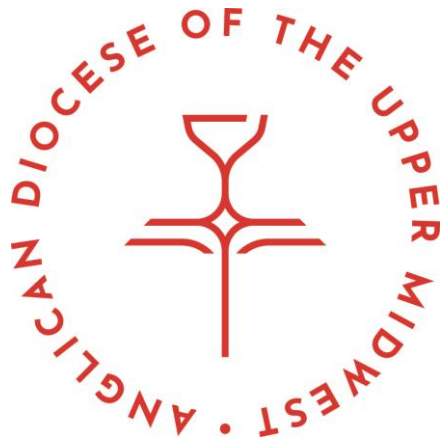


THE ANGLICAN DIOCESE OF THE UPPER MIDWEST OF THE ANGLICAN CHURCH IN NORTH AMERICA



CONSTITUTION AND CANONS

Approved June 2013, Anglican Church in North America, Provincial Council

Amended October 2015, Anglican Diocese of the Upper Midwest

WORKING DOCUMENT – CANONS ONLY

NOVEMBER 15, 2023

TABLE OF CONTENTS TO BE UPDATED AT TIME OF FINAL DRAFT

**THE CANONS OF DIOCESE OF THE UPPER MIDWEST
OF THE
THE ANGLICAN CHURCH IN NORTH AMERICA**

11/15/2023 DRAFT
NOT YET APPROVED

Preamble

Pursuant to the Constitution of the Anglican Church in North America (hereinafter referred to as “the Province”) and the Canons thereof (“Provincial Canons”); and the Constitution of the Diocese of the Anglican Diocese of the Upper Midwest (hereinafter referred to as “the Diocese”), the Diocese, acting in Assembly, hereby adopts these Canons for the purpose of establishing and maintaining its own governance.

TITLE I
ORGANIZATION AND ADMINISTRATION

Canon 1
Structure and Authority

The Diocese is composed of Anglican Congregations in the Upper Midwest and is currently organized into three (3) Deaneries: Minnesota, Wisconsin, and the Greater Chicago area.

1. A Congregation, as defined by the Canons of the Diocese, is the fundamental unit of mission.
2. Congregations are assigned to Deaneries and led by Deans who are selected by each respective Deanery according to a procedure(s) established by the Standing Committee, with final appointments subject to the Bishop’s approval,
3. The Diocese shall be represented in the Provincial Council and Provincial Assembly by delegates selected by the Standing Committee, subject to the requirements of the Constitution and Canons of the Province and of the Diocese.
4. The Ecclesiastical Authority of the Diocese shall be vested in the Bishop and, in the absence of the Bishop, in the Standing Committee as provided by the Constitution and Canons of the Diocese.
5. The Diocesan Constitution and Canons recognize the right of each member Congregation to establish and maintain its own governance consistent with the provisions of the Constitution and Canons of the Province and of the Diocese.

Canon 2
Of the Synod

Section 1. Powers and Duties

We believe that mission flows from worship. The Synod shall therefore meet annually for prayer, study of the Scriptures, mutual encouragement, and the furtherance of common mission.

The Synod shall be the primary legislative body of the Diocese, and it shall have the following powers and duties:

1. Under the leadership of the Bishop, further the spread of the gospel through the work of the Diocese;
2. Approve the annual budget;
3. Adopt and amend the Constitution and Canons;
4. Elect members of the Standing Committee, the Diocesan Council (when required), and the Ecclesiastical Court;
5. Approve the admission of Congregations to the Diocese;
6. Perform other duties as required by the Constitution and Canons of the Diocese; and
7. Exercise authority not otherwise delegated under the Constitution and Canons of the Diocese.

In order to attain a quorum for the transaction of business at Synod, at least two-thirds of the Congregations must be represented by one (1) or more representatives, two-thirds of the Lay Delegates must be present, and two-thirds of the active Clergy must be present. The affirmative vote of a majority of all delegates present is required for approval of all actions, except as otherwise provided by the Constitution and Canons of the Diocese.

Section 2. Membership

The Synod shall be composed of Clergy Delegates and Lay Delegates as defined below.

1. Clergy Delegates

The Clergy Delegates shall include the Bishop and any Coadjutor or Suffragan Bishops and all of the active Presbyters and Deacons under the authority of the Bishop of the Diocese; provided, however, that no member of the Clergy under ecclesiastical discipline or suspension shall be included in the Synod.

An official list of all active and duly ordained Presbyters and Deacons under the authority of the Bishop shall be maintained by the Ecclesiastical Authority, kept current by the Registrar, and maintained on file in the central office of the Diocese. The list shall contain the positions of the active Clergy and shall be published at least 30 days in advance of any meeting of the Synod. Any active member of the Clergy whose name is not on the published list who wishes to vote at the Synod may bring the omission to the attention of the Registrar, and the Ecclesiastical Authority shall determine voting status. The final list shall be available to the Synod on the first day of its meeting.

Every active member of the Clergy under the authority of the Bishop who is not under ecclesiastical discipline or suspension shall attend every meeting of the Synod unless excused in writing by the Ecclesiastical Authority.

2. Elected Lay Delegates

Congregations are entitled to Lay Delegates to the Synod as provided below. Lay Delegates shall be communicants and members in good standing in a Congregation in the Diocese and shall be elected by the Vestry of each Congregation or, if provided in the bylaws of a Congregation, by a meeting of the Congregation. The first delegate from each Congregation shall be the Senior Warden or a person elected in the place of the Senior Warden.

The number of delegates for each Congregation shall be determined on the basis of the Congregation's average Sunday attendance for the previous calendar year, as follows:

- 1-99: two (2) delegates
- 100-199: three (3) delegates
- 200-299: four (4) delegates
- 300-399: five (5) delegates
- 400-499: six (6) delegates
- More than 499: seven (7) delegates

Each Congregation shall also elect such number of alternate delegates as it deems necessary and certify in writing the names, address, and contact information for each delegate and alternate on a form prepared by the Registrar of the Diocese, no fewer than 45 days prior to Synod.

