



# THE CANONS OF THE DIOCESE OF CASCADIA

*For the purposes of the Canons of the Diocese of Cascadia, “Constitution” shall mean the Constitution of the Diocese of Cascadia. Terms shall have the definitions given in the Constitution, the Constitution and Canons of the ACNA, and in the Canons below.*

*The term Ecclesiastical (or Ecclesial) Authority refers to our Bishop and the ACNA College of Bishops collectively, including the Archbishop of the ACNA. Our Bishop is the usual and immediate Ecclesiastical Authority in the Diocese of Cascadia. If he is unavailable (illness, death, or any incapacitating condition) to act on a diocesan issue requiring Ecclesiastical Authority, the ACNA College of Bishops would assign a Bishop to act on the issue at hand only.*

## ***Canon I*** ***Congregations***

### **Section 1. *Application***

Any fellowship of not less than twelve people, who are at least eighteen years old and meeting regularly in the Diocese, who are receiving the administrations of the Church and worshipping Almighty God according to the faith and doctrine of the Church, and who have established a recognized leadership structure and embraced the mission of the Diocese, may apply to the Bishop for membership in the Diocese as a congregation.

### **Section 2. *Incorporation***

- a. A congregation may or may not choose to be incorporated within its State of geographical residence.
- b. If a congregation desires incorporation, it shall submit its Articles of Incorporation and Bylaws to the Bishop and Diocesan Council for approval.
- c. No amendment in the Articles of Incorporation or Bylaws of any congregation shall be made unless it is approved in accordance with its Bylaws, and by the Bishop, and the Diocesan Council.

### **Section 3. *Property***

- a. The congregation is the sole owner of its assets and properties, as described in the Constitution, Article XI.
- b. Each congregation, incorporated or unincorporated, may acquire, or commit itself to acquire, by purchase, exchange, or otherwise, any real estate. A congregation may alienate or encumber any real estate held by it or for its use.
- c. In case any congregation shall be dissolved, it shall decide by a two-thirds majority vote what shall be done with the property, real and personal. (Such properties and assets may not be given to private or personal ownership.)

d. Should a congregation request that its church or chapel buildings be deconsecrated so that it can sell the property, the Bishop shall do so as soon as practical.

**Section 4. Administration**

The administration of a congregation shall be conducted by a Vestry of not less than five persons to be elected according to the Bylaws of said congregation, unless otherwise arranged through the Bishop.

**Section 5. Annual Financial Plan**

Each congregation shall annually submit to the Bishop and Treasurer of the Diocese a detailed plan for sound financial accountability and asset protection.

**Section 6. Annual Diocesan Contribution**

In its Annual Report, each congregation shall provide an estimate of the amount it will give to the Diocese for its annual contribution (Canon VII).

**Section 7. Dissolution**

The Synod may, by a two-thirds vote, dissolve its union with any congregation.

**Canon II**  
**Diocesan Ministry Board**

**Section 1. Purpose**

The Diocesan Ministry Board (DMB) shall assist the Bishop in matters pertaining to the enlistment and selection of persons for Diocesan Ministry and for Holy Orders, in the guidance and pastoral care of all Candidates for Holy Orders, in the examination of Candidates for Holy Orders, and in discharging any additional duties relating to Diocesan Ministry as are deemed requisite for the Diocese, or may be required by the Constitution and Canons of the ACNA.

**Section 2. Composition**

The Bishop, with advice and consent of the Diocesan Council, shall appoint to the DMB at least one Lay member and two Clergy canonically resident in the Diocese whose terms of office shall be one year. Such members shall be eligible for reappointment. The Bishop shall be an *ex officio* member of the Board with full privilege.

**Section 3. Meetings**

Meetings of the DMB shall be held upon the call of the Bishop or the Chair of the DMB.

**Section 4. Ministry Formation Initiative**

There shall be a Ministry Formation Initiative (MFI), the purpose of which shall be to:

- a. Promote and further the theological education, and ministry formation of Laity within the Diocese.
- b. Provide training for specialized ministries and leadership within the Diocese.
- c. Provide the theological education and ministry formation of those Candidates for Holy Orders whose participation has been approved by the DMB;
- d. Promote and provide for continuing theological education of clergy canonically resident in the Diocese.

### **Section 5. *Director of the MFI***

There shall be a Director of the MFI appointed by and accountable to the Bishop who shall subsequently be responsible for the management of the Initiative and who shall annually report in written form to the DMB or to the Bishop. The term of the appointment shall be at the discretion of the Bishop. The Director of the MFI shall serve as the Chair of the DMB.

