

**CONSTITUTION OF THE DIOCESE OF  
NEBRASKA**

**and**

**CANONS OF THE DIOCESE OF NEBRASKA**



**2022**



## **PREFACE**

The function of diocesan law in the Episcopal Church is to deal with those diocesan and congregational matters not regulated by the Constitution and Canons of the General Convention. It is not our purpose here to reiterate the General Canons but to augment them within the scope allowed by the General Convention. Those who have recourse to our diocesan statutes are advised that they form only part of the laws by which we are governed. For full understanding of Episcopal Law, the General Constitution and Canons must be consulted as well as those of the Diocese of Nebraska hereinunder written.

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# **CONSTITUTION OF THE DIOCESE OF NEBRASKA**

## **ARTICLE I**

### **Accession**

The Church in the Diocese of Nebraska accedes to the Constitution and Canons of The Episcopal Church in the United States of America and to the authority of the General Convention.

## **ARTICLE II**

### **Ecclesiastical Authority**

In case of the disability of the Bishop and the Bishop Coadjutor, the Suffragan Bishop shall be the Ecclesiastical Authority.

## **ARTICLE III**

### **The Council**

*Section 1.* There shall be a celebration of the Holy Eucharist at each Council.

*Section 2.* An Annual Council shall be held in each calendar year at such time and place within the Diocese as may be designated by the preceding Annual Council or, in default thereof, by the Ecclesiastical Authority. With the consent of the Standing Committee, the Ecclesiastical Authority may change the time and place of said Council.

*Section 3.* The Ecclesiastical Authority may call a Special Council and shall call a Special Council at the request of six members of the Standing Committee.

*Section 4.* Written notice of the Council shall be given at least thirty days in advance of the date thereof to all Clergy and Laity entitled to membership therein and to all Congregations entitled to representation therein.

*Section 5.* The notice of a Special Council shall specify the purposes thereof and no other business shall be transacted.

## **ARTICLE IV**

### **Members of the Council**

*Section 1.* The following shall be ex-officio members of the Council: the Bishop, the Bishop Coadjutor, the Suffragan Bishop, all Clergy canonically resident in the Diocese, the Secretary, Treasurer, and Chancellor of the Diocese, and Lay members of the Standing Committee, The Bishop and Trustees, and the Executive Commission.

*Section 2.* Lay Delegates chosen from the confirmed communicants in good standing of each Congregation shall be members in the number specified by Canon.

## **ARTICLE V**

### **Transaction of Business**

*Section 1.* One-half of the Priests entitled to membership in the Council (exclusive of non-parochial Priests who are absent) and Lay representatives from one-half of the Congregations entitled to representation shall constitute a quorum for the transaction of business, provided that a smaller number may adjourn from time to time.

*Section 2.* Except as modified by the Constitution or Canons, Robert's Rules of Order shall govern the procedure of the Council.

*Section 3.* On the call of any five members the two orders shall vote separately, and a concurrence of a majority of both orders shall be necessary to carry a proposal.

*Section 4.* On the call of any five members, the Council shall vote by secret ballot on any proposal or election to come before it.

## **ARTICLE VI**

### **President of the Council**

In the absence of the Bishop, the Bishop Coadjutor, and the Suffragan Bishop, the President of the Standing Committee shall preside. In the absence of a Bishop and the President of the Standing Committee, a President pro tem shall be elected from among the Priests of the Council.

## **ARTICLE VII**

### **Officers**

All persons elected by the Council or appointed by the Ecclesiastical Authority are officers of the Diocese and shall serve until their successors are duly elected or appointed.

All Clerical officers must be canonically resident in the Diocese and all Lay officers must be confirmed communicants in good standing in Congregations of the Diocese, of the age of majority, and legally resident in the Diocese.

## **ARTICLE VIII**

### **Secretary of the Diocese**

*Section 1.* The Secretary of the Diocese shall be elected at each Annual Council. If there be a vacancy or incapacity to act, the Ecclesiastical Authority shall appoint a Secretary pro tem.

*Section 2.* The Secretary of the Diocese shall be Secretary of the Council, the Registrar of the Diocese, and the Secretary of the Executive Commission.

## **ARTICLE IX**

### **Treasurer of the Diocese**

*Section 1.* The Treasurer of the Diocese shall be elected at each Annual Council. If there be a vacancy or incapacity to act, The Bishop and Trustees shall appoint a Treasurer pro tem.

*Section 2.* The term of Treasurer is not to exceed six (6) years.

*Section 3.* All securities and funds of the Diocese shall be kept in a bank or banks designated by The Bishop and Trustees under account agreements between The Bishop and Trustees and those banks. All accounts shall at all times be subject to inspection by the President, the Chancellor, and the Finance Committee of The Bishop and Trustees. A complete report of all securities and funds of The Bishop and Trustees with certificate of audit attached shall be printed and included in the annual report of The Bishop and Trustees to the Council.

## **ARTICLE X**

### **Chancellor of the Diocese**

At each Annual Council, the Ecclesiastical Authority shall appoint as Chancellor of the Diocese a Counselor at Law who has been admitted to practice law in the State of Nebraska. The Chancellor shall be the legal advisor of the Ecclesiastical Authority, the Council, and all officers and agencies of the Diocese. If there be a vacancy or incapacity to act the Ecclesiastical Authority shall appoint a Chancellor pro tem.

## **ARTICLE XI**

### **Standing Committee**

*Section 1.* The Standing Committee shall consist of four Clergy, at least one of which shall be a Priest and four Laity, at least one of each order being elected for three-year terms by each Annual Council by a concurrent vote by orders. No member may serve more than two successive three-year terms.

*Section 2.* The President of the Standing Committee shall be a Priest.

*Section 3.* The proceedings of the Standing Committee shall be recorded and such records shall be subject to examination by the Ecclesiastical Authority at any time.

