TITLE IV

Ecclesiastical Discipline

Canon 1
General Principles

Section 1 – Pastoral Resolution

All members of the Church are called to exercise a ministry of reconciliation (2 Corinthians 5:18~~-~~ 20). It is generally preferable and should be the norm for disputes to be resolved pastorally within each congregation and ~~diocese~~within the Diocese. Conflicts involving clergy should be dealt with promptly by ~~diocesan bishops~~Diocesan Bishops. Conflicts involving a ~~bishop~~Bishop should be dealt with promptly by the Archbishop~~ of the province. Conflicts involving the Archbishop should be dealt with promptly by the Dean~~ of the Province. Bishops and clergy have a duty whenever it is appropriate to endeavor to reconcile the parties involved in any dispute and achieve an outcome accepted by all the parties through a process of mediation~~,~~ or any other appropriate process of resolution.

Nevertheless, allegations of sexual misconduct involving others or sexual or physical abuse within familial relationships are not susceptible to such a process of reconciliation. Nor is it appropriate to resolve allegations involving serious offenses against the Church and its good order and discipline in such a manner prior to the beginning of a disciplinary proceeding under this Title. Such allegations include, but are not limited to, those involving physical violence, abuse of the vulnerable, conduct amounting to an imminent threat to another individual, or conduct amounting to a felony under applicable criminal law.

Section 2 – Pastoral Care

The well-being of the whole ~~diocese is the bishop ordinary~~Diocese is the Bishop's responsibility, for he is the chief pastor of all within ~~that diocese or special jurisdiction~~the Diocese, whether laity or clergy (1 Peter 5:1-4). Pastoral care is an important aspect of the disciplinary process~~,~~ and is ordinarily appropriate for a Reporting Party, a member of the clergy concerned or Respondent, and others concerned to receive such care. However, since the ~~bishop ordinary~~Bishop is also responsible for administering discipline over clergy in the ~~diocese or special jurisdiction~~Diocese, it is essential that ~~he~~the Bishop should avoid the perception of taking sides. Therefore, while the ~~bishop ordinary~~Bishop remains responsible for ensuring the availability of appropriate pastoral care, he should not personally give pastoral care to anyone connected with a ~~report~~Report of clergy misconduct. Instead, he must ensure that such care is provided by others, including, but not limited to, suffragan and assisting bishops, and through the pastoral care provisions of ~~Canon 5.9.3. of Title I. For matters involving allegations of misconduct by a bishop or the Archbishop, the Archbishop (or the Dean of the Province, as the case may be) must ensure that pastoral care is appropriately provided~~the Provincial Canons and

these canons. This policy is in the interests of fairness to all and will reduce the risk that the Bishop's impartiality could be or appear to be compromised.

Alternatively, the Bishop may establish a rotation among the Bishop and the Suffragan and Assistant Bishops of the Diocese (together, the "College of Bishops of the Diocese"), under which a different bishop oversees each successive Report made under this Title IV, thus sharing both the burden of disciplinary responsibility and the provision of pastoral care among the College of Bishops of the Diocese. When such a rotation is in effect, the Bishop shall designate in writing the bishop who will oversee each Report (the "overseeing bishop"). The overseeing bishop shall exercise, with respect to that Report and any resulting Presentment, the duties assigned to the bishop by Canons IV.7, IV.8, and IV.10 of these canons, and references in those canons to "the bishop" shall be read accordingly. Each Reporting Party and the member of the clergy concerned shall be notified which bishop will be overseeing the matter. The overseeing bishop shall not personally give pastoral care to anyone connected with the Report; all other bishops, including the Bishop, are free to provide pastoral care.

For matters involving allegations of misconduct by a Bishop, the Archbishop (or the Dean of the Province, as the case may be) must ensure that pastoral care is appropriately provided.

Section 3 – Duty to Cooperate

Every ~~bishop,~~Bishop, every member of the clergy, and ~~lay person in the Church~~every lay person must cooperate fully with the disciplinary processes ~~set forth by provincial, diocesan, or special jurisdiction canons. This cooperation includes but is~~provided for under the Provincial or Diocesan canons, including, but not limited to~~: (1),~~ providing any information, explanations, documents, and computer and other electronic records ~~requested by~~that a court, tribunal, or other disciplinary body of the ~~province, diocese, or special jurisdiction and (2)~~Province or the Diocese requests and by maintaining confidentiality during the investigation of ~~a~~the Report. Failure by ~~any party to cooperate may be considered relevant during adjudication as a disciplinary body seeks to determine the truth of a matter. Failure by a bishop~~a Bishop or member of the clergy to cooperate fully may constitute an independent basis for discipline under this Title IV. Notwithstanding the foregoing, (1) the failure by a ~~bishop~~Bishop or member of the clergy who is the subject of a Report or ~~a Respondent~~is a Respondent (as the case may be) to provide a statement during the investigation of a Report, the adjudication of a Presentment, or an appeal, on its own, will not constitute a failure to cooperate but may be considered relevant during adjudication as a judicial body seeks to determine the truth of a matter. Likewise, failure by a lay person to cooperate in a disciplinary proceeding is not an independent basis for discipline; (2) nothing in this Title should prevent the sharing of otherwise confidential information in a pastoral, counseling, or attorney-client relationship; and (3) nothing in this Title IV should be construed to require the revelation of any communication between a penitent and a confessor made under the sacramental seal of confession.

