

The Diocese of The West

The Anglican Church in America

Canons

(as adopted by Diocesan Synod October 29, 1996,
as amended by Diocesan Synod October 21, 1997,
as amended by Diocesan Synod October 9, 1998,
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as amended by Diocesan Synod October 8, 2003,
as amended by Diocesan Synod October 13, 2004,
as amended by Diocesan Synod October 13, 2005,
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as amended by Diocesan Synod October 18, 2007,
as amended by Diocesan Synod September 30, 2008,
and as amended by Diocesan Synod October 30, 2009)

CANON I NAME AND MEMBERSHIP

1.1 This Diocese shall be known and designated as the Diocese of The West, hereinafter referred to as the "diocese." The principal and registered office of the diocese shall be at 9 SW 68th Ave., Portland, OR 97225-6176, or at such location as the Bishop and Standing Committee shall determine.

1.2 The diocese is organized as a non-profit corporation and may engage in any lawful activity for which corporations may be organized under Section 501(c)(3) of the Internal Revenue Code of 1954 (or its corresponding future provisions), and Section 170(c)(2) of the Internal Revenue Code of 1954 (or its corresponding future provisions). Its primary purpose shall be religious. Its corporate directors are the members of the Standing Committee.

1.3 The diocese has two classes of members: The Clergy canonically resident therein; and, all the Parishes and Missions that have been recognized as constituent members by the diocesan Synod and by the Bishop Ordinary, together with such Parishes, and Missions and other organizations which are, or shall be, received by the Bishop Ordinary or, if there be no Bishop, the Ecclesiastical Authority. "Classes" of members shall also be known as "orders."

A. Each clerical member, where that member's Parish or Mission has been admitted into union with Synod pursuant to Canon 15.3, shall be entitled to vote on all matters for which a membership vote at Synod is required by law, the Articles of Incorporation, the constitution and canons of the Anglican Church in America, or these canons.

B. Each delegate of a Parish or Mission, where that member has been admitted into union with the Synod pursuant to Canon 15.3, shall be entitled to vote on all matters for which a membership vote at

Synod is required by law, the Articles of Incorporation, the constitution and canons of the Anglican Church in America, or these canons, except as otherwise provided in Canons 10.2 and 11.5.

1.4 The geographical territory of the diocese is as defined by the General Synod of the Anglican Church in America.

1.5 The diocese is in union with the Anglican Church in America, a part of the One, Holy, Catholic and Apostolic Church, and it submits to the Constitution, Canons and General Synod of the same.

CANON II THE BISHOP

2.1 The Ecclesiastical Authority and President of the Corporation of the diocese is the Diocesan Bishop, also known as the Ordinary, who shall be chosen and elected in conformity with the Constitution and Canons of the Anglican Church in America.

2.2 He shall be the chief pastor of all the members of the Church in this diocese, and the President of the Diocesan Synod. He shall make at least one visitation to each Parish and Mission every three years, and shall be ex-officio a member of all diocesan committees and agencies.

2.3 The Ordinary shall perform such duties as prescribed in these canons and the constitution and canons of the Anglican Church in America.

2.4 In those provisions in these canons where an action may be taken only with the consent of the Ordinary, that consent shall not lightly nor without the gravest cause be withheld. The reason for any withholding of consent shall be in writing.

CANON III SUFFRAGAN BISHOPS

3.1 The Diocesan Synod, with the consent of the Ordinary, may elect qualified Priests to serve as Suffragan Bishops in the diocese. They shall be elected in the same manner as all Bishops as provided in the Constitution and Canons of the Anglican Church in America.

3.2 They shall serve in those particulars as may be determined in these canons, the constitution and canons of the Anglican Church in America and by the Ordinary.

CANON IV OFFICERS OF THE DIOCESE

4.1 Chancellor

A. The Chancellor of the Diocese shall be elected, or appointed, as provided in Canon V, and shall serve until his or her replacement is elected or appointed.

B. The Chancellor of the Diocese shall have the following duties:

1. To be the advisor, confidential and otherwise, to the Ordinary, the Standing Committee, the Finance Committee, the other officers of the diocese, the Synod or either House thereof, the Marriage Tribunal, and the Ecclesiastical Court.

2. To examine and approve, as to the requirements of civil and canon law, all contracts entered into by the diocese and any other canonically established agency, instrumentality or organization of the diocese.

3. To deliver to his or her successor all records and papers pertaining to his or her office.

4.2 Treasurer

A. The Treasurer of the Diocese, who is the treasurer of the Corporation, shall be elected, or appointed, as provided in Canon V, and shall serve until his or her replacement is elected or appointed.

B. The Treasurer of the Diocese shall have the following duties:

1. To receive and account for all monies collected by authority of the diocese or deposited with him or her for any Church purpose, keeping a separate account of each such fund upon which any payments are made to him or her.

2. To deposit all funds of the diocese with one or more financial institutions approved by the Standing Committee.

3. To make the specific payments from each fund, as promptly as collections will allow, in conformity with the canonically established budget of the diocese, and in accordance with rules adopted by and upon the order of persons authorized by the Standing Committee; provided, however, that the Ordinary shall have sole authority to make or to authorize payments from the Bishop Ordinary's Discretionary Fund.

4. To give to the Auditor, appointed in accordance with these canons, such assistance and cooperation as the same may require in connection with performance of the duties of the auditor.

5. To deliver to his or her successor in office all funds, books, and papers pertaining to his or her office.

6. To present the annual financial report of the diocese to the Standing Committee at the last

meeting of that committee prior to the regular meeting of Synod.

C. The Treasurer's accounts shall at all times be subject to inspection under the authority of the Ordinary, the Synod, or the Standing Committee, and he or she shall furnish a statement at least quarterly to the Ordinary, to each member of the Standing Committee, and to each Parish and Mission, and an annual statement to each clerical member and lay delegate of the Synod at the annual meeting of the Synod.

4.3 Secretary

A. The Secretary of the Diocese, who is the Secretary of the Corporation, and is the Secretary of the Standing Committee, shall be elected, or appointed, as provided in Canon VI, and shall serve until his replacement is elected or appointed.

B. The Secretary of the Diocese shall record the proceedings of the Synod, and deposit same among the permanent records of the diocese

4.4 Canon to the Ordinary

A. The Canon to the Ordinary shall be appointed by the Ordinary, and shall serve until his or her replacement is appointed.