*Section 4.* The Standing Committee shall fill vacancies occurring in its own membership between Annual Councils.

## **ARTICLE XII**

### **Deputies to the General Convention and to the Provincial Synod**

Each Annual Council held not later than twelve months preceding the General Convention shall elect by a concurrent vote by orders four Clerical and four Lay Deputies and a like number of Provisional Deputies to represent the Diocese in said General Convention. Provisional Deputies shall serve as necessary according to the order of their election.

These Clerical Deputies, Lay Deputies and Provisional Deputies shall also serve as the respective Clerical Deputies, Lay Deputies and Provisional Deputies to the Synod of the Sixth Province. The terms of these Deputies shall be three years. The Ecclesiastical Authority may appoint Provisional Deputies to said Synod if the elected Deputies are unable to attend.



## **ARTICLE XIII**

### **Election of a Bishop**

The election of a Bishop, a Bishop Coadjutor, or a Suffragan Bishop shall take place only in Council and by a concurrent vote by orders. Written notice of such election shall be mailed by the Secretary of the Diocese at least sixty days prior to the date thereof to all Clergy and Laity entitled to membership and to all Congregations entitled to representation in the Council. If two-thirds of the Clergy entitled to vote are present and two-thirds of all the Congregations entitled to vote are represented, then a majority of each order shall constitute an election. Otherwise, two-thirds of the votes cast in each order shall be necessary to constitute an election.

## **ARTICLE XIV**

### **Faith Asking**

The Council shall have the power to raise money by faith asking on the Congregations of the Diocese for the support of the Episcopate, the faith asking of the General Convention, and other expenses which from time to time the Council may approve and direct.

## **ARTICLE XV**

### **Bishop and Trustees**

Section 1. The Bishop and Trustees of the Diocese of Nebraska, now duly constituted in accordance with the Constitution and Canons of the Diocese of Nebraska and in accordance with the laws of the State of Nebraska, is deemed a body politic and corporate under the name "The Bishop and Trustees of the Diocese of Nebraska" and by such name shall have power to sue and be sued. It shall have power to acquire, hold, improve, lease, sell, convey, mortgage, or otherwise dispose of real estate and shall possess such other powers as may be granted by the Statutes of the State of Nebraska to corporations of this character and shall have a corporate seal in such form and substance as has been in use heretofore or as may be adopted hereafter. The name of this corporation shall be called "The Bishop and Trustees" hereinafter.

## **ARTICLE XVI**

### **Amendment**

Amendments to this Constitution must be approved by two successive Annual Councils by a concurrent majority vote of both orders.

# CANONS OF THE DIOCESE OF NEBRASKA

## TITLE I THE COUNCIL

### CANON 1

#### **Of Clergy Entitled to Membership in the Council**

Within one week before the convening of the Council, the Ecclesiastical Authority shall prepare a list of all Clergy entitled to membership therein as provided by the Constitution, annexing the names of their respective Congregations or offices or retired status, their residences, and the dates of their becoming canonically resident in the Diocese. This list shall be taken as presumptive evidence of the right of those whose names appear thereon to membership in the Council. The Council may correct and revise this list at any time.

### CANON 2

#### **Of Lay Representation in the Council**

*Section 1.* Congregations shall be entitled to Lay representation in the Council according to the number of confirmed communicants in good standing listed in the Parish Register who are sixteen years of age or over and regular contributors of record to the Parish treasury as hereinafter provided:

1 to 50	communicants:	1	Delegate
51 to 100	communicants:	2	Delegates
101 to 200	communicants:	3	Delegates
201 to 300	communicants:	4	Delegates
301 to 500	communicants:	5	Delegates
Over 500	communicants:	6	Delegates

*Section 2.* Lay Delegates shall be elected by the Annual Meeting or, in default thereof, by the Vestry or Bishop's Committee. The appointment of all Lay Delegates shall be certified in writing by the Rector or Vicar of the Congregation, or, if there is no Priest-in-Charge, by one of the Wardens of the Congregation.

## CANON 3

### Of the Business of the Council

**Section 1.** At least ninety days before each Annual Council, the Secretary of the Diocese shall transmit to each ex-officio member of the Council and to the Clerk of each Congregation of the Diocese notice that all proposed legislation and debatable resolutions to be considered by the Council shall be submitted to the Secretary in writing at least sixty days prior to the convening of the Council and shall be signed by the proposer. The Secretary shall prepare copies of all such proposals and resolutions and distribute them by mail at least thirty days in advance of the Council to every ex-officio member of the Council and to the Clerk of each Congregation such number as necessary for the Congregation's delegation to the Council. This ninety-day notice shall include a list of the offices to be filled by election at said Council, together with the name of the chairperson of the Committee on Elections, to whom nominations for said offices may be made.

**Section 2.** At least one hundred and eighty days before the convening of the Annual Council, the Ecclesiastical Authority shall appoint the Committee on Elections, to consist of three Clergy and three Laity, shall name one of the members as chairperson, and shall notify the Secretary of the Diocese of the appointment of said chairperson. This committee shall solicit and receive nominations, prepare ballots, and supervise elections of the Standing Committee, Deputies and Provisional Deputies to the General Convention, Elective members of the Executive Commission, Judges of the Ecclesiastical Court, and Deputies to the Provincial Synod. This Committee shall nominate at least two qualified candidates for each vacancy to be filled on the Standing Committee and the Executive Commission, shall nominate eight Clergy and eight Laity for election as Deputies to the General Convention, and shall nominate the Clergy and Laity for election as Judges of the Ecclesiastical Court. All such nominations shall require the consents of the nominees and shall be made publicly available, together with a brief description of each nominee, before the next meeting of the Council.

