

*The Diocese of the*

# MID-ATLANTIC

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The Anglican Church in North America

# Constitution and Canons

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# The Diocese of the Mid-Atlantic of the Anglican Church in North America

## Constitution

### Preamble

*In the Name of God*, the Father, the Son, and the Holy Spirit, Amen. The Anglican Diocese of the Mid-Atlantic (the Diocese) is composed of Anglicans united by a common faith in the Lord Jesus Christ and a commitment to the trustworthiness of the Holy Scriptures. As Anglicans, we believe and confess Jesus Christ to be the Way, the Truth, and the Life. No one comes to the Father but by Him. — John 14:6.

The Diocese, formed by its constituent Congregations and Missions to be a member of the Anglican Church in North America (the Province), which seeks to be and remain in full communion with all Anglican Churches, Dioceses and Provinces that hold and maintain the Historic Faith, Doctrine, Sacraments and Discipline of the One, Holy, Catholic, and Apostolic Church (the Church), ordains and establishes this Constitution. The purpose of the Diocese is to equip and support the clergy and laity to extend the Kingdom of God through the ministries of the Congregations and Missions in which they serve and worship.

### Article I

#### Fundamental Declarations of the Diocese

The Diocese hereby adopts the Fundamental Declarations of the Province (Appendix A) as set forth in Article I of the Provincial Constitution. Furthermore, we receive and affirm the Global Anglican Future Conference (GAFCON) Statement and the Jerusalem Declaration issued June 29, 2008. The Diocese acknowledges the authority and powers of the Province as set forth in the Provincial Constitution and Canons adopted thereby, and adopts this Constitution to be in conformance therewith. All powers not granted to the Province are reserved to the Diocese.

Each member of the Synod (Lay, Clerical, and *ex officio*), each member of each committee of the Diocese and of the Synod, and each member of the Ecclesiastical Trial Court shall affirm these declarations. Provision shall be made for regular reaffirmation.

## Article II

### Mission and Worship in the Diocese

#### Section 1. The Mission of the Diocese

The mission of the Diocese is to extend the Kingdom of God by so presenting Jesus Christ in the power of the Holy Spirit that people everywhere will come to put their trust in God through Him, know Him as Savior, and serve Him as Lord in the fellowship of the Church. The chief agents of this mission to extend the Kingdom of God are the people of God.

The work of the Diocese is to equip its members to serve as Christ's ambassadors of reconciliation to God, to plant new congregations, and to make disciples of all nations; baptizing them in the Name of the Father, and of the Son, and of the Holy Spirit, and teaching them to obey everything commanded by Jesus Christ.

The fundamental agency of mission in the Province and the Diocese is the local congregation. The Diocese exists to serve the local Congregations and Missions.

#### Section 2. Worship in the Diocese

The worship of Almighty God in the Diocese shall be according to Anglican Faith and Order, and shall be conducted in accord with the Constitution and Canons of the Province and of the Diocese.

## Article III

### Order, Governance, and Discipline

The Diocese is composed of Congregations, Missions, and clergy, united by a Bishop. The order, governance, and discipline of the Diocese shall be vested in the Bishop as the Ecclesiastical Authority, the Standing Committee, the Synod, the Executive Committee, if one be established, and the Ecclesiastical Trial Court of the Diocese in conformity with this Constitution.

## Article IV

### Authority, Composition, and Operation of the Synod

#### Section 1. Authority

The Synod, as the legislative body of the Diocese, shall have authority to adopt Canons, approve resolutions and budgets, and take any other specific action for the conduct of the affairs of the Diocese not in conflict with this Constitution or that of the Province.

## Section 2. Composition

- A. The Synod shall be composed of the Lay Order and the Clerical Order.
- B. The Clerical Order shall be composed of the Clergy Delegates comprising the Bishop or Bishops and all of the Presbyters and Deacons under the authority of the Bishop in the Diocese. No member of the Clerical Order while under ecclesiastical discipline shall be entitled to a seat in the Synod.
- C. The Lay Order shall be composed of the Lay Delegates elected by the member Congregations and Missions, and the Lay Members of the Standing Committee.
- D. Each member of the Clerical Order and Lay Order shall have voice and vote. The Lay Officers of the Diocese shall have only voice.
- E. Each Youth Delegate shall be a member of the Synod with voice and vote.

## Section 3. Meetings

There shall be an annual meeting of the Synod. As provided by Canon, the Synod may also hold Special Meetings. The elected Lay Delegates shall serve only for the annual meeting of the Synod for which chosen and for any Special Meeting held prior to the next annual meeting, unless other delegates are chosen specifically for such Special Meeting.

## Section 4. Quorum for the Transaction of Synod Business

In order to constitute a quorum for the transaction of business at any Synod meeting:

- Delegates representing one half of the Congregations and Missions must be present;
- One half of the delegates of the Lay Order must be present; and,
- One half of the delegates of the Clerical Order must be present. Retired clergy who are absent shall be not counted against the determination of a quorum.

A meeting may be adjourned by a majority of those delegates present at adjournment.

## Section 5. Presiding Officer of the Synod

The Bishop shall preside at all meetings of the Synod unless he assigns the role of Presiding Officer to a member of the Synod. In the Bishop's absence, the Standing Committee shall assign the role of Presiding Officer to a member of the Synod.

## Section 6. Voting

The Synod shall deliberate and vote as one body and, unless otherwise provided by this Constitution or by Canon, a majority of those voting shall be necessary for a decision. A vote by orders may be authorized by Canon

## Article V

### The Executive Committee and Other Committees

The Synod, with the consent of the Bishop, may provide by Canon for the appointment or election of an Executive Committee, to serve as the authority of the Synod between annual Synod meetings. Unless and until an Executive Committee be established, the Standing Committee shall serve as such authority and shall perform any functions of the Executive Committee provided by the Constitution or Canons of the Diocese. The Synod may establish other committees. The Bishop, with the advice of the Standing Committee, may appoint *ad hoc* committees to study and report on particular matters assigned by the Bishop.

