

THE ANGLICAN DIOCESE OF THE GREAT LAKES
OF THE
THE ANGLICAN CHURCH IN NORTH AMERICA
CANONS

Preamble

Pursuant to the Constitution of the Anglican Church in North America (the “Province”) and the Canons thereof (“Provincial Canons”); and the Constitution of The Anglican Diocese of the Great Lakes (“Diocese”), the Diocese, by its Synod, hereby adopts these canons for the purpose of establishing and maintaining its own governance.

TITLE I

Organization and Administration of the Diocese and Congregations

Canon 1

Order, Governance, and Discipline of the Diocese

The order and governance of, and discipline within, the Diocese shall be vested in the Bishop, the Standing Committee, the Synod, the Executive Committee, and the Ecclesiastical Trial Court as provided in the Provincial Constitution and Canons and in the Constitution and Canons of the Diocese. The distribution of the authority for order and governance of, and discipline within, the Diocese shall be as follows:

1. The fundamental agencies of mission in the Diocese are the Congregations and the Missions.
2. Congregations and Missions may join together for common mission within the Diocese.
3. Member Congregations and Missions shall be represented in the Provincial Assembly as provided by Article IV, Paragraph 3 and Article VI, Paragraph 3 of the Provincial Constitution and by these canons.

4. The Diocese shall be represented in the Provincial Council as provided by Article IV, Paragraph 6, and Article VII, Paragraph 3 of the Provincial Constitution and by these canons.

5. The Ecclesiastical Authority of the Diocese shall be vested in the Bishop and, in the absence of the Bishop, in the Standing Committee as provided by Article IV, Paragraph 2 of the Provincial Constitution, Title I, Canon 5, Sections 1 and 3 of the Provincial Canons, and by these canons.

6. Ordained ministry in the Diocese shall be exercised only by Bishops, Presbyters, and Deacons duly ordained by or under the authority of the Bishop of the Diocese.

7. The legislative and non-ecclesiastical executive authority of the Diocese shall be vested in the Synod, and in the time between meetings of the Synod, in the Executive Committee, as provided by Article VII of the Provincial Constitution and by these canons.

8. The judicial authority of the Diocese shall be vested in the Ecclesiastical Trial Court as provided by Article XI of the Provincial Constitution and by these canons.

9. The Diocesan Constitution and these canons recognize the right of each member Congregation and Mission to establish and maintain its own governance not inconsistent with the provisions of the Provincial and Diocesan Constitution and Canons.

Canon 2

Of the Synod

Section 1. Powers and Duties

The Synod as the legislative body of the Diocese has the power to adopt and amend the Diocesan Constitution and Canons; review budgets; establish and oversee the program of the Diocese; confirm Standing Committee admissions of Congregations and Missions into the Diocese; and elect Bishops of the Diocese, members of the Diocesan

Standing Committee, members of the Committee on Nominations for Bishop, and Diocesan representatives to the Provincial Assembly and Provincial Council.

Section 2. Membership

The Synod shall comprise the clergy of the Diocese, its Bishops, and Lay Delegates chosen in accordance with these canons.

Section 3. Membership Lists and Mode of Election of Delegates

a. Clergy Delegates

1. An official list of all duly ordained Presbyters and Deacons under the authority of the Bishop shall be maintained by the Ecclesiastical Authority and kept current by the Registrar and on file in the central office of the Diocese. The list shall contain the addresses and positions of the clergy and shall be published at least 30 days in advance of any meeting of the Synod. Any member of the clergy whose name is not on the list who wishes to vote at the Synod shall bring the omission to the attention of the Registrar.

2. The official list shall be available to the Synod on the first day of its meeting and shall be the basis for determining a quorum as provided in Article III, Section 4 of the Diocesan Constitution.

3. Every member of the clergy under the authority of the Bishop shall attend every meeting of the Synod unless excused by the Ecclesiastical Authority.

b. Elected Lay Delegates

1. A list of all duly elected Lay Delegates to the Synod of Congregations and Missions of the Diocese shall be compiled and maintained and kept current by the Registrar. The list shall contain the addresses and other appropriate contact information of each Lay Delegate and shall be published at least 30 days in advance of any meeting of the Synod. Any Lay Delegate whose name is not on the list who wishes to vote at the Synod shall bring the omission to the attention of the Registrar.

2. Each Congregation and Mission of the Diocese shall be entitled to one Lay Delegate. In addition, each Congregation or Mission having in excess of 150 Eligible Voters as that term is defined in Title I, Canon 6, Section 3.I.i.b shall be entitled to one additional Lay Delegate for each 150 fraction thereof above the first 150, except that the total number of Lay Delegates from any one Congregation or Mission shall not exceed seven. The number of Eligible Voters shall be based upon the current Annual Report prepared and filed in accordance with Title I, Canon 6, Section 8 of the Provincial Canons and these canons.

3. Each Congregation and Mission of the Diocese shall select its delegates according to its respective governing rules with no more than one alternate for each delegate so chosen and shall report its selection no later than ninety (90) days before the ensuing meeting of the Synod on a form prepared by the Registrar of the Diocese. An alternate shall qualify with the Synod Credentials Committee in order to be able to vote at a Synod meeting in the place of an absent delegate.

c. Appointed Youth Delegates

The Standing Committee may appoint up to four at-large Youth Delegates drawn from Congregations and Missions of the Diocese to serve as voting members of the annual Synod. (This should be done well in advance of the annual Synod.)