**Section 3.** At least sixty days before the convening of the Council, the Ecclesiastical Authority shall appoint the following committees:

- a. Committee on the Dispatch of Business;
- b. Committee on Arrangements.

**Section 4.** At least thirty days before the convening of the Council, the Ecclesiastical Authority shall appoint the Committee on Resolutions, which shall present all non-legislative resolutions for action by the Council.

**Section 5.** At each Annual Council the President shall appoint the following standing committees, which shall serve from the adjournment of the Council at which they are appointed until the adjournment of the succeeding Annual Council:

- a. Committee on Legislation, which shall present all proposed legislation for action by the Council, and of which the Chancellor shall be chairperson;
- b. Committee on Finance.

**Section 6.** At each Council the President shall appoint a Committee to Approve the Minutes of the Council.

**Section 7.** Written reports of their proceedings shall be made to the Annual Council by the following: the Standing Committee, The Bishop and Trustees, the Executive Commission, all Officers of the Diocese, and all Departments, Committees, Commissions, and Institutions of the Diocese.

**Section 8.** At each Annual Council, a person designated by the Ecclesiastical Authority shall present a schedule of special diocesan offerings which may be made in each parish during the following calendar year.

## **CANON 4**

### **Of the Journal of the Council.**

The Secretary of the Diocese, with the advice of the Committee to Approve the Minutes of the Council, shall have the Journal of the proceedings printed. The Secretary shall distribute one copy of the Journal to each ex officio member of the Council, and otherwise as directed by the Canons of the General Convention and by the Ecclesiastical Authority of the Diocese.

**TITLE II**  
**ORGANIZATION AND ADMINISTRATION**

**CANON 5**  
**Of the Bishop and Trustees**

***Section 1.*** Membership of The Bishop and Trustees

The Bishop and Trustees shall consist of the following members:

- (1) The Bishop Diocesan, the Bishop Coadjutor, the Bishop Suffragan.
- (2) Elected. Three Clergy and three Laity, who shall be elected for three-year terms, one clergy and one lay being elected at each Annual Council. The elected members shall fill vacancies occurring in its elective membership between Annual Councils.
- (3) Appointed. Three Clergy and three laity shall be appointed by the Bishop for three-year terms, one clergy and one lay being approved by each Annual Council. The Bishop shall fill vacancies occurring in the appointive membership, with a focus on needed talents and regional representation, when possible.
- (4) Ex-officio. The Bishop's Canon or designee (who is to serve as the clerk), the Chancellor, the Secretary of the Diocese, and the Treasurer of the Diocese.
- (5) No elected or appointed member may serve more than two successive three-year terms.
- (6) At least three clergy members must be priests.
- (7) With the exception of the bishops, any person holding a position with a salary drawn wholly or in part from the diocesan budget or funds governed by the Bishop and Trustees shall not be eligible to hold a voting position in the Bishop and Trustees.
- (8) No voting members of The Bishop and Trustees may serve concurrently on the Standing Committee.
- (9) Diocesan Staff members and the President of the Standing Committee may have voice but no vote.

***Section 2.*** The Structure of The Bishop and Trustees

- A. The Bishop shall be President of The Bishop and Trustees. In the absence of the Bishop, the Bishop Coadjutor or the Bishop Suffragan shall be acting President. Should there be no Bishop to preside, the Vice President shall serve as acting President.
- B. The Vice President shall be elected from within The Bishop and Trustees on an annual basis. The Vice President must be a member of the clergy.

- C. The Bishop's Canon or designee will serve as the non-voting Clerk to the Bishop and Trustees.
- D. The Chancellor shall give The Bishop and Trustees the Chancellor's opinion upon all questions of canon and civil law whenever requested to do so. Such request shall be communicated to the Chancellor in writing by the President or designee and shall set forth the circumstances of the matter about which the opinion is desired and the precise question to be answered.
- E. There shall be two permanent standing committees of The Bishop and Trustees.
  - 1. The Executive Committee. This committee shall be composed of the President, Vice President, and two members at large (one elected and one appointed) from The Bishop and Trustees, and may include the Clerk, the Treasurer, and Chancellor as needed. The executive committee meets at certain times called by the Bishop to provide updates and make decisions on behalf of The Bishop and Trustees between meetings.
  - 2. The Finance Committee. This committee, chaired by the Treasurer, shall be composed of the President ex officio, the Vice President, and two other members (one clergy and one lay) of The Bishop and Trustees to be appointed by the President, and at least three others who do not serve on The Bishop and Trustees or Standing Committee of the Diocese. The Finance Committee shall direct and supervise the investment of all funds of this corporation under the direction of The Bishop and Trustees. The Finance Committee shall be responsible for the proposal, presentation, and allocation of the annual diocesan budget.
  - 3. The Bishop and Trustees may appoint other committees as it deems necessary.

***Section 3.*** The Work of The Bishop and Trustees

The Bishop and Trustees is responsible for the following work of the diocese:

- A. Oversight of the management of all diocesan investments.
- B. Oversight and approval of loans and gifts to parishes and other diocesan ministries from diocesan funds not otherwise specifically directed by donors.
- C. Drafting, presenting, and apportioning the annual budget.
- D. Review of parish re-assessment requests.
- E. Approve alienation of any church properties.
- F. Approve incurrence of debt by the diocese or individual parishes.
- G. The Bishop and Trustees shall be the Board of Trustees of all property and funds of the Diocese and shall have charge and disposition by way of investment, purchase, sale, lease, transfer, disbursement, or otherwise of all funds and property collected, bestowed, devised, procured, or provided for any other work of The Bishop and Trustees. Title to real property can be held only by legally incorporated parishes. If not legally incorporated, title shall be vested in The Bishop and Trustees. The Bishop and Trustees may also act as trustee for any funds and property which any Congregation or Diocesan Institution by resolution of the proper officers governing such bodies shall entrust to the Diocese for safekeeping or investment.