## Article VI

### Office of the Bishop

#### Section 1. The Calling to the Episcopate – 1 Timothy 3

A Bishop is called by God and the Church to be a shepherd who feeds the flock entrusted to his care. A Bishop is an overseer of the flock and as such is called to propagate, to teach, and to uphold and defend the Faith and Order of the Church, willingly and as God directs. He must not be greedy for money but be eager to serve, not lording the authority of his office or position over those entrusted to his care. He must be a humble, wholesome example to the entire flock of Christ. By the tradition of Christ's One, Holy, Catholic, and Apostolic Church, Bishops are consecrated for the whole Church and are successors of the Apostles through the grace of the Holy Spirit given to them. They are chief missionaries and chief pastors, guardians and teachers of doctrine, and administrators of godly discipline and governance.

#### Section 2. Of the Episcopate

It is appropriate in this Diocese to understand the “godly historic Episcopate” to be an “inherent part of the apostolic faith and practice,” as stated in the Fundamental Declarations of the Province and referenced in the Fundamental Declarations of the Diocese, in the sense in which the office of Bishop or overseer (*episcope*) has existed from the Apostles' time and was instituted in the New Testament.

#### Section 3. Concerning Criteria for Bishops

To be a suitable candidate for Bishop, a person must:

- Be a person of prayer and strong faith;
- Be pious, have exemplary morals, and exhibit Godly character;

- Have a zeal for the salvation of and care for souls;
- Have demonstrated evidence of the fruit of the Holy Spirit;
- Possess the knowledge and gifts that equip him to fulfill the office;
- Be held in high esteem by the faithful;
- Be a male Presbyter at least 35 years old
- Have served as Rector of a congregation;
- Have demonstrated the ability to lead and grow the Church; and
- Have affirmed the Fundamental Declarations of the Diocese.

#### Section 4. Election of Bishops

The election of the Bishop of the Diocese, a Bishop Coadjutor, or a Bishop Suffragan shall take place at the annual meeting or any Special Meeting of the Synod called for that purpose. The vote shall be by ballot and by orders. A majority of the votes cast by each order on the same ballot shall be necessary for election. The Secretary of the Diocese shall immediately forward the name of the person so elected to the College of Bishops of the Province for its consent as provided in Title III, Canon 8, Section 4 of the Provincial Canons. In the event that the Bishop-elect is rejected by the College of Bishops, the Bishop or the Standing Committee shall promptly call another meeting of the Synod for the purpose of electing a Bishop.

## Article VII

### Vacancy in the Office of the Bishop

#### Section 1. Death, Retirement, or Removal of the Bishop

Upon the death, retirement, or removal of the Bishop, if there be no Bishop Coadjutor, the Standing Committee shall be the Ecclesiastical Authority of the Diocese. The Standing Committee may, however, select a Bishop Suffragan of the Diocese or another bishop of the Province as Acting Bishop, to function as the Ecclesiastical Authority of the Diocese until a Bishop can be elected. Such selection shall be made in consultation with the Archbishop.

#### Section 2. Disability or Impermissible Absence of the Bishop

If the Standing Committee should determine upon careful deliberation that the Bishop is under a disability, or has absented himself without permission from or consultation with the Standing Committee for more than four weeks, it may with the consent of the Archbishop declare the Office of the Bishop vacant. In such case, the Bishop Coadjutor shall take charge until the Standing Committee, with the consent of the Archbishop, declares the Bishop restored. If there be no Bishop Coadjutor, the Standing Committee shall be the Ecclesiastical Authority of the Diocese. In consultation with the Archbishop, the Standing Committee may select a Bishop Suffragan or an assistant Bishop of the Diocese, if either exists, or another bishop of the Province as Acting Bishop. This bishop will function as that Ecclesiastical Authority of the Diocese until the Standing Committee, with the consent of the Archbishop, declares the Bishop restored.

### Section 3. Succession in Case of Death, Retirement, or Removal of the Bishop

A Bishop Coadjutor shall become the Bishop upon the death, retirement, or removal of the Bishop. A Bishop Suffragan may not become the Bishop of the Diocese unless he be so elected at a meeting of the Synod and his election be consented to by the College of Bishops.

## Article VIII

### The Standing Committee

There shall be a Standing Committee of the Diocese that shall perform those duties required by the Constitution and Canons of the Province and of the Diocese. In addition to the Bishop, the Standing Committee's voting membership shall be composed of an equal number of clergy and laity, whether elected by the Synod or appointed by the Bishop, as provided by Canon. Membership with voice only may be authorized by Canon.

## Article IX

### Diocesan Committee on Constitution and Canons

There shall be a Diocesan Committee on Constitution and Canons that shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Province. This Committee shall review and report its recommendation to the Synod regarding any proposed amendment to the Constitution or Canons.

## Article X

### The Officers of the Diocese

In addition to the Bishop, and, if there be such, the Bishop Coadjutor and the Bishop Suffragan, the Officers of the Diocese shall be the Secretary, the Treasurer, the Chancellor, and the Registrar. The selection and duties of the Officers of the Diocese shall be prescribed by Canon.

## Article XI

### Ecclesiastical Discipline

#### Section 1. Ecclesiastical Trial Court Established

There shall be an Ecclesiastical Trial Court of the Diocese for the application of Church discipline in accordance with the Provincial Constitution and Canons.

#### Section 2. Jurisdiction, Composition, Terms of Office, and Procedures

The jurisdiction, composition, terms of office, and procedures of the Ecclesiastical Trial Court shall be established by Canon.

