

**THE CANONS OF  
THE DIOCESE OF THE ROCKY MOUNTAINS**

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*(Approved June 21, 2016)*

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**THE DIOCESE OF ROCKY MOUNTAINS  
OF THE  
THE ANGLICAN CHURCH IN NORTH AMERICA**

***CANONS***

***Preamble***

Pursuant to the Constitution of the Anglican Church in North America (the “Province”) and the Canons thereof (“Provincial Canons”); and the Constitution of the Diocese of the Rocky Mountains (the “Diocese”), the Diocese, by its Synod, hereby adopts these canons for the purpose of establishing and maintaining its own governance. The Diocese acknowledges the authority and powers of the Province as set forth in the Provincial Constitution and Canons adopted thereby, and adopts these Canons to be in conformance therewith. All powers not granted to the Province are reserved to the Diocese. In the event of a conflict between the Constitution and/or Canons of the Diocese and the Constitution and/or Canons of the ACNA, the Constitution and Canons of the ACNA shall govern this Diocese.

**TITLE I**

**Organization and Administration of the Diocese and Congregations**

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***Canon 1***

***Order, Governance, and Discipline of the Diocese***

The order, governance, and discipline of the Diocese shall be vested in the Bishop Ordinary (hereafter, “the Bishop”), the Diocesan Council, the Synod, and the Ecclesiastical Trial Court as provided in the Provincial Constitution and Canons and in the Constitution and Canons of the Diocese. The distribution of the authority for order, governance, and discipline of the Diocese shall be as follows:

1. The fundamental agencies of mission in the Diocese are the Congregations and the Missions. The chief agents of this mission to extend the Kingdom of God are the people of God.
2. When it shall appear to the Bishop that it would advance the administration and mission of the Diocese, the Bishop, in consultation with the Diocesan Council, may organize the Diocese into two or more regional groupings of Congregations and Missions, as provided by Title 1, Canon 2.12 of these canons.
3. Member Congregations and Missions shall be represented in the Provincial Assembly as provided by Article IV, Paragraph 3 and Article VI, Paragraph 3 of the Provincial Constitution and by these canons.
4. The Diocese shall be represented in the Provincial Assembly and Provincial Council as provided by Article IV and Article VI of the Provincial Constitution and by these canons.

5. The Ecclesiastical Authority of the Diocese shall be vested in the Bishop and, in the absence of the Bishop, in the Council as provided by Article IV, Paragraph 2 of the Provincial Constitution; Title I, Canon 5, Sections 1 and 3 of the Provincial Canons; and by these canons.
6. Ordained ministry in the Diocese shall be exercised only by Bishops, Presbyters, and Deacons duly ordained by or under the authority of the Bishop of the Diocese.
7. The legislative and non-ecclesiastical executive authority of the Diocese shall be vested in the Synod, and in the time between meetings of the Synod, in the Diocesan Council, as provided by Article IV of the Provincial Constitution and by these canons.
8. The judicial authority of the Diocese shall be vested in the Ecclesiastical Trial Court as provided by Article XI of the Provincial Constitution and by these canons.
9. The Diocesan Constitution and these canons recognize the right of each member Congregation and Mission to establish and maintain its own governance not inconsistent with the provisions of the Provincial and Diocesan Constitution and Canons.

## ***Canon 2 Of the Synod***

### **Section 1. *Membership***

The Synod shall comprise the Clergy of the Diocese, its Bishops, and Lay Delegates chosen in accordance with these canons. Each delegate, Clergy and Lay, shall have voice and vote, except as provided by canon.

### **Section 2. *Powers and Duties***

The Synod of the Diocese has the power to adopt and amend the Diocesan Constitution and Canons; approve budgets; establish and provide ongoing support for the mission of the Diocese; confirm Council admissions of Congregations and Missions into the Diocese; and elect Bishops of the Diocese, members of the Diocesan Council, and Diocesan representatives to the Provincial Assembly and Provincial Council.

### **Section 3. *Membership Lists and Mode of Election of Delegates***

#### **3a. *Clergy Delegates***

1. The Clergy Order shall consist of the Bishop or Bishops and all duly ordained Presbyters and Deacons under the authority of the Bishop, whether canonically resident in the Diocese or licensed thereto from another Diocese or Province for a period of at least six (6) months. Recognizing the long-term relationship and contribution of L'Eglise Anglicane au Rwanda (PEAR) to orthodox Anglicanism in North America, clergy ordained in PEAR prior to June 2016 who do not wish to transfer their canonical residence may be licensed by the Bishop to minister in the diocese. They will be full members of the Clergy Order of the diocese, with all the rights and responsibilities pertaining thereto. They will be under the authority of the Bishop and subject to the Canons of the Diocese and the Canons of the Anglican Church in North America (and not subject to the canons of PEAR) as long as they are licensed and/or serving in the ACNA.



2. An official list of all duly ordained Presbyters and Deacons under the authority of the Bishop shall be maintained by the Ecclesiastical Authority and kept current in the central office of the Diocese. The list shall contain the positions and addresses of the clergy and shall be published at least 30 days in advance of any meeting of the Synod. Any member of the clergy whose name is not on the list who wishes to vote at the Synod shall bring the omission to the attention of the acting Registrar of the Synod.

3. The official list shall be available to the Synod on the first day of its meeting and shall be the basis for determining a quorum as provided in Title 1, Canon 3.6 of these canons.

4. Every member of the clergy under the authority of the Bishop shall attend every meeting of the Synod unless excused by the Ecclesiastical Authority.

5. No member of the Clerical Order while under ecclesiastical discipline shall be entitled to a seat in the Synod.

### **3b. Lay Delegates**

1. One (1) member of the governing body of each affiliated church or mission for each 100 ASA or fraction thereof, but no more than three (3) members, will have seat, voice, and vote. Under special circumstances, the lay representative may be a former member of the governing body, or another church member. The number of Eligible Voters shall be based upon the current Annual Report prepared and filed in accordance with Title I, Canon 6, Section 8 of the Provincial Canons and these canons.

2. Each Congregation and Mission of the Diocese, as defined in Title 1, Canon 7.1-2 of these canons, shall select its delegates according to its respective governing rules, and shall report its selection no later than fifteen (15) days before the ensuing meeting of the Synod on a form prepared by the acting Registrar of the Synod. Likewise, changes in lay delegates must be reported to the acting Registrar no later than fifteen (15) days before the upcoming Synod in order to ensure voting rights.

3. A list of all Lay Delegates to the Synod selected by Congregations and Missions of the Diocese shall be compiled by the acting Registrar of the Synod. The list shall contain the addresses and other appropriate contact information of each Lay Delegate. Non-registered alternates must receive authorization from both the Rector of the Congregation or Mission being represented and the acting Registrar in order to vote at a Synod meeting in the place of an absent delegate.

4. Lay Delegates shall serve only for the annual meeting of the Synod for which they were chosen and for any special meeting held prior to the next annual meeting, unless other delegates are chosen specifically for such special meeting.

### **3c. Suspension of Full Participation**

Member churches of the Diocese who have withheld the tithe of 10%, as provided in Title 1, Canon 7.1-2, or whose Parish Council has failed to maintain subscription to the Constitution and Canons will be allowed a seat in the Synod but may neither vote nor have the right of proposing

motions. With the explicit permission of the Bishop, churches who have failed in their tithe of 10% due to extenuating circumstances may be granted both vote and the right of proposing motions.

#### **Section 4. *Meetings of the Synod***

a. The Synod of the Diocese shall meet regularly once a year and may also have special meetings called for a specific purpose.

b. The Bishop with the advice of the Council shall determine the date, time, and place of all meetings of the Synod. The Secretary of the Diocese shall give notice of regular meetings at least 90 days in advance and no less than 30 days prior to any special meeting. The notice shall be given to the Vestry or Parish Council of each Congregation, to the vicar or Governing Body of each Mission, and to each Presbyter and Deacon under the authority of the Bishop.

c. The agenda for any Synod meeting and all proposed resolutions concerning Constitution or Canons shall be distributed to Synod delegates no fewer than 15 days prior to the meeting. No business shall be transacted at the meeting other than that stated in the agenda, unless 2/3 of those present and voting at the meeting authorize the transaction of such other business.