H. Serve as partners with the Bishop for determining and enacting the mission, program, and priorities of the diocese.

***Section 4.*** Meetings of The Bishop and Trustees

The Bishop and Trustees shall hold at least four regular meetings each year, which may be in-person, via phone or video call, or electronic, at least one of which shall be in person. The President may call a special meeting at any time, and must call a special meeting upon the written request of three members. Each member of The Bishop and Trustees shall be notified of each regular or special meeting by notice addressed to said member by the Clerk stating the time and place of the meeting and in case of a special meeting the purpose thereof. Such notice shall be mailed at least twelve business days before the meeting. The expenses which members incur by attendance at said meeting shall be defrayed from the funds of The Bishop and Trustees in accordance with diocesan travel and reimbursement policies. Members of The Bishop and Trustees are also expected to attend Annual Council.

***Section 5.*** Quorum and Voting Methods

Seven voting members of The Bishop and Trustees shall constitute a quorum for the transaction of business. A majority vote of the members present at any meeting shall be sufficient for the passage of any act, except that in case the Bishop dissents therefrom, a two-thirds majority of the entire membership of The Bishop and Trustees shall be required for its passage.

***Section 6.*** Reporting

The President shall prepare or cause to be prepared a full report of all acts and proceedings of The Bishop and Trustees which shall be presented at a regular or special meeting held shortly before the Annual Council. This report, after its adoption by The Bishop and Trustees, shall be presented to the Annual Council.

## **CANON 6**

### **Of the Commission on the Ministry**

***Section 1.*** The Commission on the Ministry shall be elected by the Council upon nomination by the Ecclesiastical Authority and shall consist of six Clergy and six Laity, one-third of each order being elected at each Annual Council for terms of three years. No member may serve more than three successive three-year terms.

***Section 2.*** Vacancies occurring herein between Annual Councils shall be filled by the Standing Committee upon nomination by the Ecclesiastical Authority.

## CANON 7

### Of the Commission on Clergy Compensation

*Section 1.* At each Annual Council the Ecclesiastical Authority shall appoint a Commission on Clergy Compensation, to be composed of both Clergy and Laity, and shall name one of the Laity as chairperson.

*Section 2.* This Commission shall make an annual study of the compensation of the Clergy of the Diocese and shall make such recommendations as it may deem appropriate to the Ecclesiastical Authority, the Council, the Executive Commission, and the Vestries and Bishop's Committees of the Congregations for the purpose of securing and maintaining adequate compensation for both stipendiary and supply Clergy of the Diocese.

## CANON 8

### Of the Clergy Relief Fund

*Section 1.* The Clergy Relief Fund of the Diocese shall be used for the following purposes:

- (1) The proper maintenance of the Clergy and their spouses and minor children when said Clergy, by reason of old age or physical or mental infirmity, are no longer able to maintain themselves by employment in their ministries.
- (2) The maintenance of surviving spouses and minor children of Clergy who were serving in the Diocese at the time of their death.

*Section 2.* The Bishop and Trustees shall have full power to make all rules and regulations for the proper distribution of the income of the Clergy Relief Fund according to the circumstances and needs of its several beneficiaries.

## CANON 9

### Of Diocesan Institutions

*Section 1.* No institution hereafter formed and incorporated may represent itself to be an institution of the Episcopal Church within the boundaries of the Diocese of Nebraska for any purpose whatsoever unless it shall have qualified and continue to qualify as a Diocesan Institution as provided herein.

*Section 2.* To qualify as a Diocesan Institution each institution of the Church within the Diocese shall be incorporated as a charitable or nonprofit corporation of the State of Nebraska and shall duly maintain such corporate status, first obtaining from the Ecclesiastical Authority, the Chancellor, and The Bishop and Trustees their written approval of its Articles of Incorporation and By-Laws.



**Section 3.** Every Diocesan Institution in its Articles of Incorporation shall accede expressly to the Constitution and Canons of the General Convention and to the Constitution and Canons of the Diocese of Nebraska.

**Section 4.** The Articles of Incorporation of Diocesan Institutions shall contain the following provisions:

- (1) The Ecclesiastical Authority shall be a member ex-officio of the Board of Directors of the Diocesan Institution;
- (2) No less than a majority of the Board of Directors of the Diocesan Institution shall be canonically resident in the Diocese if Clergy and, if Laity, confirmed communicants in good standing in Congregations of the Diocese and resident in the Diocese;
- (3) The Diocesan Institution may not alienate or encumber any real property belonging to it without first obtaining the written consent of the Ecclesiastical Authority and The Bishop and Trustees. If said property shall include any chapel or house of worship, the consent of the Standing Committee shall also be required for said alienation or encumbrance;
- (4) The Diocesan Institution may not amend its Articles of Incorporation or By-Laws without the written consent of the Ecclesiastical Authority, the Chancellor, and The Bishop and Trustees;
- (5) The Bishop, with the advice of the Council and consent of a two thirds majority thereof, may dissolve the organization of any Diocesan Institution, provided that written notice of intention to do so shall have been made to the ex-officio membership and Lay representation of the Council at least thirty days in advance of the convening thereof;
- (6) At the time of the dissolution of a Diocesan Institution the title to all of its property, both real and personal, shall be transferred and conveyed to The Bishop and Trustees of the Diocese of Nebraska;
- (7) Upon the dissolution of a Diocesan Institution the governing body thereof shall forthwith legally dissolve said corporation under the laws of the State of Nebraska.

**Section 5.** The Bishop shall be the Visitor of all Diocesan Institutions, with Ordinary jurisdiction over the chapels and houses of worship belonging thereto; provided, however, that at the Bishop's discretion the Bishop may delegate any portion of this faculty to Bishops or Priests canonically resident in the Diocese.

