

THE EPISCOPAL DIOCESE OF NEVADA



CANONS

**REVISED BY ACTION OF THE THIRTY-EIGHTH
ANNUAL CONVENTION OCTOBER 2008**

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THE EPISCOPAL DIOCESE OF NEVADA

CANON I

The Ecclesiastical Authority

- Section 1. (a) The Ecclesiastical Authority of the Episcopal Diocese of Nevada shall be vested in and exercised by the Diocesan Bishop and the Standing Committee in accordance with the Canons of the Episcopal Church.
- (b) As used in these Canons, the term "Diocesan Bishop" shall be understood to mean the Bishop exercising jurisdiction under the Constitution and Canons of the Episcopal Church.
- Section 2: (a) Whenever the Diocesan Bishop shall leave the Diocese for a period of more than three (3) successive calendar months, the Bishop Coadjutor, together with the Standing Committee of the Diocese shall be the Ecclesiastical Authority thereof during such absence, or in the absence of a Bishop Coadjutor, the Suffragan Bishop, and if there be neither Bishop Coadjutor nor Suffragan Bishop, then the Standing Committee of the Diocese, alone.
- (b) In the event of the death of the Diocesan Bishop, the Ecclesiastical Authority shall be determined in the order of preference set forth in subparagraph (a) of this section. If there be no Bishop Coadjutor, a special session of Convention shall be called, as soon as feasible, in accordance with Canon VIII.
- Section 3: The Diocesan Bishop is the Chief Pastor of the Diocese and may officiate in the services of the Church within any congregation or elsewhere in the Diocese.
- Section 4: The Diocesan Bishop is the Ordinary of all religious and benevolent organizations of the Church within the Diocese and may attend and preside at any of their meetings and has power of review of their proceedings.

Section 5: All controversies between congregations of the Diocese or clergy thereof, or between a parish or its vestry and its rector; or between persons adversely claiming to be members of the vestry of a parish, shall be referred for determination to the Ecclesiastical Authority, whose judgment shall be final.

CANON II

Diocesan Council

Section 1: There shall be Diocesan Council, whose duty it shall be to carry out the program and policies adopted by the Diocesan Convention.

Section 2: The Diocesan Council shall be accountable to the Diocesan Convention and shall render a full report concerning the work with which it is charged to each regular meeting of the said Convention.

Section 3: The Diocesan Council shall be composed of: (a) six (6) lay persons, who are confirmed adult communicants in good standing of some parish congregation in canonical union with the Diocese, (b) four (4) lay persons between thirteen (13) and nineteen (19) years of age and communicants in good standing of some parish congregation in canonical union with the Diocese, and three (3) clergy, who are canonically resident in the Diocese, (c) the Diocesan Bishop; and in the absence of a serving Diocesan Bishop, the President of the Standing Committee; and (d) the following ex-officio members: any Bishop Coadjutor, Suffragan Bishop, or Assistant Bishop serving in the Diocese, the Treasurer, the Secretary of Convention, and the Chancellor.

Section 4: (a) The term of office of the members of the Council elected by the Diocesan Convention shall be three (3) years, except for the youth members of Council whose terms of office shall be one (1) year. Such terms shall commence at the adjournment of the Annual Convention at which the members of the Council are elected and terminate at the adjournment of the Annual Convention at which their successors are elected.

(b) Any person having served two (2) full terms shall not be re-elected to any Diocesan office until a lapse of one (1) year, except

for the youth members of Council, who may serve three (3) terms before being ineligible for election to any Diocesan office until a lapse of one (1) year.

- (c) Should any vacancy occur in the Council through death or resignation of a member elected by the Convention, the Council shall fill such vacancy by election of a suitable person to serve until a successor is elected by the next Convention.

Section 5: The Diocesan Council shall exercise all the powers of the Diocesan Convention between meetings thereof; to consider and review area programs; to initiate and develop such new work between meetings of the Convention as may be necessary; to prepare a program for presentation to the Convention; and to adopt an annual budget for each calendar year, which budget may be amended and shall be approved by the Convention.

Section 6: The Diocesan Council shall have power to expend all sums of money provided for in the budget, and also any money actually received by it in any year over and above the amount required for the budget of that year.

Section 7: The Diocesan Bishop shall preside at meetings of the Council or may delegate this responsibility to a member of the Council.

Section 8: The Council has the right to organize itself, subject to the provisions of this Canon, as necessary to effectuate the will of the Convention. This includes, but is not limited to, the right to adopt its own rules of procedure and to appoint ad hoc committees as deemed necessary.

Section 9: The Diocesan Council shall meet at least four (4) times each calendar year. Additional meetings may be called as the Diocesan Bishop deems necessary, or on the written request of any (6) members thereof. Meetings may be conducted by means of a telephone conference or similar method of communication by which all persons participating in the meeting can hear each other.

Section 10: A majority of the elected members, unresigned and in good standing, shall be necessary to constitute a quorum at any meeting. No action shall be taken in the name of the Council, except when a quorum, so defined is

present, including by remote communications, and voting. Nothing in this section shall be deemed to preclude meeting by remote communications including but not limited to teleconferencing, video conferencing and web cam conferencing.

Section 11: Nevada law precludes the youth members of the Council under 18 years of age from voting on issued involving contracts between the Diocese and third parties, investments, loans, banking and real property. A council majority for such purposes of voting involving contracts between the Diocese and third parties, investments, loans, banking and real property, shall consist of a majority of all Council members over 18 years of age present at the meeting at which there is a quorum.

Section 12: Lay members of the Diocesan Council shall have seat, voice and vote in the Diocesan Convention and shall be termed Delegates at Large.

CANON III

Other Officers and Bodies of the Diocese

Section 1: The Standing Committee:

- (a) There shall be a Standing Committee which shall function with the Diocesan Bishop and other Bishops serving in the Diocese in matters as required by the Constitution and Canons of the Episcopal Church and by the Constitution and Canons of this Diocese. In addition to their canonical responsibility to serve as a Council of Advice to the Bishop, to advise and consent to alienation or encumbrance of property, to remission of judicial sentences, to election of bishops, for clergy to enter secular employment, to approve candidates for ordination, to receive notification of a bishop's resignation, to certify cases of abandonment of communion, to give testimonials for ordination, and to present for trial in cases of abandoning ministry, the Standing Committee in the Diocese of Nevada is charged with sharing oversight with the Bishop of all financial reserves of the Diocese other than those of the annual budget. While the annual budget is the responsibility of the Diocesan Council, the Standing Committee is responsible for assets held beyond a budget year.

- (b) The Standing Committee shall be accountable to the Diocesan Convention and shall make a report concerning the work with which it is charged to each meeting of the said Convention. The Standing Committee may discharge the work with which it is charged by the consent of a quorum of its members obtained through written balloting, telephonic conferences or similar methods of communication, either conducted as a body or seriatim. A majority of members of the Standing Committee shall constitute a quorum, and a majority of a quorum so convened shall be competent to act unless the Canons shall require a larger number.

- (c) The Standing Committee shall be composed of three (3) lay persons, who are confirmed adult communicants in good standing of some parish congregation in canonical union with the Diocese, and three (3) clerical members canonically resident in the Diocese. The term of office shall be three (3) years on a staggered basis. One (1) clergy member and one (1) lay person shall be elected each year at the Annual Convention for three (3) year terms to fill expiring terms. Such terms shall commence at the adjournment of the Annual Convention at which the members of the Standing Committee are elected and terminate at the adjournment of the Annual Convention at which their successors are elected. As soon as practicable after adjournment of each Annual Convention, the Standing Committee shall meet and shall elect a president and a secretary from among its members either clerical or lay. The Secretary shall keep a record of all the proceedings of the Standing Committee, which shall be open at all times to inspection by the Bishop of the Diocese, and shall give a report of their actions to each Annual Convention.

