

**THE CANONS OF THE EPISCOPAL CHURCH IN  
MINNESOTA**



**AS APPROVED AND AMENDED THROUGH CONVENTION 2018**

SECTION I  
**THE CHURCH AS A DIVINE INSTITUTION**

CANON 100  
**JURISDICTION OF THE DIOCESE**

The Diocese of Minnesota has the same boundaries as the State of Minnesota, except for Clay County, which is part of the Diocese of North Dakota.

CANONS 101-108  
**CONGREGATIONS**

CANON 101  
**Application to Establish a Mission Congregation**

**Canon 101.1: Requirements for Application as a Mission Congregation.** A Mission Congregation may be organized in any area of the Diocese which the Bishop and the Council determine needs the ministrations of the Church.

**Canon 101.2: Conditions.** A Mission Congregation is organized with the consent of the Bishop and the Standing Committee upon satisfaction of all three of the following conditions:

- a. Submission to the Bishop of a written application for organization of a Mission Congregation, signed by at least twenty-five persons who are members of at least twenty-five discrete families who desire to be members of the proposed Mission Congregation and who are Adult Communicants in Good Standing of the Church, stating their readiness to undertake the duties and obligations of Mission organization, and stating that all activities of the Mission Congregation will forever conform to the Constitution and Canons of The Episcopal Church, to the Constitution and Canons of the Diocese of Minnesota, and to the doctrine, discipline, and worship of the Episcopal Church; and then
- b. Written authorization by the Bishop to organize the Mission Congregation subject to conditions the Bishop may impose; and then
- c. A meeting of a majority of the applicants described in Canon 101.2.a, the Bishop or the Bishop's designee presiding, and at which the applicants must affirm in writing the commitments of the application and accept all conditions of the Bishop's authorization.

**Canon 101.3: Details of Authorization.** Authorization by the Bishop must specify the nature and extent of the ministry of the Mission Congregation; its rights, responsibilities, and details of governance; and its obligation to pledge annually to the Diocese.

**Canon 101.4: Certificate of Organization.** After the three conditions in Canon 101.2 are met, the Bishop will give the Mission Congregation a name, and will appoint, a senior Warden, a junior Warden, a secretary, and a treasurer of the Mission Congregation all of whom, with other persons the Bishop may appoint shall serve as the Bishop's Committee of the Mission Congregation until the first annual meeting of the Mission Congregation.

- a. The Bishop's Committee must complete and sign a certificate of organization in triplicate: one copy for the Mission Congregation, one copy for the Bishop, and one copy to be filed with the Secretary of the Diocesan Convention.

## CANON 102

### **Application to Establish a Specialized Mission Congregation**

**Canon 102.1: Specialized Mission Congregations.** When particular needs are to be met, such as service to a discrete group whose culture, language, or other circumstances require skills and approaches different from those required in other Mission settings, then a specialized Mission Congregation may be authorized by the Bishop in consultation with the Council.

**Canon 102.2: Further Requirements for Specialized Missions.** In addition to meeting the requirements of Canon 101.2.a, as modified in this Canon 102.2, applicants for a specialized Mission Congregation must also submit to the Bishop in their application all three of the following:

- a. A description of the nature, scope, and leadership of the specialized Mission Congregation;
- b. Evidence that at least five (instead of twenty-five as required in Canon 101.2.a) Adult Communicants in Good Standing desire to establish and continue the work of the specialized Mission Congregation; and
- c. Evidence that the work will continue without causing interference with existing Congregations in the same geographic area of the Diocese.

**Canon 102.3: Notification of Congregations in the Case of Specialized Missions.** If the specialized Mission Congregation would work within areas served by other Congregations, then the Secretary of Standing Committee must notify the affected Congregations in writing of the application to establish the specialized Mission Congregation.

- a. Any objections to the organization of the proposed specialized Mission Congregation must be made in writing to the Secretary of the Standing Committee within ninety days of receipt of the written notice by the Congregation making the objection.
- b. Within an additional ninety days after receipt by the Secretary of the Standing Committee of timely objections, the Bishop and the Standing Committee will consider the objections and any responses, and make known their joint decision, and if it is in favor of organizing the proposed specialized Mission Congregation, then they will authorize its formation.
- c. Authorization by the Bishop must specify the nature and extent of the ministry of the specialized Mission Congregation; its rights, responsibilities, and details of governance; and its obligation, if any, to pledge annually to the Diocese.

## CANON 103

### Organization and Governance of a Mission Congregation

**Canon 103.1: Mission Authority of Bishop.** The Bishop, as Rector of each Mission, supervises and controls all Missionary activity within the Diocese.

**Canon 103.2: Appointment of Mission Clergy.** It is solely the Bishop's prerogative to appoint Clergy to all Missions.

**Canon 103.3: Duties of Bishop's Committee.** The duties of Bishop's Wardens, the Bishop's Committee and the officers of a Mission Congregation shall as far as applicable be those of the Wardens, the Vestry and the officers of a Parish Congregation, but subject to the interpretation of the Bishop in cases of doubt.

**Canon 103.4: Membership of Bishop's Committee.** The number of members of the Bishop's Committee is determined by the Bishop, who may increase or decrease the number at any time.

- a. Qualifications for members of the Bishop's Committee are those prescribed by Canon Law for members of the Vestry of a Parish Congregation except as the Bishop otherwise directs.

**Canon 103.5: Bishop's Committee Membership and Authority of Bishop.** The Bishop accepts or rejects any or all of the nominations made by members of the Mission Congregation and may appoint others, and may at any time remove from office any member or members of the Bishop's Committee and appoint others.

- a. The Bishop has exclusive authority to fill vacancies in the membership of the Bishop's Committee.

**Canon 103.6: Presidency of Bishop's Committee.** The Vicar or other Priest-in-Charge has the right to vote and to preside at all meetings of the Bishop's Committee.

- a. If the Vicar or other Priest-in-Charge does not preside at a meeting of the Committee, then the senior Warden, or if the senior Warden is absent, then the junior Warden, presides.

**Canon 103.7: Requirement for Action.** No action may be taken at a meeting of the Bishop's Committee unless the Vicar, or other Priest-in-Charge, or a Warden, or other person appointed the Bishop's representative, is present.

**Canon 103.8: Wardens and Officers of Mission.** The Wardens and other officers of the Bishop's Committee are nominated in the same manner as Wardens and officers of a Parish Congregation.

- a. The Wardens, Secretary, and Treasurer perform the duties pertaining to those offices in a Parish Congregation.
- b. The Treasurer must be bonded in an amount and by a surety approved by the Bishop.
- c. The Bishop accepts or rejects any or all nominations for Wardens, Secretary, and Treasurer and appoints others, and may at any time remove any or all of such officers and may appoint others.

**Canon 103.9: Annual Meeting of Mission.** An annual meeting of the Mission Congregation is held at the time and place described in a notice issued by the Bishop's Committee, or at another time or place prescribed by the Bishop.

- a. The Vicar or other Priest-in-Charge, *ex officio*, chairs the annual meeting, and in the vicar's absence the senior Warden is Chair *pro tempore*.
- b. If both the Vicar or other Priest-in-Charge and the senior Warden are unable to serve, then the Bishop designates a Chair *pro tempore*.
- c. At the annual meeting persons are nominated to serve on the Bishop's Committee.
- d. The qualifications of voters and conduct of the election of nominees to the Bishop's Committee shall conform to the Canons describing election of members of a Parish Congregation Vestry.
- e. Names of nominees and a description of other actions taken at the annual meeting must be posed in a conspicuous place available to the membership, and also sent to the Bishop within seven days of the annual meeting.

**Canon 103.10: Delegates from Mission.** At its annual meeting the Mission Congregation shall elect delegate(s) and alternate(s) to Diocesan Convention and the Regional Board in the same manner as Parish Congregations.

**Canon 103.11: Mission Budget.** Every Bishop's Committee must adopt a budget for the Mission Congregation, and the finances of the Mission Congregation must be administered consistent with that budget.

- a. The budget, and any subsequent material amendment to it, is subject to the written approval of the Bishop and of the Council.

**Canon 103.12: Pledge by Mission to Diocese.** A pledge of the Mission Congregation to the Diocese must be part of each Mission budget (unless the Bishop has waived in writing the requirement of a pledge), and the Mission Congregation is obligated to the Diocesan Treasurer for the regular monthly payments of the pledge.

- a. If in any budget the Mission Congregation does not include a pledge to the Diocese (unless the requirement of a pledge is waived in writing by the Bishop), or if it does not make monthly payments on a pledge, then the Bishop may discontinue services of the Vicar or other Priest-in-Charge if the Council concurs in that action, or the Bishop may take other action, including dissolution of the Mission Congregation, in the Bishop's discretion.

**Canon 103.13: Mission Register.** In every Mission Congregation a register conforming to the requirements of Parish Congregation registers must be kept by the Priest-in-Charge, if there is one, or else by a Warden or secretary.

**Canon 103.14: Closure of Mission.** The Bishop may close a Mission Congregation temporarily or permanently at any time and for any reason.

**Canon 103.15: Reports of Mission Activities.** The Priest-in-Charge of a Mission Congregation must submit reports of Mission activities as required by the Bishop or by the Council.

**Canon 103.16: Dissolution of Mission Congregation.** If the people of a Mission Congregation fail to fulfill any material part of their application agreement (specified in Canon 101, above) then the Bishop may withdraw the Clergy and, with the consent of the Standing Committee, dissolve the Mission Congregation, in which case, as well as in case of temporary abandonment of services, all the property of the Mission Congregation automatically falls to the custody of the Bishop.

**Canon 103.17: Merger, Consolidation, or Dissolution.** Without the written consent of the Bishop and the Standing Committee, no Mission Congregation or Congregations may merge or consolidate with each other or with any one or more Parish Congregations, nor may they dissolve, nor may they distribute their assets in anticipation of any merger, consolidation, or dissolution.

## **CANON 104**

### **Application for Parish Congregation Status**

**Canon 104.1: Requirements for Application as a Parish Congregation.** A Mission Congregation may apply for Parish Congregation status by submitting an application to the Bishop and the Standing Committee. The application shall be signed by at least a majority of the Bishop's Committee including a Warden and the Vicar or other Priest-in-Charge, and shall be in a form prescribed by the Bishop.

**Canon 104.2: Agreements to be Made by Congregation.** The application must contain both of the following two agreements on behalf of the Congregation:

- a. That all of its activities shall forever conform with the Constitution and Canons of the Episcopal Church and with the Constitution and Canons of the Diocese of Minnesota and with the doctrine, discipline, worship, and Canon Law of the Episcopal Church; and
- b. That all real and personal property held by or for the benefit of the Congregation shall forever be held in trust for the Diocese, and that upon dissolution of the Parish Congregation corporation, or if the Parish Congregation again becomes a Mission Congregation for any reason, then title to all real and personal property held by the Parish Congregation shall be promptly conveyed to the Trustees of the Diocese of Minnesota, as successor trustee.

**Canon 104.3: Required Information in Application.** The application must be accompanied by all of the following information:

- a. Financial statements showing that the Mission Congregation has been fully self-supporting for the three calendar years immediately preceding the year of application; and
- b. A budget containing projections of income by sources, and of expenses by category, for the calendar year in which the application is made and for the next three calendar years demonstrating that the Mission Congregation can be self-supporting as a Parish Congregation; and
- c. A statement that the Mission Congregation has paid, or provided for the payment of, all its financial obligations and for the release from or indemnity for all financial obligations incurred on behalf of the Mission Congregation by the Diocese; and
- d. A statement demonstrating that during the three calendar years immediately preceding the year of the application and during the year the application is made, the services of the Church

have been maintained in accordance with the doctrine, discipline, worship, and Canon Law of the Episcopal Church and that the Mission Congregation has had effective and continuous leadership; and

- e. A report of the past three calendar years and a plan for growth of the congregation for the next three calendar years.
- f. Whatever additional information in support of the application as the Bishop or the Standing Committee requests.

**Canon 104.4: Certificate of Approval.** If the Bishop and a majority of the Standing Committee approve the organization of the proposed Parish Congregation and are satisfied, after consulting with the appropriate Committees of the Council, that the proposed Parish Congregation satisfies the canonical requirements and is able to support a Rector on a full-time basis and properly maintain the services of the Church without financial aid, then they shall issue a certificate of approval to the new Parish Congregation, a copy of which is incorporated in the minutes of Standing Committee.

**Canon 104.5: Celebration by Convention.** At its next annual meeting after approval, the Diocesan Convention shall acknowledge and celebrate the new status of the Congregation as a Parish.

**Canon 104.6: Merger, Consolidation, or Dissolution.** Without the written consent of the Bishop and the Standing Committee, no Parish Congregation or Congregations may merge or consolidate with each other or with any one or more Mission Congregations, nor may they dissolve, nor may they distribute their assets in anticipation of any merger, consolidation, or dissolution.

## CANON 105

### Organization and Governance of Parish Congregations

**Canon 105.1: Meeting for Organization of Parish Congregation.** Upon receipt of the certificate approval of the Bishop and of the Standing Committee, the organization of the Parish Congregation must be considered at a public meeting of the members of the Parish Congregation at which the Bishop or other Clergy appointed by the Bishop must preside.

**Canon 105.2: Incorporation of Parish Congregation.** If the members present by majority vote ratify and confirm the application and the undertakings and declarations made in the application, then the sponsors of the proposed Parish Congregation must organize it as a Minnesota religious corporation under Minnesota Statutes Chapter 315.17, and promptly seek the assistance of a Chancellor for incorporation.

- a. No Congregation incorporated under M.S. 315 may elect under M.S. 317A.021 to be governed by M.S. 317A unless first authorized in writing by the Bishop and the Standing Committee, and after all parties have consulted with a Chancellor.

**Canon 105.3: Requirements for Articles of Incorporation.** The articles of incorporation must state at least all of the following four points, but if any of the following points do not appear, nevertheless they are considered implied by the articles:

- a. The full name of the Parish Congregation, which must include the words “Episcopal Church” or “Episcopal Parish,” or “Episcopal Community,” and

- b. That all activities of the Parish Congregation will forever conform with the Constitution and Canons of the Episcopal Church and with the Constitution and Canons of the Diocese of Minnesota and with the doctrine, discipline, worship, and Canon Law of the Episcopal Church; and
- c. That all real and personal property held by or for the benefit of the Parish Congregation is held in trust for the Diocese, and that upon dissolution of the Parish Congregation corporation, or upon it becoming a Mission Congregation, title to all real and personal property held by the Parish Congregation vests in and shall promptly be conveyed to the Trustees of the Diocese of Minnesota, as successor trustee; and
- d. The day fixed for the annual Congregational meeting.

**Canon 105.4: Regularization of Parish Congregation Documents.** Every Parish Congregation shall review its governing documents every ten years to ensure such documents conform to the Constitution and Canons of the Episcopal Church and the Diocese of Minnesota, and all of the requirements of Canon 105.3, above. If such documents are not in conformity, the Rector or Priest-in-Charge shall make appropriate arrangements for such documents to be revised to bring them into conformity. If necessary, the Rector or Priest-in-Charge may consult with the Chancellor for reviewing and revising such documents.

**Canon 105.5: Documents to be Kept.** Each Parish Congregation must keep in its office a printed copy of the current text of the Constitution and Canons of the Episcopal Church, and of the Constitution and Canons of the Diocese of Minnesota, together with a copy of the governing documents of the Parish Congregation. Each Parish Congregation shall file a copy of its current governing documents with the Diocese.

**Canon 105.6: Parish Congregation Register.** Every Priest-in-Charge of a Parish Congregation or Mission, or if there is no Clergy, then one of the Wardens, must maintain custody and control of a register containing all of the following items:

- a. A record of all baptisms, confirmations, receptions, marriages, and burials solemnized in the Congregation, and including a list of persons confirmed in the Parish Congregation; the names and dates of birth of the person baptized together with the names of parents and sponsors or witnesses; and the names of persons married or buried, and the date of every such rite performed;
- b. The names of all communicants with the date of their reception, death, or removal, and
- c. The Register must be preserved as part of the records of the Congregation, and must be freely available for examination at each episcopal visitation and at all reasonable times be freely available for inspection by Wardens, members of the Vestry, the Bishop, or any person designated by the Bishop.

## CANON 106

### Distressed Parish Congregations

**Canon 106.1: Purpose.** This Canon 106 is intended to address the exceptional case of a Parish Congregation whose continued viability as a self-sustaining Congregation appears to be in jeopardy, such that a degree of episcopal intervention or oversight is needed as a means of restoring the health of the Congregation.

- a. This Canon 106 is not intended to diminish the right and responsibility of Parish Congregations in the Episcopal Church to govern themselves under applicable law.

**Canon 106.2: Duties of all Parties.** If an inquiry begins, and if a Parish Congregation is declared distressed pursuant to Canon 106.5, then it is the duty and obligation of all parties to strive to accomplish the speedy end or substantial amelioration of the conditions that led to the inquiry or to the declaration of Distressed Parish Congregation, and to restore the Congregation to spiritual and temporal health.