The lay members of the Standing Committee shall be non-voting Lay Delegates to the Synod and, additionally, each may serve as a voting Delegate of his or her Congregation if so elected.

Section 3. Meetings of the Synod

The Synod shall meet regularly once a year and may also meet in a special meeting or meetings called for a specific purpose.

The Bishop, with the advice of the Standing Committee, shall determine the date, time, and place of all meetings of the Synod. The Secretary of the Diocese shall give notice of regular meetings at least 90 days in advance, and no fewer than 15 days prior to any special meeting, except for good cause as determined by the Bishop and the Standing Committee.

The agenda for any regular Synod meeting, including the proposed rules of order and the proposed annual budget, shall be provided to delegates no fewer than 15 days prior to the meeting. No business shall be transacted at a regular or special meeting other than that stated in the agenda, unless two-thirds of those present and eligible to vote at the meeting authorize the transaction of such other business.

Canon 3

Of the Standing Committee

Section 1. Powers and Duties

The Standing Committee of the Diocese shall have the following powers and duties:

1. Together with the Bishop and subject to confirmation by the Synod when required, act to accept or deny an application for admission of a Congregation or Mission into the Diocese;
2. Establish committees and subcommittees as necessary to accomplish the work of the Standing Committee and perform such other duties and responsibilities as may be assigned by the Bishop;
3. Be a council of advice to the Bishop;
4. Consult with the Bishop regarding ordinations to the diaconate and presbyterate;
5. Nominate individuals to fill vacancies on the Standing Committee, the Ecclesiastical Court, and the Diocesan Council;
6. Appoint individuals to represent the Diocese in the Provincial Council and the Provincial Assembly;

7. Provide advice and consent to the appointment by the Bishop of individuals to serve as officers of the Diocese and as members of the Finance Committee and the Committee on Constitution and Canons;
8. Authorize staff to establish and implement policies and procedures regarding the day-to-day operations of the Diocese;
9. Coordinate and communicate with the Deans in the execution of Diocesan functions;
10. Establish policies and administrative practices governing the operation of the Diocese;
11. Oversee an annual review of the work of the Bishop conducted by a subcommittee designed by the Standing Committee and chaired by the Chair of the Standing Committee;
12. Fulfill the duties of the Diocesan Council until such time as the creation of a Diocesan Council may be deemed necessary;
13. Establish rules, procedures, and notice requirements governing the Standing Committee; and
14. Perform such other duties as required by the Constitution and Canons of the Diocese.

Section 2. Membership and Operation

The Standing Committee shall be composed of seven (7) members, which shall include the Bishop, three (3) Clergy members and three (3) lay members. The three (3) Clergy and three (3) lay members shall be elected by the Synod at its annual meeting, subject to the requirements below.

The Standing Committee, or the Bishop's Council under the prior Diocesan canons for the first Standing Committee election, shall serve as a nominating committee for Standing Committee candidates. Such nominating committee shall, at a minimum, give notice to all Congregations regarding the opportunity and time to nominate candidates for Standing Committee, determine a slate of nominees to be considered by the Synod, and conduct criminal background checks of all nominees submitted to the Synod. The minimum number of nominees for lay seats shall be the number of open lay seats multiplied by two. The minimum number of Clergy seats shall be the number of open Clergy seats multiplied by two.

Elected members of the Standing Committee shall be elected at Synod to staggered three-year terms. The initial nominating committee referenced above shall allocate Standing Committee seats as follows: (1) one lay and one Clergy member shall serve one year terms; (2) one lay and one Clergy member shall serve two year terms; and (3) one lay and one Clergy member shall serve three year terms. Each voting Synod delegate may cast as many votes for lay Standing Committee nominees as there are open lay seats. Each voting Synod delegate may cast as many votes for Clergy Standing Committee nominees as there are open Clergy seats. Nominees shall be elected based upon the greatest vote totals within each class of seats. With respect to the initial election, staggered terms for the lay and Clergy members, respectively, shall be determined by lot.

Each Standing Committee member may serve for two consecutive full terms of three years each (in addition to any partial term). A member who has served the maximum time described above is ineligible for re-election to the Standing Committee for three years from the completion of his or her service. Neither a Dean nor the spouse of a Rector may serve as a Standing Committee member. The Standing Committee shall fill all vacancies in its own body or any elected office that may occur between meetings of the Synod and such persons shall serve until the next Synod.

A member of the Standing Committee shall certify annually that he or she (1) is a communicant and member in good standing in a Congregation of the Diocese; (2) submits to the Constitution and Canons of the Diocese; and (3) ascribes to the Jerusalem Declaration. The lay members of the Standing Committee shall be entitled to voice in the Synod as Lay Delegates.

The Standing Committee shall render its decisions by a majority vote of its members present at a meeting (including the Bishop) and in compliance with Standing Committee rules, procedures, and notice requirements.

At the first meeting after each Synod, the Bishop, as the presiding officer of the Standing Committee, shall choose a Chair for the Standing Committee from among its members. The Standing Committee shall then choose from among its members a Vice Chair. Except as noted below, the Chair and, in the Chair's absence the Vice Chair, shall preside over all Standing Committee Meetings.

The Bishop shall have a voice but no vote on matters decided by the Standing Committee, except that in the event of a tie the Bishop may vote on that matter to break the tie. When present at a Standing Committee meeting, the Bishop may preside, at his sole discretion, over that meeting in lieu of the Chair or Vice Chair.

Canon 4 Of the Deaneries

A Deanery constitutes a grouping of Congregations led by a Presbyterian serving as a "Dean." Each Deanery shall have one (1) Dean who is selected by the Deanery according to a procedure(s) established by the Standing Committee, and whose appointment is subject to the final approval of the Bishop. Deaneries may be formed by the Bishop, with the advice and consent of the Standing Committee. The purposes of a Deanery shall be to support and encourage the ministries of the Congregations within the Deanery and to assist with communications regarding Diocesan initiatives; provided, however, that neither Deaneries nor Deans shall have policy-making authority. Deans shall serve at the discretion of the Bishop.

