

**The Constitution and Canons  
of the  
Episcopal Diocese of North Dakota**



**(as amended and re-enacted by the 49<sup>th</sup> Diocesan Convention - Fargo, 2019;  
and amended by the 52<sup>nd</sup> Annual Convention - Fargo, 2022)**

**THE CONSTITUTION OF  
THE EPISCOPAL DIOCESE OF NORTH DAKOTA (as amended by Diocesan Convention - October 4,  
1997)**

**ARTICLE I: Name and Boundaries of the Diocese**

This Diocese shall be known as ‘THE EPISCOPAL DIOCESE OF NORTH DAKOTA’ and shall have the same boundaries as the State of North Dakota and Clay County of Minnesota.

**ARTICLE II: Conformity**

The Episcopal Diocese of North Dakota, as a constituent part of and in communion with The Episcopal Church, accedes to the Constitution and Canons of The Episcopal Church and the authority of the General Convention.

**ARTICLE III: The Diocesan Convention**

Section 1. The legislative powers of the Diocese shall be vested in the Convention whose delegates shall be elected or designated in the manner prescribed by Canon.

Section 2. The Convention shall meet at least annually, and at such times as may be prescribed by Canon.

Section 3. The Convention shall have the powers specified in, and to be exercised in the manner prescribed by, this Constitution and the Canons.

**ARTICLE IV: Diocesan Officers**

Section 1. The Bishop shall be the Presiding Officer of the Convention. If there be no Bishop, or if the Bishop is unable to preside, the President of the Standing Committee shall preside. In the absence of both, the Convention shall elect a Presiding Officer from among its delegates.

Section 2. The Bishop shall, with the concurrence of the Convention, appoint a Chancellor who shall be a member of this Diocese and learned in the law. The Chancellor shall be the legal advisor to the Bishop and to the Diocese and shall have a seat, voice and vote at meetings of the Convention.

Section 3. The Convention shall annually elect a Treasurer of the Diocese who shall be responsible for the receipt and disbursement of diocesan funds and for reporting the same in accordance with the policies and procedures established by the Convention and Diocesan Council. The Treasurer shall have a seat, voice and vote at meetings of the Convention.

Section 4. The Convention shall, at its annual meeting, elect a Secretary who shall be responsible for the recording of all the proceedings of the Convention and their publication.

**ARTICLE V: The Ecclesiastical Authority**

The Ecclesiastical Authority of the Diocese shall be vested in and exercised by the Bishop or the Standing Committee in accordance with the Constitution and Canons of the Diocese.

## **ARTICLE VI: Election of a Bishop**

Section 1. The election of a Bishop shall be by the Annual Convention or by a Special Convention called for that purpose.

Section 2. A Bishop shall be elected by a concurrent majority vote of the Clergy and Laity entitled to a seat and vote, the two orders voting separately by written ballot.

## **ARTICLE VII: The Standing Committee**

There shall be a Standing Committee, as required by the Constitution and Canons of The Episcopal Church, which shall consist of such members and have such duties as prescribed by Canon.

## **ARTICLE VIII: The Diocesan Council**

Section 1. There shall be a Diocesan Council formed and constituted in the manner prescribed by Canon.

Section 2. The Bishop shall be President of the Diocesan Council. The Council shall select such other officers as may be specified by Canon.

Section 3. The Diocesan Council shall, between meetings of the Convention, have full power and authority to act for the Convention in all matters not expressly reserved to the Convention, the Bishop or the Standing Committee.

## **ARTICLE IX: Congregations**

Section 1. The Convention may admit Congregations into union with the Diocese in the manner prescribed by Canon.

Section 2. The Convention may, for causes specified by Canon, dissolve a Congregation's ties with the Diocese in the manner prescribed by Canon.

## **ARTICLE X: Assessments**

The Convention shall have power necessary to assess the Congregations in union with the Diocese for the necessary expenses of the Diocese.

## **ARTICLE XI: Amendments**

This Constitution may be amended at an annual meeting of the Convention by the concurrent majority vote of the Clergy and Laity entitled to a seat and vote, the two orders voting separately, provided that the proposed amendment has been duly considered by the previous annual meeting of the Convention and approved by a majority vote.

**THE CANONS OF  
THE EPISCOPAL DIOCESE OF NORTH DAKOTA  
(as amended and re-enacted by Diocesan Convention 2019)**

**CANON 1: Incorporation**

Section 1. The Episcopal Diocese of North Dakota is incorporated under the laws of the State of North Dakota. The corporate structure is set forth in the Articles of Incorporation.

**CANON 2: The Diocesan Convention**

Section 1.

(a) The Diocese shall meet annually, the meeting to be known as the Annual Convention, at the time and place designated by the Bishop, with the advice and consent of the Diocesan Council. The time and place of each Annual Convention shall be communicated by appropriate means to all members of the Diocese at least 18 months in advance of the Annual Convention.

(b) The purpose of the Annual Convention is to provide an opportunity for the people of this Diocese to gather together in fellowship and for worship; for mutual stimulation and study; to take necessary legislative action and to exercise other responsibilities committed to the Convention by Canon and tradition for the welfare of the Diocese.

(c) The Bishop, with the consent of the Diocesan Council, shall have the power to change either the time or the place of the Annual Convention, or both, provided that notice of the change is given to the delegates at least thirty days prior to the time set for the meeting.

