



## **DIOCESAN CANONS**

As adopted December 5, 2009, and  
amended November 16, 2019,  
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## INTRODUCTORY STATEMENT

The Anglican Diocese in New England is a diocese within the Anglican Church in North America and submits to the Constitution and Canons of that Church. These Canons are intended to supplement the Canons of the Anglican Church in North America. To the extent that these Canons conflict with the Canons of the Anglican Church in North America, the Canons of the Anglican Church in North America shall prevail.

### ***Canon I***

#### **Definition of Certain Terms**

**ACNA** - The Anglican Church in North America

**ASA** - The Average Sunday Attendance of a congregation for the previous calendar year.

**Congregation** – A gathered group of Christians who have organized and function in accordance with the canons of this Church attached to a diocese and under the oversight of a Bishop. Every congregation of the Church belongs to the Church by union with a Diocese of the Church or with a Diocese-in-Formation. A congregation of this Church is a gathering where the pure Word of God is preached and the sacraments are duly administered according to Christ's ordinance. Congregations in this diocese include Parishes, Missions, and Mission Fellowships.

**Church** – The Anglican Church in North America.

**Diocese** – The Anglican Diocese in New England.

**Governing Documents** – Documents prescribing the organization, structure and governance of a congregation, including but not limited to Articles of Organization and by-laws. The governing documents of each congregation shall expressly provide that the congregation adopts, and recognizes the authority of, the Constitution and Canons of the ACNA and the Constitution and Canons of the Diocese.

**Governing Board** – The body, including a Vestry, charged with responsibility for the temporal affairs of a congregation.

**Parish** – A congregation with an ASA of more than 99 persons.

**Pastor** – Refers to the priest, deacon or licensed lay pastor charged with the spiritual care of a congregation pursuant to these canons.

**Mission** – A congregation with an ASA of at least 25 and less than 99 persons.

**Mission Fellowship** – A congregation with an ASA of less than 25 persons with a

stated commitment to grow into a Mission or Parish within the Diocese, or another group, including a church plant team, that has gathered with the intention to form a congregation within the Diocese.

**Self-sustaining congregation** – A congregation that meets the requirements of sustainability set forth in Canon XIV of these Canons.

**Synod** – The Synod of the Anglican Diocese in New England.

## ***Canon II*** **Election of a Bishop**

**Section 1.** On the election process of bishops.

- A. 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.
- B. The vote shall be by ballot and by orders (lay and clergy). A majority of the votes cast by each order on the same ballot shall be necessary for election. If there is no majority in both orders for any candidate on the first ballot, subsequent ballots shall be held until there is such a majority.
- C. The Secretary of Synod 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 ACNA Provincial Canons.
- D. 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.
- E. Candidates for Bishop from a first slate are not disqualified from inclusion on a second slate in a subsequent meeting of Synod.

**Section 2.** On the selection of members of the Committee on Nominations for Bishop.

- A. The Committee on Nominations for Bishop shall consist of 7 individuals, 3 clergy and 4 lay persons with the current Bishop, if he is able, as an additional non-voting ex-officio member.
- B. The Standing Committee of the Diocese may act as the Committee on Nominations for Bishop, or the Committee members may be appointed by the Standing Committee, or may be determined by election at Synod.
- C. If the Committee on Nominations for Bishop is to be elected at Synod,

Governing Boards shall submit names for potential members for it to the Standing Committee at least 30 days in advance of the Synod at which members are to be elected. The Standing Committee will present a slate of at least the 7 required members to the Synod for election. A committee chair may either be selected from among the elected members, or be appointed by the Standing Committee in advance. If a chair is appointed by the Standing Committee, one fewer members (either from the clergy or laity depending on the order- lay or clergy - of the appointed chair) is to be elected.

**Section 3.** On the nomination process for Bishop.

- A. Each Governing Board, or Boards of Ministries in which the nominee is serving there, including the diocesan Standing Committee, may submit up to three nominations for bishop to the Committee on Nominations for Bishop.
- B. Nominations must be submitted no later than five (5) months prior to the Electoral Synod.
- C. All nominations for Bishop must include an acceptance of the nomination in writing by the nominee, and support of the nomination in writing by the Governing Board of the church in which the nominee is serving, or by the board of the ministry in which the nominee is serving.