Canon 5 Of the Diocesan Council

Section 1. Powers and Duties

The powers and duties of the Diocesan Council shall be exercised by the Standing Committee until such time as the creation of a Diocesan Council may be deemed necessary, inclusive of the following powers and duties:

1. Implement the decisions made and policies adopted by the Synod;
2. Prepare, under the leadership of the Bishop, an annual report to the Synod regarding the work and mission of the Diocese;
3. Consult with the Treasurer and Finance Committee regarding the annual budget proposed for consideration and adoption by the Synod; and
4. Perform such other duties as required by the Constitution and Canons of the Diocese.

Section 2. Membership [Reserved]

**Canon 6
Of the Ecclesiastical Court**

Section 1. Authority, Composition, and Organization

There shall be a four (4) member Ecclesiastical Court of the Diocese for the application of church discipline in accordance with the Constitution, Canons and Rules of Court (Procedural and Evidentiary), and to resolve such other disputes and controversies which by canon or request of the Bishop be submitted to it. The jurisdiction, composition, and terms of office of the Ecclesiastical Court are established under Title IV of these Canons.

Canon 7 Officers of the Diocese

Section 1. The Bishop

The Bishop shall serve as the Ecclesiastical Authority of the Diocese and Chair of the Synod, and shall have the authority and responsibilities set forth in the Constitution and Canons of the Province and the Diocese.

Section 2. Of the Election of a Bishop, Bishop Coadjutor, or Bishop Suffragan

The process for nominating and electing a Bishop, Bishop Coadjutor, or Bishop Suffragan shall be as follows:

1. Notice shall be given by the Ecclesiastical Authority to, and consent received from, the College of Bishops for the commencement of an election.
2. The Ecclesiastical Authority shall actively engage all Congregations in the Diocese to participate in a process of prayer, fasting, education, and discernment leading to the selection of candidates for the office of Bishop.
3. Not later than six (6) months prior to the Synod at which a new Bishop may be elected (the “Electing Synod”), the Standing Committee shall appoint one (1) lay representative from each Deanery, and one (1) Deacon within the Diocese, none of whom are on the Standing Committee, to confer with the Deans and the Chair of the Standing Committee in order to discern those qualities sought in individuals to be presented to the Electing Synod as nominees for Bishop, including but not limited to core knowledge, skills, abilities, and experience.
4. Such group shall comprise the Bishop Nominating Committee, and shall call for an Electing Synod not fewer than five (5) months from the date of such notice. The Electing Synod may be held separately or in conjunction with the annual Synod meeting.
5. Lay delegates to the Electing Synod shall be the Lay Delegates to the prior annual Synod and all other delegates shall be determined as otherwise set forth under the Constitution and Canons of the Diocese.
6. Any delegate to the Electing Synod may submit nominations to the Bishop Nominating Committee no later than four (4) months prior to the Electing Synod.
7. The Bishop Nominating Committee shall make a retreat to pray over, discern, and establish a slate consisting of no fewer than two (2) and no more than five (5) nominees for Bishop, and shall publish the list of such names to the Diocese no later than thirty days prior to the Electing Synod.
8. At the Electing Synod, delegates shall vote by Elected Lay and Clergy Delegate groups, respectively, (“Orders”) and may vote for one (1) of the candidates presented or may abstain. If one (1) candidate receives the affirmative vote of two-thirds of the total delegates present in

each Order, he is elected and his name shall be sent to the College of Bishops for confirmation. If no candidate is elected, delegates shall revote up to four (4) additional times upon request of any delegate. If no candidate is elected following the initial vote and four (4) additional votes, the number of nominees shall be reduced to the two (2) nominees with the greatest number of votes in the most recent vote. The delegates shall then resume voting by Order and an affirmative vote of a majority of the total delegates present in each Order shall serve to elect one (1) of the nominees as Bishop. If election by majority vote is not attained within both Orders after three (3) additional votes, such nominees' names shall be submitted to the College of Bishops for their choosing.

Section 3. The Bishop Coadjutor

The Bishop and Standing Committee may create the position of Bishop Coadjutor, who shall succeed the Bishop upon the Bishop's retirement, death, or removal. The Bishop Coadjutor shall be elected by an Electing Synod as provided in the Constitution and Canons of the Diocese. The Bishop shall prescribe the duties and responsibilities of the Bishop Coadjutor during the period in which the Bishop and Bishop Coadjutor concurrently serve.

Section 4. The Bishop Suffragan

The Bishop and Standing Committee may create one (1) or more Bishops Suffragan to assist the Bishop who shall be elected by an Electing Synod as provided in the Constitution and Canons of the Diocese. The Bishop shall prescribe the duties and responsibilities of a Bishop Suffragan.

Section 5. The Chancellor

The Chancellor of the Diocese, appointed by the Bishop with the advice and consent of the Standing Committee, shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration. He or she shall be learned in the law and licensed to practice law in one of the jurisdictions encompassed by the Diocese. The Chancellor shall have responsibility for the legal affairs of the Diocese, shall serve the Diocese as counsel to the Bishop and the Standing Committee, and shall be a voting member of the Committee on Constitution and Canons. The Bishop may appoint assistant chancellors as necessary with the advice and consent of the Standing Committee.

Section 6. The Secretary

The Secretary of the Diocese, appointed by the Bishop with the advice and consent of the Standing Committee, shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration.. He or she shall keep the minutes of the meetings of the Standing Committee, the Diocesan Council, and the Synod and shall submit such reports as the Bishop may request. The Bishop may appoint assistant secretaries as necessary with the advice and consent of the Standing Committee.

Section 7. The Treasurer

The Treasurer of the Diocese, appointed by the Bishop with advice and consent of the Standing Committee, shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration. He or she shall be the custodian for all of the funds of the Diocese. The Treasurer shall prepare the annual diocesan budget and shall make an annual report to the Synod on the financial status of the Diocese, including reports of account for all funds under his or her custody or control, profit and loss

statements, and balance sheets. The Treasurer shall also be responsible for the preparation of such periodic financial reports as may be required by the Standing Committee.

