

# ***CANONS OF THE DIOCESE OF NORTH CAROLINA***

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## Title D-I: Convention

### Canon D-I.1

#### *Members of Convention*

**Section 1. Clergy.** Before the opening of the annual Convention or of a Special Convention, the Secretary shall apply to the Ecclesiastical Authority for a list of clergy entitled to seats, and shall receive such list at least 120 days before the opening of an annual Convention, or 60 days before a Special Convention. From this list the Secretary shall prepare, at least 90 days prior to the annual Convention and 30 days prior to a Special Convention, and publish from this list the official clergy roll of the Convention, which roll shall be *prima facie* evidence of the right to seats therein. After the Secretary's publication of the roll, the Ecclesiastical Authority may certify to the Secretary additional clergy entitled by the Constitution to seat in the Convention until one hour prior to the opening session of the Convention. [*Amended by Act 2007-5; Amended by Act 2018-3*]

**Section 2. Laity.** The clerks of the several parish and mission vestries electing lay delegates to the Convention shall furnish two certificates showing the names, addresses, and telephone numbers of the lay persons elected. One shall be provided to the delegates-elect, and one shall be forwarded to the Secretary of the Convention. The latter shall be mailed at least 110 days before the opening session. From these certificates the Secretary shall prepare and publish at least 90 days before the opening of the Convention a roster of lay delegates to that Convention. The Secretary shall not insert any name upon the roll without the evidence of one of these certificates or an amended certificate signed by the rector or clerk of the parish or by the vicar or clerk of the mission, submitted to the Secretary not later than one hour prior to the opening session of the Convention, unless specifically directed to do so by the Convention upon recommendation of its Committee on Credentials. Defective or doubtful certificates shall be laid aside, to be acted on after the Convention shall have organized.

Each congregation (parish or mission) shall be represented in the Convention in accordance with the average number of its enrolled adult communicants in good standing, as contained in the last three annual statistical reports printed in the Journal as follows:

<i>Enrolled Adult Communicants in Good Standing</i>	<i>Number of Lay Delegates</i>
1 - 49	1
50 - 149	2
150 - 299	3
300 - 599	4
600 - 999	5
1000 and over	6

[*Amended by Act 2006-5 and Act 2007-6.*]

### **Section 3.**

(a) Lay persons who meet the constitutionally required qualifications shall be elected delegates and alternate delegates to the Convention in accordance with the terms of this section. The length of initial terms under this system shall be prescribed by rule of order; upon the expiration of initial terms each lay delegate shall be elected for a term of three years except as may be required under the provisions of Subsection (b) below. At the time delegates are chosen the vestries shall elect for one-year terms alternate delegates equal in number to the number of delegates authorized by Section 2, above.

(b) Should the average number of enrolled adult communicants in good standing of a congregation at any time require that it elect a greater or smaller number of lay delegates than initially prescribed, the Secretary of the Convention, not later than 200 days prior to the Convention at which the new representation is first to take effect, shall notify the parish or mission of that fact, specifying in the notice which delegates, if any, are to be elected for terms of less than three years in order to maintain so far as possible the division among the Convention's lay membership prescribed by the Constitution. Upon the expiration of the initial terms required under this subsection, each lay delegate from the affected parish or mission shall be elected for a term of three years. *[Amended by Act 2007-6.]*

### **Canon D-I.2**

#### ***Campus Ministry Delegates***

*[Added by Act 2012-1]*

Each campus ministry worshipping community that has been admitted into Union with Convention may elect one lay delegate to the Convention in a manner prescribed by its bylaws. Such bylaws shall provide that members of the community who are enrolled, confirmed, adult members in good standing of a congregation of The Episcopal Church are eligible for election, and that only those members who are eligible for election are eligible to vote. The bylaws shall be submitted to the Ecclesiastical Authority for approval. The Secretary of the Convention may promulgate rules governing the timing of delegate elections and the manner of certifying the results.

### **Canon D-I.3**

#### ***Youth Delegates***

*[Adopted in 1997; Amended by Act 2015-2]*

**Section 1.** For purposes of this Canon, the term “the youth of the Diocese” shall mean the enrolled confirmed communicants in good standing of the parishes and missions of the Diocese between the ages of sixteen and eighteen who have not matriculated at an institution of higher learning.

**Section 2.** The youth of the Diocese shall be entitled to be represented at the sessions of the Convention by one lay delegate from each Convocation of the Diocese elected for a one-year term by the clergy and lay delegates of each such Convocation. Each Convocation shall elect, for

a one-year term, one alternate delegate, subject to the same qualifications to fill any vacancy that may occur.

**Section 3.** Nothing in this Canon shall be deemed to restrict or otherwise limit the election of an enrolled confirmed adult communicant in good standing of a parish or mission who is also a member of the youth of the Diocese as a delegate from such parish or mission.

**Canon D-I.4**  
*Presiding Officer of the Convention*

In the absence of the Bishop of the Diocese and of any other bishop qualified by the provisions of the Constitution to preside, the President of the Standing Committee, as representing the Ecclesiastical Authority, shall act as presiding officer of the Convention, unless the Convention itself shall otherwise provide.

**Canon D-I.5**  
*Worship at the Convention*

The Holy Eucharist shall be celebrated at each annual or special Convention. Other devotional services may be held at the discretion of the Ecclesiastical Authority.

**Canon D-I.6**  
*Rules of Order*

The Convention shall adopt rules of order, which shall continue in force until altered.

**Canon D-I.7**  
*Conduct of Annual or Special Conventions by Remote Technology*  
*[Added by Act 2021-5]*

The Convention may adopt Rules of Order providing for the conduct of business by teleconference, videoconference, or any other technology that allows all persons participating to hear each other at the same time and to participate in discussion and voting. Members participating in a meeting by means of remote technology are deemed present in person at the meeting.

**Canon D-I.8**  
**Convention Committees**  
[Amended in 1997; Amended in 2005]

**Section 1. Appointment of Committees.** Not later than 40 days prior to the annual Convention, the Bishop (or presiding officer of the Convention) shall annually appoint, at least three clerical and five lay persons, being members of the Convention who have served as delegates in at least one prior annual Convention of this Diocese, to each of the Convention Committees listed below, shall name the presiding officer of each such committee, shall notify each committee member of the appointment, and shall inform the committee's presiding officer of the names, addresses, and telephone numbers of the members. Should a larger membership be desired for any Convention Committee, the Bishop (or presiding officer of the Convention) may appoint additional members with the requisite Convention experience but shall retain approximately the same proportion of lay and clerical members. The committees so constituted shall be:

- (a) The Committee on Constitution and Canons
- (b) The Committee on Administration of the Diocese
- (c) The Committee on Credentials
- (d) The Committee on Elections
- (e) The Committee on Faith and Morals
- (f) The Committee on National and International Affairs
- (g) The Committee on the Program of the Church
- (h) The Committee on Social Concerns

In addition, there shall be a Committee on Dispatch of Business which shall be constituted and have the duties and responsibilities set out in Section 2 of this Canon.

[Amended by Act 2006-6]

**Section 2.** The Bishop (or other person entitled to preside in Convention) shall appoint a Committee on Dispatch of Business and designate a presiding officer who shall have been a member of a preceding annual Convention in either the lay or clerical order. The Diocesan bishop and any other bishops then active in the Diocese, the Secretary of the Convention, the Chancellor of the Diocese, and the chairs of the legislative committees of the Convention shall be members *ex officio*. The Committee on Dispatch of Business shall serve the Convention of the Diocese in the following ways:

- (a) Before a Convention: the presiding officer of the Committee shall
  - (1) Prepare the agenda for the forthcoming Convention;
  - (2) Recommend to the Commission on Constitution and Canons four weeks in advance of the Convention any suggested changes in the Rules of Order.
- (b) During a Convention: the Committee shall provide requested assistance to the presiding officer of the Convention, and a member of the Committee shall always be entitled to the floor on the business of the Committee. The presiding officer of the Convention shall refer to this Committee without debate all resolutions or motions suggesting orders of the day. The Committee shall also:
  - (1) Suggest special orders for the dispatch and furtherance of Convention business;
  - (2) Recommend the disposition of all resolutions referred to it; and
  - (3) Recommend the disposition of any unfinished Convention business.

[Amended by Act 2007-8 and Act 2021-11.]

**Section 3.** All of these committees are to serve until the adjournment of the Convention for which they are appointed. The Bishop shall also fill vacancies as they occur.

**Section 4.** Each Convention Committee shall consider the measures referred to it, shall offer the sponsors and other interested Convention delegates reasonable opportunity within the time allotted by the Convention's agenda to explain their views thereon, and shall report each measure to the Convention as prescribed by the Rules of Order. However, at any time prior to the convening of the Convention a Convention Committee to which a measure has been referred may request the Bishop to refer it to a different Convention Committee.

**Section 5.** The Committee on Constitution and Canons shall receive and consider all legislative proposals contained in the Report of the Commission on Constitution and Canons and any other proposals for amendments to the Constitution or Canons of the Diocese.

**Section 6.** The Committee on Credentials shall review, investigate, and make recommendations to the Convention on all matters referred to it regarding the claims of delegates to seats and votes in the Convention.

**Section 7.** The Committee on Elections shall supervise and conduct all Convention elections, certifying the election results to the presiding officer and the Secretary. The committee may, with the consent of the Bishop, appoint laypersons who are communicants in good standing in the Diocese to assist as tellers.

**Section 8. *Resolutions Referred to Committees.*** Except by a two-thirds vote of those entitled to vote in the Convention, and subject to the provisions of the Rules of Order, no proposed legislation or resolution (other than resolutions of courtesy or appreciation) shall be considered or adopted until the presiding officer of the Convention has referred it to one of the Convention Committees required by Section 1 of this canon and the committee has reported its recommendation on the measure to the Convention.

### **Canon D-I.9**

#### ***Seat and Voice at Convention***

The Secretary, the Treasurer, the Chancellor, and the Chair of the Committee on Dispatch of Business shall have seat and voice *ex officio* at Convention if not otherwise entitled thereto.

## **Title D-II: Officers**

### **Canon D-II.1**

#### ***Secretary of the Convention***

*[Amended in 1997; Amended by Act 2018-7]*

**Section 1.** The Secretary shall:

(a) Take all necessary steps to inform the Convention delegates not only of the time and place of annual and special Conventions, but also of the particular business of each Convention.

(b) Notify vestries of the number of lay Convention delegates their parishes and missions are entitled to elect and the length of terms for which such delegates are to be elected.

(c) Prepare the canonical lists of the clerical and lay delegates entitled to membership in the Convention.

(d) From the roster of the preceding annual Convention ascertain the names of clerical and lay delegates whose membership in the next annual Convention can be presumed and, not later than August 15, inform those persons that Convention Committees are to be appointed by the Bishop and request that, not later than September 10, they inform the Bishop in writing of the committees to which they have an interest in being named.

(e) Call the Convention to order for the purpose of organization in the absence of the Bishop, Bishop Coadjutor or Suffragan Bishop (if there be such), and the President of the Standing Committee.

(f) Keep a record of all Convention proceedings, prepare and issue its journals, and publish the journals in an easily accessible format.

(g) Preserve and have ready for reference all Convention papers not specially given into other hands.

**Section 2.** The Secretary shall mail notices of all Conventions to each member of the clergy who is entitled to a seat and vote therein, and to the senior warden of each parish and mission. These notices shall include the forms for certifying lay delegates and alternates and, in the case of the annual Convention, shall be sent at least 140 days prior to the date thereof, and not later than 60 days prior to the date of a Special Convention.

**Section 3.** The Secretary, who shall be a member of the clergy canonically resident in this Diocese, or an enrolled confirmed adult communicant in good standing resident in this Diocese, shall serve as Secretary of the Diocesan Council.

**Section 4.** The Secretary shall be accountable to the Diocesan Council for the due performance of the duties of the office, including publication of the *Journal of the Convention*.

**Section 5.** The Secretary shall receive all applications for admission or re-admission of parishes and missions into union with the Convention of the Diocese at least 30 days before the opening session of the Annual Convention. Such applications shall be referred to the Bishop for endorsement, verified by the Secretary, and reported to the Convention for appropriate action. Upon the report of the Secretary that the appropriate constitutional and canonical requirements have been met, the parish or mission applying may be received in its appropriate status by vote of the Convention, and its delegates admitted to seats and votes therein.

**Section 6.** The Secretary shall solicit and receive reports from each of the institutions related to the Diocese.

**Section 7.** The Secretary shall receive, review, and evaluate the annual statistical reports on the strength and condition of the Diocese and the parishes and missions therein.

**Canon D-II.2**  
***Treasurer of the Diocese***  
*[Amended in 1997]*

The Treasurer shall be a person knowledgeable in finance and investing and shall:

(a) Have custody of and be responsible for all money, stocks, bonds and other intangible personal property belonging to the Diocese, both current and permanent; cause current funds to be deposited in a bank designated by the Diocesan Council; and cause trust and permanent funds to be invested as directed by the Trustees of the Diocese;

(b) Hold, use, and dispose of current funds and the income of trust and permanent funds as directed by representatives of the Diocese empowered by canonical authority to do so;

(c) At least quarterly, or such other interval as may be specified by the trust instrument, disburse the accumulated income of trusts held for the benefit of beneficiaries other than the Diocese to those beneficiaries entitled thereto;

(d) Keep a complete record and account of all transactions of the office, reporting them in summary form to the annual Convention;

(e) Give to the annual Convention a summary report of all assets of the Diocese then held by the Treasurer; and

(f) Give bond for the faithful performance of the Treasurer's duties in such amount as the Diocesan Council may prescribe. (This bond shall be deposited with the Trustees of the Diocese.)

**Canon D-II.3**  
***Chancellor of the Diocese***

The Bishop shall nominate and the Convention confirm a person learned in the law to be Chancellor of the Diocese, whose duty it shall be to advise regarding any questions of law which may arise in the administration of Diocesan affairs. The Chancellor shall be an enrolled confirmed adult communicant in good standing and resident of the Diocese. The term of office shall be three years and until a successor has been chosen and confirmed. The Bishop may, with the advice and consent of the Chancellor, nominate and the Convention confirm one or more Vice-Chancellors to assist the Chancellor in the performance of the duties of that office.