**Section 4.** On the work of the Committee on Nominations for Bishop.

- A. The Committee on Nominations for Bishop shall screen all names placed in nomination to determine whether the nominee meets the criteria established by the Synod and is compliant with ACNA Title III, Canon 8.
- B. Through a prayerful process of discernment and interviews, the Committee on Nominations for Bishop shall arrive at a slate consisting of no more than five names. The name or names shall be published to the Synod Delegates at least 90 days prior to the Electing Synod.
- C. The Committee on Nominations shall create an opportunity for the candidates to visit representative regions of the Diocese and make presentations, for the benefit of the Delegates, as the Committee determines.

**Section 5.** The term of a diocesan bishop shall be until the age of 72 years, or until the bishop retires, resigns, or is removed prior to such age.

## ***Canon III*** **Delegates to Synod**

### **A. Lay Delegates to Synod**

**Section 1.** All congregations in union with the Diocese shall be entitled to lay representation with voice and vote in the Synod, subject to Section 7 of this Canon.

**Section 2.** The Secretary of the Synod shall maintain a list of the congregations of the Diocese entitled to lay representation in the Synod.

**Section 3.** Each such congregation shall be entitled to a minimum of two Lay Delegates as follows: the Senior Warden or Chair of the Governing Board, and one additional adult Delegate, who shall be elected by the Governing Board of the congregation or by a meeting of that congregation, as provided in its governing documents. Congregations having an ASA of 101 and greater are entitled to one (1) additional adult Lay Delegate for each 100 of ASA or fraction thereof, except that no congregation shall have more than six lay delegates. The ASA for Congregations 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. Except for the Senior Warden, the Lay Delegates shall be elected for three-year terms. No Delegate who has been so elected for two successive three-year terms shall be eligible for re- election as a Delegate until the expiration of one year.

**Section 4.** Each congregation may send one youth representative to the Synod, in addition to its other representation in the Synod. Youth representatives must be at least sixteen (16), but not older than twenty-two (22), years of age, at the time of the convening of the Synod. Youth representatives shall have both voice and vote.

**Section 5.** Delegates elected pursuant to Sections 3 and 4 above must be baptized Christians, who have been confirmed by, or received into, the ACNA, who have signified in writing their assent to the Fundamental Declarations of the Province set forth in Article I of the Constitution of the ACNA, and who have sworn to uphold the Constitution and Canons of the ACNA and the Diocese.

**Section 6.** The Delegates shall be elected and certified to the Secretary of the Synod not later than sixty (60) days prior to the Annual Synod.

**Section 7.** The election of Delegates and Alternate Delegates to the Synod shall be certified in writing by a Pastor, Warden, or two members of the Governing Board; and the certificate shall state the name, email address and telephone number of each Delegate and Alternate, that each Delegate and Alternate Delegate named in said certificate was chosen from the communicants of said congregation, and that each Delegate or Alternate Delegate has fulfilled all the requirements of Section 5 of this Canon. The certification form shall list all Delegates elected by the congregation, whether newly elected or in their second or third year of term. The certificate shall be furnished to the Secretary of the

Synod not later than sixty (60) days preceding the Annual Synod. If Delegates and Alternate Delegates are elected to fill vacancies caused by death, resignation, or removal for any cause, the election shall be immediately certified in writing by forwarding an amended certificate to the Secretary of the Synod. Any congregation failing to furnish the certificate to the Secretary of the Synod by the stated date shall not be entitled to seat, voice or vote at the Synod.

**Section 8.** Lay members of the Standing Committee, if they are not Delegates to the Synod, shall nonetheless have the privilege of seat, voice, and vote at the Synod.

**Section 9.** The Secretary of the Synod shall maintain the roll of lay delegates certified to him by the respective congregations. This roll shall be used to determine those entitled to be seated as well as the required quorum.

**Section 10.** A list of all duly elected Lay Delegates to the Synod of Congregations of the Diocese shall be compiled, maintained, and kept current by the Secretary of the Synod. The list shall contain the email 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 Secretary.

**Section 11.** A Credentials Committee, appointed by the Bishop, shall consist of two clergy and two lay delegates and shall hear any disputes over proper representation in the Synod and shall report its judgment for final decision by the Synod. The Synod by two-thirds vote, may elect to hear the evidence of any dispute and decide the case *de novo*.