**Canon 106.3: How an Inquiry Begins.** An inquiry by the Bishop leading to a declaration of Distressed Parish Congregation under this Canon 106 may begin only in one of the following three ways:

- a. The Bishop, believing that one or more of the conditions in Canon 106.6 may exist, may independently begin an inquiry;
- b. The Standing Committee by vote of two-thirds of its elected members, believing that one or more of the conditions in Canon 106.6 may exist, may petition the Bishop to begin an inquiry; or if the Standing Committee is the Ecclesiastical Authority, then it may begin an inquiry by unanimous vote of its elected members; or
- c. The Rector, or both Wardens, or a majority of the Vestry of a Parish Congregation, or a majority of the members of a Parish Congregation by resolution at a Parish meeting, believing that one or more of the conditions in Canon 106.6 may exist, may petition the Bishop to begin an inquiry.

**Canon 106.4: Conduct of Inquiry.** Upon initiation under Canon 106.3 above, the Bishop personally or with or through designees shall conduct an inquiry into the condition of the Parish Congregation as seems appropriate to the Bishop.

- a. An inquiry includes conversations with persons in the Parish Congregation, and may also include written or oral questions to the Parish Congregation or to members of the Parish Congregation, and examination of any books and records of the Parish Congregation.
- b. The Parish Congregation must cooperate in the inquiry by answering such questions fully, accurately, and promptly, and by making fully available the books and records of the Parish Congregation upon reasonable notice.

**Canon 106.5: Declaration as Distressed Parish Congregation.** If, after an inquiry and a hearing under Canon 106.6, the Bishop finds that one or more of the conditions in Canon 106.6 exist in the Parish Congregation, then the Bishop may with the concurrence of two-thirds of the elected members of the Standing Committee declare the Parish Congregation to be a Distressed Parish Congregation.

- a. If Standing Committee is the Ecclesiastical Authority, then it may make a declaration after inquiry, by unanimous vote of its elected members.

**Canon 106.6: Conditions for Declaration of Distressed Parish Congregation.** No declaration of a Distressed Parish Congregation may be made except upon a finding, following a hearing before the Bishop or the Bishop's designees under Canon 106.4 that by a preponderance of the evidence one or more of the following conditions exist in the Parish Congregation:

- a. Failure of the Parish Congregation, for three consecutive years, to consist of at least twenty-five adult Communicants of the Church or, for two consecutive years, to be financially self-supporting (except that the mere receipt of funding from the Diocese is not a failure to be financially self-supporting, if the Parish Congregation is self-supporting with such funding);
- b. Failure for three consecutive years to elect, or to take steps in good faith to elect, a Vestry or (if the Parish Congregation is without a Rector) a Rector;
- c. Failure to pay the minimum Clergy compensation as required by canon; or failure for two consecutive years to pay such compensation from funds other than those provided by Diocesan assistance; or failure to make timely payment of premiums under the Clergy pension system as required by canon or of premiums for any other obligatory insurance for Clergy;
- d. Inability, refusal, or willful failure to arrange for representation of the Parish Congregation at an Annual Convention of the Diocese;
- e. Failure or neglect to make canonically-required reports, including the annual parochial report to the Bishop, or to pay duly-assessed Diocesan apportionments or assessments;
- f. Persistent and significant instability or decline in the financial or temporal condition of the Parish Congregation, as evidenced by, including but not limited to, substantial invasion of the principal portion of endowment or trust funds to such a degree that, in the judgment of the Bishop and two-thirds of the Standing Committee, the long-term viability of the Parish Congregation as a self-supporting entity is in jeopardy;
- g. Persistent failure or neglect to conform to the business methods in church affairs required by the Constitution and Canons of the Episcopal Church or of the Diocese of Minnesota, including those requirements relating to the bonding of treasurers or other custodians of funds, proper record keeping, proper maintenance of books of account, annual audit, and the maintenance of adequate insurance;
- h. Purchase, use, neglect, waste, or conveyance of property of the Parish Congregation, or incurring debt, other than in conformity with the Constitution and Canons of the Episcopal Church and of the Diocese of Minnesota, except where such non-conformity was inadvertent and resulted in no substantial prejudice to the property or temporal interests of the Parish Congregation nor to the equitable interests of the Diocese in the property;
- i. Failure to cooperate in an inquiry under this Canon 106, or in connection with any other canonical inquiry by the Bishop or the Bishop's designee including an episcopal visitation, and including the failure or refusal to provide full and accurate information on the state of the Parish Congregation and its affairs;

- j. Failure to implement in good faith any plan or arrangement agreed to by the Parish Congregation under this Canon 106;
- k. Failure of the Parish Congregation, for three consecutive years, to meet its diocesan assessment or adjusted diocesan assessment; or
- l. Apart from the foregoing, any other deliberate and manifest breach of any canonical obligation of the Parish Congregation, but only if the following two additional conditions are met:
  - 1. The Bishop has given the Parish Congregation a written warning summarizing the conduct or failure to act by the Parish Congregation which constitutes the deliberate and manifest breach under this Canon 106, indicating the reasons why such conduct or failure to act constitutes such breach, and expressly directing the Parish congregation to stop the conduct which constitutes the breach, or to act affirmatively as the canonical obligation requires; and
  - 2. Within ninety days after delivery of the warning and direction, the Parish Congregation has failed or refused to conform to the Bishop's directive, or has failed or refused to provide to the Bishop a written plan and agreement satisfactory to the Bishop to bring its conduct into prompt conformity with its canonical obligation.

**Canon 106.7: Remedies after Declaration.** If a Parish Congregation is declared to be a Distressed Parish Congregation under this Canon 106, then the Bishop may apply any one or more of the following remedies (each of which is an independent remedy with no requirement of sequential application or of exhaustion of certain remedies before the application of others). These remedies may be applied either for a particular stated period of time, or until one or more explicit contingencies are met.

- a. A plan for the Parish Congregation to cure the conditions which led to the declaration of Distressed Parish Congregation, agreed-to by the Parish Congregation within ninety days of its receipt of the plan in writing from the Bishop, and then implemented consistent with its terms;
- b. Prompt conveyance of title of all real and personal property of the Parish Congregation to the Trustees of the Diocese of Minnesota, as successor trustees of the Parish Congregation, which shall preserve and control the property until the Bishop declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons;
- c. Any other measures consistent with Canon Law as the Bishop determines with the advice and consent of two-thirds of the elected members of Standing Committee (or as determined by the elected members of Standing Committee acting unanimously, if it is the Ecclesiastical Authority), until the Bishop declares the end or sufficient amelioration of such conditions, or applies further measures under the Canons;
- d. Suspension of the Lay representation of the Parish Congregation in Diocesan Convention; or
- e. The Bishop, with the advice and consent of two-thirds of the elected members of Standing Committee (or the elected members of Standing Committee acting unanimously, if it is the Ecclesiastical Authority) may declare the Parish Congregation to be a Mission Congregation, whereupon the Bishop shall appoint a Bishop's Warden(s) and three or more other persons to be the Bishop's Committee, and may appoint a Vicar or Priest-in-Charge; the title of all real

and personal property promptly is conveyed to the Trustees of the Diocese,; and the spiritual and temporal affairs of the Congregation is governed by the canons which regulate the ministry, governance and administration of a Mission Congregation.

**Canon 106.8: Review of Remedies by Convention.** Nothing in these Canons prevents either the Ecclesiastical Authority or an affected Parish Congregation from seeking the ratification, modification, or negation by Convention (in all cases with both orders voting separately) of one or more of the remedies applied under Canon 106.7 in a particular case; however, application of the remedy or remedies shall not be delayed simply because a request for action has been made to Convention unless written consent to such a delay has been given by the Ecclesiastical Authority or by the Council.

- a. A Parish Congregation may seek action under this Canon 106.8 by submitting a resolution detailing the action requested to the Secretary of the Convention, the Council and to the Ecclesiastical Authority. The resolution must be approved by the Vestry and the Congregation at a meeting called for the purpose stated in the resolution or at its annual meeting if the purpose has been included in the notice calling the annual meeting.

## **CANON 107**

### **Change of Name by a Congregation**

**Canon 107.1: Resolution for Change of Name.** If a Congregation wishes to change its name then it must first adopt a resolution at its annual meeting stating the proposed name and reasons for the change.

- a. the full name of the Congregation after the change must include the words “Episcopal Church” or Episcopal Parish” or Episcopal Community.”

**Canon 107.2: Faculty.** A copy of the resolution, certified correct by the presiding officer of the annual meeting, must be presented to the Bishop and the Standing Committee for a Faculty.

**Canon 107.3: Lack of Approval.** If a Faculty does not issue then the proposed name may not be used by the Congregation for any purpose.

**Canon 107.4: Approval.** If a Faculty issues, then the Bishop shall notify the secretary of the Convention and the Congregation’s name is altered accordingly on the roll of Convention and, subject to Canon 107.5 below, the Congregation may use its new name for all purposes.

**Canon 107.5: Legal Effects.** Before implementation of the new name, however, the Congregation must promptly consult a Chancellor for advice regarding the legal effect of the change of name, and for assistance in amendment and filing of any legal documents necessary or advisable due to its change of name.

## CANONS 108 – 113

### DIOCESAN INSTITUTIONS AND ENTITIES

#### CANON 108

##### In General

**Canon 108.1: Approval Necessary.** No group or entity within the Diocese may represent that it is sponsored-by or connected-with the Episcopal Church unless it has first met the provisions of these Canons, and only so long as it continues to be so qualified in the judgment of the Bishop.

**Canon 108.2: Purposes.** A Diocesan Institution may be created for any charitable or educational purpose.

**Canon 108.3: Review.** A group or entity may be recognized as a Diocesan Institution by Convention if the Bishop and the Standing Committee have first recommended such action and a Chancellor has certified that its articles of organization or incorporation and its bylaws meet the requirements of this Canon 108.

**Canon 108.4: Corporate Requirements.** Each Diocesan Institution must be a corporation in good standing under the laws of Minnesota. Except as otherwise provided in this Canon 108, the articles of organization or incorporation or the bylaws of each Diocesan Institution must provide at least all of the following three items:

- a. The Bishop, or the Bishop's representative, may at the discretion of the Bishop be a member of the governing board;
- b. The election of any person to the governing board is subject to the written consent of the Bishop and the Standing Committee; and
- c. At least a majority of the members of the governing board must be Clergy canonically resident in the Diocese or persons eligible for election as a delegate to Diocesan Convention under the Constitution of the Diocese.

All Diocesan Institutions must maintain copies of their articles of organization, articles of incorporation and bylaws at the Diocesan office.

**Canon 108.5: Multidiocesan Activity.** Canon 108.4, however, does not apply to any Diocesan Institution owning or operating facilities in more than one Diocese of the Episcopal Church, provided that a majority of the members of the governing board are members in good standing of the Episcopal Church in one or another of those Dioceses.

**Canon 108.6: Waivers.** Upon written petition of an institution, the Bishop and the Standing Committee in their sole discretion may waive requirements of Canon 108.4 for institutions in which the Church participates with other religious denominations, or in which community or other considerations justify such exception.

**Canon 108.7: Reports.** The Bishop may require annual or special written reports from any Diocesan Institution.

**Canon 108.8: Revocation.** After consideration of a report from the Bishop and the Standing Committee that a Diocesan Institution does not conform to the requirements of this Canon 108, or that its standards of performance do not warrant continued recognition, Convention may revoke the status of any group or entity as a Diocesan Institution, or take other action as it deems appropriate.

- a. The report of the Bishop and the Standing Committee, which must be prepared after notice and opportunity for hearing, sets out facts and conclusions upon which the recommendation is based.

**Canon 108.9: Certification.** The Secretary of Convention certifies in the Journal of Convention the names of all Diocesan Institutions.

**Canon 108.10: Assumption of Obligations.** The acceptance, under this Canon 108, of any group or entity as a Diocesan Institution, or the continued recognition of any Diocesan Institution as such, is made without any warranty, representation, surety, or undertaking of any kind of any responsibility whatsoever on the part of the Bishop, the Diocese, or any part of the Diocese, or any of its employees, agents, or representatives for any financial, contractual, or legal obligations or liabilities then existing, or which may later exist, by or on behalf of any such Diocesan Institution.

- a. Only obligations expressly undertaken under a written agreement executed with appropriate corporate action by the Diocese and expressly approved by the Bishop may be assumed.

**Canon 108.11: Exceptions.** This Canon 108 does not apply to religious communities, Congregations, or the Sixth Province, nor to organizations authorized by any of them unless otherwise stated in the Canons of the Diocese.

## CANON 109 Standing Committee

**Canon 109.1: Defined.** Standing Committee is the Council of Advice to the Bishop, and performs duties required by the Constitution and Canons of the Episcopal Church and the Constitution and Canons of the Diocese.

**Canon 109.2: Officers.** The officers of Standing Committee are a President, and a Vice President (one of whom must be a member of the Clergy and one of whom must be a Lay person), and a Secretary, all to be elected from and by the members of Standing Committee at a meeting following Convention.

**Canon 109.3: Report.** Standing Committee must make available a full written report of its activities to each Annual Convention.

**Canon 109.4: Membership.** The Standing Committee comprises six members of the Clergy, and six Lay members who are communicants in good standing, all of whom have attained the age of majority as defined by the laws of the State of Minnesota and each of whom is elected for a three-year term by Convention. At each annual meeting of Convention, one-third of each order shall have completed the three-year term and elections will be conducted to fill vacancies in each order.

**Canon 109.5: Meetings.** Meetings of the Standing Committee are held upon call by the Bishop, or by the President of Standing Committee, or by any seven members of Standing Committee. Any seven members of Standing Committee, the whole having been summoned by an authorized call, is a quorum

unless a larger number is required by the rules of the Standing Committee, or by the Constitution or Canons of the Episcopal Church or of the Diocese for a quorum for any particular business.

**Canon 109.6: Vacancies.** Vacancies on Standing Committee are filled for the unexpired term by vote at an annual meeting of Convention, but vacancies existing between meetings of Convention may be filled by the Council for the period ending with the next annual meeting of Convention.

**CANON 110**  
[reserved]

**CANON 111**  
**Commissions**

**Canon 111.1: Establishment.** Commissions are established by and responsible to the Bishop.

**Canon 111.2: Determination by Bishop.** The size, membership, and Chair of Commissions are determined by the Bishop.

**Canon 111.3: Funding.** Commissions are funded, if at all, through budget and finance procedures established by Diocesan Counsel.

**Canon 111.4: Reports.** All Commissions must regularly report to the Bishop and may report to the Council as needed or requested.

**CANON 112**  
[reserved]

**CANON 113**  
**Commission on Ministry**

**Canon 113.1: Functions.** The Commission on Ministry performs duties assigned to a Diocesan Commission on Ministry under the Canons of the Episcopal Church.

**Canon 113.2: Special Duties.** Both representatives of groups listed in Canon 113.4.e, and persons not members of the Commission, may be appointed for special duties by the Commission.

- a. The duties and terms of such assignments are to be specified in the appointment. Such appointees report directly to the Commission.

**Canon 113.3: Discernment Committees and Examining Chaplains.** The Bishop provides for appointment of Diocesan Discernment Committees, Examining Chaplains, and related bodies as the Bishop judges to be necessary from time-to-time.

**Canon 113.4: Selection of Members.** Members of the Commission are selected as follows:

- a. At each Diocesan Convention two persons (one Clergy and one Lay) are elected for three year terms, with election by majority vote of all delegates present and voting;
- b. The Bishop annually at each Diocesan Convention appoints two persons (one Clergy and one Lay) for three-year terms;
- c. The term of office of the members selected under parts a. and b. of this Canon 113.4 begin upon final adjournment of the Diocesan Convention at which elected or appointed;
- d. Each year between the end of the Diocesan Convention and the following January 1st, Standing Committee elects one person to a three-year term (the person is elected from among the new members of Standing Committee; the term of the person elected starts on the date of election; in even numbered years the elected person is Lay, and in odd numbered years the elected person is Clergy);
- e. A person selected by, and representing, each of the following groups serves as a non-voting, *ex officio* member of the Commission:
  1. The Bishop's Office
  2. The Advisor for Holy Orders
  3. The Examining Chaplains for Priests
  4. The Examining Chaplains for Deacons
  5. The Diocesan Discernment Committee
  6. The Deacons' Council
  7. The Committee on Lay Ministry

Any vacancy occurring among such members in the groups listed 1-7, above, is filled for the remainder of the unexpired term by the group making the original selection, in consultation with the Bishop; and

- f. Members who have served on the Commission for a full three-year term are eligible for one additional term after which the lapse of at least one full calendar year is required before new eligibility for election or appointment.

**Canon 113.5: Rules, Chair, and Vice-Chairs.** The Commission may adopt rules consistent with the Canons of the Diocese and the Canons of the Episcopal Church and subject to approval of the Bishop.

- a. The Bishop appoints a Chair of the Commission and a Vice Chair of the Commission each for two-year terms.
- b. The Chair and Vice Chair must not serve in such capacity for more than two consecutive two-year terms.