Section 4. Meetings of the Synod

a. The Synod of the Diocese shall meet regularly once a year and may also have special meetings called for a specific purpose.

b. The Bishop with the advice of the Standing Committee shall determine the date, time and place of all meetings of the Synod. The Secretary of the Diocese shall give notice of regular meetings at least 180 days in advance and no less than 15 days prior to any special meeting.

c. The agenda for any Synod meeting and all proposed resolutions, including the proposed rules of order, shall be distributed to Synod delegates no fewer than 15 days

prior to the meeting. No business shall be transacted at the meeting other than that stated in the agenda, unless 2/3 of those present and voting at the meeting authorize the transaction of such other business.

Section 5. Executive Committee

In between meetings of the Synod, the Executive Committee shall perform the duties of the Synod. Unless and until the Executive Committee is established, the Standing Committee shall perform all the functions of the Executive Committee.

Section 6. Committees of the Synod

There may be a Synod Committee on Resolutions, Nominations, and such other committees as the Bishop or the Synod may deem necessary. All Synod committee members shall be appointed by the Bishop and a majority of the committee members shall be current members of the Synod.

Section 7. The Synod Credentials Committee

A Synod Credentials Committee, appointed by the Presiding Officer of the Synod, shall consist of two Clergy and two Lay Delegates who shall determine the presence of a quorum in accordance with these Canons and hear and resolve any disputes over proper representation in the Synod.

Section 8. Rules of Order

The Synod for its business meeting shall use Robert's Rules of Order other than those variations provided for or required by the Canons or Constitution. The Bishop with the advice of the Chancellor can direct the use of other Rules for good cause.

Section 9. Parliamentarian

The Bishop may appoint a Parliamentarian to advise the Bishop and the Synod on parliamentary issues. The ruling of the Bishop or the Presiding Officer on any parliamentary matter may be overridden by a vote of 2/3 of those present and voting at the Synod.

Section 10. Diocesan Delegates to the Provincial Assembly and Provincial Council

The Synod of the Diocese shall elect the delegates to the Provincial Council and the Assembly from a list of nominees provided by the Standing Committee and the Bishop. No nominations from the floor will be allowed.

Section 11. Subdivision of the Diocese into Regions or Districts

When it shall appear to the Bishop that it would advance the administration of the Diocese, the Bishop, with the advice and consent of the Standing Committee, may recommend to the Synod a canonical amendment organizing within the Diocese two or more regions or districts to be administered as provided by such canon. Approval of Synod is not needed to for the Bishop to determine regions or districts for pastoral care or oversight.

Canon 3 Of the Diocesan Standing Committee

Section 1. Standing Committee Established

a.

Composition

1. Three clergy and three laity elected by the Synod for staggered three-year terms. These elected members may serve for two consecutive full terms and retiring elected members are ineligible for reelection for two years;

2. One additional clergy and one additional lay member may be appointed by the Bishop to serve for a term of one year; and

3. The Officers of the Diocese as provided by Title I, Canon 4 of these canons.

Lay members of the Standing Committee shall be members of the Synod ex officio.

b. Voice, Vote and Quorum

The Bishop and each member of the Standing Committee elected or appointed pursuant to Subparagraphs a.1 and a.2 of Section 1 of this Canon 3 shall have voice and vote. All other members of the Standing Committee shall have only voice.

Fifty percent of the voting members of the Standing Committee shall constitute a quorum for the transaction of business.

Section 2. Powers and Duties

Except as otherwise provided in the Constitution and Canons of the Diocese, the Standing Committee of the Diocese shall have the following powers and duties:

- a. Serve as a council of advice to the Bishop;
- b. Serve as the Ecclesiastical Authority of the Diocese in the absence of a Bishop authorized to act;
- c. Together with the Bishop and subject to confirmation by the Synod, act to accept or deny an application for admission of a Congregation or Mission into the Diocese;
- d. Unless and until an executive committee of the Synod known as the Executive Committee is formed, the Standing Committee shall serve as the Executive Committee;
- e. Serve as nominating committee for all offices filled by the Synod except for nominations by the Committee on Nominations for Bishop unless such committee has not been established;
- f. Together with the Bishop, act to accept or deny applications for ordination to the Diaconate or Presbyterate;
- g. Appoint alternate Diocesan Delegate(s) to the Provincial Assembly and Provincial Council if the elected Delegate is unable or unwilling to perform their duties to serve until the next annual synod at which a replacement shall be elected.
- h. Approve the annual budget and amendments thereto, and

i. Together with the Bishop appoint a Pastoral Response Team to provide care and assistance in case of alleged abuse or other situations where such team may be helpful.

j. Perform such other duties and responsibilities as may be assigned by the Bishop.

Canon 4

Officers of the Diocese

Section 1. The Bishop

The Bishop shall serve as the Ecclesiastical Authority of the Diocese and the presiding officer of the Standing Committee and the Synod with the authority and responsibility as set forth in Article IV of the Constitution of the Diocese and those additional express authorities set forth in the Constitution and Canons of the Province and the Diocese.

Section 2. The Bishop Coadjutor

The Synod may elect a Bishop Coadjutor, who is intended to succeed the Bishop upon the Bishop's retirement, death or removal. The Bishop shall prescribe the duties and responsibilities of the Bishop Coadjutor.

Section 3. The Bishop Suffragan

The Synod may elect one or more Bishops Suffragan whose duties shall be prescribed by the Bishop.