- (d) Any person having served two (2) full terms shall not be re-elected to any Diocesan office until a lapse of one (1) year.

- (e) Should any vacancy occur in the Standing Committee through death or resignation of a member, the Diocesan Council shall fill

such vacancy by the appointment of a suitable person to serve until a successor is elected by the next Convention. The Convention shall elect a suitable person to serve the portion of any term which will remain unexpired.

- (f) Lay members of the Standing Committee shall have seat, voice and vote in the Diocesan Convention and shall be termed Delegates-at-Large.

Section 2: (a) There shall be a Secretary of Convention, a Chancellor and a Treasurer appointed by the Diocesan Bishop and their appointment confirmed by majority vote by the Diocesan Convention. The Secretary, Chancellor and Treasurer shall serve staggered terms of three (3) years each. Any person having served two (2) consecutive terms in any of these offices shall not be re-appointed or elected to any Diocesan office until a lapse of one (1) year.

- (b) The Secretary of Convention shall be a confirmed adult communicant in good standing of some congregation in canonical union with the Diocese. The Secretary's duty shall be to gather and have in safe keeping journals, pamphlets, reports and other documents belonging to the Diocese. The Secretary shall be the registrar and historiographer of the Diocese, unless other persons are appointed to these offices by the Diocesan Bishop with the approval of Convention. The Secretary shall have seat, voice and vote at meetings of Convention, and shall be an ex-officio member of the Diocesan Council. Should the office of Secretary become vacant through death, resignation or dysfunction, the Bishop shall appoint and the Diocesan Council confirm by majority vote, a person to serve the remainder of the term. Such successor shall serve the remainder of the term and shall be eligible to serve two (2) full succeeding terms.

- (c) The Chancellor of the Diocese shall be a confirmed adult communicant in good standing of some parish congregation in canonical union with the Diocese, learned in the law, and a member of the State Bar of Nevada. The Chancellor shall be the legal advisor of the Diocesan Bishop and the Convention and of all officers, committees and organizations of the Convention and the Diocese. The

Chancellor shall have seat, voice and vote at meetings of the Convention, and shall be an ex-officio member of the Diocesan Council. The Diocesan Bishop may appoint an Assistant Chancellor with seat and voice, but no vote, at Convention. Should the office of Chancellor become vacant through death, resignation or dysfunction, the Bishop shall appoint and the Diocesan Council confirm by majority vote, a person to serve the remainder of the term. Such successor shall serve the remainder of the term and shall be eligible to serve two (2) full succeeding terms.

- (d) The Treasurer of the Diocese shall be a confirmed adult communicant in good standing of some parish congregation in canonical union with the Diocese. The treasurer shall receive all monies collected under direction of the Convention, except in such cases as may be otherwise especially provided for. The Treasurer shall make an annual report to the Convention of all monies and other property entrusted to the Diocesan treasury, which accounts shall be fully audited as ordered by the Canons of the Episcopal Church. The Treasurer shall include in the annual report to the Convention a listing of each Parish's asking payments received for the preceding calendar year together with the base amount upon which those asking payments were calculated and the percentage of the payment amount to the base amount. The Treasurer shall have seat, voice and vote at meetings of the Convention, and shall be an ex-officio member of the Diocesan Council. Should the office of Treasurer become vacant through death, resignation or dysfunction, the Bishop shall appoint and the Diocesan Council confirm by majority vote, a person to serve the remainder of the term. Such successor shall serve the remainder of the term and shall be eligible to serve two (2) full succeeding terms.

Section 3: There shall be an Ecclesiastical Court constituted as provided in Canon XVI of these Canons.

Section 4: At each Annual Convention the Diocesan Bishop, with the concurrence of the Convention, shall appoint a Commission on Ministry which shall consist of six (6) clergy members, six (6) lay members, all of whom shall be communicants in good standing and canonically resident within the Diocese. The duties of this committee shall be those prescribed by the Canons of the Episcopal Church.

Section 5: The Diocesan Bishop with consent of the Diocesan Council shall appoint such commissions and committees as are necessary to conduct the programs of the Diocese.

Section 6: The Board of Trustees of the Galilee Episcopal Camp and Conference Center, Inc., shall consist of ten (10) members to be selected as follows:

- (a) Three (3) members at-large shall be elected for a three (3) year term each on a rotating basis with one member being elected each year at and by the annual Convention of the Episcopal Diocese of Nevada.
- (b) Three (3) members shall be appointed for a three (3) year term each on a rotating basis by a majority of the Board of Trustees with one member being appointed each year. The Boards appointment shall be made and submitted to the Bishop for confirmation no later than thirty (30) days prior to the Diocesan Convention.
- (c) Three (3) members, including the Treasurer, shall be appointed for a three (3) year term each on a rotating basis by the Bishop of the Diocese of Nevada with one member being appointed each year within sixty (60) days following the Diocesan Convention. One of the three appointees may be a member of the Standing Committee.
- (d) One (1) member shall be appointed in a manner determined by the Congregation of St. John's, Glenbrook, for a three (3) year term.
- (e) In the event of a vacancy on the Galilee Board of Trustees resulting from resignation, incapacity, refusal to serve or death, the appointing entity shall have the power to fill such vacancy. Any person having served two (2) consecutive terms as a trustee on the Board of Trustees of the Galilee Episcopal Camp and Conference Center shall not be re-appointed or elected to such office until the lapse or one (1) year.

Section 7: The Diocesan Review Committee

- (a) There shall be a Diocesan Review Committee to be elected at the Annual Diocesan Convention by ballot of the concurrent votes of the members of both clergy and laity as hereinafter provided. The Diocesan Review Committee shall perform the functions and have the powers and responsibilities given to a Committee of that name by Title IV of the Canons of General Convention relating to the ecclesiastical disciplinary process.

(b) The Diocesan Review Committee shall consist of three (3) Clergy actually and canonically resident in the Diocese and two (2) lay members of the Church actually resident in the Diocese. Each member shall serve for a term of three (3) years, with the terms to be staggered so that at least one (1) new member of the Committee shall be elected each year. In case of a vacancy, the Standing Committee shall appoint an individual of the same Order (lay or clergy) to serve until the next Diocesan Convention, at which time the Convention shall elect a person of the same order for the remainder of the term. No person may serve more than two (2) full terms consecutively.

(c) As soon as practicable after adjournment of each Annual Convention, the Diocesan Review Committee shall meet and shall elect a president and a secretary from among its members either clerical or lay who shall serve for a period of one (1) year, with the right to succeed herself or himself. The Secretary shall keep a record of all proceedings of the Diocesan Review Committee.

(d) No person shall at the same time serve as a member of the Diocesan Review Committee, the Ecclesiastical Trial Court, or the Standing Committee.

Section 8: Neither diocesan officers (Treasurer, Chancellor, or Secretary to Convention) nor diocesan staff (employees or volunteers who report directly to the Bishop) are eligible to serve as members of elected bodies of the Diocese or as vestry members in their home parishes.

CANON IV

The Convention

Section 1: There shall be an Annual Convention. The time and place of the Annual Convention shall be designated by Convention two years in advance. The Diocesan Bishop with consent of the Standing Committee may change the time and place of meeting.

Section 2: Every Convention shall consist of clergy and laity.

Section 3: Every clergy member, of whatever order, who is canonically resident and is performing the duties of his or her office, and who is not under Ecclesiastical Discipline, has the right to sit, speak and vote in the Convention. This includes those clergy rostered in the Evangelical Lutheran Church in America who have regular diocesan or congregational assignment within this Diocese (Amended 2003).