Section 8. The Registrar

The Registrar, appointed by the Bishop with the advice and consent of the Standing Committee, shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration. He or she shall be the custodian of official records of the Diocese and shall issue such certification as may be directed by the Bishop or the Standing Committee.

Section 9. Terms of Office, Background Checks, and Synod Representation

The Chancellor, the Secretary, the Registrar, and the Treasurer shall serve at the pleasure of the Bishop. All officers of the Diocese shall be subject to criminal background checks prior to commencement of service. All Officers of the Diocese shall attend the Synod but shall not have the right to vote at Synod by virtue of his or her office.

Canon 8 Committees of the Diocese

Section 1. Finance Committee

The Bishop shall appoint a Finance Committee of the Diocese with the advice and consent of the Standing Committee. At least one (1) member of the Finance Committee shall be a Standing Committee member. Each member of the Finance Committee shall be a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration. The Finance Committee shall consult with the Treasurer and function as an audit committee for the Diocese as may be requested by the Standing Committee from time to time. The Finance Committee shall perform such other duties as may be assigned by the Diocesan Council or Standing Committee.

Section 2. Committee on Constitution and Canons

The Bishop shall appoint a Committee on Constitution and Canons with the advice and consent of the Standing Committee. The Committee shall consist of the Diocesan Chancellor, three (3) Clergy, and three (3) lay persons, who shall serve three-year staggered terms, at least one (1) member of which shall be a practicing attorney. Each member of the Committee on Constitution and Canons shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration. No member who has served for two (2) consecutive three-year terms shall be eligible for reappointment until one (1) year after his or her term has expired. The Committee shall elect a Chair amongst its members and shall recommend, in consultation with the Diocesan Council and with the consent of the Standing Committee, amendments to the Constitution and Canons of the Diocese to the Synod. Proposed amendments to the Constitution and Canons shall be provided to the delegates to Synod no fewer than 30 days in advance for comment, with final versions provided no fewer than 15 days in advance.

Section 3. Other Committees

Other Diocesan committees may be established by Canon, and the Bishop may appoint other Committees as necessary with the advice and consent of the Standing Committee.

**Canon 9
Of Congregations and Missions**

Section 1. Congregation Defined

1. Any group may seek to affiliate with the Diocese as a Congregation as provided in this Canon. A Congregation is a community of worshippers that meets the following criteria:
 - a. Meets the requirement for a “congregation” under the Provincial Canons;
 - b. Has a Vestry under the authority of the Bishop;
 - c. Conducts weekly worship in a public space in accordance with the doctrine and forms of worship recognized as Anglican in form and substance by the Anglican Communion and as permitted by the Bishop;
 - d. Has enabled ministries for prayer, evangelism, discipleship, service, fellowship, and Bible study;
 - e. Is financially self-supporting, maintains adequate insurance, has the ability to fund its own operations, and contributes to the support of the Diocese;
 - f. Complies with applicable Diocesan standards and policies, including but not limited to Diocesan Child Protection Policy standards and all mandatory reporter training required thereunder; and
 - g. Is organized in accordance with these Canons.
2. Any group not meeting the above requirements that wishes to be recognized as a Congregation may apply to the Standing Committee for a waiver of one or more of these requirements subject to any conditions established by the Standing Committee.
3. Any group not meeting the requirements for a Congregation may apply to be recognized as a Mission.

Section 2. Mission Defined

Any group of Christians worshipping or planning to worship on a regular basis separately from a Congregation who wish to be associated with the Diocese, and who are not recognized as a Congregation, may be recognized as a “Mission” under the following circumstances: 1) a church-plant or similar undertaking, the goal of which is to become a Congregation; or 2) an innovative outreach designed to provide opportunity for full participation in the Diocese outside of a Congregation’s regular worship service(s). All Missions must be affiliated with a Congregation and under the exclusive supervision of such Congregation’s Rector and Vestry. A Mission’s affiliation with a Congregation shall be subject to Diocesan approval as set forth in Section 4 below. For Diocesan purposes, a Mission’s attendance at regular worship services shall be included in the Average Sunday Attendance of the Congregation with which the Mission is affiliated.

Section 3. Designations upon Enactment of Canons

The following designations shall be effective upon enactment of these Canons notwithstanding any other provision of this Canon 9. The existing Diocesan congregations listed under Section A in the Recognition of UMD Congregations document presented at the December 2023 Diocesan Assembly are hereby recognized without further action as Congregations. The congregations listed under Section B in the Recognition of UMD Congregations document presented at the December 2023 Diocesan Assembly are hereby recognized without further action as Congregations for a period of six (6) months. The church plants not yet recognized as Congregations listed under Section C in the Recognition of

UMD Congregations document presented at the December 2023 Diocesan Assembly are hereby recognized as Missions under the supervision of the designated Congregations.

Section 4. Establishing New Missions and Congregations

The Diocese encourages the establishment of new Missions and Congregations. The establishment of a new Mission or Congregation is a significant undertaking to be pursued only with a foundation of prayer and planning.

Any group of the faithful seeking to affiliate as a Congregation, or a Congregation desiring to establish a Mission, shall submit a request to the Bishop, who shall consult with the Standing Committee. Upon the approval of the Bishop and the Standing Committee, a new Mission or Congregation may be recognized by the Diocese, provided that the admittance of a new Congregation is subject to final confirmation at the next Synod. A Congregation joining the Diocese shall agree in writing to become subject to the authority of the Bishop and the Constitution and Canons of the Province and the Diocese and shall be assigned to a Deanery.

Section 5. Accepting Congregations from other Dioceses

A Congregation attached to another Diocese of the Province, desiring to become a Congregation of this Diocese, shall follow the procedure outlined above in Section 4 of this Canon. Prior to such application, the Congregation must receive the consent of the Bishop of the diocese to which it has been attached.

