shared in writing with the proposed nominee at least forty-five (45) days in advance of the Provincial Synod meeting in order to provide the prospective nominee the opportunity to respond in writing to any derogatory or inaccurate information found in the background check. If the nominee decides to allow his or her name to move forward, the nominee shall be deemed to consent to the disclosure of the results of the background check, including any corrections or nominee responses to information claimed to be incorrect, to the Nominating Committee, and those results, together with any corrections and nominee responses, shall be provided in writing to the Nominating Committee.

Section 6. In the event the Nominating Committee presents a nominee who has disclosed past conduct or current charges involving any of the items enumerated in Section 2, the specifics of that past conduct as well as the background check results shall be disclosed in writing to the Provincial Synod at least two weeks before the Provincial Synod meeting, so that those voting may evaluate the information provided that three of the four Provincial Officers certify that said information is significant and relevant.

Section 7. A potential nominee may certify in writing that there is nothing to disclose in response to the enumerated items listed in Section 2. Such nominees shall still be subject to a background check by the Chief Legal Officer of The Episcopal Church. A certification later found to be false shall be grounds to disqualify the nominee from election before he or she takes office, and for subsequent removal by the Executive Council if such past misconduct comes to light after the nominee takes office.

Section 8. Nominations from the floor shall not be permitted. The Secretary shall certify such election to the proper authorities. The term of office shall commence upon the adjournment of the first regular meeting of the General Convention following election.

Section 9. In case of a vacancy, the Provincial Council, or the Executive Committee thereof, shall elect a person of the same order to fill such a vacancy for the unexpired term, provided that candidates in the previous election are among those nominated for consideration. A background check by the Province acting through the Chief Legal Officer

of the Episcopal Church shall be required for all nominees, and shall be handled as described above. If it is the Executive Committee which acts under this Section, the provision of Ordinance V.7, requiring subsequent approval, shall not apply.

Section 10. Persons elected to the Executive Council must remain canonically resident in the Third Province for the duration of their term and may not succeed themselves. Persons elected to the Executive Council shall complete anti-racism training within one year of being elected.

Section 11. The elected representatives on the Executive Council from the Third Province shall make a report at each meeting of the Synod and the Provincial Council.

Section 12. No person canonically resident in a Diocese which has not paid in full its apportionment to the Third Province in the previous fiscal year shall be eligible for election as a Provincial Representative to Executive Council. This section may be temporarily suspended by the Synod for good cause by a two thirds affirmative vote by orders.

## **ORDINANCE IX**

### **Of the Bishops of the Province**

The Bishops of the Province, under the leadership of the President or Vice President of the Province, are authorized to advise the Presiding Bishop and Executive Council in the name of this Province when the occasion demands, and to act on behalf of this Province so far as the General Convention Canons and the Ordinances permit, in all matters pertaining to the mission of the church in the dioceses of this Province and in other dioceses and missionary districts of The Episcopal Church.

## **ORDINANCE X**

### **Of the Nominating Committee**

Section 1. There shall be a Nominating Committee appointed by the President.

Section 2. In a General Convention year the Committee shall present candidates to the Synod for the positions of President, Vice President, Secretary, Treasurer, and a Provincial representative to the DFMS Executive Council.

Section 3. In years when there is no General Convention, the Committee shall present a candidate to fill any vacancy for the positions of President, Vice President, Secretary, or Treasurer of the Province.

Section 4. The deadline for submitting the names of candidates to the Committee shall be no less than ninety (90) days prior to the meeting of the Synod, said deadline to be communicated to all bishops and deputies no less than one hundred twenty (120) days prior to the meeting of the Synod. The Committee shall conduct a background check on all nominees. Any potentially disqualifying information, such as criminal charges or convictions, professional discipline, or a history of substance abuse or domestic violence, shall be disclosed first to a potential nominee, and then if the nominee agrees to proceed, to the four elected Provincial Officers. If deemed to be significant and relevant information by three of the four Officers, the disqualifying information shall be disclosed to the voting members of the Province.

Section 5. Information about the candidates presented to the Synod by the Committee shall be distributed to all bishops and deputies at least twenty (20) days prior to the meeting of the Synod.

## **ORDINANCE XI**

### **Of the Process of Amendment**

These Ordinances may be amended at any session of the Synod by a concurrent vote of the House of Bishops and the House of Deputies by a majority vote of those present, provided that such amendments shall have been distributed no less than twenty (20) days prior to a meeting the Synod. In case of a conflict between these Ordinances and any Canon of The Episcopal Church as adopted by the General Convention, the Canon shall take precedence. In the case of such a conflict, these Ordinances shall be amended at the next meeting of the Synod to resolve any such conflict.