Section 4: (a) Lay members entitled to a seat and vote in Convention shall be the wardens of the parishes and elected members from each parish. Unless the congregation's representation is limited pursuant to Canon V.3.c., representation shall be in the proportion of one (1) member for each fifty (50) confirmed adult communicants in good standing or major fraction thereof; provided that no parish shall be represented by less than one (1) nor more than (10) elected delegates. Alternates for wardens and delegates shall also be elected.

(b) Lay members of the Convention shall be communicants and qualified electors of the congregation, which they represent. Elected members shall be chosen at the annual meeting of the parish by the qualified electors of the congregation, or in default of such election, by the vestry. If there be no election as provided above, or if for other reason the representation shall fall below the canonical quota, the rector, or senior warden, if there is no rector, may appoint delegates, or in default of such action, the Diocesan Bishop may appoint them.

(c) Each congregation shall also be entitled to two (2) additional representatives who are youth lay persons between 13 and 19 years of age and communicants in good standing within the congregation. Youth representatives shall be elected by the congregation in the same manner provided herein for other lay members. The youth members shall be entitled to seat, voice and vote in the Convention. Nevada law precludes youth members under 18 years of age from voting on issues involving contracts between the Diocese and third parties, investments, loans, banking and real property.

- Section 5: Members of religious orders under direction of the Diocesan Bishop and resident within the Diocese may have seat, voice and vote in the Diocesan Convention upon recommendation of the President of Convention and approval of the majority of the delegates, lay and clergy, in attendance. Members or religious orders so sealed shall be deemed Delegates at Large.
- Section 6: (a) The Diocesan Bishop shall be the President of Convention, and shall have all the rights and privileges of any other clerical member. The Diocesan Bishop shall take order for all services of worship and for devotions in connection with the meetings of Convention, and shall appoint an Order of Business to be followed during the current session of the same, subject to the approval of the Convention.
- (b) In the absence of the Diocesan Bishop, the following shall serve as President of the Convention, in order of preference: the Bishop Coadjutor, the Suffragan Bishop, or the President of Standing Committee.
- Section 7: At meetings of the Convention the clergy and laity shall deliberate and vote as one body except as otherwise provided in the Constitution and Canons of the Diocese and in the Constitution and Canons of the Episcopal Church.
- Section 8: The Secretary of the Convention shall take charge of all papers of the Convention, and shall take minutes of the proceedings and have them preserved in a Journal of Convention. The Secretary of the Convention shall, one month before the Annual Convention, notify all clergy and the senior warden of each parish of the time and place of such meeting, and of the number of delegates to which each parish is entitled; and shall also send blanks for the certification of lay delegates.
- Section 9: The Convention fiscal year shall end on December 31.
- Section 10: The President of the Convention shall appoint such regular committees as may be deemed necessary to facilitate the preparation and work of the Convention.

Section 11: (a) Except as provided herein, all elections in the Convention shall be by written ballot.

(b) When more than one office is to be filled from the same slate of candidates, or there are more than two candidates in an election for one office, any candidate receiving a majority of votes shall be deemed elected. If after any two (2) consecutive ballots, no candidate has received a majority of votes, the candidate receiving the fewest votes shall be dropped from the ballot. No candidate shall be deemed elected unless such candidate shall have received a majority of the votes cast. This process shall continue until all offices have been filled.

(c) When there is only one candidate for any office, the election may be by voice vote.

(d) These provisions shall not apply to the election of bishops, which shall be governed by Canon VIII.

Section 12: It shall be the duty of the Secretary to cause to be published as soon as practicable after Convention a copy of its proceedings and the Diocesan Bishop's annual address or report.

Section 13: (a) (1) By the Feast of Epiphany, following each Annual Convention, the Diocesan Bishop shall appoint a Convention Planning Committee consisting of clergy and lay persons and appoint a Convention Arrangements Committee generally consisting of person in the parish hosting the convention.

(2) The Convention Planning Committee shall act as the dispatch of business committee of the Convention.

(b) Not later than one hundred twenty (120) days prior to the first day of the Annual Convention, the Diocesan Bishop shall appoint a Resolutions Committee. All resolutions to be considered by the Convention, other than resolutions of a commendatory nature, shall be submitted to the Resolutions Committee not less than

ninety (90) days prior to the first day of Convention. The Resolutions Committee may report any resolution submitted to the floor of the Convention with its recommendation for action.

The Resolutions Committee may also decline to report resolution to the floor of the Convention, upon condition that the resolution be returned to the maker and that the committee report to the Convention the action taken and the reason therefore; however, nothing herewith shall prevent any resolution or substitute resolution from being considered at a Convention provided that two-thirds (2/3) of the voting members present and voting agree to such consideration. The report of the Resolutions Committee, including the resolutions to be considered by the Convention and its report of resolutions returned to their makers, shall be submitted to the Secretary of Convention not later than sixty (60) days prior to the day of Convention, and the Secretary of Convention shall cause copies thereof to be sent to each parish at least thirty (30) days prior to Convention.

CANON V

Diocesan Asking

- Section 1: The diocesan asking shall be the asking of the Diocese from its congregations for the support of the diocesan administration and program, and the Episcopal Church, as determined by convention.
- Section 2: It shall be the duty of every congregation to pay into the diocesan treasury each month a proportionate share of its diocesan asking.
- Section 3: (a) In the event any congregation shall fail to meet its diocesan asking for two (2) consecutive months, representatives of the congregation shall meet with two (2) members of the Diocesan Council and lay the matter before them for report to the Diocesan Council at its next regular meeting.
- (b) The Diocesan Council shall tender such assistance to the delinquent congregation as it can. In the event such assistance by the Diocesan council fails to rectify the particular situation, then the matter of the delinquency of the congregation in question shall be referred to the Ecclesiastical Authority for review.

- (c) (1) In the event a parish congregation fails to pay the diocesan asking and the parish fails to pay at least two-thirds of its diocesan asking for the prior fiscal year, it shall be allowed representation in Convention of not more than one (1) clerical and one (1) lay delegate. This section shall take precedence over Canon IV.4.a., if applicable.
- (2) The rector, or if there be no rector then the wardens, of a parish to which this section applies shall be notified by the Ecclesiastical Authority not less than sixty (60) days prior to the first day of Convention. The limitation set forth in this section shall not be effective in the absence or tardiness of such notice.
- (3) A parish to which this section applies and which has received timely notice of same, may make application to the Ecclesiastical Authority for a hearing, and upon good cause shown for such failure, the Ecclesiastical Authority may waive this provision and allow the applicant parish to have its full representation at Convention.

- Section 4:
- (a) If any congregation shall fail to pay its diocesan asking for any prior fiscal year, such deficiency shall be considered an outstanding obligation of such congregation to the Diocese.
 - (b) Representatives of the congregation shall meet with two (2) members of the Diocesan Council to arrange for methods by which such obligation shall be paid. (Any payment received by the Diocese from such congregation shall be first applied to the current monthly obligation. The balance, if any, shall then be applied to any unpaid monthly obligations of the current fiscal year and any balance then remaining shall be applied to any prior fiscal year obligation).

CANON VI

Diocesan Endowment Fund

- Section 1: The diocesan endowment fund shall consist of such donations and contributions as shall be made thereto.
- Section 2: All monies and securities belonging to this fund shall be administered by the Standing Committee for the benefit of the Episcopal Diocese of Nevada.
- Section 3: The income from the fund may be made available for use as requested by the Diocesan Council, the Standing Committee, and/or the Convention.

