

**CONSTITUTION AND CANONS  
FOR THE GOVERNMENT OF THE  
EPISCOPAL DIOCESE OF NORTHERN INDIANA**



**ADOPTED BY THE 95<sup>TH</sup> ANNUAL CONVENTION  
NOVEMBER 6, 1993**

**WITH REVISIONS, INCLUDING THOSE OF  
THE 112<sup>TH</sup> ANNUAL CONVENTION  
OCTOBER 23, 2010**

## **CONSTITUTION OF THE DIOCESE OF NORTHERN INDIANA**

**Adopted by the 95<sup>th</sup> Annual Convention  
November 6, 1993**

### **PREAMBLE**

The Clergy and Laity of The Episcopal Church in the Counties of Adams, Allen, Benton, Blackford, Carroll, Cass, DeKalb, Elkhart, Fulton, Grant, Howard, Huntington, Jasper, Jay, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Miami, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Wabash, Wells, White and Whitley in the State of Indiana, for the purpose of promoting the cause of religion and piety, establishing order and securing to themselves and posterity the advantages of the ministry and ordinances of the Church, do ordain and establish this Constitution. The Episcopal Diocese of Northern Indiana is an integral part of The Episcopal Church, which is a constituent member of the Anglican Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces and regional churches in communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in The Book of Common Prayer.

### **ARTICLE I: NAME**

The name of this Diocese shall be The Diocese of Northern Indiana of The Episcopal Church, Inc., which is hereafter referred to herein as Diocese.

### **ARTICLE II: CONTROLLING LAW**

The law governing the Diocese is:

**Section 1.** The Constitution and Canons for the Government of The Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church.

**Section 2.** The Constitution and Canons of The Diocese of Northern Indiana.

### **ARTICLE III: LEGISLATIVE POWER—THE CONVENTION**

The legislative power of the Diocese shall be vested in a Convention thereof to be selected, convened and to conduct its proceedings and to exercise its authority consistent with the provisions of Article II.

### **ARTICLE IV: LEGISLATIVE POWER—THE COUNCIL**

A Council of the Diocese shall function exclusively as an interim legislative authority of the Diocesan Convention and shall perform such specific functions as are delegated to it by the Diocesan Convention or by Canon Law. The Council shall be selected as provided in the Canons of this Diocese.

**ARTICLE V: ADMISSION OF PARISHES AND MISSIONS**

The Convention of the Diocese shall admit parishes and missions into union with it consistent with the provisions of Article II.

**ARTICLE VI: PROVISION OF REVENUE**

The Convention shall provide for the raising of such revenue as is necessary for the support of the Episcopate and maintenance of other activities and works the Convention may authorize.

**ARTICLE VII: OFFICERS**

The officers of the Diocese shall be the Bishop, who shall be President, a Secretary, and a Treasurer, all of whom shall be selected and exercise authority consistent with the provisions of Article II.

**ARTICLE VIII: AMENDMENT PROCESS**

This Constitution may be amended if the proposed amendment shall receive three-fourths of the votes of each order at an initial convention, and at its final approval at a subsequent convention shall receive three-fourths of the votes of each order and the approval of the Bishop.

**CANONS OF THE DIOCESE OF NORTHERN INDIANA**

**ADOPTED BY THE 95<sup>TH</sup> ANNUAL CONVENTION**

**NOVEMBER 6, 1993**

**CANON 1: ECCLESIASTICAL AUTHORITY**

The Ecclesiastical Authority of the Diocese shall be:

- a. the Bishop;
- b. in the event of the inability of the Bishop to act, the Bishop Coadjutor, if there be one;
- c. or, in the absence of a Bishop Coadjutor, the Standing Committee.