Section 6. Disassociation from the Diocese

1. A Congregation may disassociate from the Diocese either upon the action of a Congregation or upon the joint action of the Bishop and the Standing Committee. The term disassociation includes, but is not limited to, the transfer of a Congregation to another ACNA Diocese.
2. If a Congregation desires to disassociate from the Diocese, the Rector and Senior Warden shall first meet with the Bishop and the Chair of the Standing Committee for the purpose of resolving pending concerns. If such concerns are not resolved, the Congregation may adopt a “Resolution of Concern” by a majority vote of its Vestry. The Resolution of Concern shall be addressed to the Bishop and must contain a brief statement of the reasons for the proposed disassociation; such resolution shall also contain a request that the Bishop consult with the Vestry and Rector of a Congregation. Upon receipt of a Resolution of Concern, the Bishop shall transmit the resolution to the Standing Committee. The Bishop and the Chair of the Standing Committee shall then promptly meet in-person with the Vestry and Rector of the Congregation. If the Congregation does not withdraw the Resolution of Concern within 15 days of such conference, the relationship between the Diocese and the Congregation may be dissolved at the election of either the Diocese or the Congregation.
3. The Diocese may choose to expel a Congregation by a two-thirds vote of the Standing Committee and approval by the Bishop.

Section 7. Appointment of a Rector to an Existing Congregation

1. A Congregation's Vestry shall select the Rector of a Congregation when the need arises.
2. A prayerful process and due diligence shall be undertaken in consultation with the Bishop in the search and calling of a Rector to a Congregation. The Vestry may appoint a search committee to consider appropriate candidates to be considered for election and call as Rector by the Vestry. The names of the candidates shall be submitted to the Bishop for his advice and consent.
3. Before extending an offer to a candidate, the Congregation's Vestry must obtain the written approval of the Bishop.

Section 8. Governance, Organization and Business Affairs of a Congregation

Each Congregation shall have a governing body often referred to as the Vestry or Parish Council, which governing body is referred to as a Vestry in the Constitution and Canons of the Diocese. Each Congregation shall operate under by-laws approved by the Diocesan Chancellor following consultation with the Bishop.

1. The Rector shall preside over the Vestry in accordance with a Congregation's by-laws. Vestry members shall be chosen by the Congregation under rules that each Congregation may establish for that purpose. In addition to the Rector and a Senior and Junior Warden, a Congregation may select such other officers as allowed by its governing documents.
2. The Vestry shall be responsible for the financial oversight of the Congregation in accordance with the Constitution and Canons of the Diocese, and the Vestry may create a Finance Committee to be responsible for preparation of the annual budget.
3. Each Congregation shall have a Treasurer, who shall be a member of the Finance Committee, if the Congregation has a Finance Committee. The Treasurer shall be the custodian of the funds of the Congregation and shall perform such other duties as required by the Vestry.
4. Every member of the Vestry shall affirm the following declaration and promise: "I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary for salvation and I do yield my hearty consent to the doctrines, discipline and worship of Christ as the Anglican Church in North America has received them. I promise that I will faithfully lead and serve as I am called as a member of this local Congregation to the best of my ability."
5. Each member of the Vestry shall be (1) a communicant and member in good standing in a Congregation of the Diocese; (2) submit to the Constitution and Canons of the Diocese; and (3) ascribe to the Jerusalem Declaration.

Section 9. The Laity and Membership

The people of God are called to extend the Kingdom of God by so presenting Jesus Christ in the power of the Holy Spirit that people will come to put their trust in God through Him, know Him as Savior, and serve Him as Lord in the fellowship of the Church. The effective ministry of the Church is the responsibility of the Laity no less than it is the responsibility of the Bishop, Presbyters, and Deacons. It is incumbent for every Lay member of a Congregation to become an effective minister of the gospel of Jesus Christ, one who is spiritually qualified, gifted, called, and mature in the Faith.

1. The Diocese recognizes that the ministry of the laity is indispensable to the work of the Diocese and that lay ministry originates within each Congregation. It is the responsibility

of all Clergy and Congregations of the Diocese to equip the laity for ministries in their communities.

2. Congregations shall establish their own discipleship process designed to prepare people for membership and help members become fully devoted followers of Jesus Christ who are fully incorporated into the Body of Christ. The discipleship process is encouraged to include instruction of all candidates for membership in the doctrine, discipline, and worship of Christ as the Church has received them.

Canon 10

The Rector and the Pastoral Relationship

Section 1. The Pastoral Relationship

The relationship between the Rector and the Congregation is one of mutual trust and dependence in carrying out the ministry of the Congregation. In all matters the Rector and the Congregation shall observe the principles of mutual submission called for by the Apostle Paul in Philippians 2:3 and Ephesians 5:22. For the purposes of the Canons of this Diocese, the term “Rector” shall mean a member of the Clergy who has charge of a Congregation.

Section 2. Other Clergy

The Rector, in consultation with the Vestry, shall select all assistant or associate Clergy and paid staff who shall serve at the pleasure of the Rector. Whenever matters of disagreement develop, it is incumbent on all parties to approach one another with patience, understanding, and Christian charity to avoid having the relationship imperiled or hindered.

Section 3. Procedure When Pastoral Relationship Imperiled or Hindered

Whenever a Rector or a majority of the Vestry believes the pastoral relationship between the Rector and the Congregation to be imperiled or hindered, either or both may present the matter to the Bishop.

1. Upon notification of such imperilment or hindrance by the Rector or the Vestry, the Bishop shall promptly seek reconciliation by whatever means he believes appropriate that is consistent with Holy Scripture. The Bishop, or his appointee, may hold conferences with the Rector and the Vestry, who shall both participate cooperatively in the process. The Bishop may issue such interim directives appropriate to the cause before issuing a judgment. Prior to issuing a judgment, the Bishop shall consult with the Standing Committee and the Chancellor of the Diocese. The Standing Committee may schedule a conference with the Vestry and the Rector before rendering its advice to the Bishop. At such conference, the parties may be heard and be represented by a person or persons of their choice.
2. The judgment of the Bishop may include: 1) a leave of absence for the Rector; 2) a refusal to dissolve the pastoral relationship; 3) restorative directives; or 4) a dissolution of the pastoral relationship. Such judgment may also include terms and conditions applicable to one (1) or more parties, and may also include financial settlement terms but only if approved by all parties.
3. If at the time of need for the Bishop’s intervention in the relationship between a Rector and a Vestry there is no Bishop, or the Bishop refuses to act within thirty days, the Standing Committee or Vestry may appeal to the Archbishop for action.