CANON VII

Representation in General Convention

- Section 1: At the Annual Convention of the year next preceding the General Convention, the Convention shall elect not more than four (4) clergy Members and four (4) lay persons to represent the Diocese at General Convention and not more than four (4) clergy members and four (4) lay persons as alternates.
- Section 2: The clerical deputies and alternates shall be presbyters and/or deacons canonically resident within the Diocese. The lay deputies and alternates shall be confirmed adult communicants of a parish in canonical union with the Diocese.
- Section 3: In the absence or non-attendance of a deputy, the alternates, in the order of their election, shall act for such Deputies.
- Section 4: Any vacancy in the representation of the Diocese in General Convention which cannot be filled by an alternate, shall be filled by appointment of the Diocesan Bishop.

Section 5: Deputies and alternates to General Convention are ex-officio deputies and alternates to Provincial Synod.

CANON VIII

Election of a Bishop

Section 1: The election of a Diocesan Bishop, or of a Bishop Coadjutor, or of a Suffragan Bishop, for this Diocese shall be made at the annual session of the Convention, or at a special session called for that purpose, provided that, at least sixty (60) days before the time of such special or annual meeting, a notice be sent in writing by the Secretary of the Standing Committee to every clergy member who is a member of the Convention, and to every senior warden of the parishes canonically in union with this Diocese. This notice shall state the purpose, time and place of the proposed election.

Section 2: Prior to the meeting of such Convention, a nominating committee consisting of three (3) clergy members and three (3) lay persons shall be appointed by the Ecclesiastical Authority to receive and make nominations to the Convention. Nominations may also be made from the floor in open Convention. Qualification for election to the episcopate shall be determined by the Constitution and Canons of the Episcopal Church.

Section 3: Elections shall be made in the following manner:

- (a) After nominations have been received, the clergy and laity, in executive session and voting by orders, shall choose some qualified member of the clergy for the office.
- (b) A quorum for the election of a Diocesan Bishop, or Bishop Coadjutor, or Suffragan Bishop shall be: (1) a majority of the clergy members entitled to vote; (2) a majority of the lay representatives entitled to vote; and (3) a majority of the parishes entitled to representation.

- (c) A concurrent majority in each order shall be necessary for election.

CANON IX

Parishes and Congregations

- Section 1: (a) A group of persons desiring to become and be recognized as a parish congregation of the Episcopal Diocese of Nevada shall petition the Diocese in the following form:

"To: The Ecclesiastical Authority of the Episcopal Diocese of Nevada

"Sensible to the truth of Christianity, desiring to increase its influence in our lives and the lives of our families and neighbors, and desiring to assume full congregational participation in and responsibility for the life, governance and support of the work of the Episcopal Church and the Episcopal Diocese of Nevada, do hereby petition to be received as a parish congregation of the Episcopal Diocese of Nevada, and we do hereby affirm and promise our conformity with the Constitution, Canons, Doctrine and Discipline of the Episcopal Church and the Episcopal Diocese of Nevada."

- (b) The petition must be signed by all members of the group sixteen (16) years of age or older. It must be accompanied by a list of families and members showing age, sex, status (baptized, confirmed) and addresses; a description of the community of locale intended to be served by the parish, and support for the ministries and stewardship of the congregation and members.

- Section 2: The Ecclesiastical Authority shall present their recommendations concerning the petition to the Diocesan Convention where the matter shall be decided.

- Section 3: Upon receipt of formal notice of consent of Convention, the Parish shall be organized at a public meeting at which the Diocesan Bishop of

Bishop's representative shall preside. All adult members shall be given notice of said meeting at least thirty (30) days in advance. Members shall organize and elect a vestry, or organize under Canon XIV.5 if applicable, and may establish bylaws as they see fit, providing said bylaws recognize the precedence of the Constitution and Canons of the Episcopal Church and the Episcopal Diocese of Nevada, and are approved by the Ecclesiastical Authority.

Section 4: The title to all property of a parish congregation shall be vested in the diocesan corporation known as the Episcopal Diocese of Nevada, with the exception of a parish chartered under Section 5 of this Canon.

Section 5: (a) A parish desiring to incorporate must notify the Ecclesiastical Authority in writing and submit a copy of the proposed articles of incorporation and bylaws. A parish must have the consent of the Ecclesiastical Authority and approval of incorporation documents before proceeding. Subsequent amendments to the Articles of Incorporation and the bylaws must be approved by the Ecclesiastical Authority.

(b) An incorporated parish may hold title to property in which case the title shall read: "The (rector), wardens and vestry of (N) parish in trust for (N) Parish of the Episcopal Diocese of Nevada . . . "

(c) An incorporated parish may, upon agreement of the vestry and the Ecclesiastical Authority, become an unincorporated parish, in which case the title to all property shall then be transferred to the diocesan corporation known as the Episcopal Diocese of Nevada.

Section 6: (a) No real property of a parish congregation, whether or not incorporated, shall be sold, liened, hypothecated or otherwise alienated without written consent of the Ecclesiastical Authority.

(b) The proceeds of any casualty insurance policy covering such real property shall be considered real property for the purposes of this canon.

Section 7: (a) The Diocesan Bishop, with consent of the Standing Committee, may recommend to the Diocesan Convention that a parish

congregation should be dissolved when, for reasons of ministry strategy, the area served can be better served by an alternative structure.

- (b) When in the opinion of the Diocesan Bishop acting with the advice and consent of the Standing Committee, a parish does not comply with its obligations as a parish congregation in:
 - (1) conforming to the Constitution and Canons, Doctrine and Discipline of this Church, or
 - (2) supporting a local ministry in a form and proficiency acceptable to the Ecclesiastical Authority, or
 - (3) meeting established diocesan standards for support of the diocesan and general church program, or
 - (4) representing itself at Diocesan Convention; and when the vestry, having been given notice of the failure of compliance and opportunity, fails to negotiate an acceptable resolution of the matter, the Diocesan Bishop with the consent of the Standing Committee shall report to the Convention recommending to the Convention that the parish congregation should be resolved.
- (c) Convention shall take action on said recommendation.

Section 8: Upon dissolution of a parish, the title to all property not already held by the Diocese shall vest automatically and forthwith with the diocesan corporation known as the Episcopal Diocese of Nevada, and any parochial corporation which may have been chartered by the State of Nevada shall be dissolved.

Section 9: Any remnant of a dissolved parish may petition the Ecclesiastical Authority to continue as a parish congregation by submitting a plan of reorganization to the Ecclesiastical Authority and following Sections 1 through 4, above.

Section 10: Two or more parish congregations may be joined to form one parish by submitting their plan of union to the Ecclesiastical Authority and following Sections 1 through 4, above.

Section 11: A congregation of Christian people using a rite other than that set forth in the Book of Common Prayer (1979) and desiring affiliation with this Church while continuing to use their own rite, may make application in accordance with Canon I.16.1 of the Canons of the Episcopal Church.

Section 12: The congregations of the Diocese shall gather in four (4) geographic regions. Such Mission Districts shall gather at least twice annually, for programs of mutual and Diocesan interest, to develop joint mission strategy and for education opportunities. Each Mission District may structure its organization as seems most expeditious, but each Mission District is to submit a report of its activities to the Convention.

CANON X

Membership

- Section 1:
- (a) All persons who have received the sacrament of Holy Baptism with water in the name of the Father and of the Son and of the Holy Spirit, whether in this Church or in another Christian Church, and whose baptisms have been duly recorded into this Church are members thereof.
 - (b) All members of this Church who have received Holy Communion in this Church at least three times during the preceding year are communicants of this Church.
 - (c) For the purpose of statistical consistency in this Diocese, members and communicants sixteen (16) years of age and over shall be considered adults.
 - (d) All communicants of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying, and giving for the spread of the Kingdom of God, are to be considered communicants in good standing.