## **B. Clergy Delegates to Synod**

**Section 1.** 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 Secretary, and on file in the central office of the Diocese. The list shall contain the email 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 Secretary.

**Section 2.** The official list shall be available to the Synod on the first day of its meeting and shall be the basis for determining a quorum as provided in Article II, Section 6 of the Diocesan Constitution.

## **C. Synod Agenda**

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.

## ***Canon IV*** **Clergy and Laity in Other Jurisdictions**

Those Clergy and Laity within the boundaries of the Diocese who are in canonical relationship with the ACNA but are under other jurisdictional relationships are welcome to participate in this Diocese upon request to the Bishop. They shall be accorded full participation in the shared life and ministry of this Diocese with the exceptions of serving on the Standing Committee or electing members of Standing Committee. They shall be entitled to representation to the Synod up to the limits as prescribed by the Canons, and shall have voice, but not vote therein.

## ***Canon V*** **Committee on Nominations**

A Committee on Nominations, consisting of Clergy and Lay persons, shall be elected annually by the Standing Committee at its first meeting following the annual Synod. The Committee on Nominations shall be responsible for receiving and publishing all nominations for nominees standing for election at the upcoming Synod.

## ***Canon VI*** **The Standing Committee**

**Section 1.** The Clerical members of the Standing Committee shall be entitled to seats in the Synod of the Diocese.

**Section 2.** The Lay members of the Standing Committee must be baptized Christians, who have signified in writing their assent to the Fundamental Declarations of the Province set forth in Article I of the Constitution of the ACNA, who have sworn to uphold the Constitution and Canons of the ACNA and the Diocese, and who are communicants in a Congregation admitted into union with the Diocese.

**Section 3.** The Standing Committee shall choose a Chair and a Secretary from among its members. The Secretary shall keep a record of the proceedings of the Standing Committee, and all books and papers in the Standing Committee's files relative to the Diocese shall be subject to examination by the Bishop and the Synod.

**Section 4.** The Standing Committee may fill all vacancies in its own body, or in any appointed Committee, or in any elected office that may occur between meetings of Annual Synod. Any person selected to fill a vacancy shall serve until the end of the term of the position which he/she was elected to fill. Notwithstanding any term limitations

contained herein, the person selected to fill the vacancy shall be eligible to seek re-election/appointment upon the expiration of the term.

**Section 5.** The Standing Committee shall be an executive body representative of the Diocese with power and authority to implement the policies and programs adopted by the Synod and to act on behalf of the Synod between meetings of that body. The Standing Committee shall have overall responsibility for the Diocesan programs and finances and shall provide for the efficient management of the business of the Diocese.

**Section 6.** The Standing Committee shall be responsible for an annual review of the work of the Bishop. In the case of serious conflicts within the Diocese, or behavior unsuitable to the Office of Bishop, the Standing Committee may, by a two-thirds vote, request a hearing from the College of Bishops of the Anglican Church in North America.

**Section 7.** The Standing Committee shall have such additional rights, duties and powers as may be conferred by the Canons of the ACNA or of this Diocese duly enacted.

**Section 8.** There may be an Executive Committee of the Standing Committee comprised of the Bishop and the Chair, Secretary and Treasurer of the Standing Committee.

## ***Canon VII***

### **Delegates to Provincial Council and Provincial Assembly**

**Section 1.** The Synod shall elect one Bishop, one member of the Clergy and two laypersons to serve as representatives to the Provincial Council of the ACNA. The term of office of the said delegates shall be five years. The Synod may select a replacement to serve for the unexpired term of any representative who does not serve the full term of office. A retiring representative is eligible for reelection for one additional term.

**Section 2.** The Synod shall elect two members of the Clergy and two laypersons as representatives to the Provincial Assembly of the ACNA. The Synod shall also elect one additional layperson and one additional member of the clergy for each additional full one thousand ASA of the Diocese. The Synod shall also elect one youth delegate to the Provincial Assembly, in addition to its other representation in the Provincial Assembly. Youth representatives must be at least sixteen (16), but not older than twenty-two (22), years of age, at the time of the convening of the Provincial Assembly. The representatives shall serve until their successors are chosen and certified. The Bishop(s) of the Diocese shall also serve as Diocesan representative(s) to the Provincial Assembly.