B. The Canon to the Ordinary shall have the following duties:

1. To perform all administrative acts that belong, by these canons and the canons of the Anglican Church in America, to the Ordinary, with the exception of those the Ordinary has reserved to himself, or which by canon law or nonprofit corporation law require a special mandate of the Bishop.

2. To preserve the official records, papers and books of the diocese;

3. To notify promptly all persons concerned of all canonically authorized diocesan meetings, elections, resolutions or actions taken;

4. To furnish the Ordinary, the Synod, the Standing Committee, the Ecclesiastical Court, the Clergy canonically resident in the diocese, and the various commissions and officers of the diocese appropriate official lists of the Clergy and of the Congregations of the diocese, in such a way as to meet the needs thereof;

5. To prepare, attest to, and submit such reports, lists of Delegates or other representatives, and records of the diocese or any canonically established element or agency thereof, as may be required, to any Provincial, National or International ecclesiastical body or authority;

6. To compile, publish and distribute the Journal of Synod, and publish such other matters as

may be directed by the Ordinary and the Standing Committee;

7. To be a member, with two lay communicants appointed by the Ordinary, of a Committee on Credentials for Regular and Special Synods;

8. To deliver to his successor in office all records and papers pertaining to his office.

4.5 Archdeacon

A. The Archdeacon shall be appointed by the Ordinary, and shall serve at the pleasure of the Ordinary or at the pleasure of the Standing Committee, if there be no Ordinary.

B. The Archdeacon shall have the following duties:

1. To perform all administrative acts that belong, by these canons and the canons of the Anglican Church in America, to the Ordinary, with the exception of those the Ordinary has reserved to himself, or which by canon law or nonprofit corporation law require a special mandate of the Bishop.

2. To assist the Ordinary in his office.

3. To see that all such as hold any ecclesiastical office within the diocese perform their duties with diligence, and bring to the Ordinary's attention what calls for correction or merits praise.

4. To deliver at the end of his service all records and papers pertaining to his office to his successor in office, or if there be none, to the Ordinary, or if there be none then serving, to the Standing Committee.

5. To keep in a separate book a register of all Clergy canonically resident in the diocese, indicating the dates of, and other pertinent data concerning their respective ordinations and receptions, all transfers to or from other dioceses, and all dismissals, depositions or deaths of the Clergy of the diocese;

6. To keep a register of all congregations affiliated with the diocese, showing their respective organizations, admissions, successions of clergy in charge, other clergy serving in the Parish, and such other particulars as may be necessary to indicate their respective status and history;

7. To collect, organize and permanently preserve the report required by Canon 4 of the Canons of the Anglican Church in America, and submitted by the Parishes of the diocese.

8. To render such corporate reports as may be required by law.

4.6 Rural Dean

A. Rural Deans shall be appointed by the Ordinary, shall serve at the pleasure of the Ordinary, and shall serve until replacements are appointed by the Ordinary.

1. A Rural Dean shall be a priest in good standing in the Anglican Church in America and canonically resident in the diocese, who has served at least one year in the diocese as a Rector or a Vicar.

B. Rural Deans shall have the following duties:

1. To report to the Ordinary, and to the Archdeacon, if so directed by the Ordinary, or, if there be no Ordinary, to the Standing Committee:

(a) any matter, in any parish within the deanery, which it may be necessary or useful for the bishop to know, particularly any case of serious illness or other form of distress amongst the clergy;

(b) the vacancy of the cure of any parish, and the measures taken to secure the ministrations of the word and sacraments and other rites of the Church during said vacancy; and

(c) any case of a minister from outside the diocese officiating in any place otherwise than as provided in Canon XII.

2. In the case of any omission in any parish to prepare and maintain a roll of members eligible to vote at annual meetings, or to form and maintain a vestry, or to hold the parish annual meeting, the Rural Dean, on such omission being brought to his notice, shall ascertain and report to the bishop the cause thereof.

3. The Rural Dean is obliged to visit the parishes in his deanery in accordance with the arrangement made by the Bishop.

4. To coordinate Missions with the Canon Missioner.

4.7 Canon Missioner

A. The Canon Missioner shall be appointed by the Ordinary, shall serve at the pleasure of the Ordinary, and shall serve until his replacement is appointed by the Ordinary.

B. The Canon Missioner shall have the following duties:

1. To promote vocations to the missions.

2. To promote, regulate, and coordinate both new initiatives and established works concerning missionary activity.

3. To ensure there are proper agreements with the vicars of those missions regarding the ministrations of the Word and sacraments and other rites of the Church.
4. To ensure a day for missions is celebrated annually.
5. To recommend to the Standing Committee and Synod the provision and distribution of Mission Funds.
6. To disburse Mission Funds as authorized by the Standing Committee.
7. To report to the Standing Committee at each meeting of the Standing Committee .
8. To coordinate missions with the Rural Deans.
9. The Canon Missioner is obliged to visit missions in accordance with the arrangement made by the Bishop.

CANON V DIOCESAN SYNOD

- 5.1 The diocese shall be governed by a Synod meeting annually at a date and place chosen by the Synod at its previous annual meeting, or for special reasons at other times at the call of the Bishop or the Standing Committee by written notice at least 60 days in advance which states the only business to be conducted.
- 5.2 It shall be comprised of the Bishop, the officers of the diocese, and the Clergy canonically resident in the diocese and in good standing and of Lay Delegates elected by each Parish and Mission admitted pursuant to Canon 15.3 (hereinafter "Congregation") from its adult communicant membership. Each Congregation is entitled to two (2) Delegates, regardless of the number of its confirmed members. Congregations with more than twenty five (25) confirmed members are entitled to one (1) additional Delegate for each twenty-five (25) or portion thereof, but not to exceed a total of fifteen (15).
- 5.3 Alternate Delegates, if any, elected by each Parish and Mission shall be seated in the absence of a Delegate.
- 5.4 The Bishop shall report the agenda for the Synod to all member Congregations at least 30 days before the Synod. The agenda may be changed by majority vote of the Synod.
- 5.5 Synod shall be called to order and addressed by the Bishop, or during the vacancy of the See, the Episcopal Visitor, or a Clergyman appointed by the Standing Committee.
- 5.6 The Canon to the Ordinary shall certify all Clergy and Lay Delegates registered, and receive reports.