Section 4 – Interpretation

The canons of this title establish processes that are neither civil nor criminal but ecclesiastical in nature, and therefore legal procedures and constitutional guarantees associated with secular court proceedings are ordinarily inapplicable. These canons should be interpreted and applied to provide for the just resolution of every disciplinary proceeding, to determine the truth, to secure fairness in administration and simplicity in procedure, and to minimize undue expense and delay.

Section 5 – Public Notice, Confidentiality, and Conflicts of Interest

In all proceedings under this title, balance must be maintained between appropriate public notice and the maintenance of proper confidentiality. Perceived or actual conflicts of interest should be avoided through the use of recusals. Canon IV.11 provides guidelines for maintaining the balance between notice and confidentiality and for determining the propriety of a recusal.

Section 6 – Mandatory Reporting Duties under Secular Law

Any Report regarding the abuse of a minor or vulnerable adult shall be reported to the appropriate civil authorities consistent with applicable laws and subject to civil exemptions and protections. Nothing in this section limits any broader reporting obligation imposed by the policies of the Diocese.

Section 7 – The Role of a Chancellor in Title IV

~~Except where the constitution or canons of a diocese provide to the contrary, a chancellor of a province, diocese, or special jurisdiction~~The Chancellor of the Diocese is counsel to the ~~province, diocese, or special jurisdiction~~Diocese. While it is appropriate in the execution of a ~~chancellor~~Chancellor's duties to advise the ~~bishop with jurisdiction~~Bishop on matters affecting the ~~province, diocese, or special jurisdiction, no~~Diocese, the chancellor shall ~~serve as proctor~~not serve as Proctor or legal advisor to a ~~bishop~~Bishop or member of the clergy who is the subject of a Report under this Title IV~~. A chancellor shall also not~~, nor shall the Chancellor serve on a court, tribunal, or other disciplinary body within ~~their diocese or, in the case of a provincial chancellor, for the province~~the Diocese.

Section 8 – Presumption of Innocence

A member of the clergy concerned, and any Respondent, shall be accorded the presumption of innocence during the investigation of a Report and the adjudication of any Presentment, and all appropriate steps are to be taken to protect his or her reputation. If an allegation is not substantiated, every appropriate step possible is to be taken to restore his or her good name, should it have been harmed. The presumption of innocence does not limit the inhibition of a member of the clergy under Canon IV.10, the giving of public notice under Canon IV.11, the reporting duties under section 6 of this Canon, or the provision of pastoral care to any Reporting Party.

Canon 2
Definitions

Unless the context requires otherwise, in this title:

"admonition," or "godly admonition," means a written warning of a pastoral nature from one with authority to one under his authority, the failure to follow of which may give rise to an offense such as failure to follow one's ordination vows;

"Advisor" means a Reporting Party Advisor or a Respondent Advisor appointed under Canon IV.5.3 or Canon IV.5.4;

"Appellant" means a Respondent who has appealed to the Provincial Tribunal a finding and/or order of a diocesan court or tribunal, including the Ecclesiastical Trial Court of the Diocese;

~~"Appellant" or "Appellee" means a party who has appealed or is responding to an appeal to the Provincial Tribunal;~~

~~"bishop" means a member of the College of Bishops of the Anglican Church in North America;~~

"clear and convincing evidence" means evidence of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established;

"College of Bishops of the Diocese" has the meaning given in Canon IV.1.2;

"consent order" means a sentencing order made by the Bishop under Canon IV.7.4 after a Respondent confesses to the truth of the allegation(s) and submits to the discipline of the Diocese – in other words, an order that follows an admission of guilt;

~~"clergy" means a presbyter or deacon of the Church;~~

~~"consent order" means an order issued by a Disciplinary Body after an admission of guilt;~~

~~"day" means a calendar day that is not a Saturday, Sunday, or legal public holiday recognized by the federal government of the United States, provided that when the last day of a prescribed period falls on a Saturday, Sunday, or such a holiday, the period shall run until the end of the next day that is not a Saturday, Sunday, or holiday;~~

"deposition" or "to be deposed" means the Respondent's permanent removal from all rights, responsibilities, and duties of holy orders;

"deprivation" means the Respondent's permanent removal from a particular office or appointment, such as being the ~~bishop of a diocese or the~~ rector of a ~~congregation~~Congregation;

"Diocesan Reports Investigation Committee" means the committee whose members are designated to investigate Reports for ~~a diocese~~the Diocese, to determine whether a Report should be referred to ~~a court or tribunal~~the Ecclesiastical Trial Court of the Diocese, and to formulate the Presentment for any Report so referred;