**CANON 2: THE CONVENTION**

**Section 1.** Members of Convention shall be:

- a. Voting members:
  - (1) The Bishop, Bishop Coadjutor and Bishop Suffragan;
  - (2) All priests and deacons of the Diocese who are canonically resident in the Diocese and not under ecclesiastical censure, a list of whom shall be maintained by the Secretary of the Convention and published in the Journal.
  - (3) The Secretary and the Treasurer;
  - (4) Three delegates from each parish of the Diocese entitled to representation;
  - (5) One delegate from each mission of the Diocese entitled to representation.
- b. Members with seat and voice only:
  - (1) Elected lay deputies, not including alternate deputies, to the General Convention during their term of office;
  - (2) Lay members of Diocesan Council during their term of office;
  - (3) The Chancellor(s) of the Diocese.
- c. The Presiding Officer of the Convention shall be the Bishop and in the event of *his* inability to do so, *his* designate shall preside.

**Section 2 a.** A delegate shall be a confirmed adult communicant in good standing of a parish or mission. *Amended 1997.*

- a. Lay delegates and alternates shall be elected by the vestry of each eligible parish and the vicar's committee of each canonically organized diocesan mission or at the annual parish meeting. Written certification signed by the rector or clerk of such vestry or committee shall be presented to the Secretary of the Convention. Each parish and Mission shall deliver to the Secretary of the Convention no later than May first a written list of delegates. If an elected delegate cannot attend, the rector, vicar, or priest-in-charge may fill such vacancy by certificate to the Secretary of the Convention. *Amended 1994.*

**Section 3.** The Diocesan Secretary shall act as the Convention Secretary.

**Section 4.** The Convention shall meet annually. A Special Convention shall be convened for the election of a Bishop, Bishop Coadjutor, or Bishop Suffragan or other reason deemed necessary by the Ecclesiastical Authority. Written notice shall be sent by the Ecclesiastical Authority to all entitled to representation at least ninety (90) days before such meeting which notice shall specify the time, place and purpose of such meeting.

**Section 5.** Every Convention shall be accompanied by Divine Services under the direction of the Ecclesiastical Authority.

**Section 6.** The Bishop shall deliver at a business session of or at the Holy Eucharist prior to, the Convention an address on the State of the Diocese. *Amended 2001.*

**Section 7.** The Presiding Officer of the Convention shall appoint a committee of three (3) delegates to receive, examine and report on the credentials of all delegates to the Convention. The Convention shall resolve delegate certification disputes and each disputed or contested delegate may speak but not vote on the matter.

**Section 8.** A majority of priests and deacons entitled to vote and a majority of the lay delegates shall constitute a quorum for transaction of business, but those in attendance may adjourn.

**Section 9.** Upon determination of a quorum the first order of Convention business shall be adoption of the Rules of Order.

**Section 10.** The Presiding Officer shall appoint those committees deemed necessary. *Amended 2001.*

**Section 11 a.** Clergy and laity shall deliberate in one body. A majority of votes cast shall determine any questions other than elections unless otherwise provided in the canons or rules of order. Any three (3) voting members representing three (3) parishes or missions entitled may call for a vote by oral declaration in which case the Secretary shall call the roll, calling the Bishop last, and such vote shall be recorded in the Journal. Any three (3) voting members representing (3) parishes or missions entitled may demand a vote by orders in which case the roll shall be called and a majority of votes in each order shall be necessary for an affirmative decision.

- a. All elections shall be by ballot at the Convention unless the same is dispensed with by unanimous consent and shall not be by orders. A majority of those voting shall be necessary for election unless otherwise provided by a two-thirds (2/3) vote of the Convention.

- (1) After nominations have been presented to the Convention, opportunity shall be provided for nominations for all positions from the floor. When nominations have been closed on all positions, a first ballot shall be cast.

- (2) Alternate deputies to the General Convention shall be the four (4) non-elected candidates who received the next four (4) highest numbers of votes.
- (3) In every run-off election the candidate receiving the lowest number of votes will be dropped.
- b. The election of any bishop shall be by ballot and by Orders and shall require concurrent votes of a majority of those present in each Order.
- c. The Convention shall elect by ballot delegates to the Synod of the Fifth Province, as provided by the Constitution of the Province. The delegates shall consist of one (1) member of the clergy and two (2) lay persons and their respective alternates, one (1) being elected at each annual Convention for a three (3) year term. In case the Convention shall fail to elect such delegates and alternates, or those duly elected are unable to serve, the Ecclesiastical Authority shall have the power to appoint suitable persons to these offices. *(Section 12 adopted by the 97<sup>th</sup> Annual Convention, 11/10/95, repealed by the 103<sup>rd</sup> Annual Convention, 10/27/01.)*