#### **Section 5. *Officers of the Synod***

a. President of the Synod. The Bishop of the Diocese shall serve *ex officio* as President of the Synod. In the Bishop's absence, the Diocesan Council shall elect one of its clergy members to serve as President of the Synod.

b. Secretary of the Synod. The Secretary of the Diocesan Council, as provided in Title 1, Canon 5.2a of these canons, shall also be the Secretary of the Synod and shall maintain records of the meetings of both bodies and in general perform those duties assigned by the Ecclesiastical Authority, the Synod, or the Council. Upon transfer of office, the Secretary shall deliver the permanent records to the new Secretary.

c. Treasurer of the Synod. The Treasurer of the Diocesan Council, as provided in Title 1, Canon 5.2a of these canons, shall also be the Treasurer of the Synod and shall be responsible for all funds and securities of the Diocese and in general perform those duties assigned by the Ecclesiastical Authority, the Synod, or the Council. The Treasurer shall, at the direction of the Diocesan Council, ensure an annual independent audit or financial review. Upon transfer of office, the Treasurer shall deliver the permanent records to the new Treasurer. The Treasurer shall serve as a *de facto* member of the Finance Committee.

d. Registrar of the Synod. The Registrar of the Diocesan Council, as provided in Title 1, Canon 5.2a of these canons, shall also serve as Registrar of the Synod. The Registrar shall keep account of attendance by clergy and lay delegates in order to determine a quorum and establish necessary percentages for voting procedures.

#### **Section 6. *Quorum for the Transaction of Business***

Excluding the number of those Congregations and Missions given written excuse by the Bishop from attendance, one half of the Congregations and Missions, through their selected Lay or

Clergy delegates, must be represented in order to constitute a quorum for the transaction of business at an annual or special meeting. A meeting may be adjourned by a majority of all delegates present at the Synod.

**Section 7. *Voting***

The Synod shall deliberate and vote as one body and, unless otherwise provided by canon, a two-thirds majority of those voting shall be necessary for a decision. A vote by orders may be authorized by canon.

**Section 8. *Teams, Committees, and Ministries of the Synod***

a. The Synod may establish Teams, Committees, and Ministries having responsibilities and powers as designated by the Synod and consistent with the Constitution and Canons of the Diocese.

b. Among the standing bodies of the Synod shall be a Constitution and Canons Team and a Finance Committee.

c. The Synod shall normally defer to the Diocesan Council for the appointment of members to these Teams, Committees, and Ministries. All members shall be approved by the Bishop.

**Section 9. *The Synod Credentials Committee***

A Synod Credentials Committee, if appointed by the acting Registrar, shall consist of two (2) Clergy and two (2) Lay Delegates who shall assist the Registrar to determine the presence of a quorum in accordance with these Canons and to hear and resolve any disputes over proper representation in the Synod.

**Section 10. *Rules of Order***

The Bishop with the advice of the Chancellor shall establish Rules of Order at the outset of each meeting. The Bishop may appoint a Parliamentarian to advise the Bishop and the Synod on parliamentary rules of order.

**Section 11. *Diocesan Delegates to the Provincial Assembly and Provincial Council***

The Synod of the Diocese shall elect the delegates to the Provincial Council and the Assembly from a list of nominees provided by the Council and the Bishop. Nominations from the floor shall be allowed. In the case of elected delegates unable to attend the Provincial Council or Assembly, the Diocesan Council may appoint alternates to fill the vacancies.

**Section 12. *Subdivision of the Diocese into Regions or Deaneries***

a. In consultation with the clergy, the Bishop may divide the Diocese into geographical sub-jurisdictions for the purpose of more effective and focused ministry. Each sub-jurisdiction shall have a Regional Dean appointed from among the Rectors of its member churches.

b. Regional sub-jurisdictions may assemble for meetings to pray, to encourage one another, to educate, to establish more effective ministry strategies, and to support ministry projects. Regional sub-jurisdictions may not enact policy or establish ecclesiastical governance or procedure independent of the Bishop's guidance and the approval of the Council.

c. Each sub-jurisdiction must assemble once per calendar year. The meeting may occur within the Synod.

d. Sub-jurisdictions may assemble in special meetings, which are called and chaired by the Regional Dean but may be invited and hosted by any church within the region.

e. Sub-jurisdictions must consist of at least three (3) congregations or missions and should be organized to support and promote pastoral care and shared mission.

### ***Canon 3*** ***Of the Diocesan Council***

#### **Section 1. *Composition***

In addition to the Bishop, and the Bishop Coadjutor if there be one, the Council shall consist of six to twelve members comprising both Lay members and Clergy members who serve for staggered terms of three years. The terms shall be staggered so that no more than one third of the members shall rotate off the Council in any given year. The Officers of the Diocese as provided by Title I, Canon 5 of these canons, including Bishop Suffragan and Assisting Bishops, if there be any, shall be non-voting members of the Council *ex officio*.

#### **Section 2. *Election***

a. Members of the Council shall be elected at each Annual Meeting of the Synod. Each Council member, including a Council member elected to fill a vacancy, shall hold office until the expiration of the term for which he or she was elected and until his or her successor is elected. All delegates of the Synod, whether Clergy or Lay, shall be entitled to vote for the election of both Clergy and Lay Council members.

b. The Council shall act as Nominating Committee and propose a slate of candidates for the seats to be filled. The Synod may vote to approve the slate as presented or may make additional nominations from the floor.

c. In the case that more candidates are presented for Clergy positions than are open on the Council, delegates shall cast a number of votes equal to the number of vacancies among clergy members. The candidate receiving the most votes shall be deemed elected to the Council. To the extent that there is more than one vacancy, the candidate receiving the second highest number of votes shall be deemed elected to the Council, as well as the additional candidates receiving the next highest numbers of votes as necessary to fill all open clergy positions on the Council.

d. The election of Lay Council members shall follow the same rules as specified in Section 2b-2c.

e. No two Clergy shall come from the same congregation. No two Lay members shall come from the same congregation.

### **Section 3. *Resignations and Vacancies***

The resignation of a member becomes effective upon acceptance by the Bishop. Vacancies that occur between meetings of the Synod may be filled through an appointment by the Bishop in consultation with and consent of the Council. The filled seat becomes open at the next meeting of the Synod, and the temporary appointee is eligible to be elected for a full term beginning with the new election.

**Section 4. *Quorum*** Fifty percent of the voting members of the Council shall constitute a quorum for the transaction of business.

### **Section 5. *Powers and Duties***

The Diocesan Council shall act on behalf of the Synod when the Synod is not in session. These duties will include the ongoing oversight, church planting strategy, protection, coordination, and strengthening of the Diocese by giving attention to its overall and constituent spiritual well-being and its vision, mission, strategy, resources, and supportive structures.

In particular but not exclusively, the Council will perform the following:

- a. Review and approve the annual budget and ensure that it effectively enables the mission and strategies of the Diocese. It will present the annual budget to the Synod annually;
- b. Serve as the Ecclesiastical Authority of the Diocese in the absence of a Bishop authorized to act;
- c. Together with the Bishop, act on behalf of the Synod to accept or deny an application for admission of a Congregation or Mission into the Diocese;
- d. Serve as nominating committee for all offices filled by the Synod except for nominations by the Committee on Nominations for Bishop unless such committee has not been established;
- f. Perform such other duties and responsibilities as may be assigned by the Bishop.

## ***Canon 4 Of Bishops and Their Election***

### **Section 1. *Bishops***

#### **a. The Bishop Ordinary**

The Bishop Ordinary shall serve as the Ecclesiastical Authority of the Diocese and the presiding officer of the Diocesan Council and the Synod with the authority and responsibility as set forth in Article V of the Constitution of the Diocese and those additional authorities set forth in the Constitution and Canons of the Province and the Diocese.

#### **b. Bishop Coadjutor**

The Bishop Coadjutor serves coterminous with the Bishop Ordinary until the retirement (or semi-retirement) of the Bishop, at which time he assumes the duties of the Bishop Ordinary.

**c. Bishop Suffragan**

A Bishop Suffragan is elected to assist the Bishop Ordinary in the oversight and care of the Diocese. His role as Suffragan continues after the death or retirement of the Bishop Ordinary. At any time, with due process, a Bishop Suffragan may be elected as either the Bishop Ordinary or the Bishop Coadjutor by the Synod.

**d. Assisting Bishop**

With approval of the Synod, or the Diocesan Council, the Bishop Ordinary may request permission from the College of Bishops of the Province to appoint an Assisting Bishop, or receive a duly consecrated, qualified Bishop from within the Province or from a sister Province, as Assisting Bishop. An Assisting Bishop assists in the oversight and care of the Diocese in ways determined by the Bishop Ordinary in consultation with the Assisting Bishop and the Diocesan Council.