4. If for any reason either the Vestry or the Rector refuses to comply with the judgment of the Bishop, the Bishop may suspend the Rector from the exercise of the ministry of a Presbyter until he complies with the judgment or, in the case of the Vestry, the Bishop may call a Congregational meeting for the purpose of notifying the Congregation of the Vestry's noncompliance with the judgment. The Bishop may petition the Standing Committee to remove the Congregation from the Diocese in the event of continued noncompliance by the Vestry.

Canon 11
Congregation and Diocesan Property

Section 1. No Denominational or Diocesan Trust in Congregation Property

All real and personal property owned by or held for the benefit of a Congregation shall belong exclusively to that Congregation, free of any trust or other claim by the Diocese or the Province.

Section 2. Diocese Empowered to Own Its Own Property

The Diocese may own its own property to be held in whatever form determined by the Standing Committee, and any such property shall be free of any claim of trust or ownership by the Province.

Canon 12
Financial Affairs of Congregations and the Diocese

The Bishop in consultation with the Standing Committee may develop and maintain a suitable Customary on Guidelines for Financial Affairs of Congregations and the Diocese consistent with the teaching of Holy Scripture, the Constitution of this Diocese, and the Constitution and Canons of the Province.

Canon 13
Cathedral Church of the Diocese

A Congregation and the Bishop, with the advice and consent of the Standing Committee, may agree to the designation of that Congregation as the Diocesan Cathedral under such terms as both approve.

TITLE II

WORSHIP AND ADMINISTRATION OF THE SACRAMENTS

Canon 1
Conformity with Provincial Canons

Worship and the Administration of the Sacraments in this Diocese shall be in conformity with Title II of the Provincial Canons and Title II of these Diocesan Canons.

Canon 2
Of Authorized Translations of the Bible

The Lessons used in services of public worship shall be read from translations of the Holy Scriptures as authorized by the Bishop of the Diocese.

Canon 3
**Of Authorized Forms of Public Worship
and Authorized Editions of the Book of Common Prayer**

It is the prerogative of the Bishop to determine that the forms used in Public Worship and the Administration of the Sacraments do not contradict the Anglican Faith and Order and that nothing be established that is contrary to the Word of God as revealed in the Holy Scriptures.

Canon 4
Of Christian Marriage

The Diocese affirms our Lord's teaching that the Sacrament of Holy Matrimony is in its nature a union lifelong and permanent of one man and one woman. Christian marriage in this Diocese shall be in conformity with Title II, Canon 7 of the Provincial Canons. The Bishop shall prescribe:

1. Minimum required preparation for marriage, and
2. Requirements for a person who has received a civil divorce to be married in the Church.

Canon 5
Of Standards of Morality and Ethics

Section 1. Exemplary Style of Life

Clergy and laity of this Diocese are called to be exemplary in all spheres of morality. This is a condition of being appointed to or remaining in a position or office of leadership.

Section 2. Sanctity of Marriage

In view of the teaching of Holy Scripture, the Lambeth Conference of 1998 and the Jerusalem Declaration, this Diocese upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage, and cannot legitimize or bless same-sex unions or ordain persons who approve of or engage in homosexual

TITLE II

behavior. Sexual intercourse should take place only between a man and a woman who are married to each other.

Section 3. Sanctity of Life

God, and not man, is the creator of human life. The unjustified taking of life is sinful. Therefore, all Clergy and Laity are called to promote and respect the sanctity of every human life from conception to natural death.

Section 4. Pastoral Ministry

Clergy and laity are called upon to show Christ-like compassion to those who have fallen into sin, encouraging them to repent and receive forgiveness, and offering the ministry of healing to all who suffer physically or emotionally as a result of such sin.

TITLE III
OF MINISTERS, THEIR RECRUITMENT, PREPARATION,
ORDINATION, OFFICE, PRACTICE AND TRANSFER

Canon 1
Of Holy Orders in this Diocese

Section 1. Threefold Pastoral Ministry as Described in Scripture

This Diocese affirms what Anglicanism has always held in common, namely the normality and sufficiency of the threefold pastoral ministry of Bishop, Presbyter, and Deacon as described in Holy Scripture. Persons shall be admitted to the office of Bishop, Presbyter, or Deacon in this Church, and allowed to exercise any of these offices, who have been called, examined, and ordained according to an authorized ordinal of this Church or ordained in some church whose orders are recognized and accepted by this Church.

Section 2. Ministerial Offices of Priest and Bishop Affirmation

This Diocese affirms the scriptural teaching and historic tradition of the Church that the Christian ministerial offices of priest (presbyter - πρεσβύτερος) and bishop (ἐπίσκοπος) are male (1 Timothy 3:1-7; Titus 1:5-9).

Section 3. Canonical Obedience

Any person who has received authority to be a Presbyter or Deacon in this Church owes canonical obedience in all things lawful and honest to the Bishop having jurisdiction, and the Bishop of this Diocese owes canonical obedience in all things lawful and honest to the Archbishop of the Province.

Section 4. Formulating Requirements Consistent with Scripture

The Deans and the Standing Committee shall assist and advise the Bishop in formulating the needs and requirements for the present and future ministry in the Diocese, regarding the manner of selection of persons for ministry, and regarding the guidance of all postulants and candidates for ordination to Holy Orders. The recruitment, preparation, ordination, office, practice, and transfer of Ministers shall be consistent with the teaching of Holy Scripture (especially, but not limited to, 1 Timothy 3:1-13; 5:17; and Titus 1:6-9), the Constitution of this Diocese, and the Constitution and Canons of the Province.

Section 5. Qualifications in Provincial Constitution and Canons

The qualifications for persons seeking ordination into Holy Orders in this Diocese shall, except as provided herein, conform to the standards of ordination for clergy that have already been established in the Constitution and Canons of the Province.