5.7 A quorum shall consist of at least one qualified Clergy from each of a majority of the Congregations entitled to have delegates voting at Synod and at least one qualified Lay Delegate from each of a majority of the Congregations entitled to have delegates voting at Synod.

5.8 Upon the nomination of the Ordinary, and upon any other nominations from the floor of Synod, each regular session of the Synod shall by a majority vote elect a Diocesan Treasurer, who shall be a Lay communicant of the diocese and shall be bonded or insured against liability for loss of funds. With the consent of the Standing Committee the Bishop shall appoint a Treasurer to fill any mid-term vacancy.

5.9 Upon the nomination of the Bishop, each regular session of the Synod shall by a majority vote elect a Diocesan Chancellor who shall be a communicant member of the diocese, being learned in the law, to advise the Synod, its Houses and its officers and agents, and the Standing Committee.. With the consent of the Standing Committee the Bishop shall appoint a Chancellor to fill any mid-term vacancy.

5.10 The regular session of the Synod next before the regular meeting of the General Synod shall, upon nomination by the Ordinary, by a majority vote elect the number of Clerical and Lay Delegates to the General Synod prescribed by the Constitution and Canons of the Anglican Church in America. In electing these Delegates, every reasonable effort shall be made to assure the Delegates are selected from the largest possible number of the Parishes and Missions of the diocese.

A. Not more than one such Clerical Delegate shall be from any one Parish or Mission. Each Parish or Mission having one or more Lay Delegates shall, from the floor of Synod, name for each such Delegate one Lay person who shall be the Lay alternate for that Parish or Mission.

B. Clerical Alternates shall consist of the clergy canonically resident in the diocese from those Congregations not represented by a Clerical Delegate, and shall serve if and as selected by a Parish or Mission whose elected Clerical Delegate is unable to attend the General Synod.

C. In the event it becomes necessary to select a Lay or Clerical Alternate, and there is no existing Parish or Mission in the diocese that is qualified to make such selection under Canons 5.11A or 5.11B, the Standing Committee may select such Alternate Delegate, and, if possible, should select him/her from the Congregations not represented by a Lay or Clerical Delegate.

5.11 The regular session of the Synod next before the regular meeting of the General Synod shall, upon the nomination by the Ordinary, by a majority vote elect one Presbyterian and one lay member to membership in the Executive Council of the ACA. The term of office of the Presbyterian shall be three years. The diocese shall have two lay members on the Executive Council. The term of office for each lay member shall be six years, with terms for each overlapping by three years. The Standing Committee, upon nomination by the Ordinary, shall fill any vacancy of diocesan membership on the Executive Council occurring between Synods. Such appointment shall be ratified by majority vote at the next meeting of Synod.

5.12 Upon the nomination of the Ordinary, and in accordance with Canon XVII, each regular session of the Synod shall by a majority vote elect three Presbyters and one additional Lay Communicant in good standing, to be members of the Ecclesiastical Court. Pursuant to Canon 17.1, the Court shall appoint members to fill any vacancy on the Court occurring between Synods. Such appointment shall be ratified by majority vote at the next meeting of Synod.

5.13 Voting in Synod on any given proposition shall be by orders if at least five (5) members of one order request it. When voting is by order, the prescribed majority shall be required in each order, for passage of any proposition.

5.14 Proxy votes in Synod shall not be recognized.

CANON VI STANDING COMMITTEE

6.1 When there is a Bishop, also known as the "Ordinary," in charge of the diocese, the Standing Committee shall be known as his Council of Advice. If there be no Bishop, Bishop Coadjutor or Suffragan Bishop canonically authorized to act, the Standing Committee shall be the Temporal Authority of the diocese. The Standing Committee shall also serve as the Board of Directors of the non-profit corporation of the diocese, and shall exercise all powers authorized by law.

6.2 The Standing Committee shall consist of four Clergymen canonically resident in the diocese and four Lay communicant members of the diocese, elected by a concurrent vote of a majority of the delegates from each order at Synod. Not more than one member shall be from any one Parish or Mission.

6.3 The Lay members of the Standing Committee and the Diocesan Treasurer shall constitute the Finance Committee of the diocese.

6.4 The terms of all members of the Standing Committee shall be four years, except that one members from the Clerical order and one member from the Lay order each may be elected to serve a one, two, three or four year term, to insure that the terms of only one clerical and one lay delegate expire each year. Mid-term vacancies shall be filled by vote of a majority of the Committee's members. The election of members of the Standing Committee elected by the Committee's members to fill mid-term vacancies shall be ratified at the next meeting of Synod in accordance with Canon 6.2.

6.5 The Committee shall elect from its own body a President, a Vice President, and a Secretary, all of whom shall serve for terms of 2 years. It may meet in conformity with its own rules from time to time. A quorum shall be a majority of the Committee's members, the whole having been duly given notice to meet. It shall keep a record of its proceedings. The President may summon a special meeting whenever he or she may deem it necessary. The Committee shall be summoned on the requisition of

the Bishop, whenever he shall desire its advice; and it may meet of its own accord and agreeably to its own rules when it may be disposed to advise the Bishop. The Bishop shall retain the right to preside when present.

6.6 Notice of every meeting of the Committee shall be given by depositing in the mail, postage prepaid, at least ten (10) days before the meeting, a written notice specifying time and place of such meeting, addressed to each member, and each ex-officio member, of the Committee.

6.7 The act of a majority of the members of the Committee present at a meeting of which a quorum is present shall be the act of the Committee. Meetings may be held by conference call or other electronic device; participation in such meetings shall constitute presence at the meeting. Official action may be taken without a meeting only with written approval by a majority of the Committee and when:

A. In the judgment of the Ordinary, or if there be no Bishop, the President, any question shall arise which he believes should be put to a vote of the Committee and when it is deemed expedient to call a special meeting for such purpose, the matter may be submitted to the Committee in writing by mail for vote and decision.

B. The question thus presented shall be determined according to a majority of the votes received by mail within ten (10) days after such submission to the Committee. Any and all action taken in pursuance of a majority mail vote in each such case shall be binding in the same manner as would be action taken at a duly called meeting.

6.8 Attendance of a member at a Committee meeting shall constitute waiver of notice of and presence at such meeting, except when the member objects, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened. Further, attendance is not a waiver of any right to object to the consideration of matters which were not included in the notice of meeting but which are required to be included by these canons, or the laws of the state of incorporation.