No more than three Suffragan or Assistant Bishops may serve at any given time in the Diocese.

**Section 2. *Vacancy or Anticipated Vacancy***

Before commencement of the election process, the Diocesan Council shall seek the consent of the Anglican Church in North America College of Bishops, pursuant of Title III, Canon 8, Section 4 of the Provincial Canons. Upon permission from the College to proceed, the council shall appoint members of a Nomination Committee to nominate candidates for the Office of Bishop Ordinary. Whenever possible, the Diocesan Council, in consultation with the Bishop, shall anticipate the retirement of the Bishop and initiate the election process so as to provide a seamless transition of episcopal care for the Diocese.

**Section 3. *Composition of Nomination Committee***

The Nomination Committee shall be composed of three Clergy and four Lay members. These members shall be selected from the delegates to the Synod at the last Annual Meeting of the Synod. When possible, geographic diversity should be achieved.

**Section 4. *Nomination Process***

Nominations for Bishops Ordinary, Coadjutor, and Suffragan shall be submitted by church Vestries or Parish Councils to the Nomination Committee, on a form specified by that Committee, not less than 120 days prior to the electing Synod. All such nominations must include a written acceptance by the nominee of the nomination, an acknowledgment by the nominee of publication of the nomination by the Committee on Nominations, and written support of the nomination by the Vestry or Parish Council of any Congregation or Mission in which the nominee is serving. Nominations from other sources shall be submitted to that Committee, in a form specified by that Committee, not less than 120 days prior to the electing Synod.

**Section 5. *Concerning Criteria for Bishops***

To be a suitable candidate for Bishop, a person must:  
Be a person of prayer and strong faith;

Be pious, have exemplary morals, and exhibit Godly character;  
Have a zeal for souls;  
Have demonstrated evidence of the fruit of the Holy Spirit;  
Possess the knowledge and gifts that equip him to fulfill the office;  
Be held in high esteem by the faithful  
Be a male Presbyter at least 35 years old;  
Have served as Rector of a congregation; and  
Have demonstrated the ability to lead and grow the Church.

### **Section 6. *Discernment of Nominations***

The Committee on Nominations shall determine whether nominated candidates meet the criteria established by the Provincial and Diocesan Constitution and Canons. Through a prayerful process of discernment, including due diligence, the Committee shall arrive at a slate consisting of two or three names, each of whom must have communicated to the Committee written acceptance of the nomination and acknowledgement of publication of the nomination by the Committee. The names shall be published to the Synod delegates at least 40 days prior to the electing Synod.

### **Section 7. *Election***

#### **a. Bishop Ordinary**

The election of the Bishop Ordinary shall be in conformance with the Provincial Constitution and Canons and shall take place at the annual meeting or any special meeting of the Synod called for the purpose. The vote shall be by ballot and by orders. A majority of the votes cast by each order on the same ballot shall be necessary for election of an individual to the office of Bishop. The Secretary of the Diocese shall immediately forward the name of the Presbyter so elected to the College of Bishops of the Province for its review and approval as provided in Title III, Canon 8, Section 4 of the Provincial Canons. In the event that the elected Bishop is not received by the College of Bishops, the Bishop or the Diocesan Council shall promptly call another meeting of the Synod for the purpose of electing a different Presbyter for the office of Bishop.

#### **b. Bishop Coadjutor**

The Bishop Ordinary may initiate the election of a Bishop Coadjutor for the Diocese. With a two-thirds vote of the Synod, the Diocesan Council shall seek the consent of the Anglican Church in North America College of Bishops, pursuant of Title III, Canon 8, Section 4 of the Provincial Canons, for the election of a Bishop Coadjutor of the Diocese.

Once the election of a Bishop Coadjutor is approved, the Nomination Committee for Bishop (Title I, Canon 4, Section 3) will follow the normative process for receiving and examining nominations, with the addition that the specific responsibilities of the Bishop Coadjutor will be included in order to determine the qualification and availability of each nominee considered. The election of a Bishop Coadjutor of the Diocese shall take place at the annual meeting or any special meeting of the Synod called for that purpose. The vote shall the same process as that for Bishop Ordinary, specified in Title 1, Canon 4. 7a above.

**c. Bishop Suffragan**

A Bishop Suffragan is required when there is clear necessity for the expansion of episcopal ministry beyond the capacity of the current Bishop Ordinary as determined by the Diocesan Council. The determination of the need for a Suffragan requires a three-quarters majority vote of the Diocesan Council, after which the Diocesan Council shall seek the consent of the Anglican Church in North America College of Bishops, pursuant of Title III, Canon 8, Section 4 of the Provincial Canons, for the election of a Bishop Suffragan of the Diocese. Once it is determined that a Suffragan is needed, the Nomination Committee for Bishop (Title I, Canon 4, Section 3) will follow the normative process for receiving and examining nominations, with the addition that the specific responsibilities of the Suffragan will be included in order to determine the qualification and availability of each nominee considered.

**d. Assisting Bishop**

In addition, with a three-quarters approval of the Diocesan Council and the permission of the Provincial College of Bishops, the Bishop may appoint one or more Assisting Bishops to assist in the ministry of the Diocese. Assisting Bishops will not retain episcopal authority beyond the active episcopal ministry of the Bishop appointing them, until (or unless) subsequently elected or appointed by normative means.

**Section 8. *In Case of Death, Retirement, or Removal of the Bishop***

Upon the death, retirement, or removal of the Bishop, if there be no Bishop Coadjutor or Bishop Suffragan, the Diocesan Council shall be the acting Ecclesiastical Authority of the Diocese. Upon the written request of the Diocesan Council, the College of Bishops may appoint an Acting Bishop to have charge of the Diocese until a Bishop can be elected. A Bishop Suffragan may not become the Bishop of the Diocese unless he be so elected at a meeting of the Synod and his election be consented to by the College of Bishops, as provided for in Title III, Canon 8, Section 4 of the Provincial Canons.

**Section 9. *Disability or Impermissible Absence of the Bishop***

If the Council should determine upon careful deliberation that the Bishop is under a disability, or has absented himself without permission from or consultation with the Diocese for more than two months, it may with the consent of the Archbishop declare the Office of the Bishop vacant. In such case, the Bishop Suffragan shall take charge until the Council with the consent of the Archbishop declares the Bishop restored. If there be no Bishop Suffragan, the Council shall serve as the Ecclesiastical Authority of the Diocese until the Council with the consent of the Archbishop declares the Bishop restored

**Canon 5**  
***Officers of the Diocese***

**Section 1. *Chancellor***

The Bishop of the Diocese, with the advice and consent of the Diocesan Council, shall appoint a Chancellor of the Diocese and such Vice Chancellors as the Bishop deems advisable, to hold office until their successors are appointed. They shall be members of the Diocese who are licensed attorneys. The duties of the Chancellor shall be to act as qualified legal counselor to the Bishop, the Diocesan Council, and other Diocesan organizations in matters affecting the interests



of the Church. The Vice Chancellors shall perform such duties as shall be delegated to them by the Chancellor or the Bishop. All Chancellors shall attend Synod meetings. In the absence of a seated Bishop, the Diocesan Council shall appoint Chancellors and Vice Chancellors as required.

## **Section 2. *Other Positions***

### **2a. Positions by Consent**

The Bishop, with the advice and consent of the Diocesan Council and the Synod, shall have the authority to appoint:

1. An Assisting Bishop from the College of Bishops of the Anglican Church in North America.
2. One or more Clergy or Laity to assist the Bishop in fulfilling the Mission of the Diocese. This includes the Registrar of the Diocese, Treasurer, and Secretary.

### **2b. Positions by Episcopal Appointment**

In consultation with the clergy, the Bishop has authority to appoint:

1. Regional Deans for the encouragement, support, and organizational leadership of sub-jurisdictions. See Canon 2, Section 11 for the definition of Regional Deans' responsibilities.
2. One or more Clergy to serve as Canon to the Bishop, fulfilling whatever responsibilities outside the duties of the Council that the Bishop deems essential for the mission of the Diocese.

## **Section 3. *Terms of Office and Synod Representation***

The Chancellor, the Secretary, and the Registrar shall serve at the pleasure of the Bishop. The Treasurer shall serve at the pleasure of the Council. All Officers of the Diocese shall serve as members *ex officio* of the Synod.