## Article XII

### Concerning Property of Congregations and Missions

All property, real and personal, owned or held by or on behalf of a Congregation or Mission of the Diocese is and shall be owned by the Congregation or Mission, free of any trust or other claim in favor of the Diocese or the Province. A Congregation or Mission may not alienate or encumber its real property unless authorized by a majority vote of those who are eligible to vote and are present at its annual meeting (with adequate advance notice that such a vote will be held) or at a meeting called for that purpose with adequate advance notice.

## Article XIII

### Concerning Diocesan Property

Any property, both real and personal, owned by the Diocese now and in the future is not and shall not be subject to any trust interest in favor of the Province or any other claim of ownership arising out of the constitutional or canonical law of the Province.

## Article XIV

### Incorporation

The Diocese may incorporate in accordance with the laws of the State where located or the State where any of its Congregations or Missions is located. The Bishop shall be the President of the corporation and the Standing Committee its Board of Directors. Operation of the corporation shall be as provided by Canon and applicable State law.

## Article XV

### Affiliation

The Diocese reserves the right to withdraw from the Province by a vote carried out in accordance with the voting procedure defined in Article XVI of this Constitution.

## Article XVI

### Amendment

No amendment to this Constitution may be adopted until it has been reviewed by the Constitution and Canons Committee and its recommendations given to the Synod. This Constitution may be amended by a 2/3 vote at any annual meeting of the Synod, provided that each amendment must also be approved by a majority of each order's total delegates present at the meeting. If approved, the amendment shall lie over to the next annual meeting of the Synod. If again approved in the same form by a 2/3 vote of the Synod and a majority of each order's total delegates present at the meeting, the Constitution shall then stand amended as proposed.

# Appendix A

## *The Fundamental Declarations of the Province*

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### *Article 1 of Constitution of the Anglican Church in North America*

As the Anglican Church in North America (the Province), being a part of the One, Holy, Catholic, and Apostolic Church of Christ, we believe and confess Jesus Christ to be the Way, the Truth, and the Life: no one comes to the Father but by Him. Therefore, we identify the following seven elements as characteristic of the Anglican Way, and essential for membership:

1. We confess the canonical books of the Old and New Testaments to be the inspired Word of God, containing all things necessary for salvation, and to be the final authority and unchangeable standard for Christian faith and life.
2. We confess Baptism and the Supper of the Lord to be Sacraments ordained by Christ Himself in the Gospel, and thus to be ministered with un failing use of His words of institution and of the elements ordained by Him.
3. We confess the godly historic Episcopate as an inherent part of the apostolic faith and practice, and therefore as integral to the fullness and unity of the Body of Christ.
4. We confess as proved by most certain warrants of Holy Scripture the historic faith of the undivided church as declared in the three Catholic Creeds: the Apostles', the Nicene, and the Athanasian.
5. Concerning the seven Councils of the undivided Church, we affirm the teaching of the first four Councils and the Christological clarifications of the fifth, sixth and seventh Councils, in so far as they are agreeable to the Holy Scriptures.
6. We receive The Book of Common Prayer as set forth by the Church of England in 1662, together with the Ordinal attached to the same, as a standard for Anglican doctrine and discipline, and, with the Books which preceded it, as the standard for the Anglican tradition of worship.
7. We receive the Thirty-Nine Articles of Religion of 1571, taken in their literal and grammatical sense, as expressing the Anglican response to certain doctrinal issues controverted at that time, and as expressing fundamental principles of authentic Anglican belief.



In all these things, the Anglican Church in North America is determined by the help of God to hold and maintain, as the Anglican Way has received them, the doctrine, discipline and worship of Christ and to transmit the same, unimpaired, to our posterity.

We seek to be and remain in full communion with all Anglican Churches, Dioceses and Provinces that hold and maintain the Historic Faith, Doctrine, Sacraments and Discipline of the One, Holy, Catholic, and Apostolic Church.

# 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 Diocese of the Mid-Atlantic (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*

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## Title I A

### *Organization and Administration of the Diocese*

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## 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 the 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 these Canons.
8. The judicial authority of the Diocese shall be vested in the Ecclesiastical Trial Court as provided 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.
10. 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.

## 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; approve 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 be composed as provided in the Constitution, with Lay Delegates chosen in accordance with these Canons.

#### Section 3. Membership Lists and Mode of Election of Delegates

##### A. Clergy Delegates

- i. An official list of all duly ordained Presbyters and Deacons under the authority of the Bishop shall be maintained by the Ecclesiastical Authority, 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.

- ii. 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 IV, Section 4 of the Diocesan Constitution.
- iii. 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

- i. Congregations and Missions of the Diocese are entitled to a Lay Delegate or Delegates to Synod according to the following criteria based on Average Sunday Attendance. Congregations and Missions having an Average Sunday Attendance from 1 to 50 are entitled to one (1) Lay Delegate. Congregations and Missions having an Average Sunday Attendance from 51 to 100 are entitled to one (1) additional Lay Delegate. Congregations and Missions having an Average Sunday Attendance of 101 and greater are entitled to one (1) additional Lay Delegate for each 100 of Average Sunday Attendance or fraction thereof. The Average Sunday Attendance for Congregations and Missions 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.
- ii. 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 90 days before the ensuing meeting of the Synod, on a form prepared by the Registrar of the Diocese. Each delegate and alternate shall be an Eligible Voter in the Congregation or Mission represented and shall have been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. 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.
- iii. A list of all duly elected Lay Delegates to the Synod of Congregations and Missions of the Diocese shall be compiled, 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.

#### C. Appointed Youth Delegates

There shall be four at-large Youth Delegates drawn from Eligible Voters of four different Congregations and Missions of the Diocese and appointed by the Standing Committee to serve for one year. A Youth Delegate shall be between the ages of 16 and 22.