**Canon D-II.4**  
***Historiographer and Archives***  
*[Amended in 1997]*

**Section 1.** The Historiographer shall be nominated by the Bishop and confirmed by the Convention for a three-year term of office. The Historiographer shall collect, classify, and preserve materials relating to the history of the Diocese. It shall also be the duty of the Historiographer, at the request of the Bishop or Diocesan Convention, to prepare and publish materials concerning the history of the Diocese, and, from time to time, to prepare such materials

for publication on the Historiographer's own initiative. The Historiographer shall also encourage parishes, missions, and institutions affiliated with the Diocese to preserve historical materials and encourage the writing and publication of materials concerning the history of the Diocese, its parishes, missions, and affiliated institutions.

**Section 2.** Diocesan Archives shall be a repository for books, papers, and documents which belong to the Diocese and which are important as historical records of the Diocese. Except for such records as are currently in use by Diocesan officers and agencies, these archival materials shall include, but not be restricted to: journals of the Diocesan Convention; journals of the General Convention of The Episcopal Church; minute books, official records, and reports of all Diocesan officers, agencies, boards, and committees operating under the authority of the Diocesan Convention or Diocesan Council (including the minutes of the Diocesan Council); histories and documents of historical interest pertaining to the parishes, missions, and institutions affiliated with the Diocese, including the registers of congregations which have ceased or which may hereafter cease to be active; together with any other documents and records necessary or desirable in preserving an accurate history of the Diocese.

The Historiographer shall be responsible for the oversight of the Diocesan Archives and, subject to any personnel policies adopted by the Diocesan Council, for providing oversight and direction to any person who may be employed or volunteer from time to time to work in the Archives. *[Amended by Act 2011-4.]*

**Canon D-II.5**  
***Continuation in Office***  
*[Added by Act 2021-3]*

In the absence of any contrary provision, all officers of the Diocese whose positions are filled by action of the Convention, whether by election or confirmation of appointments made by the Ecclesiastical Authority, shall hold their positions until their successors are chosen and qualified, so long as they continue to be eligible to hold the position in question.

**Title D-III: Permanent Bodies**

**Canon D-III.1**  
***The Standing Committee***  
*[Amended in 2002; Amended by Act 2013-1]*

**Section 1.** Members of the Standing Committee take office on January 1 following election or upon adjournment of the electing Convention, whichever is the later date. The Standing Committee shall annually elect a President and a Secretary from its own membership. The Committee shall fill vacancies in its membership for the remainder of the unexpired terms. It is the duty of each member to attend all regular and special meetings. The President may require a member who has failed to attend two successive meetings to show good cause why he or she should not be removed from office. If the Committee finds that the member has failed to show good cause for non-attendance, the Committee may declare the seat vacant and may proceed to

fill the vacancy until the next annual meeting of the Convention. *[Amended by Act 2006-10 and Act 2007-7.]*

**Section 2.** The President shall call a meeting of the Committee:

- (a) Whenever the President may deem it advisable.
- (b) Whenever required to do so by the Bishop, or by any three members of the Committee.
- (c) Within 30 days after knowledge of a vacancy in the Episcopate.

**Section 3.** When a bishop is to be elected, nominees shall be proposed to the electing Convention through a process established by the Standing Committee. The process shall ensure that all persons to be nominated shall have been identified and announced to the Diocese not less than 60 days before the first day of the electing Convention.

**Section 4.** The Standing Committee shall report to the annual Convention the transactions of the preceding year. A record of all its official acts shall be kept by its Secretary and be available for inspection by the Bishop and the Convention.

#### **Canon D-III.2**

##### ***Trustees of the Diocese***

*[Amended in 1997, 2000, and 2008]*

**Section 1. Membership.** The Trustees of the Diocese shall consist of the Bishop or other Ecclesiastical Authority, and six persons who are enrolled confirmed adult communicants in good standing in the Diocese or clergy of the Diocese elected by the Convention upon nomination of the Ecclesiastical Authority. The Treasurer of the Diocese and the Chancellor of the Diocese shall sit with and advise the Trustees but shall have no vote.

The elected Trustees of the Diocese shall, at the first annual Diocesan Convention at which the number of elected Trustees has been increased from two to six, be elected for such terms, not to exceed three years, as may be specified by the Secretary of the Convention to the end that two members shall be seated for three-year terms, two for two-year terms and two for one-year terms. Thereafter, all elections shall be for three-year terms. No person who has been seated for two full three-year terms shall be eligible for re-election as a Trustee until one year shall have elapsed following the expiration of the term of office. Any vacancy occurring in the office of elected Trustee shall, on nomination of the Ecclesiastical Authority, be filled by the Diocesan Council for the remainder of the unexpired term. *[Amended by Act 2008-4]*

**Section 2. Real and Tangible Personal Property.** (a) The Trustees shall in all cases not otherwise provided for, hold title to all real property and tangible personal property of the Diocese, except property the title to which is vested in a parish or corporation. The Trustees shall convey, mortgage and encumber or otherwise alienate any real property or interest therein and tangible personal property held by them:

- (1) If held for the benefit of any parish or corporation, upon an appropriate written resolution of the vestry of such parish or the directors or other governing body of such corporation, and with the written consent of the Ecclesiastical Authority, acting with the advice of the Standing Committee of the Diocese;

- (2) If held for the benefit of a mission, upon an appropriate written resolution of the mission vestry, concurred in by the Trustees, and with the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese;
- (3) And if otherwise held, upon an appropriate written resolution of either the Diocesan Council or the Convention, concurred in by the Trustees, and with the written consent of the Ecclesiastical Authority acting with the advice and consent of the Standing Committee of the Diocese.

(b) Any real or tangible personal property the title to which is not held by the Trustees but is otherwise held by or for a corporation or institution affiliated with the Diocese, shall be conveyed, mortgaged, encumbered, or otherwise alienated by the title-holder only with the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese.

(c) The consent of the Ecclesiastical Authority required by this section shall be evidenced by the signature of the Bishop who is at the time the Ecclesiastical Authority, and if there is no Bishop who is then the Ecclesiastical Authority, by the signature of the President of the Standing Committee of the Diocese.

(d) The Trustees shall obtain the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese, before acting on behalf of a mission or institution under the control of the Diocese to engage in any borrowings or other similar financing transactions, the aggregate amount of which exceeds 50% of the normal operating income of the mission or institution for the previous calendar year or the repayment of which may extend beyond a term of 12 months.

(e) Any instrument executed by the Ecclesiastical Authority and at least three of the Trustees shall have the same force and effect as if executed individually by the Ecclesiastical Authority and all of the Trustees; provided that any such instrument shall recite that the Ecclesiastical Authority and the signing Trustees are acting on behalf of all the Trustees of the Diocese.

**Section 3. *Other Property.*** The Trustees shall hold title to and possession of all other property not specified in Section 2 of this Canon, including properties delivered to the Trustees in trust for The Episcopal Church in the Diocese of North Carolina, its parishes, missions, bishops, and other clergy, organizations and agencies. The Trustees shall deliver the possession of properties not specified in Section 2 above to, and place them in the name of one or more banks or trust companies for purposes of safe-keeping and investment. Any such bank or trust company shall guarantee to the Trustees the safe custody of any property delivered to or held by it.

**Section 4. *Investments.*** The Trustees may establish a subcommittee to be known as the Investment Committee, which shall consist of not fewer than five nor more than seven enrolled confirmed adult communicants in good standing of this Diocese elected by the Trustees upon nomination of the Bishop initially for a term of three years. Any vacancy on the Investment Committee shall be filled by the Trustees for the unexpired term. A majority of the Investment Committee shall control its actions. Properties not specified in Section 2, above, belonging to the Diocese or held in trust for its benefit, or for the benefit of any of its parishes, missions, bishops, or other clergy, organizations, or agencies, shall be invested, reinvested, sold, delivered, assigned, and transferred and otherwise managed and controlled by the Trustees through the Investment Committee.

The Trustees are authorized to appoint and employ (and pay reasonable compensation to) such attorneys, investment counsel, investment managers, and other agents as the Investment Committee may deem necessary or advisable in the course of its investment functions; and the Trustees may delegate to an investment manager on the advice of its Investment Committee, as much of the Investment Committee's duties and responsibilities hereunder as the Trustees deem necessary or desirable. The Trustees shall have no authority for the expenditure of current funds of the Diocese without authorization from the Convention or the Diocesan Council. *[Amended by Act 2006-12.]*

**Section 5. *Administration of Trust Funds.*** The Trustees shall be responsible for seeing that the fiduciary responsibilities of the Diocese are faithfully discharged with respect to the expendable principal and income of all trust funds held by the Diocese for its own benefit or for the benefit of others. The Trustees shall maintain complete records that specify in detail the purpose or purposes for which the assets of each trust may be expended as evidenced by the will or other instrument whereby the trust was established. Distributions from trusts whose principal or income is expendable at the direction of the Diocesan Council shall be disbursed by the Trustees at such times and in such manner as the Council may direct. The Trustees shall certify to the Diocesan Council any restrictions as to the use of such funds imposed by the will or other instrument whereby they were obtained, and the Council shall observe any such restrictions.

**Section 6. *Records of Trustees.*** The Trustees of the Diocese shall keep a record of their actions and shall make a full report thereof annually to the Diocesan Convention, which report shall be published in the Journal of the Convention.

**Section 7. *Exceptions to Consent Requirement.*** Notwithstanding any other provision of this canon, no consent of the Ecclesiastical Authority or the Standing Committee shall be required for any of the following transactions involving real property that is not consecrated for the use as a church or chapel: (1) leases that can be canceled without penalty upon notice of 30 days or less to the lessee, (2) temporary easements of less than 12 months duration, and (3) cemetery lots or other interment rights.

**Canon D-III.3**  
***Diocesan Council***  
*[Amended in 1997]*

**Section 1. *Composition of the Council.*** There shall be a Council of the Church in the Diocese known as the Diocesan Council, which shall be composed of the persons entitled to preside in the Convention and 15 persons to be elected by the Convention. These 15 persons shall consist of six members of the clergy eligible to vote in the Convention and nine members of the laity (who are enrolled confirmed adult communicants in good standing of the Church in the Diocese) who are elected to the Council for terms of three years, staggered so that one-third of the 15 are elected each year. A member of the Council who has served for five or more consecutive years is not eligible for re-election until one year has elapsed following expiration of the current term. The Council shall fill vacancies in its membership for the remainder of the unexpired terms. Members take office on January 1 following election or upon adjournment of the electing

Convention, whichever is the later date. It is the duty of each member to attend all regular and special meetings. The Bishop may require a member who has failed to attend two successive meetings to show good cause why he or she should not be removed from office. If the Council finds that the member has failed to show good cause for non-attendance, the Bishop may declare the seat vacant and the Council may proceed to fill the vacancy.

*[Amended by Act 2006-10, Act 2007-13, Act 2013-, and Act 2015-1.]*

**Section 2. *The Role and Function of the Council.*** Between sessions of the annual Convention, the Diocesan Council shall, within the limitations established herein, perform all duties specifically committed to it by the Convention and function as and for the Convention in conducting the affairs of the Diocese. In doing so, however, the Council shall not contravene the provisions of the Constitution and Canons of this Diocese and of the General Convention, nor shall it contravene the powers of the Ecclesiastical Authority. Consistent with its stated role and function, the Council shall:

(a) Assist the Bishop and Bishop Coadjutor, if there be one, in planning and developing the work of the Church in the Diocese.

(b) Assist the Bishop and Bishop Coadjutor, if there be one, in administering the work of the Church in the Diocese through whatever departments, divisions, commissions, or other agencies may be established from time to time for that purpose.

(c) Supervise, coordinate, and review the work of all departments, agencies, and Diocesan officers charged with holding title to property; be responsible for maintaining such property; and be responsible for designating qualifying church buildings as “Historic Churches.”

(d) Direct, coordinate, and administer the financial affairs of the Diocese not vested by canon in other officers or agencies.

(e) Directly or through agents under its direction and control, fix all compensation except that fixed by the Convention.

(f) Supervise and coordinate all departments, agencies, and Diocesan officers charged with record-keeping, maintenance of archives, and preserving and writing the history of the Diocese, its departments, agencies, and congregations.

(g) As deemed desirable, adopt bylaws, rules, and regulations for its government and for the government of its officials, agents, employees, departments, and agencies.

(h) Make and preserve a full record of its acts and of the work of each of its departments and furnish to each annual Convention a full report of all its actions and all moneys expended under its direction during the preceding year, including a report from each department of the Council with respect to the work done by such department.

**Section 3. *Officers and Staff.*** The Bishop of the Diocese shall serve as presiding officer of the Council; in the absence of the Bishop, the Bishop Coadjutor or any bishop in charge, as representing the Ecclesiastical Authority, shall, in the order named, serve as presiding officer. The Secretary of the Convention shall, by virtue of that office, serve as Secretary of the Council. Upon nomination of the Bishop, the Council shall annually employ an Administrator and such principal administrative staff members as it shall deem necessary. Similarly, upon recommendation of the Bishop, the Council shall have authority to terminate any such employment. Vacancies in such positions shall be filled in the same manner as initial employment. The duties and compensation of persons named to these positions shall be fixed by the Council. In addition to the positions named, the Council shall also have authority to provide

for the employment, compensation, and termination of other persons named to staff Diocesan offices, departments, and agencies not otherwise provided for by canon.

**Section 4. *Departments.*** The Diocesan Council shall organize from its membership, supplemented as herein provided, a Department of Outreach and Justice Ministries, a Department of Christian Formation, Department of Youth and Young Adults, a Department of Congregational Support and Development, a Department of Finance and Administration, and such other departments as in its judgment may be necessary; and it shall provide the manner and means by which its departments shall be staffed and financed. From the Council membership the Bishop Diocesan shall appoint the members of each department and designate its chair. The chair of each chartered committee within a department shall be a member of the department. Subject to confirmation by the Council, the Bishop may appoint additional members to departments of the Council. Each department shall meet at least three times each year and report its activities to meetings of the Council. It shall receive and review budget requests from its chartered committees and submit its departmental budget to the Diocesan Council. The Bishop Diocesan, the Bishop Suffragan, and the Bishop Coadjutor, if there be one, shall be members of each department. The chairs of the several Departments, the Bishops, and a minimum of two other members of the Diocesan Council appointed by the Bishop, shall constitute the Council Committee on the State of the Church.