SECTION II  
**THE CHURCH AS A SECULAR INSTITUTION**

**CANON 200**  
**LEGAL STATUS OF THE CHURCH**

**Polity, and Nature of Constitution and Canons**

**Canon 200.1: Polity of the Church.** The Episcopal Church in the United States of America and in the Diocese of Minnesota is for all purposes of law, doctrine, discipline, worship, and property a hierarchical church under the Constitutions and laws of the United States and of the State of Minnesota.

- a. The Diocese has tribunals and other bodies governing its members, Congregations, and institutions, and under its polity governs itself independently of secular law to the greatest degree possible consistent with the Constitutions of the United States and of the State of Minnesota.

**CANONS 201 – 202 ARE RESERVED FOR FUTURE USE.**

**CANONS 203 – 228**  
**THE LEGISLATIVE BRANCH OF DIOCESAN GOVERNMENT**

**CANON 203**  
**Convention of the Episcopal Church in Minnesota: Binding Nature of Acts**

Acts of Convention of the Episcopal Church in Minnesota (which include resolutions, budgets, canons, constitutions, and revisions to the same) are binding upon all Congregations unless by their express terms they are not intended to be binding upon some or all Congregations. The binding nature of such acts is not dependent on a Congregation being fully represented at Convention.

**CANON 204**  
**Convention of the Episcopal Church in Minnesota: Clergy Members of Convention**

**Canon 204.1: List of Clergy.** Between thirty and ninety days before the meeting of any annual or special Convention, the Bishop will supervise preparation of a list of all members of the Clergy canonically resident in the Episcopal Church in Minnesota (and who are eligible under Section 7-B-8 of the Constitution, and who are not under temporary inhibition, inhibition, admonition, or suspension, which conditions are collectively referred-to in these Canons as “Ecclesiastical Censure”), containing the names of their respective Congregations or other ministries in which engaged, or in the case of those who are not so engaged, their places of residence.

- a. The list (as amended by the Bishop up until the start of Convention) is presented to the Secretary of Convention on the first day of the meeting and shall be appended to the Journal.

**Canon 204.2: Clergy Not Seated if Parochial Reports Unsubmitted.** Clergy named in the list are entitled to a seat and a vote, or only a seat and voice in Convention to the extent provided in the Constitution, and provided that there are omitted from the list the names of the Clergy of any Congregation who have not given Parochial reports required by the Constitution or Canons of the Episcopal Church or of the Episcopal Church in Minnesota.

**Canon 204.3: Disputes Regarding Seat.** When the right of any Clergy to a seat in Convention is claimed, the question is determined by Convention after consideration of the findings and recommendations of the Committee on Credentials.

## CANON 205

### **Convention of the Episcopal Church in Minnesota: Lay Adult and Youth Members of Convention**

**Canon 205.1: Calculation of Lay Delegates.** Each Congregation in union with Convention is entitled to be represented by Lay delegates based on its number of active baptized members stated in the parochial report to the Episcopal Church in Minnesota for the previous year, as follows:

ACTIVE BAPTIZED MEMBERS	LAY DELEGATES
1-99	1
100-199	2
200-349	3
350-499	4
500-699	5
700-899	6
900-1199	7
1200 & over	8

**Canon 205.2: Youth Members of Convention.** Each Mission Area of the Episcopal Church in Minnesota, as determined by Council and ratified by Convention in accordance with Canon 223, is entitled to be represented at Convention by the inclusion among its representatives of one youth delegate. A young person eligible for consideration as such a representative must be a Communicant in Good Standing in a Congregation within that Mission Area, and must be at least sixteen years old but not yet graduated from high school on the date of selection as a delegate.

**CANON 206**  
**Convention of the Episcopal Church in Minnesota: Suspension of  
Lay Representation**

No Congregation may seat Lay delegates in Convention if the Congregation has been forbidden from doing so under Canon 106.7 of these Canons, or if it did not do any of the following during the twelve months immediately before Convention:

- a. Pay premiums due for the Church Pension Fund no later than December 31 of the year preceding that meeting of Convention;
- b. Give notice to the Bishop of a vacancy for Rector or Priest-in-Charge;
- c. Comply with any requirements of Canon Law or civil law after written notice from the Bishop to do so; or
- d. To provide the minimum stipend as set by the Episcopal Church in Minnesota to a full-time member of the Clergy, if there be one assigned to the Congregation.

**CANON 207**  
**Convention of the Episcopal Church in Minnesota: Election and  
Seating of Lay Representatives**

**Canon 207.1: Election.** The Lay and alternate delegates of a Congregation are elected for a three-year term from and by its qualified voters, at its annual meeting immediately preceding the Annual Convention, or by its Vestry or Bishop's Committee thereafter. Lay and alternate delegates shall be elected according to the following schedule:

**Episcopal Ecclesiastical Year A:** Northwest, Southwest, and East Metro Mission Areas

**Episcopal Ecclesiastical Year B:** Northeast and Central Metro Mission Areas

**Episcopal Ecclesiastical Year C:** Southeast and West Metro Mission Areas

- a. The Lay and alternate delegates must be elected at least ninety days before the meeting of Convention for which they are elected, or else they may not take seats at Convention without the consent of a majority of Convention, both orders voting together.
- b. The youth delegate of each Mission Area selected under Canon 205.2 is elected for a one-year, and not a three-year term, by the Mission Area Boards. Mission Area Youth Delegates must be elected not later than the Mission Area Meeting before Annual Convention as stipulated in Canon 224.8.

**Canon 207.2: Term of Office.** Lay and Alternate Delegates hold office for three consecutive annual meetings of convention.

**Canon 207.3: Certification.** Election of Lay delegates and alternates to any Diocesan Convention must be certified in writing by the Priest-in-Charge of the Congregation of which they are the representatives or, in the absence of Priest-in-Charge, by a Warden or by the Secretary of such Congregation.

- a. The certificate of the election of delegates and alternates must be in the form prepared and distributed by the Secretary of Convention.
- b. The certificates of election of Lay delegates and alternates must be forwarded to the Secretary of Convention as soon as possible after their election and at least sixty days before the date of Convention. From these certificates the Secretary of Convention prepares a list of the delegates and alternates entitled to seats and votes in Convention.

**Canon 207.4: Disputes regarding Seat.** When the right of any Lay person to a seat in Convention is disputed, the question must be determined by Convention after receiving the findings and recommendations of the Committee on Credentials.

**Canon 207.5: Vacancies.** Any vacancy in the representation of any Congregation is filled either temporarily or permanently by an alternate delegate designated to the Secretary of Convention by the Priest-in-Charge of that Congregation. In the event a congregation loses both its elected Lay delegate(s) and alternate(s), a special election shall be called by the Congregation to fill the positions for the remaining term of the delegates.

## CANON 208

### **Convention of the Episcopal Church in Minnesota: Excommunicated Persons Barred**

No excommunicated person (under the rubrics of the Book of Common Prayer and under the Canons of the Episcopal Church) may have a seat in Convention.

## CANON 209

### **Convention of the Episcopal Church in Minnesota: Secretary**

**Canon 209.1: Election of Secretary.** At each Annual Convention a Secretary must be elected from among the members of Convention or from among communicants in good standing registered in a Congregation of the Episcopal Church in Minnesota.

**Canon 209.2: Term of Office.** The Secretary takes office sixty days after the close of the Annual Convention at which elected and continues in office until sixty days after the close of an Annual Convention at which the Secretary's successor is elected.

**Canon 209.3: Preparation of Minutes from Convention.** The Secretary is responsible for the preparation of the minutes of every Convention during which the Secretary was in office.

**Canon 209.4: Assistant Secretaries.** The Secretary may appoint one or more Assistant Secretaries.

**Canon 209.5: Absence of Secretary.** In the absence of the Secretary the duties of that office are performed by a person appointed by the President of Convention.

**Canon 209.6: Forms of Certificates of Election.** At least thirty days before the time appointed for any Annual or Special Convention, the Secretary of Convention must send to the Rector or the Priest-in-Charge of each congregation forms of certificates of election of delegates and alternates.

- a. If any Congregation is without a Rector or a Priest-in-Charge, then the forms must be sent to a Warden of the Congregation.

**Canon 209.7: Minutes, Books, Journals, and Records of Convention.** The Secretary has minutes of the proceedings prepared and, after they have been approved, recorded in a book.

- a. The Secretary preserves the journals and records, attends the public acts of Convention, and delivers to the incoming Secretary all books and papers relating to Convention.

**Canon 209.8: Distribution of Copies of Convention Journal.** Each year the Secretary sends a printed copy of the Journal of Convention to each Bishop of the Sixth Province, to the Secretary of General Convention, to each Priest-in-Charge of a Congregation, and to each Clergy and Lay delegate.

- a. The Journal may issue in one or more volumes and be supplemented as appropriate.

**Canon 209.9: Relations with General Convention.** The Secretary must send to the Secretary of General Convention a certificate of the election of Clergy and Lay deputies to General Convention. The Secretary performs other duties required by General Convention.

**Canon 209.10: Vacancy in Office.** A vacancy in the office of Secretary is filled by nomination by the Bishop and approval by the Council.

## **CANON 210**

### **Convention of the Episcopal Church in Minnesota: Committees**

**Canon 210.1: Regular Committees.** The Regular Committees of Convention are: Convention Planning and Agenda; Credentials; and Constitution, Canons & Resolutions.

**Canon 210.2: Appointment of Committees.** Each year members of the Regular Committees of Convention are appointed by the Bishop within ninety days after the close of the preceding Annual Convention.

- a. They serve in office until their successors are appointed.

**Canon 210.3: Committee Vacancies.** Any vacancies in these Convention Committees are filled by the Bishop.

## **CANON 211**

### **Convention of the Episcopal Church in Minnesota: Committees Convention Planning and Agenda Committee**

The Convention Planning and Agenda Committee comprises representatives of the Episcopal Church in Minnesota, both Clergy and Lay, one of whom must be Secretary of Convention. The Committee will:

- a. Plan and prepare the Agenda for the next subsequent Annual Convention, and any special Conventions prior thereto;
- b. Arrange the calendar for sessions of Convention;
- c. Expedite business; and
- d. See that all unfinished or deferred business of the present or prior Conventions receives the attention of Convention.

## **CANON 212**

### **Convention of the Episcopal Church in Minnesota: Committees Committee on Credentials**

The Committee on Credentials comprises representatives of the Episcopal Church in Minnesota, both Clergy and Lay, to which must be referred all claims affecting the right to seat a representative privilege in Convention.

## **CANON 213**

### **Convention of the Episcopal Church in Minnesota: Committees Committee on Constitution, Canons, and Resolutions**

The Committee on Constitution, Canons, and Resolutions comprises representatives of the Episcopal Church in Minnesota, both Clergy and Lay, at least one of whom is a Chancellor. The Committee reviews, recommends, and drafts proposed amendments and new provisions to the Constitution and Canons of the Episcopal Church in Minnesota, as well as reviews resolutions that have been submitted in accordance with Canon 214.2.

**CANON 214**  
**Convention of the Episcopal Church in Minnesota: Procedures  
Prior to Convention**

**Canon 214.1: Preparation of Nominations to Elected Office (other than Bishop Diocesan, Bishop Coadjutor, or Bishop Suffragan):** The Secretary of Convention (or such other person designated by Convention or the Bishop) shall prepare a slate of nominees to present to Convention for any elected office (other than Bishop Diocesan, Bishop Coadjutor, or Bishop Suffragan) that will be voted on at the Convention.

- a. Nominations may be made from within the Episcopal Church in Minnesota by submitting such nominations to the Secretary of Convention in writing by three Communicants of the Church in Good Standing attesting to the nomination, accompanied by a brief biographical sketch of the nominee. Such nominations shall be submitted to the Secretary of Convention not less than 60 days prior to the Convention, and must include a statement in writing from the nominee agreeing to serve if elected.
- b. The Secretary of Convention may, on his or her own volition, nominate candidates the Secretary deems suitably qualified should such person(s) not be nominated from the Episcopal Church in Minnesota at large. In order for such nomination to be effective, the Secretary shall obtain a statement in writing from the nominee agreeing to serve if elected.
- c. Regardless of whether nominated pursuant to Canon 214.1(a) or (b), a brief biographical sketch and/or pertinent statements from those nominated shall be provided to Convention delegates not less than 30 days prior to Convention.
- d. Nothing in this Canon precludes nominations for elected office being made from the floor of Convention pursuant to any rules and/r procedures that Convention may prescribe for such purpose.

**Canon 214.2: Submission of Resolutions:** Any resolution that concerns finances; international, national, or social matters; changes in the Constitution or Canons; or major changes in or commitments as to policy shall be prepared in writing, signed by the sponsor(s), and submitted to the Secretary of Convention not less than 90 days prior to the Convention. The Secretary of Convention shall forward any such resolution or amendment to the Committee on Constitution, Canons, and Resolutions for consideration. The Committee on Constitution, Canons, and Resolutions shall meet not less than 45 days prior to the Convention to consider all such resolutions and prepare written reports thereon referencing any changes thereto recommended by the Committee. Said reports shall be reprinted and distributed to all Delegates to the Convention not less than 30 days prior to the Convention.

**CANON 215**  
**Convention of the Episcopal Church in Minnesota: Rules of Order,  
Business, and Procedure**

**Canon 215.1: Adoption of Rules of Order.** In addition to the Constitution and Canons, legislative action is governed by the Rules of Order which, having been once adopted by Convention, continue in force until amended, suspended, or repealed in whole or in part by a two-thirds vote of Convention.

**Canon 215.2: Order of Business.** The order of business must be as prescribed by the Rules of Order. The Order of Business may be amended by majority vote of Convention immediately upon organization of Convention. Once adopted, the order of business must not be amended except upon vote of two thirds of the members present.

## **CANON 216**

### **Convention of the Episcopal Church in Minnesota: Quorum for Convention**

The presence of one-fourth of the Clergy, and one or more Lay Delegates from one-fourth of Congregations entitled to representation in a particular meeting of Convention, is necessary to transact business, except that in the absence of a quorum, a majority of those present may adjourn a meeting from time-to-time until a quorum is present.

## **CANON 217**

### **Convention of the Diocese: Deputies to Provincial Convention and General Convention**

**Canon 217.1: Provincial Convention.** The Diocesan Convention elects delegates and alternates to Provincial Convention in a number allowed the Diocese by the Sixth Province.

- a. If there are later vacancies in the deputation, then they are filled by the Bishop.

**Canon 217.2: General Convention.** The Diocesan Convention elects, at a single meeting of Convention delegates and alternates to General Convention.

- a. If there are later vacancies in the delegation, then they are filled by the Council if meeting at least ninety days before General Convention, and otherwise they are filled by the Bishop.

## **CANON 218**

### **Council of the Episcopal Church in Minnesota: In General**

**Canon 218.1: Duties.** Under the Constitution, the Council is the Board of Directors of the Diocese. Working closely with the Bishop as the chief executive of the Diocese, the Council shall exercise authority as to all matters properly before it and shall act as the legislative body of the Diocese between meetings of the Diocesan Convention.

**Canon 218.2: Scope and Authority of the Council.** Between meetings of Diocesan Convention, the Council exercises powers of the Convention necessary to develop and implement the policies, programs, and budgets approved and adopted by Convention, and also all other legislative powers not expressly reserved in Canon Law to the Diocesan Convention.

**Canon 218.3: Financial Affairs.** The Council controls and manages the financial affairs of the Diocese, the development and implementation of all areas of diocesan programs, and other financial duties entrusted to it by Convention. The Council is also responsible for a yearly audit of Diocesan financial affairs.

**Canon 218.4: Membership of Council.** The Council comprises the Bishop; the Bishop Coadjutor, if there be one; the Suffragan Bishops, if there be any; and other members, half of whom must be members of the Clergy canonically resident in the Diocese, and half of whom must be Adult Communicants in Good Standing of the Church in the Diocese.

**Canon 218.5: Committees of Council.** There shall be two permanent committees of the Council: Personnel and Joint Finance & Audit. The Council may constitute such other ad-hoc committees as the Council deems advisable to carry out its work or to perform tasks assigned to it by Convention.

**Canon 218.6: Membership of Committees.** Each permanent committee of the Council shall be comprised of at least one clergy and one lay member of the Council. The Bishop or the Bishop's appointees shall be a member of each permanent committee, without vote. Each permanent committee shall elect a committee chair at its first meeting following Convention. Upon recommendation, additional committee members shall be proposed to Council by the Bishop and the Vice-Chair of Council and elected by majority vote of the Council at the first meeting of Council following Convention. The Council may also appoint past committee members and other persons, not members of the Council, who possess relevant skills and experience, to serve as members of permanent committees without vote.

Vacancies on permanent committees will be filled for the remainder of the term vacated at the next meeting of the Council following the occurrence of the vacancy and by the same process set forth herein for new members.

Members of permanent committees may be removed from committee membership by two-thirds vote of the entire Council.