Section 4. The Chancellor

The Chancellor of the Diocese, appointed by the Bishop, shall be a communicant and a member in good standing of a Congregation or Mission of this Diocese. He or she shall be learned in the law and licensed to practice law in one of the jurisdictions encompassed by the Diocese. The Chancellor shall have responsibility for the legal affairs of the Diocese and shall serve as counsel to the Bishop, the Standing Committee

and the Executive Committee. The Bishop may appoint assistant chancellors as necessary.

Section 5. The Secretary

The Secretary of the Diocese, appointed by the Bishop, shall be a communicant in good standing of the Province. He or she shall keep the minutes of the meetings of the Executive Committee and the Standing Committee and shall submit such reports as the Bishop may request. The Bishop may appoint assistant secretaries as necessary

Section 6. The Treasurer

The Treasurer of the Diocese, shall be appointed by the Standing Committee with the approval of the Bishop, shall be a communicant in good standing of the Province. He or she shall be the custodian for all of the funds of the Diocese. The Treasurer shall be bonded in such amount as the Standing Committee from time to time shall deem appropriate, shall prepare the annual diocesan budget and shall file an annual report to the Synod on the financial status of the Diocese, including reports of account for all funds under his or her custody or control, profit and loss statements, and balance sheets. The Treasurer shall also be responsible for the preparation of such periodic financial reports as may be required by the Standing Committee. The Treasurer so appointed shall serve as Treasurer of the Church and of its Corporation.

Section 7. The Registrar

The Registrar, appointed by the Bishop, shall be a communicant in good standing of the Province. He or she shall be the custodian of official records of the Diocese and shall issue such certification as may be directed by the Bishop or the Standing Committee.

Section 8. Terms of Office and Synod Representation

The Chancellor, the Secretary, the Registrar and the Treasurer shall serve at the pleasure of the Bishop. All Officers of the Diocese shall serve as members ex officio of the Synod.

Canon 5
Committees of the Diocese

Section 1. Finance Committee

a. Establishment

There shall be a Finance Committee of the Diocese, appointed by the Bishop with the advice and consent of the Standing Committee, with at least one representative ex officio from the Standing Committee.

b. Duties

The Finance Committee shall assist the Treasurer in preparing the annual Budget of the Diocese and shall issue guidelines for audits/reviews and investment management. The Finance Committee shall oversee the insurance and benefits programs for the Diocese, its clergy and lay personnel.

c. Reporting and Audits/Reviews

The Finance Committee shall cause the records and accounts of the Treasurer to be audited or reviewed by independent auditors on an annual basis. The Finance Committee shall issue periodic reports to the Bishop and the Standing Committee on the financial condition of the Diocese.

Section 2. Committee on Constitution and Canons

a. Establishment

There shall be a Committee on Constitution and Canons, the membership of which shall be determined by the Bishop with the advice of the Standing Committee. The Chancellor shall be a member of this Committee.

b. Duties

The Committee on Constitution and Canons shall make an annual report to the Synod. The Committee shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Province. All proposed amendments to the Diocesan Constitution or Canons shall be submitted to the Committee not fewer than 120 days prior to the next Synod meeting. The Committee shall review and report its recommendation to the Synod regarding any proposed amendment no fewer than 60 days prior to the next Synod meeting.

Section 3. Committee on Nominations for Bishops

a. Composition and Duties

A Committee on Nominations, consisting of three Clergy and four Lay Delegates chosen from among the delegates to the Synod, may be elected annually by the Synod. The Committee on Nominations shall be responsible for receiving, considering and publishing all accepted nominations for Bishop, Bishop Coadjutor, and Bishop Suffragan as provided in Subparagraphs b-e.

b. Sources and Contents of Nominations

Nominations for Bishops received from any Vestry shall be submitted to the Committee on Nominations, in a form specified by that Committee, not less than 210 days prior to the electing Synod. All such nominations must include a written acceptance by the nominee of the nomination, an acknowledgment by the nominee of publication of the nomination by the Committee on Nominations, and written support of the nomination by the Vestry of any Congregation or Mission in which the nominee is serving. Nominations from other sources shall be submitted to that Committee, in a form specified by that Committee, not less than 180 days prior to the electing Synod.

c. Screening of Nominations

The Committee on Nominations shall screen all names placed in nomination to determine whether they meet the criteria established by the Provincial and Diocesan

Constitution and Canons. Through a prayerful process of discernment, including due diligence, the Committee shall arrive at a slate consisting of no more than three names, each of whom must have communicated to the Committee written acceptance of the nomination and acknowledgement of publication of the nomination by the Committee. The slate of names shall be published to the Synod delegates at least 90 days prior to the electing Synod.

d. Other

If a Committee on Nominations is not established, its functions shall be performed by the Standing Committee.

Canon 6
Congregations and Missions

Section 1. Congregation and Mission Defined

a. Any group of the faithful may seek to affiliate as a Congregation as provided in this Canon. A Congregation normally shall consist of a group of the faithful meeting together in regular worship with an Average Sunday Attendance (“ASA”) of at least fifty (50), and with a demonstrated ability to fund its own operations without the support of the Diocese or another Congregation. Any group not meeting these minimum specifications that wishes to be recognized as a Congregation may apply to the Standing Committee for a waiver of these minimum specifications. Any Congregation that has parish status at the time of adoption of these Canons shall retain Congregational status without regard to Average Sunday Attendance provided they maintain in ordinary times an Average Sunday Attendance of 12 or greater.

b. Any group not meeting these minimum specifications for Congregations may apply to the Standing Committee to be recognized as a Mission, at the discretion of the Standing Committee.