## ***Canon VIII*** **Assistance to the Bishop**

The Bishop, with the consent of the Standing Committee, shall have the authority to appoint one or more members of the Clergy to assist the Bishop with respect to the mission of the Diocese. The duties of those assisting the Bishop may include, but are not limited to: pastoral and counseling functions, visitations to congregations, development of congregations, the planting of new congregations, and fostering relationships with and among congregations.

## ***Canon IX*** **Chancellor**

**Section 1.** The Bishop of the Diocese, with the advice and consent of the Standing Committee, shall appoint a Chancellor of the Diocese and such Vice Chancellors as the Bishop deems advisable, to hold office until their successors are appointed. They shall be learned in the law, licensed to practice law in a state within the Diocese, and communicants of a congregation in union with the Diocese. If the Bishop of the Diocese is unable to find a suitable Chancellor that meets the above requirements, the Bishop of the Diocese, with the advice and consent of the Standing Committee, may appoint a Chancellor who is not licensed to practice law in a state within the Diocese.

**Section 2.** The duties of the Chancellor shall be to act as legal counselor to the Bishop, the Standing Committee and other Diocesan organizations in matters affecting the interests of the Church. The Vice Chancellors shall perform such duties as shall be delegated to them by the Chancellor or the Bishop.

## ***Canon X*** **Committee on Constitution and Canons**

**Section 1.** The Committee on Constitution and Canons shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Province. The Committee shall consist of Clergy and laypersons appointed by the Bishop with the advice and consent of the Standing Committee. At least one member shall be a practicing attorney. In addition, the Diocesan Chancellor shall be an ex-officio member of the Committee.

**Section 2.** The length of office for members of the Committee on Constitution and Canons shall be two year staggered terms. No member who has served for two consecutive two-year terms shall be eligible for re-election as committee member until the expiration of one year from the date of last service.

**Section 3.** The Committee on Constitution and Canons shall elect a chair from among its membership.

## ***Canon XI***

### **History and Archives of the Diocese; Registrar/Historiographer**

**Section 1.** The Bishop may appoint an Archivist who shall administer and maintain the Diocesan archives, including the historical documentation of the Diocese, and perform such other duties as directed by the Bishop or Standing Committee. It shall be the duty of the Archivist to issue, on request, proper certification of records in the archives.

**Section 2.** The Bishop may appoint a Registrar/Historiographer who shall provide for the safekeeping and preservation of all Diocesan records not otherwise under the custody of the Archivist, and perform such other duties as directed by the Bishop or Standing Committee. The Registrar/Historiographer shall issue such certification of diocesan documents as directed by the Bishop or the Standing Committee.

## ***Canon XII***

### **Treasurer**

**Section 1.** The Treasurer of the Diocese shall be nominated by the Bishop and elected by the Standing Committee and shall hold office at the pleasure of the Bishop.

**Section 2.** The Treasurer shall receive and disburse all monies collected under the authority of the Diocese as directed by the Standing Committee.

**Section 3.** The Standing Committee shall specify additional duties of the Treasurer.

**Section 4.** The Diocese shall provide for an annual independent audit or review of all its accounts, with an external audit to occur upon transition of the Bishop, or as needed.

**Section 5.** The Standing Committee may require that the Treasurer be bonded in a satisfactory sum and with satisfactory security.

**Section 6.** The Treasurer shall have a seat and voice, but no vote, at the Synod and on the Standing Committee.

**Section 7.** The Treasurer, together with the Standing Committee, shall submit an annual report to the Synod.

**Section 8.** The Treasurer, working together with the Standing Committee, under the direction of the Bishop, shall submit to the Synod Delegates a budget and mission proposal for the coming year.

## ***Canon XIII***

### **Budget and Financial Administration**

**Section 1.** The Bishop shall have the general authority and responsibility for budgetary and fiscal management. The Bishop shall cause to be prepared, and submitted to the Standing Committee for its approval, regulations governing the financial system of the Diocese, including, but not limited to: collection and handling of funds; authorization of obligations and payment thereof; accounting; budgetary control; appointment, compensation and conditions of service of staff; pension arrangements; procurement and handling of equipment, materials and supplies; custody of funds; control of capital assets; delegation of authority for such matters, and other pertinent subjects.