## ***Canon 6 Committees of the Diocese***

### **Section 1. *Finance Committee***

There may be an Finance Committee of this Diocese appointed by the Council. Such responsibilities shall include assisting the Treasurer in preparing the annual Budget of the Diocese and issuing guidelines for audits and investment management. The Finance Committee shall oversee the insurance and benefits programs for the Diocese, its clergy and lay personnel. The Finance Committee shall cause the records and accounts of the Treasurer to be audited by independent auditors on an annual basis. The Finance Committee shall issue periodic reports to the Bishop and the Council on the financial condition of the Diocese.

### **Section 2. *Constitution and Canons Committee***

There shall be a Constitution and Canons Committee, the membership of which shall be determined by the Bishop with the advice of the Council. The Constitution and Canons Committee shall make an annual report to the Synod. The Committee shall be responsible for ensuring the conformity of the Diocesan Constitution and Canons with those of the Province. All proposed amendments to the Diocesan Constitution or Canons shall be submitted to the

Committee not fewer than 120 days prior to the next Synod meeting. The Committee shall review and report its recommendation to the Synod regarding any proposed amendment no fewer than 30 days prior to the next Synod meeting.

### **Section 3. *Ad Hoc Committees***

The Bishop, with the advice of the Council, may appoint *ad hoc* committees to study and report on particular matters assigned by the Bishop.

## **Canon 7 *Congregations and Missions***

### **Section 1. *Member Congregations***

At its institution, the Diocese of the Rocky Mountains is both geographical and affinity-based, with its geographically central churches in Colorado, Wyoming, Utah, and Idaho, but with churches throughout the West, from Hawaii to Ohio. Future churches desiring admittance from outside our geographic boundaries will be considered in accordance with section 3 of this canon below.

The local church is the primary missionary unit of the Diocese. Prerequisites for a congregation's membership within the Diocese are as follows:

- (a) the congregation must have an ASA of at least fifty (50) persons, where "ASA" is defined as the Average Sunday Attendance of a congregation or mission for the previous calendar year, including clergy, members, visitors, and children;
- (b) conducts weekly worship in a public space in accordance with the doctrine and forms of worship that comply with the Constitution and Canons of the Province and this Diocese;
- (c) its Vestry or Parish Council must subscribe in writing to the Constitution and Canons of the Diocese and those of the Province;
- (d) it must make every effort to participate fully in the shared mission of the Diocese, as provided by Constitution and Canons;
- (e) within its annual budget, the congregation shall contribute 10% of non-designated income as a tithe to the Diocese. A congregation not yet contributing 10% may communicate a plan to the Bishop to move towards the norm and thereby remain a member church.

Congregations meeting these prerequisites may request, in writing, membership in the Diocese. Determination of membership is at the discretion of the Bishop and the Council. Churches with membership in the Diocese may not be simultaneously affiliated with any other ecclesiastical or episcopal authority.

### **Section 2. *Mission Congregations***

Congregations that do not have an ASA of at least fifty persons may request, in writing, designation as Mission Congregations within the Diocese, provided that the leadership of the Mission Congregation subscribes to the Constitution and Canons of the Diocese and of the Province. Mission Congregations accepted within the Diocese must make every effort to participate in the shared mission of the Diocese, as provided by Constitution and Canons, including financial support through a 10% tithe of the mission's annual budget.

### **Section 3. *Application Procedure***

a. Any group of the faithful seeking to affiliate as a Congregation or Mission shall submit its application to the Council in accordance with standards prescribed by the Council. The Council, with the approval of the Bishop, may issue provisional membership in the Diocese subject to affirmation by acclamation of the next Synod. Upon affirmation by the Synod, the Bishop shall receive the Congregation or Mission into the Diocese. A Congregation or Mission joining the Diocese shall agree in writing to become subject to the Constitution and Canons of the Province and the Diocese.

b. A Congregation or Mission attached to another Diocese or Network of the Province, desiring to become a member of this Diocese, shall make application to the Bishop and, with the consent of the Council and the Bishop of the jurisdiction to which that Congregation or Mission is currently attached, may be received into this Diocese upon its proper accession to the Constitution and Canons of this Diocese.

c. A Congregation or Mission of another denomination desiring to become attached to this Diocese shall apply to the Bishop and the Council in accordance with standards prescribed by the Council. A process for entry into the Diocese, including appropriate and necessary catechesis, ordination of clergy, and reorientation of the congregation shall be devised and agreed upon with the applicant. Eventual reception of the congregation shall follow normative process as outlined in Sections 3a. and 3b. of this Canon. After complying with all requirements of the Province and the Diocese, the Bishop shall receive the Congregation or Mission, its members, and clergy into this Diocese upon its written accession to the Constitution and Canons of this Diocese.

d. A Mission of a member Congregation in the Diocese is assumed as a Mission of the Diocese and will remain in the Diocese unless written request is made to the Council and the Bishop for release into another Diocese of the Province.

### **Section 4. *Governance of Congregations***

#### ***a. Governing Body of Congregation Defined and How Elected***

The Rector and Parish Council (which may be named variously) shall be the governing body of the Congregation. Every Congregation shall have a Council composed of Laity selected under its own rules for that purpose, provided that they comply with 4.b and 4.d below. The Parish Council aids the Rector in all agencies and efforts for the advancement of the Church and shall be presided over by the Rector. No other clergy are permitted to be voting members of a Parish Council. The duties of the Parish Council shall include:

- (a) overseeing the annual budget, and providing for all salaries and expenses of the church;
- (b) keeping a proper account of all funds consistent with accounting principles that are accurate and transparent, or providing for such accounting;
- (c) notification of their Bishop when the church is without a Rector, or in instances of the gross misconduct or extreme negligence of their Rector;
- (d) election and calling of a Rector, with due regard to the needs and priorities of the full church, and with the approval of their Bishop;
- (e) providing care for the Rector according to his needs, and in whatever ways appropriate to laity, for the welfare of the church (e.g., support in personnel issues, vision and direction, equipping the saints, etc.);

(f) ensuring that the church appropriately participates in the shared mission of the Diocese through financial contributions, and supporting delegates to the Synod or Provincial Assemblies.

***b. Governing Documents and Structure***

Each congregation shall adopt governing documents in conformity with the Constitution and Canons of the Province and the Diocese and shall operate in accordance with the same. All governing documents shall include the stipulations that there shall be a limited number of council members, and that council members shall be selected for limited, staggered terms.

***c. Financial Oversight***

The Parish Council of each Congregation shall provide for the financial oversight of the church, and shall prepare and maintain a budget for meeting the needs of the parish.

***d. Parish Council Subscription***

Every person elected a Council member shall attest, by signing a book kept for that purpose, the following declaration:

*“I do believe the Holy Scriptures of the Old and New Testament to be the Word of God and to contain all things necessary for salvation through Our Lord Jesus Christ, and I do yield my hearty consent to the fundamental declarations set forth in Article I of the Constitution of the Diocese, and to the discipline and forms of worship of the Anglican Church in North America.”*

***e. Annual Report***

On or before the first day of March, the Rector and Parish Council shall submit to the Secretary of the Diocese an Annual Report on a form to be prescribed by the Council. The data thus reported shall be drawn from Registers of the Congregation. Required information shall include annual budget, marriages, baptisms, funerals, confirmations and transfers, new ministry initiatives, staff hires, and other information requested by the Council. The Bishop, with the advice and consent of the Council, may take appropriate action should any Congregation fail to comply with the requirement of this canon.

***Canon 8***

***Rectors and the Pastoral Relationship***

***Section 1. Rectors***

The Rector of a church is an Anglican presbyter elected and called by the Parish Council of that church, with approval from their Bishop. The Rector is the spiritual leader and authority within the local congregation, under the authority of the Lord Jesus Christ through the Bishop of the Diocese. He is the presiding leader of the Parish Council. The Rector represents the Bishop and the Diocese to the Congregation and is accountable to the Bishop of the Diocese for his ministry in the local congregation.