"Diocesan Reports Receivers" means the persons appointed under Canon IV.5.1 to receive Reports of misconduct and to perform the other functions assigned to them by this Title IV;

"Diocese" means the Diocese of Christ Our Hope, a member of the Anglican Church in North America;

"Disciplinary Bodies" means, with respect to the Diocese, the Diocesan Reports Investigation Committee and the Ecclesiastical Trial Court of the Diocese;

~~"Diocesan Reports Receivers" means the persons designated by a diocese to receive Reports of misconduct;~~

~~"diocese" means a duly constituted diocese under the canons of the province and, for purposes of this Title only, any special jurisdiction, with the bishop of any special jurisdiction deemed a "diocesan bishop" only for purposes of this Title IV;~~

~~"Disciplinary Bodies" means the Reports Investigation Committee, the Disciplinary Tribunal for a Bishop, a Sentencing Review Board, and the Provincial Tribunal;~~

"Church" or "the Church" means the Anglican Church in North America;

"fair synopsis" means an appropriately redacted summary of an allegation of clergy misconduct or, in the case of an order or finding of a Disciplinary Body, a document conveying:

- The substance of the Report(s) including ~~the~~ nature of the canonical offense alleged,
- The relevant circumstances, including time and place of alleged offense(s),
- The date the initial complaint(s) was received, and
- The actions to be recommended by the Disciplinary Body;

"inhibition" means the temporary disqualification of a ~~bishop or~~ member of the clergy from exercising some or all ministerial functions;

"interlocutory order" means an order from any lower tribunal issued during the course of an inquiry that decides a specific issue or provides temporary relief, but does not finally resolve a Presentment;

"legally qualified" means that a person has a degree in canon law, was or is a judge in Canada, Mexico, or the United States, or has been licensed to practice civil law for at least 5 years (either currently or at any point in the past) in any part of Canada, Mexico, or the United States;

"lower tribunal" means the Ecclesiastical Trial Court of the Diocese or other Diocesan court or tribunal, when considered for purposes of an appeal to the Provincial Tribunal;

"member of the clergy concerned" means a member of the clergy who is the subject of a Report, whether or not a Presentment has been referred;

~~"lower tribunal" means a panel of the Disciplinary Tribunal for a Bishop or a diocesan court or tribunal;~~

"non-adversarial" means an occasion for hearing from one person, without any other person who may be adversely interested being given notice or having an opportunity for contestation;

"pastoral resolution" means the resolution of a disciplinary case through means such as mediation, counseling, supervised rehabilitation, or negotiated agreements that promote healing, repentance, forgiveness, restitution, justice, amendment of life, and reconciliation among those alleging misconduct, the affected ~~bishop or~~ clergy, the affected community, other persons, and the Church;

"Presenting Proctor" means a Proctor appointed by the Diocesan Reports Investigation Committee under Canon IV.7.3.12 to present evidence and argument on its behalf to the ~~Disciplinary Tribunal for a Bishop~~Ecclesiastical Trial Court of the Diocese;

"Presentment" means a ~~report~~Report that has been ~~formulated by the Reports Investigation Committee and referred by it to the Disciplinary Tribunal for a Bishop in accordance with this Title, or a report~~ formulated by the Diocesan Reports Investigation Committee and referred by it to the ~~diocesan or special jurisdiction court or tribunal~~Ecclesiastical Trial Court for the Diocese or other Disciplinary Body;

"prima facie case" means ~~a finding by~~, for purposes of this Title IV, that an investigative body finds both (1) that there is sufficient evidence to support a finding that a canonical offense has been committed, if evidence to the contrary is disregarded, and (2) that taking the evidence as a whole, there is a rational basis to believe a canonical offense has or may have been committed;

"Proctor" means a legally qualified or otherwise suitably qualified person admitted to practice before the ~~Disciplinary Tribunal for a Bishop and the Provincial Tribunal.~~Ecclesiastical Trial Court for the Diocese or other Disciplinary Body;

"public notice" means the publication of information on the primary website of the ~~province, diocese, or special jurisdiction, as the case may be,~~Diocese that is openly observable or accessible to the general public, redacted in accordance with Canon IV.11.1.4;

"reasonable grounds" means, for purposes of this Title IV, a finding of two things by an assessor of a Report: (1) that there is a rational and objective basis for believing based on the face of the Report that an offense under Canon IV.3 has been committed, and (2) that this belief is reasonable when assessed in light of the totality of the circumstances known to the assessor of a Report, including but not limited to the Reporting Party's basis of knowledge, the consistency of the Report, and any corroboration of the Report by other Reports;

"rebuke" means a formal written reprimand of the Respondent that is imposed as a sentence;

"Report" means any complaint or complaints or allegation or allegations touching or apparently touching upon the conduct (whether by act or omission), behavior, performance, or affairs of any ~~bishop~~Bishop or member of the clergy with respect to an offense under Canon IV.3;