### **CANON 3: THE COUNCIL**

**Section 1.** The Council shall be composed of the Ecclesiastical Authority, or the designate of the Ecclesiastical Authority, as presiding officer, six (6) members of the clergy and six (6) lay persons. Two (2) members of the clergy and two (2) lay persons shall be elected from each of the Deaneries. *Amended by the 111<sup>th</sup> Annual Convention, 10/24/2009.*

**Section 2.** The Council shall have the following powers:

- a. Sue, be sued, complain and defend in the name of the Diocese.
- b. Have a corporate seal or a facsimile of a corporate seal which may be altered at will to be used by impressing or affixing or in any other manner reproducing it. However, the use or impression of a corporate seal is not required and does not affect the validity of any instrument.
- c. Purchase, receive, take by gift, devise or bequest, lease, or otherwise acquire, own, hold, improve, use, or otherwise deal with real or personal property, or any legal or equitable interest in property, wherever located.
- d. Sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of property belonging to the Diocese.
- e. Receive or otherwise acquire, own, hold, vote, use, sell, or otherwise dispose of and deal in with shares of other interest and/or obligations of any entity.
- f. Enter into contracts, incur liabilities, and borrow money.
- g. Lend money, invest and re-invest funds of the diocese and receive and hold real and personal property as security for repayment.

- h. Conduct and/or authorize others to conduct record keeping activities of the Diocese.
- i. Pay pensions and establish pension plans, pension trusts, and other benefited incentive plans for the corporation's current or former officers, employees, and agents of the Diocese.
- j. Make donations not inconsistent with law for the public welfare or for charitable, religious, scientific or educational purposes and for other purposes that further their corporate interests from funds budgeted by the annual Convention for these purposes.
- k. Purchase and maintain insurance on behalf of any individual who is or was a director, an officer, employee, or an agent of the Diocese, or is or was serving at the request of the Diocese as a director, officer, employee, or an agent of another entity against any liability asserted against or incurred by the individual in that capacity or arising from the individual's status as a director, an officer, an employee, or an agent, whether or not the Diocese would have power to indemnify the individual against the same liability under this article.
- l. Function as an interim legislative authority of the Diocesan Convention and shall perform such specific functions as are delegated to it by the Diocesan Convention or by Canon Law.

**Section 3.** All of said powers are subject to limitation and approval of the ecclesiastical authority and are subject to any limitations provided in the Canons of the Diocese.

**Section 4.** No later than fourteen (14) days prior to a meeting of the Council the Secretary shall send to every rector/vicar and senior warden of vacant cures an agenda of the next meeting. The minutes of such meeting shall be sent to all rectors/vicars and the senior warden of a vacant cure no later than fourteen (14) days following such meeting. The Council shall submit to the annual Diocesan Convention a copy of the minutes of all meetings held during the past year and a summary of its actions.

**Section 5. [Former Section 3].** At its first meeting each year the Council shall elect one of its members to preside in the absence of or at the request of the Ecclesiastical Authority.

**Section 6. [Former Section 4].** The Council shall meet quarterly and on such other occasions as the presiding officer may order.

**Section 7. [Former Section 5].** Members shall serve two (2) years beginning on the first day of the calendar year following their election. Each deanery shall elect one (1) member of the clergy and one lay person (1) each year. No member shall serve more than two (2) consecutive terms.

*Amended by the 111<sup>th</sup> Annual Convention, 10/24/2009.*

**Section 8. [Former Section 6]. a.** Prior to the annual Convention voting members of the clergy and lay delegates to the Convention shall meet by Deanery, not less than two weeks before Convention, upon not less than twenty-one (21) days written notice of time and place given by the Dean of said deanery, who shall preside.