#### 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, except for good cause as determined by the Bishop and the Standing Committee, 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.
- D. Before a vote is taken upon any matter, five members of the Synod from at least three Congregations or Missions may, by request, require the vote to be taken by orders.

#### Section 5. Executive Committee

If established, the duties, composition, and method of selection shall be defined by Canon.

#### 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. Each committee shall keep its own records, and all committee recommendations required by the Diocesan Constitution and Canons shall be in writing.

#### 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 Bishop with the advice of the Chancellor shall propose Rules of Order for adoption by the Synod at the outset of each meeting.

#### 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 and alternates to the Provincial Assembly and Provincial Council from a list of nominees provided by the Clergy and Vestries of the Congregations and Missions and endorsed by the Standing Committee and the Bishop. Delegates elected for the Provincial Council shall be automatically included among the Provincial Assembly delegates. The number of alternates shall be decided by the Standing Committee and the Bishop. Vacancies shall be filled by elected alternates in descending order, according to number of votes received. The Standing Committee may fill any remaining vacancies in the event that an insufficient number of elected alternates are able to serve.

## 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.

# Canon 3

## Of the Diocesan Standing Committee

### Section 1. Standing Committee Established

#### A. Eligibility

Lay Members of the Standing Committee shall be Eligible Voters in a Congregation or Mission of the Diocese who have been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. Clergy members of the Standing Committee shall be under the authority of the Bishop.

#### B. Composition

The Standing Committee of the Diocese shall be composed of the following members:

- i. Six clergy and six 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 three years. The Synod shall establish a process for nominating candidates for election to the Standing Committee. The Standing Committee shall verify the eligibility of each candidate.
- ii. One clergy and one lay member may be appointed by the Bishop to serve for a term of one year; and
- iii. The Officers of the Diocese as provided by Title IA, Canon 4 of these Canons. Lay members of the Standing Committee shall be members of the Synod *ex officio*.
- iv. No individual shall serve as a member of the Standing Committee for more than six years of

any given period of nine consecutive years, whether by election, appointment, or a combination thereof.

### C. Voice, Vote, and Quorum

The Bishop and each member of the Standing Committee elected or appointed pursuant to Subparagraphs B.i and B.ii 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. To fill vacancies in its own membership, with such appointments to run until the next annual Synod;
- G. Together with the Bishop, act to accept or deny applications for ordination to the Diaconate or Presbyteriate; and
- H. 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. The Bishop, with the consent of the Standing Committee, may appoint from the existing Bishops of the Province, one or more Assistant Bishops. The Bishop shall prescribe the duties and responsibilities of each Assistant Bishop.

### 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 to assist the Bishop in carrying out his duties. The Bishop shall prescribe the duties and responsibilities of the Bishop Suffragan.

### Section 4. The Chancellor

The Chancellor of the Diocese, appointed by the Bishop, shall be an Eligible Voter in a Congregation or Mission of the Diocese who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. 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 an Eligible Voter in a Congregation or Mission of the Diocese who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. He or she shall keep the minutes of the Synod, 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, elected by the Standing Committee, shall be an Eligible Voter in a Congregation or Mission of the Diocese who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. He or she shall be the custodian for all of the funds of the Diocese and shall be learned in financial and accounting matters. 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.

### Section 7. The Registrar

The Registrar, appointed by the Bishop, shall be an Eligible Voter in a Congregation or Mission of the Diocese who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. 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, and the Registrar shall serve at the pleasure of the Bishop. The Treasurer shall serve at the pleasure of the Standing Committee. All Officers of the Diocese shall serve as members *ex officio* of the Synod with voice but no vote, as they shall likewise serve their respective committees.

# Canon 5

## Committees of the Diocese

### Section 1. The Great Commission Committee

#### A. Establishment

There shall be a Great Commission Committee, the membership of which shall be determined by the Bishop with the advice of the Standing Committee.

#### B. Duties

The Great Commission Committee shall assist the Bishop and the Standing Committee with:

- i. Supporting existing Congregations and Missions in the areas of evangelism, discipleship, and church growth;
- ii. Training, planning, coaching, and other support of church planters and church plants;
- iii. Raising up Lay Ministers for mission across the Diocese; and
- iv. Administering Diocesan funds allocated to church planting and the growth of new and existing Congregations and Missions.

### Section 2. 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. The Treasurer shall also serve as an *ex officio* member with voice but no vote.

#### B. Duties

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

#### C. Reporting and Audits

The Finance Committee shall cause the records and accounts of the Treasurer to be audited 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 3. Committee on Constitution and Canons

#### A. Establishment

There shall be a Committee on Constitution and Canons, which shall consist of 12 members plus the Chancellor as an *ex officio* member with voice but no vote. Three members shall be appointed by the Bishop. The remaining nine members shall be elected by the Synod for staggered three-year terms. The Standing Committee shall fill vacancies which may arise between meetings of the Synod, such appointments to run until the next annual Synod.

#### 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 4. Committee on Nominations for Bishops

#### A. Composition and Duties

- i. A Committee on Nominations, consisting of five Clergy and six Laity shall be formed on an as needed basis by the Executive Committee, if there be one, or by the Standing Committee serving as such authority (referred to throughout this Section as the “Executive Committee”). Up to two Clergy and two Lay alternates may be selected to fill vacancies created by the loss of Clergy or Lay members during the term of the Committee on Nominations. The alternates shall have seat but not voice or vote. If an alternate is seated to replace a departed member, clergy shall replace clergy and laity shall replace laity. An alternate who replaces a seated committee member is then granted voice and vote.
- ii. Lay members of the Committee on Nominations shall be Eligible Voters in a Congregation or Mission of the Diocese who have been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. Clergy members of the Committee on Nominations shall be under the authority of the Bishop.
- iii. The Committee on Nominations shall be responsible for receiving, considering, and keeping a record of all nominations for Bishop, Bishop Coadjutor, or Bishop Suffragan.
- iv. Once a nominating process has begun, the Committee on Nominations shall remain seated and continue its work until that nominating process has been completed, an election has occurred, and the Bishop-elect consented to by the Provincial College of Bishops. If an

election does not occur or if the Bishop-elect is not consented to by the College of Bishops, the Executive Committee may act to seat a new Committee on Nominations.