## ***Canon III Election of Clergy***

### **Section 1. *Assessment and Consultation***

a. When a congregation desires to call a new Rector, it shall do so only after thoroughly assessing its congregational life, mission, and vision, facilitated by the Bishop, followed by consultation and agreement with the Bishop on the call.

b. When a congregation desires to call an Associate Priest or Deacon, it shall do so only after consultation and agreement with the Bishop.

### **Section 2. *Election***

All clergy who are called by a congregation shall be affirmed by not less than two-thirds of the Vestry. In the call of an Associate Priest or Deacon, prior written consent by the Rector is required.

### **Section 3. *Call***

The call of any Clergy-elect shall be in written form from the Bishop and include the proposed letter of agreement with the Vestry of the congregation. The rights and responsibilities of settled Clergy shall be detailed in the letter of agreement. Amendments to the letter of agreement may be made by mutual consent by the Clergy, the Vestry, and the Bishop.

### **Section 4. *Canonical Residence***

Clergy shall not be recognized by the Bishop as officially assuming leadership responsibilities of any congregation until they are canonically resident in the Diocese and have signed a letter of agreement with the Vestry. Clergy shall not perform any of the rites or ceremonies of the Church except with the permission of the Bishop or until the Bishop shall have certified to the Vestry that such Clergy have been canonically transferred to the Diocese.

### **Section 5. *List of Clergy***

The Registrar of the Diocese shall keep a list of all Clergy canonically resident within the Diocese, as deemed current by the Bishop. Only clergy whose names appear on the list of Clergy in the Diocese shall be eligible for appointment by the Bishop.

## ***Canon IV Departure of a Rector***

### **Section 1. *Notification***

The Rector shall notify the Bishop and then the Vestry in a timely manner of intent to resign.

### **Section 2. *Interim Supply***

a. Before the Rector departs, the Vestry shall take action, with approval of the Bishop, to supply the congregation with clergy for appropriate services to commence once the Rector departs. Supply expenses shall be borne by the congregation.

b. The Bishop and the Vestry may arrange for an Interim Rector who shall be responsible for the spiritual life of the congregation. The Senior Warden shall be responsible for the administrative matters of the congregation during the interim.

### ***Canon V*** ***Disruption of Pastoral Relationship***

When, in the judgment of the Bishop, there are grounds for believing that a continued pastoral relationship between Clergy and congregation may not be in the best interests of the congregation or the Diocese, the Bishop shall first counsel with the Clergy and then the Vestry and attempt to come to an amicable resolution. Failing an amicable resolution, the Bishop, or the Vestry, or the Clergy may take the case to the Diocesan Council who shall affect a final disposition to the issue.

### ***Canon VI*** ***Persons Who Come Under Discipline***

#### ***Section 1. Within a Congregation***

Disciplinary action of Clergy or Laity within a congregation shall proceed only after due biblical process (Matthew 18. 15-17) culminating in a two-thirds majority Vestry decision regarding the matter. If it is not resolved at the congregational level, it shall then be taken to the Bishop. The Bishop shall consult with all parties involved and then deliver a decision in writing to them that reviews the disciplinary action, previous attempts at reconciliation, the form and duration of the disciplinary action, and what, if any, actions may lead to restoration. There shall be no right of appeal.

#### ***Section 2. Within the Diocese***

Disciplinary action of Clergy or Laity of a wider than congregational nature shall be determined by application of Canon XIV. In order to avoid judicial contentions proscribed therein, an agreement or reconciliation may be employed usefully, or the controversy can be committed to a process of mediation first, or, second, the judgment of one or more arbitrators. Mediators or arbitrators shall be assigned by Bishop. For an agreement, a mediated compromise, or an arbitrated judgment, the norms selected by the Ecclesial Authority shall apply and be agreed to in advance in writing by the accused Clergy. For an agreement, a mediated compromise, or an arbitrated judgment civil law in force in the place where the agreement is entered into is to be observed. An agreed to mediated solution or an arbitrated judgment is final and there shall be no right of appeal.

### ***Canon VII*** ***Congregational Records and Annual Report***

#### ***Section 1. Congregational Records***

The leadership of each congregation shall provide a Congregational Record approved by the Bishop, which shall belong to and remain with the congregation. In this Record shall be kept a list of all births, baptisms, confirmations, marriages, deaths, Eucharists, and other services as well as a list of all members. This Record is the permanent property of the congregation.

#### ***Section 2. Annual Report***

Every congregation recognized by the Bishop shall prepare an Annual Report for the year ending December 31<sup>st</sup>, using standard forms supplied by the Diocese. It shall be delivered no later than the following March 1<sup>st</sup> to the Bishop or, if requested, to the Registrar of the Diocese. The leadership of each congregation shall prepare and deliver the Report. If a congregation's Report is not delivered to the Bishop or Registrar on or before March 1<sup>st</sup>, its Clergy and Lay Representatives shall not vote in a meeting of the Synod until the Report is received.