6.9 Every person, who serves as a member of the Committee, Officer, agent or employee of the diocese, may, at the discretion of Synod, and with the consent of the Ordinary, after recommendation by the Committee, be indemnified and held harmless by the diocese from and against loss, cost, liability, or expense that may be imposed on or incurred by him or her in connection with or resulting from any claim, action, suit, or proceeding, civil or criminal, in which he or she may become a party or otherwise become involved because of his or her being, or having been, a member of the Committee, Officer, agent or employee of the diocese, whether or not he or she had this relationship when the loss, cost, liability or expense was imposed or incurred.

A. The phrase "loss, cost, liability or expense" shall include all reasonable expenses incurred in defense of the claim, action, suit or proceeding, and the amount of judgments, fines, or penalties levied or tendered against the indemnified person.

B. No person shall be entitled to indemnity under this canon unless the Synod, with the consent of the Ordinary, after recommendation by the Committee, determines:

1. The person was acting in good faith; and
2. The person reasonably believed that their conduct was in the best interests of the diocese, or at least not opposed to its best interests; and
3. In the case of any criminal proceeding, the person had no reasonable cause to believe their conduct was unlawful.

C. The Synod, with the consent of the Ordinary, after recommendation by the Committee, may not indemnify a person under this canon:

1. In connection with a proceeding by or in the right of the diocese in which the person was adjudged liable to the diocese; or
2. In connection with any other proceeding charging improper personal benefit to the person in which the person was adjudged liable on the basis that personal benefit was improperly received by the person.

D. Expenses incurred with respect to a claim, action, suit or proceeding indemnified against under this canon may be advanced by the diocese before final disposition of the matter on receipt of an undertaking by or on behalf of the recipient to repay this amount if it is ultimately determined that the person is not entitled to indemnification. The undertaking shall be satisfactory in amount and form to the Synod, with the consent of the Ordinary, after recommendation by the Committee.

E. A recommendation that indemnification of a member of the Committee, Officer, agent or employee of the diocese shall be made:

1. By the Committee by majority vote of a quorum consisting of the members of the Committee not at the time parties to the proceeding;
2. If a quorum cannot be obtained under paragraph (1) of this section, by a majority vote of a subcommittee duly designated by the Committee, consisting solely of two or more members of the Committee not at the time parties to the proceeding;
3. By special legal counsel selected by the Committee or its subcommittee in the manner prescribed in paragraphs (1) and (2) of this section, or, if a quorum of the Committee cannot be obtained under paragraph (1) of this section, and a subcommittee cannot be designated under paragraph (2) of this section, the special legal counsel shall be selected by majority vote of the full Committee including members who are parties to the proceeding.

F. This right of indemnification shall not affect any other rights to which any person may otherwise be entitled by law or contract.

CANON VII THE BUDGET AND ASSESSMENTS

7.1 The Finance Committee shall recommend an annual budget for the diocese to Synod at its annual meeting.

7.2 The Standing Committee, at the annual meeting of Synod, shall present the annual financial report to Synod, and shall report expenditures made against the last, Synod-approved, budget.

7.3 The Synod, at its annual meeting, shall approve and establish the annual budget for the diocese.

7.4 The Standing Committee and the diocese shall make expenditures in accordance with the budget established by Synod unless required to deviate therefrom by an emergency. The Standing Committee shall determine the existence of an emergency and report such determination to the next meeting of Synod for ratification by Synod.

7.5 The standard of giving by the Congregations for the support of the diocese, the Province and the Church, shall be as prescribed by the Diocesan Synod, the Province and the General Synod.

7.6 In addition to its Diocesan Assessment, each Parish and Mission shall remit any annual provincial or national assessments to the Diocesan Treasurer or to such other office as may be prescribed by the Province or the General Synod.

CANON VIII DIOCESAN MISSION FUND

8.1 There shall be a Diocesan Mission Fund which shall consist of such funds as may now exist and as may be added thereto from time to time for the purpose of grants, gifts and loans to Parishes and Missions for such purposes as the Bishop in Council shall deem proper.

8.2 The Bishop in Council shall superintend and direct this fund by investing it and/or by making grants, gifts and loans from it to Parishes and Missions upon such terms as the Bishop in Council may determine.

8.3 Before making available funds for loans to Parishes or Missions, the terms for the repayment and interest for the use of such funds shall be determined by the Bishop in Council.

8.4 Sound and accepted business practices shall be followed by the Bishop in Council in the making of

grants, gifts and loans and the investment of assets of the Fund.

8.5 The Bishop in Council may appoint committees of advisors to the Mission Fund in the fields of solicitation of gifts, sound business practices and other areas of special expertise.

8.6 For the purposes of Canons VIII and IX, "Bishop in Council" shall mean the Ordinary with the advice and consent of the Standing Committee.

CANON IX DIOCESAN ENDOWMENT FUND

9.1 There shall be a Diocesan Endowment Fund which shall consist of such funds as may now exist and as may be added thereto from time to time for the purpose of maintaining the Book of Remembrance and for such other purposes as the Bishop in Council shall deem proper.

9.2 The Bishop in Council shall superintend and direct this fund by investing it and/or by disbursing it upon such terms as may be determined by the committee of advisors specified in Canon 9.5.

9.3 Before making available funds for loans from this Fund, the terms for the repayment and interest for the use of such funds shall be determined by the Bishop in Council.

9.4 Sound and accepted business practices shall be followed by the Bishop in Council in the making of disbursements and the investment of assets of the Fund.

9.5 The Bishop in Council shall appoint a committee of advisors to the Endowment Fund in the fields of solicitation of gifts, sound business practices and other areas of special expertise.

CANON X PARISHES

10.1 A Parish shall be a Congregation which has at least 30 communicant members and can pay the clergy a monthly remuneration of at least \$1000. In the event an existing Parish is unable to meet this obligation, the Diocesan Synod, with the consent of the Ordinary, may change its status to that of a Mission. Restoration to Parish status may be effected by any subsequent meeting of Synod, with the consent of the Ordinary, if the qualification for Parish status exists.

10.2 In the event an existing Parish fails to file its annual reports and/or fails to meet its financial obligations to the diocese, Synod, with the consent of the Ordinary, shall require it to forfeit its right to have its Lay Delegates vote at Diocesan Synods until such time as the failure(s) have been remedied.