CANON XI

Church Records

- Section 1: Rectors, or if there be no rector, the wardens, shall be custodians of the parish register and other records. An administrator may be appointed by the vestry to exercise this responsibility.
- Section 2: A record of all public services shall be kept, in which shall be noted place, date, and nature of each service, the attendance, and if the service be the Holy Communion, the number of persons communicating.
- Section 3: Each parish shall keep a list of its members, adult members, communicants and adult communicants which shall be the basis of the Annual Parochial Statistical Report. Letters of Transfer and Certificates of Membership shall be issued and received insofar as possible, as outlined in the Canons of the Episcopal Church.

CANON XII

Parochial Finances

- Section 1: The fiscal year shall begin January 1.
- Section 2: At the close of each year all accounts having to do with the receipts or expenditure or investment of money of Church organizations shall be audited by a certified public accountant licensed in the state of Nevada, or three a (3) member committee of the vestry.
- Section 3: Parishes with a Rector who is retiring or accepting a calling elsewhere shall hire a certified public accountant licensed in the state of Nevada who is not a member of said Parish, to conduct and audit of the Parish's financial records for the three (3) year period prior to the official departure of the Rector. The three (3) year period may include the year of the Rector's departure. The audit is to be conducted during the interim period between Rectors and is to be completed prior to the calling of a new Rector. If a Parish in accordance with Canon XII, Section 2, used a license certified public accountant and such audit

covered the required three (3) year period, this requirement is considered satisfied.

Section 4: The annual budget of every parish shall contain, in addition to the amount agreed upon to be paid as clerical salary and pension premiums, sums adequate for the following:

- (a) Public liability insurance procured from an insurance carrier approved by the Diocese combined single limit coverage of at least \$1,000,000.00 and naming the parish or parochial corporation, and the diocesan corporation known as the Episcopal Diocese of Nevada, as insureds;
- (b) Casualty insurance procured from an insurance carrier approved by the Diocese providing full replacement cost coverage for personalty and fixtures, and complete repair or rebuilding coverage for real property improvements; such insurance shall name the diocesan corporation known as the Episcopal Diocese of Nevada as a loss payee;
- (c) Payment of the diocesan asking in accordance with the provisions of Canon V.

Section 5: (a) Each congregation shall contribute annually a minimum of one percent (1%) of its previous year's net disposable income to one or more of the accredited seminaries in the Episcopal Church, of which at least half (½) of the minimum shall be contributed to the Church Divinity School of the Pacific.

- (b) The net disposable income is defined as the annual parish income subject to the diocesan asking.

Section 6: Every congregation shall every month send to the diocesan office a detailed statement of its receipts and disbursements for the prior month.

Section 7: On or before January 31, of each year, each congregation shall send to the diocesan office a copy of the budget adopted by it for the ensuing year and the annual parochial report in the form prescribed by General Convention.

Section 8: On the occasion of the Diocesan Bishop's annual visitation to a congregation, the offering not otherwise specially designated shall be given to the Bishop for discretionary use in the work of the Diocese.

CANON XIII

Annual Meetings and Reports

Section 1: There shall be an annual meeting of every parish before January 31, for the election of delegates to Convention and of a vestry, for receiving reports, and for such other business as it may lawfully transact.

Section 2: The qualified voters of the congregation shall be all adult members of the congregation, who have been regular contributors to the income of the congregation for the six (6) months next preceding the meeting of the congregation. A statement by any member of the Church that he or she has contributed regularly to the income of the congregation, through the open plate, shall be accepted as evidence of regular contribution until the contrary be shown.

Section 3: Special meetings of the congregation may be called by a warden, the rector, or any two (2) vestry members. Announcement of the time and place and purpose of all such meetings shall be given at one (1) or more public services of the Church next preceding such meeting.

Section 4: The rector shall preside at all meetings of the congregation; but if the rector is not present, then a warden, or a vestry member, in the order of seniority, shall preside (Amended 2003).

Section 5: At the annual meeting of every parish a report on the State of the Cure shall be made by the presiding officer. Such report shall include the membership list of the parish as recorded according to Canon XI.3.

Section 6: At the annual meeting the treasurer of the parish shall report the receipts and disbursements for the year previous. Financial reports of all the organizations of the congregation shall also be made.

CANON XIV

Vestries

Section 1: (a) The vestry, in cooperation with the Ecclesiastical Authority, and in compliance with applicable diocesan policies, practices and standards, shall provide for the regular corporate worship and sacraments for the congregation; for the support and enablement of the ministries of its members; and for the stewardship of the resources of the congregation.

(b) The provisions of this section are not intended to contravene the provisions of Canon XV.

Section 2: (a) The vestry shall consist of one (1) or two (2) wardens and from four (4) to ten (10) others. The wardens and vestry members shall be confirmed adult communicants in good standing and qualified electors of the Parish. Vestry members shall not include paid staff of that parish. Nevada law precludes vestry members under 18 years of age from voting on issues involving contracts between the parish and third parties, investments, loans, banking and real property. A vestry majority for purposes of voting on issues involving contracts between the parish and third parties, investments, loans, banking and real property, shall consist of a majority of all vestry members over 18 years of age present at the meeting at which there is a quorum.

(b) The number of wardens and vestry within these limitations shall be determined by the congregation at an annual meeting, unless parish bylaws provide otherwise.

Section 3: Unless approved parish bylaws (see Canons IX.3 and IX.5) provide otherwise, the selection of vestry members shall be as follows as determined by the congregation at an annual meeting.

- (a) Wardens shall be selected as follows: (1) If there is a rector, one warden shall be appointed by the rector from the vestry membership unless the rector agrees to elect as follows: (2) The congregation, at an annual meeting, determines the election process of one or two wardens either (a) by election annually from its membership or, (b) the vestry elects one or two wardens annually from its membership.
- (b) Other vestry members shall be elected by the congregation for three (3) year terms with terms appropriately staggered.
- (c) A member may serve no more than six (6) consecutive years on the vestry.
- (d) The vestry shall appoint annually a clerk and a treasurer who need not be members of the vestry.
- (e) The vestry selects either a warden or the rector as its presiding officer. Said officer then presides at vestry meetings and at meetings of the congregation.
- (f) In the event the office of warden becomes vacant during the year, the vestry (or the rector, as appropriate) shall appoint one of the members of the vestry to fill the position until the next annual meeting. In the event of other vacancies in the vestry, the vestry shall appoint a qualified member of the congregation to fill the position until the next annual parish meeting.

Section 4: At least six (6) regular meeting of the Vestry shall be held annually at stated intervals and at a time and place fixed by the Vestry. Special meetings may be called by the Diocesan Bishop, the rector, a warden or any two (2) members of the Vestry, care having been exercised to give all members not less than one (1) week notice thereof. The Vestry may not take formal action except at a regularly scheduled meeting or properly noticed special meeting and with a majority of all members present.

Section 5: (a) Parish congregations with fewer than forty (40) adult members and wishing to dispense with the organization of a vestry may

elect to conduct the affairs of the congregation at a series of not fewer than four (4) congregational meetings annually. Such meetings shall exercise the full responsibility and authority of a vestry as set forth in Section 1 and 4 of this Canon and as hereinafter provided.

- (b) The congregation may function as a vestry at meetings regularly scheduled or called provided that at least half of the adult members of the congregation are present.
- (c) The congregation shall elect warden(s) at its annual meeting in accordance with Section 2 and 3 of this Canon. The congregation shall also elect a parish treasurer and a parish clerk.

CANON XV

Ministry

Preamble: The following definitions are assumed in this Canon:

MINISTRY IS TO SERVE IN RESPONSE TO JESUS CHRIST, AND MEANS TO SHARE GOD'S GIFTS WITH ONE ANOTHER. EACH BAPTIZED MEMBER IS A MINISTER AND SHARES THE MINISTRY OF THE CHURCH.