**Section 3. *Lay Representation***

The Annual Report shall be the basis of Lay Representation of each congregation according to the criteria set out in Canon X.

***Canon VIII***

***Budget and Financial Administration***

**Section 1. *Authority***

There shall be a Treasurer of the Diocese who shall have authority and responsibility for budgetary and fiscal management.

**Section 2. *Task Force on Finance and Audit***

There shall be a Task Force on Finance and Audit which, together with the Treasurer, shall prepare and submit to the Diocesan Council for its approval, regulations covering the financial system of the Diocese, including collection and handling of funds; authorization of obligations and payment thereof; accounting, including pre-auditing; 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; post auditing; and delegation of authority for such matters.

**Section 3. *Report***

The Treasurer, upon the request of the Bishop or Council, shall provide a full account of the fiscal state of the Diocese. This report shall include but not be limited to all funds, accounts, trusts, properties, and holdings belonging to the Diocese.

**Section 4. *Annual Budget***

The Treasurer shall prepare for review by the Council and submit to the Synod for its approval a comprehensive budget for the ensuing year. Such budget shall be based on clearly specified missionary objectives, evaluation of program accomplishment, and determined priorities.

***Canon IX***

***Archdeacons***

**Section 1. *Establishment***

The Diocese shall be divided into such regional Archdeacons as may be established by the Bishop and the Diocesan Council.

**Section 2. *Archdeacons***

Each Archdeaconry shall have a resident Archdeacon appointed by the Bishop.

**Section 3. *Meetings***

Each Archdeacon may convene a meeting of Clergy and Lay Representatives from each congregation within the Archdeaconry to assess regional challenges and needs, to develop

effective strategies, evangelization, specialized ministries, and programs, and to establish and administer budgets in consultation with the Bishop.

## ***Canon X*** ***Diocesan Synod***

### **Section 1. *Composition***

The Synod shall consist of two houses: (a) all canonically resident Clergy of the Diocese (bishops, priests, and deacons) and (b) at least two Lay Representatives from each congregation of the Diocese.

### **Section 2. *Representation***

- a. Each congregation shall be entitled to representation in the Synod.
- b. Each congregation having more than one hundred ASA shall be entitled to an additional Lay Representative for each additional one hundred ASA.
- c. Each congregation that establishes a new fellowship that itself becomes a congregation shall be entitled to one additional Lay Representative for each such fellowship so established for the life of that fellowship but no longer than five years.
- d. Any fellowship affiliated with the Diocese but not considered a congregation by the Bishop shall be entitled to one Lay Representative who shall have seat and voice but no vote, unless granted by a vote of the Synod.

### **Section 3. *Lay Representatives***

- a. Lay Representatives and Alternate Representatives from a congregation shall be elected as provided in its Bylaws. Representatives shall be elected for two-year terms but no Representative who has been so elected for two successive terms shall be eligible for reelection as a Representative for one year.
- b. The election of Representatives and Alternates to the Synod shall be certified in writing to the Secretary of the Synod by the Senior Warden of the Vestry. The certificate shall state the name, address, email address, and telephone number of each Representative and Alternate and that each was chosen from the membership of said congregation. The certificate shall be given to the Secretary no later than fifteen (15) days preceding a meeting of the Synod.
- c. If Representatives or Alternates are elected to fill vacancies, the election shall be certified in writing by forwarding an amended certificate to the Secretary not later than fifteen (15) days preceding a meeting of the Synod. Failure to give the certificate to the Secretary may result in the loss of that vote at a meeting of the Synod, as determined by the Bishop.

### **Section 4. *Officers***

- a. President of the Synod. The Bishop of the Diocese shall serve *ex officio* as President of the Synod. In the Bishop's absence, the President of the Diocesan Council shall serve as President of the Synod.
- b. Secretary of the Diocese. At each Annual Meeting of the Synod, a Secretary shall be elected by the Synod. The Secretary shall continue in office until a successor is elected. The Secretary of the Diocese shall also be the Secretary of the Diocesan Council and shall maintain records of the meetings of both bodies and in general perform those duties assigned by the Bishop, the Synod, or the Council. The Secretary shall deliver the permanent records to the newly elected Secretary.

c. Treasurer of the Diocese. At each Annual Meeting of the Synod, a Treasurer shall be elected by the Synod. The Treasurer shall continue in office until a successor is elected. The Treasurer shall also be the Treasurer of the Diocesan Council and shall be responsible for all funds and securities of the Diocese and in general perform those duties assigned by the Bishop, the Synod, or the Council. The Treasurer shall, at the direction of the Diocesan Council ensure an annual independent audit or financial review. The Treasurer shall deliver the permanent records to the newly elected Treasurer. The Treasurer shall serve as a member of the Task Force on Finance and Audit.

d. Restrictions. The Secretary shall serve as non-voting member of the Synod.