**B. The call for an Episcopal Election and Seating of a Committee on Nominations**

- i. When the Ecclesiastical Authority of the Diocese calls for the election of a Bishop, Bishop Coadjutor, or Bishop Suffragan, the Ecclesiastical Authority shall first notify the Archbishop of the Province of its request to hold an Episcopal election.
- ii. Once the College of Bishops has approved the request to hold an Episcopal election, a Committee on Nominations shall be formed and committee members selected by the Executive Committee within 180 days after receiving approval to hold the election.
- iii. Either the annual meeting of the Synod or a Special Meeting of the Synod called for the election of a Bishop may serve as an electing Synod.
- iv. The Executive Committee shall prayerfully consider names submitted by Rectors/Vicars of the Diocese for the lay members of Committee on Nominations. Any lay person seeking to be considered for selection shall submit a written form that includes the signature of the Rector/Vicar and the Senior Warden. Clergy desiring to serve shall submit their names to the Executive Committee.
- v. In addition, each person who desires to become a member of the Committee on Nominations must submit a signed declaration that he/she affirms the Fundamental Declarations of the Diocese as set forth in Article I of the Diocesan Constitution and the Standards of Morality and Ethics as set forth in Title II, Canon 5 of the Diocesan Canons.
- vi. The Executive Committee at its discretion may request additional information from the individuals seeking selection to the Committee on Nominations.
- vii. The Executive Committee shall appoint the chair of the Committee on Nominations. Once seated, the Committee on Nominations shall elect a secretary from among its members.
- viii. Once seated, the Committee on Nominations shall have power to adopt rules and regulations consistent with Canon and approved by the Executive Committee. The Committee on Nominations may decide to use other resources to assist its work, such as any of the Bishops of the Diocese, any Committees of the Diocese, any Officers of the Diocese, or one or more outside consultants.

**C. Identification and Screening of Nominees and Presentation of a Slate of Candidates for the Election of a Bishop**

- i. Nominations for Bishop shall be submitted to and/or recruited by the Committee on Nominations in a manner and time specified by the Committee and approved by the Executive Committee.
- ii. Any priest on the Committee on Nominations whose name is proposed for consideration for nomination must either withdraw his name from further consideration or resign from the Committee on Nominations.

- iii. The Committee on Nominations shall screen all names placed in nomination to determine whether they meet the criteria established by the Provincial and the Diocesan Constitution and Canons and other Provincial teachings. Other criteria may be established by the Committee on Nominations as approved by the Executive Committee.
- iv. Through a prayerful process of discernment, including due diligence, the Committee on Nominations shall arrive at a slate consisting of no fewer than three candidates. Each candidate must have communicated to the Committee on Nominations written permission to make his candidacy public. The slate of the final candidates shall be published to the Synod delegates no less than 90 days prior to the electing Synod.

#### D. Nomination by Petition

- i. There shall be a process for names of additional candidates to be submitted by petition to the Committee on Nominations. To be considered, each petition must contain the names and signatures of at least 5 clergy and 20 laity who are elected members of Synod. Each candidate nominated by petition must concur with the nomination and communicate to the Committee on Nominations written permission to make his candidacy public. Such petitions will be presented to the Committee on Nominations in the manner previously specified, and with the supplementing material requested, of all other applicants. Petitions must be received within a time to be established by the Committee on Nominations to allow the Committee to screen and conduct due diligence for any such nominations in accordance with Section 4(C)(iii) and (iv) of this Canon.
- ii. Nominations may not be made from the floor of the electing Synod.

#### E. Election of the Bishop

- i. Each ballot shall be preceded by a period of silent prayer.
- ii. The vote shall be by ballot and by orders. A majority of the votes cast by each order on the same ballot shall be necessary for election.
- iii. The Secretary of the Diocese shall immediately forward the name of the person so elected to the College of Bishops of the Province for its consent as provided in Title III, Canon 8, Section 4 of the Provincial Canons.
- iv. In the event that the Bishop-elect is not consented to by the College of Bishops, the Bishop or the Standing Committee shall promptly call another meeting of the Synod for the purpose of electing a Bishop.

#### F. Records and Reports

- i. Records will be defined as reports, letters, working papers, and files in a wide variety of media. During the course of its work, all such documents generated within or received by the Committee will be protected from access by anyone not a member of the Committee or assisting as a resource (ref. Section 4Bviii), and/or from premature disclosure to the public.

- ii. The Committee will determine the classification of all documents into three categories: confidential, internal, and those to be made public (at the time and in the method appropriate). The Committee will determine the appropriate categorization following commonly accepted practices of human resource management, HIPPA, Privacy Act, and other legal considerations.
- iii. The Executive Committee may call for the Committee on Nominations to provide interim reports concerning the processes and progress of the committee, including the identification of problems that may be hindering the work of the committee. To seek maximum transparency and accountability during the work of the Committee on Nominations, timely dissemination of appropriate information within the Diocese is encouraged. The Committee on Nominations shall periodically prepare interim reports for such purpose. Prior to release, interim reports shall be approved by the Executive Committee and issued through the Office of the Diocese.
- iv. At the conclusion of its work, the Committee will review all documents to identify the documents appropriate for destruction, documents appropriate for short-term retention followed by destruction, and documents to be permanently retained.
- v. All documents pertaining to the elected Bishop will be retained as permanent files of the Diocese. Documents for a selected candidate who is not consented to by the House of Bishops will be destroyed.
- vi. All documents pertaining to non-selected Candidates for Bishop will be retained for six months following the Installation, after-which the documents will be destroyed (or returned).
- vii. To assist future Committees on Nominations, all documents pertaining to the processes and procedures of the Committee will be retained as permanent files of the Diocese.
- viii. In addition to the public reports required by Canon, the committee will prepare a concluding report detailing procedures and processes developed for external and internal use. The Committee will also advise of “lessons learned” and recommendations, if any, for change to Canons. This report will be submitted to the Executive Committee not later than 45 days following the Installation of the Bishop. This report may be made public; however, if considered appropriate by the Nominations Committee, the final report may include a confidential annex, not for public release.