(d) A Special Convention may be called by the Ecclesiastical Authority, in consultation with the Diocesan Council, provided that notice of a Special Convention is given to the delegates at least thirty days prior to the time set for the meeting, and no other business may be transacted.

(e) A majority of the Lay delegates, elected or designated as provided by this Canon, and a majority of the Members of the Clergy entitled to vote, as provided by this Canon, constitutes a quorum for the transaction of business at a meeting of the Convention.

(f) The vote of a majority of the Lay delegates and Members of the Clergy present and entitled to vote is sufficient on any question, unless the Canons require otherwise, or unless three Lay delegates or three Members of the Clergy request a vote by Orders. In case of a vote by Orders, the two Orders shall vote separately and the concurrence of both Orders by the vote of a majority of each Order shall be sufficient on any question, unless the Canons require otherwise.

Section 2. (a)

1. Every Member of the Clergy canonically resident and in good standing in the Diocese, and actively engaged in the Diocese in a ministry recognized by the Bishop, is entitled to a seat and vote at all meetings of the Convention.

2. A Member of the Clergy canonically resident and in good standing in the Diocese, but not actively engaged in the Diocese in a ministry recognized by the Bishop, will have a seat but no vote at all meetings of the Convention.

3. A minister ordained in the Evangelical Lutheran Church in America permitted by the Bishop to officiate as an ordained minister of The Episcopal Church, as provided by Article VIII of the Constitution of The Episcopal Church, and who is in charge of a Congregation is entitled to a seat and vote at all meetings of the Convention.

4. A member of the clergy serving in the Anglican Church of Canada, who, with the permission of the Bishop, is serving a Congregation in this Diocese, is entitled to a seat and vote at all meetings of the Convention.

(b) Each Congregation in good standing is entitled to representation in the Lay Order at meetings of the Convention as follows:

1. A Congregation of up to fifteen Adult Communicants in Good Standing is entitled to elect two Lay delegates.

2. A Congregation of sixteen to thirty Adult Communicants in Good Standing is entitled to elect three Lay delegates.

3. A Congregation of thirty-one to one hundred and eighty Adult Communicants in Good Standing is entitled to elect three Lay delegates and one additional Lay delegate for each thirty communicants, or fraction thereof, not counting the first thirty communicants.

4. A Congregation of more than one hundred and eighty Adult Communicants in Good Standing is entitled to elect eight Lay delegates and one additional Lay delegate for each one hundred communicants, or fraction thereof, not counting the first one hundred and eighty communicants, to a maximum of twelve Lay delegates.

(c) The Bishop is the Presiding Officer and entitled to vote at all meetings of the Convention. In the absence of the Bishop, or if the Bishop desires to participate in debate on any matter, the President of the Standing Committee or such other delegate as may be appointed by the Bishop may serve as the Presiding Officer.

(d) Each Lay member of the Diocesan Council is entitled to a seat and vote at all meetings of the Convention.

### Section 3.

(a) Prior to each meeting of the Convention, the Bishop causes to be prepared a list of all Members of the Clergy canonically resident and in good standing in the Diocese, and shall indicate those who are entitled to vote at the meeting of the Convention.

(b) Prior to each meeting of the Convention, the Bishop causes to be prepared a list of all the Lay delegates and alternate Lay delegates to the Convention. The Vestry of each Congregation shall provide the Bishop with the names and addresses of the Lay delegates and alternate Lay delegates to the Convention from that Congregation at least thirty days before the time set for the meeting of the Convention.

(c) The Lay delegates to the preceding Annual Convention are the Lay delegates to a Special Convention, unless new delegates have been elected or designated.

Section 4. The Bishop shall appoint such committees as may be deemed necessary before and during any meeting of the Convention.

Section 5. The Annual Convention shall adopt a budget for the Diocese and shall establish the minimum standard of congregational support of the Diocese as a percentage of congregational general purpose income.

Section 6. The Convention may adopt rules of order which are not contradictory to the Constitution or these Canons. The rules of order adopted at the preceding meeting of the Convention shall remain in effect until changed.

Section 7.

(a) Except for courtesy resolutions, resolutions of thanks or resolutions of a similar nature, no resolution may be considered by the Convention unless it has been submitted in writing to the Secretary of the Convention at least sixty days prior to the Convention at which the resolution is to be considered.

(b) Upon receipt of any proposed resolution within the time above specified, the Secretary of the Convention shall cause copies thereof to be sent to each congregation entitled to representation in the Convention thirty days prior to the time set for the Convention.

(c) A resolution not submitted in accordance with (a) may be considered by the Convention upon a two-thirds vote of the delegates and clergy entitled to a seat and vote.

### **CANON 3: Nomination and Election of a Bishop**

Section 1. The election of a Bishop for the Diocese must take place at the Annual Convention, or at a Special Convention called for that purpose, provided that written notice of the time and place of the Convention must be given to every Congregation and to every Member of the Clergy entitled to vote at the meeting at least sixty days prior to the time set for the Convention.

Section 2. When the election of a Bishop is called for, the Standing Committee must appoint a Committee for the Nomination of a Bishop. The Committee for the Nomination of a Bishop shall consist of at least twelve members. In making the appointments, the Standing Committee must take into account representation according to geography, lay and clergy orders, and other considerations determined by the Standing Committee to be relevant.