### **Section 5. *Transaction of Business***

a. There shall be an Annual Meeting of the Synod, to be held at such time and place within the borders of the Diocese as the Bishop shall determine.

b. Fifty percent of the Clergy and fifty percent of the Lay Representatives representing at least fifty percent of congregations shall constitute a quorum for the transaction of business. The Bishop or a majority of the Diocesan Council must be present.

c. Each Clergy or Lay Representative to the Synod shall have one vote and must vote in person. Voting by proxy is prohibited.

d. The Clergy and Laity shall deliberate as one body and vote as such. On every question when the Synod is voting as a single body, the votes of a majority shall decide the question.

e. Should any Synod member request that the Clergy and Laity vote as separate houses, the measure before the Synod must pass by a majority in each house to be ratified.

f. All ballots shall be open to the public.

g. Lay members of the Diocesan Council, if not elected Representatives to the Synod, shall have seat and voice at a meeting of the Synod, but no vote, unless granted by a vote of the Synod.

### **Section 6. *Ministries, Teams, and Task Forces***

a. The Synod may establish Ministries, Teams, and Task Forces of the Synod, which shall have such responsibilities and powers as are assigned by the Synod consistent with the Constitution and Canons of the Diocese.

b. Among the standing bodies of the Synod shall be ~~the~~ Task Force on Constitution and Canons and ~~the~~ Task Force on Finance and Audit.

c. The Synod shall normally defer to the Diocesan Council for the appointment of members to these Ministries, Teams, and Task Forces.

### **Section 7. *ACNA Annual Provincial Assembly***

Representatives to the ACNA Annual Provincial Assembly shall be elected at the Annual Meeting of the Synod preceding the Assembly in accordance with Canon 2 of the ACNA. Representatives shall report in writing to the Bishop within one month following each Assembly.

### **Section 8. *Clergy Attendance***

All clergy canonically resident in the Diocese shall attend every meeting of the Synod or send to the Bishop a sufficient excuse for absence.

## ***Canon XI***

### ***Diocesan Council***

#### **Section 1. Authority**

The Diocesan Council shall act on behalf of the Synod when the Synod is not in session. In particular, it shall evaluate the policies, programs, and other activities of the Diocese, make recommendations to the Synod, and give general oversight to the work, mission, budget and human resources of the Diocese. The Council shall perform such other functions and tasks as the Synod or Bishop assigns to it.

#### **Section 2. Composition**

The Council shall consist of the Bishop, Secretary of the Synod, the Archdeacon, the Canons appointed by the Bishop, the Treasurer of the Diocese, and six to twelve members-at-large elected by the Synod. The members at large shall be an equal number of Lay members and Clergy members who serve for terms of three years. The terms shall be staggered so that no more than one third of the members-at-large shall rotate off the Council in any given year. No elected Council member, except the Secretary or Treasurer, can serve more than two successive full terms until one year has passed since the Council member was last a member of the Council. The initial number of members-at-large shall be six and the number can be increased to twelve by a vote of the Synod.

#### **Section 3. Election**

Members-at-large of the Council shall be elected at each Annual Meeting of the Synod. These Council members, including those elected to fill a vacancy, shall hold office until the expiration of the term for which he or she was elected and until his or her successor is elected. All representatives of the Synod, whether Clergy or Lay, shall be entitled to vote for the election of both Clergy and Lay Council members.

- a. In the election of Clergy Council members-at-large, representatives shall cast a number of votes equal to the number of vacancies among clergy members. The candidate receiving the most votes shall be deemed elected to the Council. To the extent that there is more than one vacancy, the candidate receiving the second highest number of votes shall be deemed elected to the Council, as well as the additional candidates receiving the next highest numbers of votes as necessary to fill all open clergy positions on the Council.
- b. The election of Lay Council members shall follow the same rules as specified in Section 3a.
- c. A Representative to the Synod shall not cast more than one vote for a given candidate.
- d. No two elected Clergy shall come from the same congregation. No two elected Lay members shall come from the same congregation.

#### **Section 4. Resignations and Vacancies**

The resignation of a member becomes effective upon acceptance by the Bishop. Vacancies that occur between meetings of the Synod may be filled through an appointment by the Bishop or the President of the Council in consultation with and consent of the Council.