**Section 2.** The Bishop shall cause to be prepared for review by the Standing Committee and submission to the Synod for its approval, a comprehensive budget for the ensuing year. Such budget shall be based on clearly specified ministry objectives, evaluation of program accomplishment, and priorities established by the Synod.

**Section 3.** All congregations shall provide for the support of the Diocese. The level of support from each congregation is expected to be a tithe on all unrestricted operating income. All other contributions to the Diocese shall be voluntary.

## ***Canon XIV***

### **Congregations**

**Section 1.** Upon recommendation of the Standing Committee, the Synod shall determine which congregations shall be admitted into union with the Diocese. With the advice and consent of the Standing Committee, the Synod may recognize as Mission Fellowships of the Diocese congregations that have not been admitted into union with the Diocese, and the Bishop may provide oversight and care to those congregations.

**Section 2.** No congregation shall be admitted into union with the Diocese unless it shall have satisfied the requirements of sustainability pursuant to Section 3 below of this Canon and the Bishop of the Diocese and the Standing Committee shall have approved the governing documents of the congregation.

**Section 3.** A congregation generally meets the requirement of sustainability when it: (i) employs a Pastor, who is under the authority of the Bishop, at least half time; (ii) has an ASA of at least 50 persons; (iii) conducts weekly worship in a public space in accordance with the doctrine and forms of worship which comply with the Constitution and Canons of the ACNA; and (iv) has a demonstrated ability to fund its own operations without the support of the Diocese or another congregation. Upon the recommendation of the Standing Committee, the Synod may, in its discretion, waive any of the preceding elements of sustainability if there exists sufficient other evidence that the congregation is sustainable.

**Section 4.** The secular affairs of each congregation shall be conducted by a Governing Board to be elected according to the Bylaws of such congregation.

**Section 5.** Each member of a Governing Board of a congregation shall be a person who is a baptized Christian, who has been confirmed by, or received into, the ACNA, who has signified in writing assent to the Fundamental Declarations of the Province set forth in Article I of the Constitution of the ACNA, who has sworn to uphold the Constitution and Canons of the ACNA and the Diocese, and who is actively participating in the life of that congregation.

**Section 6.** No alterations in the governing documents of any congregation shall be made unless approved by a majority of votes of the members of the congregation qualified to vote for members of the Governing Board, and who are present at a meeting called with due notice.

**Section 7.** The Synod may, by two-thirds vote, dissolve its union with any congregation, provided notice of said proposed action shall have been given in writing no later than sixty days prior to the Annual Synod.

**Section 8.** Each congregation shall prepare and forward to the ACNA, by March 1 each year, the report required by Title I, Canon 6, Section 8 of the ACNA Canons. The Bishop may request that each congregation forward to the Diocesan office some or all of the information contained in the report to the ACNA, including but not limited to: ASA, number of members, baptisms and confirmations, and operating income.

**Section 9.** Except where otherwise permitted by the Standing Committee, each congregation shall carry specific property, liability, automobile/transportation, operations, general, directors and officers and professional liability coverage (or their substantial equivalents) for all its property, employees, clergy, Governing Board and counselors in amounts specified by the Diocese .

**Section 10.** Congregations shall seek the advice and consent of the Bishop before purchasing real property or incurring significant indebtedness.

## ***Canon XV***

### **Organization of Congregations**

**Section 1.** Any group seeking to organize a congregation within the Diocese must submit a letter to the Bishop indicating its clear intention to recognize the Constitution and Canons of the ACNA and ADNE and function under the Ecclesiastical Authority of this Diocese, and under the worship, doctrine, and discipline of the ACNA.

**Section 2.** Each Mission Fellowship must be partnered with a Mission or Parish until the Standing Committee has determined that it is self-sustaining, unless otherwise authorized by the Standing Committee.

## ***Canon XVI***

### **Business Methods in Diocesan Affairs**

The following standard business methods shall be observed in all Diocesan affairs:

**Section 1.** Funds held in trust, endowment and other permanent funds, and securities represented by physical evidence of ownership or indebtedness, shall be deposited with a National or State chartered Bank, or with an agency approved in writing by the Standing Committee, under a deed of trust, agency or other depository agreement providing for at least two signatures on any order of withdrawal of such funds or securities.

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

- a. Source and date
- b. Terms governing the use of principal and income.
- c. To whom and how often reports of conditions are to be made.
- d. How the funds are invested.