**Canon 218.7: Personnel Committee.** The Personnel Committee provides the Council with all appropriate personnel policies and guidelines to be implemented for employees of the Diocese. In addition to its members elected from the Council, the Personnel Committee shall consist of a minimum of three (3) and a maximum of five (5) members who, upon recommendation, are proposed to Council by the Bishop and Vice Chair of the Council and elected by majority vote of the entire Council. These members shall be chosen for their demonstrated personnel experience and expertise. Roles and responsibilities of the Personnel Committee are to be found in a Council Resolution on committee guidelines and responsibilities, as amended from time to time. This document shall be maintained by the standing Personnel Committee and made available on request.

The Personnel Committee shall meet at a minimum, quarterly, or as needed to respond in a timely manner to compensation, benefits and other personnel needs within the diocese. At least once annually, the Personnel Committee will review existing personnel policies, propose revisions to them when appropriate, and recommend said revised policies to the Council for approval and implementation.

**Canon 218.8: Joint Finance & Audit Committee.** The Joint Finance & Audit Committee provides the Council with assurance that both the financial policy and financial affairs of the Diocese are appropriately developed, implemented and managed and makes specific policy and operational recommendations to the Council. The Committee also assists the Council in monitoring the Diocese's compliance with all relevant legal and regulatory requirements relating to the financial affairs of the Diocese, the integrity of the Diocese's financial processes and the independence, qualifications, and performance of the Diocese's independent auditor.

In addition to its members elected from the Council, the Joint Finance & Audit Committee shall consist of at least two members elected from the Trustees of the Diocese of Minnesota, a minimum of three and

a maximum of five additional members who, upon recommendation, are proposed to Council by the Bishop and Vice Chair of the Council for their demonstrated professional and financial expertise and are elected by a majority vote of the Council, the Missioner for Missional Management, the Missioner for Finance, and the Treasurer of the Diocese.

The Joint Finance & Audit Committee shall be the working committee of the Council in performing its duties and responsibilities and specifically shall be responsible for the preparation of budgets for the Diocese.

Roles and responsibilities of the Joint Finance & Audit Committee are to be found in a Council Resolution on committee guidelines and responsibilities, as amended from time to time. This document shall be maintained by the standing Joint Finance & Audit Committee and made available on request.

The Joint Finance & Audit Committee shall meet at least quarterly to ensure that the Council exercises and fulfills its duties under the Constitution, Canons and Resolutions of the Episcopal Church and The Episcopal Diocese of Minnesota and all federal, state and local laws applicable to hierarchical churches.

## **CANON 219**

### **Council: Officers**

**Canon 219.1: Number of Officers.** There shall be at least three officers: Chair of Council, Secretary, and Treasurer.

**Canon 219.2: Bishop is Chair of Council.** The Bishop is Chair of Council.

- a. The Bishop may appoint a Vice-Chair who need not otherwise be a member of Council. If not otherwise a member of Council, they shall not have a vote.
- b. Members of the Bishop's staff may attend meetings on a consultative basis, but without a vote.

**Canon 219.3: Secretary.** The Secretary of the Diocese is also Secretary of Council, but without a vote.

**Canon 219.4: Treasurer.** The Treasurer of the Diocese is also Treasurer of Council, but without a vote.

## **CANON 220**

### **Council: Budget and Finance**

**Canon 220.1: Diocesan Financial Policy.** Final authority for the financial policy of the Diocese belongs to Convention, and is delegated to Council to administer between meetings of Convention.

**Canon 220.2: Preparation of Budgets.** The Council must establish procedures and such committees as necessary to prepare proposed budgets, to insure financial accountability, and to provide access by members of the Diocese to information about programs and budgets of the Diocese.

- a. Diocesan budgets must be proposed and adopted consistent with a process and timetable designated by the Council, subject to amendment or concurrence by Convention.

**Canon 220.3: Annual or Triennial Budgets.** The Council must propose to Convention a balanced budget for the ensuing year or a triennial budget for the ensuing three years.

- a. In successive two years of a budgetary triennium, Conventions will focus attention, in the first year, on evaluation of programs of the Diocese; in the second year, on mission strategy or long-range planning for the Diocese.

**Canon 220.4: Amendments of Budget.** The Council may amend or modify a current triennial budget between meetings of Convention, consistent with the general guidelines adopted by Convention.

## **CANON 221**

### **Council: Other Duties**

**Canon 221.1 Report of Changes in Allocations.** Before Conventions meeting in the first and second years of a three-year budget cycle, Council must supply a written report to Mission Areas and to all delegates of any changes made in the allocations voted by Convention.

- a. An annual Convention receiving such a report may review or amend such changes.

**Canon 221.2 Special Collections.** The Council may make regulations for special collections to support funds of the Diocese.

**Canon 221.3: Other Authority of Council.** In addition to its other powers, the Council may procure and maintain suitable offices for the Bishop, Bishop Coadjutor, Suffragan Bishop, and the business office staff; meeting places for the Bishop, Bishop Coadjutor, Suffragan Bishop, and the business office staff; meeting places for the Bishop and Council and Diocesan departments; appoint an Assistant Secretary and an Assistant Treasurer; and employ suitable clerical employees.

- a. The Council may create offices for effective discharge of its duties, and may elect, appoint, or employ persons to fill those offices.

## **CANON 222**

### **Council: Diocesan Departments**

**Canon 222.1: Diocesan Departments.** The Council establishes Diocesan Departments in its discretion, determines the responsibilities of those Departments, and oversees their work.

**Canon 222.2: Creation by Council.** All Departments are created by, funded by, and responsible to the Council.

**Canon 222.3: Role of Bishop, and Size and Membership of Departments.** The Bishop is, *ex officio*, Chair of each Department and annually appoints a Vice Chair to preside at Department meetings in the Bishop's absence.

- a. The size and membership of Departments is subject to approval of Council.

**Canon 222.4: Reports to Council.** Departments and Commissions must report regularly to Council.

**Canon 222.5: Rules for Departments.** The Council may adopt rules or guidelines governing it and its several Departments, consistent with the Constitution and Canons of the Diocese.

**Canon 222.6: Boards Responsible to Council.** The Mission Areas of the Diocese are directly responsible to the Council.

**Canon 222.7: Actions by Council.** The Council deals with all matters presented to it by the Mission Areas and by Diocesan Departments and Commissions.

**Canon 222.8: Meetings.** The Council and each Department and Commission must meet at least quarterly each year as each may determine.

- a. Special meetings of the Council may be called at any time by its Chair or, if the Chair is absent, then by the Vice Chair, and may also be called at any time by a majority of members of Council.

**Canon 222.9: Quorum for Council.** A majority of members is a quorum of the Council.

**Canon 222.10: Reports to Council.** Each year before the last business day in January each Mission Area, Department, and Commission must submit a report to the Council of its work for the year just ended.

- a. The reports must be collected and published by the Secretary of Council.

**Canon 222.11: Annual Report of Council.** The Council must prepare, print, and distribute an annual report of its work, including full reports of diocesan finances and their administration.

- a. All annual reports of the Council must be included in the Diocesan Journal.

## **CANON 223**

### **Diocesan Mission Area Structure**

**Canon 223.1: Number of Mission Areas.** The Council will set up at least six but not more than nine mission areas in the Diocese, encompassing geographical and mission areas determined by Council and ratified by Convention.

**Canon 223.2: Mission Area Boards.** Each Mission Area must have a Mission Area Board responsible for planning, development, administration and evaluation of the Church's work in the Mission Area.

**Canon 223.3: Preparation of Convention Delegates.** A fundamental objective of every Mission Area is to establish a process to help prepare informed and effective delegates to participate in the annual Diocesan Convention.

**Canon 223.4: Duties of Mission Area Boards.** The responsibilities of Mission Area Boards are prescribed by the Council, and include the establishing, assisting, and guiding Mission Congregations; special forms of ministry conducted within the Mission Area; and any other matter affecting the total impact and effectiveness of the Church in the Mission Area.

**Canon 223.5: Composition of Mission Area Boards.** Each Mission Area Board comprises the Priest-in-Charge and Assistant Clergy of each Congregation and elected Lay delegates and alternates to Diocesan Convention. Membership of other Clergy canonically resident in the Diocese and actually residing in the Mission Area is, however, at the discretion of each Mission Area Board.

**Canon 223.6: Open Meetings.** Meetings are open to all members of the Clergy who are both canonically resident in the Diocese and actually residing in the Mission Area, and to all Adult Communicants in Good Standing of the Church registered in a Congregation in the Mission Area, all of whom have a seat and a voice, but no vote.

**Canon 223.7: Filling of Vacancies.** At any meeting, the Priest-in-Charge of the Congregation concerned may fill vacancies in the delegation of any Congregation from among any suitable person present from that Congregation.

## **CANON 224**

### **Mission Area Boards: In General**

**Canon 224.1: Membership of Mission Area Teams.** From their membership, each Mission Area Board in the Diocese elects a Mission Area Team to the Council consisting of two members of the Clergy, preferably one priest and one deacon, and two Adult Lay Communicants.

- a. Each Mission Area Board may in its bylaws prescribe additional qualifications of eligibility for its members on the Council.

**Canon 224.2: Structure and Composition of Mission Area Boards.** The structure and composition of Mission Areas are determined by the Council, but no change on these subjects may be made without approval of the Diocesan Convention.

**Canon 224.3: Terms.** Members of Mission Area Boards are elected for three-year terms.

**Canon 224.4: Mission Area Team Members Election.** The Boards of each Mission Area must elect their Mission Area Team members at mission area gatherings held after the program year and prior to annual Convention.

**Canon 224.5: Terms of Team Members.** The terms of office for the elected Mission Area Team Members shall be three years and shall begin at the next regularly scheduled meeting after their election, except that those elected in November or December shall take office on January 1. The terms of office for the elected team members shall continue until their successors are elected.

**Canon 224.6: Eligibility for Re-Election.** No elected team member who has served two consecutive terms, or a majority of one term and then a full term, is eligible for re-election until one complete calendar year after the second term has elapsed.

**Canon 224.7: Vacancies.** Vacancies in either Clergy or Lay representations to the Council must be filled by special election of the Mission Area Board in which the vacancy occurred or by another method as the Mission Area provides in its bylaws.

**Canon 224.8: Meetings.** Each Mission Area shall meet at least three times a year. One meeting shall be held before March 1 of each year to elect Mission Area Team members and Mission Area Board officers.

Another meeting shall be held within sixty days before the annual Convention. Meetings shall be open to all Clergy canonically resident in the Diocese and residing in the Mission Area, and to all communicants in good standing registered in a congregation in the Mission Area, who shall have seat and voice.

## CANON 225 Mission Area Teams

**Canon 225.1: Election of Mission Area Board Officers.** Officers of the Mission Area Board must be elected at the first meeting of the Mission Area Board according to a schedule determined by the Council.

**Canon 225.2: Mission Area Team Members.** In lieu of a Dean, each Mission Area must elect a four person Mission Area Team, two of whom must be from the Clergy order, preferably one priest and one deacon, and two of whom must be from the Lay order. Each Mission Area Board may also elect a Secretary and a Treasurer, or a Secretary-Treasurer, and such other officers as the Mission Area Board determines.

**Canon 225.3: Term of Mission Area Board Officers.** Mission Area Board officers are elected to a three-year term.

**Canon 225.4: Eligibility for Re-Election.** No officer who has served either two complete terms, or a majority of one term and one complete term, is eligible for re-election until one complete calendar year has elapsed after the end of the last of the terms.

## CANON 226 Mission Area Teams

**Canon 226.1: Duties of Mission Area Team Members.** The duties of Mission Area Team Members are defined in the Mission Area bylaws, but include at least the following: co-chair the Mission Area Board, co-chair the Executive Board (if there be one), call Mission Area Board and Executive Board meetings, set meeting agendas, appoint committees as needed, communicate to the delegates, preside at meetings, submit budgets to the Diocese, provide annual written reports to the Diocese, provide annual reports to Parish Congregations and missions of the Mission Area.

**Canon 226.2: Failure of Mission Area Team to Call Meetings.** If the Mission Area Team fails to call Mission Area Board and Executive Board meetings, such meetings may be called by the Bishop.

**Canon 226.3: Accountability of Mission Area Team.** The Mission Area Team is accountable to both the Mission Area Board and to the Bishop.

## CANON 227 Mission Area Boards: Committees

**Canon 227.1: Executive Committee.** Each Mission Area Board may establish an Executive Committee comprising its officers and other members as needed, such responsibilities prescribed by the Board.

**Canon 227.2: Other Committees.** Each Mission Area Board may establish other committees in its discretion.

## **CANON 228 Authority of Mission Area Boards**

No Mission Area Board has authority in the internal affairs of a Congregation.

## **CANONS 300 – 310 THE EXECUTIVE BRANCH OF DIOCESAN GOVERNMENT**

### **CANON 300 The Bishop: Rules and Regulations**

**Canon 300.1: Authority of Bishop.** At any time, the Bishop may issue rules, norms, regulations, or guidelines consistent with Canon Law to amplify or clarify particular parts of Canon Law, or to fill gaps or omissions in Canon Law.

**Canon 300.2: Presentation to Council.** All such rules, norms, regulations, or guidelines must be presented to the Council as soon as possible after issuance or, if issued during Annual Convention, then presented to Convention.

**Canon 300.3: Effect of Regulations.** All such rules, norms, regulations, or guidelines bind all they purport to bind.

- a. They are not in themselves Canon Law, however, and do not set a precedent except as expressly stated.
- b. They may by their own terms be effective only for a particular period of time.
- c. They may not purport to, nor be construed to, reverse, nullify, or overturn a resolution of General Convention or of Diocesan Convention, nor a decision of the Hearing Panel in cases already decided or under consideration by that panel.
- d. They do not have retroactive application unless expressly stated and if fair to the affected parties.

### **CANON 301 The Bishop: Dispensation and Relief**

**Canon 301.1: Dispensation.** The Bishop's historic power of dispensation under Canon Law is acknowledged.

- a. A dispensation is the relaxation, but not the negation, of a part of Canon Law in a particular case by the Bishop within the limits of the Bishop's jurisdiction, and for just and reasonable cause taking into consideration the circumstances of a case.
- b. A dispensation is never binding as precedent.

**Canon 301.2: Relief from Specific Provisions.** Congregations or other entities subject to Canon Law which are, despite their best good-faith efforts, unable to comply with specific requirements of the Constitution and/or Canons of the Diocese (other than those conditions listed in Canons 106.6 and Canon 106.7 of these Canons) may seek relief for an express period of time from such specific requirements.

- a. Such requests must be made in writing (and expressly referencing this Canon 301.2) and sent or delivered to the Office of the Diocese, addressed to the Ecclesiastical Authority (the Bishop, or the Standing Committee if the Standing Committee is the Ecclesiastical Authority), and must state the specific requirements from which relief is sought, the period of time for which relief is sought, and the best good-faith efforts which have been made to comply.
- b. The Ecclesiastical Authority must respond in writing within ninety days of receipt of the written request, either granting the relief, or requiring further specific information (to be submitted in writing or in person as specified by the Ecclesiastical Authority), or setting a single extension of time (not more than sixty days) for a final decision, or denying the relief and stating the reasons for denial. Copies of the request and response must be kept by the requesting entity. Failure of the Ecclesiastical Authority to make any written response within the ninety-day period (or by the end of any extension period it has set) is deemed acceptance of the request for relief.
- c. The granting or denial of relief in a particular instance is never binding as precedent in connection with a later request by the same or another entity.

## CANON 302 The Bishop: Inhibition

The Bishop may inhibit in the conduct of public worship any practice not permitted in the Book of Common Prayer, or elsewhere in Canon Law.

## CANON 303 The Bishop: Visitations

**Canon 303.1: Visitation by the Bishop.** Visitation by the Bishop is of inherent and apostolic authority, and is indispensable for the exercise of the episcopal functions within the Diocese.

- a. In this are included the examination of the state of a Congregation, the state of the Clergy, inspecting the behavior of the Clergy, administering the Apostolic Rite of Confirmation, preaching the Word, and, at the Bishop's discretion, celebrating the Holy Eucharist.

**Canon 303.2: Bishop's Prerogative during Visitations.** On occasions of episcopal visitation, the Bishop directs the services and may designate the purpose for which the special offerings of the people are taken.

**Canon 303.3: Information from Congregations.** Either in connection with a scheduled episcopal visitation, or without a scheduled visitation, the Bishop or the Bishop's designee, upon notice by the Bishop, is entitled to receive full and accurate information regarding the state of the Congregation and its affairs.

- a. For that purpose, The Bishop or the Bishop' designee may require the Wardens and Vestry or Bishop's Committee to provide information about the state of the Congregation, and may pose questions relating to the Congregation.
- b. The Bishop or Bishop's designee has the right at all times to full, prompt, and complete access to all registers and other records of and pertaining to a Congregation.

**Canon 303.4: Cooperation during Visitations.** The Bishop has oversight of all Congregational buildings, Rectories, and other church property, and may prevent their misuse, neglect, or improper alienation or encumbrance.