"Reporting Party" means a person who brings a Report to the attention of the ~~Reports Administrators, or to the attention of the~~ Diocesan Reports Receivers;

"Reports Administrators," when used in this Title IV with respect to the Diocese, means the Diocesan Reports Receivers, and when used with respect to the Province, means the persons appointed under Canon IV.5.1 of the Provincial Canons;

~~"Reports Administrators" means the persons either appointed under Canon IV.5.1 to oversee the administration and management of Reports of misconduct and the maintenance of required records under this Title IV, and serves or appoints a delegate to serve as court administrator for the Disciplinary Tribunal for a Bishop and the Provincial Tribunal;~~

~~"Reports Investigation Committee" means the committee established under Canon IV.5.2 to investigate Reports within the province, to determine whether a Report should be referred to the Disciplinary Tribunal for a Bishop, and to formulate the Presentment for any Report so referred;~~

"Respondent" means~~ any bishop with respect to whom a Presentment has been referred to the Disciplinary Tribunal for a Bishop, or~~ any member of the clergy with respect to whom a Presentment has been referred to ~~a diocesan court or tribunal~~the Ecclesiastical Trial Court of the Diocese or other Disciplinary Body;

"Respondent's Proctor" means a Proctor appointed by the Respondent at Respondent's discretion to present evidence and argument on his behalf to the ~~Disciplinary Tribunal for a Bishop~~Ecclesiastical Trial Court of the Diocese or other Disciplinary Body;

"Standing Committee" or "Standing Committee of the diocese" means the Diocesan Council, which serves as the Standing Committee of the Synod under Article III, Section 2 of the Constitution of the Diocese;

"suspension" means the temporary taking away for a definite period, not to exceed five years of the Respondent's authority to perform all ministerial functions and/or the functions of a particular office or appointment;

"vulnerable adult" means a person 18 or older who ~~is~~lacks legal capacity because they are substantially unable to take care of himself or herself, or to protect himself or herself from harm or exploitation due to advanced age, illness, mental or physical disability, or other circumstances that impair ~~his or her~~one's capacity to make decisions or advocate for ~~his or her~~one's own well-being.

For the purposes of this title, unless otherwise expressly indicated, the term "member of the clergy" refers to a presbyter or deacon of the Anglican Church of North America.

Canon 3
Canonical Offenses

1. To ensure that all those in holy orders may by their life and doctrine declare God's glory and set forward the salvation of all people, a person in holy orders is subject to disciplinary action upon committing the following offenses:

~~(a)~~a. Teaching or espousing any doctrine contrary to the doctrine or creeds of this Church (such as, but not limited to, doctrine expressed in the Fundamental Declarations of the Province and the standards of Christian Marriage and Sexual Morality and Ethics set forth in Canon II.7-8 of the Provincial Canons); removing oneself from the communion of the ~~Church~~church; or abandoning the Christian faith;

~~(b)~~b. Willful or negligent dereliction of any duty of the clergy. Such conduct includes, but is not limited to, any duty established by:

~~(1)~~i. the canons of ~~this~~the province;

~~(2)~~ii. the canons of ~~the relevant~~this diocese;

~~(3)~~iii. an ordination vow, including the oath of conformity;

~~(4)~~iv. an inhibition;

~~(5)~~v. an order issued by a provincial ~~or diocesan~~, diocesan, or special jurisdiction court, tribunal, or other disciplinary body; or

~~(6)~~vi. a sentence of suspension, deprivation, or deposition.

~~(c)~~c. Conduct unbecoming to the sacred calling of one in holy orders that an impartial member of the Church would reasonably determine to be not in accordance with the moral duty to provide pastoral care to the people of God. Such conduct includes, but is not limited to:

~~(1)~~i. Physical misconduct, such as violent or threatened physical harm to another person, such as physical assault~~, (2) verbal misconduct, such as, harassment, slander, or habitually abusive language~~;

ii. verbal misconduct, such as harassment, slander, or habitually abusive language;

~~(3)~~iii. sexual misconduct, which shall not be restricted only to intercourse but shall include inappropriate behaviors including but not limited to unchastity, adultery, fornication, abuse within familial relationships, indecency, and other forms of inappropriate sexual, physical, or emotional intimacy, abuse, or exploitation;

~~(4)~~iv. sexual harassment, which includes, but is not limited to, a pattern of unwelcome verbal or physical conduct or communication or undesired physical contact;

~~(5)~~v. financial misconduct, such as theft, embezzlement, fraud, or the diversion of church funds or property for one’s own gain;

~~(d)~~d. the abuse of ecclesiastical power through a pattern of intimidation, excessive control, manipulation, coercion, isolation, domination, censorship of decision making, or exploitation; ~~and/or~~

~~(e)~~e. any action or behavior in any capacity that, if known, would give just cause for scandal within the Church or would cause the Church to be brought into disrepute~~.~~, including the abuse of ecclesiastical power or financial malfeasance not otherwise actionable;

f. A conviction by a court of competent jurisdiction for felony or other serious offenses;

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 the Province or of the constitution or canons of the Diocese; and/or

j. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church.