**Section 3.** The Standing Committee may require that Treasurers and custodians, other than banking institutions, and treasurers of congregations, shall be adequately bonded.

**Section 4.** Books of account shall be so kept as to provide the basis for satisfactory accounting pursuant to Section 5 below.

**Section 5.** Every congregation in the Diocese shall provide for an independent audit or review of all its accounts at least every three years for congregations with an annual budget of \$100,000 or less and every year for congregations with a budget over \$100,000. The Standing Committee may waive this standard in the case of Mission Fellowships and church plants, when compliance would be financially unduly burdensome. A review of internal controls and financial policies should be conducted to ensure compliance with the diocesan minimum standards when a new Mission Fellowship or church plant is organized, or as a baseline for existing churches, mission stations, and church plants.

## ***Canon XVII***

### **Deans, Deaneries and Archdeaonries**

The Diocese may be divided into Deaneries and Archdeaonries as determined by the Bishop, in consultation with the Standing Committee

## ***Canon XVIII***

### **Mode of Election of Rector**

**Section 1.** No Parish may call a Rector without consultation with, and the approval of, the Bishop.

**Section 2.** When a Parish proceeds to call a new Rector, it shall first consider a list of candidates proposed by the Bishop. The Governing Board may reject all of the proposed names after due research and shall thereupon notify the Bishop. The Governing Board may then ask the Bishop for additional names and may reject all of these. They may then proceed to consider other names. The Governing Board's choice shall be communicated to the Bishop in writing together with documentation evidencing the qualifications of the candidate to meet the Church's requirements for priestly leadership. The Bishop shall have 30 days to respond. The Bishop shall have the option of approving, or, after consultation with the Standing Committee, of rejecting the proposed candidate. If the candidate is rejected, the Governing Board may proceed to consider other candidates.

In the event that the Bishop and the Governing Board cannot resolve their differences over Clergy selection, the Bishop shall thereafter consult with the Standing Committee and the Governing Board to effect the final disposition of the issue in the most satisfactory and Godly manner possible.

**Section 3.** The Rector-elect shall not be recognized by the Bishop as the Rector of the Parish until canonically transferred to this jurisdiction; and shall not, with or without the consent of the Governing Board of said Parish, perform any of the rites or ceremonies of the Church except with the special permission of the Bishop of this Diocese, until the Bishop has certified to the Governing Board that said Rector-elect has been canonically transferred to this jurisdiction and licensed. The certificate of the Bishop shall be entered upon the minutes of the Governing Board.

**Section 4.** The Bishop shall sign all letters of agreement and contracts of employment between congregations and their clergy and lay employees.

**Section 5.** Notwithstanding the provisions of Sections 1 and 2 above, the bishop shall appoint a Pastor of Missions and Mission Fellowships in consultation with the Governing Board of the congregation.

## ***Canon XIX***

### **Settled Clergy**

**Section 1.** The Pastor of each congregation has, by virtue of office, the exclusive charge and care of all the spiritual concerns, music and liturgical and ceremonial rites of the congregation, subject and answerable only to the Bishop.

**Section 2.** For the purposes of the office and for the full and free discharge of all functions

and duties pertaining thereto, the Pastor shall, at all times, be entitled to the use and control of the congregation's buildings with the appurtenances and furniture thereof.

**Section 3.** The Pastor of a congregation shall have the full control and direction of all Guilds, Societies and Associations within the congregation as well as the hiring and firing of congregational staff, provided, however, that no staff shall be terminated without consultation with the Bishop. Unless otherwise provided by the governing documents of the congregation, the Pastor may call meetings of the Governing Board and congregation as the Pastor shall deem appropriate, and shall serve as ex-officio President of the same, and is entitled to speak and vote on all questions before these bodies. The Pastor shall call a meeting of the Governing Board when requested to do so by a majority of the members of the congregation.

**Section 4.** All assistant clergy and lay employees of congregations shall serve under the direction, and at the pleasure of, the Pastor, except as may be provided by law; provided, however, that no assistant clergy or lay employees shall be terminated without consultation with the Bishop.