#### **Section 5. Officers**

- a. Bishop. The Bishop shall serve *ex officio* on the Council.
- b. President of the Council. The Council shall annually elect a President from among its members



- c. Secretary of the Council. The Secretary of the Diocese shall serve *ex officio* on the Council and act as its Secretary.
- d. Treasurer of the Council. The Treasurer of the Diocese shall serve *ex officio* on the Council.
- e. Restrictions. If the office of Secretary or Treasurer is vacant, the Council shall select a replacement until the next election. No individual shall fill both offices. The Secretary and Treasurer shall be from different nuclear families. The Secretary of the Council shall have seat and voice but no vote.

### **Section 6. *Transaction of Business***

- a. The Council shall meet at least once per quarter or at any time when called by the Bishop, the President of the Council, or a majority of its members. Meetings of the Council shall be held with at least fifteen days' notice by telephone or e-mail.
- b. A special meeting of the Council may be called by the Bishop, the President of the Council, or by a majority of its members, with a minimum 24-hour notice by telephone or email. Notice of a special meeting must specify the purpose of the meeting.

## ***Canon XII Election of a Bishop***

### **Section 1. *Requirements for Bishop According to Holy Scripture***

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 wants him to – not greedy for money, but eager to serve; not lording it over those entrusted to his care but being a wholesome example to the entire flock of Christ (1 Peter 5:2-3). These requirements are in addition to the requirements set forth in Canon 2 for Deacon (1 Timothy 3:8-13) and for Presbyter (1 Timothy 3:1-7; 5:17; Titus 1:6-9).

### **Section 2. *The Ministry of Bishops***

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 3. *Criteria for the Episcopate***

To be a suitable candidate for the episcopate, one must:

1. Be a person of prayer and strong faith;
2. Be pious, have good morals and exhibit godly character;
3. Have a zeal for souls;
4. Have demonstrated evidence of the fruit of the Holy Spirit;
5. Possess the knowledge and gifts which equip him to fulfill the office;
6. Be held in good esteem by the faithful;
7. Be a male Presbyter at least 35 years old;
8. Have demonstrated the ability to lead and grow the Church.

#### **Section 4. *The Election of a Bishop***

- a. With the consent of the College of Bishops, a diocese may commence the process of election of a Bishop. Such election is subject to the approval of the College of Bishops as described in Canon 8, Section 4 of the ACNA Canons.
- b. When the Office of Bishop becomes vacant or at the announcement of the Bishop that he intends to retire or step down, the Diocesan Council shall appoint members of a Task Force to nominate candidates for the Office of Bishop.
  1. The Nomination Task Force shall be composed of four to six Clergy and four to six Lay members. These members shall be selected from the Representatives to the Synod at one of the last three Annual Meetings of the Synod. When possible, geographic diversity is desired.
  2. The Task Force shall nominate up to three clergy for the Bishop's office following the criteria spelled out in Section 3 of this Canon. The names of the nominees shall be presented to the Diocesan Council for approval. This slate will then be brought to the annual Synod meeting or a special Synod meeting convened by the Diocesan Council for the election of a Bishop (whose name will be forwarded to the College of Bishops for ratification).
  3. The Diocesan Council shall designate one of its clergy members, being also a member of the Task Force, as a liaison person. The Diocesan Council will be available to answer questions and provide funding and requested resources, however, it will not supervise the work of the Task Force.
  4. At a minimum, the Task Force will conduct candidate interviews, require written responses to questions, order background investigations, and explore personal references other than the references given by the candidates.
  6. Upon the choice of a Bishop-elect by the College of Bishops, the Archbishop shall take order for the consecration of such Bishop.
  7. In the event the nominees are rejected by the College of Bishops, the College shall so inform the Diocese of Cascadia in writing.

### ***Canon XIII Chancellor and other Positions***

#### **Section 1. *Chancellor***

The Bishop of the Diocese, with the advice and consent of the Diocesan Council, 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 members of the Diocese who are knowledgeable in the law. The duties of the Chancellor shall be to act as qualified legal counselor to the Bishop, the Diocesan Council, 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. All Chancellors shall attend Synod meetings. In the absence of a seated Bishop, the Diocesan Council shall appoint Chancellors and Vice Chancellors as required.

#### **Section 2. *Other Positions***

The Bishop of the Diocese, with the advice and consent of the Diocesan Council and the Synod, shall have the authority to appoint:

- a. An Assistant Bishop without right of succession, in accordance with the Constitution and Canons of ACNA.
- b. One or more Clergy or Laity to assist the Bishop in fulfilling the Mission of the Diocese. This includes the Registrar of the Diocese.