Section 3. The President of the Standing Committee must convene the first meeting of the Committee for the Nomination of a Bishop, and the Committee must choose a chairperson from among its members at its first meeting.

Section 4.

(a) The Committee for the Nomination of a Bishop must call for and receive, and may itself propose, the names of Clergy who are qualified to be elected to the office of Bishop. A clerical member of the Committee for the Nomination of a Bishop must withdraw from the Committee if the name of that Member of the Clergy is submitted for consideration for nomination and if that Member of the Clergy agrees to be considered for nomination.

(b) The Committee for the Nomination of a Bishop shall select no fewer than three Members of the Clergy whom it deems to be qualified for the office of Bishop, and must prepare a report of the candidates selected.

(c) The Committee for the Nomination of a Bishop must distribute its report to the Members of the Clergy canonically resident and in good standing in the Diocese, to the Lay delegates to the Convention, and to all Congregations no later than sixty days prior to the time set for the meeting of the Convention at which the election is to be held.

(d) The presentation of the report of the Committee for the Nomination of a Bishop at the meeting of the Convention constitutes the nomination of each of the Members of the Clergy named in the report.

(e) The process for nomination of a Member of the Clergy other than by the Committee for the Nomination of a Bishop is as follows:

1. The nomination of a Member of the Clergy other than by the Committee for the Nomination of a Bishop may be made only by the submission to the Standing Committee of a petition of nomination no later than forty-five days prior to the time set for the meeting of the Convention at which the election of a Bishop is to be held.

2. A petition of nomination must be signed by at least three Members of the Clergy entitled to vote at the Convention at which the election is to be held and three Laypersons who are delegates to the Convention at which the election is to be held.

3. A petition of nomination submitted to the Standing Committee must be accompanied by all of the information that is required by the Committee for the Nomination of a Bishop to be submitted by the Member of the Clergy considered for nomination by that Committee.

4. The Standing Committee must distribute all petitions of nomination, including the accompanying information, received within the time period set out in paragraph (e)1 to the Members of the Clergy canonically resident and in good standing in the Diocese, the Lay delegates to the Convention, and to all Congregations, no later than thirty days prior to the time set for the meeting of the Convention at which the election is to be held.

Section 5. Two-thirds of the Members of the Clergy entitled to vote and two-thirds of the Lay delegates representing two-thirds of the Congregations entitled to representation at the Convention shall constitute a quorum for the election of a Bishop.

Section 6. The election of a Bishop must be by Orders and by written ballot. A concurrence of a majority of both Orders is required for an election.

#### **CANON 4: The Standing Committee**

Section 1. The Standing Committee is composed as follows:

(a) There shall be three Members of the Clergy and three Lay members elected at the Annual Convention, each of whom shall serve for a term of three years. The terms shall be classified so that one Member of the Clergy and one Lay member are elected at each Annual Convention. No member may serve more than two consecutive full terms.

(b) In the event of a vacancy, the Standing Committee may appoint a member from the appropriate Order to serve until the next Annual Convention, at which a member shall be elected to serve for the remainder of the unexpired term.

Section 2. The Standing Committee shall elect a President and a Secretary from among its members.

Section 3. If there is no Bishop canonically authorized to act, the Standing Committee is the Ecclesiastical Authority of the Diocese. In all decisions made as the Ecclesiastical Authority, the Standing Committee votes by Orders and a majority vote of the members from each Order is necessary for a decision.

Section 4. The Standing Committee meets at the call of the Bishop or its President. A majority of the Standing Committee is a quorum, and a majority of the quorum is competent to act unless required otherwise by the Canons of The Episcopal Church or the Diocese.

## **CANON 5: The Diocesan Council**

Section 1. The Diocesan Council is composed as follows:

- (a) The Bishop, the Bishop Coadjutor, if there be one, the Chancellor, the Treasurer of the Diocese, and the members of the Standing Committee are ex-officio members.
- (b) There shall be six members elected at the Annual Convention from each Region, each of whom shall serve for a term of three years. The Convention must vote by Region and delegates may vote only for candidates from Congregations within their Region. The terms shall be classified so that two members from each Region are elected at each Annual Convention. No member may serve more than two consecutive full terms. In the event of a vacancy the Bishop may appoint a member from a Congregation within the Region to serve the remainder of the term.
- (c) The Bishop, or in the absence of the Bishop, the Standing Committee, may appoint up to three members. The term of office of a member appointed in this manner expires at the close of the next Annual Convention following the appointment. An appointed member may not serve for more than six consecutive years.

Section 2.

- (a) The Diocesan Council elects a Vice President from among its members, who presides at its meetings in the absence or disability of the Bishop.
- (b) The Secretary of the Council is elected from among its members.

Section 3. The Diocesan Council must meet at least three times a year. A quorum of the Council consists of a majority of its members, providing that at least three Lay members and three Members of the Clergy (which may include the Bishop) are present.

Section 4. In the exercise of the power and authority granted to the Diocesan Council by Article VIII, Section 3 of the Constitution of the Diocese, the Council functions under the executive direction of the Bishop and within the Constitution and Canons of The Episcopal Church and the Diocese.

Section 5.