- a. It is the duty of all Clergy, Wardens, Vestry or Bishop's Committee members, staff, and members of the Congregation to cooperate fully during episcopal visitations.
- c. Under no circumstances is a Congregation, or its Clergy, Wardens, Vestry or Bishop's Committee members, staff, or Congregational members entitled to withhold individual or collective cooperation, nor bar access to premises, buildings, or records, during an episcopal visitation or otherwise due to the sex of a Bishop or Bishop's designee.
- d. The preceding sentence is not to be construed as implying that lack of cooperation or access is justified on any other grounds, but only to address one potential ground of objection.

## **CANON 304**

### **Officers: Archdeacons**

Archdeacons of the Diocese may be appointed by the Bishop, undertaking duties of missionary and administrative work as the Bishop assigns.

- a. Archdeacons must regularly report to the Council.

## **CANON 305**

### **Officers: The Canon to the Ordinary**

The Bishop may appoint an assistant to serve as Canon to the Ordinary, to be chief administrative assistant to the Bishop and undertaking duties of missionary and administrative work as the Bishop assigns.

- a. The Canon to the Ordinary must regularly report to the Council.

## CANON 306

### Officers: Chancellors

**Canon 306.1: Selection and Duties.** The Bishop appoints one or more Chancellors and/or Vice Chancellors, all of whom must be licensed to practice law in Minnesota and members in good standing of the bar in this state.

- a. Chancellors appointed by the Bishop are attorneys to the Bishop, to the Episcopal Church in Minnesota, and to Congregations (upon request of the Congregation and approval of the Bishop) in matters of Canon Law and secular law.
- b. Cathedrals and Parish Congregations may appoint one or more Local Chancellors, all of whom must be licensed to practice law in Minnesota and members in good standing of the bar in this state, to provide legal advice and representation to the Cathedral or Parish Congregation. Their mode of selection and terms of office are decided by the Cathedral or Parish Congregation. All fees and expenses, if any, in connection with services provided by Local Chancellors are the sole responsibility of the Cathedral or Parish Congregation which selected them.
- c. All Chancellors are urged to work together cooperatively so that their respective clients do not receive conflicting or erroneous advice as to Canon Law and secular law.

**Canon 306.2: Seat in Convention.** When not a delegate to Convention, Chancellors appointed by the Bishop are, *ex officio*, entitled to a seat and a voice (but not a vote) in Convention.

## CANON 307

### Officers: Historiographer

**Canon 307.1: Duties of Historiographer.** The Historiographer must gather all material information about the Church in the Diocese. Convention provides necessary facilities toward that end.

**Canon 307.2: Selection of Historiographer.** A Historiographer, who must be an Adult Communicant in Good Standing, may be appointed triennially by the Bishop, subject to confirmation by Convention.

**Canon 307.3: Historical Materials in Congregations.** The Vestry or Bishop's Committee of each Congregation is responsible to keep and transmit historical and archival material to the Historiographer, to the Episcopal Center, or to the Minnesota Historical Society at the discretion of the Bishop, but must not turn over originals of such materials to a county or other local historical society.

## CANON 308

### Officers: Registrar

**Canon 308.1: Duties of Registrar.** The Registrar must procure, catalogue, maintain, and preserve safely all journals, reports, and other documents relating to the Church in the Diocese, and other journals, histories, and records of the Episcopal Church belonging to the Diocese.

**Canon 308.2: Selection of Registrar.** At each Annual Convention the Bishop appoints a Registrar, who must be an Adult Communicant in Good Standing in the Diocese.

## **CANON 309**

### **Officers: Treasurer**

**Canon 309.1: Selection of Treasurer.** The Treasurer is nominated by the Bishop and elected by the Council. The Treasurer must be a Communicant in Good Standing of the Church and registered in a Congregation of the Diocese.

**Canon 309.2: Role of Treasurer.** The Treasurer is chief financial officer and shall be responsible for the oversight of the finance and management of the Diocese.

**Canon 309.3: Seat in Convention.** When not a delegate to Convention, the Treasurer is, *ex officio*, entitled to a seat and a voice in Convention, but not to a vote.

**Canon 309.4: Bond.** The Treasurer must be bonded in an amount and by a surety satisfactory to the Council to secure the faithful discharge of the duties of the office.

**Canon 309.5: Financial Report.** At each Annual Convention, the Treasurer or Treasurer's designee on behalf of the Joint Finance & Audit Committee must present an audited financial report for the preceding fiscal year.

- a. The Treasurer must present interim unaudited financial reports to the Council.
- b. A Controller, one or more Assistant Treasurers, and other financial officers may be appointed by the Bishop after considering the Treasurer's recommendation.

## **CANONS 400 – 416**

### **THE JUDICIAL BRANCH OF DIOCESAN GOVERNMENT**

**CANON 400**  
[reserved]

## **CANON 401**

### **Discipline of Clergy**

Clergy who have voluntarily sought and accepted ordination in this Church have given their consent and subjected themselves to the discipline of this Church under Title IV of the Canons of the Episcopal Church.

## **CANON 402**

### **Disciplinary Board: In General**

**Canon 402.1: Supremacy of National Canons.** All matters of ecclesiastical discipline in the Diocese are governed by the provisions of Title IV of the Canons of the Episcopal Church, as supplemented by these Canons, as amended from time-to-time.

- a. If there is a conflict between Title IV and these Canons, then Title IV must control.

**Canon 402.2: Secular Courts.** No person may resort to secular courts for the purpose of delaying, hindering, or reviewing any proceeding under Title IV.

## **CANON 403**

### **Disciplinary Board: Definitions and References**

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 “Respondent,” 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.

## **CANON 404**

### **Disciplinary Board: Nature of Proceedings**

Proceedings under Title IV and these Canons are neither civil nor criminal, but are private and ecclesiastical in nature and represent determinations by this Church of who may serve as a member of the Clergy of this Church, and how the Church will function under and interpret Canon Law, and are part of the intrinsic polity and order of this hierarchical Church.

## **CANON 405**

### **Disciplinary Board: Establishment and Composition**

The Court for trial of Presbyters and Deacons is The Disciplinary Board of the Diocese, required by Title IV of the Canons of General Convention. It consists of fifteen persons: five priests, three deacons, and seven Lay persons.

- a. Clergy members of the Disciplinary Board must be canonically resident in the Diocese, have been ordained to the order from which they are elected for three or more years, and not be at the time of election, nor the five years before election, under sentence, pastoral direction, or Godly admonition.
- b. Lay members of the Disciplinary Board must be Adult Communicants in Good Standing in a Congregation in the Diocese.

- c. No member of the Disciplinary Board may serve on the Council during a term on the Disciplinary Board. A member of the Standing Committee of the Diocese may serve as a member on the Board.
- d. At each annual Convention of the Diocese the Bishop presents to Convention 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 elected at each Diocesan Convention.
- e. The term of members of the Disciplinary Board is three years. A member of the Disciplinary Board may not serve for more than two consecutive three-year terms. Members serve until their successors are elected, subject to Canon 407.

## **CANON 406**

### **Disciplinary Board: Vacancies in Membership**

Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced. The vacancy in the Disciplinary Board shall be filled by a person nominated by the Bishop, following consultation with the Standing Committee, who meets the same eligibility requirements as apply to elected Board members, and shall be elected by the Council to serve until the next annual Convention, unless the vacancy occurs within thirty days before a meeting of the Diocesan Convention, in which event the appointee shall be presented to Diocesan Convention for election.

- a. With respect to a vacancy created for any reason other than pursuant to a challenge as provided below the term of any person selected as a replacement Board member shall be until the next annual Convention. With respect to a vacancy from a challenge, the replacement board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.
- b. At the next annual Convention the vacancy shall be filled for the remainder of the term.
- c. A vacancy shall be filled by a person from the same order as the member whose death, disability, or resignation created the vacancy.
- d. Persons elected to serve for a period of less than one year shall not have such service counted for purposes of the two-term limitation described in Canon 405, above.
- e. Persons elected to serve for a period of one year or more shall have such service counted toward such limits.
- f. A Board member may be removed from office by the Bishop, following consultation with the Standing Committee, and with ratification by the Council, whenever in the judgment of the Bishop the best interests of the Diocese would be served thereby.

**CANON 407**  
**Judicial Terms Extended Through Trials**

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

**CANON 408**  
**Quorum**

A majority of the Clergy members and a majority of the Lay members of the Disciplinary Board is a quorum.

**CANON 409**  
**Disciplinary Board: President**

Each year the Disciplinary Board, within two months after the annual Convention, shall elect from among its members a President and an Assistant President and shall notify the Secretary of Convention of the persons elected to those offices.

- a. As used in these Canons, the term “President” includes the term “Assistant President,” as appropriate.

**CANON 410**  
**Church Attorney**

The Bishop shall annually appoint one or more attorneys to serve as Church Attorney(s), subject to the approval of Diocesan Convention, for the following calendar year. The person(s) so selected must be communicant member(s) in good standing of the Church and duly licensed attorneys, but need not reside within the Diocese. In the course of his or her duties the Church Attorney may also consult with the President of the Disciplinary Board. A Church Attorney may be removed from office by the Bishop for cause, acting in consultation with the Standing Committee.

**CANON 411**  
**Preserving Impartiality**

In any proceeding under this Section, if 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 Board and request a replacement member of the Panel. Respondent, Respondent’s 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 not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

## **CANON 412**

### **Intake Officer**

An Intake Officer or Officers shall be appointed from time to time by the Bishop, who shall serve at the pleasure of the Bishop. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

## **CANON 413**

### **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 must be communicant member(s) in good standing of the Church but need not reside within the Diocese.

## **CANON 414**

### **Advisors**

The Bishop shall 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 Title, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

## **CANON 415**

### **Pastoral Response Coordinator**

The Bishop may appoint a Pastoral Response Coordinator, who serves at the will of the Bishop, to 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 these Canons 400-424.

## **CANON 416**

### **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.

## CANON 417

### Process and Procedures

Proceedings under Title IV are conducted by the Disciplinary Board as fully set forth in Title IV.

**Canon 417.1: Reference panel.** If the Intake Officer determines that an Offense may have occurred, the intake report shall be forwarded to the Reference Panel, consisting of the Intake Officer, the Bishop and the President of the Disciplinary Board. The President, by lot or other random method, shall select a Conference Panel and a Hearing Panel from members of the Disciplinary Board. The matter may be referred for appropriate pastoral response only, Conciliation, further investigation, referred for possible agreement with the Bishop for discipline or referred to a Panel.

**Canon 417.2: Conciliation.** If matter is referred for conciliation, the Bishop appoints a Conciliator to assist the parties in reaching resolution. If conciliation is successful, an Accord is prepared. If Conciliation is unsuccessful, the matter shall be referred back to the Reference Panel.

**Canon 417.3: Conference Panel.** When referred to a Conference Panel, a conference is held. The Church Attorney shall prepare, material gathered by the Investigator(s), a written statement describing each alleged Offense with reasonable particularity. The Respondent and the Church Attorney are required to attend the conference. The Complainant may attend the conference in person or through an Advisor or both. If no Accord is reached, the Conference Panel may Dismiss, Refer for conciliation, Refer to a Hearing Panel or Issue an Order. If the Order is refused by the Respondent or the Church Attorney, the matter then moves to a Hearing Panel.

**Canon 417.4: Hearing Panel.** When referred to a Hearing Panel, the Hearing Panel conducts a formal hearing with discovery and testimony under oath and subject to cross examination. Privileged Communications in such a proceeding include the categories set forth in Title IV.2 of the Canons of the Episcopal Church.

**Canon 417.5: Composition of Panels.** Each Conference Panel and each Hearing Panel comprise two Clergy members and one Lay member of the Disciplinary Board appointed by the President of the Board. If the Respondent is a deacon, then at least one of the Clergy members of the panel is a deacon; if the Respondent is a priest, then both Clergy members of the panel are priests. Under no circumstances may a member of the Board serve on both a Conference Panel and a Hearing Panel in the same case. In appointing members of a Hearing Panel the President of the Disciplinary Board shall endeavor to ensure a level of legal expertise among its members. A legal advisor may also be retained by the Hearing Panel subject to such budgetary constraints as may be established by the Council.

**Canon 417.6: Decision.** Accords and Orders may provide any terms which promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and other persons. Accords and Orders also may place restrictions on Respondent's exercise of ministry, recommend admonition, suspension or deposition, limit the involvement, participation or attendance of Respondent in the Community or any combination of the above.

## **CANON 418**

### **Costs and Expenses**

**Canon 418.1: Fixed Costs.** The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, Advisors, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of the Diocese, subject to such budgetary constraints as may be established by the Council.

**Canon 418.2: Discretionary Costs.** 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 the Council.

## **CANON 419**

### **Records**

**Canon 419.1: Active Records.** Records of active proceedings before the 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.

**Canon 419.2: Permanent Records.** The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

## **CANON 420**

### **Electronic Communications**

Any meeting required under these disciplinary canons, other than the Conference Panel or 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.

## **CANON 421**

### **Judicial Oath**

All members of the Disciplinary Board shall take and subscribe to the following oath in the presence of the Bishop: "I do swear that I will, to the uttermost of my understanding, deal uprightly and justly in my office, without respect of favor or reward: So help me God."

**CANON 422**  
**Harmless Error**

Non-compliance with any procedural requirements in these Canons 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.

**CANON 423**  
**Power to Enforce Judicial and Episcopal Judgments  
and Acts of Convention**

Both Convention (including the 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 III**  
**THE CHURCH AND PERSONS**

**CANONS 500 – 503**  
**THE LAITY**

**CANON 500**  
**Lay Offices: The Congregation: Affiliation**

No person is disqualified from joining a Congregation, institution, or other ministry due to the person's place of residence.

**CANON 501**  
**Lay Offices: The Congregation: In General**

**Canon 501.1: Members of Congregation.** All persons who have received the Sacrament of Holy Baptism with water in the name of the Father and of the Son and of the Holy Spirit and whose baptism has been duly recorded in the Congregation register and all persons confirmed or received in the Church whose confirmation, reception, or transfer is duly recorded in the Congregation register are members of the Congregation.

**Canon 501.2: Notice of Annual Congregational Meeting.** Notice of the date, time, and place of every Congregation meeting must be mailed to the entire Congregation at least twenty days before the date of such meeting.

**Canon 501.3: Communication of Results.** The results of any election or summary of any action taken at a special or annual meeting of the Congregation must be posted in a conspicuous place on the Congregation premises within seven days after the meeting.

**Canon 501.4: Elections.** Each member who is an Adult Communicant in Good Standing is entitled to vote.

- a. No person is entitled to more than one vote or to vote by proxy or by absentee ballot.
- b. In electing members of the Vestry, all voting must be by ballot.
- c. If the number of candidates for election is equal to the number of vacancies to be filled, the secretary may be directed by the Presiding officer to cast a unanimous ballot for the slate of nominees.

**Canon 501.5: Nominations.** A Congregation may, through bylaw, require that all nominations for election to the Vestry or other proposals to be acted upon must be submitted to the Secretary in writing on or before a specified date before the meeting, and that no additional nominations or other proposals may be made except in such manner and within such time.

**Canon 501.6: Certified List of Qualified Electors.** On the written request of any three qualified voters made at least ten days before an annual Congregation meeting, the Rector or Priest-in-Charge, or a

Warden must, within seven days after the receipt of such request, post in a conspicuous place on the Congregation premises a certified list of the qualified voters.

- a. Such list must remain posted until after the election and must be retained by the Secretary as part of the election records.

**Canon 501.7: Judges of Election.** For each meeting at which members of the Vestry are to be elected, unless the number of nominees equals the number of vacancies to be filled, the presiding officer must appoint from the qualified electors three judges of the election.

- a. The judges must canvass the ballot and certify in writing the result of the election.

**Canon 501.8: Challenges.** Whenever the right to vote is challenged, the challenged ballot must be segregated and identified, and, after the person whose ballot it is has had the opportunity to be heard, the judges must indicate thereon whether the vote was allowed or rejected, and affix thereto their signatures.

**Canon 501.9: Appeal to Bishop.** The secretary must retain all election records for delivery to the Bishop in the event an election is appealed.

- a. If no appeal is taken within the period specified for appeal, the election records may be destroyed.
- b. Any appeal to the Bishop from the certified result of the election must be made in writing within thirty days after the election.
- c. In the case of such appeal, the Bishop must recanvass the vote and declare the result of the election.
- d. The Bishop's judgment on appeal is final.

**Canon 501.10: Information to Bishop.** The Rector, Priest-in-Charge, or Senior Warden must forward to the Bishop promptly after each annual meeting the names, addresses, and telephone numbers of the Wardens, other members of the Vestry, delegates and alternates to Convention, and Treasurer and Secretary then in office. If any change occurs in any office, the Bishop must promptly be notified of the same.

**Canon 501.11: Secretary and Treasurer.** A Secretary and a Treasurer must be elected or appointed as provided through bylaw. Such officers need not be members of the Vestry.

