



**CONSTITUTION AND CANONS
OF THE EPISCOPAL DIOCESE
OF WESTERN NORTH CAROLINA,
A DIOCESE OF THE PROTESTANT
EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA**
Conformed after the 2015 Annual Convention of the Diocese

CONSTITUTION

**ARTICLE 1
The Diocese**

The Diocese of Western North Carolina embraces territorially the counties of Alleghany, Wilkes, Alexander, Catawba, Lincoln and Gaston, in the State of North Carolina and all that portion of the State lying west thereof, and as a constituent part of the Protestant Episcopal Church in the United States of America, it accedes to and adopts the Constitution and Canons of that Church and acknowledges their authority accordingly.

**ARTICLE II
The Convention of the Diocese**

SECTION 1. The Convention of the Diocese consists:

- a) Of the Bishop of the Diocese, any Assisting Bishop of the Diocese, and any retired Bishop of the Diocese.
- b) Of every ordained minister of the Episcopal Church
 - i. canonically resident in the Diocese or
 - ii. serving in a Parish, Chapel, or recognized worshipping community and not under discipline and
- c) Of every ordained minister of a Church in communion with The Episcopal Church, which ordained minister is not under discipline and serves in a Parish, Chapel, or recognized worshipping community in canonical union with the Diocese which has complied with the canonical requirements for lay representation. [*b) and c) amended in 2014*]
- d) Of any officer of the Diocese, who may be constituted ex officio members of the Convention by constitution or canonical provision.
- e) Of lay delegates from the Parishes, Chapels, or recognized worshipping communities in canonical union with the Diocese which have complied with the canonical requirements for lay representation. Hereinafter in this Constitution, a recognized worshipping community is referred to as “Worshipping Community.”

- f) Of the President of the Directors of The Episcopal Foundation of Western North Carolina.

SECTION 2.

- a) Each parish shall be entitled to two lay delegates, and
- b) Each Chapel or Worshiping Community shall be entitled to one lay delegate to the Convention.

SECTION 3. The lay delegates shall be communicants in the Parish, Chapel, or Worshiping Community which they represent, and they shall be chosen in such manner as may be prescribed by Canon.

**ARTICLE III
Annual and Special Conventions**

SECTION 1. A Convention of the Church in this Diocese shall meet annually at such time and place as may have been determined by the next preceding convention, or in case of no such determination, at such time and place as may have been designated by the Ecclesiastical Authority of the Diocese, but the time or place of such meeting may be changed, or Special Conventions may be called by the Ecclesiastical Authority of the Diocese, subject to such provisions as may be prescribed by Canon.

SECTION 2. Printed notice of the meeting of the Convention shall be mailed at least thirty days before the time appointed, to members of the Clergy canonically resident in the Diocese. In case of a Special Convention, the notice shall specify the purpose for which the same is called, and no business not strictly pertaining to that purpose shall be transacted by said Convention.

SECTION 3. The Ecclesiastical Authority shall appoint and order the opening service, and all other religious services of the Convention, subject in the absence of the Bishop, to modification by the Convention itself.

SECTION 4. The Bishop of the Diocese shall have a seat and vote in the Convention, and shall be its presiding officer. If the Bishop of the Diocese shall not be in attendance upon the Convention, the Assisting Bishop shall be its presiding officer. If neither the Bishop nor an Assisting Bishop of the Diocese shall be in attendance upon the Convention, the President of the Standing Committee shall be its presiding officer. If the Bishop, any Assisting Bishop and the President of the Standing Committee shall all be absent from the Convention, a President pro tempore shall be elected from amongst the clerical members of the Convention.

SECTION 5. The presence of a majority of the clergy entitled to seats in the Convention who are assigned to a Parish, Chapel or Worshiping Community or the Bishop or any Assisting Bishop of the Diocese, and of a representative from on-half of all the Parishes, Chapels, or Worshiping Communities entitled to be represented in the Convention, shall be necessary to constitute a quorum for the transaction of business, provided, however, that any less number shall have power to meet, to receive reports and to adjourn.

ARTICLE IV
Election to the Episcopate

The election of a Bishop shall be made in an Annual Convention, or in a Special Convention called for that purpose, at least sixty days before the time appointed, the object being stated by notice in writing and sent to all canonically resident Clergy and to each Vestry and Governing Committee of the Diocese.

The election shall be by orders, and a concurrence of a majority of both orders present and voting shall be necessary to determine the choice, provided that two-thirds of all the Clergy entitled to vote and Lay Delegates from two-thirds of all the parishes and congregations entitled to representation be present; otherwise, two-thirds of the votes of each order shall be necessary for a choice.

ARTICLE V
Officers of the Diocese

SECTION 1. The Standing Committee of the Diocese shall consist of four presbyters and four lay persons. The Convention shall annually elect to the Standing Committee one presbyter and one lay person, each of whom shall serve for four years. The Standing Committee shall annually elect from its members a presbyter as President. Any vacancy occurring in the membership of the Standing Committee shall be filled by election for the unexpired term by a majority of the remaining members of the Standing Committee. Any member having served a full term shall be ineligible for reelection for a period of four years.

SECTION 2. The Ecclesiastical Authority and the Executive Council shall be responsible to the Convention for conducting all those affairs of the Diocese not otherwise delegated, when Convention is not in session. The Executive Council of the Diocese shall consist of the Bishop, who shall serve as President thereof; , any Assisting Bishop of the Diocese, twelve lay members and six clerical members, who shall all have a voice and a vote in its deliberations; , and the Chancellor and Treasurer of the Diocese, and the Dean of the Cathedral each of whom shall have a seat and voice but no vote.