The duties of the Rector include:

(a) exercising pastoral ministry in accordance with *The Book of Common Prayer* (1662) and the Ordinal; upholding the Gospel; proclaiming the Faith delivered once for all to the apostles and

prophets; and teaching, rebuking, and correcting the local family of the faithful to whom he is assigned;

(b) presiding at all meetings of the Parish Council, except on rare occasions when circumstances warrant that the Rector designate another member of the Parish Council to preside;

(c) final authority in the administration of all matters pertaining to the public worship, Christian Education, mission and ministry within the church, subject to the godly counsel of their Bishop;

(d) appoint, employ, terminate, and have authority over all ministers of the church and staff (lay or ordained) assigned to his office, by whatever name they may be designated, with the provision that no clergy may be called or dismissed from a congregation without consulting the Bishop;

(e) keep a register of all baptisms, confirmations, marriages, and burials solemnized by him or another minister in his church and a list of the active members of the church;

### ***Section 2. The Pastoral Relationship Defined***

A prayerful process of discernment, including due diligence, shall be undertaken in the calling of a Rector to a Congregation, and the Parish Council shall consult with the Bishop before extending an offer to a candidate. The relationship between the Rector and the Congregation is one of mutual trust and dependence in carrying out the ministry of the Congregation. As the spiritual leader of the Congregation, the Rector requires the full cooperation and support of the Parish Council. The Rector shall select all assistant or associate clergy who shall serve at the pleasure of the Rector, and the Parish Council shall determine how such positions shall be funded. Whenever matters of disagreement develop, it is incumbent on all parties to approach one another with patience, to comprehend the views of all parties, and to offer Christian charity to avoid having the relationship imperiled or hindered.

### ***Section 3. Search Committee***

The Parish Council may appoint a Search Committee to consider appropriate candidates to be considered for election and call as Rector, which is extended by the Parish Council. The names of the final candidates shall be submitted to the Bishop for his advice. No person may be elected and called as Rector without approval from the Bishop. The Parish Council shall determine the numerical vote of its members necessary for the election of Rector. The Call of the Rector shall include the financial and other benefits to be offered to the Rector.

### ***Section 4. Procedure When Pastoral Relationship Imperiled or Hindered***

a. When a Rector has been regularly settled in a Parish he shall not be dismissed without the consent of the Bishop of the Diocese. In case of a controversy between a Rector and Parish that cannot be settled by the parties themselves, the parties or either of them may appeal to the Bishop, whose duty it shall be to seek to bring the parties to an amicable conclusion. If this matter cannot be amicably settled within a reasonable time, not to exceed six months, the Bishop shall consider the advice from the Diocesan Council. Any conclusion rendered by the Bishop after such consultation shall be binding.

b. If the relationship is to be dissolved, the judgment may include terms and conditions for compliance by both parties and may include a financial settlement to be determined at the discretion of the Bishop. The Bishop shall in all cases render pastoral support to the Rector.

c. If for any reason either the Parish Council or the Rector shall refuse to comply with the judgment of the Bishop, the Bishop may suspend the Rector from the exercise of the ministry of a Presbyter until the Rector complies with the judgment or, in the case of the Parish Council, the Bishop may call a congregational meeting for the purpose of notifying the Congregation of the Council's noncompliance with the judgment. The Bishop may request the Synod of the Diocese to remove the Congregation from the Diocese in the event of continued noncompliance by the Parish Council.

**Canon 9**  
***Congregation and Diocesan Property***

**Section 1. *No Denominational or Diocesan Trust in Congregation Property***

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

**Section 2. *Restriction on Right to Alienate, Sell, Exchange, Encumber or Transfer Real Property of Congregations and Missions***

Each Congregation's and Mission's governing documents shall specify the process by which the Congregation's or Mission's real property or any part thereof may be alienated, sold, exchanged, encumbered or otherwise transferred, and any such conveyance or encumbrance shall comply with the laws of the State where the property is located and the Diocesan Constitution. Prior to the sale of consecrated property, the Parish Council shall first offer the property to the Council of the Diocese which, unless such right to purchase is waived, shall have sixty (60) days to elect to pursue its acquisition for purposes of the Diocese.

**Section 3. *Diocese Empowered to Own Its Own Property***

The Diocese may own property to be held in whatever form determined by the Council and any such property shall be free of any claim of trust or ownership by the Province. The Diocese reserves the right to withdraw from the Province at any time with the consent of a two-thirds majority of the delegates entitled to vote at a meeting of the Synod called for that purpose. Upon any withdrawal, the Diocese shall give notice to the Province, including the date thereof, and shall retain all property, real, personal, tangible and intangible, owned or held by or on behalf of the Diocese.

## TITLE II

### Worship and Administration of the Sacraments

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#### *Canon 1* *Conformity with Provincial Canons*

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

#### *Canon 2* *Of Authorized Forms of Public Worship and* *Authorized Editions of the Book of Common Prayer*

The Bishop shall ensure that the forms used in Public Worship and the Administration of the Sacraments be in accordance with Anglican Faith and Order and that nothing be established that is contrary to the Word of God as revealed in the Holy Scriptures.

#### *Canon 3* *Of the Administration of the Dominical Sacraments*

##### **Section 1. Administration of Baptism**

1. The Sacraments of Baptism and Holy Communion shall be administered by the duly ordained Clergy of this Church in accordance with their order of ministry. Baptism shall be by water and in the name of the Father, and of the Son, and of the Holy Spirit. This provision shall not preclude the administration of emergency baptism by any baptized person.
2. It is normative that baptized persons who have reached the point of spiritual maturity from which they desire to be empowered by the Holy Spirit for ministry should be instructed and presented to the Bishop for Confirmation.

##### **Section 2. Concerning Holy Communion**

1. Presiding at the Celebration of the Holy Communion is reserved to Bishops and Presbyters, except in the provision of Diaconate service as prescribed by the *Book of Common Prayer*;
2. The qualifications concerning rightly and worthily receiving the Supper of the Lord with faith are provided in Article XXVIII of the Thirty-Nine Articles of Religion. Members in good standing of other branches of Christ's Church, who have been baptized, with water, in the Name of the Father, and of the Son, and of the Holy Spirit, are welcomed to receive the Sacrament of Holy Communion.
3. No one shall receive the Sacrament of Holy Communion who is in open, willful, and unrepentant sin. With pastoral care from the Rector, such prohibition shall continue until there is repentance and restoration of the penitent.

## ***Canon 4 Of Christian Marriage***

### ***Section 1. Christian Marriage in the Diocese***

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

### ***Section 2. Sanctity of Marriage***

In view of the teaching of Holy Scripture, the Lambeth Conference of 1998 and the Jerusalem Declaration, this Diocese defines marriage as the exclusive covenantal union of one man and one woman in which such union is a lifetime commitment. A civil government's sanction of a union will be recognized as a legitimate marriage by the church only to the extent that it is consistent with this definition of marriage. Therefore, this Diocese cannot sanction or recognize polygamous or same-sex unions as legitimate marriages. We further believe that sexual activity is to be rightly received and practiced only within covenant marriage between one man and one woman, and that abstinence is God's call for those who are not living within marriage as so defined. Therefore, this Diocese will teach, support, and strengthen the Church to follow the vocation of sexual purity. In addition, this Diocese cannot ordain persons who engage in sexual activity outside the definition of marriage we have received.

### ***Section 3. Procedure for Divorced Person to Seek Permission to Be Married in the Diocese***

The following procedure is required by Title II, Canon 7, Section 4 of the Provincial Canons. Should a man and a woman, one or both of whom have been divorced, wish to be married to one another in this Diocese, the couple must first secure the Bishop's consent by submitting an application on a form prescribed by the Bishop for such purpose. Within 30 days from the date of receipt of the application signed by the couple and the proposed officiating clergy, the Bishop shall communicate in writing his determination of the application.

## ***Canon 5 Of Standards of Morality and Ethics***

### ***Section 1. Exemplary Morality***

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

### ***Section 2. Sanctity of Life***

God, and not man, is the creator of human life. The unjustified taking of life, including unborn children from their beginning; those newly born; persons with disabilities; older people; and other vulnerable people, especially those who cannot defend themselves, is sinful. Therefore, all clergy and laity are called to promote, protect and defend the sanctity of every human life from conception to natural death.

### ***Section 3. Pastoral Ministry***

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



#### **Section 4. *Protection of Children***

Clergy and laity are stewards responsible for the nurturing and care of children and young people who participate in the life of the congregation. There is no tolerance for engaging in or remaining silent about inappropriate sexual language or advances toward or abuse of children or young people.

### **TITLE III**

#### **Of Ministers, Their Recruitment, Preparation, Ordination, Office, Practice and Transfer**

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##### ***Canon 1 Of the Ordination Committee***

The Diocese affirms and upholds the guidelines for Ordination set forth by the Provincial Canons in Title III Canons 1-4. The Bishop has right of ordination and will appoint an Ordination Committee as he deems necessary. Upon formation, the Ordination Committee shall assist the Bishop with the identification, selection, examination, interviewing, and other screening of applicants for admission as postulants and as candidates for ordination to Holy Orders. The Ordination Committee shall publish and maintain a set of “Guidelines for Rectors and Those Seeking Holy Orders.”