~~2. By duly enacted canons, a diocese may add offenses not inconsistent with the offenses set forth above.~~

Canon 4
The Ecclesiastical Trial Court of the Diocese

Section 1. Ecclesiastical Trial Court Established, Composition, Number of Members, Mode of Election and Term of Office

There shall be an Ecclesiastical Trial Court (the "Court") of the Diocese consisting of nine members elected by the Synod of the Diocese upon the nomination of the Diocesan Council for a term of three years. Four members shall be chosen from the laity and five from the clergy. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods. The Court is the diocesan tribunal or court required by Canon IV.7.1.2 of the Provincial Canons, and references in this Title IV or in the Provincial Canons to the diocesan Disciplinary Tribunal for a Presbyter or Deacon refer to the Court.

Section 2. Court Advisor

The Bishop may appoint an attorney at law to advise the Court as to its procedures. The Court Advisor must satisfy the conflict-of-interest provisions in Canon IV.11.2 of the Provincial Canons and may not be the Chancellor of the Diocese.

Section 3. Court Officers and Recorder of Proceedings

The Court shall elect its President and Secretary from its members, and shall appoint a recorder of proceedings, which recorder may be a court reporting agency not affiliated with the Diocese.

Section 4. Quorum and Composition of Court

A panel of no fewer than seven members of the Court shall be necessary for the conduct of a trial or for a judgment. Any panel of the Court shall comprise an odd number of members with one more clergy than laity.

Section 5. Judgment of the Court

An affirmative vote of seventy-five percent (75%) of the members of a panel of the Court shall be required for any judgment. The Court shall apply the standard of clear and convincing evidence as set forth in Appendix A, Rule 10, of these Diocesan Canons and Canon IV.7.5.5 of the Provincial Canons.

Section 6. Effect of Judicial Decisions of the Trial Court

The Court shall sit as an arbitral panel and its judgments shall have the legal effect of an arbitral award under federal and applicable state law. The Court may order such interim relief as it may deem fit in any particular case. Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The decisions of the Court shall be subject to review only in accordance with the Constitution and Canons of the Anglican Church in North America and only by the reviewing bodies of the Anglican Church in North America, including without limitation the Provincial Tribunal under Canon IV.9 of the Provincial Canons. The decisions of the Court or any reviewing body of the Anglican Church in North America shall not be subject to review in any federal or state court. The law that shall govern any dispute brought before the Court shall be the Constitution and Canons of this Diocese and the Constitution and Canons of the Anglican Church in North America. The Court may consider, in its sole discretion, any other law or authorities it determines should be applied to the particular case before it, including the arbitration rules of any other body. This Title IV shall be the sole remedy with regard to any controversy or claim arising out of the Articles of Incorporation and the Constitution and Canons of the Diocese of Christ our Hope. Any person subject to this Title shall have no right to file a lawsuit in any civil court with regard to such disputes, except to enforce an arbitration decision.

Section 7. Disqualification of Members of the Trial Court

On motion of any party, any individual having been asked to serve on a panel in an active case should disqualify himself or herself in a proceeding in which their impartiality may reasonably be questioned, including but not limited to instances where:

- The panel member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings;
- The panel member has an interest that could be substantially affected by the outcome of the proceeding;
- The panel member is likely to be a material witness in the proceeding.

In addition to the foregoing, the recusal provisions of Canon IV.11.2 of the Provincial Canons shall apply. Nothing in this Canon shall preclude a panel member from disqualifying him or herself from participating in any proceeding upon their own initiative. Also, a panel member potentially disqualified by the terms of this Canon may, instead of withdrawing from the proceeding, disclose on the record the basis of his or her potential disqualification. If, based on such disclosure, the parties and lawyers, on behalf of their clients and independently of the panel member's participation, all agree in writing that the panel member's basis for potential disqualification is immaterial or insubstantial, the panel member is no longer disqualified, and may participate in the proceeding. The agreement, signed by all lawyers, shall be incorporated in the record of the proceeding. For purposes of this section, pro se parties shall be considered lawyers.

Section 8 – Court Rules and Procedures

The rules governing proceedings in the Court are set forth in Appendix A of these Diocesan Canons. In addition to the powers granted to the Court by these Diocesan Canons and Appendix A, the Court may exercise the case-management and procedural powers set forth in Canons IV.6.6 and IV.11.6 of the Provincial Canons, subject to and supplemental to the rules in Appendix A, as contemplated by Canon IV.7.5.1 of the Provincial Canons. To the extent any rule of procedure in Appendix A conflicts with a mandatory requirement of the Provincial Canons, the Provincial Canons shall control.