Canon 2
Concerning Ordination and Reception of Clergy

Section 1. Applicant Steps

Persons desiring to be ordained in this Diocese, and ministers from other jurisdictions who seek to be received into this Diocese, should seek the discernment of others to confirm that call including

the Rector of the applicant's Congregation. The Rector and the applicant shall follow the process outlined by the Bishop which, at a minimum, shall: (a) call for the applicant to complete an authorization for background checks and, subsequently, an application for Holy Orders, all on forms required by the Bishop; (b) require affiliation of the applicant with a single Congregation in the Diocese for at least one (1) year; (c) subject the call to the decision of the Vestry of the applicant's Congregation (the "Sponsoring Congregation"); (d) subject the call to review by a Diocesan "Ordination Committee" as defined below; and (e) require the applicant to submit to the Constitution and Canons of this Diocese, and subscribe in writing to the Jerusalem Declaration prior to ordination and annually thereafter.

Upon the favorable recommendation of the Sponsoring Congregation's Rector, the Sponsoring Congregation's Vestry shall by at least two-thirds vote determine whether to recommend the applicant to the Bishop for admission to aspirancy, and, if it so determines, shall submit its recommendation to the Bishop.

Following the Bishop's receipt of an affirmative recommendation of an applicant for aspirancy from a Sponsoring Congregation, an Ordination Committee appointed by the Standing Committee shall commence its review of the applicant's call and fitness for service with prayer and discernment. Such Ordination Committee shall report the result(s) of its review to the Bishop in writing along with its recommendation regarding the applicant's admission to postulancy. The Ordination Committee shall be comprised of two (2) Clergy members, one (1) lay person, and the Canon to the Ordinary; the Canon to the Ordinary shall be a non-voting member. At least one member of the Ordination Committee shall be a Standing Committee member and at least one member shall be the Dean of the Sponsoring Congregation's Deanery.

The ordination or reception process shall, among other requirements, include an independent background check covering the following: the checking of all references and previous employers for the previous ten (10) years, credit reports, the checking of records from Departments of Motor Vehicles, and a comprehensive criminal records check to include the Sexual Predators Directory(ies).

Section 2. Declaration of Belief

No person shall be received as Clergy in this Diocese until they shall have subscribed in writing and agree to annually re-subscribe to the following declaration:

I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation, and I consequently hold myself bound to conform my life and ministry thereto, and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of Christ as this Church has received them. And I do promise, here in the presence of Almighty God and of the Church, that I will pay true and canonical obedience in all things lawful and honest to the Bishop of the Diocese of the Upper Midwest, and his successors, so help me God.

Section 3. Bishop's Satisfaction of Qualifications

The Bishop, being fully satisfied of a person's theological and other qualifications, and soundness in the faith, and upon successful completion of examination as provided in any customaries for ordination, transfer, or reception may, with the advice and consent of the Standing Committee, ordain persons in

this Diocese, or receive Clergy from other churches or jurisdictions into this Diocese as provided in this Canon 2

Section 4. Active and Inactive Clergy

For the purposes of the Canons of this Diocese, “Active Clergy” shall mean Clergy who: (1) regularly serve at a Congregation or who are serving in an ordained capacity within the Diocese in accordance with the approval of the Bishop; (2) regularly attend Synod meetings unless excused by the Bishop; (3) are not under Ecclesiastical discipline and (4) meet such other requirements as established by the Bishop in consultation with the Standing Committee.

Active Clergy may become inactive upon such Clergy’s written request that he or she be designated as inactive, or upon the Bishop’s determination that such Clergy is no longer Active Clergy under the foregoing criteria.

TITLE IV

ECCLESIASTICAL DISCIPLINE

This Title IV and related Diocesan policies are intended to promote the fair administration of justice, the protection of the vulnerable, and the good order of the Diocese, all in service of His Kingdom.

Canon 1
Church Discipline

All Clergy canonically resident in this Diocese shall be subject to the disciplinary provisions of Title IV of the Canons of the Province and to the provisions of these Canons. Every member of the laity of this Diocese shall be subject to the disciplinary rubrics of the Book of Common Prayer authorized by the Bishop and in use in the layperson's Congregation. The responsibility for investigating and disciplining members of the laity belongs to the Rector of the affected Congregation.

Canon 2
The Ecclesiastical Court

The Ecclesiastical Court shall consist of two (2) Clergy and two (2) lay members, all nominated by the Standing Committee and elected by the Synod, at least one (1) of whom is a practicing attorney. Such members shall serve three-year terms. Within two (2) months of the appointment of the Court, the Court shall elect one (1) person among its members to serve as the presiding judge. The Bishop may appoint attorneys at law to advise the Court as to its procedures. The Court shall appoint a recorder of proceedings, which recorder shall be a court reporter not affiliated with the Diocese or shall make an audio recording (including a video recording if so desired) of all court proceedings.

Canon 3
Charges Against Presbyters, or Deacons

The following are the charges or accusations on which a Presbyter or a Deacon may be presented:

1. Apostasy from the Christian Faith;
2. Heresy, false doctrine, or schism;
3. Violation of ordination vows;
4. Conduct giving just cause for scandal or offense, including the abuses of ecclesiastical power.
5. A conviction by a court of competent jurisdiction for felony or other serious offenses;
6. Sexual immorality;
7. Acceptance of membership in a religious jurisdiction with purpose contrary to that of the Anglican Church of North America;
8. Violation of any provision of the Constitution of the Anglican Church of North America;
9. Disobedience, or willful contravention of the Canons of this Diocese;
10. Habitual neglect of the duties of his or her Office;

11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of the Anglican Church of North America;
12. Willful refusal to follow a lawful Godly Admonition.