##### ***Canon 2 Of Holy Orders***

#### **Section 1. *Concerning Gospel Ministry and the Historic Holy Orders***

Every member of the affiliated churches of the Diocese is a minister of the Gospel of our Lord Jesus Christ. Within the Diocese, the vocations of laity and clergy are both highly esteemed and important for the expansion of the Kingdom of God on earth as it is in heaven. The Anglican Church in North America affirms what Anglicanism has always held, namely the normality of the threefold ordained ministry of Bishop, Presbyter, and Deacon. Persons shall be admitted to the office of Bishop, Presbyter, or Deacon in this Church, and allowed to exercise any of these offices, who have been called, examined, and ordained according to an authorized ordinal of this Church, or ordained in some church whose orders are recognized and accepted by this Church.

#### **Section 2. *Psychological, Emotional, and Moral Fitness***

- a. Except as hereinafter provided, the norms for ordination shall be determined by the Bishop having jurisdiction and the Diocesan Council. The Bishop of the Diocese shall require that care will be taken for determination of psychological suitability and for appropriate background checks as established by the Council or from time to time by the Synod by canon.
- b. Due to the solemn nature of the vocation of the undertaking of ordained ministry at any level, it shall be the affirmative responsibility and duty of any candidate for the Diaconate or the

Presbyterate, whether initial discernment or transfer, to make known to the Bishop any act which would be an impediment to the moral fitness for ordination.

### **Section 3. Concerning Men and Women in Orders**

This Diocese upholds the biblical teaching that both men and women are created in God's image and called to full service in his Kingdom. For this reason, this Diocese is committed to promoting the ministry of women alongside men, both within and outside the church. Within the Anglican Communion there is a diversity of opinion regarding the ordination of women. While this Diocese does not ordain women as presbyters nor license nor receive them within the Diocese, we do ordain gifted and called women as vocational deacons. We ordain gifted and called men as vocational deacons, transitional deacons, and presbyters. In each of the respective offices, we gratefully receive the service of these clergy in a broad variety of ministries according to God's gifts and callings in each person's life. At the same time, we express our commitment to order within the Church by reserving sacramental ministry to presbyters. As the presbyterate and diaconate are extensions of the ministry of the Bishop, he has both authority and responsibility to ensure that all ordained ministers be extended only those functions of ministry for which they are both gifted and equipped.

### **Section 4. Subscription**

At ordination, upon initial reception or licensure, and regularly at the Diocesan Synod, all clergy of the Diocese whether canonically resident or licensed hereto, must subscribe in writing as follows:

*"As a duly ordained member of the clergy of the Diocese of the Rocky Mountains, I believe and confess Jesus Christ as Lord. He is the Way, the Truth and the Life: no one comes to the Father but by Him; I confess and uphold the Holy Scriptures of the Old and New Testaments to be God's Word written, containing all that is necessary for salvation; I confess and uphold the orthodox Christian creeds, namely the Apostles' Creed, the Nicene Creed and the Athanasian Creed together with the Chalcedonian Definition; I subscribe to the Thirty-Nine Articles as containing the true doctrine of the Church agreeing with God's Word and as authoritative for Anglicans today; I uphold The Book of Common Prayer as set forth by the Church of England in 1662, together with the Ordinal attached to the same, as setting out the theological, liturgical, and ministry principles that are the standard for Anglican doctrine and worship; I affirm the Jerusalem Declaration of 2008, and the Constitution and Canons of this Diocese. In the name of the Father, and of the Son, and of the Holy Spirit. Amen."*

### **Canon 3 Of Deacons and Prerequisites for Ordination**

No person shall be ordained a Deacon in this Diocese until that person shall have fulfilled requirements appointed by the Bishop and the Ordination Committee for this purpose, and shall have demonstrated sufficient knowledge of Holy Scripture, the Doctrine, Discipline, and Worship of the Province; and any other topics the Bishop shall deem necessary for the office and ministry of Deacons, and shall have subscribed without reservation to the declaration set forth in Canon 2, Section 4 above.

**Canon 4**  
***Of Presbyters and Their Ordination***

**Section 1. *Ordination Following Period of Diaconate***

No one shall be ordained a Presbyter in this Diocese until he shall have been ordained a Deacon for at least six months. No Deacon may be ordained as Presbyter prior to twelve months from the date of his ordination to the Diaconate except for good cause.

**Section 2. *Theological Requirements and Examination of Candidate for Ordination***

No Deacon shall be ordained a Presbyter in this Diocese until he has satisfied requirements prescribed by the Ordination Committee and the Bishop, including but not limited to a written examination. The examination shall encompass those subjects set forth in Title III, Canon 4, Section 2 of the Provincial Canons. The candidate shall also be examined as to the candidate's qualities for such ministry specified in Title III, Canon 2 of the Provincial Canons.

**Section 3. *Concerning the Required Declaration of Presbyters***

No one shall be ordained a Presbyter in the Diocese until he has subscribed without reservation to the declaration in Canon 2, Section 4 above.

**Canon 5**  
***Of Licensed Lay Orders***

The Diocese recognizes that the ministry of the laity is indispensable to the work of the Diocese and that this ministry originates within each Congregation and Mission. All clergy, Congregations, and Missions of the Diocese are strongly encouraged to equip the laity for ministries in their communities. To this end, Rectors of Congregations and Missions may forward members to the Bishop for licensing for ministry in the local Congregation, Mission, or extension of congregational mission, such as Lay Evangelists, Lay Catechists, Lay Pastors and Preachers, and Eucharistic Ministers. Since these offices are licensed by the Diocese, they are under the discipline of the Canons and the Bishop. The Council shall establish minimum standards for training and licensing such Lay ministers.

**Canon 6**  
***Of Reception and Transfer***

As it pertains to the transfer of clergy ordained outside of this Church, this Diocese upholds the procedure for transfer outlined in Title III Canons 5 and 6 and of the Provincial Canons as normative. No member of the clergy may operate in this Diocese without receiving licensure from the Bishop. The Bishop has the right to decide in issues of clergy transfers and clergy licensure so long as such candidates fulfill the requirements for clergy outlined in Title III, Canons 2, 3 and 4.

## TITLE IV

### Ecclesiastical Discipline

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#### *Canon 1* *Ecclesiastical Discipline*

The Church of Jesus Christ is a fellowship of love and of mutual service. In it no law obtains except the law of love as revealed to us in the words and actions of Jesus Christ. Every Christian has a vocation to live in love with all the brethren, and as far as possible in charity with all people, and to keep himself or herself void of offense. The discipline of the Church must always be exercised with a view to healing and not to destruction, to restoration and not to exclusion. Such is the spirit in which our Diocese will give life to Ecclesiastical and Lay Discipline and Order always with the aim being repentance, forgiveness, and restoration.

#### **Section 1. *Of the Nature of Discipline in the Church***

The Church has its own inherent responsibility to discipline the faithful who commit offenses. Penalties are established only insofar as they are essential for repentance, reformation, and ecclesiastical discipline and order.

#### **Section 2. *Of Charges against Bishops, Presbyters, or Deacons***

The following are the charges or accusations on which the Archbishop, a Bishop, a Presbyter, or a Deacon in this Church may be presented:

- a. Apostasy from the Christian Faith;
  - b. Heresy, false doctrine, or schism;
  - c. Violation of ordination vows;
  - d. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power;
  - e. A conviction by a court of competent jurisdiction for felony or other serious offenses;
  - f. Sexual immorality;
  - g. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;
  - h. Violation of any provision of the Constitution of this Church;
  - i. Disobedience, or willful contravention of the Canons of this Church or of the constitution or canons of the Diocese in which he or she holds office;
  - j. Habitual neglect of the duties of his or her Office;
  - k. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
  - l. Willful refusal to follow a lawful Godly Admonition.
- (A Godly Admonition is a written directive from a Bishop with jurisdiction to a member of the Clergy under his jurisdiction. Such admonition shall not be issued until the Bishop shall have met personally with the member of the Clergy - unless for valid reason and to avoid serious

spiritual or physical harm, injury, or scandal to the Body of Christ - and the issues have been clearly and fairly discussed. The written admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for the required action to be taken. Where necessary due to constraints of time or distance, the Bishop may delegate any act herein to another bishop of this Church.)