Section 9 - Attorneys

1. The Presenting Proctor appointed by the Diocesan Reports Investigation Committee under Canon IV.7.3.12 shall have the responsibility of preparing the Articles of Presentment and presenting the evidence to the Court, and shall serve as the Trial Attorney for purposes of Appendix A. The Presenting Proctor shall not be the Chancellor of the Diocese.

2. The Respondent shall have the right to an attorney. The Diocesan Council, in its discretion, may authorize the payment in whole or in part of the legal fees incurred by a Respondent. In accordance with Canon IV.1.7 of the Provincial Canons, the Chancellor of the Diocese shall not serve as the attorney, Proctor, or legal advisor to a Respondent under this Title.

~~Judicial Disciplinary Bodies of the Province~~

~~**Section 1 – Provincial Tribunal**~~

~~1. The Provincial Tribunal shall consist of seven members: two bishops (not domiciled or serving in the same diocese), two members of the clergy (not domiciled or serving in the same diocese), and three lay members (who are not resident in the same diocese). At least two members must be legally qualified, at least three members must be female, and at least three members must be male. Except as provided in Canon IV.13.4.7, the members of this Tribunal shall be elected by the Provincial Council, voting by orders by majority vote of that order.~~

2. An equal number of alternate members of the Tribunal shall be elected in the same manner, and these alternates shall be available to serve in the event of any vacancies or recusals on the Tribunal, with best efforts made to maintain at least two legally qualified members. The president of the Provincial Tribunal shall have authority to choose which alternate will fill a vacancy. In the event the list of alternates is exhausted for an order, the Executive Committee shall fill those vacancies until the next meeting of the Provincial Council, when members or alternates shall be elected by the Provincial Council to fill a vacancy for the remainder of the unexpired term of the vacant position.

3. Members and alternates shall hold office for six years and shall be eligible for re-election. The Provincial Council may elect further alternate members should the imminent need arise.

4. The senior bishop by date of admission shall be the president of the Tribunal. In the event that this bishop recuses himself or is unable to serve as president, the other bishop shall serve as president. In the event each bishop recuses himself or is unable to serve as president, the alternate bishops, in order of seniority by date of admission, shall serve as president. If each alternate bishop recuses himself or is unable to serve as president, the Executive Committee shall appoint a bishop to fill such vacancy until the next meeting of the Provincial Council.

5. The Provincial Tribunal is granted jurisdiction over, and its jurisdiction is limited to, (1) proceedings authorized by Canon IV.9; (2) appeals by the Archbishop or bishop regarding determinations of incapacity under Canons I.3.3.4 and III.8.7.4; and (3) upon petition by the Standing Committee of one or more dioceses or special jurisdictions, the resolution of disputes arising between dioceses or special jurisdictions regarding the meaning of the constitution and canons of the province. In disputes between dioceses or special jurisdictions, the Provincial Tribunal exercises discretionary original jurisdiction.

6. The Provincial Tribunal may regulate procedure on the hearing of any matter before it, and a copy of any rules of procedure made by it, if any, must be publicly available and searchable in electronic form and must be published before the beginning of the commencement of a matter. Such rules can be altered as needed during a proceeding provided all parties consent to such alteration.

Section 2 – Disciplinary Tribunal for a Bishop

1. The Disciplinary Tribunal for a Bishop shall consist of nine members: three bishops (not domiciled or serving in the same diocese), three members of the clergy (not domiciled or serving in the same diocese), and three lay members (not resident in the same diocese). At least three members must be legally qualified and at least three members shall be female and three members must be male. Except as provided in Canon IV.13.4.8, the members of this Disciplinary Tribunal shall be elected by the Provincial Council, voting by orders, by majority vote of that order.

2. An equal number of alternate members of the Disciplinary Tribunal shall be elected in the same manner, and these alternates shall be available to serve in the event of any vacancies or recusals on the Disciplinary Tribunal with the president of the Disciplinary Tribunal granted

~~authority to choose which alternate will fill a vacancy. In the event the list of alternates is exhausted for an order, the Executive Committee shall fill those vacancies until the next meeting of the Provincial Council when members or alternates shall be elected by the Provincial Council to fill a vacancy for the remainder of the unexpired term of the vacant position.~~

~~3. The members and alternates shall hold office for six years and shall be eligible for re-election. The Provincial Council may elect further alternate members should the imminent need arise.~~

~~4. The senior bishop by date of admission shall be the president of the Disciplinary Tribunal. In the event that this bishop recuses himself or is unable to serve as president, the next most senior diocesan bishop by date of admission shall be the president of the Disciplinary Tribunal. In the event each of the bishops recuses himself or is unable to serve as president, the alternate bishops, in order of seniority by date of admission, shall serve as president. In the event each alternate bishop recuses himself or is unable to serve as president, the Executive Committee shall appoint a bishop to fill such vacancies until the next meeting of the Provincial Council.~~

~~5. The Disciplinary Tribunal is granted jurisdiction over, and its jurisdiction is limited to, proceedings authorized by Canon IV.6.5–7.~~