Section 2. Application Procedure

a. Any group of the faithful seeking to affiliate as a Congregation or Mission shall submit its application to the Standing Committee on forms and in accordance with

standards prescribed by the Standing Committee. The Standing Committee, with the approval of the Bishop, may issue provisional membership in the Diocese subject to confirmation by majority vote of the next Synod. Upon confirmation by the Synod, the Bishop shall receive the Congregation or Mission into the Diocese. A Congregation or Mission joining the Diocese shall agree in writing to become subject to the Constitution and Canons of the Province and the Diocese.

b. A Congregation or Mission attached to another Diocese or cluster of the Province, desiring to become a member of this Diocese, shall make application to the Bishop and, with the consent of the Standing Committee and the Bishop to which jurisdiction that Congregation or Mission is currently attached, may be received into this Diocese upon its proper accession to the Constitution and Canons of this Diocese.

c. A Congregation or Mission of another denomination desiring to become attached to this Diocese shall first apply to the Executive Committee of the Province for admission as a member of the Province. Upon being so admitted, after complying with all requirements of the Province, the Bishop shall receive the Congregation or Mission, its members and clergy thereof into this Diocese upon its written accession to the Constitution and Canons of this Diocese.

Section 3. Governance of Congregations

a. Governing Body of Congregation Defined and How Elected

The Rector and Vestry shall be the governing body of the Congregation. Every Congregation shall have a Vestry elected by the Congregation under rules established for that purpose.

The Rector and Vestry shall be responsible for establishing the slate of candidates to stand for Vestry election, and each such candidate shall meet the eligibility criteria set forth in Subparagraph c of this Section. Each candidate shall stand for election separately and the election shall not be a mere formality electing a predetermined slate of candidates.

The Rector shall be elected by the Vestry and shall serve at the pleasure of the Vestry and the Bishop, except that no Rector may be removed from office without the consent of the Bishop and then only as provided by these canons.

b. Governing Documents and Structure

i. Each congregation shall adopt governing documents in conformity with the Constitution and Canons of the Province and the Diocese and shall operate in accordance with the same.

ii. The governing documents of the Congregation shall provide that: (a) the Senior Warden shall be selected by either the Rector or the Vestry from among the members of the Vestry; (b) the Junior Warden shall be selected by the Vestry from among its members; and (c) the Rector shall preside at all meetings of the Vestry and, in the Rector's absence, or if directed by the Rector, one of the Wardens shall preside.

iii. Congregations shall incorporate under the laws of the jurisdiction where located. the Vestry shall constitute the Board of Directors, its officers shall be elected by the Vestry, and the Vestry or the Congregation shall establish the bylaws of the Congregation. The Senior and Junior Warden may serve as officers of the corporation.

c. Vestry Member Eligibility, Qualifications, Duties, Oath and Vacancies

i. Eligibility. Only those Eligible Voters of the Congregation who are at least 18 years of age and have also been confirmed or received by a Bishop of a Province of the Anglican Communion shall be eligible to serve on Vestry. Unless permitted by written waiver of the Standing Committee: (1) spouses and other immediate family members of Vestry members; and (2) paid staff of the Congregation and their spouses and other immediate family members are ineligible to serve on Vestry. For Congregations having an ASA of less than 30, the Priest in Charge in consultation with the Bishop alone may for good cause waive any of the eligibility requirements; such approval shall be in writing.

ii. Aspirational Vestry Qualifications. Qualification for Vestry membership should be based on Titus 1:6-9. Candidates should aspire to have the following characteristics:

- (a). A mature Christian;
- (b). One who maintains an active prayer life;
- (c). One whose life is in order;
- (d). Known and respected among the Congregation;
- (e). One who has been or is currently active in ministry;
- (f). Known as a cheerful giver, not only of money but of time; and
- (g). One who understands, has counted the cost of, and is committed to fulfilling the responsibilities and duties of a vestry member.

iii. Duties. The Vestry shall at a minimum have the following duties:

- (a). Provide for the financial support of the Rector and the Rector's family;
- (b). Support the Rector in all aspects of the Rector's ministry, including ensuring the Christian formation, biblical literacy and spiritual maturity of the members of the Congregation;
- (c). Provide an adequate place for regular worship;
- (d). Provide for the elements necessary for the celebration of Sacraments, music, hymnals, prayer books, and Bibles as needed for use by the Congregation;
- (e). Provide for the compensation of staff members;

(f). Establish an adequate insurance program for the Congregation that includes, at a minimum, property damage, liability, personal injury, and errors and omissions;

(g). Be familiar with the Constitution and Canons of the Province and of the Diocese and provide for compliance therewith;

(h). Establish a biblically-based program of financial giving by members of the Congregation;

(i). Conform (as nearly as possible) with the financial askings of the Diocese; and

(j). Strive for unity and adopt the principles found in Matthew 18 as the standard for resolving conflict that may develop within the Vestry, the Congregation, the Diocese, and the Province.

iv. Vestry Oath

Every person elected a Vestry member shall attest, by signing a book kept for that purpose, the following declaration and promise:

“I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary for salvation through Our Lord Jesus Christ and I do yield my hearty consent to the fundamental declarations set forth in Article I of the Constitution, and to the discipline and forms of worship of the Anglican Church in North America. I promise that I will faithfully execute the duties of the office of Vestry member of this Congregation to the best of my ability.”

v. Vestry Elections

Every Congregation shall have an annual meeting in keeping with its governing documents at which meeting new Vestry members shall be elected. A Congregation may establish staggered terms for its Vestry members and may provide that no person may serve more than two successive full terms on a

vestry. The governing documents may also provide for additional meetings of the Congregation.

vi. Filling Interim Vestry Vacancies

In the event of a vacancy in the Vestry, the remaining members may fill that vacancy with a qualified member of the Congregation who shall serve until the next annual meeting of the Congregation.

d. Finance Committee

The Vestry of each Congregation shall provide for a Finance Committee, which shall prepare a budget for adoption by the Vestry. No Congregation may operate on a deficit budget without adequate reserves to cover such deficit.

e. Treasurer

Each Congregation shall have a Treasurer, elected by Vestry, who shall be a member of the Finance Committee ex officio and be bonded in such sum and with such surety as the Vestry from time to time shall determine. The Treasurer shall be the custodian of the funds of the Congregation and shall perform such other duties as required by the Vestry.

f. Officers of the Congregation

In addition to the Rector, the Wardens and the Treasurer, a Congregation may have such other officers as allowed by its governing documents.

g. Investments

All investments of Congregation funds shall be under the oversight of the Vestry and shall be made with due regard to applicable state law for fiduciaries. The Vestry may consult with the Diocese for guidance with regard to

investments. Investment funds shall be deposited in banks or other financial institutions where such deposits are adequately insured, unless such requirement be waived in writing by the Vestry in accordance with generally accepted investment standards.

h. Audits and Reviews

The Vestry shall cause the accounts of its Treasurer and all other custodians of funds or securities to be reviewed or audited annually in accordance with the standards to be prescribed by the Finance Committee of the Diocese. The Diocese may require evidence of such audit or review to be submitted to the Diocese on an annual basis.

i. Members and Eligible Voters of the Congregation

The minimum standards for the definitions of “Member” and “Eligible Voter” are as follows:

(a). Members: Other than clergy under the authority of the Bishop, members comprise 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 and who publicly affirm the Fundamental Declarations set forth in Article I of the Constitution of the Province.

(b). Eligible Voters: Only those Members of the Congregation who are at least 16 years of age, who are also recognized by the Rector as regular worshippers and by the Treasurer or Wardens as regular contributors are eligible to vote for Vestry and other matters requiring the vote of the Congregation. Prior to each annual Vestry election, the list of Eligible Voters shall be published to enable the list to be corrected.

ii. The Rector and Wardens shall maintain a current list of the Members and Eligible Voters of the Congregation. Any person who

believes he or she is entitled to be included on the list of Eligible Voters may appeal to the Vestry for its determination.

j. Sacramental Registers and Vestry Minutes

The Rector and Wardens shall maintain a register or registers of official acts such as worship services, baptisms, confirmations, weddings, funerals, and visitations of bishops and other clergy. Minutes of all meetings of the Vestry shall be kept in permanent form but need not be bound.

k. Annual Report

Every congregation and mission will promptly complete the Provincial Congregational Report within the time period provided by the Province. The Bishop, with the advice and consent of the Standing Committee, may take appropriate action should any Congregation fail to comply with the requirement of this canon including loss of synodal vote.

Section 4. Governance of Missions

The Bishop shall be the governing authority of a Mission, except as he may delegate such authority. A Mission may have a governing board to assist in the administration of its affairs. The Vicar of a Mission, appointed as such by the Bishop, shall be in charge of the Mission, subject to the authority of the Bishop, and shall preside over all meetings of the governing board.

Canon 7

The Rector and The Pastoral Relationship

Section 1. The Pastoral Relationship Defined

A prayerful process of discernment, including due diligence, shall be undertaken in the calling of a Rector to a Congregation and the Vestry shall consult with the Bishop before extending an offer to a candidate. The relationship between the Rector and the Congregation is one of mutual trust and dependence in carrying out the ministry of the Congregation. As the spiritual leader of the Congregation, the Rector requires the full cooperation and support of the Vestry. The Rector, with the approval of the Vestry, shall select all assistant or associate clergy who shall serve at the pleasure of the Rector. Whenever matters of disagreement develop, it is incumbent on all parties to approach one another with patience, understanding of the views of all parties, and Christian charity to avoid having the relationship imperiled or hindered.

Section 2. Search Committee

The Vestry may appoint a Search Committee to consider appropriate candidates to be considered for election and call as Rector by the Vestry. The names of the final candidates shall be submitted to the Bishop for his advice. No person may be elected and called as Rector without the approval of the Bishop. The Vestry shall determine the numerical vote of its members necessary for the election of Rector. The Call of the Rector shall include the financial and other benefits to be offered to the Rector.

Section 3. Restrictions upon Rector's Resignation and Removal

Except for reasons required by infirmity, a Rector may not resign as Rector without the consent of the Vestry. A Rector may not be removed against his or her will except as hereinafter provided.