During a vacancy in the See, the President of the Standing Committee shall serve as a member of the Executive Council with seat and voice but without vote. The Executive Council shall annually elect from its lay members a Vice President. A Recorder, not necessarily a member of the Executive Council, shall be appointed by the President of the Executive Council. The lay membership shall be divided into twelve seats, two attributable to each deanery. Lay members for each such seat shall be elected by Convention from one or more lay members nominated by Convention, such members to be members of a Parish, Chapel, or Worshiping Community within the represented Deanery. The Annual Convention shall elect four lay members who are communicants in the represented Deaneries to replace the lay members whose terms on the Executive Council expire at Convention to serve three year terms. The clerical membership shall be divided into six seats, one attributable to each Deanery. Clergy members for each such seat shall be elected by Convention from one or more clergy members nominated by Convention, such members to be canonically resident in the represented Deanery. The Clergy member elected to the Executive Council shall not also serve as Dean. The Annual Convention shall elect two

clergy to serve three-year terms. Any vacancy occurring in the membership of the Executive Council, whether clergy or lay, shall be filled by election of a clergy member who is canonically resident in the represented Deanery or a lay member who is a member of a Parish, Chapel, or Worshiping Community in the represented Deanery, for the unexpired term, by a majority of the remaining members of the Executive Council. Elected members having served a full term shall be ineligible for reelection for a period of two years. Each member of the Executive Council, not otherwise made a member of the Convention by Constitutional or Canonical provision, shall have seat, voice and vote at all Annual or Special Conventions of the Diocese.

SECTION 3. The Trustees of the diocese shall consist of the Bishop, any Assisting Bishop of the Diocese, the Chancellor, the Treasurer and five additional lay persons as members at large. Each member of the Trustees shall have a voice and vote in the deliberations of the Trustees. The Convention shall annually elect one member at large to the Trustees for a five-year term. The Trustees themselves shall annually elect a Chairperson from their members at large. Any vacancy occurring in the membership at large of the Trustees shall be filled by election for the unexpired term by a majority of the remaining members of the Trustees. Elected members having served a full term shall be ineligible for reelection for a period of one year.

SECTION 4. Every three years the Ecclesiastical Authority shall nominate, and the Convention shall elect, a lay person learned in the law to serve as Chancellor of the Diocese, and it shall be the duty of the Chancellor to advise the Bishop, the Standing Committee, the Executive Council and the Trustees concerning all questions of law.

SECTION 5. The Convention shall annually elect a Treasurer of the Diocese who shall be accountable at all times to the Bishop and the Executive Council.

SECTION 6. The Convention shall annually elect a Secretary of the Diocese.

SECTION 7. The Ecclesiastical Authority shall nominate, upon the advice of the Chancellor, and the Convention shall elect, annually, four or more persons as Committee on Constitution and Canons.

SECTION 8. The Convention shall elect at the proper times in the proper numbers Deputies to the General Convention and Delegates to the Provincial Synod.

SECTION 9. The Convention shall undertake such business as necessary to comply with the disciplinary canons of the *Canons of General Convention*. [Amended in 2010]

SECTION 10. The Diocese shall be divided by the Bishop into not more than six Deaneries, for each of which there shall be a Dean elected by the Deanery for a term and in the manner provided by Canon.

SECTION 11. All officers, committee members, trustees, deputies and delegates provided for in this Article or otherwise in the Constitution shall be known as the Officers of the Diocese. All such officers shall perform the duties indicated by the Constitution, Canons and general usage together with such further duties as may be assigned by proper authority. Each such officer shall continue in office until a successor is chosen. Only clergy canonically resident in the Diocese and only lay persons who are communicants of a Parish, Chapel, or Worshiping Community

within the Diocese shall be eligible to serve in such offices. Except as otherwise provided in the Constitution or by Canons, any vacancies among such officers arising while the Convention is not in session may be filled for the unexpired term by the Ecclesiastical Authority. The Chancellor, the Secretary and the Treasurer, upon election, shall become members of the Convention entitled to seat, voice and vote in its deliberations.

ARTICLE VI
Mode of Voting and Elections

SECTION 1. Except as otherwise provided in this Article VI and in Articles IV, VII and VIII, the clergy and lay delegates shall deliberate in one body, and vote as such in all Convention elections. All contested elections by Convention shall be by ballot. [*Amended in 2010*]

SECTION 2. A vote by orders upon the decision of any question may be called for by five members. In such case the same concurrence of votes in each order as would be required in a single body vote on such questions will be necessary.

ARTICLE VII
Suspension of a Parish, Chapel or Worshiping Community

SECTION 1. The right of lay representation of a Parish, Chapel or Worshiping Community in the convention may be suspended for cause by a two-thirds vote by orders of the Convention.

SECTION 2. Any Parish, Chapel or Worshiping Community in communion with the Diocese may be dissolved for cause by a two-thirds vote by orders of the Convention, after investigation, notice to the Parish, Chapel or Worshiping Community, and report to the Convention.

ARTICLE VIII
Amendment of Constitution

The mode of altering this Constitution shall be as follows:

Every proposition for amendment shall be made in writing and read at a regular Convention. After being read, the proposition shall be referred to the Committee on Constitution and Canons which shall review and report upon the same to the next Annual Convention, with its recommendation. If two-thirds of the two orders voting separately shall then approve said proposition, either in its original form, or in the form recommended by said Committee, the Constitution shall be modified accordingly.