**Section 6.** No Diocesan Institution may employ the services of an extra-diocesan Bishop, Priest, or Deacon or invite said person to officiate in the Diocese of Nebraska without first obtaining the consent of the Ecclesiastical Authority.

## TITLE III CONGREGATIONS

### CANON 10 Of the Cathedral

**Section 1.** The Council hereby declares Trinity Church in the See City of Omaha, which has accepted the provisions of this Canon as part of its Articles of Incorporation, to be the Church of the Bishop of Nebraska, to house the Bishop's cathedra, to be the Cathedral Church of the Diocese of Nebraska, and to be known as Trinity Cathedral.

**Section 2.** Trinity Cathedral shall be governed in all particulars by those General and Diocesan Canons governing Parish Churches, save as specified otherwise herein.

**Section 3.** The government of Trinity Cathedral shall be vested in the Cathedral Chapter, which shall consist of the Bishop, the Dean, two Churchwardens, and such additional Lay members, in multiples of three, as the Chapter shall deem appropriate. The Lay members of the Chapter shall be elected according to the provisions of the Canon governing the election of Parish Vestries.

**Section 4.** The Bishop shall be ex-officio President of the Cathedral Chapter and shall enjoy the following rights:

- (1) The Bishop may occupy his cathedra at his pleasure;
- (2) The Bishop may preach in the Cathedral upon any occasion;
- (3) At the Bishop's pleasure, the Bishop may celebrate the Holy Eucharist and perform any other act of sacerdotal or episcopal function, and the Bishop may officiate at any Divine Service;
- (4) The Cathedral shall be at the Bishop's disposal for all episcopal acts and functions and for the use of the Diocese, all particulars of which shall be subject to the Bishop's direction;
- (5) The arrangement of all services of public worship and prayer shall be subject to the Bishop's direction and approval.

**Section 5.** The Dean shall be ex-officio Vice President of the Cathedral Chapter and Rector of the Cathedral Congregation.

**Section 6.** When the office of Dean is vacant, the Bishop, as soon as conveniently possible, shall nominate to the Cathedral Chapter five or more Priests whom the Bishop considers suitable for the office. The Chapter may then elect from among those nominated one to be called as Dean. If the Chapter is unable to agree upon an election, the Bishop shall nominate others until a Dean is elected. It is stipulated herewith that the election of any Priest as Dean and Rector of Trinity Cathedral shall be conditioned upon said Priest's assent in writing to the limitations of rectorial use and control imposed by Section 4. of this Canon.

**Section 7.** The Bishop concurring, the Dean of the Cathedral may elect Canons Residentiary under the provisions of the Canons of the General Convention and the Diocese governing the election of Assistant Ministers.

**Section 8.** Upon nomination by the Bishop and the Dean, the Cathedral Chapter may elect Priests canonically resident in the Diocese as Honorary Canons of Trinity Cathedral, not exceeding four in number, whose Office and Title, Canon of Omaha, shall cease upon resignation or upon termination of canonical residence in the Diocese.

**Section 9.** The Bishop may appoint Priests canonically resident in the Diocese as Minor Canons for such purposes and terms as the Bishop may designate.

**Section 10.** The Committee on Legislation shall seek the advice of the Cathedral Chapter relative to any amendment canonically proposed for this Canon.

## **CANON 11**

### **Of Parishes**

**Section 1.** Every Parish shall be incorporated under the laws of the State of Nebraska. Such Articles shall be in accord with and accede expressly to the Constitution and Canons of the General Convention and to the Constitution and Canons of the Diocese of Nebraska, and shall have received first the written approval of the Bishop and the Chancellor. No Parish may amend its Articles of Incorporation without the written consent of the Ecclesiastical Authority and the Chancellor.

**Section 2.** Every Parish so organized and incorporated shall present to the Secretary of the Diocese a Certificate of Organization, signed by the Bishop, together with a resolution adopted by the Vestry of said Parish, promising conformity to the Doctrine, Discipline, and Worship of the Episcopal Church. Thereafter said Parish may take title to any real estate directly or indirectly.

**Section 3.** Every Parish shall be governed by the Vestry, which shall consist of the Rector as President, two Churchwardens, and such additional Lay members, in multiples of three but not exceeding twelve, as the Annual Parish Meeting shall deem appropriate.

**Section 4.** The Lay members of the Vestry shall be elected by the Annual Parish Meeting and must be confirmed communicants in good standing in the Parish for at least six months, sixteen years of age or over, and regular contributors of record to the Parish treasury.

The Senior Warden shall be elected annually. The Rector may nominate the Senior Warden, who shall hold office for not more than three successive one-year terms and shall not be eligible for election to the Vestry until after the expiration of one year from the date of the termination of said Warden's previous service. In the event of a vacancy occurring in the office of Senior Warden, the Vestry, using the same system of nomination, shall have the power to fill the vacancy until the next Annual Meeting of the Parish.

The Junior Warden shall be elected annually and shall hold office for not more than three successive one-year terms and shall not be eligible for election to the Vestry except as Senior Warden until after the expiration of one year from the date of the termination of said Warden's previous service. In the event of a vacancy occurring in the office of Junior Warden, the Vestry shall have power to fill such vacancy.

The additional Lay members shall be elected for three-year terms, with one-third of said members being elected each year, and shall not be eligible for election to the Vestry except as Churchwarden until after the expiration of one year from the date of the termination of said member's previous service. Vacancies occurring in this office may be filled by the Vestry until the next Annual Meeting of the Parish, at which time additional Lay members shall be elected to fill out the unexpired terms. Provided, however, that no person so appointed by the Vestry shall be ineligible for election de novo to the Vestry at the next Annual Parish Meeting.