# Title I B

## *Organization and Administration of Congregations and Missions*

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### Canon 1

#### Congregations and Missions

##### Section 1. Congregation and Mission Defined

A. Any group may seek to affiliate with the Diocese as a Congregation as provided in this Canon. A Congregation is a discipling community of worshippers that meets the following criteria:

- i. Has a Rector or priest in charge at least half time who is under the authority of the Bishop;
- ii. Has an Average Sunday Attendance of at least 50;
- iii. Conducts weekly worship in a public space in accordance with the doctrine and forms of worship, including the *Book of Common Prayer*, which comply with the Constitution and Canons of the Province;
- iv. Has enabled ministries for prayer, evangelism, discipleship, service, fellowship, and Bible study;
- v. Has a demonstrated ability to fund its own operations without the support of the Diocese or another Congregation; and
- vi. Is organized in accordance with Section 3 of this Canon.

B. Any group not meeting the above six requirements that wishes to be recognized as a Congregation may apply to the Standing Committee for a waiver of one or more of these requirements.

C. Any group not meeting the requirements set forth in Subparagraph A for Congregations may apply to the Standing Committee to be recognized as a Mission or, if not eligible to be a Mission, a Mission Fellowship. The definitions of Mission and Mission Fellowship are established by the Great Commission Committee with the approval 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 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 of the jurisdiction to which 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.

### 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. Each such candidate shall meet the eligibility criteria set forth in Subparagraph C of this Section. The Rector shall be elected by the Vestry. No rector may be called or dismissed from a congregation 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, one of the Wardens shall preside.
- iii. Congregations may incorporate under the laws of the jurisdiction where located. Should the Congregation elect to incorporate, 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. Should the Congregation elect not to incorporate, the Congregation shall adopt a constitution and bylaws to govern the operations of the Congregation.

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 the Province or another province of the Anglican Communion shall be eligible to serve on Vestry.

Unless permitted by written waiver of the Standing Committee: (1) spouses and dependent family members of Vestry members; and (2) paid staff of the Congregation and their spouses and dependent family members are ineligible to serve on Vestry. Although clergy under the authority of the Bishop are ineligible to serve as elected members of the Vestry, they may attend Vestry meetings at the pleasure of the Rector with voice and no vote.

- ii. Vestry Qualifications. Qualification for Vestry membership is based on the applicable passages of Titus 1. A candidate shall be:
  - a. A mature Christian;
  - b. One who maintains an active life of prayer and study of Scripture;
  - c. One whose life and relationships are in order;
  - d. One who is known and respected among the Congregation;
  - e. One who has been or is currently active in ministry
  - f. One who is known as a cheerful giver of time, talent, and treasure;
  - g. One who understands, has counted the cost of, and is committed to fulfilling the responsibilities and duties of a Vestry member; and
  - h. One who affirms the Fundamental Declarations of the Diocese as set forth in Article I of the Diocesan Constitution and the Standards of Morality and Ethics as set forth in Title II, Canon 5 of the Diocesan Canons.

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. Pray regularly for the Rector, the Rector's family, and the Congregation;
- c. 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;
- d. Provide an adequate place for regular worship
- e. Provide for the elements necessary for worship and administration of the Sacraments;
- f. Provide for the compensation of staff members;
- g. Establish an adequate insurance program for the Congregation that includes, at a minimum, property damage, liability, personal injury, and errors and omissions;
- i. Support biblically-based financial giving by members of the Congregation;
- j. Share in the financial support of the Diocese; and
- k. 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 Testaments 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, with God’s help, 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; but no election shall be valid unless the participating Eligible Voters number at least ten percent of the number of Eligible Voters published in advance of the meeting. 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. The Finance Committee shall make regular financial reports to 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 the 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 congregational 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 and reported annually in accordance with the standards to be prescribed by the Finance Committee of the Diocese.

#### I. Members and Eligible Voters of the Congregation

i. 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, a member is any person who has received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, and whose baptism has been duly recorded in a Congregation's or Mission's register.

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. No person shall be an Eligible Voter in a Congregation or Mission of this Diocese while at the same time holding equivalent status in another church regardless of denomination.

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 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.

#### K. Annual Report

On or before the first day of March, the Rector and Wardens shall submit to the Secretary of the Diocese an Annual Report on a form to be prescribed by the Standing Committee. The data

thus reported shall be drawn from Average Sunday Attendance, Registers of the Congregation, and the list of Members required to be maintained by this Canon. 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. At the discretion of the Standing Committee, the Annual Report required by the Province (Provincial Canon Title I, Canon 6, Section 8) may serve to meet the requirements of the Diocesan Annual Report.

#### 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 qualifications for the members of governing boards shall be determined by the Bishop with the advice of the Standing Committee. 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 2

### 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, with the support of the Bishop, 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, in consultation with the Bishop and with the approval of the Vestry, shall select all assistant and associate clergy. All assistant and associate clergy shall serve at the pleasure of the Rector, provided that no such clergy may be dismissed except in consultation with the Bishop. The Rector, in consultation with the Vestry, shall select all lay employees, who shall serve at the pleasure of the Rector.