CANONS

CANON 1
The List of Clergy

SECTION I. Within one week before the meeting of every Convention of this Diocese, the Bishop shall cause to be prepared a list of the Clergy canonically resident in the Diocese,

annexing the names of their respective cures, parishes, chapels, recognized worshipping communities, missionary stations, or institutions in which they are engaged. Hereinafter in these Canons, a recognized worshipping community is referred to as a "Worshipping Community." Clergy canonically resident who are not so engaged shall have their places of residence annexed. The list shall specify who of any class are Deacons. No member of the Clergy, while suspended from the Ministry, shall have a place on such list. The list shall be laid before the Convention immediately after it shall have been called to order, and the names of the Clerical members determined therefore. The same shall be appended to the Journal, and sent to the Secretary of the General Convention.

SECTION 2. When the right of any ordained minister to a seat in the Convention is disputed, it shall be determined in accordance with the provisions of the second Article of the Constitution, by the Convention itself, whether the ordained minister's name be inserted in the list aforesaid or be omitted.

CANON 2

Clerical and Lay Delegates to Convention

SECTION 1. It shall be the duty of all Ordained Ministers entitled to seats in the convention to attend same. Each Parish, Chapel, or Worshipping Community in union with the Convention shall send the proper number of lay delegates to the Convention. Lay delegates and one alternate for each lay delegate shall be elected from among the communicants of a Parish, Chapel, or Worshipping Community by the Vestry or Governing Committee, or by the congregation at the Annual Meeting or a special meeting of the Parish, Chapel, or Worshipping Community called for that purpose. The Clergy or Licensed Minister in Charge of the Parish, Chapel or Worshipping Community shall forthwith, send to the Secretary of the convention, for delegates and alternates elected as aforesaid a certificate as follows:

"This is to certify that communicants in good standing of Parish, Chapel, or Worshipping Community were duly elected Lay Delegates and Alternates to represent the same in the Convention of the Protestant Episcopal Church of Western North Carolina, to being on the _____ day of _____."

This certificate shall be signed by the Rector, Minister-in-Charge, or Clerk. The Secretary of the Convention shall make a list of names of delegates thus certified, to be used at the organization of the Convention.

SECTION 2. Delegates shall be elected no later than forty-five days before the meeting on any Annual Convention set for a specific date by a preceding Convention. With respect to all other conventions, delegates shall be elected no later than twenty-one days before the meeting of such Conventions.

CANON 3

The Secretary

It shall be the duty of the Secretary to take minutes and record all proceedings of the Convention; to attest its public acts, preserve its records, notify the Parishes, Chapels, and Worshipping Communities of the times and places of meeting of all stated and special conventions, giving

thirty days' notice, and faithfully to deliver to a duly elected successor all books and papers belonging to the convention which may be in the Secretary's charge. In giving notice of the meeting of the Annual Convention the Secretary shall send a form of parochial report, and of certificate by which the appointment of lay delegates is to be certified. If the Parish, Chapel or Worshiping Community be vacant, this notice shall be set to the Clerk.

CANON 4 The Treasurer

SECTION 1. The Treasurer shall have custody of all funds and other intangible personal property of the Diocese not specifically given, paid or bequeathed to a parish, institution or other agency of the Diocese.

SECTION 2. The Treasurer shall administer all of the financial functions of the Diocese as prescribed by the Trustees in respect to all other property in the Treasurer's custody.

SECTION 3. The Treasurer shall maintain full and accurate records of all transactions involving the properties of the Diocese in the custody of the Treasurer, including an accounting for all receipts and disbursements of the funds of the Diocese.

SECTION 4. The Treasurer shall account separately to the Executive Council and the Convention at least once each year, and at such other times as may be directed by the Executive Council or the Convention, in connection with all properties in the custody of the Treasurer, including receipts and disbursements of funds.

SECTION 5. The Treasurer is authorized and empowered with the approval of the Executive Council, to appoint such assistants and to employ such other persons as may be necessary for the orderly and convenient discharge of the duties of this office. Provisions shall be made in the annual budget for the reasonable and necessary expenses of this office.

SECTION 6. Before entering upon the discharge of these duties, the Treasurer shall file with the Executive council of the Diocese a bond executed on behalf of the Dioceses by some reliable guaranty company in the sum to be directed from time to time by the Executive Council for the faithful performance of these duties, the cost of which shall be-paid by the Dioceses.

CANON 5 The Historiographer

The duties of the Historiographer shall be to assist in collecting, preserving, arranging and writing matter related to the history of the Dioceses. The Historiographer shall participate in such writing as ay be undertaken by the Diocese, while encouraging congregations and other institutions to preserve their histories.

CANON 6 The Trustees

SECTION 1. The Trustees of the Diocese shall hold title to all real property and to all entrusted funds of the Diocese not specifically given, conveyed or devised to a parish, institution or other

agency of the Diocese. The Trustees shall have the duty and responsibility for the maintenance, preservation, investment, reinvestment, and safekeeping of all properties and the disbursement of all funds to which they hold title, subject to the direction of the Executive Council. In the case of a sale, conveyance, or encumbrance of any real property, the prior consent of the Bishop, the advice and consent of the Standing Committee, and the approval of the Executive council shall be obtained.

SECTION 2. With respect to real property and all documents necessary to the exercise of any right, duty, authority or responsibility of the Trustees, the same shall be legally sufficient for any and all purposes if made in the name of *'The Episcopal Diocese of Western North Carolina'*, affixed with the seal of the Diocese and signed by the Chairperson of the Trustees or the Chancellor holding office on the date of the execution of such documents. The Chairperson or Chancellor singly shall act on behalf of the Trustees when all other canonical requirements have been met if so authorized and directed at a meeting of the Trustees by a majority of the Trustees. It shall not be necessary that any other person sign such documents. The appearance of the seal of the Diocese on such documents shall be conclusive proof of the authority of the person who executes the same.