~~6. The Disciplinary Tribunal may regulate procedure on the hearing of any Presentment before it, and a copy of any rules of procedure made by it must be publicly available and searchable in electronic form and must be published before the beginning of the commencement of a matter. Such rules can be altered as needed during a proceeding provided all parties consent to such alteration.~~

~~**Section 3 – Sentencing Review Board**~~

~~1. A Sentencing Review Board is convened to review a recommended sentencing order under Canon IV.6.4 or Canon IV.6.7.4. The Board shall consist of the three senior active diocesan bishops by date of admission exclusive of the following:~~

> ~~(a) the Archbishop, (b) the Respondent, (c) any bishop who previously consented to an admonition or inhibition of the Respondent, (d) any bishop who previously served on a Sentencing Review Board that reviewed a recommended sentencing order for the Respondent, (e) any bishop who is a member or alternate of the Disciplinary Tribunal for a Bishop or the Provincial Tribunal, and~~
>
> ~~(f) any bishop who may recuse himself.~~

~~2. The president of the Disciplinary Tribunal for a Bishop shall have the responsibility and authority to ensure that the members of the Board meet the requirements of this section.~~

Canon 5

Diocesan Reports Receivers, Reports Investigation Committee, and Advisors

~~Other Disciplinary Bodies of the Province~~

Section 1~~— Reports Administrators~~. Diocesan Reports Receivers

1. The ~~Executive Committee shall appoint at least 2~~Diocesan Council shall appoint, or consent by majority vote to the appointment by the Bishop of, at least two persons to be ~~Reports Administrators for the purposes of this title~~Diocesan Reports Receivers. Persons so appointed must have reporter care and response training that enables them to address reports of misconduct in a way that is pastorally sensitive to the impact of alleged misconduct, fosters safety, builds trust, and empowers individuals to engage in processes without fear of further injury. At least one of the ~~Reports Administrators~~Diocesan Reports Receivers shall be a lay person. In no event shall any Chancellor of the Diocese serve as a Diocesan Reports Receiver. The Diocesan Council may remove a Diocesan Reports Receiver by a two-thirds vote.

2. The Diocesan Reports Receivers shall perform the functions assigned in this Title IV to the Diocesan Reports Receivers and to the Reports Administrators of the Diocese, including the receipt and processing of Reports under Canon IV.7.2, the appointment of Advisors under sections 3 and 4 of this Canon, and the maintenance of the register under Canon IV.12.1. In any matter, the Diocesan Reports Receivers may act through two or more of their number designated for that matter, at least one of whom is a lay person, and any determination of the Diocesan Reports Receivers under Canon IV.7.2 shall be made by those so designated acting jointly.

3. The Diocesan Reports Receivers may engage independent reporting hotlines, external safeguarding organizations, and third-party report intake services, provided the Diocesan Reports Receivers maintain their discretion under Canon IV.7.2.1.

4. Any member of the clergy, employee of the Diocese, or member of a committee of the Diocese (including any committee of the Diocese concerned with ethics or safeguarding) who receives an allegation of misconduct by a member of the clergy in the course of his or her diocesan duties shall promptly refer it to the Diocesan Reports Receivers.

5. Any report received regarding the abuse of a minor or vulnerable adult shall be reported to the appropriate civil authorities as provided in Canon IV.1.6.

6. A Report of misconduct by a presbyter or deacon shall be received, evaluated, and either dismissed or advanced in accordance with Canon IV.7.2.

7. The Diocese shall facilitate provision of pastoral care, consistent with Canon IV.1.2, for those making Reports not dismissed under Canon IV.7.2.3, as well as for the clergy who are the subject of such Reports.

8. Upon receipt of a report of misconduct by a layperson, the Diocesan Reports Receivers shall inform the Bishop. The Diocesan Reports Receivers shall also, in consultation with the Bishop, inform a Warden and/or the member of the clergy in charge of the congregation such layperson attends or in which the alleged misconduct occurred for the matter to be addressed at the level of the congregation with support, as needed, from the Diocese.

9. Upon receipt of a report of misconduct by a bishop, the Diocesan Reports Receivers shall refer the report to the Reports Administrators of the Province for processing under Canon IV.6 of the Provincial Canons.

10. The details of a Report and of any subsequent investigation shall be maintained in appropriate confidence as provided in Canon IV.7.3.9.