**Section 5.** The annual salary and other compensation of full time ordained Clergy shall be no less than the minimum established in the Clergy Compensation Guide, recommended by the Standing Committee and approved by the Annual Synod, except in special cases as determined by the Bishop and the Standing Committee. The compensation of part-time or supply Clergy, and licensed Lay Pastors, shall be determined by the congregation in consultation with the Bishop and Standing Committee.

**Section 6.** No Rector may be called to or dismissed from a congregation without the consent of the Bishop. No other clergy may be called or dismissed from a congregation without consultation with the Bishop.

**Section 7.** Except for reason of age or disability, a Rector may not resign as a Rector without consulting with the Bishop and giving the Governing Board such notice as it may require. A Rector may not be removed against his will except as hereinafter provided.

**Section 8.** 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, in accordance with the principles of Matthew 18, to avoid having the relationship imperiled or hindered.

Whenever a Rector or a majority of the Governing Board believe the pastoral relationship between the Rector and the congregation to be imperiled or hindered by reason of dissension either or both may present the matter to the Bishop.

**Section 9.** Upon notification of such imperilment or hindrance the Bishop shall promptly seek reconciliation by whatever means he believes appropriate and make provision for such pastoral support for the parties as may be necessary. Both the Rector and the Governing Board 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, if there is one in office, the Chancellor of the Diocese. The Standing Committee shall meet with the Rector or his/her duly appointed representatives and representatives duly appointed by the Governing Board before rendering its advice to the Bishop. The Standing Committee may meet with the parties jointly or separately at its discretion.

**Section 10.** The Bishop shall make the final judgment after praying over the matter and considering any recommendations made by the Standing Committee. The terms of the judgment shall be within the discretion of the Bishop and may include, but is not limited to, a leave of absence with pay for the Rector, a refusal to dissolve the pastoral relationship, or a judgment of dissolution.

**Section 11.** If the relationship is to be dissolved, the judgment may include terms and conditions for compliance by both parties and may include an equitable financial settlement which is just and compassionate. The Rector or Governing Board may petition the Standing Committee for a review and modification of the financial terms of the judgment. Upon issuing such judgment the Bishop shall direct the Secretary to record the dissolution.

**Section 12.** If at the time of a need for Episcopal intervention there be no Bishop, Bishop Co-adjudicator or Bishop Suffragan, the Standing Committee may appeal to the Archbishop for the appointment of a Bishop of another diocese with jurisdiction to serve under the provisions of this Canon.

**Section 13.** If for any reason 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 priest until he complies with the judgment; or, if the Governing Board shall refuse to comply with the judgment of the Bishop, the Bishop shall request the Standing Committee to convert the congregation to a mission status under the supervision of the Bishop until the Governing Board shall have complied with the judgment.

## ***Canon XX***

### **Vacant Congregations**

**Section 1.** It shall be the responsibility of those serving as Pastors in the ADNE to notify the bishop as soon as possible when they are leaving any position in any of the congregations in the ADNE. The Bishop shall assume ecclesiastical oversight of each vacant congregation.

**Section 2.** When the Governing Board is notified by the Pastor of an intent to resign, the Bishop shall simultaneously be notified. Upon such notification, the Bishop shall have the authority to examine any records of the congregation which would assist in evaluating the condition of the congregation. The Governing Board shall furnish the Bishop such information as the Bishop deems necessary to assist the congregation in the selection of a new Pastor, including, but not limited to, congregation goals, profile of the congregation,



and desired Clergy qualifications.

**Section 3.** When a congregation becomes vacant, it shall be the duty of the Wardens thereof to give immediate notice to the Bishop, or if there is no Bishop, to the Chair of the Standing Committee.

**Section 4.** In the event of a vacant congregation, the Bishop shall take such action as the Bishop deems appropriate to supply said congregation for appropriate services, and such supply expenses shall be borne by said Congregation. Where the bishop or the Governing Board of the congregation deem it necessary, the Bishop will appoint an interim Rector in consultation with the Governing Board.

**Section 5.** A Priest canonically resident in this Diocese, without a congregation, may not assume pastoral relations with, nor officiate for longer than one month, in a congregation unless he or she shall have obtained a written license from the Bishop. If such license is refused, by and with the advice and consent of a majority of all the members of the Standing Committee, and if the Priest, without such license, officiates in a congregation, or attempts to assume pastoral relations, the Priest shall, thereafter, not be in good standing in this Diocese until he or she obtains approval from the Bishop. Any subsequent Synod of this Diocese may dissolve its union with the offending congregation, provided the Standing Committee shall, at least sixty days prior to such Synod, provide written notice to the Governing Board, or to a Warden, of such congregation that the action will be reported to the Synod.