MINISTRY IS EMPOWERED BY THE HOLY SPIRIT. (ACTS 2:1-4)

IT IS ENABLED BY GOD'S GIFTS. (1 CORINTHIANS 12; EPHESIANS 4)

IT IS AUTHORIZED BY CHRIST. (MATTHEW 28:18-20)

The congregation and Diocese working together are instruments through which the congregation and members are empowered, enabled, and authenticated for ministry.

Section 1: It shall be the duty of vestries of parish congregations and of members of other congregations to cooperate with the Ecclesiastical Authority to provide for the support of the total ministry of each congregation.

Section 2: It shall be the duty of the Ecclesiastical Authority of the Diocese, in cooperation with vestries, congregations and Mission Districts, to authorize and support ways through which the services of priests and deacons are available in all congregations.

Section 3: The Diocesan Bishop, where a parish is without a rector, may appoint particular clergy for the oversight and support in which case such clergy shall represent the Diocesan Bishop under the terms specified in their work and counsel with assigned congregations and clergy. Such clergy shall be ex-officio members of the Vestry of those congregations to which they are appointed.

- (a) The clergy and Vestry are expected to work and plan together. An annual review of the performance of both parties shall be a normal element of discipline in their cooperative endeavor.
- (b) The annual review referred to in this section shall be reported to the Diocesan Bishop within thirty (30) days of its completion.

Section 4: (a) A parish congregation meeting all its obligations and able to provide for a salary and benefits meeting diocesan standards for full-time employed clergy, may choose to call a rector, in which case the following apply:

- (1) The vestry, in consultation with the Diocesan Bishop, shall elect the rector; a rector shall not be called without prior approval of the Diocesan Bishop in writing, or of the Standing Committee if there be no Diocesan Bishop.
- (2) The vestry shall set forth terms of employment in a Letter of Agreement and the terms shall comply with all diocesan and Episcopal Church standards. They may include terms for limited tenure or for review and possible renewal of the call after a stated period of tenure. The terms of employment must be reviewed annually and changed only with the approval of the Diocesan Bishop. An agreement between a rector and a vestry for specified tenure, and any resulting subsequent termination of employment, shall be

considered consistent with the provisions of Canon III.19.1 of the Canons of the Episcopal Church.

- (b) (1) The rector and vestry are expected to work and plan together. An annual review of the performance of both parties shall be a normal element of discipline in their cooperative endeavor.
- (2) The annual review referred to in this section shall be reported to the Diocesan Bishop within thirty (30) days of its completion.
- (b) The rector, duly called and installed, shall be ex-officio a member of the vestry with all rights of other members.
- (d) In the event of an unresolved dispute between the rector and vestry, the Ecclesiastical Authority shall decide the dispute and such decisions shall be final and binding on both parties.
- (e) (1) In the event the Diocesan Bishop considers the performance of a rector to be unsatisfactory, the Diocesan Bishop shall first consult with the rector and vestry of the parish concerned after which, if the Diocesan Bishop so determines, the rector and Standing Committee shall receive written notice of intent to dissolve the pastoral relationship. A rector having received written notice of the intent by certified mail or personal service, may within thirty (30) days thereof, appeal in writing to the president of the Standing Committee for a hearing.
- (2) In the event of an appeal, (1) the Standing Committee must schedule a hearing within sixty (60) days, and not less than thirty (30) days of receipt of said notice, at a time convenient for the Diocesan Bishop. After hearing the rector, the vestry and the Diocesan Bishop state their positions, each in the presence of the other, the Standing Committee shall make a judgment and its judgment shall be final; (2) the rector's employment shall not be considered terminated until the proceedings and judgment

of the Standing Committee have been completed.

- (f) Whenever the rectorship of a parish shall become vacant, it shall be the duty of the Warden to give immediate notice of such vacancy to the Diocesan Bishop, who shall appoint a priest to fill the duties of the cure until a rector shall be elected, the cost thereof to be paid by the parish.

CANON XVI

Clergy Discipline

Section 1: A member of the clergy, other than a Bishop, may be presented for trial in this Diocese upon the grounds set forth in Canon IV.1 of the Canons of the Episcopal Church.

Section 2: (a) Disciplinary proceedings under this canon are neither civil nor criminal but ecclesiastical.

- (b) (1) Except when ordered by the Ecclesiastical Court of this Diocese pursuant to the provisions of subsections 2 and 3 hereof, or unless otherwise provided in this canon, all proceedings hereunder are confidential, except that the name of the Respondent under investigation and the matter under investigation may be disclosed to the Respondent and the persons whose services or testimony are necessary in connection with the proceedings. When requested by the Respondent, the hearing and the entire record and proceedings shall be made public.

- (2) When an investigation or formal proceeding concerns a subject matter which has become generally disseminated to the public and in which confidence in the Church, the proceedings or the sacred ministry may be jeopardized by strict adherence to the principles of confidentiality, the President of the Court may release to the public the fact that an investigation or proceeding is pending against a member of the clergy, the procedural aspects involved in such a proceeding, and the current status of the proceeding.

- (3) When it is determined by the Court that information secured during the course of any investigation or proceeding should, in the interest of justice, be released or disclosed to prosecuting or other public authorities, the President of the Court shall release to such prosecuting authorities or other public officials any such information, facts or documents. When such information is disclosed, the Respondent shall be notified of such disclosure. Notice to the Respondent of the disclosure shall not be given when the agency requesting the information certifies in writing that:
 - (a) The request is made in furtherance of an ongoing investigation into misconduct of the member of the clergy;
 - (b) The information is essential to the investigation; and
 - (c) Disclosure to the member of the clergy of the existence of the investigation would seriously prejudice that investigation.
- (4) All participants in an investigation or proceeding shall conduct themselves so as to maintain the confidentiality mandated by this canon.
- (5) Except in cases of dismissal, after a proceeding has become final and all appeals have either been exhausted or abandoned, the fact of the proceeding and the result thereof shall become public information.

- Section 3:
- (a) A presentment to the Ecclesiastical Trial Court may be issued only by the Diocesan Review committee as provided in this Canon.
 - (b) A charge against a Priest or Deacon canonically resident in this Diocese shall be in writing, verified and addressed to the Diocesan Review Committee. It shall concisely and clearly inform the person as to the nature of and facts surrounding each alleged

offense and the specifications of each charge.

- (c) A charge may be made:
- (1) by a majority of the lay Members of the Vestry of the Parish of the Respondent;
 - (2) by any three Priests canonically resident in this Diocese or canonically resident in the Diocese wherein the Respondent is alleged to have committed the offense;
 - (3) by any three confirmed adult communicants in good standing in this Diocese or in the Diocese wherein the Respondent is alleged to have committed the offense;
 - (4) in a case where the alleged offense is in violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of the Diocese, or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, died, or is unable to act;
 - (5) in a case where the offense alleged is a charge specifying the offense or crime, immorality or conduct unbecoming a Member of the Clergy, by any adult who is (i) the alleged victim, or (ii) a parent or guardian of an alleged minor victim or of an alleged victim who is under a disability, or (iii) the spouse or adult child of an alleged victim;
 - (6) in a case where the offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church, only by a majority of the members of the Standing Committee of this Diocese or of the Diocese wherein the Respondent is alleged to have committed the offense;
 - (7) by a majority of the Standing Committee of this Diocese or of the Diocese wherein the Respondent is alleged to have committed the offense whenever the Standing Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the offense; or
 - (8) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the offense.