## ***Canon XIV***

### ***Ecclesiastical Discipline***

*The Church of Jesus Christ is a fellowship of love and of mutual service. In it no law obtains except the law of love as revealed to us in the words and actions of Jesus Christ. Every Christian has a vocation to live in love with all the brethren, and as far as possible in charity with all people, and to keep himself or herself void of offense. The discipline of the Church must always be exercised with a view to healing and not to destruction, to restoration and not to exclusion. Such is the spirit in which our Diocese will give life to Ecclesiastical and Lay Discipline and Order always with the aim being repentance, forgiveness, and restoration.*

#### **Section 1. *Of the Nature of Discipline in the Church***

The Church has its own inherent responsibility to discipline the faithful who commit offenses. Penalties are established only insofar as they are essential for repentance, reformation, and ecclesiastical discipline and order.

#### **Section 2. *Of Charges against Bishops, Presbyters, or Deacons***

The following are the charges or accusations on which the Archbishop, a Bishop, a Presbyter, or a Deacon in this Church may be presented:

- a. Apostasy from the Christian Faith;
- b. Heresy, false doctrine, or schism;
- c. Violation of ordination vows;
- d. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power;
- e. A conviction by a court of competent jurisdiction for felony or other serious offenses;
- f. Sexual immorality;
- g. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;
- h. Violation of any provision of the Constitution of this Church;
- i. Disobedience, or willful contravention of the Canons of this Church or of the constitution or canons of the Diocese in which he or she holds office;
- j. Habitual neglect of the duties of his or her Office;
- k. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
- l. Willful refusal to follow a lawful Godly Admonition.  
(A Godly Admonition is a written directive from a Bishop with jurisdiction to a member of the Clergy under his jurisdiction. Such admonition shall not be issued until the Bishop shall have met personally with the member of the Clergy - unless

for valid reason and to avoid serious spiritual or physical harm, injury, or scandal to the Body of Christ - and the issues have been clearly and fairly discussed. The written admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for the required action to be taken. Where necessary due to constraints of time or distance, the Bishop may delegate any act herein to another Bishop of this Church.)

### **Section 3. *Of Presentments of Presbyters and Deacons***

The International Diocese takes its spiritual, moral, and legal responsibilities seriously.

a. **Concerning Accusations.** An accusation of conduct believed by the accuser(s) to be in violation of Section 2 may be brought against a Presbyter or Deacon. The accusation(s) shall be in a writing that contains the facts supporting the allegations of wrongdoing and shall be signed and sworn to by the accuser(s) and delivered to the Bishop. If the Bishop deems the accusation(s) not to be frivolous, he shall cause an investigation to be made by a canonical investigator pursuant to c.1 below. During the pendency of the investigation, the details of the accusation(s) and the investigation shall be maintained in appropriate confidence.

b. **Concerning Voluntary Submission to Discipline.** At any time after the receipt of an accusation(s), the accused may confess to the truth of the allegation(s) and submit to the discipline of the Church.

#### **c. Concerning Canonical Investigation.**

1. The Diocese shall appoint a canonical investigator to ascertain the merit of the accusations and make a recommendation to the diocesan authority as to whether further juridical process should be pursued.
2. (a) No presentment shall be made or conviction had for any offense under Section 2 unless the offense shall have been committed within five years immediately preceding the time of the presentment. Such time may be extended by written permission of the Archbishop.  
(b) For any offense covered by Section 2.e, a presentment may also be made at any time within one year after such conviction.
3. The accused shall be entitled to notice of an ongoing investigation and to have the aid of counsel or an agent and may submit his defense in writing. The presenters also may be aided by counsel and be represented by any agent they may appoint.
4. If it is determined by the diocesan authority that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law.
5. The Diocese shall have a person (lay or ordained) appointed by the Bishop for the drafting of presentments and the presentation of the same before the diocesan trial court.
6. The Diocese shall appoint an advisor to assist the Presbyter or Deacon who is the subject of an accusation and his or her counsel or agent. The advisor shall be knowledgeable in canon law and shall be available to advise the Presbyter or Deacon and his or her counsel or agent on issues relating thereto. All such advice as shall be given shall be confidential to the accused and his or her counsel or agent.

#### **d. Concerning Requirements for Presentment.**

1. When, after investigation of an accusation, the diocesan authority has determined that the matter should proceed forward, Articles of Presentment shall be prepared and personally served upon the Presbyter or Deacon against whom the accusation has been made.
2. The Articles of Presentment shall be made in a writing signed by a representative of the diocesan authority, wherein shall be specified all particulars of time, place, and circumstances alleged.