- a. If a member is not able to complete a term of office on the Council, the Deanery from which that member was elected shall meet as soon as possible to elect a successor

who shall serve the unexpired term. The Dean of said Deanery shall give written notice of the time and place of the meeting no less than ten (10) days prior to the meeting. The Dean or a designee shall preside at this meeting.

- (1) In the event of a Diocesan Council meeting prior to the election of a successor, the Dean may appoint a delegate to that meeting only. That person is eligible for election as the successor representative.
- (2) If the unexpired term is one-half of the full term of office as provided in Section 7 (or Section 5) or more than one-half of the full term, that term will be considered one full term when determining eligibility for re-election.

**Section 9. [Former Section 7].** At the biennial election one (1) member of the clergy and one (1) lay person shall be elected at the Deanery meeting by majority vote of members of the clergy and lay delegates to the annual Diocesan Convention qualified to vote and the results shall be announced at the Convention.

**Section 10. [Former Sec. 8].** Lay members of Diocesan Convention during their term of office shall have seat and voice in the Convention. *Amended 1998.*

#### **CANON 4: THE STANDING COMMITTEE**

**Section 1.** The Standing Committee shall consist of three (3) presbyters and three (3) lay persons selected by the Convention, each of whom shall serve a term of three (3) years designated in such manner as will require election of a member of the clergy and a lay person at each annual Convention. Terms shall commence upon election. No member shall serve more than two (2) consecutive terms. The Committee shall fill all vacancies which may occur in its membership other than by expiration of an elected term. Any member so elected shall serve until the next Convention.

**Section 2.** The Standing Committee shall exercise those functions and duties as set forth in the Constitution and Canons of The Episcopal Church and the Constitution and Canons of the Diocese. The Committee shall elect annually one (1) of its members to serve as president and one (1) to serve as secretary. It shall report annually to the Convention.

**Section 3.** No member of the Standing Committee shall serve concurrently on the Diocesan Council.

#### **CANON 5: EXECUTIVE ORGANIZATION**

**Section 1.** Annually the Ecclesiastical Authority shall appoint a Secretary and a Treasurer to be confirmed by the Convention. Each shall carry out such duties as may be imposed by the Ecclesiastical Authority and the law governing the Diocese.

**Section 2.** The Ecclesiastical Authority shall appoint one or more chancellors to serve at the pleasure of the Ecclesiastical Authority.

**Section 3.** The Ecclesiastical Authority shall appoint and Convention shall confirm a finance committee to serve at the pleasure of the Ecclesiastical Authority. The committee shall supervise

the investment of Diocesan funds and special trust funds which may become the property of the Diocese as the Ecclesiastical Authority shall direct.

**Section 4.** The Commission on Ministry, composed of members of the clergy and lay persons, shall be appointed by the Ecclesiastical Authority and have such duties as may be imposed by the Ecclesiastical Authority and the law governing the Diocese.

## **CANON 6: DIOCESAN ASSESSMENTS**

**Section 1.** It shall be the duty of the Treasurer of the Diocese to make assessments upon all the parishes and missions of the diocese for the amounts necessary to meet all of the expenses of the Diocese for which funds are not obtained elsewhere. These assessments shall be calculated at a percentage to be determined at each annual meeting of the Diocesan Convention and shall be based upon the Average Support Income Base for the three (3) years preceding the current year. The Support Income Base for each parish and mission shall be the total of operating revenue, which is Line B of the Annual Parochial Report (2001), less receipts from the Diocese, as recorded in the annual report of each parish and mission.

**Section 2.** It shall be the duty of each parish in union with the Convention of the Diocese and of each organized mission to render to each annual meeting of the Diocesan Convention and to the Ecclesiastical Authority:

- a. a complete and accurate statistical report as required by the forms furnished for that purpose,
- b. a complete and accurate list and description of all real estate and other property held by each parish and mission, with an indication of its then fair market value,
- c. a statement of all liens and encumbrances upon the same of any part thereof,
- d. a complete and accurate report of all its current expenses and the amount thereof, including salaries.

**Section 3.** It shall be the duty of the vestry of each parish and vicar's committee of each mission of the Diocese to provide for the payment of such sums as shall be assessed against it by the Treasurer and to transmit the same in monthly installments to the Treasurer.