### **Section 3. *Of Presentments of Presbyters and Deacons***

The Diocese takes its spiritual, moral, and legal responsibilities seriously.

**3a. Concerning Accusations.** An accusation of conduct believed by the accuser(s) to be in violation of Section 2 may be brought against a Presbyter or Deacon. The accusation(s) shall be in a writing that contains the facts supporting the allegations of wrongdoing and shall be signed dated and sworn to by the accuser(s) and delivered to the Bishop. If the Bishop deems the accusation(s) not to be frivolous, he shall cause an investigation to be made by a canonical investigator pursuant to c.1 below. During the pendency of the investigation, the details of the accusation(s) and the investigation shall be maintained in appropriate confidence.

**3b. Concerning Voluntary Submission to Discipline.** At any time after the receipt of an accusation(s), the accused may confess to the truth of the allegation(s) and submit to the discipline of the Church.

### **3c. Concerning Canonical Investigation.**

1. The Diocese shall appoint a canonical investigator (lay or clergy) to ascertain the merit of the accusations and make a recommendation to the diocesan authority as to whether further juridical process should be pursued.

2. (a) No presentment shall be made or conviction had for any offense under Section 2 unless the offense shall have been committed within five years immediately preceding the time of the presentment. Such time may be extended by written permission of the Archbishop.

(b) For any offense covered by Section 2.e, a presentment may also be made at any time within one year after such conviction.

3. The accused shall be entitled to notice of an ongoing investigation and to have the aid of counsel or an agent and may submit his defense in writing. The presenters also may be aided by counsel, and be represented by any agent they may appoint.

4. If it is determined by the diocesan authority that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law.

5. The Diocese shall have a person (lay or ordained) appointed by the Bishop for the drafting of presentments and the presentation of the same before the diocesan trial court.

6. The Diocese shall appoint an advisor to assist the Presbyter or Deacon who is the subject of an accusation and his or her counsel or agent. All such advice as shall be given shall be confidential to the accused and his or her counsel or agent.

### **3d. Concerning Requirements for Presentment.**

1. When, after investigation of an accusation, the diocesan authority has determined that the matter should proceed forward, Articles of Presentment shall be prepared and served upon the

Presbyter or Deacon against whom the accusation has been made. The delivering agent shall require acknowledgement of receipt.

2. The Articles of Presentment shall be made in a writing signed by a representative of the diocesan authority, wherein shall be specified all particulars of time, place, and circumstances alleged.

#### **Section 4. *Of Courts, Membership and Procedures***

##### **4a. Concerning Courts for the Trial of a Presbyter or Deacon.**

1. There shall be an ecclesiastical Trial Court established for the trial of any Presbyter or Deacon subject to the jurisdiction of this Diocese.

2. In case of conviction by the Trial Court, the Bishop shall not proceed to sentence the accused until thirty (30) days have passed since notice of the court's decision. In case an appeal is taken, sentence shall be withheld pending the hearing and determination thereof.

3. The ecclesiastical Trial Court shall be three (3) Clergy canonically resident in the Diocese, two (2) adult confirmed members of the Diocese in good standing, and the Bishop. Members of the Trial Court shall be chosen by the Diocesan Council. The President of the Court shall be the Bishop.

4. The Bishop and Diocesan Council will establish the mode of trials in the ecclesiastical Trial Court.

5. Pursuant to ACNA Canon IV.3.6.2 (b), the entire presentment may be referred by the Bishop to the Provincial Court of Extraordinary Jurisdiction.

**4b. Concerning Procedures.** The ecclesiastical Trial Court shall establish their own procedures within the generally recognized history of ecclesiastical law, to include the appointment of a recorder of proceedings. Such procedures shall:

1. Acknowledge the presumption of innocence of the accused, and

2. The right to representation by counsel, and

3. Shall be consistent with principles of fairness, due process and natural justice, and

4. Shall require that the trial will take place within sixty (60) days after the presentment is made to the judge of the court, subject to delay for good cause.

No new rule of procedure shall be made while a matter is pending that would be affected by that rule. Inasmuch as the ecclesiastical Trial Court is a court of original jurisdiction, the standard of proof shall be by clear and convincing evidence. Unless a higher standard is required by canon, the affirmative vote of not fewer than a majority of the members of the Trial Court shall be required for any determination by that this Court.

**4c. Concerning Appeal.** An appeal may be made within thirty (30) days of the decision of the ecclesiastical Trial Court for the Trial of a Presbyter or Deacon. The appeal shall be made in writing to the Bishop who is the Presiding Officer of the Provincial Tribunal, stating the nature of the case and the reason(s) for the appeal. The appeal will proceed as set forth in the Provincial Constitution and Canons.

#### **Section 5. *Of a Member of the Clergy in Any Diocese Chargeable with Offense in Another.***

If a member of the Clergy belonging to any Diocese shall have conducted himself in another Diocese in such a manner as to be liable to presentment under the provisions of Section 2, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority

where the member of the Clergy is canonically resident, exhibiting, with the information given, reasonable ground for proceeding. If the Ecclesiastical Authority of the alleged offender, after due notice given, shall omit, for the space of three months, to proceed against the offending member of the Clergy, or shall request the Ecclesiastical Authority of the Diocese in which the offense or offenses are alleged to have been committed to proceed against him, it shall be within the power of the Ecclesiastical Authority of the Diocese within which the offense or offenses are alleged to have been committed to institute proceedings as provided by the canons of that Diocese.

### ***Section 6. Of Voluntary Resignation or Renunciation of Ministry***

If a member of the Clergy making a declaration of voluntary resignation of ministry under ACNA Canon III.6.4 or a renunciation of the ministry under ACNA Canon IV.7, be under accusation or presentment for any canonical offense, or if they shall have been placed on trial for the same, the Ecclesiastical Authority to whom such declaration is made, shall not consider or act upon such declaration until after the accusation or presentment shall have been dismissed, or the trial shall have been concluded and sentence, if any, pronounced. If the Ecclesiastical Authority to whom such declaration is made shall have ground to suppose that the member of the Clergy making the same is liable to presentment for any canonical offense, such member of the Clergy may, in the discretion of the Ecclesiastical Authority, be placed on trial for such offense, notwithstanding such declaration of renunciation of the ministry.

### ***Section 7. Of Sentences***

**7a. Concerning the Role of the Bishop in Sentencing.** The Bishop alone has the authority to pronounce sentence on a Presbyterian or Deacon convicted as indicated in these canons. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

**7b. Concerning Pronouncement of Sentence.** The College of Bishops, speaking through the Archbishop or his designate, has the sole responsibility and authority to pronounce sentence on a Bishop.

**7c. Concerning Range of Sentencing.** Sentence shall be:

1. Censure and/or admonishment;
2. Suspension, for a definite period, not to exceed five (5) years, with a review by the Bishop at the end of that time; or
3. Suspension for life; or
4. Deposition from the sacred ministry.

In addition, other measures for restoration of the accused may be required.

### ***Section 8. Concerning Length of Sentences.***

Upon a showing of good cause:

- a. A sentence of suspension of a Presbyterian or Deacon may be terminated or shortened by the Bishop of the Diocese in which the Presbyterian or Deacon was convicted with the advice and consent of the Archbishop, in consultation with the Council;
- b. A sentence of suspension of a Bishop may be terminated or shortened by the College of Bishops with the consent of the Archbishop.

**Section 9. *Of Inhibitions of a Presbyter or Deacon***

The Bishop may temporarily inhibit a Presbyter or Deacon from the exercise of ministry when the Bishop believes, upon reasonable grounds, that the Presbyter or Deacon has engaged, or is engaged, in conduct upon which a Presbyter or Deacon in this Church may be presented. With the advice and consent of the Diocesan Council or its equivalent, such inhibition may be extended until such charge is dropped or action taken by a Trial Court. Upon application by a Presbyter or a Deacon who has been temporarily inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the temporary inhibition. Such decision shall be rendered within thirty (30) days.

**Section 10. *Of Notification of Disciplinary Action Taken***

The Bishop pronouncing sentence shall within thirty (30) days of the sentence notify the Provincial Secretary who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. Should a sentence be amended or terminated, notification of that action shall also be reported to the Provincial Secretary who shall promptly give notice of and record the amendment or termination in the permanent record.