- (b) If a complaint or accusation is brought to the Bishop by a person claiming to be the alleged victim, or the spouse of an alleged victim, or by the parent or guardian of an alleged victim who is minor or is under a disability, of an offense of crime, immorality or conduct unbecoming a member of the Clergy, the Bishop, after consultation with the alleged victim, the alleged victim's spouse, or the alleged victim's parent or guardian, may appoint an advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate charge and in obtaining assistance in spiritual matters, if the alleged victim, spouse, parent or guardian so choose. Any victim or complainant shall also be entitled to the counsel of an attorney and/or advocate of their choice.
- (e) Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically resident in this Diocese has committed an offense and the interests and good order and discipline of the Church require investigation by the Diocesan Review Committee, the Bishop shall concisely and clearly inform the Diocesan Review Committee in writing as to the nature and facts surrounding each alleged offense and the specifications of each offense but without judgment or comment upon the allegations or guilt, and the Diocesan Review Committee shall proceed as if a charge had been filed.
- (f) Any Priest or Deacon canonically resident in this Diocese, who deems himself or herself to be under imputation, by rumor or otherwise, of any offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may be on his or her own behalf complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a Member of the Clergy, it shall be the duty of the Bishop to cause the matter to be investigated.
- (g) Any charge against a Priest or Deacon shall be promptly filed with the President of the Diocesan Review Committee.
- (h) Upon the filing of a charge with the Diocesan Review Committee,

the Diocesan Review Committee shall promptly communicate the same to the Bishop and the Respondent.

- (i) In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause involving immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving immorality, it shall be the duty of the Diocesan Review Committee, if the Priest or Deacon is canonically resident in this Diocese, to institute an inquiry into the matter. If the conviction or judgment be established, the Diocesan Review Committee shall issue a Presentment against the Priest or Deacon for Trial.
- (j) Within thirty (30) days after the filing of a charge, other than a charge alleging a conviction in a criminal Court of Record in a cause involving immorality or alleging the entry of a judgment in a civil Court of Record in a cause involving immorality, the Diocesan Review Committee in a cause involving immorality, the Diocesan Review Committee shall convene to consider the charge. If after such consideration the Diocesan Review Committee determines that an offense may have occurred if the facts alleged be true, the Diocesan Review Committee shall prepare a written general statement of the charge and the facts alleged to support the charge and transmit the same to the Church Attorney.
- (k) The Church Attorney shall promptly make such investigation of the matter as the Church Attorney deems appropriate under the circumstances.
- (l) Within sixty (60) days after receipt of the statement from the Diocesan Review Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential report to the Diocesan Review Committee of the findings of that investigation and as to whether or not an offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order of this Church and based upon such other matters as shall be pertinent. The report of the Church Attorney shall be

confidential for all purposes as between the Church Attorney and the Diocesan Review Committee. Provided, however, the Diocesan Review Committee shall share the report of the Church Attorney with the Bishop of the Diocese. (Amended 2003)

- (m)
 - (1) Within sixty (60) days after receipt of the Report of the Church Attorney, the Diocesan Review Committee shall convene to consider the Report and whether or not a Presentment shall issue.
 - (2) In its deliberations, the Diocesan Review Committee may consider the Church Attorney's Report, responsible writings or sworn statements pertaining to the matter, including expert's statement, whether or not submitted by the Church Attorney.
 - (3) The Diocesan Review Committee shall issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) and Offense was committed, and (ii) the Respondent committed the Offense.
- (n)
 - (1) The voice of two-thirds of the members of the Diocesan Review Committee shall be required to issue a Presentment. No member shall disclose his or her vote or the vote of any member.
 - (2) In the event that, due to members who have been excused or vacancies in office, the Diocesan Review Committee does not have sufficient voting members to meet the requirements of Sec.(n)(i), the action of the Diocesan Review Committee shall be postponed until such time as there are sufficient members of office to fulfill the voting requirements of this Section.
- (o) If a Presentment be issued, it shall be in writing, dated and signed by the President or the Secretary of the Diocesan Review Committee on behalf of the Diocesan Review Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or Secretary, or they be absent, a

member of the Diocesan Review Committee appointed for that purpose shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement in each separate accusation which, without specific allegations of an evidentiary nature, asserts facts supporting every element of the offense charged and the Respondent's commission thereof with sufficient precision to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

- (p) Promptly after the issuance of a Presentment, the Diocesan Review Committee shall cause the original to be filed with the President of the Ecclesiastical Trial Court with a true copy thereof served upon the Bishop, the Respondent, the Church Attorney and each Complainant.
- (q) If the Diocesan Review Committee votes not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Ecclesiastical Authority.
- (r) Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Ecclesiastical Authority.
- (s) Upon the issuance of a Presentment or the determination that a Presentment will not issue, all further proceedings of the Diocesan Review Committee in the matter shall cease and terminate.
- (t) Non-compliance with time limits set forth in the Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

Section 4: (a) The Ecclesiastical Trial Court of this Diocese shall consist of five (5) judges with three (3) alternates. The judges and alternates

shall be confirmed adult communicants of some congregation in canonical union with this Diocese. At least three (3) judges and one (1) alternate shall be members of the clergy. The judges and alternates shall serve terms of three (3) years. The judges and alternates shall be nominated by the Diocesan Bishop and elected by the Diocesan Convention. The Court shall annually elect its own presiding judge within two (2) months of convention. Vacancies on the Court and challenges to its members shall be governed by Canon IV.4 of the Canons of the Episcopal Church.

- (c) The Court shall appoint a Clerk, and if necessary Assistant Clerks, for each trial or other proceeding. Clerk(s) shall be priests or deacons or adult confirmed communicants in good standing of this Church and shall serve at the pleasure of this Court.
- (d) The Court may appoint a confirmed adult communicant of some congregation in canonical union with this Diocese who is either practicing law in this Diocese or is a judge of a court of record in this Diocese to serve as Assessor. The job of Assessor is to advise the court during the trial or any other proceeding before the Court on matters of law, evidence or procedure, but not doctrine.
- (e) The Court shall appoint a Church Attorney who shall be a confirmed adult communicant of some congregation in canonical union with this Diocese and licensed to practice law in the State of Nevada. The job of Church Attorney shall be to present the proof in support of the Presentment at trial and to be the attorney on behalf of the Standing Committee in all proceedings.
- (f) The Respondent may appoint a confirmed adult communicant of some congregation in canonical union with this Diocese who is licensed to practice law in the State of Nevada to serve at Respondent's expense as Respondent's counsel during all proceedings herein. If it appears to the Court that the Respondent is without funds to obtain legal counsel the Court may appoint counsel to represent Respondent, in which event the expenses associated with the appointment of counsel shall be paid by this Diocese.

- (g) Each complainant and victim shall be entitled to be present throughout and observe the Trial and may be accompanied by counsel and another person of his or her own choosing, but, neither neither said counsel nor person shall be allowed to participate in the Trial proceeding (Amended 2003).
- (h) The provisions of Canon IV.4 of the Canons of the Episcopal Church shall apply to the Ecclesiastical Court of this Diocese.