#### Section 2. Search Committee

The Vestry may appoint a Search Committee to consider appropriate candidates 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 and in consultation with the Bishop. A Rector may not be removed against his or

her will except as hereinafter provided.

#### Section 4. Resolving Conflicts in the Pastoral Relationship

- A. 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.
- B. If after reasonable attempts at reconciliation, either the Rector or a majority of the Vestry believe the pastoral relationship to be imperiled or hindered by reason of dissent, either or both shall present the matter to the Bishop.
- C. 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.
- D. 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.
- E. 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.
- F. If at the time of a need for the Bishop's 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.
- G. 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 3

### 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.

#### Section 2. Reports to the Bishop and Standing Committee

Congregations and Missions shall inform the Bishop, Standing Committee, and Finance Committee of the Diocese if their plans for indebtedness would result in annual debt service payments in excess of 33% of their average annual income as calculated over the previous three year period. The report shall include information as prescribed by the Diocesan Finance Committee and shall be updated annually as long as the level of indebtedness exceeds the indicated threshold.

#### Section 3. Limits on Indebtedness

The governing documents of a Congregation may provide for limits on borrowing.

## Canon 4

### Congregation and Mission 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 both before and 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 Article XII of the Diocesan Constitution and the laws of the State where the property is located. A Congregation or Mission may choose, in consultation with its legal counsel, to grant the Diocese a written right of first refusal before the sale of consecrated property owned by the Congregation or Mission

# Title II

## *Worship and Administration of the Sacraments*

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### 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 Holy Matrimony is in its nature a covenantal union, permanent and lifelong, 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; believes that abstinence from sexual relations 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 relations 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.

### Section 5. Protection of Children

Clergy and laity are stewards responsible for the nurturing and care of children and young people who participate in the life of the congregation. There is no tolerance for engaging in or remaining silent about inappropriate sexual language or advances toward or abuse of children or young people.

# Title III

## *Of Ministers, Their Recruitment, Preparation, Ordination, Office, Practice and Transfer*

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### Canon 1

#### Of the Ordination Committee and Examining Chaplains

There shall be a Diocesan Ordination Committee comprising clergy and lay members appointed by the Bishop. The Ordination Committee shall assist the Bishop with the identification, selection, examination, interviewing, and other screening of applicants for admission as Postulants and as Candidates for ordination to Holy Orders. The Ordination Committee shall also assist and advise the Bishop in formulating the needs and requirements for the present and future ministry in the Diocese, regarding the manner of selection of persons for ministry, and regarding the guidance of all Postulants and Candidates for ordination to Holy Orders. The Ordination Committee shall publish and maintain a set of “Guidelines for Rectors and Those Seeking Holy Orders”. The Bishop may appoint Examining Chaplains from among clergy and laity of the Diocese for the purpose of assisting the Bishop with oversight of Postulants and Candidates for ordination and their examination for ordination.

### Canon 2

#### Of Postulants for Holy Orders

##### Section 1. Seeking Holy Orders

Any member of this Province who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion, who has publicly affirmed the Fundamental Declarations set forth in Article I of the Constitution of the Province, and who feels called to the ordained ministry, should seek the discernment of others to confirm that call. Initially, the applicant should identify him or herself to the Rector of a Congregation or Vicar of a Mission in this Diocese. The Rector or Vicar and the applicant shall follow the process outlined by the Bishop which, at a minimum, shall: (a) call for the applicant to complete an application for Holy Orders on the form required by the Bishop; (b) include affiliation of the prospective candidate with a single Congregation or Mission in this Diocese for at least two years, except for good cause; and (c) subject the call to the decision of a Discernment Committee of that same or another Congregation or Mission. No person having been through a Discernment Committee, and having been rejected at one Congregation, may enter a Discernment Committee at another Congregation until a period of 36 months has passed, except for good cause and with the approval of the Rector or Vicar of the Congregation or Mission in which he or she initially went through the Discernment Committee. No member of a Congregation or Mission may enter a Discernment Committee of



another congregation without the approval of the Rector or Vicar of the Congregation or Mission of which he or she is a member. Upon the recommendation of the Discernment Committee and the favorable recommendation of the Rector or Vicar, the Vestry or Mission's governing body by at least 2/3 vote shall determine whether to recommend the applicant to the Bishop for admission to Postulancy, and, if it so determines, shall submit their recommendation to the Bishop. The recommending Congregation or Mission shall serve as the applicant's Sponsoring Congregation or Mission.

## Section 2. Application and Background Check

A. Each applicant shall cause to be submitted to the Bishop a report from a licensed, practicing physician regarding the applicant's physical condition and a report from a licensed, practicing psychiatrist, or a qualified, practicing psychologist (and if the psychologist is not clergy, he or she must also be licensed), regarding the applicant's mental and emotional health.

B. Upon receipt of the application, the Bishop shall cause to be conducted an extensive independent background check of the applicant covering the following subjects: the investigation and review of all references and previous employers for the previous ten years; credit reports; records of Departments of Motor Vehicles; and a complete criminal records check, including all registers of sexual predators.

## Section 3. Action on the Application

Upon the receipt and review of the application, background check, report of the Church Discernment Committee and recommendation of the Rector or Vicar, and after interview by and recommendation from the Ordination Committee, the Bishop shall determine whether to accept or reject the application and shall notify the applicant in writing of the acceptance or rejection of the application, such notice to include a statement of reasons supporting any rejection determination. If the applicant is accepted, the acceptance shall be recorded in the records of the Diocese and communicated to the Ordination Committee.

## Section 4. Oversight of the Postulant

Upon acceptance of an applicant for Postulancy, the Bishop, the Ordination Committee and Examining Chaplains, and the Sponsoring Congregation or Mission shall oversee and direct the preparation, ministry, and study of the Postulant.