**TITLE V**

**Enactment, Amendment, and Repeal of Canons**

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***Canon 1  
Amendments***

The Canons of the Diocese, including its appendices, may be amended by a two-thirds majority vote of the Synod at any regular meeting or any Special Meeting called for that purpose. No amendment may be adopted until it has been reviewed by the Bishop and the Constitution and Canons Team and its recommendations given to the Synod. All proposed amendments to the Canons shall be submitted to the Committee no fewer than 120 days prior to the next Synod meeting. The Committee shall review and report its recommendation to the Synod regarding any proposed amendment no fewer than 60 days prior to the next Synod meeting. If approved by a two-thirds majority vote of the Synod, the amendment shall lie over to the next annual meeting of the Synod, and, if again approved in the same form by a two-thirds majority vote, the Canons shall then stand amended as proposed.



## TITLE VI

### Of Customaries and their Use

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#### *Canon 1*

#### *The Definition and Use of Customaries in this Diocese*

##### **Section 1. Definition**

As referenced in these Canons, a customary is understood to be and is defined as a set of standards, guidelines, and procedures used to establish processes in and for the Diocese, consistent with the teaching of Holy Scripture, the Constitution of this Diocese, and the Constitution and Canons of the Church.

##### **Section 2. The Use of Customaries**

The use of customaries, rather than Canon Law, to ensure alignment with the mission and ministry of the Diocese allows for the formalizing of certain processes of governance, deemed necessary by the Office of the Bishop, without the need for Canonical amendment to adjust those processes that no longer best serve the interests of the mission and ministry of the Diocese. This provision allows for a more natural and relational approach to the normative governance of the Diocese. In the governance of the Diocese, the Bishop, his officers, the clergy, and the laity function under the authority of Holy Scripture, the Constitution and Canons of the Church, and the Constitution and Canons of the Diocese. In like manner, the customaries must also function under and be in alignment with the authority of Holy Scripture, the Constitution and Canons of the Church, and the Constitution and Canons of the Diocese.

## APPENDIX A

### ECCLESIASTICAL TRIAL COURT RULES OF PROCEDURE

#### **Rule 1: Application and Scope of Rules**

These Rules govern procedure in the Ecclesiastical Trial Court (the “Court”) in all presentment actions. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every such action.

#### **Rule 2: Institution of Presentment Action**

**(a) Form.** A presentment proceeding authorized by the Court shall be instituted by the service of a Summons, together with a copy of the Articles of Presentment. The Summons and Articles of Presentment shall be signed by the President of the Court, identify the Court and all the parties to the proceeding, and be directed to the Respondent. It shall state the time within which the Respondent must file with the Court an Answer to the Articles of Presentment, and notify the Respondent that failure to do so may result in a Judgment that an Offense was committed by the Respondent and place the Respondent at risk for a Sentence to be pronounced at a later date. The Court may allow the Summons to be amended.

**(b) Service.** The service of the Summons and Articles of Presentment shall be made either by hand or certified mail with return receipt. The Respondent may waive personal service in writing.

**(c) Proof of Service.** The person effecting service of the Summons and Articles of Presentment shall make proof of service by affidavit or sworn statement to the Court. If service is waived, the written waiver of service shall be filed with the Court.

### **Rule 3: Service and Filing of Pleadings and Other Papers**

Except as otherwise expressly provided in these Rules, every pleading, paper, motion and notice subsequent to the Summons and Articles of Presentment required to be served on a party shall be served upon either the party or the attorney that enters an appearance for the party, unless otherwise ordered by the Court. Service shall be made by hand delivering a copy to the party or the party's attorney or by mailing it to the party's or the attorney's last known address. Service by mail is complete upon mailing. The filing of papers with the Court shall be made by filing them with the President of the Court unless otherwise directed by the Court. The parties may by agreement approved by the Court also provide for service by other means such as electronic mail and/or facsimile transmission.

### **Rule 4: General Rules of Pleading**

**(a) Articles of Presentment.** The Articles of Presentment shall contain a short and plain statement of each Offense with express reference to applicable provisions of Canon 2 of Title IV of the Canons of the Province, and a plain and concise statement of the facts upon which each such allegation is made.

**(b) Answer.** The Answer shall state in short and plain terms the Respondent's response to each allegation of the Articles of Presentment, including any defense thereto, and shall admit or deny the factual allegations of the Articles of Presentment. If the Respondent is without knowledge or information sufficient to form a belief as to the truth of any factual allegation, the Respondent shall so state and this has the effect of a denial. Denials may also be made in part or with qualification.

**(c) Style.** Pleadings are to be plain and concise. No technical forms of pleadings or motions are required.

**(d) Construction.** All pleadings shall be so construed as to do substantial justice.

**(e) Form of Pleadings.** Every pleading shall identify the name of the Court, name of the Respondent, and file number, if any. All allegations in the Articles of Presentment and the Answer thereto shall be made in separately numbered paragraphs. Exhibits may be attached and identified by reference within the pleading.

**(f) Signature.** All pleadings shall be signed by the attorney for the party on whose behalf it has been prepared, or the party if not represented by an attorney. Each paper shall state the signer's address and telephone number.

### **Rule 5: Defenses and Objections.**

**(a) When Presented.** Unless a different time period is prescribed, a Respondent shall serve an Answer to the Articles of Presentment upon the Trial Attorney and file it with the Court within 30 days after being served with a Summons and Articles of Presentment.

**(b) How Presented.** The following defenses may be asserted either in the Answer or by motion: (1) insufficiency of service or process; (2) lack of jurisdiction; (3) failure to state the factual basis

of an Offense; and (4) expiration of the applicable period of limitations as stated in Canon 3 of Title IV of the Canons of the Province. The Respondent may also move for a more definite statement before filing an Answer if the Articles of Presentment are so vague or ambiguous that Respondent cannot reasonably be required to frame a responsive pleading.

**Rule 6: Amended and Supplemental Pleadings**

The Court may, in the interest of justice, permit the filing of amended and supplemental pleadings.

**Rule 7: Voluntary Disclosures, Discovery**

**(a) Voluntary Disclosures.** The parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

**(b)** The parties may conduct discovery through written or oral depositions or written interrogatories.

The Court may limit the number, length and scope of depositions or interrogatories.

The Respondent shall not be required to make any statement or admission against himself or herself in any discovery procedure.

**Rule 8: Taking of Testimony**

In all Court proceedings, the testimony of witnesses shall be taken orally in open Court by the Recorder of proceedings, unless otherwise provided by the Court. Such testimony shall be given under oath or solemn affirmation.

**Rule 9: Summary Judgment of Offense**

**(a) How Made.** If the Respondent fails or refuses to Answer the Articles of Presentment or otherwise respond by motion, except for reasonable cause to be allowed by the Court, the Trial Attorney may, no sooner than thirty days after the Answer is due, move with or without supporting affidavits for Summary Judgment. A Respondent may also move, with or without supporting affidavits, for Summary Judgment on part or all of the allegations of the Articles of Presentment.

**(b) Opposing Affidavits.** Prior to the day of any hearing set by the Court on a Motion for Summary Judgment, the Respondent may submit affidavits in support of his or her response to the Motion.

**(c) Proceedings Thereon.** The court shall convene a hearing to consider any Motion for Summary Judgment and may, in the Court's discretion, receive oral testimony at any such hearing. If the Articles of Presentment, together with affidavits, if any, and any oral testimony or other admissible evidence presented to the Court show that there is no genuine issue as to any fact material to a determination that the Respondent committed an Offense, the Court shall render Summary Judgment as sought by the Motion for Summary Judgment.

**(d) Form of Affidavits.** Supporting and opposing affidavits, and any oral testimony, shall be made on the basis of personal knowledge, shall state such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify as to the matters stated. Copies of papers referred to in an affidavit shall be attached to and served with the affidavit.

**(e) Defense Required.** When a motion is made and supported as provided in this rule, the opposing party may not rest upon mere allegations or denials of the adverse party's pleading but must, by affidavits or otherwise provided in this rule, set forth specific facts to show that there is a genuine issue for trial.

**Rule 10: Trials**

Each Respondent is entitled to a speedy and just trial of the allegations set forth in the Articles of Presentment. Each Respondent is entitled to confront the evidence against him. The facts alleged in the Articles of Presentment must be proved by clear and convincing evidence and the Diocese bears the burden of going forward and of proof as to each and every allegation in the Articles of Presentment. Trials shall be governed by the Federal Rules of Evidence and, where applicable under those rules, the rules of evidence of the state in which the Diocese has its principal office.

**Rule 11: Judgment**

The Court shall render its Judgment no later than sixty days after the date of the conclusion of the hearing upon a Motion for Summary Judgment or trial.

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