Section 4. Procedure When Pastoral Relationship Imperiled or Hindered

a. Whenever a Rector or a majority of the Vestry believe the pastoral relationship between the Rector and the Congregation to be imperiled or hindered by reason of dissention, either or both shall present the matter to the Bishop.

b. Upon notification of such imperilment or hindrance, the Bishop shall promptly seek reconciliation by whatever means he believes appropriate that is not inconsistent with Holy Scripture. Both the Rector and the Vestry shall participate cooperatively in the

process. The Bishop may issue such interim directives appropriate to the cause before issuing a final judgment. Prior to issuing a final judgment, the Bishop shall consult with the Standing Committee and the Chancellor of the Diocese. The Standing Committee may schedule a conference with the Vestry and the Rector before rendering its advice to the Bishop. At such conference, the parties may be heard and be represented by a person or persons of their choice.

c. The judgment of the Bishop may include a leave of absence with pay for the Rector, a refusal to dissolve the pastoral relationship or a judgment of dissolution.

d. If the relationship is to be dissolved, the judgment may include terms and conditions for compliance by both parties and must include a financial settlement to be determined at the discretion of the Bishop. The Bishop shall in all cases render pastoral support to the Rector. Upon issuing such judgment, the Bishop shall direct the Registrar of the Diocese to record the dissolution.

e. If at the time of a need for Episcopal intervention in the relationship between a Rector and a Congregation there be no Bishop or the Bishop refuses to act within a reasonable time period, the Standing Committee or Vestry may appeal to the Archbishop for action.

f. If for any reason either the Vestry or the Rector shall refuse to comply with the judgment of the Bishop, the Bishop may suspend the Rector from the exercise of the ministry of a Presbyter until the Rector complies with the judgment or, in the case of the Vestry, the Bishop may call a congregational meeting for the purpose of notifying the Congregation of the Vestry's noncompliance with the judgment. The Bishop may request the Synod of the Diocese to remove the Congregation from the Diocese in the event of continued noncompliance by the Vestry.

Canon 8

Creation of Congregational Debt

Section 1. Standard Governing Creation of Indebtedness

The creation of congregational debt shall be undertaken with caution and due regard for the fiduciary responsibilities of the Vestry.

As a general rule Congregations should not incur indebtedness that would result in annual debt service payments in excess of 33% of a Congregation's or Mission's average annual income over the previous three years.

Section 2. Professional Guidance

Congregations should seek professional guidance before entering into any significant debt especially secured debt.

Section 3. Limits on Indebtedness

Total indebtedness of a Congregation should not exceed 400% of its average annual income over the previous three years. The governing documents of a Congregation may provide for limits on borrowing without the affirmative vote of a majority of the Congregation at a meeting called for that purpose.

Canon 9

Congregation, Mission and Diocesan Property

Section 1. No Denominational or Diocesan Trust in Congregation Property

All real and personal property owned by or held for the benefit of a Congregation shall belong exclusively to that Congregation, free of any trust or other claim by the Diocese or the Province.

Section 2. Ownership of Mission Property

A Mission may own real and personal property either before or after it becomes a Congregation.

Section 3. Restriction on Right to Alienate, Sell, Exchange, Encumber or Transfer Real Property of Congregations and Missions

Each Congregation's and Mission's governing documents shall specify the process by which the Congregation's or Mission's real property or any part thereof may be alienated, sold, exchanged, encumbered or otherwise transferred, and any such conveyance or encumbrance shall comply with the laws of the State where the property is located and the Diocesan Constitution. Prior to the sale of consecrated property, the Vestry shall first offer the property to the Standing Committee of the Diocese which, unless such right to purchase is waived, shall have sixty (60) days to elect to pursue its acquisition for purposes of the Diocese.

Section 4. Diocese Empowered to Own Its Own Property

The Diocese may own its own property to be held in whatever form determined by the Standing Committee and any such property shall be free of any claim of trust or ownership by the Province.

TITLE II

Worship and Administration of the Sacraments

Canon 1

Conformity with Provincial Canons

Worship and the Administration of the Sacraments in this Diocese shall be in conformity with Title II of the Provincial Canons and Title II of these Diocesan Canons.

Canon 2

Of Authorized Translations of the Bible

The Lessons used in services of public worship shall be read from translations of the Holy Scriptures as authorized by the Bishop of the Diocese.

Canon 3

Of Authorized Forms of Public Worship and Authorized Editions of the Book of Common Prayer

The Bishop shall ensure that the forms used in Public Worship and the Administration of the Sacraments be in accordance with Anglican Faith and Order and that nothing be established that is contrary to the Word of God as revealed in the Holy Scriptures.

Canon 4 Of Christian Marriage

Section 1. Christian Marriage in the Diocese

The Diocese affirms our Lord's teaching that the Sacrament of Holy Matrimony is in its nature a union lifelong and permanent of one man and one woman. Christian marriage in this Diocese shall be in conformity with Title II, Canon 7 of the Provincial Canons.

Section 2. Procedure for Divorced Person to Seek Permission to Be Married in the Diocese

The following procedure is required by Title II, Canon 7, Section 4 of the Provincial Canons. Should a man and a woman, one or both of whom have been divorced, wish to be married to one another in this Diocese, the couple must first secure the Bishop's consent by submitting an application on a form prescribed by the Bishop for such purpose. Within 30 days from the date of receipt of the application signed by the couple and the proposed officiating clergy, the Bishop shall communicate in writing his determination of the application.

Canon 5 Of Standards of Morality and Ethics

Section 1. Exemplary Morality

Clergy and laity of this Diocese are called to be exemplary in all spheres of morality. This is a condition of being appointed to or remaining in a position or office of leadership.