- (a) The Diocesan Council must appoint a Finance Committee, a majority of the members of which must be members of the Council. The Treasurer of the Diocese shall be an ex-officio member of the Finance Committee and its Chairperson. It is the duty of the Finance Committee to ensure by appropriate means that the “standard business methods” required by Canon I.7.1 of the Canons of The Episcopal Church are observed by the Diocese and each Congregation of the Diocese.
- (b) The Diocesan Council may establish such other committees as may be necessary to carry out its duties and responsibilities.

Section 6. The Diocesan Council must prepare a proposed budget for the ensuing fiscal year of the Diocese at least six weeks prior to the Annual Convention. The proposed budget must be delivered to the Lay delegates to the Convention and the Members of the Clergy canonically resident and in good standing in the Diocese at least thirty days prior to the time set for the Annual Convention.



## **CANON 6: Congregations**

### Section 1.

(a) A group of persons desiring to unite together for the purpose of regular worship and to form a new Congregation under the direction, authority and care of The Episcopal Church may submit a written application to the Bishop, the Diocesan Council, and the Standing Committee.

(b) The form of the petition is as follows:

To the Bishop, the Diocesan Council and the Standing Committee, Episcopal Diocese of North Dakota:

We, the undersigned, residents of \_\_\_\_\_ (City/Township) in the County of \_\_\_\_\_ and The Episcopal Diocese of North Dakota, being sensible of the truth of Christianity and desiring to increase its influence in our lives and the lives of our families and neighbors, do petition to be organized and recognized as a Congregation of The Episcopal Diocese of North Dakota.

We declare ourselves individually and collectively ready to do what is necessary to establish and sustain a regular worship of the Church, and to promote the ministry of Christ in our community. We pledge ourselves to work cooperatively with all Congregations of the Diocese. We associate ourselves for the purpose of maintaining the sacramental worship of God and the preaching of the Gospel, according to the Doctrine, Discipline and Worship of The Episcopal Church, and we promise conformity and obedience with the Constitution and Canons of The Episcopal Church in the United States of America and of the Episcopal Diocese of North Dakota.

In accordance with these obligations and rules, we now ask the privilege of being known as a Congregation under the name of \_\_\_\_\_.

(c) The petition must be signed by a group of 12 Adult Communicants in Good Standing of the petitioning group and must be accompanied by a list of all members of the group showing family members, ages, sex whether confirmed or baptized, addresses, the name of the city or a description of the area to be served by the Congregation, a proposed budget, a plan for mission and ministry and such other information as may be requested.

### Section 2.

(a) If the Bishop, the Diocesan Council and the Standing Committee approve the petition, the petition is presented to the next Annual Convention, which approves or denies it.

(b) Upon approval of its petition by the Convention, a Congregation is deemed to be organized and recognized by the Diocese.

Section 3. Until such time as a congregation elects a Member of the Clergy in Charge in accordance with the Canons of the Episcopal Church, the control of the worship and the spiritual jurisdiction of a Congregation are vested in the Bishop.

Section 4. As soon as possible after the approval of its petition by the Convention, a meeting of the Congregation is held at which the Bishop or the Bishop's representative preside. Members shall organize and elect a Vestry, may adopt bylaws and shall conduct such other business as may be necessary at that time.

Section 5. The Congregation, with the written consent of the Bishop and the Standing Committee, may incorporate pursuant to the laws of the State of North Dakota or, if appropriate, the State of Minnesota. The Articles of Incorporation shall expressly accede to the Constitution and Canons of The Episcopal Church and of

the Diocese, and shall not be filed until written approval as to their form has been given by the Chancellor. A Congregation shall not amend its Articles of Incorporation without the written consent of the Bishop and the Standing Committee and unless written approval as to the form of the amendment has been given by the Chancellor.

Section 6. The Bishop, with the advice and consent of the Standing Committee, may dissolve a Congregation in the following manner:

(a) When the Bishop has determined that a Congregation has failed to conform to its obligations and responsibilities as provided by the Constitution and Canons of The Episcopal Church and of the Diocese, the Bishop, with the advice and consent of the Standing Committee, recommends to the next Annual Convention that the Congregation be dissolved.

(b) A full report of the matter, together with the Bishop's recommendation, is made in writing and provided by the Bishop to the Member of the Clergy in Charge and Vestry of the Congregation and the delegates to the Convention and the Members of the Clergy canonically resident and in good standing in the Diocese at least thirty days prior to the time set for the Annual Convention.

(c) The Member of the Clergy in Charge, the Vestry, and any member of the Congregation are given an opportunity to respond to the Bishop's recommendation and report at the Annual Convention.

(d) A two-thirds vote of the Lay delegates and Members of the Clergy entitled to a seat and vote, and present at the meeting of the Annual Convention, is required to dissolve a Congregation.

Section 7. Upon dissolution of a Congregation, the title to all property, real and personal, is conveyed, transferred and assigned to The Episcopal Diocese of North Dakota, and such title is conveyed, transferred, assigned to and vested in The Episcopal Diocese of North Dakota upon the execution by the Bishop of a certificate of dissolution of the Congregation following the procedures set forth in Section 6 of this Canon.

Section 8. Two or more Congregations may be joined to form one Congregation by submitting their plan of union to the Bishop, the Diocesan Council, and the Standing Committee and following Sections 1 through 4 of this Canon.

Section 9. All missions and parishes of the Diocese formed prior to the adoption of this Canon are recognized as Congregations of the Diocese.