**Section 4.** The Diocesan Council shall act as an adjustment committee upon all applications for modification of assessments. All such applications shall be presented in writing not less than thirty (30) days before the annual meeting of the Diocesan Convention and shall contain a full statement of reasons for such modifications.

**Section 5.** The Council shall receive from the Diocesan Treasurer, after consultation with the Ecclesiastical Authority and the finance committee, at least forty-five (45) days prior to the Diocesan Convention of each year, a proposed Diocesan budget for the succeeding year. Copies of the proposed Diocesan budget shall be mailed to each parish and mission. The Council shall propose to Convention any modifications of such budget stating reasons therefore which may result from action on requests to modification of assessment or any changes proposed by Diocesan Council. The Diocesan Convention shall adopt the final budget.

## CANON 7: PARISH ORGANIZATION

**Section 1.** The Convention may admit parishes into union with the Diocese upon presentation by the applicant parish of:

- a. certification by the Ecclesiastical Authority approving the organization of the parish;
- b. a statement of its assets and liabilities;
- c. satisfactory evidence that the parish has been duly organized by the election of the wardens and not less than three (3) nor more than the number of vestry members allowed by law;
- d. that the congregation is incorporated under the law of Indiana as a non-profit corporation and has assumed the name under which incorporated.
- e. that the congregation has not less than fifty (50) confirmed communicants in good standing who are eighteen (18) years of age or older. The application by the congregation for union with the Diocese shall be deemed a written declaration that the congregation accedes to the doctrine, discipline, and worship of The Episcopal Church and to the constitution and canons of this diocese.

**Section 2.** An annual parish meeting shall be convened between November 1 and January 31 of each calendar year. At least ten (10) days written notice shall be provided members of the parish regarding the time and place of the meeting. At such meeting wardens and vestry vacancies shall be filled by election as provided by parish by-laws not inconsistent with the law governing the Diocese. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

**Section 3.** The parish vestry shall consist of the rector, the elected wardens and the elected vestry members. Wardens and vestry members shall be confirmed communicants in good standing, eighteen (18) years of age or older, and the wardens shall be elected in such manner as determined by the parish by-laws or annual parish meeting but not contrary to the law governing the Diocese. The vestry may fill vacancies of membership between annual parish meetings by majority vote but such vacancy shall be filled by election at the next scheduled annual parish meeting.

**Section 4.** The vestry shall be responsible for the temporal affairs of the parish and approval of the annual budget including all maintenance and provision of funds for operation of the parish. It shall organize as provided by law governing the Diocese or parish by-laws consistent therewith. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

**Section 5.** All parishes shall be incorporated under the Indiana Not for Profit Corporation Act (IC §23-17-1 *et. seq.*)

**Section 6.** The vestry shall meet not less often than quarterly and as provided by the parish by-laws. The rector may call a meeting of the vestry, or in case of the rector's inability to act, a warden may, at any time that *he* may deem expedient by giving no less than three (3) days' written notice of the meeting. The rector or a warden shall call such meeting when requested in writing to do so by a majority of the members of the vestry. The purpose of any specially called meeting shall be declared. The rector shall preside at all meetings of the vestry. In the absence of the rector, the senior warden present shall preside.

**Section 7.** The vestry shall, at or before the annual parish meeting, report as to the temporal and financial state of the parish, which report shall be permanently recorded, including presentation of the annual budget as approved. Accounting records shall be maintained on a calendar year basis. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

**Section 8.** The vestry shall immediately report to and request the assistance of the Ecclesiastical Authority regarding any vacancy in its pastoral care and provision of temporary and successor care. The Ecclesiastical Authority or the designate of the Ecclesiastical Authority shall then consult with the vestry of the parish, and shall assist the vestry with the process of the search.