#### **Section 4. [Reserved]**

#### **Section 5. Of Courts, Membership and Procedures**

##### **a. Concerning Courts for the Trial of a Presbyter or Deacon.**

1. There shall be an ecclesiastical Trial Court established for the trial of any Presbyter or Deacon subject to the jurisdiction of this Diocese.
2. It shall be the duty of the Diocese to provide by canon for the establishment of such court and the mode of conducting trials in the same.
3. In case of conviction by the Trial Court, the Bishop shall not proceed to sentence the accused before the expiration of thirty (30) days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination thereof.
4. The ecclesiastical Trial Court shall be three (3) Presbyters canonically resident in the Diocese, three (3) adult confirmed members of the Diocese in good standing, and the Bishop. The President of the Court shall be elected by the members of the Court. The Bishop shall also appoint a legal advisor to the Court who shall be trained in canon law, a prosecutor, also trained in canon law, to bring and prosecute presentments when necessary.
5. The Bishop and Diocesan Council will establish the mode of trials in the ecclesiastical Trial Court.
6. Pursuant to ACNA Canon IV.3.6.2 (b), the entire presentment may be referred by the Bishop to the Provincial Court of Extraordinary Jurisdiction.

**b. Concerning Procedures.** The ecclesiastical Trial Court shall establish their own procedures within the generally recognized history of ecclesiastical law, to include the appointment of a recorder of proceedings. Such procedures shall:

1. Acknowledge the presumption of innocence of the accused, and
2. The right to representation by counsel, and
3. Shall be consistent with principles of fairness, due process and natural justice, and
4. Shall require expeditious handling consistent with those principles.

No new rule of procedure shall be made while a matter is pending that would be affected by that rule. Inasmuch as the ecclesiastical Trial Court is a court of original jurisdiction, the standard of proof shall be by clear and convincing evidence. Unless a higher standard is required by canon, the affirmative vote of not fewer than a majority of the members of the Trial Court shall be required for any determination by that this Court.

**c. Concerning Appeal.** An appeal may be made within thirty (30) days of the decision of the ecclesiastical Trial Court for the Trial of a Presbyter or Deacon. The appeal shall be made in

writing to the Bishop who is the Presiding Officer of the Provincial Tribunal, stating the nature of the case and the reason(s) for the appeal. The appeal will proceed as set forth in the Provincial Constitution and Canons.

**Section 6. *Of a Member of the Clergy in Any Diocese Chargeable with Offense in Another.***

If a member of the Clergy belonging to any Diocese shall have conducted himself in another Diocese in such a manner as to be liable to presentment under the provisions of Section 2, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority where the member of the Clergy is canonically resident, exhibiting, with the information given, reasonable ground for proceeding. If the Ecclesiastical Authority of the alleged offender, after due notice given, shall omit, for the space of three months, to proceed against the offending member of the Clergy, or shall request the Ecclesiastical Authority of the Diocese in which the offense or offenses are alleged to have been committed to proceed against him, it shall be within the power of the Ecclesiastical Authority of the Diocese within which the offense or offenses are alleged to have been committed to institute proceedings as provided by the canons of that Diocese.

**Section 7. *Of Voluntary Resignation or Renunciation of Ministry***

If a member of the Clergy making a declaration of voluntary resignation of ministry under ACNA Canon III.6.4 or a renunciation of the ministry under ACNA Canon IV.7, be under accusation or presentment for any canonical offense, or if they shall have been placed on trial for the same, the Ecclesiastical Authority to whom such declaration is made, shall not consider or act upon such declaration until after the accusation or presentment shall have been dismissed, or the trial shall have been concluded and sentence, if any, pronounced. If the Ecclesiastical Authority to whom such declaration is made shall have ground to suppose that the member of the Clergy making the same is liable to presentment for any canonical offense, such member of the Clergy may, in the discretion of the Ecclesiastical Authority, be placed on trial for such offense, notwithstanding such declaration of renunciation of the ministry.

**Section 8. *Of Sentences***

a. **Concerning the Role of the Bishop in Sentencing.** The Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted as indicated in these canons. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

b. **Concerning Pronouncement of Sentence.** The College of Bishops, speaking through the Archbishop or his designate, has the sole responsibility and authority to pronounce sentence on a Bishop.

c. **Concerning Range of Sentencing.** Sentence shall be:

1. Censure and/or admonishment;
2. Suspension, for a definite period, not to exceed five (5) years, with a review by the Bishop at the end of that time; or
3. Suspension for life; or
4. Deposition from the sacred ministry.

In addition, other measures for restoration of the accused may be required.

**Section 9. *Concerning Length of Sentences.***

Upon a showing of good cause:

- a. A sentence of suspension of a Presbyter or Deacon may be terminated or shortened by the Bishop of the Diocese in which the Presbyter or Deacon was convicted with the advice and consent of the Archbishop, in consultation with the Executive Committee;
- b. A sentence of suspension of a Bishop may be terminated or shortened by the College of Bishops with the consent of the Archbishop.