Subject to Council review and approval:

(a) The Department of Outreach and Justice Ministries shall be responsible for the work of the Diocese with respect to those programs and activities that embody our ministry locally, nationally, and overseas;

(b) The Department of Christian Formation shall oversee those bodies that provide program and resources for education and formation throughout the Diocese.

(c) The Department of Youth and Young Adults shall oversee Diocesan programs for youth, ministry in higher education, and young adults.

(d) The Department of Congregational Support and Development shall coordinate the work of those agencies that work directly with congregations.

(e) The Department of Finance and Administration shall oversee the development and administration of the Diocesan budget and disbursement of grants; shall oversee the business, personnel, and property affairs of the Diocese, including the work of the Treasurer and the annual audit of the Diocese and shall include a committee on administrative and personnel policies consisting of three persons elected by the Diocesan Council from its membership which shall be responsible for formulating and reviewing administrative and personnel policies and reporting to Council as may be necessary or appropriate. *[Amended by Act 2006-11, Act 2013-2, and Act 2018-9]*

**Section 5. *Investment Income.*** The Ecclesiastical Authority shall recommend to the Diocesan Council each year a plan for the expenditure of all trust fund income and expendable principal except that designated for the Bishop's discretionary use. The Council shall have power and authority to prescribe and designate the purposes, and to make allocations and apportionments among such purposes, for which any investment income not otherwise designated for specific purposes shall be expended. To the extent feasible, the Council shall use Diocesan trust funds to supplement and not to supplant support from the Diocesan budget.

**Section 6. *Planning Function.*** The Bishop and the Diocesan Council working through the Council Committee on the State of the Church shall have responsibility for a continuing study of the long-range objectives of the Church's work in the Diocese. The Council Committee on the State of the Church shall present to the Council and the Convention an annual report which shall, within the context of these long-range objectives, evaluate the present work and program of the Diocese and make specific recommendations for the program and the budget of the Diocese of the fiscal year next following that for which a budget is being adopted. The Convention may by resolution express its opinion on this report for the guidance of the Diocesan Council in preparing and submitting a program and a budget for the Diocese for such fiscal year.

**Section 7. *Structure and Organization of the Diocese.*** The Council Committee on the State of the Church shall keep the structure and organization of the Diocese under continuing study, shall review all chartered committees at least every five years to determine if they are viable, and shall, from time to time, make such recommendations to the Convention as it may find appropriate to enable the Diocese to fulfill its ministry.

**Canon D-III.4**  
***Deputies to the General Convention***  
*[Amended by Act 2018-5]*

**Section 1.** No later than 12 months before the opening date of each triennial meeting of the General Convention, the Annual Convention shall elect as clerical deputies four ordained persons, presbyters or deacons, canonically resident in this Diocese, and four lay deputies, who are enrolled confirmed adult communicants in good standing of this Church and resident in this Diocese.

**Section 2.** After all deputies have been elected, up to four clergy alternates and four lay alternates shall be chosen from the remaining candidates in the order of the number of votes received on the most recent ballot in the appropriate Order.

**Section 3.** Deputies elected to represent this Diocese in the General Convention who find themselves unable to attend shall notify the Bishop immediately. The Bishop shall inform the Secretary of the Convention, who shall certify to the Secretary of the General Convention the name and contact information of the alternate deputy chosen to serve in the resigned deputy's place.

**Canon D-III.5**  
***Deputies to the Synod of the Fourth Province***  
*[Amended in 1997]*

**Section 1.** The deputies and alternate deputies to the Synod of the Fourth Province from the Diocese of North Carolina shall be enrolled confirmed adult communicants of this Church in good standing and clergy canonically resident in this Diocese, and (1) shall be deputies and alternate deputies to the General Convention in the years when that body meets and (2) in other

years shall be elected by the Diocesan Council, upon nomination of the Bishop, and shall be members of such departments, committees and organizations of this Diocese as may be prescribed from time to time by the Ordinances of the Fourth Province.

**Canon D-III.6**  
**Convocations**

*[Amended & renumbered in 1997; Amended in 1999; Amended by Act 2011-6; Amended by Act 2013-1; Amended by Act 2014-1]*

**Section 1.** The Convention of the Diocese of North Carolina shall establish, on recommendation of the Bishop and Diocesan Council, at least two convocations of the Diocese of North Carolina, and the Convention shall determine the number and the boundaries of the convocations in response to recommendations from the Bishop and Diocesan Council.

In determining the number of convocations and in defining their boundaries, the Bishop, Council, and Convention shall consider at least

- (a) the furtherance, welfare, and efficiency of Diocesan programs and administration;
- (b) the communicant strength produced in each convocation under each proposal for drawing boundaries;
- (c) the geography of each convocation as proposed, including the convenience of travel among the congregations in the territory; and
- (d) the regional or community ties and economic, social, and other similarities existing within each proposed convocational area.

**Section 2.** Each convocation shall elect a dean from among the resident clergy and a warden from among resident lay enrolled confirmed adult communicants in good standing. The duty of the warden is to serve with and assist the dean. The offices of dean and warden (1) shall be for 3 years, (2) shall be staggered with the warden being elected in the year following the dean and (3) shall not be held by the same person for more than two successive terms.

In the event of a vacancy in the office of dean or warden, the bishop may appoint a replacement until the convocation holds an election to fill the position.

**Section 3.** Each convocation shall meet at stated times for at least the following purposes:

- (a) To advance the missionary work of the Diocese;
- (b) To support the ministry of the bishop(s) of the Diocese;
- (c) To provide education and training for both clergy and laity;
- (d) To offer opportunities for worship and devotion;
- (e) To (i) discuss the Mission and Ministry Budget of the Diocese and other matters to come before the Annual Convention of the Diocese, including elections and resolutions, (ii) to elect a dean and lay warden, (iii) to elect a youth representative and alternate to the Annual Convention, and (iv) other matters of business. A range of dates and locations of meetings for these purposes shall be set by the Diocesan Council.

**Section 4.** All members of the clergy resident or doing duty in any convocation shall be members of the convocation, and each parish and mission in the convocation shall be invited to send lay delegates to every meeting of the convocation. The number and nature of the lay

delegates to be sent, and the purpose of the meeting, shall be indicated by whomever shall have called the meeting — dean, warden, or bishop.

### **Canon D-III.7**

#### ***Commission on Constitution and Canons***

*[Amended in 1997; Revised in 2005; Amended by Act 2013-3; Amended by Act 2018-4]*

**Section 1.** The Bishop shall appoint as members of the Commission six persons, three of whom are clergy of the Diocese and three of whom are enrolled confirmed adult communicants in good standing in the Diocese. The Chancellor of the Diocese and the Secretary of the Convention shall serve as members of the Commission, *ex officio*. Appointments shall be for three-year terms staggered in such a manner that one clergy member and one lay member are appointed each year. No person who has been seated for two full three-year terms shall be eligible for reappointment until one year shall have elapsed following the expiration of the term of office. The chair of the Commission shall be designated by the Bishop and shall be entitled to a seat and voice in the Convention but shall not be entitled to a vote therein unless a delegate to the Convention.

**Section 2.** No new canon, or change in an existing canon, or proposed amendment to the Constitution, shall be considered by the Convention unless it has been submitted to and reported on to the Convention by the Commission on Constitution and Canons.

**Section 3. (a)** The Commission on Constitution and Canons shall conduct a continuing comprehensive review of the Constitution, Canons, and Rules of Order with respect to internal consistency and clarity and conformity to the Constitution and Canons of the General Convention. On the basis of such a review, the Commission may propose amendments necessary or desirable for such purposes. Upon request, the Commission shall review any proposal calling for amendment to the Constitution, Canons, or Rules of Order, and may express its views with respect to the substance of such proposal to the proponent thereof.

**(b)** At least four weeks in advance of the annual Convention, the Secretary of the Convention shall report to the Commission all resolutions timely filed which propose or appear to entail amendments to the Constitution, Canons, or Rules of Order. The Commission shall consider such resolutions and report to the appropriate legislative committee of the Convention its findings with respect to conformity of the measure to the Constitution and Canons of the General Convention and the Constitution of this Diocese; its recommendations, if any, as to the form of the measure; and any views the Commission may wish to express as to the merits of the measure. This subsection does not apply to proposals by the Committee on Dispatch of Business to adopt or amend Rules of Order.

**(c)** After the close of each Annual Convention, the Commission shall certify the changes, if any, made in the Constitution and Canons, including a correction of errors in spelling, punctuation, grammar, and references made in any portion of the Constitution or Canons to another portion thereof, and report the same to the Secretary of the Convention who shall include such corrections in the official edition of the Constitution and Canons published in the Journal. All such technical corrections shall be reported to the Convention.

**Canon D-III.8**  
***Commission on Ministry***  
*[Revised by Act 2012-3]*

**Section 1.** The Commission on Ministry shall consist of the Committee on the Diaconate (Section 2 below) and the Committee on the Priesthood (Section 3 below). The chairs of these two committees shall be the co-chairs of the Commission.

**Section 2.** The Committee on the Diaconate shall be made up of twelve persons, consisting of a reasonable balance of lay persons who are enrolled confirmed communicants in good standing, deacons, and presbyters who are all canonically resident in the Diocese. Subject to the provisions of Section 6 (a) below, all members of the committee shall be appointed by the Ecclesiastical Authority at the annual Convention. There shall be three classes of persons each serving a three-year term, with four persons appointed in each year. The Ecclesiastical Authority shall appoint the chair of the Committee, who shall serve at the pleasure of the Ecclesiastical Authority.

**Section 3.** The Committee on the Priesthood shall be made up of twelve persons, consisting of a reasonable balance of lay persons who are enrolled confirmed communicants in good standing and members of the clergy who are all canonically resident in the Diocese. Subject to the provisions of Section 6 (b) below, all members of the Committee shall be appointed by the Ecclesiastical Authority at the annual Convention. There shall be three classes of persons each serving a three-year term, with four persons appointed in each year. The Ecclesiastical Authority shall appoint the chair of the Committee, who shall serve at the pleasure of the Ecclesiastical Authority.

**Section 4.** The Ecclesiastical Authority may fill any vacancy on the Commission or any of its committees. The appointee shall then serve the remainder of the unexpired term. The Ecclesiastical Authority may in addition appoint liaisons to the Commission and to any of its committees, with such duties as the Ecclesiastical Authority may designate.

**Section 5.** Each committee of the Commission shall organize itself and establish such rules of order, subject to the approval of the Ecclesiastical Authority, as it finds necessary to conduct its assigned duties, provided that such rules are not inconsistent with the Constitutions and Canons of the General Convention or this Diocese. Each committee of the Commission may appoint subcommittees from among its members, with such duties as the committee may establish.

**Section 6.** The membership of the two committees following the effective date of this Canon shall be as follows:

(a) Those persons who have been serving on the diaconate subcommittee of the Commission on Ministries as constituted prior to the enactment of this Canon shall continue to serve the balance of their original terms as members of the Committee of the Diaconate as established upon the enactment of this canon. Those vacancies in the Committee on the Diaconate which shall be created following the enactment of this Canon shall be filled pursuant to the provisions of Section 4 above.

(b) Those persons who have been serving on the priesthood subcommittee of the Commission on Ministries as constituted prior to the enactment of this Canon shall continue to serve the balance of their original terms as members of the Committee of the Diaconate as established upon the enactment of this canon. Vacancies in the Committee on the Priesthood which may be created following the enactment of this Canon shall be filled pursuant to the provisions of Section 4 above.

**Section 7.** The Commission on Ministry shall advise and assist the Bishop:

- (a) In the implementation of Title III of Canons of the General Convention.
- (b) in the determination of present and future opportunities and needs for the ministry of all baptized persons.
- (c) In the design and oversight of the ongoing process of recruitment, discernment, formation for ministry, and assessment of the readiness therefor.
- (d) Such other related matters as may be directed from time to time by the Bishop.

### **Canon D-III.9**

#### ***Historic Properties***

*[Adopted in 1997; Amended 2005]*

**Section 1. *Historic Properties Commission.*** There shall be a Historic Properties Commission responsible for oversight of historic churches, cemeteries, and other historic Diocesan properties other than those facilities which are occupied, used and/or maintained by parishes and missions in union with the Convention. The Commission shall promote and encourage historic preservation. The membership of the Commission shall be named by the Bishop, with one member being chosen from nominee(s) submitted by each active support group for Preserved Historic Churches (as defined in Section 2, category 1), and six being chosen at large. In addition, the following three members shall serve *ex officio*: the Diocesan Historiographer, the Diocesan Archivist, and a representative from the Diocesan Council. The members who do not serve *ex officio* shall serve staggered three-year terms. The Bishop shall appoint a Chair of the Commission. The Commission shall report annually to the Diocesan Convention. *[Amended by Act 2011-4; Amended by Act 2019-8.]*

**Section 2. *Historic Churches.*** There shall be two categories of Historic Churches: (1) Preserved Historic Churches—churches not in union with the Convention and for which the Historic Properties Commission shall have responsibility for oversight; and (2) Living Historic Churches—churches in union with the Convention and having active congregations, whose historic status may be acknowledged by Diocesan Council upon recommendation by the Historic Properties Commission but over whose facilities the Commission would have no jurisdiction. The Commission shall recommend to the Diocesan Council the appropriate Historic Church designation for qualified church buildings after establishing criteria and examining each potentially qualified church for such designation. The Commission, in developing the criteria to be applied in determining whether a given site meets the Historic designation, shall observe the following minimum standards:

- (a) The church building must be at least 75 years old.
- (b) The church building must have architectural or historic significance.

(c) The structure must be physically sound or restorable.

(d) In the case of “Living Historic Churches,” there must be an active congregation able and willing to maintain the structure.

(e) In the case of “Preserved Historic Churches,” there must be an organized group, committee, or other body from the community in which the structure is located or elsewhere that is able and willing to maintain and (if necessary) restore the building.

(f) The Commission will establish guidelines for operation of the local committees of Preserved Historic Churches.

(g) There must be at least one service of the Church regularly scheduled at any Preserved Historic Church building in each calendar year.