10.3 Each Parish shall call an annual meeting in the first quarter, to which shall be summoned all adult

communicant members of the Parish. The Rector shall preside. A quorum shall consist of the number set forth in the Parish's bylaws.

A. The annual meeting shall elect Vestrymen in accordance with the by-laws of the Parish. The Vestry shall manage the temporal affairs of the Parish between annual meetings within the bounds of the by-laws and in harmony with the policies established at annual meetings. The Vestry shall see that all things needed for worship and for the administration of the Sacraments and ordinances of the Church be provided, shall assist the Rector in furtherance of the spiritual welfare of the Parish, and shall function as the agents and legal representatives of the Parish in all matters concerning its corporate property and the relations of the Parish to its Clergy.

B. The Rector shall be ex-officio the Chairman of the Vestry, and shall preside at Vestry meetings when present. He shall appoint from the Vestry the Rector's Warden. The Vestry annually shall elect from its membership a Peoples' Warden, as well as a Senior Warden when there is no Rector. The Vestry shall also elect a Treasurer and a Clerk or Secretary, who shall be adult communicant members of the Parish. All officers of the Parish elected by the annual meeting shall serve until their successors have been elected and qualified. Mid-term vacancies on the Vestry shall be filled by vote of a majority of the Vestrymen.

C. Each Parish shall adopt bylaws, which shall be in accordance with State law, if applicable. The bylaws shall provide for: voter eligibility at the Parish annual meeting; Vestry eligibility, number, term of office, resignations and removal from, filling of vacancies, and mode of election of members; quorum requirements for the parish annual meeting and Vestry meetings; notice requirements for parish annual meetings and Vestry meetings; selection of the Rector; election of Wardens and officers of the Parish; frequency of regular Vestry meetings; adoption of an annual budget; procedures for annual audit of accounts; election of delegates to Diocesan Synod; and procedures for the amendment of the bylaws. A copy of adopted bylaws, and any amendments thereto, shall be provided to the Ordinary at least 60 days prior to adoption, and a copy of adopted bylaws and any amendments thereto shall be provided to the Ordinary within 60 days of adoption.

10.4 A Rector shall be a priest in good standing in the Anglican Church in America who has been elected in accordance with applicable canons and the by-laws of the Parish and whose election has the consent of the Ordinary.

10.5 Each Parish shall retain and hold all properties and moneys pertaining to it and shall in no wise be defeated of its title to the same or of the free exercise of all rights, powers and privileges pertaining thereto, by any Diocesan or other Church agency, Synod or officer, or by anything in these Canons.

10.6 The Rector of each Parish shall be responsible for the worship of the Parish in accordance with the Canons of the Church, for the music, Organist and Choir, for Christian education and for all priestly and pastoral ministries of the Congregation.

A. He shall keep a register of services and of all baptisms, confirmation, marriages and burials and a list

of all baptized and confirmed persons.

B. He may, with the consent of the Ordinary and in consultation with the Vestry, appoint such assisting Clergy as he shall deem necessary.

10.7 A Rector's cure may be vacated by resignation or removal in accordance with the rubrics and letter of institution at page 569 of the 1928 American edition of the Book of Common Prayer or in accordance with the Canons of the Church.

10.8 A report, known as the parochial report, of every parish of the diocese shall be prepared annually for the year preceding December 31, supplying the information specified herein, and shall be sent not later than February 1 to the Ordinary. The report shall include, as a minimum, the following information:

A. The number of baptisms, confirmations, marriages, and burials during the year;

B. The total number of baptized persons and communicants in good standing at the time of the report;

C. A summary of all the receipts and expenditures from whatever source derived and for whatever purpose used; and

D. Such other relevant information as shall be identified by the diocese as being specified in the blank form adopted by the Executive Council of the Anglican Church in America pursuant to ACA Canon 4.1.

10.9 All accounts shall be reviewed annually in accordance with best accounting practices by a disinterested person approved by the Vestry. Upon the direction of the Ordinary, with the advice and consent of the Standing Committee, accounts shall be audited annually by a Certified or Independent Public Accountant, or by such an accounting agency as shall be permitted by the Finance Committee. A certificate of review or audit shall be forwarded to the Ordinary, or, if there be no Bishop, to the Standing Committee, not later than July 1 of each year, covering the financial reports of the previous calendar year.

CANON XI MISSIONS

11.1 A Mission shall be a congregation in union with this diocese which does not meet the requirement established in these Canons for a Parish, except insofar as Canon 10.1 provides that a change in the status of an existing Parish is subject to vote of the Diocesan Synod.

11.2 An annual meeting shall be called each January, to which shall be summoned all adult communicant members of the Mission. At each annual meeting a Mission Committee shall be elected,

except in the case of the meeting to establish such a Mission, when the Bishop shall appoint the initial Mission Committee which shall serve until the next regular annual meeting. The Mission Committee shall elect annually from its membership a Warden and a Treasurer. It shall also elect a Clerk or Secretary from among the adult communicant members of the Mission.

A. Each Mission shall adopt bylaws, which shall be in accordance with State law, if applicable. The bylaws shall provide for: voter eligibility at the mission annual meeting; the Mission Committee number, term of office, resignations and removal from, filling of vacancies, and mode of election of members; quorum requirements for the mission annual meeting and Mission Committee meetings; notice requirements for mission annual meetings and Mission Committee meetings; election of the Warden and officers of the mission; frequency of regular Mission Committee meetings; adoption of an annual budget; procedures for annual audit of accounts; election of delegates to Diocesan Synod; and procedures for the amendment of the bylaws. A copy of adopted bylaws, and any amendments thereto, shall be provided to the Ordinary at least 60 days prior to adoption, and a copy of adopted bylaws and any amendments thereto shall be provided to the Ordinary within 60 days of adoption.

11.3 The Bishop shall appoint the Priest-in-Charge of a Mission. A Priest-in-Charge shall enjoy all the rights and shall perform the duties ascribed by these Canons to a Rector, except that he may be removed by the Bishop in consultation with the Mission Committee.

11.4 The properties and moneys of a Mission shall be owned in the same manner and with the same protection as established by these Canons for Parishes.

11.5 In the event an existing Mission fails to file its annual reports and/or fails to meet its financial obligations to the diocese, Synod, with the consent of the Ordinary, shall require it to forfeit its right to have its Lay Delegates vote at Diocesan Synods until such time as the failure(s) have been remedied.