- Section 5:
- (a) The fact of prior disciplinary proceedings or prior course of conduct may be stated in the Presentment, and after decision on the merits the record of prior disciplinary proceedings against the Respondent on similar evidence may be considered by the Court in the issue of penalties to be recommended. The Presentment shall be sufficiently clear and specific to inform the Respondent of the alleged misconduct.
 - (b) The Respondent shall file a written answer with the Presiding Judge of the Court within twenty (20) days after service of the Presentment, or shall be called upon by the Court to plead and the plea shall be duly recorded. In the event the Respondent fails to plead, the plea of not guilty shall be entered for the Respondent and the trial shall proceed. Respondent shall at all times during the trial, have the right to be present, to offer testimony and to make a defense.
 - (c) At the discretion of the Court, or upon the request of either party, a conference may be ordered for the purpose of obtaining admissions or otherwise narrowing the issues presented by the pleadings. The conference shall be held before the Presiding Judge of the Court or another member of the court designated by the Presiding Judge.
 - (d) Pre-trial Discovery and the Trial shall be governed by the Federal Rules of Civil Procedure in the conduct of the Trial.
 - (e) The Ecclesiastical Trial Court shall be governed by the Federal Rules of Civil Procedure in the conduct of the Trial.
 - (f) Not less than ten (10) days before the trial is scheduled to begin, each party shall serve on the other:

- (1) A short statement of the facts expected to be proved at the hearing;
 - (2) Copies of all documents, items and things expected to be offered into evidence at the hearing;
 - (3) A list of the names and street addresses of the witnesses the party expects to call at the hearing; and
 - (4) A summary of the conclusions the party believes the evidence will support.
- (g) (1) It is the duty of all members of this Church to attend and give evidence when duly cited in any ecclesiastical investigation or hearing under this canon.
- (2) If in the course of an investigation or hearing under this canon, it becomes necessary to obtain documents, items or things, or the testimony of a witness, such may be obtained in the following manner:
- (a) Upon a showing of good cause, the Presiding Judge of the Court may issue a subpoena duces tecum addressed to the person or entity having possession of such documents, items, or things, in the form issued by the courts of general jurisdiction in the State of Nevada.
 - (b) Upon a showing of good cause, the Presiding Judge of the Court may allow a deposition upon written questions to be taken in the manner and using the forms employed by the courts of general jurisdiction in the State of Nevada.
- (3) Oaths may be administered by a member of the Court or by a notary public, and shall be in the following form:
- "I, _____, a witness in the hearing of a presentment against _____, Respondent, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the

whole truth, and nothing but the truth, so help me God."

(h) The Trial Court shall maintain a record of its proceedings in each case brought before it and the record shall be certified by the Presiding Judge or member of the Court designated for that purpose by a majority vote. The record shall include:

- (1) Minutes of its meetings, hearings, sessions and orders;
 - (2) The documents, items and things offered into evidence;
 - (3) The testimony of witnesses, recorded either stenographically or electronically.
 - (4) Its findings, conclusions and recommendations.
- (i) The proceedings need not be transcribed except upon the written request of a party to the proceedings. It shall be the duty of the party making such a request to arrange for and pay the cost of producing such transcript.

- Section 6:
- (a) In all Ecclesiastical Trials, before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and also instruct the members of the Court as to the elements of the offense and charge them (i) that the Respondent must be presumed to be innocent until the Respondent's guilt is established by clear and convincing evident, and unless such standard of proof be met the Respondent must be acquitted, and (ii) that the burden of proof to establish guilt of the Respondent is upon the Church Attorney.
 - (b) A separate vote shall be taken first upon the findings as to the guilt of the Respondent.
 - (c) Voting by members of an Ecclesiastical Trial Court on the findings shall be by Ballot. No member shall disclose his or her vote or the vote of any member.

- (d)
 - (i) For a Judgment on an offense involving crime, immorality or conduct unbecoming a Member of the Clergy, the affirmative vote of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary.
 - (ii) For a Judgment on any other offense not involving crime, immorality or conduct unbecoming a Member of the Clergy, the affirmative vote of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary.
- (e) The Presiding Judge shall cause the Respondent, the Church Attorney, each complainant, and unless waived in writing, the victim to be advised of and provided with a copy of the findings of the Court.
- (f) No vote shall be taken on the Sentence to be adjudged until thirty days from the date the Respondent was advised of the Judgment during which period the Respondent shall have a reasonable opportunity to offer to the Court matters in excuse or mitigation.
- (g) During the same period, the Court shall provide an opportunity for statements from complainants or victims to the Court pertaining to the Sentence to be adjudged and imposed.
- (h) During the same period, the Church Attorney may make a recommendation to the Court as to the Sentence to be adjudged. The members of the Court shall vote upon the Sentence to be adjudged. The members of the Court shall vote upon the Sentence. No member shall disclose his or her vote or the vote of any member.
- (i) The concurrence of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary to adjudge and impose a Sentence upon a Respondent found guilty by the Court.
- (j) The Judgment or acquittal and Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the diocese in which the Respondent is canonically

resident, the Respondent, each Complainant, and, unless waived in writing, the Victim.

Section 7: The party's right of appeal shall be governed by the provisions of Canon IV.4 (B) of the Canons of the Episcopal Church.

Section 8: The Chancellor of this Diocese is the legal advisor to the Diocesan Bishop, and shall have no other or further role in the investigation or hearing of matters under this canon.

CANON XVII

Amendments and Citations

- Section 1:
- (a) These Canons may be altered or amended at any Annual Convention by a majority vote, provided that the proposed amendment has been submitted to the Secretary of Convention at least sixty (60) days prior to the meeting of Convention upon which the amendment is to be acted.
 - (b) Upon receipt of any proposed amendment to these Canons within the time above specified, the Secretary of the Convention shall cause copies thereof to be sent to each parish entitled to representation in Convention, at least thirty (30) days prior to Convention.
 - (c) These Canons and any amendments thereto subsequently adopted by the Convention of this Diocese shall take effect immediately on adoption.
 - (d) Upon the adoption of any amendments to these Canons, it shall be the responsibility of the Chancellor of the Diocese and the committee on Canons, if one be appointed by the Diocesan Bishop, to edit the same to conform and renumber the titles, sections and subparagraphs as need. The Chancellor and the Committee shall also prepare an index and table of contents of these Canons, which shall be considered descriptive and not interpretive. Such editing and indexing shall be performed within

sixty (60) days of the last day of the Annual Convention and the edited Canons shall forthwith be submitted to the Secretary of Convention for distribution to all congregations in union or affiliated with the Diocese.

- Section 2: (a) These Canons shall be cited in the same manner as the Canons of the Episcopal Church. For example, this section shall be cited as "Canon XVII.2.a."
- (b) These Canons may be cited by name or title. However, the names and titles are to be considered descriptive and not interpretive.

Certified as adopted by the Convention of the DIOCESE OF NEVADA, April 17, 1971.

/s/ William N. Wright
BISHOP OF NEVADA

/s/ Carl N. Tamblyn
SECRETARY OF CONVOCATION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 10, 1998.

Attest:

/s/ Stewart C. Zabriskie
Stewart C. Zabriskie
BISHOP OF NEVADA

/s/ Dorothy Walrath
DOROTHY WALRATH
SECRETARY OF CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 13, 2002.

Attest:

/s/ Katharine Jefferts Schori
The Rt.Rev. Katharine Jefferts Shori
BISHOP OF NEVADA

/s/JoAnn Roberts Armstead
JoAnn Roberts Armstead
SECRETARY OF CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 11, 2003

Attest:

/s/ Katharine Jefferts Schori
The Rt. Rev. Katharine Jefferts Schori
BISHOP OF NEVADA

/s/ JoAnn Roberts Armstead
JoAnn Roberts Armstead
SECRETARY TO CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 14,2004

Attest:

/s/ Katharine Jefferts Schori
The Rt. Rev. Katharine Jefferts Schori
BISHOP OF NEVADA

/s/ JoAnn Roberts Armstead
JoAnn Roberts Armstead
SECRETARY TO CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 8, 2005.

Attest:

Katharine Jefferts Schori

The Rt. Rev. Katharine Jefferts Schori
BISHOP OF NEVADA

Joann Roberts Armstead

JoAnn Roberts Armstead
SECRETARY TO CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 7, 2006.

Attest:

Katharine Jefferts Schori

The Rt. Rev. Katharine Jefferts Schori
BISHOP OF NEVADA

Joann Roberts Armstead

JoAnn Roberts Armstead
SECRETARY TO CONVENTION

Certified as amended by Subsequent Conventions of the DIOCESE OF NEVADA up to October 26, 2008.

Attest:

The Rt. Rev. Dan T. Edwards
BISHOP OF NEVADA

Betty-Jeanne Cousins
SECRETARY TO CONVENTION