- If the authorities of the parish shall for thirty (30) days have failed to make provision for services of public worship, it shall be the duty of the Ecclesiastical Authority to take such measures as may be deemed expedient for the temporary conduct of public worship.
- No election of a rector shall be had until the name of the priest whom it is proposed to elect has been made known to the Ecclesiastical Authority, and sufficient time, not to exceed thirty (30) days, has been given to the Ecclesiastical Authority.
- Any candidate shall be a member of the clergy approved in writing by the Ecclesiastical Authority for presentation to the vestry. A parish shall issue a call for a rector by a majority vote of the vestry of the parish.
- Written notice of the election signed by the wardens shall be sent to the Ecclesiastical Authority, and if the latter be satisfied that the person so chosen is a duly qualified priest and that the priest has accepted the office, the notice shall be sent to the Secretary of the Convention, who shall record it. The record shall be evidence of the relation between the priest and the parish.
- The contract of a rector-elect shall be in writing, approved by the Ecclesiastical Authority, and shall express any special conditions, together with the stipulations with regard to salary or support, which shall be a valid legal contract, and the salary as accruing shall be acknowledged debt, recoverable by process of law, if necessary, except that the amount of the said salary may be increased or decreased if from time to time the parties so agree. Due notice of any such increase or decrease shall be given to the Ecclesiastical Authority by the Clerk of the Vestry.

**Section 9.** No parish shall dissolve except by action of a special parish meeting called for that purpose and only upon the following conditions.

- a. The Ecclesiastical Authority shall first be consulted and shall state agreement or opposition to such dissolution; and the Ecclesiastical Authority's communication in opposition shall be provided to all parish members not less than thirty (30) days before the parish meeting.
- b. More than thirty (30) days prior to the parish meeting the vestry shall consult with and provide the Standing Committee with itemized parish assets and liabilities and a written plan for disposition and resolution of same and, upon written approval of the Standing

Committee, such plan shall be provided all parish members not less than (30) days before said meeting, but all such plans shall provide for the transfer to the Diocese of any parish asset remaining after removal of liabilities.

- c. The parish meeting shall vote for dissolution upon the approved plan presented. Should dissolution be effected without the approved plan, all parish assets shall become property of the Diocese;
- d. The Convention shall determine disposition of any parish asset becoming Diocesan property under such dissolution and the Ecclesiastical Authority, Standing Committee and Council may make recommendations to the Convention as to action to be taken.

**Section 10.** In the Bishop's responsibility as chief pastor of the Diocese, *he*, or a designated agent(s) shall meet with the vestry and wardens of any congregation if any of the following should occur:

- a. failure to pay the Diocesan assessment for six (6) months;
- b. failure to make pension payments for any member of its clergy for two (2) quarters;
- c. failure to make any insurance payments for two (2) quarters;
- d. failure to compensate any member of its clergy for two (2) months;
- e. in the event of a vacant cure, has not made provision for regularly priestly ministry during the proceeding two (2) years.

The vestry and wardens, in consultation with the Bishop and/or *his* designated agent(s), shall prepare and implement a plan to address any of the above deficiencies and report progress in implementation of the plan to the Bishop and Standing Committee. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

## **CANON 8: THE DEANERIES**

**Section 1.** The Diocese shall be composed of deaneries; the number and size of which shall be determined by the Bishop and the Standing Committee to fulfill missionary strategy. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

**Section 2.** The Ecclesiastical Authority shall appoint a priest within each Deanery to serve as Dean thereof. The Dean shall be responsible for performance by the deanery of activities set forth herein and such other duties as may be specified by the Ecclesiastical Authority.

## **CANON 9: MISSION ORGANIZATION**

**Section 1.** Application to organize as a diocesan mission shall be deemed accession by the members of such mission to the doctrine, discipline, and worship of the Episcopal Church and the law governing this Diocese.

**Section 2.** Diocesan missions may be organized upon written application for the approval of the Ecclesiastical Authority and Convention and, upon organization; the mission shall be in union with the Convention.

- The Ecclesiastical Authority shall appoint a member of the clergy as vicar of the mission.
- Annual mission meetings shall be held in January of each year and three (3) or more lay persons shall be there elected as a vicar's committee for such terms as the mission members shall determine and consistent with the laws governing the Diocese.
- All diocesan mission assets shall be property of the Diocese and the mission shall neither purchase, sell, nor encumber any property in its own name.