SECTION 3. Any and all documents necessary to the exercise of any right, duty, authority or responsibility of the Trustees, with respect to personal property, may be executed by the Treasurer of the Diocese or such other agent as the Trustees may from time to time designate.

The Chairperson of the Trustees, upon election, shall become a member of the Convention of the Diocese, entitled to seat, voice and vote in its deliberations.

CANON 7

Deputies to the General Convention and Provincial Synod

SECTION 1. Deputies to a regular meeting of the General Convention, who shall also serve as delegates to the Synod of the Province of Sewanee (Province IV), shall be elected at the Annual Diocesan Convention preceding by two years the year of regularly scheduled General Conventions. Said deputies shall consist of four ordained persons, either presbyters or deacons canonically resident in the Diocese, and four lay persons, members of a Parish, Chapel, or Worshiping Community within the Diocese, chosen by ballot and elected by a majority of those voting. In addition, four other ordained persons and four other lay persons shall be chosen by ballot and elected by a majority of those voting as alternates for the first chosen. Such deputies and alternates shall serve at any meeting of the General Convention thereafter until their successors are chosen.

SECTION 2. In case any deputy or delegate of those first chosen shall decline such appointment or be unable to attend, the deputy or delegate shall forthwith inform the Ecclesiastical Authority of the Diocese. The Ecclesiastical Authority shall thereupon summons one of the alternates to the General Convention or Synod. Alternates shall be appointed in the order in which their names are in the Journal, which order shall be the order of their election; or when two or more are elected at one balloting shall be determined by the aggregate vote received.

CANON 8
The Diocesan Program and Bishop's Discretionary Fund

SECTION 1. It shall be the duty of the Vestries of each Parish to provide for the collection and payment of such sums as they shall determine for the support of the Diocese. Unless a different schedule of payment is requested and authorized by the Treasurer, the same shall be transmitted in monthly installments to the Treasurer of the Diocese.

SECTION 2. The open offering taken at one visitation annually of the Bishop to each Parish shall be delivered forthwith by the local Treasurer to the Bishop for his or her discretionary use; the funds so created to be known as "*The Bishop's Discretionary Fund.*"

CANON 9
Parishes

SECTION 1. Any number of baptized adults, not less than forty may associate themselves and apply for written consent of the Ecclesiastical Authority for formation of a new Parish. Application for such consent shall be by Articles of Association, which must be signed by at least eighteen persons who intend to be supporters of the new Parish. The Articles shall be in the following form:

"We, the undersigned, commit ourselves to the doctrine, discipline and worship of The Episcopal Church as set forth in Scripture, and the Book of Common Prayer, and promise conformity to the constitution and Canons of the General Convention of the same and the Diocese of Western North Carolina. We do hereby declare ourselves, individually and corporately, ready to respond to our Lord's call 'to make disciples of all peoples everywhere: baptize them and teach them to obey His commandments , and to work, pray and give for the spread of the Kingdom of God.' We put ourselves under your charge and will reverently obey your authority."

SECTION 2. After execution of the Articles of Association, a meeting of the new Parish shall be called by the signatories of the Articles, with ten days' notice to the supporters of the new Parish, to elect a Vestry and adopt a name. The minutes of the meeting shall be recorded in a book in which all subsequent minutes of Vestry meetings and Parish meetings shall be kept, together with the articles of Association.

SECTION 3. A certified copy of the Articles of Association and a copy of the minutes of the meeting to organize the Parish shall be sent to the Ecclesiastical Authority of the Diocese, who shall then present the same to the Executive Council of the Diocese for their advice and consent.

SECTION 4. When written consent from the Ecclesiastical Authority of the Diocese has been received, along with the appointments for a Warden, a Clerk and a Treasurer, the Parish shall then be declared organized. The Warden the Clerk and the Treasurer, along with the elected Vestry persons, will manage the temporal affairs of the Parish and will serve a term of one year or until the first Annual Meeting of the Parish.

SECTION 5. The Ecclesiastical Authority of the Diocese shall have the right to appoint and designate, or to determine in what manner a person shall be chosen to be the licensed minister of the new Parish.

SECTION 6. At least sixty days before the next regularly scheduled Annual Convention of the Diocese, the licensed minister and the Vestry shall present their credentials to the Ecclesiastical Authority, with a petition to the Convention requesting admission into union with the Diocese.

SECTION 7. The Ecclesiastical Authority of the Diocese may, at his or her discretion, initiate new areas of ministry within the Diocese as he or she sees need or in response to local interest.

SECTION 8. Any Parish which shall deem its rights encroached upon or its prosperity or usefulness endangered by the proposed location in its vicinity of a Church, Chapel, Worshiping Community or another Parish may present the matter of the threatened intrusion to the Bishop of the Diocese, and ask for pastoral advice in its behalf. In such case, the Bishop may call for and appoint the time and place of a conference from the Parishes in interest. But, if such conference, with godly advice of the Bishop, shall not result in an amicable adjustment of the differences between the parties thereto the Bishop, or either party in conflict may lay the matter at issue before the Standing Committee of the Diocese, and the decision of the Standing Committee, with the approval of the Bishop, shall be final.

CANON 10 **The Vestry**

SECTION 1. In every Parish in the Diocese annually, at a time and place of which notice shall be given to the congregation and the Bishop at least fourteen days prior thereto and after prayer, there shall be held a Parish meeting of the qualified voters of the Parish for the election of a Vestry, which shall consist of not fewer than five nor more than fifteen members, who, upon taking office when their term begins, shall continue in office until their successors are chosen and duly installed. Members of the Vestry should elected for a term not to exceed three years according to a system of rotation to insure that not all Vestry members complete their service at the same time. Vestry embers may not succeed themselves except when they are filling an unexpired term. A Vestry member may not stand for reelection until the member has been a past-Vestry member for at least one year. The Rector of the Parish, if present, shall preside at Parish Meetings. In the Absence of the Rector the order of priority for the presiding officer shall be ex officio:

1. The Senior Warden
2. The Junior Warden

Should none of the forgoing officers be present, the Parish Meeting may elect one of its members to preside.