The Vestry, at its first meeting after the Annual Parish Meeting, shall elect a Clerk of the Vestry and a Parish Treasurer. The Clerk shall be elected from the Vestry. The Parish Treasurer must be a qualified elector in the Parish but need not be a member of the Vestry.

**Section 5.** The Regular Meeting of the Vestry shall be held at least once each month, except when postponed or adjourned with the approval of the Vestry, at such time and place within the Parish specified by the Rector. The Rector shall call and preside at all meetings of the Vestry and is entitled to vote on every question.

The Parish Treasurer shall present monthly written reports to the Vestry accounting for all income received and disbursements made during the previous calendar month.

The Rector may call a special Vestry Meeting to be held within the Parish at any time. A Special Vestry Meeting shall be called by the Rector at the written request of a majority of the Lay members of the Vestry.

A majority of the vestry shall constitute a quorum, and a majority of the members in attendance at any Meeting shall, in the presence of a quorum, decide its action; provided, however, that the Vestry shall not have power to elect a Rector or to alienate or encumber real property of the Parish unless there be present and voting in favor thereof a majority of all such Vestry.

No Parish may alienate or encumber any real property belonging to it without first obtaining the written consent of the Ecclesiastical Authority, the Standing Committee, and The Bishop and Trustees.

No Parish may incur an indebtedness which may alienate or encumber Church property without the written consent of the Ecclesiastical Authority, the Standing Committee, and The Bishop and Trustees.

**Section 6.** The Annual Parish Meeting shall be held during the month of January at a time and place within the Parish specified by the Rector. All confirmed communicants in good standing listed in the Parish Register who are of the age of majority and regular contributors of record to the Parish treasury shall be entitled to vote. Notice of date, time, and place of said Meeting shall be given by announcement at all regularly scheduled Divine Services during the two weeks immediately preceding said Meeting.

The Parish Treasurer and the treasurer of every Parochial Society shall present written reports to the Annual Parish Meeting. Said reports shall contain full accounting of all funds and of all income received and disbursements made during the previous calendar year together with year-beginning and year-ending balances.

**Section 7.** Except for the organizational treasuries of Parochial Societies authorized herein, all funds of the Parish are under Vestry control and shall be maintained in the Parish's name. No Parochial Society may possess real or tangible personal property in its own name and any such property acquired by any Parochial Society by purchase, gift, or otherwise, is Parish property and title thereto is vested in the Parish; provided, however, that, with the Rector's consent, a Parochial Society may be custodian of an organizational treasury held in trust for the Parish. In the event of the dissolution by the Rector of any Parochial Society, any monies in its custody shall pass forthwith to the control of the Vestry.

**Section 8.** All accounts of every Parish having to do with the receipt and expenditure or investment of money shall be audited at the close of each calendar year in such manner as may be required by the Canons of the General Convention and by The Bishop and Trustees.

**Section 9.** At each Episcopal Visitation, the alms and contributions not otherwise specifically designated shall belong to the Discretionary Fund of the Bishop making the Visitation.

## **CANON 12**

### **Of the Dissolution and Merging of Parishes**

**Section 1.** When a Parish has ceased to provide self-support for a period of one year, the Bishop, with the advice and consent of the Standing Committee, may dissolve the parochial organization thereof. Self support shall be defined as the payment by Parish itself of all normal expenses of the Parish, including the Rector's stipend and allowances and the Church Pension Fund premiums assessed thereon.

**Section 2.** At the time of the dissolution of a Parish, the title to its real property shall be transferred and conveyed to The Bishop and Trustees. If said Parish is organized as a Mission, title to its personal property shall vest in said Mission; otherwise title to its personal property shall vest in The Bishop and Trustees.

**Section 3.** Upon the dissolution of a Parish, the Vestry thereof shall legally dissolve the parochial corporation which has been chartered therein by the State of Nebraska.

**Section 4.** The Bishop, with the advice and consent of the Standing Committee, may merge two Parishes into one Parish upon terms satisfactory to the respective Rectors and Parishes. If the rectorate of either Parish is vacant, the Rector of the other Parish shall become Rector of the Parish created by such merger. The title to the property of such merged Parishes, when duly incorporated, shall vest in the Parish resulting from and created by such merger.

## CANON 13

### Of Filling a Vacant Rectorate

**Section 1.** When there is a vacancy in the rectorate of any Parish, the Vestry thereof, in a meeting called by the Senior Warden for that purpose only and attended only by the Lay members thereof, shall nominate to the Bishop a Priest in good standing in the Church to fill such vacancy. The Bishop, within thirty days thereafter, shall certify to said Vestry his or her approval or disapproval of their nomination. The Bishop's approval shall constitute an election and the Vestry shall then proceed to call the Priest as their Rector. The Bishop's disapproval shall constitute a veto if the nominated Priest is not canonically resident in the Diocese of Nebraska, and the Vestry shall proceed to another nomination. If the Bishop disapproves of the nomination of a Priest who is canonically resident in the Diocese of Nebraska, the Vestry shall re-examine their decision in a meeting duly called and held for that purpose, and shall then proceed to take another vote.

**Section 2.** When a parochial rectorate becomes vacant, the Bishop may appoint a Priest as his or her Vicar therein, to facilitate the ordinary operation of parochial affairs until the election of a Rector or appointment of a Locum Tenens. When a Vicar is appointed it shall be the duty of the Parish to accord said Vicar all the rights and powers of the Rector during the period of the appointment. Said Vicar shall take no part whatsoever in the procedure relating to the election of a Rector.

**Section 3.** If the rectorate is vacant for a period in excess of six months, the Bishop, with the advice and consent of the Standing Committee, shall appoint a Priest as Locum Tenens to fill such vacancy during the Bishop's pleasure and until a Rector is elected.