### **Section 10. *Of Inhibitions***

a. **Concerning Inhibition of a Presbyter or Deacon.** The Bishop may temporarily inhibit a Presbyter or Deacon from the exercise of ministry when the Bishop believes, upon reasonable grounds, that the Presbyter or Deacon has engaged, or is engaged, in conduct upon which a Presbyter or Deacon in this Church may be presented. With the advice and consent of the Diocesan Council or its equivalent, such inhibition may be extended until such charge is dropped or action taken by a Trial Court. Upon application by a Presbyter or a Deacon who has been temporarily inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the temporary inhibition. Such decision shall be rendered within thirty (30) days.

### **Section 11. *Of Notification of Disciplinary Action Taken***

The Bishop pronouncing sentence shall within thirty (30) days of the sentence notify the Provincial Secretary who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. Should a sentence be amended or terminated, notification of that action shall also be reported to the Provincial Secretary who shall promptly give notice of and record the amendment or termination in the permanent record.

## ***Canon XV***

### ***History and Archives***

The Bishop shall appoint an Archivist who shall provide for the safekeeping and preservation all Diocesan records, including the historical documentation of the Diocese, and perform such other duties as directed. The Archivist shall issue, on request, proper certification of records in the archives including, but not limited to, Consecration, Ordination, Baptism, Confirmation, Marriage and Burial Records.

## ***Canon XVI***

### ***Amendments to the Canons***

All amendments to the Canons must be proposed in writing to the Task Force on Constitution and Canons who will forward the proposed amendments to the Synod and the Diocesan Council with their recommendations. The Synod can ratify the proposed amendment in two ways: (a) with three-fourths affirmative vote of those present or (b) with a simple majority of two consecutive Synod meeting spaced no closer than three months apart.

## **Appendix A**

### **Ecclesiastical Trial Court Procedural Guidelines**

**1. Application and Scope of Rules.** These guidelines are to establish and govern procedures in the Ecclesiastical Trial Court (Court) in all presentment actions. They shall always be construed

and administered to secure the just, speedy, and inexpensive determination of any presentment or other matter coming before the Court.

## **2. Institution of Presentment Actions.**

**a. Form.** Presentment proceedings authorized by this Court shall be instituted by service of a copy of the Presentment. The Presentment shall be signed by the President of the Court, identify the Court and all parties to the proceeding, be directed to the Respondent and state the name and address of the Trial Attorney representing the Diocese and time within which the Respondent must file an Answer to the Presentment with the Court will be stated, 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.

**b. Service.** The service of the Presentment shall be made either by hand or certified mail with return receipt.

**c. Proof of Service.** If service is made by hand delivery, the person effecting service of the Presentment shall make proof of service by affidavit or sworn statement to the Court.

**3. Service and Filing of Pleadings and Other Papers.** Except as may otherwise be expressly provided by these Rules, every pleading, paper, motion, and notice subsequent to the 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 or the party's attorney last known address. Service by mail is complete upon mailing. The filing of papers and documents 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.

## **4. Rules of Pleading.**

**a. Presentment.** The 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 such allegation is made.

**b. Answer.** The Answer shall state in short and plain terms the Respondent's response to each allegation of the Presentment, including a defense thereto, and shall admit or deny the factual allegations of the 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.

**b. Style.** The 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 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.

**5. Defenses and Objections.**

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

**b. How Presented.** The following defenses may be asserted either in the Answer or by Motion:

(1) Lack of jurisdiction;

(2) Failure to state the factual basis of an Offense; and

(3) 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 facts of the Presentment are so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

**6. Amended and Supplemental Pleadings.** The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings to accomplish the purposes set forth in the Provincial, Diocesan Canons and set forth in Rule 1 of these rules.

**7. Voluntary Disclosures, Discovery.**

**a. Voluntary Disclosures.** The parties shall provide to each other and the Court not later than sixty (60) days prior to trial a list of all the witnesses expected to testify at trial, including the name and addresses of each witness; and copies of all documents and exhibits intended for use at trial. The parties may agree to a shorter time.

**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 omission against him or herself in any discovery procedure.

**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.

**9. Summary Judgment of Offense.**

**a. How Made.** If the Respondent fails or refuses to Answer the Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Trial Attorney may, no sooner than thirty (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 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 Presentment, together with the 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 material fact 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 into 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.
- 10. Trials.** Each Respondent is entitled to a speedy and just trial with the allegations set forth in the Presentment. Each Respondent is entitled to confront the evidence against him or her. The facts alleged in the 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 Presentment. The trial shall be governed by general reference to the Rules of Evidence of the State in which the Diocese has its principle office. All procedures and evidentiary guidelines will be interpreted liberally to ensure consistency with the principles of fairness, due process, and natural justice.
- 11. Judgment.** The Court shall render its Judgment no later than sixty (60) days after the date of the conclusion of the Trial.