SECTION 2. In the best interest of the Parish, the election of a Vestry may be postponed by concurrence of the Rector and at least one Warden (or if both Wardens or the Rector is absent, by the concurrence of the presiding officer that at least one-sixth of the eligible voters present) upon a finding that either of the following conditions has been met:

First, that less than ten percent of those eligible to vote are present at the meeting or,
Second, that fewer than ten eligible voters are present at the meeting.

Upon such concurrence, the Rector or presiding officer shall declare the Parish Meeting postponed. The Parish Meeting shall then adjourn to a designated day, hour, and place, not fewer than seven nor shall more than fourteen days later, and timely notice be given to the Parish of the date, hour and place of such postponed meeting. The postponed meeting shall be treated in all respects as a regular Parish Meeting.

SECTION 3. The Vestry shall, upon nomination of the Rector, elect two of its members, one as Senior Warden, and the other as Junior Warden.

SECTION 4. The Vestry shall elect a Secretary, not necessarily a member of the Vestry, whose duty it shall be to take and record the minutes of their proceedings, attest the public acts of the Vestry, preserve all records and paper belonging to the Parish not otherwise provided for, perform such other duties as shall be legally assigned to the Secretary, and faithfully delivered to the duly elected successor all books and documents in the possession of the Secretary belonging to the Parish.

SECTION 5. A Treasurer, not necessarily a member of the Vestry, shall also be elected by the Vestry, to receive, disburse, and account for the funds of the Parish.

SECTION 6. In electing a Vestry, any duly baptized person of the age 16 years or over who has contributed to the support of the Church by subscription or otherwise for a period of at least six months prior to the election, shall be eligible to vote.

SECTION 7. To be eligible as a member of the Vestry, a person must be an adult confirmed communicant in good standing and an eligible voter as defined in Section 6 of this Canon.

SECTION 8. It shall be the duty of the Vestry to take charge of the property of the Church; To regulate all its temporal concerns; to elect, call and provide for the maintenance of a minister in accordance with the provisions of Canon 11; to provide for paying all lawful assessments on the Parish; to keep order in the Church during divine service; and in general to act as helpers to the Minister in whatever is appropriate to laypersons for the furtherance of the Gospel, it being understood, always, that the spiritual concerns of the Church are under the exclusive direction of the Minister in subordination to the Ecclesiastical Authority and Constitution and Canons of the Diocese.

The Vestry shall ascertain the amount to be paid for the support of the Diocesan Program and each year, not later than December 10, shall report the amount to the Department of Fiscal Ministries of the Executive Council of the Diocese.

SECTION 9. The Rector, or such other member of the Vestry designated by the Rector, shall preside at all the meetings of the Vestry.

SECTION 10. It shall be the duty of the Wardens, especially, to provide the elements for the Lord's Supper; to collect the alms at the administration of the same; to keep and disburse such alms in case the Church is destitute of a Minister; and while the Church is destitute of a Minister,

to provide for the holding of public worship and instruction of the congregation by occasional clerical services or by lay reading, as the circumstances may permit. Meetings of the Vestry may be called by the Rector, or, in the absence of the Rector, by the Senior Warden, at the request of a majority of the Vestry members.

SECTION 11. Vacancies occurring in a Vestry may be filled by the remaining members, provided they are a majority of the Vestry. If a majority of the members of a Vestry duly elected refuses to accept the act or shall become incapacitated for action by death or resignation or removal of residence or otherwise, the Bishop may call a special Parish Meeting, giving at least fourteen days' notice thereof, to elect a Vestry to serve until the next annual meeting of the Parish. If the Parish shall refuse or neglect to assemble and elect a Vestry as herein provided, the Bishop, with the advice and consent of the Standing Committee, may appoint three Trustees to take charge of the property of the Parish and to exercise all the rights and functions of a Vestry until the Parish shall elect a Vestry under the provisions of this Canon.

SECTION 12. It shall be the duty of Parish Vestries to provide all lay employees who have worked at least one year and who are paid for a minimum of 1,000 hours per year retirement benefits through participation in the Episcopal Church Lay Employees Retirement Plan or an equivalent plan, the provisions of which are at least equal to those of the Lay Employees Retirement Plan.

CANON 11 Vacant Parishes

Parishes without a Rector shall select such a person in accordance with the Canons of the General Convention of The Episcopal Church, and the procedures set forth by the Ecclesiastical Authority of the Diocese of Western North Carolina. A Vestry shall not call a Rector without first obtaining the advice and consent of the Ecclesiastical Authority.

CANON 12 Parish Registers and Reports

SECTION 1. The Rector or Priest in Charge of every Parish of this Diocese shall keep records of all families, baptisms, confirmations, marriages, and funerals within the Parish, specifying the name, time, place of birth; parents and sponsors of each person baptized; the time when persons became communicants in the Parish and whether by confirmation, transfer from some other Parish, or otherwise. This record shall be kept in a suitable book to be called the Parish Register, provided by and belonging to the Vestry of the Parish served, which book shall be part of the records of the Parish.