Section 2. Sanctity of Marriage

In view of the teaching of Holy Scripture, the Lambeth Conference of 1998 and the Jerusalem Declaration, this Diocese upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who

are not called to marriage, and cannot legitimize or bless same-sex unions or ordain persons who engage in homosexual behavior. Sexual intercourse should take place only between a man and a woman who are married to each other.

Section 3. Sanctity of Life

God, and not man, is the creator of human life. The unjustified taking of life is sinful. Therefore, all clergy and laity are called to promote and respect the sanctity of every human life from conception to natural death.

Section 4. Pastoral Ministry

Clergy and laity are called upon to show Christ-like compassion to those who have fallen into sin, encouraging them to repent and receive forgiveness, and offering the ministry of healing to all who suffer physically or emotionally as a result of such sin.

TITLE III
Of Ministers, Their Recruitment, Preparation,
Ordination, Office, Practice and Transfer

Canon 1
Of the Vocation Committee and Examining Chaplains

There shall be a Vocations Committee comprising four clergy appointed by the Bishop to serve a four-year staggered term with the Canon for Leadership Development serving as the Chair. The Vocations Committee shall assist the Bishop with the examination, interviewing, and other screening of applicants for admission as postulants and candidates for ordination to Holy Orders. The Vocations Committee shall assist the Bishop in assessing areas which may need to be addressed regarding the selection of persons for ministry, offering guidance for appropriate timing for ordination of all postulants and candidates to Holy Orders. The Vocations Committee shall publish a Call to Holy Orders for those whom they have appropriately examined and deem acceptable according to the requirements of the diocesan discernment process and the Canons of the Anglican Church in North America. The Bishop may appoint Examining Chaplains from among qualified Presbyters, Deacons, and Laity of the Diocese for the purpose of assisting the Bishop and the Vocations Committee with examining and assessing the academic acumen of postulants and candidates before issuing a Call to Holy Orders.

TITLE IV
Ecclesiastical Discipline

Canon 1
Ecclesiastical Discipline

All clergy under the authority of the Bishop who exercise ministry in the Diocese shall be subject to the disciplinary provisions of Title IV of the Provincial Canons and to the provisions of these Diocesan Canons.

Canon 2
The Rights of the Respondent

Any member of the clergy against whom disciplinary measures are initiated shall be presumed innocent until he or she has been determined guilty according to the provisions and procedures described herein. All disciplinary procedures shall be undertaken speedily in a manner consistent with principles of fairness, due process, and natural justice.

Canon 3
The Canonical Investigator

The Standing Committee of the Diocese shall appoint a canonical investigator to ascertain the merit of any accusations made against clergy of the Diocese and to make a recommendation to the Standing Committee as to whether further juridical process should be pursued.

Canon 4
The Ecclesiastical Trial Court of the Diocese

Section 1. Ecclesiastical Trial Court Established, Composition, Number of Members, Mode of Election and Term of Office

There shall be an Ecclesiastical Trial Court (“Court”) of the Diocese consisting of nine members elected by the Synod of the Diocese upon the nomination of the Standing Committee for a term of three years. Four members shall be chosen from the laity and five from the clergy. No member may serve more than two consecutive terms. Staggered terms may be provided.

Section 2. Court Advisor

The Bishop may appoint an attorney at law to advise the Court as to its procedures.

Section 3. Court Officers and Recorder of Proceedings

The Court shall elect its President and Secretary from its members, and shall appoint a recorder of proceedings, which recorder may be a court reporting agency not affiliated with the Diocese.

Section 4. Quorum and Composition of Court

A panel of no fewer than five members of the Court shall be necessary for the conduct of a trial or for a judgment. Any panel of the Court shall comprise an odd number of members with one more clergy than laity. Section 5. Judgment of the Court
An affirmative vote of sixty percent of the members of a panel of the Court shall be required for any judgment.

Canon 5

The Trial Attorney

The Bishop shall appoint a Trial Attorney who shall have the responsibility of preparing all presentments and presenting the evidence to the Court.

Canon 6

Attorney for the Respondent

The Respondent shall have the right to an attorney. The Standing Committee may, in its discretion, authorize the payment in whole or in part of the legal fees incurred by a Respondent.

Canon 7

Court Rules and Procedures

The rules governing proceedings in the Court are set forth in Appendix A to these Diocesan Canons.

Canon 8

Clergy Under Ecclesiastical Authority in Another Jurisdiction

Regardless of whether any member of the clergy under the authority of the Bishop is also under the authority of another bishop, whenever it is believed that such a member of the clergy may have committed a canonical offense in this Diocese, the same shall be reported by the Bishop to the other bishop or Archbishop who also has ecclesiastical authority over such member of the clergy. Such member of the clergy shall be subject to disciplinary proceedings in this Diocese in accordance with Title IV of the Diocesan canons.

Canon 9

Of Sentences

Upon any conviction, the Bishop shall pronounce sentence as outlined in Title IV, Canon 8 of the Provincial Canons, which shall include the authority of the Bishop to prohibit the convicted member of the clergy from serving in the Diocese.

ITILE V

Enactment, Amendment, and Repeal of Canons

Canon 1
Amendments

The Canons of the Diocese may be amended by the Synod at any regular meeting or any Special Meeting called for that purpose. No amendment may be adopted until it has been reviewed by the Constitution and Canons Committee and its recommendations given to the Synod.