- a. In addition to the other duties in this Canon 501, each Secretary and Treasurer is an officer of the Congregation for temporal purposes, and works cooperatively with the Wardens and the Vestry or Bishop's Committee to help accomplish and maintain the temporal health of the Congregation.
- b. The maximum term for which a Secretary or Treasurer may be elected expires on the date of the fourth annual meeting following the meeting at which the Secretary or Treasurer was elected or appointed, or at such time, not more than four years, as the Congregation may fix by bylaw for installation of members of the Vestry or Bishop's Committee. In no case may a person serve for more than four consecutive years as a Vestry or Bishop's Committee member or as a Secretary or Treasurer, either individually or in combination of the positions.

- c. The Secretary and Treasurer shall have the powers and duties prescribed in these Canons and in the bylaws of the Congregation.
- d. The Secretary and Treasurer may be removed at any time and for any reason by a vote of two-thirds of the Vestry.

**Canon 501.12: Bond for Treasurer.** The Treasurer must be bonded in an amount and by a surety approved by the Vestry.

## **CANON 502**

### **Lay Offices: Wardens**

**Canon 502.1: Office of Warden.** There must be two Wardens in each Congregation, who are Communicants in good standing, and who may be distinguished as Senior Warden and Junior Warden, or by other appropriate titles.

- a. Regardless of title, all duties of the Warden's office belong equally to both Wardens, and both are jointly and individually responsible for the performance of the duties of the Warden's office.
- b. In addition to the other duties in this Canon 502, each Warden is an officer of the Congregation for temporal purposes, and works cooperatively with the Vestry or Bishop's Committee and the Secretary and Treasurer of the Congregation to help accomplish and maintain the temporal health of the Congregation.

**Canon 502.2: Duties of Wardens as to Divine Worship.** The Wardens must see that the Church is provided with a Bible authorized by General Convention, and current Prayer Books and Hymnals of standard editions.

- a. It is also their duty to provide the altar cloths and the elements of bread and wine for the celebration of the Holy Communion, to procure proper vestments and vessels, and to cause the alms and other offerings of the people to be gathered in decent basins provided for the purpose.

**Canon 502.3: Duties of Wardens as to the Church Building.** The Wardens must take care that the Church Building is kept from all sacrilegious uses, and from secular uses not authorized under Canon Law. The Wardens shall also take care that the church be kept in good repair and clean, and that the external premises be kept in proper order.

**Canon 502.4: Duties of Wardens as to Order.** It is the duty of the Wardens, either personally or by delegation, to preserve order and decorum in and around the Church Building on all occasions, and especially during the time of Divine Worship, and to admonish persons guilty of any unseemly levity, rudeness, or other disruption.

**Canon 502.5: Presidency in Absence of Rector.** If there is no Rector or Priest-in-Charge, or if the Rector or Priest-in-Charge is absent, unable to act, or so delegates, the Wardens preside at all meetings of the Vestry and of the Congregation unless the Rector or Priest-in-Charge has designated another person who is a member of Vestry to preside.

- a. The senior Warden has the prerogative of presiding unless that duty is delegated to the junior Warden by the Rector, Priest-in-Charge, or senior Warden.

**Canon 502.6: Notice to Bishop of Clergy Misconduct.** If any member of the Clergy of the Church residing within the Congregation conducts himself or herself in such a way as is contrary to the rules of the Church and unbecoming to the Clergy, then a Warden must give notice to the Bishop.

**Canon 502.7: Terms of Wardens.** The maximum term for which a Warden may be elected expires on the date of the fourth annual meeting following the meeting at which the Warden was elected, or at such time, not more than four years, as the Congregation may fix by bylaw for installation of members of the Vestry.

- a. In no case may a person serve for more than four consecutive years as a Vestry member or as a Warden, either individually or in combination of the two positions.

**Canon 502.8: Eligibility for Re-Election.** A retiring or resigning Warden may not again serve on the Vestry until one year has elapsed, except that a Warden completing less than one year of another's unexpired term may be elected to a first full term.

**Canon 502.9: Removal of Wardens.** After reasonable notice, hearing, and investigation the Bishop may temporarily suspend and/or permanently remove a Warden from office for criminal or other immoral conduct bringing discredit upon the Warden's Congregation, the Diocese, or the Episcopal Church, or for other reasons making the Warden, in the judgment of the Bishop, unfit for office.

- a. Public or private disagreement by the Warden with matters of policy in the Congregation, Diocese, or Episcopal Church is not in itself sufficient ground for removal, except that advocating schism of the Warden's Congregation from the Episcopal Church, or any continued violation of Canon Law after a specific written warning by the Bishop, are sufficient grounds.
- b. In suspending or removing a Warden from office, the Bishop must state in writing to the Warden the grounds for removal and also state when, if ever, the Warden shall again be eligible to be elected a Warden of a Congregation in the Diocese.
- c. A copy of the Bishop's written statement must be delivered to the Rector or other Priest-in-Charge of the Congregation.

## **CANON 503**

### **Lay Offices: Vestry**

**Canon 503.1: The Vestry.** Subject to the provisions of Canon Law, civil law, the articles of incorporation, and the bylaws of the Congregation, the Vestry (of which the Rector is *ex officio* a voting member) constitutes the board of directors of an incorporated Congregation.

**Canon 503.2: Duties of Vestry.** The temporal activities and affairs of the Congregational corporation must be conducted, and all corporate powers exercised by or under the direction of the Vestry acting as the board of directors.

- a. Such powers include, but are not limited to, the power to fill any vacancy or vacancies in the Vestry until the next annual Congregational meeting, and to call special Congregational meetings.
- b. The Vestry may delegate management of the temporal activities of the corporation to any person or persons, provided that the activities and affairs of the corporation are managed and all corporate powers are exercised under the ultimate direction of the Vestry.

**Canon 503.3: Number and Qualification.** The bylaws of the Congregation must prescribe the number of members of the Vestry, provided there are at least three and not more than twelve elected members, all of whom must be Adult Communicants in Good Standing.

- a. If the articles of incorporation permit and bylaws so provide, the number of members of the Vestry may be variable, the exact number determined by action of the Vestry or by the members of the Congregation.
- b. The bylaws may prescribe additional qualifications for membership on the Vestry such as, for example, confirmation.

**Canon 503.4: Additional Duties.** The Vestry transacts all temporal business of the Congregation.

- a. The Vestry must cooperate with the Wardens to see that all things needful for public worship are furnished; must collect and disburse all money due for Church purposes; must promptly pay to the Diocese all funds received to apply on its pledge; must provide that other officers be suitably appointed and faithfully discharge their duties; must pay with punctuality the stipulated salaries of the Clergy and Lay employees; must inform themselves of the order and time of all collections required by the Canons of the Diocese of Minnesota and of assessments which may be imposed by the Convention and take measures for the obedient fulfillment and due liquidation of these obligations; and before the close of each calendar year must collect as far as practical a sum sufficient to liquidate all the current annual expenses of the Congregation.

**Canon 503.5: Meetings.** In addition to any other scheduled meetings of the Vestry, meetings may also be called on written notice of three days, given to each member of the Vestry (and to the Rector and to both Wardens) by the Rector at the Rector's discretion or by either Warden at the request of a majority of the Vestry members.

**Canon 503.6: Presence of Rector or Warden.** No action, except for adjournment, may be taken at a meeting of the Vestry unless either the Rector or one Warden is present.

**Canon 503.7: Annual Report.** The Vestry must on or before the date set for the annual Congregation meeting give to the Rector or, if there be none, to one of the Wardens, a full, accurate, and faithful statement of the temporal conditions of the Congregation.

**Canon 503.8: Election.** Members of the Vestry are elected at the annual Congregational meeting.

- a. In the case of a newly-organized Congregation, members of the Vestry may be elected at a special Congregation meeting to serve until the first annual meeting.

**Canon 503.9: Term.** The maximum term for which a member of the Vestry may serve ends on the date of the third annual meeting following the meeting at which such person was elected, or at a time, not

exceeding three years, as the Congregation specifies in its bylaws for installation of members of the Vestry.

- a. Each term of office must be fixed so that, as nearly as practicable, one-third of the authorized number of Lay members of the Vestry to be elected for a full term must be elected at each annual meeting.

**Canon 503.10: Eligibility for Re-Election.** A retiring or resigning Vestry member may not again serve on the Vestry until one year has elapsed, except that a member completing less than one year of another's unexpired term may be elected to a full term.

- a. Subject to Canon 502.7, a retiring or resigning Vestry member may be elected to serve as a Warden.

**Canon 503.11: Term of Replacement Members.** Vacancies may be filled by persons elected to serve until the next annual Congregational meeting.

**Canon 503.12: Involuntary Vacancy.** If any member of the Vestry is absent for four consecutive, regular meetings, then the seat may, with the advice and consent of the Rector, be declared vacant by the Vestry and a qualified person elected to fill the vacancy.

- a. If there is no Rector, then the advice and consent of the Wardens must be obtained.

## **CANONS 600 – 613 THE CLERGY**

### **CANON 600 Canonical Residence**

**Canon 600.1: Performance.** All Clergy canonically resident and in good standing in the Diocese must perform the duties of their respective orders in accordance with these Canons and the Canons of the Episcopal Church.

**Canon 600.2: List of Canonically resident Clergy.** The Bishop must maintain a current list of Clergy canonically resident in the Diocese, which list must be published annually in the Journal of Convention.

### **CANON 601 Pastoral Cures**

The pastoral cure of a member of the Clergy extends to all persons affiliated with the Congregation, institution, or other ministry over which the Clergy has charge regardless of the residence of the person, and such Clergy may provide pastoral ministrations to such person affiliated with another Congregation.

## CANON 602

### Congregations: Rector: Authority and Duties

**Canon 602.1: Authority of Rector.** The Rector has control of the worship and the spiritual interests of the Congregation, subject to Canon Law and to the godly counsel of the Bishop.

**Canon 602.2: Vestry.** The Rector is, *ex officio*, a member of Vestry and, when present, the presiding officer of the Vestry, and entitled to vote at its meetings.

- a. When the Rector is not present for a Vestry meeting, the Rector is entitled to designate a Warden or a member of the Vestry to preside in the Rector's place.

**Canon 602.3: Other Clergy.** All other Clergy of the Congregation, by whatever name they may be designated, serve under the authority of the Rector.

**Canon 602.4: Use and Control of Buildings.** The Rector must at all times be entitled to the keys, use, control, and access to the Church and Congregational buildings, premises, and contents.

**Canon 602.5: Clergy Discretionary Fund.** The Rector shall have authority over funds designated to be a Clergy Discretionary Fund as required under the Canons of the Episcopal Church. The Rector's use and accounting of the Clergy Discretionary Fund shall be done in manner that complies with Manual of Business Methods in Church Affairs.

**Canon 602.6: Spiritual Ordering of Groups.** The Rector at all times has the right of ultimate direction and control of all guilds, societies, organizations, and associations that are affiliated with, associated with, or sponsored by the Congregation, including the right and responsibility to ensure that the leadership of such groups is fairly chosen and appropriately rotated among suitable members of the Congregation.

**Canon 602.7: Mission Congregations.** In a Mission Congregation, this control and responsibility belong to the Priest-in-Charge, subject to the Bishop.

## CANON 603

### Congregations: Rector: Call

**Canon 603.1: Rector Vacancy.** When the position of Rector becomes vacant in a Congregation, the Wardens must within one week give written notice of the fact to the Bishop who may, in consultation with the Vestry, appoint a member of the Clergy to the vacancy until a Rector is elected.

**Canon 603.2: Consultation with Bishop.** The Vestry must also consult with the Bishop in respect of the procedure to be followed in the selection and call of a new Rector.

**Canon 603.3: Election by Vestry.** The election of a Rector requires approval of two-thirds of the Lay members of the Vestry.

**Canon 603.4: Judgment of Bishop.** No commitment may be made by the Vestry to anyone under consideration as a prospective Rector, nor must any formal call be issued, until the name of the Clergy under consideration as Rector has been made known in writing to the Bishop for a judgment, and appropriate background checks completed as directed by the Council.

- a. If the Bishop has not responded within thirty days of receipt by the Bishop of the written notice of the call, or such additional time as has been agreed upon, then the Vestry may proceed with the commitment and call.

**Canon 603.5: Objection by Bishop.** If the Bishop objects to the choice of the Vestry, then the Bishop informs the Vestry of reasons for the objection.

- a. A second meeting of the Vestry must then be held and the person first proposed can be elected only by a unanimous vote of the whole Vestry.
- b. If the vote is not unanimous, the same procedure must be repeated for the election of another candidate.

**Canon 603.6: Agreement for Call.** The call must be in the form of an agreement, which must be signed by the Wardens and, when accepted, signed by the new Rector.

- a. The agreement must conform to the applicable provisions of the Canons of the Episcopal Church and of the Diocese.

**Canon 603.7: Approval of Agreement by Bishop.** The signed agreement must be sent to the Bishop who, when satisfied that the person chosen is a qualified member of the Clergy and has accepted the office, must approve the call and acceptance by counter-signing copies of the agreement or by causing copies of the agreement to be countersigned by a designated representative and returned to the new Rector and to the Congregation.

- a. The Bishop must then notify the secretary of the Convention, who records the appointment.

## CANON 604

### Congregations: Total or Shared Ministry Teams

**Canon 604.1: Team Call.** Any congregation in the Episcopal Diocese of Minnesota, whether a cathedral, parish, mission or special mission, with the consent of the Bishop and in accordance with the Canons and the Diocesan policies and procedures in The Handbook for Total or Shared Ministry, may call forth persons to serve on a Total or Shared Ministry Team.

**Canon 604.2: Composition.** Total or Shared Ministry Teams will normally be composed of six or more members, each member responding to a call in one or more of the ministry areas, which may include but are not limited to administration, stewardship, education, evangelism, liturgy, pastoral care, preaching, outreach and sacramental ministry. Each team shall be supported by one or more ministry developers or consultants.

**Canon 604.3: Spiritual Ordering of Team.** Some members of the team may be Ordained in accordance with the Canons of the Episcopal Church, others may be Licensed in accordance with the Canons of the Episcopal Church, and some may be Commissioned in accordance with the Policies of the Episcopal Diocese of Minnesota, as set forth in The Handbook for Total or Shared Ministry.

**Canon 604.4: Authority of Team.** Members of a Total or Shared Ministry Team, whether Licensed, Ordained, or Commissioned, shall be responsible for the ministry areas identified in Canon 604.2 for

which they have been discerned by the congregation, in collaboration with the Rector, Vicar, Priest-in-Charge or Dean, if there be one, and any other areas allocated to the Team or its members by the By-Laws or congregation, subject to Canon Law, the advice and counsel of any appointed ministry developer or consultant and the Godly counsel of the Bishop.

**Canon 604.5: Process.** The policies and procedures for calling, commissioning, and functioning of teams are contained in The Handbook for Total or Shared Ministry, which is the responsibility of the Commission on Ministry by the authority of the Bishop with the advice and consent of the Standing Committee.

## **CANON 605**

### **Congregations: Assistant Clergy**

**Canon 605.1: Selection of Assistant Minister.** In the selection of an Assistant Minister, the Rector must consult with the Bishop, and the two must agree upon a list containing one or more names of suitable Clergy.

- a. The Rector must then nominate to the Vestry, from the list, the name of the person chosen by the Rector to serve as an assistant.

**Canon 605.2: Vestry Vote.** The election of any assistant Clergy requires approval of two-thirds of the Vestry.

**Canon 605.3: Terms of Employment.** The terms of employment of assistant Clergy must, subject to these Canons, be determined by the Vestry and incorporated into a written agreement constituting the call and acceptance.

**Canon 605.4: Term of Service.** All assistant Clergy serve at the pleasure of the Rector, subject to the rights, if any, of such assistant stated in the contract of employment.

**Canon 605.5: Notice to Bishop.** Written notice of the election of an assistant minister, signed by the Wardens, must be sent to the Bishop within two weeks of such election.

- a. If the Bishop is satisfied that the person has accepted the office, then notice must be sent by the Bishop to the Secretary of Convention for recording.

## **CANON 606**

### **Congregations: Non-Salaried Assistants**

The Rector, with the Bishop's approval and the consent of the Vestry, may appoint one or more non-salaried assistants from among Clergy canonically resident in the Diocese, or who are in good standing and who are currently licensed to officiate in the Diocese.

- a. Non-Salaried assistants serve at the pleasure of the Rector.

## CANON 607

### Congregations: Vicars

**Canon 607.1: Vicar Missionaries.** Missionaries of the Diocese, who are known as Vicars, are Clergy appointed by the Bishop for Missionary work in the Diocese, and assigned by the Bishop to organized Congregations or to work in places not adequately served by any existing Congregation; provided that a Mission Congregation may be assigned to two or more Congregations or other Missionary charges; and a Rector of a Congregation, with the approval of the Vestry, may be assigned to duty as a Mission Congregation outside of the Congregation and be given a Mission Congregation stipend therefor.

**Canon 607.2: Duties and Authority.** The duties and authority of a Vicar of a Congregation are, so far as applicable, the same as those of a Rector of a Congregation as prescribed in these Canons, including the right to voice and vote at all annual meetings of the Congregation and Bishop's Committee meetings, and the right to preside at each in the absence of the Bishop.