## **CANON 7: Vestries**

Section 1.

(a) The Vestry, in partnership with the Member of the Clergy in Charge, is charged with furthering the ministry of Christ through the daily life of the Congregation. The Canons of The Episcopal Church and the Canons of The Episcopal Diocese of North Dakota are the framework for this authority. The ministry of all the baptized is to be recognized and encouraged.

(b) The Vestry and the Member of the Clergy in Charge, cooperating with the Diocese, are instruments through which the Congregation and its members are empowered, enabled and authenticated for ministry. The Vestry and Member of the Clergy in Charge, with the assistance of the Diocese, will provide for the support, development and guidance of each member's ministry.

Section 2. The business matters of each Congregation and the relations of each Congregation with its Member of the Clergy in Charge are governed by the Vestry.

Section 3. A Vestry is composed as follows, unless the bylaws of the Congregation provide otherwise:

(a) The Member of the Clergy in Charge, or a Warden or other Vestry member designated by the Member of the Clergy in Charge, presides at all meetings.

(b) One or two Wardens, who are elected for terms of one year at the annual meeting of the Congregation.

(c) Not less than three nor more than fifteen vestry persons, who are elected for terms of three years, classified so that one-third, or as close as possible, are elected each year at the annual meeting of the Congregation.

(d) In the event of a vacancy in the office of Warden, the Vestry appoints a Warden from among its members to serve the remainder of the term. In the event of a vacancy in the office of Vestry person the Vestry may appoint a Vestry person from among the members of the Congregation to serve until the next annual meeting, at which a Vestry person is elected to serve the remainder of the term.

Section 4. The Wardens, the Treasurer and the Clerk must have attained legal age and be Communicants in Good Standing of The Episcopal Church, and other Vestry persons must be Adult Communicants in Good Standing of The Episcopal Church.

Section 5. The Vestry appoints a Clerk and a Treasurer, who need not be members of the Vestry.

Section 6. A Congregation with less than twenty-five members is not required to elect a Vestry, but may, at its option and with the consent of the Bishop, conduct the business of the Congregation at congregational meetings. A Congregation choosing to govern itself in this manner shall, at such meetings, exercise the authority and the responsibilities of a Vestry as provided in the Canons of The Episcopal Church and the Diocese.

Section 7. The Vestry shall meet at least six times a year at regular intervals, and special meetings may be called by the Bishop, the Member of the Clergy in Charge, or two members of the Vestry. A quorum of the Vestry shall consist of a majority of its members.

Section 8.

(a) If the Vestry of a Congregation elects a Rector, it must do so in a manner which is in compliance with the Canons of The Episcopal Church.

(b) A Priest serving as the Priest-in-Charge of a Congregation may be elected by the Vestry of that Congregation to serve as its Rector.

(c) The terms of employment of a Rector or a Priest-in-Charge shall be agreed to by the Vestry and the Rector or Priest-in-Charge in a Letter of Agreement which shall be in compliance with the Constitution and Canons of The Episcopal Church and the Diocese. The Bishop shall be provided with a copy of the Letter of Agreement, if not a party to the agreement.

(d) The Member of the Clergy in Charge and the Vestry are expected to work and plan together, and an annual review of the performance of both parties must be a normal element of discipline in their cooperative endeavor.

Definition 15 of Canon 15 is amended as follows:

15. "Rector means the Member of the Clergy in Charge of a Congregation in accordance with the Canons of the Episcopal Church. A Letter of Agreement may provide that the Rector is serving as either a full-time or a part-time Rector.

## **CANON 8: Congregational Meetings**

### Section 1.

(a) Each Congregation shall hold an annual meeting of the Congregation in January, unless its bylaws provide otherwise.

(b) A special meeting of a Congregation may be called by the Bishop, the Member of the Clergy in Charge, a Warden, or any two Vestry members.

Section 2. Notice of the time, place, and purpose of a meeting, and of the qualifications of voters, shall be given at two or more regular services next preceding the meeting, unless the Bishop directs otherwise.

Section 3. The Bishop or the Member of the Clergy in Charge shall have the right to preside at all meetings. In their absence a Warden or a Vestry member shall preside.

Section 4. The items of business which must be transacted at the annual meeting shall include the following:

(a) The minutes of the last annual meeting and any intervening special meetings.

(b) A financial report of the Congregation

(c) Reports of secretaries or treasurers of all congregational organizations.

(d) A report by the Member of the Clergy in Charge of the state of the affairs of the Congregation. (e) The election of Wardens and Vestry members.

(f) The election of delegates to the Diocesan Convention. These delegates shall be appointed by the Vestry if the election is not held at the annual meeting or a special meeting.

Section 5. Each Congregation shall, at its annual meeting and consistent with the minimum standard of congregational support established by the Diocese, pledge a percentage of its general purpose income to the support of the Diocese. This pledge must be paid each month based on the previous month's income. A statement of that month's receipts and disbursements shall be provided to the Bishop with each monthly payment of the pledge.

Section 6. Each Congregation shall, at its annual meeting, adopt a budget. A copy of the budget shall be provided to the Bishop following its adoption.

Section 7. Qualified voters at a meeting must be Adult Communicants in Good Standing of the Congregation.