**Section 4.** If a parochial rectorate is vacant at a time when the Ecclesiastical Authority is not the Bishop, the Ecclesiastical Authority, with the advice and consent of the Standing Committee, shall appoint a Priest as Locum Tenens to fill such vacancy during the pleasure of the Ecclesiastical Authority and until the Ecclesiastical Authority is the Bishop.

**Section 5.** When a Locum Tenens is appointed, it shall be the duty of the Parish to make such provision for the support of the Locum Tenens as the Ecclesiastical Authority, with the advice and consent of the Standing Committee, may require and to accord said Locum Tenens all the rights and powers of the Rector during the period of the appointment. Said Locum Tenens shall take no part whatsoever in the procedure relating to the election of a Rector.

## CANON 14

### Of Stewardship

**Section 1.** At least sixty days before each Annual Council, The Bishop and Trustees shall draft a budget for the following calendar year estimating the sum necessary for the support of the Episcopate, the General Convention Assessment, the operation of the Diocese, the pledge of the Diocese to the national Church, and any additional sums authorized by the Annual Council. This budget shall be included with the proposals and resolutions distributed by the Secretary of the Diocese to the Clergy and Laity thirty days in advance of the Annual Council.

**Section 2.** The budget proposed by The Bishop and Trustees shall be submitted to the Annual Council for debate, amendment, and adoption.

**Section 3.** The budget adopted by the Annual Council for the following year shall be apportioned among the Congregations of the Diocese, as shall be determined by The Bishop and Trustees on or before September 1 of each year. Within thirty days of the adjournment of said Council, the Treasurer of the Diocese shall inform the Treasurer of each Congregation of its portion of said budget. Within thirty days of said information, the Cathedral Chapter and each Vestry and Bishop's Committee shall determine the dollar amount its Congregation will accept and shall notify the Treasurer of the Diocese and the Financial Administrative Assistant thereof, pledging said amount to the support of the Diocese for the year.

**Section 4.** When the pledges from the Congregation have been received, The Bishop and Trustees shall prepare a budget based upon the total of such pledges. If diocesan income shortfall is expected to be sufficient to make budget changes necessary, The Bishop and Trustees shall adjust budget expenditures in accordance with the directives adopted by the Council. Expenditures under the authority of The Bishop and Trustees shall in no case exceed income.

**Section 5.** Any Congregation which is unable to accept its portion of the Diocesan budget assigned to it, shall seek the advice and counsel of the Bishop and The Bishop and Trustees. Should the parish desire a reassessment of its portion of budget, the Congregation may request The Bishop and Trustees to evaluate the amount requested. In such event the Congregation shall present to The Bishop and Trustees of the Diocese an accounting of all parish assets and budget of the Parish and any such documentation supporting their reasoning for not paying its full portion. Based upon the information provided by the Parish, representatives of The Bishop and Trustees may meet with representatives of the Congregation to discuss the issues involved with its inability to pay its portion of the Diocesan budget. Upon reassessment of The Bishop and Trustees, the portion approved by The Bishop and Trustees through the reassessment process, shall be deemed to be the portion of the Diocesan budget accepted by the congregation.

***Section 6.*** Congregations in Good Standing shall be defined as parishes that:

- a. Celebrate public worship at least weekly.
- b. Maintain an adequate level of ordained leadership as approved by the Standing Committee of the Diocese.
- c. Participate in the Annual Council of the Church.
- d. Service all legal debts of the parish.
- e. Pay their full portion of the Diocesan budget or the reassessed portion of the Diocesan budget following the guidelines of Canon 16 Section 5.

***Section 7.*** Congregations at Risk shall be defined as those found, following inquiry, to have one or more of the following conditions existing in the Congregation:

- a. Failure of the Parish to celebrate public worship weekly.
- b. Failure to maintain an adequate level of ordained leadership as approved by the Standing Committee of the Diocese.
- c. Refusal or willful failure to arrange for representation of the Congregation at an Annual Council of the Diocese.
- d. The failure or neglect to make canonically required reports, including the annual Parochial Report to the Bishop.
- e. The failure of the congregation for two or more years to be financially self-supporting. It shall not constitute a failure to be financially self-supporting that the Congregation shall have received funding from the Diocese, so long as the Congregation is self-supporting with such funding.
- f. Persistent and significant instability or decline in the financial or temporal condition of the Congregation, as evidenced by, for example, substantial invasion of the principal portion of endowment or trust funds, to such a degree that, in the judgment of the Bishop and Standing Committee, the long term viability of the Congregation is in jeopardy.
- g. Failure to pay its portion of the Diocesan budget or its reassessed portion of the Diocesan budget pursuant to this Canon.

***Section 8.*** Inquiry for Purposes of Restoration of Congregational Health. An inquiry by the Ecclesiastical Authority leading to the declaration of a Congregation at Risk under this Canon may be initiated in the following ways:

- a. The Bishop, believing that one or more of the conditions of this Section may exist may initiate such an inquiry.
- b. The Standing Committee, believing that one or more of the conditions of this Section may exist may petition the Bishop to initiate such an inquiry; or if the Standing Committee is the Ecclesiastical Authority it may initiate such an inquiry by two-thirds vote.
- c. In such events, the Congregation through its Rector and Wardens shall present to the Bishop and Standing Committee the Congregation's response to the inquiry. Based on the information provided, the Bishop, with approval of the Standing Committee, shall set forth the obligations the Parish shall undertake in order to be restored to Congregational Health.

**CANON 15 has been removed**



# TITLE IV

## DISCIPLINE

### CANON 16

#### Of Ecclesiastical Discipline

***Section 16.01 Title IV of General Canons.*** Those provisions of Title IV of the General Canons which are applicable to the Diocese are hereby incorporated as part of this Title. To the extent, if any, that any of the provisions of this Title are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

***Section 16.02 Disciplinary Board.*** The Board shall consist of no fewer than seven persons, four of whom are members of the Clergy and three of whom are Laity.