**Canon 607.3: Assignments.** Clergy appointed by the Bishop to Missionary duties may be assigned to the charge of organized Congregations, or to work in places not within any Congregation structure; provided, that a Vicar or other Priest-in-Charge may be assigned to two or more Congregations or Missionary charges.

**Canon 607.4: Rector serving as Vicar.** With the approval of the Vestry, a Rector of a Congregation may be assigned to duty as a Vicar or other Priest-in-Charge outside of the Congregation and receive a stipend for that service.

## CANON 608

### Non-Congregational: Specialized Ministries

Clergy appointed by the Bishop to specialized ministries not associated with Parish Congregations or organized missions must report at least annually to the Bishop in the manner prescribed by the Bishop and the Canons of the Church.

## CANON 609

### Missioners

**Canon 609.1: Missioners.** The Bishop may appoint Clergy or Lay persons to serve as Missioners in Mission, Ministry, or Management to fulfill the work of the Diocese.

**Canon 609.2: Advice.** The Bishop may seek the counsel of the Mission Area Board or of its Executive Committee in the appointment of a Missioner.

**Canon 609.3: Activities of Missioner.** Each Missioner undertakes duties in connection with the missionary work of the Diocese, including ministry development, training/support of local priests and deacons (as defined in the Canons of the Episcopal Church), and being consultant for total ministry and ministrations to isolated members.

## CANON 610

### Not Canonically Resident and of Other Denominations

**Canon 610.1: Inhibition.** The Bishop may inhibit preaching, administering the sacraments, or holding any public service by any non-canonically resident Clergy coming into the Diocese, or any unlicensed Clergy living in the Diocese, by a writing addressed to them and, if necessary, to any or all of the Clergy of the Diocese, and no Clergy or Wardens after the receipt of the Bishop's inhibition may give permission to such inhibited persons to perform any Clergy functions in their cures.

**Canon 610.2: Other Clergy subject to Canon Law.** The Clergy of any denomination in communion with the Episcopal Church are subject to Canon Law, including to discipline under Title IV of the Canons of the Episcopal Church, for their conduct while functioning at a Congregation or Diocesan Institution.

## CANON 611

### Age for Resignation

Clergy in the employ of a Congregation or of the Diocese must resign when they reach the age of seventy-two years.

- a. Employment beyond the age of seventy-two years, if at all, must only be under a yearly contract approved by the Bishop, but will not be for the position of Rector, Vicar, or Priest-in-Charge.

## CANON 612

### Renunciation of Ministry: Procedure

**Canon 612.1: Voluntary Renunciation.** If the Bishop receives a Declaration of Renunciation from a person not liable to presentment under national Canon IV.8 or for any other canonical offense in this Diocese or elsewhere, the Bishop shall record the declaration and request so made and the Bishop, with the advice and consent of a majority of the clerical members of the Standing Committee, shall accept the renunciation. The Bishop shall declare in the Notice of Removal that the renunciation was for causes which do not affect the person's moral character, and, if requested, provide a certificate to this effect to the person so removed from the ordained Ministry.

**Canon 612.2: Consent of Standing Committee.** If the Bishop receives a Declaration of Renunciation and has reason to suppose that the person making the renunciation is liable to presentment for any canonical offense in this Diocese or elsewhere, then the Bishop must not pronounce sentence of renunciation except with the consent of Standing Committee of the Diocese.

**Canon 612.3: Investigation.** An investigation of any such suspicions must be pursued, and the person making the Declaration of Renunciation, at the discretion of the Bishop, may be presented for trial, and the Declaration of Renunciation will be held in abeyance until the presentment is dismissed or the trial concluded.

**Canon 612.4: Delay if Person Under Presentment or Trial.** If a Member of the Clergy makes a Declaration of Renunciation while under presentment for any canonical offense in any Diocese, or while on trial for such an offense in any Diocese, then the Bishop must not consider or act upon the Declaration

of Renunciation until after the presentment is dismissed, or the trial concluded and sentence, if any, pronounced.

**Canon 612.5: Notice of Removal.** The Bishop must give written notice to all Congregations and Clergy in the Diocese of every removal from the Ministry.

### **CANON 613**

## **Compensation and Benefits: Minimum Pay**

The minimum pay which must be paid any Clergy employed full time by the Diocese or by any Congregation(s) (and payable *pro rata* if engaged less than full-time on a stipendiary basis) is fixed from time-to-time by the Council, which may fix Diocesan minimum levels of compensation for Clergy serving as Rector or Vicar; Clergy serving as assistants; and Deacons, respectively.

- a. All Clergy must additionally receive an amount equal to at least half (50%) of the individual's self-employment tax.

### **CANON 614**

## **Compensation and Benefits: Congregational Responsibility**

As directed by the Council, all Congregations or, as appropriate, the Diocese, must provide pension, medical insurance, paid leave and other benefits to Clergy and to immediate family dependents of Clergy, and to other employees and immediate family dependents of such other employees as provided under Canon 702.6.

SECTION IV  
**THE CHURCH AND PROPERTY**

**CANONS 700 – 703  
FINANCES**

**CANON 700  
External Solicitation of Funds**

Solicitation of funds from outside a Congregation, or from outside the Diocese for work within a Congregation, affects the interests and standing of the whole church.

- a. No solicitation of this type may be made without prior written authorization by the Bishop.
- b. The application for authorization must state the nature, cost, and necessity of work for which external support is solicited and the extent of the Congregation's own financial participation.
- c. Regular reports of the work for which funds are externally solicited, with detailed financial statements, must be made to the Bishop by the Congregation.

**CANON 701  
Funds of Congregational Groups**

**Canon 701.1: Responsibility for Funds of Congregational Groups.** All organizations, guilds, societies, associations, and other groups sponsored by or affiliated with a Congregation, regardless of their structure or level of formal organization, are at all times responsible to the Vestry or to the Bishop's Committee to account fully for the receipt and expenditure of funds raised by or under the control of such groups.

- a. All fund-raising and expenditure by such groups must be done in consultation with the Vestry or Bishop's Committee.
- b. All such groups are responsible to make an appropriate annual pledge to the Congregation of a portion of their funds, unless the requirement of a pledge is waived by the Vestry or Bishop's Committee on a year-by-year basis.

**Canon 701.2: Notice to Potential Donors.** No group to which Canon 701.1 applies may raise funds in a manner that may suggest to potential donors that the funds are being raised for the Congregation rather than for the group.

- a. If more than ten percent of the funds raised by a group to which Canon 701.2 applies are to be retained by the group, then potential donors must be given notice that their donations are for use of the group and not for the Congregation as a whole.

- b. Required notice of this type may be given, for example, at a car wash or fund raiser through one or more prominent signs such as “Car Wash for youth group,” “Rummage Sale for Altar Guild,” or “Bake Sale for Parish Women’s Club.”

## CANON 702

### Business Methods Generally

**Canon 702.1: Canonically Required Business Methods.** Every Parish Congregation, Mission Congregation and Diocesan Institution shall observe standard business methods required by the Canons of the Episcopal Church, as set forth in the *Manual of Business Methods in Church Affairs* published by the Episcopal Church in the United States, or any successor publication.

**Canon 702.2: Deposit.** Permanent Funds, endowments, trust funds and securities of a Parish Congregation or Diocesan Institution must be deposited with a national or state bank or trust company, mutual fund, professional investment advisor, the Trustees of the Diocese of Minnesota, or other financial depository approved by the Council and must be held under agreements providing for two signatures for withdrawal. Permanent Funds, endowments, trust funds and securities of a Mission Congregation must be deposited as directed by the Trustees of the Diocese of Minnesota. Records must be kept of all permanent and trust funds showing source, date, and terms governing the use of principal and income.

- a. This Canon 702.2 does not apply to deposits of funds and securities refused by depositories as too small for acceptance; such small deposits must be under the care of the persons or entities responsible for them.

**Canon 702.3: Accounting Records and Reporting.** Books of account shall be kept as to all funds belonging to any Parish Congregation, Mission Congregation or Diocesan Institution so as to make possible preparation of complete financial statements for each fiscal year. Full financial statements for the most recent preceding fiscal year must be presented to each Convention, or to the Bishop before Convention.

- a. Books of account to which Canon 702.3 applies must be kept in a manner that provides standard, clear, and open accounting, including appropriate records for funds of Congregational Groups, as set out in Canon 701.1.

**Canon 702.4: Audits.** All accounts, funds, and other financial records of Parish Congregations and Mission Congregations and Diocesan Institutions must be audited annually by a certified independent public accountant or by an accounting agency or audit committee as may be permitted by the Council.

- a. Except as may be authorized by the Council, certified independent public accountants or members of accounting agency or audit committees conducting an audit must not be members of the congregation or body whose financial records are being audited.
- b. Members of audit committees need not be professionals and are not required to follow formal auditing procedures. The audit, however, should establish the accuracy of records and that proper accounting methods are being followed. Each designated fund should be audited to

assure that the funds are being collected and expended in accordance with the governing instrument that established the fund and to assure that funds have not been spent in ways not authorized. National and Diocesan guidelines for audits, such as the *Audit Guidelines for Congregations* in the most current *Episcopal Manual of Business Methods in Church Affairs*, should be followed.

- c. All congregational financial records shall be made available for audit, including, but not limited to, pledge income, operating costs, building funds, memorial funds, endowments, foundations, discretionary funds, men's or women's club, build or group funds, segregated choir funds, youth fundraising, or other fundraising activities which are kept in segregated accounts, account balances from prior year pledges and any and all other designated or undesignated fund balances.
- d. All financial records of Diocesan Institutions or other bodies carrying out Diocesan programs, including records similar to those identified in Canon 702.4.c above, should be made available for audit in the same manner.
- e. The Council may direct any Congregation, Diocesan Institution or other body carrying out a Diocesan program to provide copies of any audit reports and of any memoranda relating to internal financial controls, together with a summary of action taken to correct deficiencies or implement recommendations, and the Congregation, Diocesan Institution or other body carrying out a Diocesan program shall promptly comply.

**Canon 702.5: Fiscal Year.** The calendar year is the business and fiscal year for Congregations.

**Canon 702.6: Pension, Medical, Insurance, Paid Leave and other Benefits for Lay Employees.** As directed by the Council, all Congregations and Diocesan Institutions or, as appropriate, the Diocese, must provide pension, medical, insurance, paid leave and other benefits to lay employees and immediate family dependents of such lay employees.

## **CANON 703**

### **Diocesan Finances**

**Canon 703.1: Diocesan Operating Fund.** There shall be a Diocesan Operating Fund from which is paid all expenses incurred for functions required by the Constitution and Canons of the Episcopal Church and of the Diocese and for programs and activities approved by the Diocesan Convention.

**Canon 703.2: Share of Expenses.** The share of expenses referred to in Canon 703.1 not otherwise paid from endowment income, grants, and other sources must be apportioned among each Congregation and organized mission based upon both: the total unrestricted annual operating income of each Congregation for the year two years prior (except any amounts received by a Mission Congregation from the Diocesan Budget), and an apportionment formula adopted by Convention.

**Canon 703.3: Mission and Ministry Support.** The Council must recommend to Convention an apportionment formula reasonably expected to cover expenses in its proposed Diocesan Budget.

- a. Each apportionment formula adopted by Convention remains unchanged and in effect until amended by Convention.

**Canon 703.4: Deadline for Apportionment Acceptance.** No later than January 15 of each year, each Congregation must advise the Treasurer of the Diocese in writing of its intent to pay its apportionment for that year, or else to make a written request for an apportionment review.

- a. If any Congregation does not do so by that date, then the Treasurer records the apportionment amount as the agreed contribution of the Congregation for that year.

**Canon 703.5: Budget Adjustment.** The Council must adjust the Budget to eliminate any difference between estimated income on which the Budget was initially drafted and the actual income to be received.

**Canon 703.6: Apportionment Payments to be Paid in Installments.** Each Congregation must forward its apportionment payments to the Diocese in regular installments during the year for which the Budget is adopted.

## **CANONS 801 – 805 PROPERTY**

### **CANON 801**

#### **Trust of All Property**

**Canon 801.1: Trust of Property.** All real and personal property held by or for the benefit of any Congregation is held in trust for the Episcopal Church and for the Diocese.

**Canon 801.2: Statement of Trust.** All deeds or other legal instruments conveying any interests in real property to or for the use or benefit of any Congregation or Diocesan Institution must expressly recite that such real property is held in trust for the Episcopal Diocese of Minnesota.

- a. In any case in which such language is omitted, such deed nevertheless establishes a trust in favor of the Episcopal Diocese of Minnesota. The Diocese may in its discretion take steps to have the deed amended or other instrument filed to reflect the existence of the trust, and each Congregation and Diocesan Institution shall cooperate with the Diocese toward that end.

**Canon 801.3: Declaration of Existing Trust.** The terms of this Canon 801, and any corresponding provisions of the Canons of the Episcopal Church, do not declare the creation of a new trust. Rather, they merely confirm the existence of a trust relationship which, whether express or implied, has been implicit in the relationship between local Parish Congregations and Dioceses since the organization of the Episcopal Church in 1789, and which without interruption has been a central element of Episcopal polity and practice.

## CANON 802

### Role of Elected Bodies

**Canon 802.1: Property Transactions for All Congregations.** Since each generation and each Congregation are stewards for the entire Church of their buildings and property, it is vital that all Congregations seeking to acquire, alienate, encumber, construct or alter buildings, or engage in any other real property transaction do so only with the written consent of the Bishop, Trustees, and Standing Committee as set forth in Canon 803.

**Canon 802.2: Winding-up of Congregation.** When any Congregation ceases to exist or, having been a Parish Congregation becomes a Mission Congregation, all real and personal property held by it or for it vests in and must promptly be conveyed to the Trustees of the Diocese of Minnesota, and the Congregation, its officers and Clergy and governing body, shall cooperate toward that end.

**Canon 802.3: Separation of Congregation.** Nothing in Canon Law permits a Congregation; or a majority or a minority of a Congregation; or the Wardens, Chapter, Vestry, or Bishop's Committee of a Congregation; or any Rector or other Clergy of a Congregation; to secede, separate, withdraw, or otherwise depart from the ecclesiastical jurisdiction of the Diocese with any real or personal property, title to which is held by or for the use or benefit of the Congregation or its Wardens, Chapter, Vestry, Bishop's Committee, or other part of the church, without the express written consent of the Bishop and the Standing Committee.

## CANON 803

### Consents for Real Property Transactions

**Canon 803.1: Mission Congregation Property.** Title to all real and personal property given to or purchased by a Mission Congregation vests in the Trustees of the Diocese of Minnesota, and the Mission and its Wardens and Bishop's Committee shall cooperate with the Trustees of the Diocese in perfecting and documenting such title.

- a. **Acquisition.** When a Mission Congregation seeks to have real property acquired for their use by means of purchase, gift, transfer, or lease (as a tenant), they must receive the written consent of the Bishop and the Trustees, who will define the Congregation's responsibilities of stewardship. The Trustees shall seek the advice of the Standing Committee and the Chancellor.
- b. **Alienation or Encumbrance.** Property held for the benefit of a Mission Congregation may only be alienated or encumbered by the Trustees. Real property is alienated by means of sale, gift, donation, or exchange, or encumbered real property by means of mortgage, lease (as landlord), easement, right-of-way, or historic designation. Except as provided below, the Trustees must receive the written consent of the Bishop, and the Standing Committee. The Trustees will seek the advice of the Chancellor.
  - i. **Short-term leases of non-consecrated space.** Consent of the Bishop and the Standing Committee shall not be required for leases, easements, and other use agreements so long as the lease, easement, or use agreement does not involve granting use of space that is consecrated for worship; or exceed a term of 12 months in duration or obligate the Trustees to extend or renew the lease, easement, or use agreement beyond such 12-month period.

- a. Any lease, easement, or other use agreement executed under this exception must be sent to the Bishop and the Standing Committee within 30 days of execution.
  - b. Either the Bishop or the Standing Committee may require that the Bishop and the Standing Committee consent prior to any renewal or extension of any agreement executed under this exception.
- ii. **Cemetery and Interment Rights.** Consent of the Bishop and the Standing Committee shall not be required for any sale or encumbrance of individual burial lots or individual interment rights.
- c. **Construction and Alteration.** Except for minor or urgent repairs or replacements to the fabric and furniture of a church, a Mission Congregation desiring to enter into a construction contract for the building, improvement, or significant alteration to the fabric of real property must obtain the written consent of the Bishop and the Trustees. Significant alteration of the fabric of the building includes but is not limited to the building's structure, roof, floor slabs, walls, windows, window openings, and exterior doors and door openings.
- d. **Lines of Credit, Unsecured Loans and Financial Undertakings.** A Mission Congregation desiring to obtain a line of credit, unsecured loan, or to engage in a borrowing or similar financing transaction or financial undertaking, the aggregate amount of which exceeds 50% of the normal operating income of the congregation for the previous calendar year or the repayment of which may extend beyond a term of twelve (12) months, must obtain the advice of the Chancellor, and the written consent of the Bishop, the Trustees, and the Standing Committee.