SECTION 2. A report, otherwise known as the Parochial Report, of every Parish, Chapel, or Worshiping Community of this Diocese shall be prepared annually for the year ending December 31 preceding. The report shall be prepared in compliance with Canon 1.6.1 of the Canons of the General Convention of The Episcopal Church and shall be filed not later than March 1. The report shall be filed online in the manner prescribed by The Episcopal Church, with a copy (by email or hardcopy) sent to the Bishop of the Diocese, or, where there is no Bishop, to the Ecclesiastical Authority of the Diocese. The preparation and filing of this report shall be the

joint duty of the Rector or Member of the Clergy in charge and the lay leadership; and before the report is filed it shall be approved by the Vestry of a Parish or the Governing Committee of a Chapel or Worshiping Community. The Wardens shall make the report where there is no Rector or Member of the Clergy in charge. Every Bishop, Presbyter, or Deacon canonically resident in this Diocese whose report is not included in a Parochial Report shall also report to the Ecclesiastical Authority of the Diocese not later than March 1 on the exercise of such office during the preceding year, and if there has been none, the causes or reasons which have prevented the same. (Amended by Convention in 2008)

SECTION 3. It shall be the duty of each Parish in union with the Convention to render at such time and in such manner as may be required by the Convention, a true and faithful account of the real estate and other property owned by said Parish with its fairly estimated value, including a statement of any lien or encumbrance on the same, or any part thereof, and the amount of interest paid in consequence of such lien or encumbrance. Further, it shall be the duty of each Parish to declare the full amount of the current expenditures of the Parish, including salaries and other expenses.

SECTION 4. It shall be the duty of each Parish to comply with the business methods in church affairs prescribed by Title 1, Canon 7 of the *General Convention of the Episcopal Church*. Each Parish shall maintain (1) adequate casualty insurance coverage to insure all buildings and personal property titled to the Parish or titled to the Diocese and used by the Parish, and (2) in respect to all activities of the Parish, adequate liability insurance coverage to insure against any liability of the Parish, its Clergy, Wardens, Vestry and all other agents or employees of the Parish and of the Diocese who may share such liability. Appropriate evidence of such insurance shall be supplied annually to the Diocese.

CANON 13 **Chapels and Worshiping Communities**

SECTION 1. Any number of baptized adults may associate themselves and apply for written consent of the Ecclesiastical Authority for recognition as a Chapel or Worshiping Community of this Diocese. Application shall be by Articles of Association, signed by those who intend to be supporters of the Chapel or Worshiping “Community. The Articles shall be in the following form:

“We, the undersigned, commit ourselves to the doctrine, discipline and worship of The Episcopal Church as set forth in Scripture and the Book of Common Prayer, and promise conformity to the Constitution and Canons of the General Convention of the same and the Diocese of Western North Carolina. We do hereby declare ourselves, individually and corporately, ready to respond to our Lord’s call ‘to make disciples of all peoples everywhere: baptize them and teach them to obey his commandments, and to work, pray and give for the spread of the Kingdom of God. “We put ourselves under your charge and will reverently obey your authority.”

SECTION 2. After the execution of the Articles of Association, a meeting of the Chapel or Worshiping Community shall be called by the signatories of the articles, with ten days’ notice, to elect a Governing Committee and adopt a name. The Governing Committee shall be comprised

of no fewer than three or more than twelve persons elected to terms of three years according to a system of rotation.

SECTION 3. A certified copy of the Articles of Association shall be set to the Ecclesiastical Authority of the Diocese who shall present the same to the Executive Council for their advice and consent. When written consent from the Ecclesiastical Authority of the Diocese has been received, along with the appointments for a Warden, a Clerk, and a Treasurer, the Chapel or Worshiping Community shall then be declared organized. These officers along with the elected Governing Committee will manage the temporal affairs of the Chapel or Worshiping Community.

SECTION 4. The Ecclesiastical Authority of the Diocese shall have the right to appoint and designate, or to determine in what manner a person shall be chosen to be the Licensed Minister in Charge of the Chapel or the Worshiping Community. The Licensed Minister in Charge shall preside at all meetings of the Governing Committee, or may appoint the Warden to preside in his or her absence.

SECTION 5. At least 60 days before the next regularly scheduled Annual Convention of the Diocese, the Licensed Minister in Charge and the Governing Committee may present their credentials to the Ecclesiastical Authority with a petition to the Convention requesting admission into union with the Diocese as a Chapel or Recognized Worshiping Community.

SECTION 6. The Licensed Minister in Charge shall keep a register of worship services and records of all families, baptisms, confirmations, marriages, and funerals within the Chapel or Worshiping Community.

SECTION 7. It shall be the duty of each Chapel or Worshiping community to render, at such time and in such manner as may be required by the Convention, a true and faithful account of the real estate and other property owned by the Chapel or Worshiping Community with its fairly estimated property value, including a statement of any lien or encumbrance on the same, or any part thereof, and the amount of interest paid in consequence of such lien or encumbrance. Further, it shall be the duty of each Chapel or Worshiping Community to declare the full amount of the current expenditures of the Chapel or Worshiping Community including salaries.

CANON 14

The Ecclesiastical Authority and The Executive Council

SECTION 1. The Ecclesiastical Authority and the Executive Council shall be responsible to the Convention for conducting all those affairs of the Diocese, not otherwise delegated, when the Convention is not in session.

SECTION 2. The Executive Council shall exercise the authority of the Convention between meetings of the Convention:

- a) In planning and forwarding the Mission of the Church.
- b) In administering the affairs of the Diocese in such a manner as to enable that Mission.

SECTION 3. The Executive Council shall study, evaluate, recommend, and administer the policies, programs, and procedures necessary to fulfill the Mission of the Church.

SECTION 4. In fulfilling its responsibility as herein defined, the Executive Council is authorized and empowered to select and appoint such other officials, committees, and agents, giving them such designated duties, powers and authority, not inconsistent with the constitution and Canons of the Episcopal Church in the United States of America and the Diocese of Western North Carolina, as the Executive Council shall deem advisable.