## **CANON 9: Records**

The Member of the Clergy in Charge maintains the Congregation's Register and the Register of Services as required by the Canons of The Episcopal Church. The Register shall remain with the Congregation.

## **CANON 10: Business Methods**

Section 1. The Diocese, and every Congregation, must observe and comply with the “standard business methods” as set out in Canon I.7.1 of the Canons of The Episcopal Church.

Section 2. No Vestry, trustee, or other body, authorized by civil or canon law to hold, manage, or administer real property for any Congregation shall sell or encumber the real property, or any part thereof, without the written consent of the Bishop and the Standing Committee.

Section 3. All real and personal property held by or for the benefit of any Congregation is held in trust for The Episcopal Church and the Diocese. This trust, however, shall in no way limit the power and property so long as the Congregation remains a part of, and subject to, the Constitution and Canons of The Episcopal Church and the Diocese.

Section 4. On the occasion of the Bishop’s annual visitation to a Congregation, the offering not otherwise designated shall be given to the Bishop’s Discretionary Fund.

## **CANON 11: Regions and Regional Councils**

Section 1. The Congregations of the Diocese must be organized by Regions in such a number and manner as the Bishop, with the concurrence of the Convention, shall determine from time to time.

Section 2. Each Region may establish a Regional Council representative of its Congregations, Members of the Clergy and Laypersons. Lay members of the Diocesan Council shall be ex-officio members of the Regional Council, if any, for their Region.

Section 3. A Regional Council and the Congregations within a Region may meet from time to time, in conformity with rules established and adopted by the Regional Council, or by the Congregations within the Region, and submitted to the Standing Committee. A record must be kept of any meetings or other activities of a Region or its Regional Council.

## **CANON 12: Commission on Ministry**

Section 1.

(a) There shall be a Commission on Ministry which shall have the duties set out in the Canons of The Episcopal Church.

(b) The Commission on Ministry shall consist of at least three Members of the Clergy and three Lay persons, appointed to terms of one year by the Bishop, subject to the approval of the Annual Convention.

Section 2.

(a) An Adult Communicant in Good Standing may serve as Lay Reader, Pastoral Leader, Lay Preacher, Lay Eucharistic Minister, or Catechist only if licensed by the Bishop or the Ecclesiastical Authority of the Diocese.

(b) Guidelines for the training and selection of Licensed Laypersons shall be established by the Bishop in conformity with, of the Canons of The Episcopal Church.

## **CANON 13: Deputies to General Convention and Delegates to Provincial Synod**

### Section 1.

(a) Deputies to the General Convention are elected at an Annual Convention which is held not later than twelve months preceding the opening date of the General Convention for which the Deputies are elected. The Convention elects no fewer than two and no more than four Members of the Clergy, and no fewer than two and no more than four Lay persons, with an equal number to be elected from each order, to represent the Diocese in General Convention and any number as alternates.

(b) The Clerical Deputies and Alternates are ordained persons canonically resident and engaged in a recognized ministry within the Diocese. The Lay deputies and Alternates are Adult Communicants in Good Standing of a Congregation of the Diocese.

(c) In the absence or inability of a Deputy to attend the General Convention, the Alternates, in order of their election, acts for such Deputy.

(d) Any vacancy in the representation of the Deputies in General Convention which cannot be filled by an Alternate is filled by appointment of the Bishop.

### Section 2.

(a) Delegates and Alternates to meetings of the Provincial Synod shall be determined by the Clergy and Lay deputies to General Convention. The General Convention deputies shall select an equal number of clerical and lay delegates, and an appropriate number of alternates, to attend meetings of the Provincial Synod. The General Convention deputies may choose Provincial Synod delegates from among their own number, or they may choose an Adult Communicant in Good Standing in the Diocese.

(b) In the absence or inability of a Delegate to attend the Provincial Synod, the Alternates, in order of their election, acts for such Delegate.

(c) Any vacancy in the representation of the Diocese in Provincial Synod which cannot be filled by an Alternate is filled by appointment of the Bishop.

## **CANON 14: Ecclesiastical Discipline**

### Section 1. Title IV of General Canons.

(a) The provisions governing the ecclesiastical discipline of a Priest or Deacon which are set forth in Title IV of the Canons of The Episcopal Church and which are applicable to the Diocese are hereby incorporated as part of this Canon 14. To the extent that any of the provisions of this Canon 14 are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

(b) No person may resort to secular courts for the purposes of delaying, hindering, or reviewing any proceeding under Title IV.

(c) References to Title IV of the Canons of General Convention are made as: "IV. \_\_. \_\_," with the numbers referring to the Canons of Title IV and the Section, respectively. Where a word or phrase (such as "Disciplinary Board," for example) appears in these Canons with its initial letter(s) capitalized, the word or phrase is used in the sense in which it is defined in Title IV.2, unless defined in a more specific sense in these Canons.

(d) The following sections of this Canon shall further specify the application of Title IV to this Diocese.

Section 2. Disciplinary Board: Establishment and Composition.

The Court for trial of Priests and Deacons is the Disciplinary Board of the Diocese, as required by Title IV of the Canons of General Convention. It shall consist of seven (7) members, four (4) of whom shall be Clergy and three (3) of whom shall be Lay persons.

(a) Clergy members of the Disciplinary Board must be canonically resident in the Diocese.

(b) Lay members of the Disciplinary Board must be Adult Communicants in Good Standing in a Congregation in the Diocese.