The Bishop shall assign a member of the clergy who resides in a place convenient to the site to have general clerical oversight of each Preserved Historic Church that is not occupied and used by a congregation in union with the Convention. *[Amended by Act 2012-2.]*

**Section 3. *Historic Cemeteries.*** The Commission shall have the following responsibilities with respect to Historic Cemeteries, that is, those identifiable burial places that are owned by the Diocese but are no longer associated with or maintained by parishes or missions in union with the Convention:

- a) It shall establish and maintain a list of Historic Cemeteries. The list shall include the location, size, and general condition of each Historic Cemetery;
- b) It shall provide for the maintenance and supervision of each Historic Cemetery and ensure that records with respect to such property are maintained on a current basis.
- c) It shall, from time to time at its discretion, erect, cause to be erected, or assist in erecting appropriate historical signs or markers at such cemetery sites.
- d) It shall establish a procedure for responding to requests for new burials in Historic Cemeteries not associated with congregations in union with the Convention.

**Section 4. *Other Historic Properties.*** The Historic Properties Commission shall have oversight of all historic properties other than churches and cemeteries owned by the Diocese. In exercise of this oversight, the Commission shall advise the Bishop regarding the status of such properties and make recommendations about actions to be taken with respect to such properties.

### **Canon D-III.10**

#### ***Disciplinary Board***

*[Added by Act 2010-3; Amended by Act 2011-2]*

**Section 1. *Disciplinary Board.*** The Board shall consist of thirteen persons seven of whom are members of the Clergy and six of whom are Laity. No member of the Standing Committee shall serve as a member of the Board.

**Section 2. *Clergy Members.*** The Clergy members of the Board must be canonically and geographically resident in the Diocese.

**Section 3. *Lay Members.*** The lay members of the Board shall be enrolled, confirmed adults who are communicants in good standing and geographically resident in the Diocese.

**Section 4. Election.** (a) The members of the Board shall be elected by the Convention on nomination of the Ecclesiastical Authority. Each member shall be elected for a three-year term; except, if a member is elected by the Convention to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The terms of the members shall commence on the first day of the month following election, and shall end on the last day of the month in which the annual Convention is held.

(b) The terms of office of the Board shall be staggered.

*[Amended by Act 2011-2.]*

**Section 5. Vacancies.** Vacancies on the Board shall be filled as follows:

(a) Upon the determination that a vacancy exists, the President of the Board shall notify the Ecclesiastical Authority of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.

(b) The Ecclesiastical Authority shall appoint a replacement Board member with the advice and consent of the Diocesan Council acting as and for the Convention.

(c) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.

(d) 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 resulting 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.

*[Amended by Act 2011-2.]*

### **Canon D-III.11**

#### ***The Murdoch Memorial Society***

**Section 1.** “The Francis J. Murdoch Memorial Society for the Increase of the Ministry” shall be composed of six persons together with the Bishop, *ex officio*. The Bishop shall annually nominate, and the Convention shall confirm or reject two clergy and one lay person, who is an enrolled confirmed adult communicant in good standing, to serve two-year terms as members of the Society.

**Section 2.** The Society shall choose from among its members such officers as it shall deem necessary, shall hold meetings at its own discretion, keep a record of all its activities, and report annually to the Convention in such form as in its judgment may seem best.

**Section 3.** It shall be diligent in aiding fit persons who desire to prepare for the ministry of the Church.

**Section 4.** Aid from the Society shall, under all ordinary circumstances, be in the form of a loan, adequately protected by good and legal security, and with or without interest, as the Society may decide. Such a loan may, at the discretion of the Society, be canceled upon the ordination of the

beneficiary, and shall be canceled in the event of death before ordination. Otherwise it shall be in full legal force and effect until paid.

**Section 5.** Necessary expenses incurred in the discharge of their duty by members of the Society may be paid from the funds at the disposal of the Society.

#### **Canon D-III.12**

##### ***Trustees of the University of the South***

The Annual Convention elects three Trustees of the University of the South for three-year terms. Two are members of the Lay Order and one is a member of the Clergy Order. Terms are staggered so that one Trustee is elected each year. Interim vacancies are filled by appointment of the Ecclesiastical Authority from candidates in the two most recent elections for the position in question, in the order of the number of votes received. If there are no such candidates, the vacancy is filled by election at the next Annual Convention. *[Added by Act 2016-4.]*

#### **Canon D-III.13**

##### ***Mission Endowment Board***

The Mission Endowment Board shall consist of the Bishop, a member of the Standing Committee designated by the committee, a Trustee of the Diocese designated by the trustees, the chair of the Department of Finance of the Diocesan Council, the chair of the Department of Congregational Development of the Diocesan Council, and three persons nominated by the Bishop and confirmed by the Convention for overlapping three year terms.

#### **Canon D-III.14**

##### ***Fair Share Appeals Board***

The Fair Share Appeals Board shall consist of five lay persons and four members of the clergy elected by the Diocesan Council for overlapping three-year terms on nomination of the Ecclesiastical Authority. The chair shall be designated by the Ecclesiastical Authority.

### **Title D-IV: Finances**

#### **Canon D-IV.1**

##### ***Salaries, Compensations and Expenses***

**Section 1.** The salary of the Bishop, the Bishop Coadjutor, or the Suffragan Bishop, shall be such as may from time to time be ordered and provided for by the Convention.

**Section 2.** The Secretary of the Convention, the Treasurer, and the members of the Standing Committee and of the Diocesan Commission on Ministry, in actual attendance upon the duly called meetings of the bodies to which they severally belong, shall be entitled to have their necessary expenses incurred by such attendance paid out of the funds of the Diocese, and the Treasurer of the Diocese shall pay the same upon the personal application of said parties accompanied by a certificate of the amount actually and necessarily expended in each case.

**Canon D-IV.2**

***Business Methods in Church Affairs***

*[Renumbered in 1997; Amended in 2000; Amended in 2002]*

In this Diocese, and in all its parishes, missions, and institutions, the following standard business methods shall be observed:

(a) Trust and permanent funds, and all securities of whatsoever kind, shall be deposited with a federal or state bank, or savings and loan association, or a Diocesan corporation, or with some other agency approved in writing by the Department of Finance and Administration of the Diocesan Council, under either a deed of trust, or an agency agreement, providing for at least two signatures on any order of withdrawal of such funds or securities. But this paragraph shall not apply to funds and securities refused by the depositories named as being too small for acceptance. Such small funds and securities, and trust and permanent funds of missions shall be deposited with the Trustees of the Diocese, added to the Common Trust Fund and invested as a part of those funds. Income from such invested funds shall be paid quarterly to the parish, mission or organization entitled thereto.

(b) Records shall be made and kept of all trust and permanent funds showing, in respect to each trust and each fund, at least the following:

- (1) Source and date.
- (2) Terms governing the use of principal and income.
- (3) To whom and how often reports of condition are to be made.
- (4) How the funds are invested.

(c) Treasurers and custodians other than banking institutions shall be adequately bonded, except treasurers of funds that do not exceed \$500 at any one time during the fiscal year.

(d) Books of account shall be so kept as to provide the basis for satisfactory accounting. The Department of Finance and Administration may establish a system of accounts.

(e) The fiscal year begins January 1.

(f) All accounts shall be audited annually by a certified or independent public accountant, or by such an accounting agency as shall be permitted by the Department of Finance and Administration.

(g) The expense, if there be any, of auditing the account of the Treasurer of the Diocese by a certified public accountant shall be paid by the Treasurer out of the Episcopal Maintenance Fund.

(h) All buildings and their contents shall be kept adequately insured.

(i) The Department of Finance and Administration may require copies of any or all accounts described in this section to be filed with it, and shall report annually to the Convention of the Diocese upon its administration of this canon.

(j) Minutes of all meetings of governing bodies shall be made and kept, showing all resolutions which have been officially enacted.

(k) No vestry, trustee, or other Diocesan institution shall borrow except as provided in Canons D-III.2, D-V.1, or D-V.5.

### **Canon D-IV.3**

#### ***Disposition of Tangible Personal Property***

The provisions of Canon D-III.2, Section 2, regarding the necessary consent of the Ecclesiastical Authority acting with the advice of the Standing Committee do not apply to the disposition of certain tangible personal property, as follows:

It shall not be necessary for any officer, employee, or other representative of the Diocese or of any parish, mission, agency, institution or other organization of the Diocese, to obtain the concurrence or written consent of the Ecclesiastical Authority or of the Trustees for the sale, exchange, abandonment, surrender, or other disposition of any tangible personal property (for example, typewriters and other office equipment, motor vehicles, general furniture and furnishings, appliances, books, etc.) acquired and used directly in the normal and routine course of the conduct of work and program of the Church in the Diocese; excluding, however, such items of personal property as have been consecrated and all furniture, furnishings, and fixtures that are peculiarly designed for and used within a church.

### **Canon D-IV.4**

#### **The Mission and Ministry of the Diocese**

*[Revised by Act 2009-3; Amended by Act 2011-5]*

**Section 1.** Each parish and mission shall give in support of the Mission and Ministry Budget of the Diocese an amount equal to a tithe (10%) of its total operating income for the preceding year or such greater percentage, not to exceed fourteen percent (14%), as may have been established by the Convention. On or before June 1 of each year, the Diocesan Council shall give notice to each parish and mission of its required contribution for the upcoming year, using the most recent parochial report data available at that time. The Council may later adjust the required contribution using more recent data if the parish or mission has been prevented, for good cause, from filing a timely parochial report.

**Section 2.** Parishes and missions that are able to do so are encouraged to contribute more than the amount required and may, if the vestry so desires, specify the uses to which such additional contributions shall be put. Parishes and missions that are unable to give the amount required due to extenuating circumstances may follow the appeal procedures described in Section 3. Not later than July 15, each parish and mission shall acknowledge in writing to the Diocesan Council its commitment to give the amount required, to give more than that, or to state its intent to appeal for a reduction. Failure to respond shall be deemed acceptance of the amount required.

**Section 3.** (a) The vestry of any parish or mission that believes, for good cause, that it will be unable to give the amount required to the Mission and Ministry Budget of the Diocese may file a written appeal not later than July 15. The appeal shall be addressed to the Fair Share Appeals

Board, shall state the reasons for the appeal, and shall be signed by the rector, vicar, or other member of the clergy in charge and the wardens. The Board shall meet with representatives of the parish or mission to hear its request for a reduction and the supporting reasons. The Board shall consider any relevant evidence offered by the vestry or requested by the Board, including, but not limited to, current financial statements, the level of stewardship training and education, the nature of the annual stewardship campaign, and any extraordinary circumstances. On the basis of its review, the Board may either affirm or reduce the amount required for that parish or mission for the upcoming year. The Board's decision, and the reasons therefor, shall be reported promptly in writing to the rector, vestry, and Diocesan Council. If the Board recommends a reduction, it shall refer the parish or mission to appropriate sources of assistance for stewardship and congregational growth and development.

(b) The vestry of any parish or mission that finds that it will be unable to give the required amount to the Mission and Ministry Budget in the upcoming or current year due to financial exigencies arising after July 15 may apply for relief by stating its case in writing to the Fair Share Appeals Board. The Board shall consider the case and report its recommendation promptly in writing to the rector, vestry, and Diocesan Council. The Council may then grant such relief as it deems appropriate under the circumstances.

**Section 4.** If a parish or mission has failed by the tenth day preceding the Annual Convention to pay the full amount required of it for the preceding twelve calendar months ending at least 30 days before the Convention, the Secretary of the Convention shall strike from the roll of voting delegates all members of the clergy assigned to and serving that parish or mission and its lay delegates. Such members of the clergy and lay delegates shall retain their seats in the Convention and shall have voice on all matters except those related to revenues and expenditures of the Diocese and establishment of the required percentage of giving for the following year. In addition, the vestry of a parish shall not elect a rector, nor shall the rector call an assistant minister or other member of the clergy, as long as the parish remains in arrears. If a parish fails for two consecutive years to contribute the amount required of it, the Secretary of the Convention shall so certify to the Ecclesiastical Authority, the Standing Committee, and the Trustees of the Diocese and that parish shall be deemed by operation of this canon to be changed in status from parish to mission.

**Section 5.** On or after September 1 of each year the Council shall prepare and adopt a Mission and Ministry Budget of the Diocese for the ensuing calendar year to be recommended to the Convention. In preparing the budget, the Council shall take into consideration its recommendations to the last preceding Convention concerning proposed new programs for the ensuing calendar year, the action of the Convention with respect to such recommendations, the proposed budgets submitted by each department and agency of the Diocese, and any other information believed pertinent. The contributions required by this Canon shall be set out in a schedule to become a part of the annual budget.

**Section 6.** The Convention shall have the power to act on the budget recommended by the Council and to make any modification which, in its discretion, it deems wise. The Convention may adjust the amount required of each parish and mission by a uniform percentage of reduction if the budget adopted by the Convention can be funded by less than the contribution percentage set by the previous Convention.

**Section 7.** It shall be the duty of each parish and mission to remit its contribution to the Treasurer of the Diocese in twelve equal monthly installments on or before the twenty-fifth day of the month for which it is payable. This obligation may be prepaid in whole or in part at any time.

**Section 8.** The Council shall have power to expend all moneys provided in the budget for the purposes therein specified, to expend any surplus received in any year over and above Diocesan and national obligations, and to amend the budget when in its judgment a change is necessary and prudent.

#### **Canon D-IV.5**

##### ***Collections and Offerings***

*[Amended in 1999; Amended in 2005]*

**Section 1.** Annually on the Sunday before Thanksgiving [Day] all clergy of the Diocese shall take an offering from the congregations they serve for the Thompson Child & Family Focus.

**Section 2.** It shall be the duty of each parish and mission to remit promptly each month to the proper officer entitled to receive them all amounts collected as special offerings. Any funds so contributed shall not be used, even temporarily, for any purpose other than that for which they were contributed.

**Section 3.** It shall be the duty of the treasurer of such funds in each parish or mission to remit promptly each month to the proper officer entitled to receive them all amounts collected as herein provided. Any funds contributed for the above purposes shall not be used, even temporarily, for any purpose other than that for which they were contributed.