11.6 A report, known as the parochial report, of every mission of the diocese shall be prepared annually for the year preceding December 31, supplying the information specified herein, and shall be sent not later than February 1 to the Ordinary. The report shall include, as a minimum, the following information:

A. The number of baptisms, confirmations, marriages, and burials during the year;

B. The total number of baptized persons and communicants in good standing at the time of the report;

C. A summary of all the receipts and expenditures from whatever source derived and for whatever purpose used; and

D. Such other relevant information as shall be identified by the diocese as being specified in the blank form adopted by the Executive Council of the Anglican Church in America pursuant to ACA Canon

4.1.

11.7 All accounts shall be reviewed annually in accordance with best accounting practices by a disinterested person approved by the Vestry. Upon the direction of the Ordinary, with the advice and consent of the Standing Committee, accounts shall be audited annually by a Certified or Independent Public Accountant, or by such an accounting agency as shall be permitted by the Finance Committee. A certificate of review or audit shall be forwarded to the Ordinary, or, if there be no Bishop, to the Standing Committee, not later than July 1 of each year, covering the financial reports of the previous calendar year.

CANON XII CLERGY

12.1 The Office of the Bishop shall maintain a list of all Clergy canonically resident in the diocese, as well as Clergy not canonically resident but licensed to function in the diocese; Clergy received by letters Dimissory; Clergy transferred to other jurisdictions by letter Dimissory; Ordinations to the Diaconate or Priesthood; Clergy Inhibited, Suspended, Deposed, or Deceased. These lists shall cover the period from the previous Synod and be submitted to the Secretary of Synod for inclusion in the Journal of Synod.

12.2 Clergy, both active and retired, canonically resident in the diocese comprise the clerical membership of Synod and, except for grave cause communicated to the Bishop in writing, are expected to be in attendance at Synods. Where a clergyman is not in attendance at Synod and not excused by the Ordinary for grave cause, that clergyman shall be ineligible to be elected or appointed to any position by that Synod.

12.3 All Clergy of the Anglican Church in America canonically resident in the diocese and not attached to a Parish or Mission shall annually, by January 31 of each year, report in writing their Sacramental and Pastoral activity during the previous calendar year, including but not limited to, the number of celebrations of the Holy Eucharist, Baptisms, Marriages, and Burials at which they have officiated, as well as Sermons preached.

12.4 Clergy of this diocese inviting Clergy not of this diocese for the purposes of Sacramental or Priestly functions shall, as a matter of courtesy, notify the Bishop in writing of his intention to do so. The Bishop shall not object to such invitations unreasonably.

12.5 Licensing of Clergy

A. Clergy from other dioceses of the Anglican Church in America or the Traditional Anglican Communion may not function in this diocese for more than sixty (60) days without obtaining a license under seal from the Bishop, or if there be no Bishop, from the Ecclesiastical Authority, with the advice and consent of the Standing Committee. Clergy ordained in any Church in communion with the Anglican Church in America or the Traditional Anglican Communion may not function in this diocese

for more than sixty (60) days without being received into the Anglican Church in America by the Bishop, with the advice and consent of the Standing Committee.

B. Clergy ordained in any Church not in communion with the Anglican Church in America may be licensed by the Bishop to officiate in their Order for a fixed period of time not to exceed one year, with the advice and consent of the Standing Committee, or for a longer time by compliance with ACA Canon 34.

12.6 No clergyman may be granted a license to officiate in the diocese, or may be received into the ACA, under the provisions of Canon 12.5, until the clergyman has laid before the Standing Committee a current, complete background investigation, which includes an investigation of criminal records, as required by the Canons of the Anglican Church in America, and whose orders are deemed acceptable by the Traditional Anglican Communion.

CANON XIII LAY READERS

13.1 Lay Readers may be licensed by the Bishop in accordance with the Canons of the Church, and for such periods of time as shall be stated on their licenses. They shall serve under the direction of the Rector or Priest-in-Charge, if any, or under the direction of the Ordinary.

CANON XIV COMMUNICANT MEMBERSHIP

14.1 An adult communicant member of the diocese is a person of at least eighteen (18) years of age who has been validly baptized and confirmed and whose name is contained on the register of a Parish or Mission of the diocese. A member of this diocese is any person who has been validly baptized and whose name appears on the rolls of a Parish or Mission of this diocese.

CANON XV RECEPTION OF PARISHES & MISSIONS

15.1 An established Parish or Mission which, by majority vote of its adult communicant membership, accedes to the Constitution and Canons of the Anglican Church in America and the Canons of this diocese and to the doctrine, discipline and worship of this Church, may be received into membership of the diocese by the Bishop, with the advice of the Standing Committee.

15.2 A new Parish or Mission formed within this diocese may be received into membership of the diocese by the Bishop, with the advice of the Standing Committee.

15.3 Clergy and delegates of any Parish or Mission so received into membership may have seats but no vote in Synod unless by majority vote of Synod, with the consent of the Ordinary, that Parish or Mission is admitted into union with the Synod.

CANON XVI PRESENTMENTS

16.1 In the case of a Presbyter or Deacon canonically resident in this diocese, who shall become liable to presentment and trial on a canon of the General or Diocesan Synod, the mode of proceeding shall be as set forth in these Canons.

16.2 Whenever the Ordinary shall receive information or accusation in writing alleging that a Clergyman is guilty of a canonical offense, the Ordinary shall appoint a Board of Inquiry consisting of two Presbyters and one Lay communicant, none of whom has signed the accusation. No member of the Standing Committee shall be a member of the Board of Inquiry. The Board shall make private investigation and report its findings in writing to the Ordinary, along with a formal presentment or its recommendation against presentment. Such Board shall likewise be appointed and shall make an investigation upon the request of any Clergyman believing himself to be the subject of information or accusation that he has committed a canonical offense.

16.3 Trial shall be upon a presentment laid before the Ordinary in writing sworn to by at least one of the Accusers, and specifying the charged offense or offenses with reasonable certainty of time, place and circumstance. Such presentment shall be made and signed by:

- A. A majority of the Vestrymen of a Parish or a majority of the members of the Mission Committee of a Mission, of which the Accused is or has been in charge; or
- B. Three Presbyters canonically resident in the diocese; or
- C. A majority of the Board of Inquiry.