(c) At each Annual Convention of the Diocese, the Bishop upon consultation with and approval by the Standing Committee shall present to Convention for ratification a nominee for each position on the Disciplinary Board to be filled by Convention. As nearly as possible, one third of the authorized number of Lay and Clergy members of the Disciplinary Board must be ratified and filled at each Annual Convention.

(d) Each member shall serve for a three (3)-year term, except if a member is filling a vacancy, in which case the term of such member shall be the unexpired term of the member being replaced. The terms of the members shall commence on the first day of the year following ratification, provided that the terms of office of all members ratified in 2010 shall commence on July 1, 2011. The terms of office of the Disciplinary Board shall be staggered and arranged into three (3) classes, with the first class of membership expiring on December 31, 2011; the second class on December 31, 2012; and the third class on December 31, 2013. No member shall be eligible for renomination for a year after the end of the third consecutive term. Members shall serve until their successors are elected, subject to the following subsection (e) of Section 2 of this Canon 14.

(e) Upon the determination that a vacancy exists, the president of the Disciplinary Board shall notify the Bishop of the vacancy and request appointment of a replacement Board member of the same order as the member to be replaced. The vacancy in the Disciplinary Board shall be filled by a person who meets the same eligibility requirements as apply to the member being replaced and who is nominated by the Bishop, following consultation with the Standing Committee. Such replacement Board member shall serve until the next Annual Convention, unless the vacancy occurs within thirty (30) days before the Annual Convention, in which case the appointee shall be presented to the Annual Convention for ratification. With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the person appointed as a replacement Board member shall serve in the same capacity as a ratified Board member until the next Annual Convention ratifies that person's appointment or until another appointee is ratified as the replacement Board member. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the challenged Board member has been disqualified from participating as a Board member. A Board member may be removed from office by the Bishop, following consultation with the Standing Committee, whenever in the judgment of the Bishop the removal is in the best interests of the Diocese.

(f) The terms of any members of the Disciplinary Board otherwise scheduled to end during the course of one or more trials or appeals in which such member is sitting automatically extend until the conclusion of those trials or appeals, but as to those particular trials or appeals only.

(g) A majority of the Clergy members and a majority of the Lay members of the Disciplinary Board shall constitute a quorum.

(h) Each year the Disciplinary Board, within two (2) months after each Annual Convention, shall elect from among its members a president and an vice president and notify the Secretary of Convention of the persons elected to those offices, provided that in the case of the initial ratification of members, the members shall elect a president and vice president prior to July 1, 2011 to serve during the short year of 2011. As used in these Canons, the term "president" includes the term "vice president," as appropriate.

(i) As of July 1, 2011, the Ecclesiastical Court of the Diocese of North Dakota shall cease to exist.

### Section 3. Church Attorney.

Within two (2) months following each Annual Convention, the Bishop, following consultation with the Standing Committee, shall designate the person to serve as the Church Attorney for the upcoming calendar year. The Church Attorney must be an Adult Communicant in Good Standing in a congregation of The Episcopal Church actively engaged in the practice of law and licensed in the State of North Dakota. The Church Attorney shall not be from the same law firm as the Chancellor or a Vice Chancellor. The Church

Attorney may consult with the president of the Disciplinary Board. A Church Attorney may be removed from office by the Bishop, acting in consultation with the Standing Committee.

### Section 4. Preserving Impartiality.

In any proceeding under this canon, if the any member of a Conference Panel or Hearing Panel shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the president of the Disciplinary Board and request a replacement member of the Panel. Respondent's Advisor and/or counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel, excluding the subject(s) of the challenge, shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

### Section 5. Intake Officer.

An Intake Officer or Officers shall be appointed by the Bishop, and shall serve at the pleasure of the Bishop. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

### Section 6. Investigator.

The Bishop shall appoint one or more Investigator(s), as needed, in consultation with the president of the Board. The person(s) so selected may be but need not be a Member(s) of the Church and need not reside within the Diocese.

### Section 7. Advisors.

The Bishop may appoint an Advisor for the complaining party and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this canon, and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

### Section 8. Pastoral Response Coordinator.

The Bishop may appoint a Pastoral Response Coordinator to serve at the will of the Bishop and coordinate the delivery of appropriate pastoral responses provided for in Title IV of the General Canons and these Canons. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon 14.

### Section 9. Board Clerk.

The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

### Section 10. Costs and Expenses.

(a) The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk, Advisors, and the Pastoral Response Coordinator shall be the obligation of the Diocese, subject to such budgetary constraints as may be established by Diocesan Council.



(b) In the event of a final Order dismissing the complaint, or by provisions of an Accord approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by the Diocese, subject to such budgetary constraints as may be established by Diocesan Council.

#### Section 11. Records.

Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices. The Bishop shall make provision for the permanent storage of records of all proceedings under this Canon 14 at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

#### Section 12. Shared Resources.

The Bishop may enter into an agreement or agreements with other dioceses in The Episcopal Church to share resources, personnel and expertise in connection with any matter or proceeding under this Canon 14.

#### Section 13. Electronic Communications.

Any meeting required under these disciplinary canons, other than a hearing at which evidence may be taken or examined, may be conducted either in person or through telephonic or other electronic communications equipment by means of which all persons participating in the meeting can hear each other at the same time.