## Section 5. Removal from Postulancy

The Bishop may remove any Postulant who fails to be accepted as a candidate for ordination within three years from the date of his or her acceptance as a Postulant, noting this fact in the Diocesan Records and notifying in writing both the Ordination Committee and the Postulant so removed. At any point in the Postulancy process, the Bishop, in his godly wisdom, may terminate the process or delay the same for a time certain, with notification to the Postulant's supervising clergy.

## Canon 3

### Of Candidates for Holy Orders

#### Section 1. Endorsement of Candidacy

Any Postulant who meets the requirements of Title III of the Provincial Canons may apply for admission as a Candidate for Holy Orders.

#### Section 2. Admission as a Candidate

- A. Upon recommendation of the applicant by the Ordination Committee, the Bishop may admit the applicant as a Candidate for ordination, so note the same in the records of the Diocese, and advise the Diocesan Ordination Committee and the Diocesan Examining Chaplains.
- B. The Bishop may consider accepting as a candidate for ordination any person who has been refused admission as a candidate for Holy Orders in any other Diocese, Cluster, or Network of the Province, provided he consults with the Bishop who refused to admit that person to candidacy for the purpose of determining whether sufficient reasons continue to exist to warrant denial of the application.
- C. If the Bishop determines that the Postulant shall not be admitted as a candidate for ordination, the Bishop shall so notify in writing both the applicant and the Rector or Vicar of the Sponsoring Congregation or Mission and provide the reasons for such a determination.
- D. Upon acceptance of the candidate for ordination, the Bishop, the Ordination Committee and the Sponsoring Congregation or Mission shall continue to oversee and direct the preparation, ministry, and study of the candidate for ordination.

## Canon 4

### Of Deacons and their Ordination

#### Section 1. Concerning Prerequisites for Ordination

No person shall be ordained a Deacon in this Diocese until that person shall have passed a satisfactory examination conducted by those appointed by the Bishop for this purpose, and shall have demonstrated sufficient knowledge of Holy Scripture, the Doctrine, Discipline, and Worship of the Province; and any other topics the Bishop shall deem necessary for the office and ministry of Deacons, and shall have subscribed without reservation to the declaration set forth in Section 2 of this Canon. The candidate shall also be examined as to the candidate's qualities for such ministry in Title III, Canon 2 of the Provincial Canons.

#### Section 2. Concerning the Required Declaration of Ordinands

No person shall be ordained a Deacon in the Diocese until such person shall have subscribed without reservation to the following declaration:

“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and

to contain all things necessary to salvation, and I consequently hold myself bound to conform my life and ministry thereto, and I do solemnly engage to conform to the Doctrine, Discipline and Worship of Christ as this Church has received them.”

## Canon 5

### Of Presbyters and their Ordination

#### Section 1. Ordination Following Period of Diaconate

No person shall be ordained a Presbyter in this Diocese unless that person shall have first been ordained a Deacon. No Deacon may be ordained as Presbyter prior to twelve months from the date of his or her ordination to the Diaconate except for good cause, and in no case less than six months.

#### Section 2. Theological Requirements and Examination of Candidate for Ordination

No Deacon shall be ordained a Presbyter in this Diocese until that person shall have passed a satisfactory examination prescribed by the Examining Chaplains and the Bishop. The examination shall encompass those subjects set forth in Title III, Canon 4, Section 2 of the Provincial Canons. The Candidate shall also be examined as to the Candidate’s qualities for such ministry specified in Title III, Canon 2 of the Provincial Canons.

#### Section 3. Concerning the Required Declaration of Presbyters

No person shall be ordained a Presbyter in the Diocese until such person shall have subscribed without reservation to the following declaration:

“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation, and I consequently hold myself bound to conform my life and ministry thereto, and I do solemnly engage to conform to the Doctrine, Discipline and Worship of Christ as this Church has received them.”

## Canon 6

### Of Licensed Lay Orders

The Diocese recognizes that the ministry of the laity is indispensable to the work of the Diocese and that this ministry originates within each Congregation and Mission. All clergy, Congregations, and Missions of the Diocese are strongly encouraged to equip the laity for ministries in their communities. To this end, Rectors and clergy overseeing Congregations and Missions may license members such as Lay Church Planters, Lay Evangelists, Lay Pastors, Lay Preachers, Lay Catechists, Lay Readers, and Lay Eucharistic Ministers for ministry with the local Congregation or Mission as seems helpful in bearing fruit for the Kingdom of God. Those exercising these ministries need to be spiritually mature, of sound character, have received adequate training, and have regular oversight.

# Title IV

## *Ecclesiastical Discipline*

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### 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 (Respondent) 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. The Standing Committee shall fill vacancies which may arise between meetings of the Synod.

## 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. Based on availability of Court members, the President of the Court shall determine the size of the panel for a trial or judgment. Members of the panel of each order shall be chosen at random from among the Court's members of that order.

## Section 5. Judgment of the Court

An affirmative vote of more than 60 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 on behalf of the Diocese.

# 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 implied authority of the Bishop to prohibit the convicted member of the clergy from serving in the Diocese.

# Title V

## *Enactment, Amendment, and Repeal of Canons*

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### 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. Notwithstanding any provision in these Canons to the contrary, the Synod may by 2/3 majority allow the consideration of proposed amendments to the Diocesan Canons.

# Appendix A

## *Ecclesiastical Trial Court Rules of Procedure*

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### Rule 1: Application and Scope of Rules

These Rules govern procedure in the Ecclesiastical Trial Court (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 60 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. Discovery. 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 him 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 30 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 or her. 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 60 days after the date of the conclusion of the hearing upon a Motion for Summary Judgment or trial.

THE ANGLICAN DIOCESE OF THE MID-ATLANTIC

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