APPENDIX A
ECCLESIASTICAL TRIAL COURT RULES OF PROCEDURE

Rule 1: Application and Scope of Rules

These Rules govern procedure in the Ecclesiastical Trial Court (the “Court”) in all presentment actions. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every such action.

Rule 2: Institution of Presentment Action

(a) Form. A presentment proceeding authorized by the Court shall be instituted by the service of a Summons, together with a copy of the Articles of Presentment. The Summons and Articles of Presentment shall be signed by the President of the Court, identify the Court and all the parties to the proceeding, be directed to the Respondent and state the name and address of the Trial Attorney representing the Diocese. It shall state the time within which the Respondent must file with the Court an Answer to the Articles of Presentment, and notify the Respondent that failure to do so may result in a Judgment that an Offense was committed by the Respondent and place the Respondent at risk for a Sentence to be pronounced at a later date. The Court may allow the Summons to be amended.

(b) Service. The service of the Summons and Articles of Presentment shall be made either by hand or certified mail with return receipt. The Respondent may waive personal service in writing.

(c) Proof of Service. The person effecting service of the Summons and Articles of Presentment shall make proof of service by affidavit or sworn statement to the Court. If service is waived, the written waiver of service shall be filed with the Court.

Rule 3: Service and Filing of Pleadings and Other Papers

Except as otherwise expressly provided in these Rules, every pleading, paper, motion and notice subsequent to the Summons and Articles of Presentment required to be served on a party shall be served upon either the party or the attorney that enters an appearance for the party, unless otherwise ordered by the Court. Service shall be made by hand delivering a copy to the party or the party's attorney or by mailing it to the party's or the attorney's last known address. Service by mail is complete upon mailing. The filing of papers with the Court shall be made by filing them with the President of the Court unless otherwise directed by the Court. The parties may by agreement approved by the Court also provide for service by other means such as electronic mail and/or facsimile transmission.

Rule 4: General Rules of Pleading

(a) Articles of Presentment. The Articles of Presentment shall contain a short and plain statement of each Offense with express reference to applicable provisions of Canon 2 of Title IV of the Canons of the Province, and a plain and concise statement of the facts upon which each such allegation is made.

(b) Answer. The Answer shall state in short and plain terms the Respondent's response to each allegation of the Articles of Presentment, including any defense thereto, and shall admit or deny the factual allegations of the Articles of Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of any factual allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

(c) Style. Pleadings are to be plain and concise. No technical forms of pleadings or motions are required.

(d) Construction. All pleadings shall be so construed as to do substantial justice.

(e) Form of Pleadings. Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations in the Articles of Presentment and the Answer thereto shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

(f) Signature. All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

Rule 5: Defenses and Objections.

(a) When Presented. Unless a different time period is prescribed, a Respondent shall serve an Answer to the Articles of Presentment upon the Trial Attorney and file it with the Court within 30 days after being served with a Summons and Articles of Presentment.

(b) How Presented. The following defenses may be asserted either in the Answer or by motion: (1) insufficiency of service or process; (2) lack of jurisdiction; (3)

failure to state the factual basis of an Offense; and (4) expiration of the applicable period of limitations as stated in Canon 3 of Title IV of the Canons of the Province. The Respondent may also move for a more definite statement before filing an Answer if the Articles of Presentment are so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

Rule 6: Amended and Supplemental Pleadings

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

Rule 7: Voluntary Disclosures, Discovery

(a) Voluntary Disclosures. The parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

(b) The parties may conduct discovery through written or oral depositions or written interrogatories. The Court may limit the number, length and scope of depositions or interrogatories. The Respondent shall not be required to make any statement or admission against himself or herself in any discovery procedure.

Rule 8: Taking of Testimony

In all Court proceedings, the testimony of witnesses shall be taken orally in open Court by the Recorder of proceedings, unless otherwise provided by the Court. Such testimony shall be given under oath or solemn affirmation.

Rule 9: Summary Judgment of Offense

(a) How Made. If the Respondent fails or refuses to Answer the Articles of Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Trial Attorney may, no sooner than thirty days after the Answer is due, move with or without supporting affidavits for Summary Judgment. A Respondent may also move, with or without supporting affidavits, for Summary Judgment on part or all of the allegations of the Articles of Presentment.

(b) Opposing Affidavits. Prior to the day of any hearing set by the Court on a Motion for Summary Judgment, the Respondent may submit affidavits in support of his or her response to the Motion.

c) Proceedings Thereon. The court shall convene a hearing to consider any Motion for Summary Judgment and may, in the Court's discretion, receive oral testimony at any such hearing. If the Articles of Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed an Offense, the Court shall render Summary Judgment as sought by the Motion for Summary Judgment.

(d) Form of Affidavits. Supporting and opposing affidavits, and any oral testimony, shall be made on the basis of personal knowledge, shall state such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

(e) Defense Required. When a motion is made and supported as provided in this rule, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for trial.

Rule 10: Trials

Each Respondent is entitled to a speedy and just trial of the allegations set forth in the Articles of Presentment. Each Respondent is entitled to confront the evidence against him. The facts alleged in the Articles of Presentment must be proved by clear and convincing evidence and the Diocese bears the burden of going forward and of proof as to each and every allegation in the Articles of Presentment. Trials shall be governed by the Federal Rules of Evidence and, where applicable under those rules, the rules of evidence of the state in which the Diocese has its principal office.

Rule 11: Judgment

The Court shall render its Judgment no later than sixty days after the date of the conclusion of the hearing upon a Motion for Summary Judgment or trial.