#### Section 14. Harmless Error.

Non-compliance with any procedural requirements in this Canon 14 or in Title IV or in other applicable rules is not reason to dismiss any proceeding before the Disciplinary Board, unless the non-compliance causes material and substantial injustice to a party, or seriously prejudices the rights of a Respondent, as determined by the Board on motion and hearing.

#### Section 15. Legal Counsel.

The Disciplinary Board may, in its discretion, seek legal counsel as it deems appropriate or necessary, or request counsel for the parties to brief legal issues on which it may seek advice, the cost of which will be born by the Diocese.

#### Section 16. Power to Enforce Judicial and Episcopal Judgments and Acts of Convention.

Both Convention (including Diocesan Council between meetings of Convention) and the Ecclesiastical Authority each have the power to enforce, through appropriate means otherwise within their power under Canon Law, final decisions of the Disciplinary Board.

#### Section 17. Effective Date and Transition.

These Amendments to Canon 14 shall become effective on July 1, 2011, and shall apply to all proceedings concerning clergy discipline initiated on or after that date. Proceedings already initiated shall be processed under Title IV and Canon 14 as they existed at the time the proceeding was initiated.

### **CANON 15: Definitions**

Except as otherwise expressly provided or unless the context of otherwise requires, as used in these Canons and the Constitution the following terms and phrases, when capitalized, have the following meanings.

1. “Adult Communicant” means a communicant of the Church sixteen years of age or older.
2. “Annual Convention” means the annual meeting of the Convention.
3. “Bishop” means the Member of the Clergy elected at a meeting of the Convention and duly consecrated to the office of Bishop of the Diocese.

4. “Canon” or “Canons” means an ecclesiastical rule or law as adopted and set out in these Canons and the Canons of The Episcopal Church.
5. “Chancellor” means the person appointed to that office by the Bishop.
6. “Church” or “The Episcopal Church” means The Protestant Episcopal Church in the United States of America.
7. “Clergy” or “Member of the Clergy” means Bishops, Priests, and Deacons of the Church unless the context excludes Bishops.
8. “Commission on Ministry” means the Members of the Clergy and the Laypersons appointed by the Bishop to assist with the implementation of Canon III.1 of the Canons of The Episcopal Church (“Of the Ministry of All Baptized Persons”).
9. “Committee for the Nomination of a Bishop” means the committee formed by the Standing Committee to select persons qualified to be elected to the office of Bishop.
10. “Communicant in Good Standing” means a communicant of the Church who for the previous year has been faithful in corporate worship, unless for good cause prevented, and has been faithful in working, praying, and giving for the spread of the Kingdom of God.
11. “Congregation” means a group of persons formally recognized as an organization of the Church under Canon 6.
12. “Constitution” means the Constitution of The Episcopal Diocese of North Dakota.
13. “Convention” means a meeting of the Diocese, which may be the Annual Convention or a Special Convention.
14. “Deputy” means a Member of the Clergy or a Layperson elected to represent the Diocese at the General Convention of the Church.
15. “Diocese” means The Episcopal Diocese of North Dakota.
16. “Ecclesiastical Authority” means the Bishop, or if there is none, the Standing Committee.
17. “General Convention” means the General Convention of The Episcopal Church.
18. “Laity” means all persons who have received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, whether in this Church or in another Christian Church whose Baptisms have been duly recorded in this Church, and who are not Members of the Clergy.
19. “Lay” or “Lay Person” means a member of the Laity.
20. “Member of the Clergy” means Bishops, Priests, and Deacons of the Church, unless the context excludes Bishops.
21. “Order” or “Orders” means the Members of the Clergy or Lay persons, or both, as the context may require.
22. “Provincial Synod” means the meeting of the Dioceses of the Province of which this Diocese is a member.

23. “Rector” means a Member of the Clergy in Charge of a Congregation in accordance with the Canons of the Episcopal Church.
24. “Region” means a geographical portion of the Diocese formed under Canon 11.
25. “Regional Council” means the council, if any, established by the Congregations within a Region to serve as a governing body of the Region.
26. “Special Convention” means a special meeting of the Convention.
27. “The Episcopal Church” or “Church” means The Protestant Episcopal Church in the United States of America.
28. “Vestry” means the members of a Congregation elected or chosen to represent the Congregation with respect to its business matters and other affairs as provided by Canon 7.
29. “Warden” means a member of a Congregation elected or chosen to serve in that capacity as a member of the Vestry.

#### **CANON 16: Amendments**

Section 1. These Canons may be amended at an Annual Convention by a majority of those entitled to seat and vote, provided that the proposed amendment has been submitted in writing to the Secretary of the Convention at least sixty days prior to the meeting of the Convention at which the amendment is to be considered.

Section 2. Upon receipt of any proposed amendment to these Canons within the time above specified, the Secretary of the Convention causes copies thereof to be sent to each Congregation entitled to representation in the Convention thirty days prior to the time set for the Annual Convention.

Section 3. These Canons and any amendments thereto subsequently adopted by the Annual Convention of this Diocese take effect immediately on adoption.

#### **CANON 17: Conformity with the Canons of The Episcopal Church**

To the extent, if any, that any of the provisions of these Diocesan Canons are in conflict or inconsistent with the Canons of The Episcopal Church, the Canons of The Episcopal Church shall govern.