SECTION 5. The Executive Council shall:

- a) Elect all members of the governing bodies of all institutions or agencies to which the Diocese shall have the right of representation and who are not required to be elected by the Convention;
- b) Adopt such rules and regulations as necessary to fulfill its function;
- c) Make and preserve a full record of its acts;
- d) Submit to each Annual Convention a report of activities done under its supervision during the preceding year;
- e) Prepare and submit to the Convention annually a proposed budget, which shall be tentatively approved by Convention, with or without amendments, subject to other amendments by the Executive Council from time to time during the budget year.
- f) Recommend for Annual Convention the adoption, for the following fiscal year, of a scale of compensation minimums which shall apply to members of the clergy employed (or to be employed) by a congregation. Any deviation below the adopted minimum shall be with the prior advice and consent of the Standing Committee and the Bishop.

CANON 15 **Deaneries**

SECTION 1. The Diocese shall be divided into such geographical areas and given such names as the Ecclesiastical Authority shall from time to time direct. Each such geographical area shall be designated a Deanery of the Diocese and shall have such duties and prerogatives not inconsistent with the Diocesan Constitution and these Canons as the Ecclesiastical Authority shall require or allow.

SECTION 2. Each Deanery shall be composed of the Clergy and congregations resident within its boundaries. Each Deanery shall elect a Dean at such time and in such manner as the Ecclesiastical Authority may from time to time prescribe. In the event of a Deanship vacancy, the Ecclesiastical Authority shall appoint a successor to serve until the next election at which a Dean may be elected in accordance with this Canon. The term of a Dean shall not exceed two years.

SECTION 3. In each Deanery it shall be the duty of all Clergy to meet at regular times scheduled by the Dean, to discuss affairs of diocesan and local concern and other matters that will strengthen collegiality and further the work of the Church.

SECTION 4. The Dean shall make regular reports to the Ecclesiastical Authority at meetings called by the Ecclesiastical Authority.

SECTION 5. Each Dean shall have the following duties in addition to those required by the constitution and these Canons:

- a) To preside at all meetings of the Deanery and to appoint a presiding officer at all Deanery meetings at which the Dean is not present.
- b) To confer with the Ecclesiastical Authority at such times as may be directed.
- c) To offer counsel and support as requested by the Ecclesiastical Authority or individual member of the clergy.

SECTION 6. Each Dean shall receive such stipend allowances as shall be established by the Executive Council or the Diocesan Convention from time to time.

CANON 16 Lay Readers

No one shall be considered as authorized to officiate as Lay Reader in this Diocese, except in case of particular emergency, without a written license from the Ecclesiastical Authority of the Diocese, and Lay Readers shall in all cases conform to the provisions of Title III, Canon 25 [Currently Title III, Canon 4] of the General Convention.

CANON 17 Regarding Discipline of a Presbyter or Deacon [Amended in 2010]

SECTION 1. The provisions of Canon 17 in effect on November 12, 2010 are applicable through June 30, 2011, except that Section 3 is amended to provide that Annual Convention of the Diocese meeting in 2010 will elect members of the Ecclesiastical Court to serve only through June 30, 2011.

SECTION 2. The following provisions apply on July 1, 2011:

- a) A Disciplinary Board of this Diocese consisting of five clergy and four laypersons shall be established pursuant to Title IV of the *Canons of General Convention*. Members of the Disciplinary Board shall be appointed by the Ecclesiastical Authority and confirmed by the Annual Convention of the Diocese. The Ecclesiastical Authority shall appoint one of the members of the Disciplinary Board to serve as President for the upcoming year, which appointment shall be confirmed by the Annual Convention of the Diocese.
- b) Disciplinary Board Members will begin service on July 1, 2011. In order to stagger terms, three members shall serve through December 31, 2012; three members shall serve through December 31, 2013; and three members shall serve through December 31, 2014. The Ecclesiastical Authority will indicate staggered terms of service when making appointments.
- c) Beginning with the Annual convention of the Diocese in 2012, the Ecclesiastical Authority shall appoint and Convention will confirm three members each year to

- serve three-year terms, with a possibility of one consecutive reappointment (for a maximum of six years) before being required to lay out a minimum of one year. A member appointed to fill an unexpired term, or a member serving for less than three years in order to stagger terms, shall be eligible to be reappointed twice unless that member has served more than two years of the unexpired or staggered term.
- d) Beginning in 2012, members confirmed by Convention will take office on January 1st of the next calendar year and serve until their successors take office.
 - e) A Church Attorney, as defined by Title IV of the *Canons of General Convention*, shall be nominated by the Ecclesiastical Authority and confirmed by a majority vote of the members present at a meeting of the Disciplinary Board. The Church Attorney shall serve until replaced. The Church Attorney may be removed for cause by a 2/3 vote of all the members of the Disciplinary Board with the consent of the Ecclesiastical Authority.
 - f) The provisions of Title IV of the *Canons of the General Convention* which take effect on July 1, 2011 are incorporated by reference as if fully set forth herein.

CANON 18

The Suspension of a Parish

SECTION 1. Among the causes for which a Parish may be dealt with under Article VII of the Constitution, are the following:

- a) Employing a member of the Clergy under ecclesiastical censure.
- b) Permitting a Church edifice to be used for purposes incompatible with its consecration.
- c) Failure to pay reasonable amounts in support of the diocesan program.
- d) Failure to report its true financial condition when called for.
- e) Any persistent course inconsistent with the doctrine, discipline or worship of this Church.