**Canon 803.2: Cathedral and Parish Congregation Property.** Real Property owned by Cathedrals and Parish Congregations are held in trust for the Episcopal Diocese of Minnesota. Such congregations seeking to engage in property transactions must seek appropriate consents as outlined below.

- a. **Acquisition.** When a Cathedral or Parish Congregation seeks to acquire real property by means of purchase, gift, transfer, or lease (as a tenant), they must receive the written consent of the Bishop and the Trustees. The Cathedral or Parish Congregation shall seek the advice of the Standing Committee and the Chancellor.
- b. **Alienation or Encumbrance.** Except as provided below, a Cathedral or Parish Congregation seeking to alienate or encumber real property must receive the written consent of the Bishop and the Standing Committee. Real property is alienated by means of sale, gift, donation, or exchange, or encumbered real property by means of mortgage, lease (as landlord), easement, right-of-way, or historic designation. The Cathedral or Parish Congregation will seek the advice of the Chancellor.
  - i. **Short-term leases of non-consecrated space.** Consent of the Bishop and the Standing Committee shall not be required for leases, easements, and other use agreements so long as the lease, easement, or use agreement does not involve granting use of space that is consecrated for worship; or exceed a term of 12 months in duration or obligate a Cathedral or Parish Congregation to extend or renew the lease, easement, or use agreement beyond such 12-month period.

- a. Any lease, easement, or other use agreement executed under this exception must be sent to the Bishop and the Standing Committee within 30 days of execution.
  - b. Either the Bishop or the Standing Committee may require that the Bishop and the Standing Committee consent prior to any renewal or extension of any agreement executed under this exception.
- ii. **Cemetery and Interment Rights.** Consent of the Bishop and the Standing Committee shall not be required for any sale or encumbrance of individual burial lots or individual interment rights.
- c. **Construction and Alteration.** Except for minor or urgent repairs or replacements to the fabric and furniture of a church, a Cathedral or Parish Congregation desiring to enter into a construction contract for the building, improvement, or significant alteration to the fabric of real property must obtain the written consent of the Bishop and the Trustees. Significant alteration of the fabric of the building includes but is not limited to the building's structure, roof, floor slabs, walls, windows, window openings, and exterior doors and door openings.
  - d. **Lines of Credit, Unsecured Loans and Financial Undertakings.** A Cathedral or Parish Congregation desiring to obtain a line of credit, unsecured loan, or to engage in a borrowing or similar financing transaction or financial undertaking, the aggregate amount of which exceeds 50% of the normal operating income of the congregation for the previous calendar year or the repayment of which may extend beyond a term of twelve (12) months, must obtain the advice of the Trustees and the Chancellor, and the written consent of the Bishop and the Standing Committee.

**Canon 803.3: Property Held by the Trustees for the Use of the Diocese of Minnesota.** For property held directly by the Trustees for the use of the Diocese of Minnesota, the Trustees must seek the consent of the Bishop and the Standing Committee for property transactions as outlined below.

- a. **Acquisition.** When the Trustees seek to acquire real property by means of purchase, gift, transfer, or lease (as a tenant), they must receive the written consent of the Bishop. The Trustees shall seek the advice of the Standing Committee and the Chancellor.
- b. **Alienation or Encumbrance.** Real property is alienated by means of sale, gift, donation, or exchange, or encumbered real property by means of mortgage, lease (as landlord), easement, right-of-way, or historic designation. In all such cases, the Trustees must receive the written consent of the Bishop, and the Standing Committee. The Trustees will seek the advice of the Chancellor.
- c. **Construction and Alteration.** Except for minor or urgent repairs or replacements to the fabric and furniture of a church, the Trustees must seek the consent of the Bishop and the advice of the Standing Committee before entering into a construction contract for the building, improvement, or significant alteration to the fabric of real property. Significant alteration of the fabric of the building includes but is not limited to the building's structure, roof, floor slabs, walls, windows, window openings, and exterior doors and door openings.
- d. **Lines of Credit, Unsecured Loans and Financial Undertakings.** The Trustees must obtain the advice of the Chancellor, and the written consent of the Standing Committee before obtaining a line of credit, unsecured loan, or before engaging in a borrowing or

similar financing transaction or financial undertaking, the aggregate amount of which exceeds 50% of the normal operating income of the congregation for the previous calendar year or the repayment of which may extend beyond a term of twelve (12) months.

**Canon 803.4: Donations to Mission Congregations.** No gift or donation, other than for payment of the ordinary and usual obligations of a Mission Congregation, may be accepted nor any purchases made for a Mission Congregation nor any location of a church site secured, without a Faculty from the Bishop.

**Canon 803.5: Memorials.** It is the responsibility of the Rector and Wardens to grant or withhold approval of all memorials of whatever type, whether inside or outside the church building, and to apply for any applicable Faculties or diocesan approval for the same.

- a. Memorials become the sole property of the church, and do not remain property of the donor or of the donor's family or descendants.
- b. While in all cases pastoral sensitivity must be exercised, the Rectors and Wardens must be responsible for the appropriate placement, use, and disposition of all memorials.

**Canon 803.6: Foundation-Stone.** The Bishop has the right to lay the foundation-stone or corner-stone of any church or chapel, or appoint another person to do so on behalf of the Bishop.

- a. In the case of a Mission Congregation, before the laying of the stone, the title deeds must have been properly executed and recorded conveying the property to the Trustees of the Diocese of Minnesota.

**Canon 803.7: Suitability of Buildings.** Before the consecration of any church or chapel the Bishop must be satisfied that the buildings are properly furnished and equipped for the worship of God.

**Canon 803.8: Deconsecration.** Any consecrated church or chapel falling into disuse or becoming unsuitable for use by reason of decay or otherwise must not be sold, demolished, removed, or used for secular purposes until its consecration has been revoked in a form prescribed by the Bishop.

**Canon 803.9: Costs.** The cost of maintenance and repair of church property must be paid by each Congregation individually.

**Canon 803.10: Change of Location.** No Congregation may locate or change the location of its church building without a Faculty from the Bishop and consent of Standing Committee.

## **CANON 804 Insurance**

**Canon 804.1: Liability Insurance.** Each Congregation and Diocesan Institution shall maintain commercial liability insurance with such coverages and other conditions as may be prescribed from time to time by the Council in consultation with the Trustees of the Diocese of Minnesota.

**Canon 804.2: Property Insurance.** Each Congregation and Diocesan Institution shall maintain property insurance covering its buildings and their contents with such coverages and other conditions as

may be prescribed from time to time by the Council in consultation with the Trustees of the Diocese of Minnesota.

**Canon 804.3: Certificates of Insurance.** A duly executed certificate of any insurance procured under these Canons will be forwarded to the Trustees of the Diocese of Minnesota., upon request.

## **CANON 805**

### **Deeds and Other Legal Documents**

**Canon 805.1: Custody of Diocese.** All Clergy, Wardens, or other officials having in their custody legal documents such as grants and deeds of land, duplicate certificates of title, leases, agreements for sale, certified copies of grants of probate or wills, trust instruments, or any other document or instrument under which any body of the Episcopal Church obtains an interest in land or personal property shall keep such documents in a safe fireproof place and shall forward a copy of the same to the Episcopal Center for recordkeeping.

**Canon 805.2: Registers of Closed Congregations.** Within ninety days of the closure of a Congregation, the Clergy or Wardens of the closed Congregation must transmit to the Diocese for safekeeping all of the registers and all other records, including any title documents or abstracts, of the closed Congregation.

**Canon 805.3: Examination by a Chancellor.** All deeds and other legal instruments, documents, and papers relating to the purchase, sale, donation, lease, mortgage or other transaction by or to a Congregation or the Diocese or a Diocesan Institution affecting title to real property must be submitted to a Chancellor for examination and approval as to form prior to completion of the transaction.

## SECTION V GENERAL PROVISIONS

### CANONS 900 – 901 TERMINOLOGY

#### CANON 900 Terminology

Terms used in these Canons have the meaning given to them in the Constitution and Canons of the Episcopal Church, in the Constitution of this Diocese, in these Canons, or in other applicable law.

#### CANON 901 Definitions

**Canon 901.1: Bishop.** In these Canons the terms “Bishop” and “Ecclesiastical Authority” are interchangeable, except as to episcopal acts which under Canon Law may be performed by a bishop alone.

**Canon 901.2: Bishop’s Committee.** A “Bishop’s Committee” as used in these Canons does not include a Vicar or Priest-in-Charge or any Wardens, unless expressly stated in a particular provision as including one or more of them.

**Canon 901.3: Clergy.** “Clergy” means bishops, priests, and deacons, unless the context clearly indicates otherwise.

**Canon 901.4: Council of the Episcopal Church in Minnesota.** “Council of the Episcopal Church in Minnesota” means the body as defined in Canon 218 to Canon 222 and may be referred to herein as “Council” and previously known as “Diocesan Council.”

**Canon 901.5: Diocesan Institution.** A “Diocesan Institution” is an institution recognized pursuant to Canon 108. Diocesan Institution does not include self-governing entities that do not meet the requirements of Canon 108.

**Canon 901.6: The Episcopal Church.** “The Episcopal Church” means The Protestant Episcopal Church in the United States of America.

**Canon 901.7: Faculty.** “Faculty” means a specific form of permission from the Bishop in consultation with Standing Committee, given in writing, to perform certain specified acts.

**Canon 901.8: Priest-in-Charge.** “Priest-in-Charge” means a Priest whose duties in a Congregation are subject, as to tenure and other conditions, to the discretion of the Bishop.

**Canon 901.9: Rector.** A “Rector” is a Priest who is contractually committed to a Congregation in union with the Convention, and whose commitment is without limitation of time.

- a. The Bishop is the Rector of each Mission in the Diocese, and normally acts through a Vicar in each Mission.
- b. “Rector” also includes the Dean of a Cathedral, but subject to the terms of the Constitution and Statutes of the Cathedral so long as they are consistent with the Constitution and Canons of the Episcopal Church and of the Diocese.

**Canon 901.10: Trustees of the Diocese of Minnesota.** “Trustees of the Diocese of Minnesota” means the Trustees of the Diocese of Minnesota, Incorporated.

**Canon 901.11: Vestry.** A “Vestry” as used in these Canons does not include a Rector or any Wardens, unless expressly stated in a particular provision as including one or more of them.

**Canon 901.12: Vicar.** A “Vicar” is synonymous with “Priest-in-Charge” in a Mission Congregation.

## CANONS 902 – 913 MISCELLANEOUS CANONS

### CANON 902 [reserved]

### CANON 903 **Interpretation of Canons**

**Canon 903.1: Content of Canons.** Any Diocesan or episcopal rules, regulations, guidelines, or policies, and processes to implement them, although referred to in a Canon, do not form part of the Canon.

**Canon 903.2: Consistency with other Law.** These Canons and the Constitution of the Diocese must be interpreted whenever possible to be consistent with the rest of Canon Law.

**Canon 903.3: Norms of Interpretation.** For the interpretation and application of these Canons and the Constitution of the Diocese, the norms of statutory interpretation and other provisions found in Minnesota Statutes 2012 (as amended, and including their successor provisions) chapter and sections 645.08, 645.15, 645.151, 645.16 through 645.21, 645.26, 645.31 through 645.44, and 645.49 and found in the common law of Minnesota must be employed, substituting “Diocese” for “State”, and “Convention” for “Legislature”, and “Canons” for “Statutes”.

**Canon 903.4: Words and Context.** All parts of Canon Law are always to be understood in accord with the proper meaning of their words considered in their text, context, and history.

### CANON 904 **Canonical Hierarchy and Governing Documents**

**Canon 904.1: Order of Precedence.** These Canons are in all cases subject to the Constitution and Canons of the Episcopal Church, the rubrics of the Book of Common Prayer, and to the Constitution of this Diocese.

- a. Any inconsistency between these Canons and the forgoing sources of Canon Law must be resolved in favor of the Constitution and Canons of the Episcopal Church in the first instance, the rubrics of the Book of Common Prayer in the second instance, and of the Constitution of this Diocese in the third instance.

**Canon 904.2: Governing Documents.** All articles, bylaws, and statutes of Congregations and Diocesan Institutions are subject to these Canons and, to the extent inconsistent with these Canons or with the three other sources identified in Canon 904.1, are void.

- a. Beginning in 2001, and at least every tenth year after 2001, all articles, bylaws, statutes, constitutions, canons, and other governing documents of all Congregations, Diocesan Institutions, and the Diocese itself must be reviewed by the Vestry, Bishop’s Committee, Board of Trustees, or Convention of the respective organization, and either confirmed, or amended in the best interests of the organization and of the Church.
- b. The Diocesan Chancellors are included as part of the process of review and amendment.

## **CANON 905**

### **Opinions of Hearing Panel**

**Canon 905.1: Judicial Precedents of the Diocese.** Opinions, both at the trial and appellate level, of the Hearing Panel, must be published except for compelling cause against publication determined by the Hearing Panel.

- a. Published opinions of church courts, including those published by the Consistory Court prior to 2013, are precedent and become part of the Canon Law in the Diocese.

**Canon 905.2: Judicial Precedents of other Church Courts.** The Opinions issued since 1789, both at the trial and appellate level, of the Court of Review of the Sixth Province and its predecessors, of the Court for the Trial of a Bishop, of the Court of Review for the Trial of a Bishop, and any other regional or national courts that may be established by the Episcopal Church shall, whenever reasonably possible, be published or otherwise made available by the Diocese in an appropriate manner.

- a. Such published opinions are precedent and become part of the Canon Law in the Diocese unless otherwise directed by General Convention, by Diocesan Convention, or by the issuing court.

## **CANON 906**

[reserved]

## **CANON 907**

### **Severability**

All provisions of these Canons are severable.

- a. If any provision is invalid because it is contrary to or inconsistent with applicable law, then all other provisions of these Canons remain in full force and effect.

## CANON 908

### Authentic Copy of Canons

**Canon 908.1: Episcopal Center.** The Episcopal Center must procure and keep a suitable book, entitled “The Constitution and Canons of the Diocese of Minnesota,” in which must be recorded the Constitution and Canons of the Diocese, with a certificate of their adoption signed by the President and Secretary of the Convention.

**Canon 908.2: Certified Text.** All Constitutions and Canons of the Diocese, and all amendments and additions to them, adopted by Convention must be certified by the President and Secretary of the Convention as having been properly adopted and must, with the certificate of adoption, be recorded in the book mentioned in Canon 908.1.

- a. Such book is prima facie evidence of the proper adoption and correctness of all papers recorded within it pursuant to this Canon 908.

## CANON 909

### Non-Substantive Changes, Arrangement and Numbering

**Canon 909.1: Non-Substantive Changes.** The Constitution and Canons Committee may from time-to-time make non-substantive changes to the canons regarding format, numbering, ordering, pagination, spelling, inclusive language, and grammar.

**Canon 909.2: Arrangement of Canons.** In order to preserve the orderly arrangement of additions or alterations to these Canons, such new matter must conform to the designation and numbering system followed throughout the Canons, except that additional material must be placed and numbered as follows:

- a. A new Canon which should logically be inserted between two existing Canons must bear the Arabic number of the Canon it follows with the added designation “A”; e.g., a new Canon between Canon 111 and Canon 112 must be “Canon 111A”.
- b. A new section of a Canon which should logically be inserted between the material in an existing Canon “(1)” and Canon “(2)” must be designated Canon “(1)A”, and thereafter any material subsequently added which should be logically inserted after said added matter in Canon “(1)A” and before Canon “(2)” must be designated Canon “(1)B”, and so on.

## CANON 910

### Amendments

**Canon 910.1: Time for Consideration.** Every proposal to amend these Canons must be served upon delegates at least sixty days before the Convention at which the amendment will be considered.

**Canon 910.2: Voting, and Approval by Bishop.** An amendment must be approved during the same Convention by a majority vote in each order, voting separately, and also agreed-to by the Bishop.

- a. If notice has not been given consistent with Canon 910.1, or if the Bishop does not agree with the amendment, an amendment nevertheless is effective if two-thirds of each order vote in favor the amendment during any ballot on the question.

**Canon 910.3: Effective Date of Amendments.** All Canons and amendments to Canons take effect immediately unless by their terms they are effective on another date.

## **CANON 911 Repeals**

**Canon 911.1: References to Prior Canons.** Any reference in any resolution or proceeding of Convention, or in any deed, instrument, or document, to any repealed Canon is to be deemed to the extent possible a reference to the substituted Canon or Canons having the same effect as the corresponding repealed Canon or Canons.

**Canon 911.2: Repeal of Prior Canons.** All former Canons of the Diocese, not included in these Canons, are hereby repealed, but the validity of any previous action taken in accordance with them is not be affected.

## **CANON 912 Explanatory Notes**

Certain explanatory notes within brackets may be found in these Canons. They are not themselves part of the Canons, but only illuminations on the background, sources, or intent behind certain Canons, and may be useful as interpretative tools and historical references.

## **CANON 913 Final Invocation and Effective Date**

These Canons are enacted to the glory of God, and we pray the Holy Spirit may ever guide their use and application. They are effective on the Feast of All Saints in the year of our Lord 2013.