#### **Canon D-IV.6**

##### ***Permanent Endowment for Mission***

*[Added by Act 2011-7]*

**Section 1.** There is hereby established a permanent endowment for implementing the missionary strategy of the Diocese. The initial principal of the endowment shall comprise the balance remaining as of December 31, 2011, in the Mission Strategy Fund and the Diocesan Missions Trust (ACTS Campaign). On recommendation of the Diocesan Council, and with the advice and consent of the Bishop and Standing Committee, the Trustees of the Diocese may transfer to the endowment such other trust and custodial funds of the Diocese as may be available and appropriate. The Trustees of the Diocese may also accept donations and bequests designated for the endowment.

**Section 2.** The Trustees of the Diocese shall provide for the administration of the endowment as provided by Canon D-III.2, Section 5, except that the income shall be disbursed as directed by the Mission Endowment Board. The principal of the endowment is restricted and may not be

appropriated except as may be necessary to maintain a prudent spending rate established by the Trustees. In no event shall the principal be reduced below the historic dollar value of the endowment except as may be authorized by act or resolution of the Convention.

**Section 3.** The Mission Endowment Board shall develop and recommend to the Council plans for developing the long-range mission strategy of the Diocese, and may make funds available to the Diocese Council in furtherance of that strategy. Distributions from the endowment shall not be used to fund the annual operating budget of the Diocese.

**Canon D-IV.7**  
***Permanent Episcopal and Missionary Funds***

**Section 1.** There shall be established, to aid in the support of the Episcopate, a fund to be called the Permanent Episcopal Fund, to include all sums hitherto contributed specifically to that object or which may hereafter be contributed, whereof the principal shall remain untouched, and only the interest be applied to the support of the Episcopate.

**Section 2.** When any funds shall be contributed or collected for a Permanent Missionary Fund, the amount shall be invested and only the interest thereof shall be applied to current missionary expenses.

**Canon D-IV.8**  
***The Church Pension Fund***  
*[Amended in 1997]*

**Section 1.** In conformity with the legislation adopted by the General Convention of 1913, pursuant to which The Church Pension Fund was duly incorporated, and in conformity with the Canon of the General Convention, “Of The Church Pension Fund,” as heretofore amended and as it may hereafter be amended, the Diocese of North Carolina hereby accepts and acknowledges The Church Pension Fund, a corporation created by Chapter 97 of the Laws of 1914 of the State of New York as subsequently amended, as the authorized and approved pension system for the clergy of The Episcopal Church and for their dependents, and declares its intention of supporting said Fund in accordance with its rules.

**Section 2.** It shall be the duty of the Treasurer of the Diocese to:

(a) To be informed of, and to inform the clergy and laity of this Diocese of, the pension system created by the General Convention and committed by it to the Trustees of The Church Pension Fund, in order that the ordained clergy of the Church may be assured of pension protection for themselves in the event of old age or total and permanent disability and for their surviving spouses and minor orphan children in the event of death.

(b) To receive reports from The Church Pension Fund, from time to time, on the status of the pension assessments payable to said Fund, under its rules and as required by canon law, by this Diocese and by the parishes, missions, and other ecclesiastical organizations within this Diocese.

(c) To make an annual report to the Convention of this Diocese on such matters relating to The Church Pension Fund as may be of interest to the said Convention. Also make interim reports to the Diocesan Council just prior to its stated meetings.

(d) To cooperate with The Church Pension Fund in doing all things necessary or advisable in the premises to the end that the clergy of this Diocese may be assured of the fullest pension protection by said Fund under its established rules.

**Section 3.** It shall be the duty of this Diocese and of the parishes, missions, and other ecclesiastical organizations therein, each through its treasurer or other proper official, to inform The Church Pension Fund of salaries and other compensation paid to the clergy by said Diocese, parish, mission, and other ecclesiastical organization for services rendered, currently or in the past, prior to their becoming beneficiaries of said Fund, and changes in salaries and other compensation as they occur; and to pay promptly to The Church Pension Fund the pension assessments required thereon under the canon of the General Convention and in accordance with the rules of said Fund.

**Section 4.** It shall be the duty of every member of the clergy canonically resident in or serving in this Diocese to inform The Church Pension Fund promptly of such facts as dates of birth, of ordination or reception, of marriage, birth of children, deaths, and changes in cures or salaries, as may be necessary for its proper administration and to cooperate with the Fund in such other ways as may be necessary in order that said Fund may discharge its obligations in accordance with the intention of the General Convention in respect thereto.

**Section 5.** Any parish or mission failing for two calendar years to pay the pension assessments in full shall be deprived of its rights to the floor of, and to vote in, Convention until all such arrears are paid in full, when its restoration to rights shall be declared.

**Section 6.** It shall be the duty of the Treasurer of the Diocese, upon notification of arrears of four months or more to the Pension Fund, to deduct from the amount payable to any member of the clergy officiating in, or in charge of, any aided parish; or the missionary in charge of any mission; or a member of the clergy connected with any institution or agency of the Diocese, the unpaid assessments due from such congregation or agency on any stipend payable by such congregation, institution or agency, including any prior year's arrears, and to pay the same to the Church Pension Fund.

## **Title D-V: Congregations**

### **Canon D-V.1**

#### ***Missions***

*[Amended and renumbered in 1997; Amended in 2000; Amended in 2002; Amended by Act 2009-3]*

**Section 1. Definition.** A mission is a congregation of adult communicants of The Episcopal Church that has been organized under the Constitution and canons of this Diocese, but which is

not recognized as a parish. Missions also include congregations that have been reclassified as missions pursuant to Canon D-IV.4.

**Section 2. *Establishment of Missions.*** Missions may be established outside the neighborhood of existing parishes by the Ecclesiastical Authority at its discretion. Pending the selection of a vestry under the provisions of Section 3 of this canon, the Ecclesiastical Authority shall appoint a vestry. With the approval of the Ecclesiastical Authority a mission so established shall be admitted into union with the Convention upon application of the mission and by vote of the Convention.

A mission in the form of a special ministry may be established by the Ecclesiastical Authority of the Diocese, acting with the advice of the Standing Committee, for such period of time and in such places as may be designated by that authority.

Missions may also be established within the neighborhood of an already existing parish by the rector of the parish with the consent of the Ecclesiastical Authority. Missions so established shall be accounted an integral part of the parish to which they belong until such time as they may be received by the annual Convention as missions in union with the Convention. And every mission so established shall, within five years of its establishment, make application to the Convention of the Diocese to be received as a mission in union with the Convention.

**Section 3. *Mission Meetings, Vestry and Officers.*** [Amended by Act 2016-5 and Act 2021-6.]

**(a) Mission Meetings.**

(1) *Annual Meeting.* Upon the first Monday in Advent, unless some other appropriate date has been designated by the vestry, an annual meeting of the members qualified to vote in the mission shall be held.

(2) *Other Mission Meetings.* Upon the call of the Vicar or a majority of the vestry, a meeting of the members qualified to vote in the Mission may be held at any time, provided that notice of at least one week has been given.

(3) *Persons Qualified to Vote in Mission Meetings.* Members of the mission who are enrolled confirmed adult communicants in good standing of The Episcopal Church may vote when present at any meeting of that mission, in accordance with the provisions of Article IX, Section 3 of the Constitution of this Diocese.

(4) *Bylaws.* For the orderly conduct of mission meetings, for the adoption of a rotating vestry system as authorized by subsection (b) of this Section, and for the election of members of the vestry, bylaws not inconsistent with the Constitution and Canons of the Diocese may be adopted by any mission meeting. A copy of the bylaws and each amendment thereto adopted by each mission, certified by the secretary, shall be filed within 30 days thereafter with the Ecclesiastical Authority of the Diocese for approval. The Ecclesiastical Authority may, with the advice and consent of the Standing Committee, disapprove any bylaw which is inconsistent with the Constitution or Canons of the Diocese or of the General Convention.

(5) *Voting.* Motions, resolutions, elections and all other matters presented to a mission meeting for vote shall be decided by a majority of the qualified members present and voting; provided however the voting in vestry elections shall include any votes cast pursuant to a mission bylaw adopted pursuant to the following subsection (6).

(6) *Other Voting Methods.* Notwithstanding any other provisions of this Canon D-V.1, a mission may provide in its bylaws, subject to approval by the Ecclesiastical Authority acting with the advice and consent of the Standing Committee, provisions for conducting vestry

elections by paper absentee ballots, electronic survey technology, or other reliable and secure means that allow participation in the election by qualified voters who are not physically present at the annual meeting; provided that proxy voting shall not be permitted. Missions may define circumstances in which absentee ballots are made available.

(7) *Initial Adoption.* Until the earlier to occur of December 31, 2022 and the elimination of restrictions on the permissible size of any parish meeting, a bylaw provision described in Section 3(a)(6) of this Canon as well as any bylaw to implement the provisions of Canon D-VII.4, Section 1 may, by action of the vestry, be submitted by mail ballot to qualified members of the mission pursuant to guidelines promulgated by the Diocesan Chancellor and adopted by the affirmative vote of a majority of the mail ballots completed by persons qualified to vote and returned to the mission by the deadline stated therein. Any such bylaws approved by the mail ballot shall be submitted to the Ecclesiastical Authority for approval as provided in Section 3(a)(4) of this Canon.

**(b) Mission Vestries.**

(1) *Size and Composition.* A vestry shall be composed of not fewer than three nor more than 15 members of the mission who are enrolled confirmed adult communicants in good standing of The Episcopal Church.

(2) *Powers of a Mission Vestry.* The vestry of a mission shall be the trustees, shall have charge of all of the secular concerns thereof, and shall be authorized to collect, invest and disburse its funds and enter into contracts on its behalf.

(3) *Borrowings.* Before the vestry of any mission shall engage in any borrowings or other similar financing transactions, the aggregate amount of which exceeds 50% of the normal operating income of the mission for the previous calendar year or the repayment of which may extend beyond a term of 12 months, it shall obtain the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese.

(4) *Filling Vestry Vacancies.*

(i) In case of a vacancy on a vestry by reason of death, resignation or other cause, the remaining members of the vestry may fill the vacancy from among those eligible to serve under the provisions of this Canon.

(ii) A person elected to fill a vacancy shall hold office until the expiration of the term of the person whose office is to be filled.

(5) *Rotating System.* Upon majority vote at its annual meeting, a congregation may adopt a rotating system for its vestry if the size of the vestry is divisible by three by electing one-third in number to serve one year, one-third in number to serve two years, and one-third in number to serve three years. Thereafter such a congregation shall annually elect from its qualified members who have not served on the vestry during the past year one-third of the members of its vestry whose terms of office shall be for three years.

(6) *Officers.* A senior and a junior warden shall be elected annually by the vestry from among its members. The senior warden shall be elected on the Vicar's nomination. If there be no Vicar the election of the senior warden shall proceed as in the case of the other vestry officers. The vestry shall also elect a clerk and a treasurer who need not be members of the vestry and whose terms of office shall be for one year or until their successors are elected.

(7) *Bylaws.* For the orderly conduct of its meetings and other business, a vestry may adopt bylaws not inconsistent with the Constitution and Canons of the Diocese. A copy of the bylaws and each amendment thereto adopted by each mission, certified by the secretary, shall be filed within 30 days thereafter with the Ecclesiastical Authority of the Diocese for approval. The

Ecclesiastical Authority may, with the advice and consent of the Standing Committee, disapprove any bylaw which is inconsistent with the Constitution or Canons of the Diocese or of the General Convention.

(8) *Report to the Diocesan Council.* The names and mailing addresses of the foregoing officers of the Mission vestry shall be reported promptly to the Diocesan Council. If a Mission fails to elect a vestry and officers, the Bishop may appoint such vestry members and officers.

(9) *Vestry Meetings.* All the provisions of Canon D-V.4, Section 5, relating to vestry meetings of parishes shall apply equally to vestry meetings of missions.

(10) *Removal of Vestry Persons for Cause.*

(i) A person may be removed as a member of the vestry for cause by the vestry only in accordance with the provisions of this paragraph (10).

(ii) A person may be removed as a member of the vestry by the vote of two-thirds (2/3) of the members of the vestry then in office if the person has missed three or more meetings of the vestry in a twelve month period without excuse, if before any meeting of the vestry at which a vote on the removal of such person will be made, such person is given notice of the date and time of the meeting and the cause for removal and such person is given an opportunity to be heard at the meeting.

(iii) A person may be removed as a member of the vestry by the vote of two-thirds (2/3) of the members of the vestry then in office for cause other than the failure to attend vestry meetings as described in subparagraph (10)(ii), above, if before any meeting of the vestry at which a vote on the removal of such person will be made, such person is given notice of the date and time of the meeting and the cause for removal and such person is given an opportunity to be heard at the meeting.

**Section 4. Admission to Union with Convention.** In order to be admitted into union with the Convention, a mission congregation comprising 20 or more adult communicants shall:

**First.** Obtain the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee.

**Second.** If within the neighborhood of any already existing parishes or missions in union with the Convention, obtain and present to the Convention written statements from the rectors of such parishes or vicars of such missions that they have been consulted with regard to the wisdom of the establishment of the new congregation.

**Third.** Assume a name with the consent of the Bishop and elect a vestry.

**Fourth.** Subscribe and present to the Secretary of Convention, at least 30 days before the meeting of the Convention, a certificate in the following words, *viz.*:

“We, the undersigned, being adult communicants, desirous to form ourselves into a mission of The Episcopal Church in the Diocese of North Carolina, do certify that:

(a) We consent to be governed by the Constitution and Canons of the Church, as set forth in the General Convention, and in the Constitution and Canons of the Church in this Diocese;

(b) We have assumed the name of \_\_\_\_\_; and

(c) We have elected the following persons as members of the Vestry:

\_\_\_\_\_.

(d) We have the ability and it is our purpose to provide a suitable place of worship and to bear our share of the Budget for the Mission and Ministry of the Diocese according to the canons; and

(e) With the advice and consent of the Ecclesiastical Authority, it is our purpose to provide and, if within the financial ability of our congregation, pay for regular priestly ministrations.

In witness whereof, we have hereunto subscribed our names; this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.”

For the purpose of recording said subscriptions, as also for the purpose of receiving the subscriptions of subsequent voters, provided for by Article IX, Section 3, of the Constitution, a book shall be kept by the vestry of each mission, and shall be available at elections for vestry members.