SECTION 2. The Convention may, for cause and by a two-thirds vote by orders, change the status of a Parish to that of an organized Parish, not in canonical union with the Convention, or, as limited by the following Sections 3, 4 and 5 hereof, may wholly dissolve the connection of a Parish with the Diocese.

SECTION 3. The connection of a Parish with the Diocese will in no case be wholly dissolved until (a) alleged cause for such action shall have been presented in writing to the Standing Committee and the concerned Parish shall have been notified of the alleged cause promptly thereafter by the Standing Committee; (b) the alleged cause shall have been investigated by a committee appointed by the Standing Committee and composed of five disinterested persons including one or more members of the Clergy and one or more laypersons of the Diocese; (c) a written report of such investigation shall have been made to the Executive Council at least 60 days prior to the Convention to which the matter will be presented and the concerned Parish shall have been contemporaneously notified of the substance of such report; and (d) the Executive Council shall have presented such report to the Convention with its recommendations, and the Convention has voted thereon as provided by Article VII of the Constitution.

SECTION 4. Notice to a concerned Parish within the meaning of Section 3 hereof may be effected by written communication personally delivered or mailed to at least one member of the Vestry of such Parish, or if, after diligent inquiry, no member of the Vestry is found within the Diocese, to the Ecclesiastical Authority of the Diocese.

SECTION 5. In the case of a Parish deemed by the person or persons alleging cause to be extinct for want of a congregation the process set forth in Section 3 hereof shall be controlling. Upon its finding through such processes that a Parish is without a congregation, the Convention shall declare such Parish extinct, and thereupon all property to which the extinct Parish then held title shall vest in the Trustees of the Diocese, without the requirement of deed or other acquaintance.

SECTION 6. All references to a Parish in this Canon include Chapels and Worshipping Communities. [*Amended in 2011*]

CANON 19

The Commission on Ministry

SECTION 1.

- a) At each Annual Convention, the Bishop shall nominate and the Annual Convention shall confirm the requisite number of new members to the Commission on Ministry, to consist of not less than five nor more than eighteen persons divided among clergy and lay persons, and their term of office shall be three years, with the possibility of one reappointment before a hiatus of at least one year; provided, however should there be no nomination and confirmation at an Annual convention, the incumbent Commissioners shall continue in office until their successors are nominated and confirmed.
- b) At the discretion of the Bishop, the Commission on Ministry may join with like Commissions of other dioceses in performing the duties hereinafter prescribed.

SECTION 2.

- a) It shall be the duty of the Commission on Ministry to assist the Bishop:
 - i. In matters pertaining to the enlistment, selection, examination, education, training, pastoral care, transition ministries and continuing development of those in process for the ordained ministry,
 - ii. In matters pertaining to the continuing development of the Clergy of the Diocese,
 - iii. And in providing guidance and pastoral care for professional church workers.
- b) Subject to *Canons of General Convention* and of this Convention, and subject further to the approval of the Bishop, the Commission on Ministry shall have authority to appoint such committees from and beyond its membership as it may find necessary to act on its behalf.
- c) The Commission on Ministry shall provide for the conduct of those canonical examinations assigned the Commission by *General Convention Canons*; provided that the Bishop shall always appoint the persons who are to conduct said examinations, and provided further that a report of such examinations shall be forwarded to the General Convention's Board for Theological Education.

- d) In the presence and under the guidance and oversight of the Bishop, the Commission on Ministry shall provide that each Candidate be interviewed before ordination, alike to the Diaconate and to the Priesthood, to ascertain the candidate's personal readiness for such ordination, and shall without delay report in writing the findings of such interview to the Standing committee of the Diocese.

CANON 20
Alterations in the Canons

No proposition to alter or add to the Canons of the Diocese shall be considered by the Convention except at a regular meeting and after it shall have been reported on by the Committee on Constitution and Canons.

CANON 21
Ecclesiastical Authority

The Ecclesiastical Authority shall appoint, for one-year terms, such committees, commissions, delegates and other persons or groups as it may, in its discretion, choose and determine including, without limitation, the following:

- (a) An Architectural Commission
- (b) A Liturgical Commission, consisting of three presbyters and two lay persons
- (c) A committee on the State of the Church, consisting of two presbyters and two lay persons
- (d) A Historiographer
- (e) An Administrative Office Staff
- (f) An Advisory Committee on Records and Resources

CANON 22
Properties of Diocesan Agencies

It is specifically recognized that property of any type may be acquired, received and held by a parish, institution or other agency of the Diocese through purchase, gift, will or otherwise, subject to Title I, Canon 7, Sections 3 and 4 of the *Canons of the Episcopal Church*, which provide that such property is held in trust for the Diocese and the National Church. Such properties may be held, used and disposed of by the owning agency in its discretion except that any sale, conveyance or encumbrance of real property can be made only (1) after notice to the Executive Council, (2) with the consent of the Bishop, and (3) with the consent of the Standing Committee. All transfers of real property to a Parish, institution or other agency of the Diocese shall be approved by the Bishop or the Chancellor for compliance with Title I, Canon 7, Sections 3 and 4 of the *Canons of the Episcopal Church*.

The Diocese, acting through the Trustees with the previous consent of the Bishop and the Executive Council and the advice and consent of the Standing Committee as provided in Canon 6, may sell or give real property of the Diocese to a Parish, institution or other agency of the Diocese.

CANON 23

Directors of Agencies or Institutions According to Their Respective Requirements

The Convention shall elect: Directors of The Episcopal Foundation of Western North Carolina according to the provisions of its Charter; Trustees of the University of the South according to the requirements of said university; delegates to the North Carolina Council of Churches according to the requirements of the Council; and (subject to the approval by the Convention) such other officers or representatives as may be authorized for election by the convention according to the requirements of other agencies or institutions.