Canon 4

Accusations and Investigations of Presbyters and Deacons

Section 1. Accusations

1. An accusation or accusations of conduct believed by an accuser(s) to be in violation of Provincial Canon IV.2 (as renumbered from time to time) may be brought against a Presbyter or Deacon. Whenever possible the Bishop, the Chair, or the Vice Chair of the Standing Committee (the “Initial Review Committee”) shall meet with the accuser(s) in person to assess their credibility and the credibility of the accusation(s). The Chancellor shall consult with the Initial Review Committee.
2. Any charges or accusations made against a Presbyter or Deacon must be in writing and indicate the date, time, and person(s) involved in the alleged act or omission. Such charges or accusations shall contain the facts supporting the allegations of wrongdoing and shall be signed and sworn to by the accuser(s) and delivered to the Bishop, the Chair, or the Vice Chair of the Standing Committee. Such charges or accusations must contain a written statement describing the steps undertaken to honor the provisions of Matthew 18:15-20 or the reasons why such steps are not appropriate under the circumstances. Any person against whom an investigation or disciplinary measures are initiated (an “Accused”) shall be presumed innocent until he or she has been determined guilty according to the provisions and procedures described herein. However, the Bishop may take whatever action he deems necessary to protect any vulnerable individual during the course of an investigation or further disciplinary action. All disciplinary procedures shall be undertaken speedily in a manner consistent with principles of fairness, due process, and natural justice.
3. If the Initial Review Committee deems the accuser(s) or the accusation(s) to be credible, it shall cause an investigation to be made by a canonical investigator. If the Initial Review Committee deems the accuser(s) not to be credible or the accusation(s) to be without any merit, the Initial Review Committee shall inform the accuser(s) of its determination and the accuser(s) shall have 30 days after such determination to appeal the decision to the Standing Committee. The Standing Committee shall then have 30 days to determine whether the accuser(s) and the accusation(s) are credible, or to affirm the Initial Review Committee’s decision. If the Standing Committee reverses the Initial Review Committee’s determination, in whole or in part, the Standing Committee shall cause an investigation to be made by a canonical investigator.
4. Whenever the Bishop believes he cannot fairly assess the credibility of the accuser(s), the accusation(s), or the accused, or fairly impose sentence, he shall recuse himself and delegate the investigation, presentment, and/or sentencing to another bishop having jurisdiction.
5. During the pendency of the investigation, the details of the accusation(s) and the investigation shall be maintained in confidence by the elected members of the Standing

TITLE IV

Committee and the canonical investigator. The accusation(s) and the pendency of an investigation shall be made known to the Accused.

Section 2. Concerning Voluntary Submission to Discipline

At any time after the receipt of an accusation(s), the Accused may confess to the truth of the allegation(s), in whole or in part, and submit to the discipline of the Church accordingly.

Section 3. Canonical Investigation, Presentment, and Trial

1. Following the appointment of a canonical investigator, the Accused shall be entitled to notice of an ongoing investigation. The Accused has the right to retain legal counsel or another representative and may submit his or her defense in writing to the canonical investigator.
2. The canonical investigator shall report the findings and make a recommendation to the Bishop and Standing Committee within a reasonable time.
3. If it is determined by the Bishop or Standing Committee that a trial should occur, then a presentment shall be prepared in accordance with the requirements of this Title IV and the norms of ecclesiastical law. Such rules and procedures shall acknowledge the presumption of innocence of the accused and the right to representation by counsel, shall be consistent with principles of fairness, due process and natural justice, and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that affects such matter.
4. The Presbyter or Deacon accused in the presentment has the right to a trial within a reasonable time, unless personally waived.

Section 4. The Requirements for a Presentment

1. When, after investigation of an accusation, the Initial Review Committee or Standing Committee has determined that the matter should proceed forward, Articles of Presentment shall be prepared as set forth below, filed with the Ecclesiastical Court, and personally served within a reasonable time upon the Presbyter or Deacon against whom the accusation(s) has been made.
2. If Articles of Presentment are to be prepared, the Bishop, in consultation with the Standing Committee, shall appoint a person (lay or ordained) responsible for the drafting of such articles and the presentation of the same to the Ecclesiastical Court.
3. The Articles of Presentment shall be made in writing, presented in conformity with the Upper Midwest Diocese Rules of Court, and signed by a representative of the Diocese setting forth all particulars of time, place, and the circumstances alleged.

Canon 5 Court Rules and Procedures

The Ecclesiastical Court shall develop and maintain a customary on rules and procedures which is consistent with the Canons of the Diocese. Such rules and procedures shall constitute the “Upper Midwest Diocese Rules of Court” (Procedural and Evidentiary), as referenced in Article V of the

TITLE IV

Constitution. With respect to trial proceedings in the Ecclesiastical Court, the Federal Rules of Evidence shall be persuasive authority regarding the admissibility of evidence. However, the Ecclesiastical Court may establish such rules and procedures as it deems appropriate.

Canon 6 Clergy Under Ecclesiastical Authority in Another Jurisdiction

Regardless of whether any member of the Clergy under the authority of the Bishop is also under the authority of another bishop, whenever it is believed that such a member of the Clergy may have committed a canonical offense in this Diocese, the same shall be reported by the Bishop to the other bishop or archbishop who also has ecclesiastical authority over such member of the Clergy. Such member of the Clergy shall be subject to disciplinary proceedings in this Diocese in accordance with these Diocesan Canons.

Canon 7 Convictions and Sentences

Any conviction under this Title requires the affirmative vote of a majority of the Ecclesiastical Court. Upon any conviction, the Bishop shall pronounce sentence, which may include the authority of the Bishop to prohibit the convicted member of the Clergy from serving in the Diocese.

TITLE V

ENACTMENT, AMENDMENT, AND REPEAL OF CANONS

Canon 1
Action on Agenda Items

The Canons of the Diocese may be enacted, amended, or repealed by a majority vote of the Synod at any regular meeting or any Special Meeting called for such purpose(s). No enactment, amendment, or repeal may be approved unless it has first been reviewed by the Committee on Constitution and Canons and approved by the Standing Committee. Notwithstanding the foregoing, modifications made by the Synod to a proposed Canon or amendment previously approved by the Standing Committee may be ratified by the Standing Committee following the Committee on Constitution and Canons' review.

Canon 2
Consideration of and Action on Off-Agenda Items

Notwithstanding any provision in these Canons to the contrary, the Synod may by two-thirds majority allow the consideration of, and by majority vote approve, the enactment, amendment, or repeal of Canons, subject to ratification by the Standing Committee following the Committee on Constitution and Canons' review.