**Section 5. Report of Mission Officers.** (a) Upon the establishment of a mission, the Bishop shall promptly file with the Secretary of the Convention a copy in writing of the appointment of the member of the clergy designated as the vicar, as well as the officers appointed for the mission, together with their respective post office addresses.

(b) The ministers and officers of all missions and of all parishes supported wholly or in part by appropriations of missionary funds, whether Diocesan or general, shall make reports to the Diocesan Council as to their work.

**Section 6. Maintaining Status.** In order to maintain its status as a mission in union with the Convention, a congregation

(a) must at all times meet the minimum of standard business methods prescribed by Canon D-IV.2, and submit to the Department of Finance and Administration of the Diocesan Council, on or before September 1 each year, a certified copy of its annual audit for the preceding fiscal year as prescribed by Canon D-IV.2(f);

(b) must not fail in any single year to file with the Bishop or with the Secretary of the Convention, if the Secretary has been designated as the Bishop’s agent for that purpose, a complete and correct parochial report as prescribed in Canon D-V.8; and

(c) must not fail for two consecutive years to be represented at the Diocesan Convention;

(d) must, beginning three years following the adoption of this canon, be able to demonstrate that it has maintained an average of at least 20 adult communicant members during the preceding three years, or during the term of its union with the Convention if less than three years; provided that the provisions of this (d) shall not apply to missions in union with the Convention prior to February 1, 1987;

(e) must be subject to the Constitution and Canons of the General Convention and of the Diocese of North Carolina;

(f) must, within its financial ability, pay for regular priestly ministrations, including at least two celebrations of the Holy Eucharist each calendar month;

(g) must, under the provisions of Canon D-IV.4 accept and pay its share of the Budget for the Mission and Ministry of the Diocese according to the canons.

(h) must maintain a suitable place of worship.

### **Canon D-V.2**

#### ***Organization of Parishes***

*[Amended in 1997; Amended in 2000; Amended by Act 2009-3]*

**Section 1.** In order to organize a new parish in the Diocese of North Carolina, the proposed congregation, comprising 100 or more enrolled confirmed adult communicants in good standing at the time of its application for admission into union with the Convention shall:

**First.** Obtain the written consent of the Ecclesiastical Authority.

**Second.** If within the neighborhood of any existing parishes or missions, obtain written statements from the rectors or vicars thereof that they have been consulted as to the wisdom of the establishment of the new congregation.

**Third.** Assume a name and elect a vestry.

**Fourth.** Subscribe and present to the Secretary of Convention, at least 30 days before the meeting of the Convention, a certificate in the following words, *viz.*:

“We, the undersigned, enrolled confirmed adult communicants in good standing, desirous to form ourselves into a parish of The Episcopal Church in the Diocese of North Carolina, do certify that we consent to be governed by the Constitution and Canons of the Church, as set forth in the General Convention, and in the Constitution and Canons of the Church in this Diocese; that we have assumed the name of \_\_\_\_\_, and have elected the following persons to serve as a vestry: \_\_\_\_\_; that we have the ability and that it is our purpose either to employ and support a full-time priest at a salary in an amount not less than that adopted for mission clergy by the Diocesan Council from time to time, together with such other emoluments pertaining to the office of rector as may be prescribed by the minimum salary schedule, or, with the permission of the Bishop, to employ a resident priest on a part-time basis. It is also our purpose to provide and maintain a suitable place of worship and to pay our share of the Budget for the Mission and Ministry of the Diocese according to the canons. In witness whereof, we have hereunto subscribed our names, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_.”

For the purpose of recording said subscriptions, as also for the purpose of receiving the subscriptions of subsequent voters, provided for by Article IX, Section 3, of the Constitution, a book shall be kept by the vestry of each parish, and shall be available at elections for members of the vestry. For the purposes of this canon the expression “full-time” shall mean being on call at all times at least five days (including Sunday) a week.

**Section 2. A Multi-Congregation Parish.** Whenever more than one and not more than three contiguous congregations shall organize themselves into a parish and shall have been admitted to union with the Convention, it shall have only one vestry, elected according to bylaws assuring proper representation for its component congregations; a single parish budget which shall include at least the minimum compensation of its rector; and a single set of lay representatives in Diocesan Convention. Under its bylaws the parish is authorized to establish whatever local advisory bodies it considers desirable.

**Section 3. Organization of a Mission.** Any parish which may wish to locate or establish a mission in the neighborhood of another parish or mission, or any parish or mission which shall deem its rights encroached upon, or its prosperity or usefulness endangered by the proposed location in its neighborhood of a parish or mission by whatever authority, may ask for a determination of the matter under the good offices of the Bishop. In such case the Bishop shall call for, and appoint the time and place of, a conference of the rectors, vicars, and vestries of the parishes and missions in interest. But if such conference with the advice of the Bishop shall not result in an amicable adjustment of the differences between the parties thereto, the Bishop or either of the parties in interest may lay the matter at issue before the Standing Committee of the Diocese. After careful investigation and consideration, the Standing Committee shall render its decision, which shall be final.

**Section 4.** To maintain its status as a parish, the parish must meet the following standards:

(a) It must have an average of at least 100 enrolled confirmed adult communicants in good standing for the three years preceding the date of ascertaining whether this standard has been met, or the term of its existence if less than three years.

(b) It must maintain and control a suitable place of worship.

(c) It must employ and support as rector a full-time resident priest, or, with the permission of the Bishop, a resident priest on a part-time basis. The full-time rector and any full-time assistants shall be paid a salary for each in an amount not less than the minimum salary adopted for mission clergy by the Diocesan Council from time to time, together with such other emoluments pertaining to the office of rector or assistant to the rector as may be prescribed under said minimum salary schedule; provided that in the case of a vacancy in a parish the Bishop may deem it expedient and proper to maintain divine services in the parish under the provisions of Canon D-V.7, Section 1, and may procure the part-time services of a minister for the parish until a rector can be obtained. The parish shall pay to the part-time minister such compensation for the temporary services as may be approved by the Bishop.

(d) It must not fail for two consecutive years to be represented at the annual Convention of the Diocese.

(e) It must be subject to the Constitution and Canons of the General Convention and of the Diocese of North Carolina.

(f) It must not fail in any single year to file with the Bishop or with the Secretary of the Convention, if the Secretary be designated as the Bishop's agent for such purpose, a complete and correct parochial report as prescribed and required by the provisions of Canon D-V.8.

(g) It must at all times meet the minimum standard of business methods prescribed by Canon D-IV.2, and submit to the Department of Finance and Administration of the Diocesan Council, on or before September 1, each year, a certified copy of its annual audit for the preceding fiscal year prepared as prescribed by Canon D-IV.2(f).

(h) It must, under the provisions of Canon D-IV.4 accept and pay its share of the Budget for the Mission and Ministry of the Diocese.

(i) It must comply with any decision of the Bishop rendered under Canon D-V.12.

### **Canon D-V.3**

#### ***Clusters***

*[Adopted in 2005]*

**Section 1. Definition.** A cluster consists of three or more parishes, missions, or special ministries organized under the Constitution and canons of this Diocese, hereinafter referred to as participating congregations, which have entered into a covenant to work together in a regional ministry for a period of at least three years. Each participating congregation retains its own identity, vestry or other governing body, budget, property, and representation in the Convention of the Diocese.

**Section 2. Formation of a Cluster.** A cluster may be formed, with the consent of the Bishop, upon an affirmative vote of three-fourths of the vestry or other governing body of each participating congregation. Thereafter, a congregation may join the cluster, with the consent of

the Bishop, upon an affirmative vote of three-fourths of its vestry or other governing body and an affirmative vote of a majority of the cluster council.

### **Section 3. Cluster Governance and Leadership.**

(a) *Cluster Council.* There shall be a cluster council, which shall consist of not less than two enrolled confirmed adult communicants in good standing from each participating congregation. The clergy serving participating congregations shall be members of the cluster council with seat and voice but no vote.

(b) *Cluster Bylaws.* The cluster council may adopt bylaws which include provision for the election of a president, a secretary, and a treasurer from among those lay persons eligible to serve on the cluster council and the establishment of an annual cluster budget. A copy of the bylaws and each amendment thereto adopted by the cluster council, certified by the secretary, shall be filed within 30 days thereafter with the Ecclesiastical Authority of the Diocese for approval.

(c) *Cluster Ministry Team.* There shall be a cluster ministry team, which shall include the clergy serving participating congregations and lay missionaries designated by the cluster council.

(d) *Cluster Missioner.* The Bishop shall appoint a cluster missioner, who shall coordinate the cluster ministry team.

**Section 4. Withdrawal from a Cluster.** A participating congregation may withdraw from a cluster at the end of a calendar year, with the consent of the Bishop, upon six months' notice, an affirmative vote of three-fourths of its vestry or other governing body, and an affirmative vote of a majority of the cluster council.

## **Canon D-V.4**

### ***Meetings, Vestries and Wardens of Parishes***

*[Amended in 1991; Amended by Act 2009-3; Amended by Act 2014-2; Amended by Act 2021-7]*

#### **Section 1. Parish Meetings.**

(a) *Annual Meeting.* An annual meeting of the members qualified to vote in a parish shall be held on the first Monday in Advent unless the vestry of the parish designates some other date for the required annual meeting.

(b) *Other Parish Meetings.* Upon the call of the vestry, a meeting of the members qualified to vote in a parish may be held at any time, provided that notice of at least one week has been given.

(c) *Persons Qualified to Vote in Parish Meetings.* An enrolled confirmed adult communicant in good standing in this Church may vote when present at any meeting of that parish, in accordance with the provisions of Article IX, Section 3, of the Constitution of this Diocese.

(d) *Bylaws.* For the orderly conduct of parish meetings, for the adoption of a rotating vestry system as authorized by Section 2 of this canon, and for the election of members of the vestry, bylaws not inconsistent with the Constitution and Canons of the Diocese may be adopted by any parish meeting. A copy of the bylaws and each amendment thereto adopted by each parish, certified by the secretary, shall be filed within 30 days thereafter with the Ecclesiastical Authority of the Diocese for approval. The Ecclesiastical Authority may, with the advice and consent of the Standing Committee, disapprove any bylaw which is inconsistent with the Constitution or Canons of the Diocese or of the General Convention. *[Amended by Act 2007-9.]*

(e) **Voting.** Motions, resolutions, elections, and all other matters presented to a parish meeting for vote shall be decided by a majority of the qualified members present and voting; provided however the voting in vestry elections shall include any votes cast pursuant to a parish bylaw adopted pursuant to Canon D-V.4, Section 2(g)(4).

(f) **Initial Adoption.** Until the earlier to occur of December 31, 2022 and the elimination of restrictions on the permissible size of any parish meeting, a bylaw provision described in Section 2(g)(4) of this Canon as well as a bylaw to implement the provisions of Canon D-VII.4, Section 1 may, by action of the vestry be submitted by mail ballot to qualified members of the parish pursuant to guidelines promulgated by the Diocesan Chancellor and adopted by the affirmative vote of a majority of the mail ballots completed by persons qualified to vote and returned to the parish by the deadline stated therein. Any such bylaws approved by the mail ballot shall be submitted to the Ecclesiastical Authority for approval as provided in Section 1(d) of this Canon.

## **Section 2. Vestries.**

(a) **Size and Composition.** A vestry shall be composed of not fewer than three nor more than 15 members of the parish who are enrolled confirmed adult communicants in good standing of The Episcopal Church.

(b) **Vestry Plan One.** At each annual parish meeting a vestry shall be elected who shall hold office until the next annual parish meeting or until their successors are duly elected.

(c) **Vestry Plan Two.** As an alternative to Vestry Plan One, a parish may adopt a rotating vestry system. At the first election following the adoption of a rotating system, which shall be held at the annual parish meeting, one-third of the members of the vestry are elected to serve for one year, one-third for two years, and one-third for three years. Thereafter, at the annual parish meeting, one-third of the vestry shall be elected from among those who have not served on the vestry during the past year, except that those appointed during the past year to fill unexpired terms of one year or less may, under provisions of parish bylaws, be made eligible for election to a full term, and the terms of those so elected shall be for three years. A parish may include in its rotating system a provision that no retiring member of the vestry shall be eligible for re-election until a specified period of time, not to exceed five years, has elapsed following the expiration of that person's term on the vestry.

(d) **Vestry Plan Three.** As an alternate to Vestry Plans One and Two, a parish may adopt a two-year rotating system, as follows: At the first election after such a system is adopted, one-half of the members of the vestry shall be elected for one year and one-half for two years. Thereafter, at the annual meeting, one-half of the vestry shall be elected from among those who have not served on the vestry during the past year, and the terms of those so elected shall be for two years. Persons appointed during the past year to fill unexpired terms of one year or less under provisions of parish bylaws, may be made eligible for election for a full term, and the terms of those so elected shall be for two years. Should a parish vote to change the Vestry Plan Two to Vestry Plan Three, the change shall be effected by electing for two-year terms those who are to take the place of persons whose terms of office had been three years. A parish may include in its rotating vestry system a provision that no retiring member of the vestry shall be eligible for re-election until a specified period of time, not to exceed five years, has elapsed following the expiration of that person's term on the vestry.

(e) **Filling Vestry Vacancies.**

(1) In case of a vacancy on a vestry by reason of death, resignation, or other cause, the remaining members of the vestry may fill the vacancy from among those eligible to serve under the provisions of this canon.

(2) A person elected to fill a vacancy on a vestry shall hold office until the expiration of the term of the person whose office is to be filled.

**(f) *Bylaws.*** For the orderly conduct of its meetings and other business, a vestry may adopt bylaws not inconsistent with the Constitution and Canons of the Diocese. A copy of the bylaws and each amendment thereto adopted by each parish, certified by the secretary, shall be filed within 30 days thereafter with the Ecclesiastical Authority of the Diocese for approval. The Ecclesiastical Authority may, with the advice and consent of the Standing Committee, disapprove any bylaw which is inconsistent with the Constitution or Canons of the Diocese or of the General Convention.

**(g) *Nomination and Election Procedures.***

(1) Nominations of persons to be elected to a vestry may be received at an annual parish meeting in accordance with bylaws adopted by the parish. Bylaws governing the nomination of persons for election to the vestry may provide for taking preferential ballots prior to the time of the annual parish meeting, but if this is done, the bylaws shall provide that the number of nominees presented for election at the annual parish meeting shall be at least twice the number of positions to be filled on the vestry at that meeting.