## ***Canon XXI***

### **Discipline of Clergy and Lay Pastors and Ecclesiastical Trial Court**

**Section 1.** All Diocesan clergy shall be subject to the disciplinary provisions of the ACNA Canons. Lay pastors shall be subject to the discipline of the bishop.

**Section 2.** The Ecclesiastical Trial Court shall consist of five (5) clergy and four (4) lay persons, to be elected by the Synod to serve three (3) year terms on a staggered basis.

**Section 3.** Each member of the Court shall serve until his or her successor is elected or until the conclusion of any trial being heard by said member and the rendering of a verdict thereon, whichever is later. No person who has served two consecutive full terms shall be eligible for election until a full year has elapsed. Eighteen or more months shall be treated as a full term.

**Section 4.** If a vacancy in the Court occurs for any reason prior to the end of a term, the Standing Committee shall appoint a replacement from the appropriate order.

**Section 5.** Within two months after each Annual Synod, the Court shall elect one of its members to serve as Presiding Judge. When the need arises, the Court shall designate a Court Attorney, who shall not be a member of the Court.

**Section 6.** The Court will establish its own procedures and appoint a recorder of proceedings. The powers, duties and procedures of the Court shall be subject to and in accordance with Title IV of the Canons of the Anglican Church in North America.

## ***Canon XXII*** **Amendments and Resolutions**

**Section 1.** The Canons may be amended in the following manner only: Amendments must be proposed in writing to the Standing Committee no less than sixty days prior to the Annual Synod. The Standing Committee shall review the proposal and may either defeat it or refer it to the Committee on Constitution and Canons. The Committee on Constitution and Canons shall present the proposed amendment to the Synod for a vote. A proposed amendment must receive a majority of the votes cast in order to be enacted. If the amendment is defeated, it may be referred to the Committee on Constitution and Canons for study, reworking, and future proposal.

**Section 2.** The function of the Synod is to govern and conduct the business of the Diocese. No motion or resolution concerning any political, social or societal issue, nor any resolution which is not binding on the Diocese or its officers, shall be considered, discussed or enacted by the Synod.

## ***Canon XXIII*** **Rules of Order**

These Rules of Order shall be established by the Synod of the Diocese for conducting the business of the Synod. These rules shall not be amended, suspended or repealed except by an affirmative vote of a majority of the members present.

On Parliamentary Procedure:

- A. No motion shall be considered or debated until it is seconded, and, when seconded, it shall be stated by the President before it is voted on; and every motion, when required, shall be reduced to writing.
- B. If the motion in debate contains several distinct propositions, any member may have the same divided.
- C. When a motion is under consideration, no further motion shall be received unless to lay upon the table, to postpone indefinitely, to postpone to a certain time, to commit, or to amend; and motions for any of these purposes shall have precedence in the order herein named. If the motion to lay upon the table be carried, the Synod shall proceed as if no such motion had been offered. The motion to lay on the table and to adjourn shall be decided without debate. The motion to adjourn shall always be in order.

- D. On a question being put by the President, it shall be determined by the sound of voices for or against it; but any member may require the count of votes, and Tellers for that purpose shall be appointed by the President; or a majority of the members present may, previous to a decision by count, require the ayes and nays to be taken, which shall be done by calling the names of the Clerical members and then of the names of the Lay Delegates of each Congregation, and all votes by ayes and nays shall be entered upon the minutes.
- E. Wherever these Canons call for a vote, only those present and eligible to vote may vote. There shall be no voting by proxy and no absentee votes.
- F. A question once decided shall not be reconsidered during the same session without an affirmative vote of two-thirds, nor without a motion for that purpose being made by one of the majority on the prior decision; nor shall any question be reconsidered more than once.
- G. All decisions determined by vote within the Synod shall be by simple majority with the exception of the election of a bishop (Canon II) or unless an exception be made by a two-thirds vote of the Delegates, or unless otherwise established by Canon or by the Rules of Order.
- H. All questions of order shall be decided by the President, subject to an appeal to the Synod. A simple majority is required to overrule the President.