## **CANON 10: CLERGY WITHIN THE DIOCESE**

**Section 1.** Members of the clergy may be called by the Ecclesiastical Authority to perform diocesan staff and mission duties the Ecclesiastical Authority deems appropriate and upon such terms as the Ecclesiastical Authority and called members of the clergy shall agree.

**Section 2.** Assistant parish clergy may be called by a rector with the approval of a majority of the vestry from among members of the clergy approved in writing by the Ecclesiastical Authority. Any written agreement with such a member of the clergy shall be approved in writing by the rector and the Ecclesiastical Authority.

**Section 3 a.** Canonically resident members of the clergy shall include:

- (1) All diocesan, parish, and mission members of the clergy;
- (0) All members of the clergy designated canonically resident in this Diocese by the Ecclesiastical Authority.
- No later than thirty (30) days before each Convention the Ecclesiastical Authority shall submit in writing to the Convention Secretary a list of canonically resident members of the clergy. The voting rights of any such members of the clergy shall, in event of dispute, be decided by the Convention.

**Section 4.** The Canons of the Episcopal Church "Of the Dissolution of the Pastoral Relation" shall control matters of dispute between a rector and vestry.

## **CANON 11: THE CATHEDRAL CHAPTER**

**Section 1.** The Episcopal Church of the Diocese of Northern Indiana hereby acknowledges the Cathedral Church of St. James, South Bend, as the Cathedral Church in this Diocese, with the same legal and ecclesiastical jurisdiction, rights, privileges and obligations as any other parish organization with this Diocese.

**Section 2.** The Cathedral Chapter shall consist of the Bishop, ex-officio; the Dean, ex-officio; and no less than three (3) and no more than fifteen (15) lay persons, who shall be confirmed

communicants of the Cathedral Parish and at least eighteen (18) years of age, to be elected at the annual meeting of the Cathedral Parish in the same manner as the election of vestry members, and, as the Greater Cathedral Chapter, four members will be elected by the Cathedral Chapter no later than September 30 of each year with that election being ratified by the annual Diocesan Convention. The election will be as follows: two (2) members of the clergy, canonically resident in the Diocese, and two (2) lay persons, at least eighteen (18) years of age and communicants in good standing of any parish or mission of the Diocese. One (1) member of the clergy and one (1) lay person will be elected by Convention every year for two-year terms. *Amended by the 103<sup>rd</sup> Convention, 10/27/01.*

## **CANON 12: ECCLESIASTICAL DISCIPLINE PROCEDURE**

**Section 1.** Those provisions of Title IV of the General Canons which are applicable to the diocese are hereby incorporated as part of this Canon. To the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

**Section 2.** The Diocese shall participate in establishing and maintaining, in collaboration with the Diocese of Indianapolis, a Disciplinary Board and structure as described in this Canon. The Board shall consist of nine (9) persons, five (5) of whom are members of the clergy and four (4) of whom are laity. Three of the clergy members and two of the lay members shall be elected from the Diocese of Indianapolis and two of the clergy members and two of the lay members shall be elected from the Diocese of Northern Indiana.

**Section 3.** The clergy members of the Board must be canonically and geographically resident within their respective Diocese.

**Section 4.** The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident and domiciled in their respective Diocese.

**Section 5.** The members of the board shall be elected by the Conventions of the respective Dioceses. Each member shall be elected for a three (3) year term; except, if a member is elected to fill a vacancy, the term of such a member shall be the unexpired term of the member being replaced. The term of the member shall commence on the first (1<sup>st</sup>) day of the year following election. The terms of office of the Board shall be staggered and arranged into three classes.

**Section 6.** 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 Bishop of the respective Diocese of the vacancy and request appointment of a replacement member of the same order as the member of the same order as the member to be replaced.
- b. The Bishop of the respective Diocese shall appoint a replacement Board member.
- 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 of the respective Diocese. 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.

**Section 7.** In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the 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 within fourteen (14) days of learning of matters which respondent believes constitutes a conflict of interest or undue bias. 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 8.** The Board shall convene annually to elect a President to serve for the following calendar year.