(2) A majority of those present and voting in an annual parish meeting shall be necessary to elect a member of the vestry. Nominees receiving a majority shall be declared elected. If additional ballots are required, the nominees to be voted on shall be limited to twice the number of positions remaining to be filled and, within that number, shall be those not elected on the previous ballot who received the highest number of votes. However, should there be a tie vote for the last position on any subsequent ballot, the number of nominees to be placed on that ballot shall be increased to include the two or more nominees whose votes were tied.

(3) Nominations and elections for members of the vestry may be by paper ballot or by voice vote in accordance with the bylaws adopted by a parish meeting as provided in Section 1 of this canon.

(4) Notwithstanding any other provisions of this Canon D-V.4, a parish may provide in its bylaws, subject to approval by the Ecclesiastical Authority acting with the advice and consent of the Standing Committee, provisions for conducting vestry elections by paper absentee ballots, electronic survey technology, or other reliable and secure means that allow participation in the election by qualified voters who are not physically present at the annual meeting; provided that proxy voting shall not be permitted. Parishes may define circumstances in which absentee ballots are made available.

**(h) *Removal of Vestry Persons for Cause.***

(1) A person may be removed as a member of the vestry for cause by vestry only in accordance with the provisions of this paragraph (h).

(2) A person may be removed as a member of the vestry by the vote of two-thirds (2/3) of the members of the vestry then in office if the person has missed three or more meetings of the vestry in a twelve month period without excuse, if before any meeting of the vestry at which a vote on the removal of such person will be made, such person is given notice of the date and time of the meeting and the cause for removal and such person is given an opportunity to be heard at the meeting.

(3) A person may be removed as a member of the vestry by the vote of two-thirds (2/3) of the members of the vestry then in office for cause other than the failure to attend vestry meetings as described in subparagraph (h)(2), above, if before any meeting of the vestry at which a vote on the removal of such person will be made, such person is given notice of the date and time of the

meeting and the cause for removal and such person is given an opportunity to be heard at the meeting. *[Added by Act 2016-5.]*

### **Section 3. Wardens.**

(a) **Election.** Each vestry shall annually elect from among its own number a Senior and a Junior Warden. The vestry shall elect the Senior Warden upon nomination by the rector unless there is no rector, in which case the election shall proceed without the rector's nomination. If a vacancy occurs in the office of Senior Warden or Junior Warden, a successor shall be nominated and elected in the same manner.

(b) **Duties.** In the absence of the rector, the wardens shall preside in all meetings of the vestry or congregation, in order of their official seniority. As representatives of the vestry, they shall (subject to the vestry's directions and consistent with the rights of the rector) have charge of the church building and they shall see that it is kept from all uses inconsistent with the doctrine or discipline of The Episcopal Church and, so far as possible, in good repair, as becomes the house of God. The wardens shall see that the church is prepared for public worship and that order is preserved during that worship; that suitable books are provided for the services, vestments for the clergy, and, when necessary, the elements for the Holy Communion.

**Section 4. Treasurer.** In the absence of any other appointment, the Junior Warden shall act as treasurer of the parish.

### **Section 5. Vestry Meetings in Certain Cases.**

(a) Should the rector refuse to call a meeting of the vestry and, in the opinion of the wardens or a majority of the vestry, such a meeting would be of importance, the wardens or any three members of the vestry may call a vestry meeting. In such a case, however, the rector shall be notified of the time and place of the called meeting of the Vestry.

(b) Except by unanimous consent, all vestry members shall receive at least three days advance notice of the time and place of each vestry meeting other than regular meetings that have been scheduled by the vestry at the beginning of each year.

(c) At each vestry meeting, the presence of a majority of the membership shall be necessary to constitute a quorum. Motions, resolutions, elections, and all other matters presented to the vestry for vote shall be decided by a majority of the members present at a meeting at which a quorum is present.

(d) Accurate minutes of each vestry meeting shall be kept, signed by the secretary or clerk, presented at the next meeting for approval, revised if necessary, thereafter approved, and preserved with the records of the parish.

**Section 6.** This Canon D-V.4 shall continue to govern the structure and organization of the vestry of a former parish whose status has been changed to that of a mission pursuant to Canon D-IV.4.

## **Canon D-V.5**

### ***Legal Powers of a Parish Vestry***

*[Amended in 1997; Amended in 2000; Amended 2002]*

**Section 1.** The vestry of a parish shall be the trustees, shall have charge of all the secular concerns thereof, shall hold the property belonging thereto, and shall be authorized to collect, invest, and disburse its funds and enter into contracts on its behalf.

**Section 2.** Before the vestry of any parish shall be authorized to sell, mortgage, or otherwise convey or encumber any real property held by it or by a corporation or other entity formed or controlled by or affiliated with such parish, including encumbrances arising from purchase money obligations or engage in any borrowings or other similar financing transactions, the aggregate amount of which exceeds 50% of the normal operating income of the parish for the previous calendar year or the repayment of which may extend beyond a term of 12 months, it shall obtain the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese. Upon obtaining this consent, the vestry may, by appropriate resolution, authorize the wardens of the parish to execute such instruments as may be necessary or convenient for the purpose, and instruments so executed shall have the same force and effect as if executed individually by the members of the vestry. In such instruments, a recital by the wardens of their authority to act on behalf of the vestry, and of the fact that the written consent of the Ecclesiastical Authority, acting with the advice and consent of the Standing Committee of the Diocese, has been obtained, shall be *prima facie* true, and in the absence of notice or knowledge to the contrary, may be relied upon by the grantee or grantees in such instruments.

**Section 3.** Notwithstanding any other provision of this canon, no consent of the Ecclesiastical Authority or the Standing Committee shall be required for any of the following transactions involving real property that is not consecrated for the use as a church or chapel: (1) leases that can be canceled without penalty upon notice of 30 days or less to the lessee, (2) temporary easements of less than 12 months duration, and (3) cemetery lots or other interment rights.

## **Canon D-V.6**

### ***Junior or Associate Vestry***

**Section 1.** The Congregation of each parish and mission in the Diocese shall have the authority at any regular annual meeting, notice of which shall include a copy of such proposed action, to create and elect a junior or associate vestry, composed of no more than six enrolled confirmed adult communicants in good standing, and prescribing the number, term of office, and defining the scope of authority delegated to such junior or associate vestry. If a junior or associate vestry is established, all matters which have been or may be placed specifically within the power and authority of the regular vestry of parishes and missions by the Constitution and Canons of the General Convention or by the Constitution and Canons of the Diocese of North Carolina, shall remain in the sole and exclusive jurisdiction of the vestry.

**Section 2.** Any regular vestry of a parish or mission may, in its discretion, invite the junior or associate vestry to meet jointly with it, participate in discussion of all matters and vote on all matters coming before the vestry, except matters of contract, real property, trusts committed to the vestry, or other matters concerning which minors are not authorized to act under the laws of North Carolina.

**Section 3.** The congregation at any annual meeting shall have the authority to change, modify, amend or rescind any action theretofore authorized under the provisions of this canon.

### **Canon D-V.7**

#### ***Filling Vacant Cures***

*[Amended in 2002; Amended by Act 2009-3]*

**Section 1.** When a parish or congregation becomes vacant, the wardens or other proper officers shall inform the Bishop. If the authorities of the parish shall for 30 days have failed to make provision for services, the Bishop shall take such measures as may be deemed expedient for the temporary maintenance of divine services therein.

**Section 2.** No rector, interim rector or other clergy shall be elected by any vestry during such time as the parish is not in compliance with Canon D-IV.4, nor until the member of the clergy who is proposed by the vestry shall have been approved in writing by the Ecclesiastical Authority of the Diocese.

**Section 3.** Written notice of the election signed by the wardens shall be sent to the Ecclesiastical Authority of the Diocese. If the Ecclesiastical Authority be satisfied that the parish is in compliance with Canon D-IV.4, and the person so chosen is a duly qualified minister and has accepted the office, it shall send notice thereof to the Secretary of the Convention, who shall so record it. Such record shall be sufficient evidence of the relation between the minister and the parish.

**Section 4.** No assistant minister or other clergy shall be called by the rector of a parish during such time as the parish is not in compliance with Canon D-IV.4, nor without the consent of the vestry, nor until the proposed assistant or other clergy shall have been approved in writing by the Ecclesiastical Authority of the Diocese.

**Section 5.** In case of a vacancy in a mission, the Bishop shall appoint a vicar for a term of not more than four years; at the end of such term the vicar may be re-appointed.

### **Canon D-V.8**

#### ***Definitions, Registers, and Reports***

*[Amended in 1996]*

**Section 1. Registers.** Each congregation of this Diocese shall, by and under the supervision of its rector or vicar and vestry, keep and maintain in a permanent book known as its Parish or Mission

Register, an up-to-date record of all baptisms, confirmations, marriages, and burials solemnized within that congregation. This record shall specify the names of the persons in each instance; the parentage and date of birth of those baptized, with the names of their sponsors or witnesses; the date when each rite was performed; and the name or names of the officiating minister or ministers. In the case of each individual baptism, the officiating minister shall sign the Register. This Register signed by the minister, or by the Senior Warden if there is no minister, shall be presented to the Bishop for inspection at every annual visitation.

**Section 2. Other Required Reports.** Every minister canonically resident in this Diocese shall keep a record of all baptisms, marriages, and burials solemnized by him or her that are not otherwise reported in the Register of a congregation of this Diocese as required by Section 1, as well as any other otherwise unreported official acts done or performed or services held by him or her during the preceding calendar year, and shall annually before February 1 report them to the Ecclesiastical Authority. If he or she has not performed any such official acts or held any such services in that period, he or she shall report that fact and the causes or reasons which have prevented him or her from performing them.

The provisions of this Section 2 shall apply equally to otherwise unreported rites solemnized or services held in this Diocese by clergy who are not canonically resident in but are licensed to serve in this Diocese.

### **Section 3.**

**(a) Definitions.** A *member* of this Church is a person who has been baptized 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 this Church.

An *adult member* is a member who is 16 years of age, or older.

A *confirmed member* is:

(1) one who has been baptized in this church as an adult and has received the laying on of hands by the Bishop at Baptism, or

(2) one who has been baptized in this church as an adult and at some time after the Baptism has received the laying on of hands by the Bishop in Reaffirmation of Baptismal Vows, or

(3) any baptized person who received the laying on of hands at Confirmation by any bishop in apostolic succession and has been received into The Episcopal Church by a Bishop of this Church, or

(4) any baptized person who has received the laying on of hands by a Bishop of this Church at Confirmation or Reception.

A *communicant* is a member who has received the Holy Communion in this Church at least three times during the preceding year.

A *communicant in good standing* is a communicant who, for the preceding year, has been faithful in corporate worship (unless for good cause prevented) and has been faithful in working, praying, and giving for the spread of the Kingdom of God.

An *enrolled member of a congregation* is a member whose baptism has been recorded in that congregation, or who has been duly transferred to that congregation.

**(b)** For statistical purposes the minister in charge of a parish or mission shall annually report the number of baptisms, confirmations, marriages and burials. The minister shall also report the total number of baptized members, distinguishing those 16 and over from those under 16 years of age; the total number of confirmed communicants in good standing, distinguishing those 16 and

over from those under 16 years of age; as well as other items required by the Parochial Report form approved by the Executive Council of The Episcopal Church.

(c) The minister in charge of a parish or mission shall also maintain for current and future use lists of families and individuals within that cure, and for purposes of the enrollment or removal of each member maintain an indication of the member's status as baptized, under 16 or adult, whether or not a communicant, and if so whether in good standing, and whether considered confirmed or not.

**Section 4. *Letters of Transfer.*** At least once a year rectors and vicars shall instruct the people of their cures in regard to the law of this church concerning letters of transfer. When members move their residence, the rector or vicar of their former congregation shall promptly inform the rector or vicar of a congregation in the area to which they have moved, and that member of the clergy shall use all diligence to see that these persons may become affiliated with an appropriate parish or mission without delay.

**Section 5. *Parochial Reports.*** A report of every parish or mission in this Diocese shall be prepared annually for the year ending on December 31 preceding, upon the blank form prepared by the Executive Council of this Church and approved by the General Convention Committee on the State of the Church. It shall be sent in duplicate not later than March 1 to the Bishop, or, if there is no Bishop, to the Secretary of the Convention. The Bishop may require that this report be mailed directly to the Secretary, who shall report to the Bishop any parish or mission whose report has not been received by March 1. The report shall include all information necessary to complete the prescribed form in accordance with the provisions of Title I, Canon 6, Section 1, of the Canons of the General Convention. In every parish and mission the preparation and delivery of this report shall be the joint duty of the rector or vicar and vestry unless there is no rector or vicar, in which case it shall be the duty of the vestry to prepare and deliver the report.

In administering the provisions of Canon D-IV.4 with respect to establishing each parish's and mission's share of the Diocesan budget, the Diocesan Council may estimate the income and expenses of any parish or mission that has failed to submit its parochial report by February 1. *[Amended by Act 2006-7.]*

**Section 6. *Printing Reports.*** The parochial reports required by Section 5 of this canon, or such parts of them as the Bishop may deem fit, shall be printed in the *Journal of the Convention*.

#### **Canon D-V.9**

#### ***Consecration of Churches, Chapels or Other Buildings***

**Section 1.** In this Diocese, no church, chapel or other building, or part of a building used in whole or in part for church purposes shall be dedicated or consecrated except according to the rubrics pertaining thereto as set forth in the Book of Common Prayer, and in accordance with the Canons of the General Convention not inconsistent with those rubrics.

**Section 2.** No previously consecrated church, chapel, building, or part of a building that is owned or controlled by this Diocese or by any congregation or institution of this Diocese shall be removed, taken down, or otherwise disposed of for any worldly or common use, without the

previous written consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese, nor until the Sentence of Consecration previously placed thereupon has been properly removed there from.