16.4 The Ordinary may dismiss a presentment in whole or in part if and to the extent that the facts alleged do not constitute a canonical offense. When the presentment is allowed in whole or in part the Ordinary shall, as soon as may be, cause a copy thereof to be served on the accused, along with a notice citing him to appear for trial at least sixty days later at a specified time and place.

CANON XVII ECCLESIASTICAL COURT

17.1 There shall be an Ecclesiastical Court for the Trial of a Clergyman duly presented for canonical offenses. The Court shall consist of the Chancellor of the Diocese along with three Presbyters and one

additional Lay Communicant in good standing nominated by the Ordinary and elected by each Diocesan Synod. No member of the Standing Committee shall be a member of the Court, and no person shall be eligible to serve who is disqualified under the Canons of the General Synod relating to membership in courts. Vacancies may be filled by the remaining members of the Court. If at any time the Chancellor does not serve on the Court, the Court shall appoint one or more Assessors who shall be Lay Communicants admitted to the practice of law, to advise the Court on legal issues. One or more such Assessors may also be appointed when the Chancellor serves on the Court.

17.2 The procedure in the Court shall be governed by these Canons, by the constitution and canons of the Anglican Church in America, and to the extent consistent therewith by the mode of procedure in the Courts established by General Synod, and by the rules currently applicable to trials of serious offenses in the courts of the United States.

17.3 The participation of at least four members of the Court shall be required at every stage of the proceedings. The concurring votes of at least three members of the Court shall be necessary for a conviction. Otherwise the Accused is acquitted.

17.4 In any proceeding of this Court, all members of the diocese, including both clergy and laity, shall be entitled to due process without limitation. Due process shall be defined as, but not limited to, the right of the person against whom charges, complaints or grievances are being instituted to be notified of the charges, complaints, or grievances in writing, providing an adequate amount of time to respond to the same; the right to be present before the tribunal which pronounces judgment upon the question concerning the validity of the charges, complaints or grievances; the right to face one's accuser and other witnesses; the right to cross-examine one's accuser and other witnesses; the right to produce evidence on all questions; the right to question the impartiality of any individual who sits on the tribunal passing judgment on the charges, complaint, or grievances and to have individuals who have, or who have expressed, some prejudice, or bias with regard to what the outcome should be with regard to the charges, complaints, or grievances, removed from said tribunal; the right to take depositions, submit interrogatories, and to discovery; the right to be represented by an advocate; the right of controverting, by proof, every material fact which bars on the question of right in the matter involved.

CANON XVIII ANNUAL AUDIT

18.1 The Standing Committee, with the consent of the Ordinary, shall appoint annually a Certified or Independent Public Accountant or such accounting agency as shall be permitted by the Finance Committee who shall audit the financial accounts and records of the diocese. A certificate of audit shall be forwarded to the Ordinary, or if there be no Bishop, to the Standing Committee, not later than July 1 of each year, covering the financial reports of the previous year. The Finance Committee shall furnish a statement of this audit to the Synod.

CANON XIX

BOARD OF EXAMINING CHAPLAINS

19.1 Upon nomination of the Ordinary, each regular session of Synod shall by majority vote elect five clergymen canonically resident in the diocese to be members of the Board of Examining Chaplains. Nominees may be current members of the Board whose terms are expiring. The terms of all members of the Board of Examining Chaplains shall be four years except that two members may be elected to serve a two year term to insure that the terms of no more than three members expire every two years. With the consent of the Standing Committee, the Bishop shall appoint members to fill any mid-term vacancies. Board members so appointed shall serve until the next meeting of Synod.

19.2 The Board of Examining Chaplains shall adopt rules for its work, and shall submit those rules to the Bishop and Standing Committee for their approval. Those rules shall not be inconsistent with the diocesan canons and the Canons of the Anglican Church in America (collectively hereinafter “the canons”).

19.3 The Board of Examining Chaplains shall elect from its body its Chairman.

19.4 It shall be the duty of the Board of Examining Chaplains, under the guidance and oversight of the Bishop, to conduct the examinations of Postulants and Candidates prescribed by the canons.

19.5 The Board of Examining Chaplains shall promptly report, in writing, to the Bishop the results of all examinations conducted by them, making separate reports upon each of the appointed subjects, and upon each person examined. The Bishop shall transmit these reports, in a timely manner, to the Standing Committee. In no case shall the Standing Committee recommend a Postulant for admission as a Candidate for Holy Orders, or recommend a Candidate for Ordination to the Diaconate or to the Priesthood, until it has received a report from the Board of Examining Chaplains that he successfully has passed the required examinations. The report shall be in the form specified in Section 4, Canon 29 of the Anglican Church in America.

19.6 The Board of Examining Chaplains shall meet with every Aspirant prior to his being designated a Postulant and ensure that he is aware of the time elements and requirements for his ordination in the canons.

19.7 The Board of Examining Chaplains may be required by the Bishop to meet with and examine the credentials and background of any clergyman from another jurisdiction who may request affiliation with the diocese.

19.8 The Board of Examining Chaplains shall develop any examinations required by the canons for Postulants and Candidates preparing for ordination to the Diaconate or Priesthood.

19.9 The Board of Examining Chaplains shall make an annual report concerning its work to Synod.

CANON XX

PROCEDURES FOR RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT

20.1 This diocese will not tolerate acts of sexual misconduct perpetrated by clergymen, employees or volunteers. Should instances of sexual misconduct be reported to the Ordinary, a priest, deacon, Vestry or Mission Committee, it is the policy of this diocese that the procedures set forth in this canon shall be used to investigate allegations and recommend appropriate action for resolution of every case. It also is the policy of this diocese that all investigations under this canon shall be conducted by the diocese because many parishes and missions lack the resources to conduct such investigations.

20.2 Report to the Bishop. Any person who believes he or she has been sexually abused, harassed, or made the victim of sexual misconduct by a member of the clergy, or an employee or a volunteer of this diocese, or of a parish or mission of this diocese, is directed to report this sexual misconduct to the Ordinary. The report may be in person or by telephone, or by any written or electronic means. If there be no Ordinary, the matter shall be reported to the President of the Standing Committee. When receiving the report, the Ordinary, or the President, shall concurrently comply with Canon 20.5.

20.3 Report to the Standing Committee. A person alleging sexual misconduct of the Ordinary shall make the report to the President of the Standing Committee. The President shall immediately notify the President of the ACA House of Bishops, who shall act in place of the Ordinary for these proceedings.