**Section 9.** An Intake Officer in each of the participating Dioceses shall be appointed from time to time by the respective Bishop after consultation with the Board. The Bishops may each appoint one or more Intake Officers according to the needs of their respective Dioceses. The Bishops shall publish the name(s) and contact information of the Intake Officer(s) throughout the respective Dioceses.

**Section 10.** The Bishops shall appoint one or more Investigator(s) in consultation with the President of the Board. The Investigator(s) may, but need not, be a member of the Church.

**Section 11.** The Standing Committees of the participating Dioceses [or bishops or the participating dioceses, in consultation with their respective Standing Committees or Boards] shall jointly appoint an attorney to serve as Church Attorney to serve for the following calendar year. The persons so selected must be a member of the Church and a duly licensed attorney, but need not reside within the participating Dioceses.

**Section 12.** The Bishop of each participating Diocese may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this title. The Pastoral Response Coordinator may be an Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

**Section 13.** In each proceeding under this Title, the Bishop of the Diocese from which the proceeding arises 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 any participating Diocese or any person likely to be called as a witness in the proceeding.

**Section 14.** The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

**Section 15.** Pursuant to Title IV.6 of the General Canons, the Bishop of each participating Diocese shall publish to the congregations and members of the respective Diocese information concerning the methods and means of reporting Offenses.

**Section 16.** Costs Incurred by the Church. The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of the respective Diocese. Each diocese will establish its own method of compensation which shall include a per diem rate of compensation for each individual along with travel expenses (i.e., mileage, meals, lodging).

**Section 17.** In the event of a final Order dismissing the complaint, or by provisions of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by the respective Diocese.

**Section 18.** Records of active proceedings before the Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices of the originating Diocese.

**Section 19.** The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the respective Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

**Section 20. [Former Section 1].** Ecclesiastical discipline shall be in accordance with Title IV, excluding those sections that apply solely to the Bishop, of the Constitution and Canons of the Protestant Episcopal Church in the United States of America, hereinafter referred to as the national canon.

**Section 21. [Former Section 2].** The Ecclesiastical Trial Court shall consist of two (2) presbyters and one (1) lay person elected by the Convention in such a manner as will require the election of one (1) member of the Court at each annual Convention.

**Section 22. [Former Section 3].** The Ecclesiastical Trial Court shall fill vacancies which may occur in its membership. Any member so elected shall serve until the next Convention which shall elect a member to fill the expired term.

**Section 23. [Former Section 4].** If vacancies occur under the provisions of Title IV, Canon 4, Section 8, the Court shall elect other members to serve for the purposes of that proceeding.

**Section 24. [Former Section 5].** The Standing Committee shall appoint a Church Attorney for purposes of ecclesiastical discipline under this canon.

**Section 25.** Effective July 1, 2011 or once the Ecclesiastical Trial Court cases are completed, whichever date is later, Sections 12.20, 12.21, 12.22 and 12.23 shall be null and void as Ecclesiastical Discipline shall then be controlled by Canons 12.01 through 12.19. *Amended by the 112<sup>th</sup> Convention, 10/23/10.*

### **CANON 13: THE DIOCESE OF NORTHERN INDIANA FOUNDATION, INC.**

The Diocese of Northern Indiana Foundation, Inc. shall adopt by-laws establishing its officers and directors and the terms of such offices. All directors and officers shall be communicants of the Diocese. All directors shall be elected by the current Foundation directors. Their election shall be ratified by the annual Diocesan Convention. In the event of non-ratification of any or all nominees, the nomination and election of Foundation directors shall be referred for action to the

Diocesan Council. The Foundation shall submit a written report to each annual Convention regarding its holdings and activities. *Amended by the 103<sup>rd</sup> Annual Diocesan Convention, 10/27/01.*

#### **CANON 14: AMENDMENT OF CANONS**

Proposed amendments shall be referred to the Constitution and Canons Committee for report to the Convention as to conformity to the law governing the Diocese. These canons may be amended by majority vote at any Convention and voiced approval of the Ecclesiastical Authority.