***Section 16.03 Clergy Members.*** The Clergy members of the Board must be canonically resident within the Diocese.

***Section 16.04 Lay Members.*** The lay members of the Board shall be Adult Communicants in Good Standing, and geographically resident in the Diocese.

***Section 16.05 Election.*** The members of the Board shall be elected by the Annual Council. 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 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 16.06 Vacancies.*** Vacancies on the Board shall be filled as follows:

- (a) Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
- (b) The Bishop shall appoint a replacement Board member in consultation with the Standing Committee and The Bishop and Trustees.
- (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 Council. 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 16.07 Preserving Impartiality.** 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. 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 16.08 President.** Within sixty (60) days following the Annual Council, the Board shall convene to elect a President to serve for the following calendar year.

**Section 16.09 Intake Officer.** The intake Officer shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

**Section 16.10 Investigator.** The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church.

**Section 16.11 Church Attorney.** Within sixty (60) days following each Annual Council, the Bishop in consultation with the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected must be a Member of the Church and a duly licensed attorney residing within the Diocese.

**Section 16.12 Pastoral Response Coordinator.** The Bishop 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 the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.

**Section 16.13 Advisors.** 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 16.14 Clerk.** The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

**Section 16.15 Publication to Each Diocese.** 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 16.16** 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 Diocese, subject to budgetary constraints as may be established by The Bishop and Trustees.

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 Diocese, subject to budgetary constraints as may be established by the Executive Commission.

**Section 16.17 Records of Proceedings.** 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 office.

**Section 16.18 Permanent Records.** The Bishop shall make provision for the permanent storage of records of all proceedings under this Title at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

**Section 16.19 Accusation.** An accusation may be made to the Bishop against a Priest or Deacon for a violation of any Canon of the General Convention or of the Diocese of Nebraska, for any offense specified in such Canon, by any five persons in writing over their respective signatures. Clerical accusers must be canonically resident in the Diocese and Lay accusers must be confirmed communicants in good standing in Congregations of the Diocese, of the age of majority, and legally resident in the Diocese. If the Bishop shall think the charge demands investigation, he or she shall appoint two Priests not members of the Disciplinary Board or the Standing Committee to investigate said accusation and report to him or her in writing the detailed results of such investigation.

Should this report be such as in the judgment of the Bishop to render a trial advisable, he or she shall place before the Clerical members of the Standing Committee a true copy thereof. They shall thereupon examine the report and, if satisfied of the advisability of a trial, shall present the accused to the Bishop for trial, stating distinctly in the presentment the charges and specifications with which said Priest or Deacon is thus presented, with reasonable certainty as to time, place, and circumstance. This presentment must be signed by no fewer than three Clerical members of the Standing Committee.

The Bishop shall thereupon order the Disciplinary Board to convene within ninety days at a time and place within the Diocese as he or she shall specify for the trial of the accused, to whom written notice thereof shall be given not less than sixty days before the time appointed, which notice shall be accompanied with a true copy of the Standing Committee's presentment.

**Section 16.20 Confession.** If, before the time appointed for the convening of the Board, the accused shall make to the Bishop, in writing over said accused's signature and acknowledged before a Notary Public, a confession of the offense with which said accused is charged, the Bishop shall recall the order convening the Board and shall proceed to impose such canonical punishment as in his or her judgment is just and proper.

***Section 16.21 Convening of the Board.*** At the time and place specified by the Bishop for the trial, the President of the Board shall convene the Board. In case of the disability of the President, the Priest Judge, senior in canonical residence, shall convene the Board, which shall thereupon elect from among the Priests of the Board a President to serve for the ensuing trial. The Board shall have primary jurisdiction in all matters pertaining to the trial. All proceedings of the Board shall be recorded by a court reporter or by electronic means.

***Section 16.22 Failure to Appear.*** In case the accused shall fail to appear before the Board at the time and place appointed and give no reason for the same satisfactory to the Board, it may proceed at once to trial or, at its discretion, adjourn to a day certain, not exceeding two weeks, for such proceeding.

***Section 16.23 Chancellor.*** The Chancellor of the Diocese shall sit as Assessor, to advise the Board on any legal question which may arise in the course of the trial when the Board, any member thereof, the Church Advocate, or the accused may request it. If the Chancellor is unable or unwilling to sit with the Board in the trial of any person, the Board may appoint as Assessor some other Counselor at Law who has been admitted to practice law in the State of Nebraska and who is a confirmed communicant in good standing in a Congregation of the Diocese and resident in the Diocese.

***Section 16.24 Federal Rules.*** The Disciplinary Board shall be governed by The Federal Rules of Evidence in the conduct of the Trial.

***Section 16.25 Recommendation.*** The trial having been concluded, the Board shall proceed to pass upon the guilt or innocence of the accused, and, if judged guilty, shall recommend to the Bishop, who shall be the ultimate judge, the punishment to be imposed. In every case the concurrence of at least five Judges shall be necessary to render a judgment of guilty.

***Section 16.26 Record of Proceedings.*** A true copy of the record of proceedings of the Board, embodying the Judgment of the Board, shall be forwarded promptly to the Bishop by the Board, and he or she shall give the accused due notice thereof. If the accused is convicted and no appeal be taken as hereinafter provided, the Bishop shall proceed to award the punishment and to carry the sentence into execution.

***Section 16.27 Notice.*** Within thirty days after the service of notice of conviction, the accused Priest or Deacon may appeal to the Provincial Court of Review under the provisions of the Canons of the General Convention.

**TITLE V**  
**LEGISLATION**

**CANON 17**

**Of Enactment, Amendment, and Repeal**

New Canons may be enacted and existing Canons may be amended or repealed in whole or in part of any Annual Council by a majority of both orders voting separately.