20.4 Child Abuse Reporting. If the civil law of the state, in which the sexual misconduct is alleged, requires child abuse reporting, the Ordinary shall comply with state law when he has reasonable cause outside the seal of confession to believe child sexual abuse has occurred.

20.5 Memorialize Complaint. Using the form entitled *Complaint Form* from the ACA Policy and Procedures for Response to Allegations of Clergy Misconduct, the Ordinary shall immediately memorialize the complaint in writing. In collecting information for this form, the Ordinary shall use his professional and pastoral judgment to determine how much questioning is possible based on the complainant's physical and emotional state.

20.6. Personal Meeting. If the Ordinary determines it is in the best interests of the complainant, the Ordinary may arrange to meet with the complainant and such other persons as the complainant and the Ordinary may invite. The Ordinary may use this meeting to complete the *Complaint Form*.

20.7 Preliminary Investigation. The Ordinary shall determine whether there is sufficient merit to the allegations of sexual misconduct to warrant an investigation. In making this determination, the Ordinary shall refer all questionably meritorious allegations for investigation. In making this determination, if the Ordinary meets with the accused, he shall comply with the provisions of Canon 20.9.A.

A. Allegations totally without merit. The Ordinary, if he finds the allegations totally without merit and lacking any basis in fact, shall complete a *Non-Investigation Letter* using Form #3 of the ACA Policy. He shall send copies of the form to the complainant, and the accused, and keep a copy in the file of the complaint in diocesan records.

B. Allegations have sufficient merit. The Ordinary, if he does not find the allegations totally without merit, shall send an *Investigation Letter*, using Form #2 of the ACA Policy, to the accused and to the complainant.

C. Immediate help. The Ordinary shall give such immediate aid to both the complainant and the accused as those parties may accept, including pastoral counseling and referrals to appropriate medical and other professional services.

20.8 Publicity. The Ordinary shall designate an individual responsible for public relations, to speak for the diocese with regard to the complaint in response to press or media queries.

20.9 Investigation. The integrity of the pastoral relationship and protection of victims shall be important conditions in all investigations. All parties interviewed in the investigation shall be assured that their responses shall be kept confidential to the fullest extent of the law.

A. Meet with the accused. If the Ordinary has not already done so, he shall meet with the accused, inform him or her of the complaint, and hear the accused's response. He shall prepare a written report of this meeting. The meeting may include other persons at the invitation of the accused and the Ordinary. If the accused admits to the misconduct alleged in the complaint, the Ordinary shall resolve the matter in accordance with Canon 20.10.B.

B. Form a Select Committee. After meeting with the accused, if the Ordinary determines that the complaint must be investigated, he shall immediately notify the Chancellor. The Chancellor, within 3 days of receiving that notice, and with the approval of the Ordinary, shall appoint a select committee consisting of at least 2 other persons, at least one of whom shall be of the same sex as the complainant. The Chancellor, depending on the nature of the complaint, shall attempt to appoint to the committee professionals, who are members of the ACA, skilled in crisis intervention, pastoral care, law enforcement, sexual misconduct, mental health, substance abuse, and counseling.

C. Investigation procedures.

1. Meetings. The Committee must offer to meet personally with the complainant, and may only meet telephonically at the insistence of the complainant. Such insistence, and the reasoning therefore, shall be recorded completely in the written records of the Committee. The Committee also shall meet with the accused. The accused shall be allowed to answer the allegations of misconduct in

the complaint, to offer evidence in his or her defense, and shall have the right to be represented by counsel.

2. Confidential records. The Committee shall keep a complete written record of its proceedings and deliberations, including all evidence received. The Chancellor shall keep this record in a secure location, and confidences of the accused and complainant shall be maintained to the full extent allowed by civil law.

3. Professional services. With the advice and consent of the Ordinary, the Committee may request that the accused and/or the complainant undergo such mental health or other professional evaluation services as it deems appropriate. The investigation may proceed regardless of such request, or the failure or compliance of either party to accede to such request.

4. Pastoral care. The Ordinary shall personally continue pastoral contact with the parties, or shall designate a reliable clerical representative to provide such pastoral contact. This pastoral contact shall not interfere with the investigation.

5. Withdrawal of the complaint. The Ordinary and the Chancellor may continue the investigation, even if the complainant withdraws the complaint.

6. The Committee shall complete its investigation of the complaint within 60 days. The Ordinary, with the advice and consent of the Standing Committee, may allow extensions of time. Within 10 days of the completion of the investigation, the Chancellor shall submit a written report to the Ordinary.

7. The Ordinary may at any time, consistent with canon law, take action against an accused clergyman.

20.10 Resolution Following an Investigation. Upon receipt of the report from the Chancellor, the Ordinary shall conclude whether the allegations in the complaint are meritorious. The Ordinary may seek the advice of the Standing Committee in making his conclusion.

A. No substance to allegations. The Ordinary shall notify the complainant and the accused in writing using Form #4 of the ACA Policy, and retain a copy for the files of the diocese.

B. Allegations are substantially true. The Ordinary shall determine the appropriate action against the accused. In making his determination, the Ordinary may consult with available professional mental health advisors, the Chancellor, Select Committee members, and the Standing Committee. In determining which action is appropriate, including, but not limited to, inhibition, ecclesiastical discipline, or mental health treatment, the Ordinary shall take into consideration the factors in paragraph D.2 of the ACA Policy.

20.11 This canon implements the ACA Policy and Procedures for Response to Allegations of Clergy Misconduct. Nothing in this canon is intended to conflict with the ACA Policy. In case of any conflict, the provisions of the ACA Policy shall govern. In acting under this canon, all persons should refer to the ACA Policy and Procedures for necessary forms and further guidance.

CANON XXI
AMENDMENTS; PROCEDURE; REPEAL OF PRIOR LAW

21.1 These Canons may be amended by a two-thirds (2/3) vote of Synod. Such amendment shall have been submitted sixty (60) days previously to the Rector's Warden of each Parish and Mission and publicized within seven (7) days thereafter to the adult communicant members of each Parish and Mission, and to all Clergy canonically resident in the diocese. Such amendments shall be in effect at the close of the Synod adopting same.

21.2 Robert's Rules of Order shall determine questions of procedure not specifically provided for in these Canons.

21.3 The previous Constitution and Canons of this diocese are repealed.

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