#### **Canon D-V.10**

##### ***Memorials***

No memorial shall hereafter be placed in any church without the consent both of the rector or vicar and of the vestry. No memorial heretofore placed in any church, and none hereafter placed in accordance with this canon, shall be altered or removed without the consent both of the rector or vicar, and of the vestry. When there is no rector or vicar, the consent of the Ecclesiastical Authority of the Diocese, with that of the vestry, shall suffice, and if there be no vestry, the consent of the Ecclesiastical Authority, with that of the vicar, must be obtained.

#### **Canon D-V.11**

##### ***Pastoral Mediation***

**Section 1.** Except as provided in the Canons of the General Convention, a rector may not resign a parish without the consent of the vestry thereof, nor may a rector canonically chosen and in charge of a parish be removed there from by its vestry against the rector's will, except as provided by canon. [*Amended by Act 2007-10.*]

**Section 2.** If a rector and the vestry of the parish served are unable to agree in a matter or matters that might lead to a request by either party for dissolution of the pastoral relation, either or both parties shall promptly deliver to the Ecclesiastical Authority a written notice describing their differences and requesting mediation thereof by the Ecclesiastical Authority.

Upon receiving such a request, the Bishop shall mediate the disagreement and seek a solution. As part of the mediation process, the Bishop may appoint a committee composed of one presbyter and one lay person, neither of whom is affiliated with the parish in which the disagreement exists, to investigate and make a written report thereof, stating the nature of the dispute and the position of each party. This report shall be delivered to the Bishop, the rector, and the vestry within 21 days after the committee's appointment.

In the absence of the Bishop, the Standing Committee shall exercise the role assigned the Bishop in this canon.

#### **Canon D-V.12**

##### ***Dissolution of the Pastoral Relation***

**Section 1.** If the pastoral mediation called for by Canon D-V.11 has been exhausted without success and a rector or the vestry of the parish served wishes to have the pastoral relation dissolved, each party, within 60 days of the conclusion of the pastoral mediation process, may request final disposition of the dispute by giving notice thereof to the Ecclesiastical Authority and to the other party concerned.

**Section 2.** Within 30 days after receiving the written notice provided for in Section 1, the Bishop shall conduct a hearing on the issue. The Bishop shall fix the date, time, and place for the hearing, notify the parties affected, and conduct the hearing as ultimate arbiter and judge. In all cases, the Bishop shall consult and seek the advice of the Standing Committee before reaching a decision.

**Section 3.** At the Bishop's request, the Standing Committee shall be present at the hearing provided for in Section 2 and shall be permitted to question persons present for the hearing. The Chancellor shall be available to the Bishop for consultation at the hearing.

**Section 4.** Each party, his, her, or their representative may present a statement of position and the reasons supporting it. No testimony or other evidence shall be presented at the hearing unless, exercising discretion, the Bishop shall allow it for compelling reasons in the interests of justice. Oral statements and testimony shall be subject to cross-examination.

**Section 5.** The Bishop shall render a decision not later than 15 days following the close of the hearing and that decision shall be final and binding.

**Section 6.** If the pastoral relation is to be dissolved:

(a) The Bishop shall set forth in writing the reasons and conditions for the dissolution. A copy shall be provided each of the parties to the matter at issue, and a copy of the decision shall be available for public inspection.

(b) The Bishop shall require just and compassionate compensation or indemnity (if any) and shall undertake to offer such supportive services as may be suitable.

**Section 7.** In the event of the failure or refusal of either party to comply with the terms of the decision, the Bishop may impose such penalties as may be provided by the Constitution and Canons of the Diocese; and in default of any provisions for such penalties therein, the Bishop may act as follows:

(a) In the case of a rector, inhibit such rector from officiating in the parish until the decision is complied with.

(b) In the case of a vestry, recommend to the Diocesan Convention that the union of the parish with Convention cease until the parish complies with the decision.

**Section 8.** Statements made during the course of the proceedings under this Canon are not admissible in any proceeding under Title IV of the Canons of the General Convention or Title D-VI of the Canons of this Diocese. However, this rule does not require the exclusion of evidence in proceedings under the above Canons of the General Convention or of this Diocese, which evidence is otherwise discoverable and admissible.

## Canon D-V.13

### *Status of Parishes and Missions*

*[Amended in 1997; Amended in 2000; Amended by Act 2009-3]*

#### **Section 1.**

(a) By December 15 of each year, the Bishop and Standing Committee shall have made an annual survey of the parishes and missions of the Diocese. If, after any survey, they shall find that a parish does not meet the standards set in Canon D-V.2, Section 4, they shall notify the parish that its status has changed to that of a mission pursuant to Canon D-IV.4 or unless, within one year from said notice, it meets all of the other required standards, the Bishop, with the advice of the Standing Committee, will change its status to that of mission, effective at the end of the following December.

(b) If, after any survey, the Bishop and the Standing Committee shall find that a mission does not meet the standards set in Canons D-IV.2 and D-V.1, they shall notify the mission that unless the mission meets the aforesaid standards within one year from said notice, the Bishop, with the advice of the Standing Committee, will request the Convention next following the end of that year to dissolve the mission's union with the Convention.

(c) Should any parish fail to meet the numerical membership requirements set forth in Canon D-V.2, Section 4(a), it may yet maintain parish status if it demonstrates to the Bishop and the Standing Committee that

(1) It has the financial and other resources to meet and is meeting the requirements in Canon D-V.2, Sections 4(b-j);

(2) It, in fact, accepts and pays its full share of the Budget for the Mission and Ministry of the Diocese according to the canons;

(3) It maintains the normal church programs, particularly outreach and Christian Education programs, appropriate to the character and needs of its membership.

(d) Any parish or mission affected by this canon is entitled, upon its request, to a hearing before the Standing Committee within the year's time granted in this canon.

**Section 2.** If a parish is dissolved or if its status is changed from parish to mission, the property belonging to it shall vest in the Trustees of the Diocese, in trust for the interests of the Church in the late parish. If the change in status occurred pursuant to Canon D-IV.4, the property shall revert to the parish when all arrears have been paid in full and the parish has remained in compliance with Canon D-IV.4 for two successive years. If the change in status occurred for any other reason, the property shall revert to the parish upon its *bona fide* reorganization and admission into union with the Convention as a parish.

**Section 3.** Upon the dissolution of a parish or mission, the Trustees of the Diocese, upon failure of the congregation of the parish or mission to reorganize within a reasonable time, and upon the adoption of a resolution by the Trustees that it will be for the best interest of the Church in the Diocese, shall have the power and the authority to sell and convey such property and to execute and deliver a good and sufficient deed upon the payment of such sale price as may be determined or to manage, rent, lease or otherwise dispose of said property by instrument sufficient for that purpose, first having obtained the written consent of the Bishop, acting with the advice and consent of the Standing Committee. The net proceeds and income from such a sale shall then be held by the Trustees of the Diocese to be used for such purposes as the Bishop and Diocesan

Council may direct upon recommendation of the Department of Congregational Support and Development.

## **Title D-VI: Ecclesiastical Discipline**

### **Canon D-VI.1**

#### ***Title IV of the Canons of the General Convention***

*[Added by Act 2010-3; Amended by Act 2011-2]*

Those provisions of Title IV of the Canons of the General Convention which are applicable to the Diocese are hereby incorporated as part of this Title. To the extent, if any, that any of the provisions of this Title are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

### **Canon D-VI.2**

#### ***Disciplinary Board Operations***

*[Added by Act 2010-3; Amended by Act 2011-2]*

**Section 1. Preserving Impartiality.** In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board 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'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.

**Section 2. President.** Within 60 days following the annual Convention, the Board shall convene to elect a President to serve for the following year.

**Section 3. Intake Officer.** The Intake Officer shall be appointed from time to time by the Ecclesiastical Authority after consultation with the Board. The Ecclesiastical Authority may appoint one or more Intake Officers according to the needs of the Diocese. The Ecclesiastical Authority shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

**Section 4. Investigator.** The Ecclesiastical Authority shall appoint an Investigator in consultation with the President of the Board. The Investigator may but need not be a Member of the Church.

**Section 5. Church Attorney.** Within 60 days following each annual Convention, the Ecclesiastical Authority, in consultation with the Standing Committee, shall appoint an attorney to serve as Church Attorney to serve for the following year. The person so selected must be an enrolled, confirmed adult communicant in good standing and a duly licensed attorney, but need

not reside within the Diocese. The Ecclesiastical Authority, in consultation with the Standing Committee, may remove the Church Attorney for cause.

**Section 6. Pastoral Response Coordinator.** The Ecclesiastical Authority may appoint a Pastoral Response Coordinator, to serve at the will of the Ecclesiastical Authority in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the Canons of the General Convention and this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

**Section 7. Advisors.** In each proceeding under this Title, the Ecclesiastical Authority shall appoint an Advisor for the Complainant 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.

**Section 8. 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 D-VI.3**

#### ***Costs and Expenses in Disciplinary Matters*** *[Added by Act 2010-3; Amended by Act 2011-2]*

**Section 1. Costs Incurred by the Church.** The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk, and the Pastoral Response Coordinator shall be the obligation of the Diocese, subject to budgetary constraints as may be established by the Diocesan Council.

**Section 2. Costs Incurred by the Respondent.** In the event of a final Order dismissing the complaint, or by provisions of a Covenant approved by the Ecclesiastical Authority, upon recommendation of the Ecclesiastical Authority or the Disciplinary Board, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by the Diocese, subject to budgetary constraints as may be established by the Diocesan Council.

### **Canon D-VI.4**

#### ***Records in Disciplinary Matters*** *[Added by Act 2010-3; Amended by Act 2011-2]*

**Section 1. Records of Proceedings.** Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

**Section 2. Permanent Records.** The Ecclesiastical Authority 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 Canons of the General Convention.

## **Title D-VII: Administration**

### **Canon D-VII.1**

#### ***Suffragan Bishop May Act as Ecclesiastical Authority***

In the event of the Bishop's death, disability, or extended absence from the Diocese, and if there be no Bishop Coadjutor, the Suffragan Bishop may be placed in charge of the Diocese by the Standing Committee and become temporarily the Ecclesiastical Authority thereof in accordance with the provisions of the Constitution and Canons of the General Convention.

### **Canon D-VII.2**

#### ***Chartered Committees***

*[Adopted in 1997; Amended by Act 2021-11]*

**Section 1. Chartered Committees.** A chartered committee is one created by action of the Diocesan Council in response to a resolution of the General Convention, a resolution of the Convention of this Diocese, or a formal request by the Bishop of this Diocese.

**Section 2. Temporary Bodies.** The Bishop, the Convention or the Diocesan Council may establish temporary bodies for specific purposes. Any such temporary body shall be accountable to the body that created it and shall continue in existence for not more than three years.

**Section 3. Appointments.** The Bishop, in consultation with the Diocesan Council, shall appoint the members of all chartered committees and temporary bodies and shall designate the chair of each.

**Section 4. The Chartering of Committees.** Each chartered committee shall have a charter approved by the Diocesan Council. The charter shall specify its charge, the Department of the Diocesan Council to which it is accountable, the number of its members and their terms of office. In approving the charter, the Diocesan Council shall observe the following guidelines: (1) terms of office shall be no longer than three years; (2) terms of office of members shall be staggered; (3) no member who has served two successive terms shall be eligible for reappointment until one year shall have elapsed following the expiration of the last term; (4) the number of members shall not exceed nine. If the Diocesan Council shall determine that a greater number of members are necessary to carry out the charge, it may authorize such greater number. In making appointments to chartered committees and temporary bodies, the Bishop shall give due consideration to the diversity of the Diocese. The Diocesan Council shall report all charters to the Convention, and they shall be documented in the Journal.

**Section 5. *Vacancies.*** When a vacancy in any chartered committee or temporary body occurs for reasons other than expiration of term and there are more than twelve months remaining in the unexpired term, the appointment to fill the vacancy shall be for the remainder of the term. When a vacancy occurs and there are fewer than twelve months remaining in the unexpired term, the appointment shall be for the remainder of the unexpired term and the full succeeding term.

**Section 6. *Members to Hold Over.*** Members of all chartered committees and temporary bodies shall continue in office until their successors are appointed and have undertaken exercise of their offices.

**Section 7. *Accountability.*** Each chartered committee shall report at least annually to the Diocesan Council in such format and according to such schedule as the Council may prescribe. Each such body shall also report to each Annual Convention.

**Canon D-VII.3**  
***The Definition of Certain Terms***  
*[Adopted by Act 2021-12]*

**Section 1.** For purposes of the Canons of the Diocese of North Carolina, and except as expressly provided otherwise therein, all references implying physical documents are deemed to include and authorize the use of electronic technologies.

**Section 2.** For purposes of the Canons of the Diocese of North Carolina, and except as expressly provided otherwise therein or in the bylaws of a parish or mission, all references to a person's or to persons' physical presence are deemed to include and authorize the use of electronic technologies.

**Section 3.** Any use of electronic technologies shall be consistent with any applicable canon of The Episcopal Church or the Diocese of North Carolina.

**Canon D-VII.4**  
***Conduct of Meetings and Voting by Remote Technology***  
*[Added by Act 2013-5, Amended by Act 2021-4]*

**Section 1.** Parishes, missions, and their vestries; Convocations; the Standing Committee; the Diocesan Council on behalf of itself, its Departments, and the Council Committee on the State of the Church; the Trustees of the Diocese; Commissions and Chartered Committees of the Diocese; the Disciplinary Board, the Fair Share Appeals Board, the Mission Endowment Board, and the Murdoch Memorial Society; and all other commissions and committees of the Diocese (collectively, "Diocesan Entities") are authorized to adopt bylaws providing for the conduct of meetings by teleconference, videoconference, or any other technology that allows all persons participating to hear each other at the same time and to participate in discussion. For purposes of

determining a quorum, conducting a parliamentary process, and voting, members participating in a meeting by means of remote technology are deemed present in person at the meeting.

**Section 2.** Diocesan Entities are authorized to adopt bylaws providing that actions required or permitted to be taken by the body may be taken without a meeting if (i) all members of the body consent to the action in writing or by authenticated electronic transmission, and (ii) such written or authenticated electronic transmissions are filed with the minutes of the proceedings.

**Section 3.** Bylaws adopted pursuant to this Canon must be consistent with the Constitution and Canons of the Diocese of North Carolina and of the General Convention and shall be submitted to the Ecclesiastical Authority for approval.