~~2. The Executive Committee may remove a Reports Administrator by a two-thirds vote.~~

Section 2~~—~~. Diocesan Reports Investigation Committee

(a) There shall be a Reports Investigation Committee of the Diocese consisting of no fewer than five members and no more than nine members, including:

a. at least one legally qualified person (meaning a person who has a degree or license in canon law, was or is a judge in Canada, Mexico, or the United States, or has been licensed to practice law for at least 5 years in any part of Canada, Mexico, or the United States);

b. At least one person with experience and training as a human resources practitioners;

~~1. The Reports Investigation Committee shall consist of nine members. Except as provided in Canon IV.13.4.9, two members of the clergy and two lay members shall be elected by the Provincial Council, and one member of the clergy and four lay members shall be appointed by the Executive Committee. The Executive Committee should endeavor to ensure by its appointments that (a) at least three members of the Reports Investigation Committee are legally qualified;~~

~~(b) at least two members have reporter care and response training that enables them to address reports of misconduct in a way that is pastorally sensitive to the impact of alleged misconduct, fosters safety, builds trust, and empowers individuals to engage in processes without fear of further injury;~~

~~(c) at least one member has experience~~c. At least one person with experience and training in conducting investigations;~~ and~~

d. At least one person with experience and training in psychology, psychiatry, or mental health counseling; and

e. At least one person with experience and training in child and adolescent development.

The membership of the Diocesan Reports Investigation Committee shall be as close to equal in number of male and female members as is reasonably practicable. A member of the Diocesan Reports Investigation Committee may be removed by majority vote of the Diocesan Council if the Diocesan Council determines that a conflict of interest has arisen or for other material cause.

~~(d) at least three members are female and three members are male.~~

A member who has multiple qualifications may be counted multiple times for purposes of ~~these requirements~~this requirement. The members so elected or appointed (as the case may be) shall hold office for three years and shall be eligible for re-election or re-appointment. ~~A member of the Reports Investigation Committee may be removed by majority vote of the Executive Committee if the Executive Committee determines that a conflict of interest has arisen or for other material cause.~~

(b) Two members of the Diocesan Reports Investigation Committee shall be nominated by the Bishop and confirmed by the Synod. All other members shall be nominated by the Diocesan Council and confirmed by the Synod.

~~2.~~(c) Any vacancy by death, resignation, removal, or continued unavailability to perform committee duties for ~~more than~~ three months shall be filled as soon as conveniently ~~possible by the Executive Committee~~may be by Diocesan Council. Any person appointed to fill the vacancy of an appointed member of the Reports Investigation Committee shall serve for the remainder of the unexpired term of the vacant position. Any person appointed to fill the vacancy of an elected member of the Reports Investigation Committee shall hold office until the next meeting of the ~~Provincial~~Diocesan Council, when members shall be elected by the ~~Provincial~~Diocesan Council to fill a vacancy for the remainder of the unexpired term of the vacant position. ~~The Executive Committee shall ensure that any appointment to fill a vacancy otherwise complies with the requirements of section 2.1 of this canon~~All appointments must otherwise satisfy this Title.

~~3.~~(d) The quorum for meetings of the Diocesan Reports Investigation Committee shall be ~~six persons and decisions~~a majority of appointed members. Decisions may be made by majority vote of those present. Any meeting of the Diocesan Reports Investigation Committee at which a quorum is present shall be competent to exercise all the functions and powers conferred upon the Committee by this title.

~~4. The Reports Investigation Committee may delegate any or all of its functions and powers to subcommittees of its own members as it considers appropriate. Any subcommittee must include at least one member of the clergy and two laypersons, and in the exercise of its delegated functions and powers it must conform to any regulations that may be imposed on it by the Reports Investigation Committee. Decisions of subcommittees as to whether to file a Presentment must be affirmed by a majority vote of the entire Reports Investigation Committee subject to the quorum rules in section 2.3 of this canon.~~

~~5. The Executive Committee~~(e) The Diocesan Council shall appoint a chairperson of the Diocesan Reports Investigation Committee from among the members of the ~~Reports Investigation~~ Committee. The Diocesan Reports Investigation Committee shall itself select a vice-chairperson from among its members.

~~6. Prior to the beginning of each fiscal year the Reports Investigation Committee shall prepare and submit to the Executive Committee an annual budget for that fiscal year. The Executive Committee may approve, with or without amendment, the annual budget and may provide in its~~

~~discretion for such funds to be placed in a designated fund that may accumulate. The Reports Investigation Committee may, if it considers it necessary to do so, undertake an interim review of its annual budget, and following this review submit an amended or supplementary budget to the Executive Committee for approval, with or without amendment.~~

~~7. The Reports Investigation Committee shall submit to the Executive Committee a biannual income and expenditure statement, and it shall submit the two most recent statements to the Provincial Council, not less than one month before the regular annual meeting of the Provincial Council.~~

Section 3 – Reporting Party ~~Advocate~~Advisor

1. In any matter involving allegations of clergy misconduct, abuse, or harm, the ~~Reports Administrators~~Diocesan Reports Receivers may appoint, upon request, a Reporting Party ~~Advocate~~Advisor (an "~~Advocate~~Advisor") to assist the ~~reporting parties~~Reporting Parties on a voluntary basis. When an ~~Advocate~~Advisor is appointed in a matter, he or she shall become the point of contact to assist all ~~reporting parties~~Reporting Parties for that matter.

2. The ~~Advocate~~Advisor shall provide the ~~reporting parties~~Reporting Parties with clear and timely information about the nature, stages, and expected timeline of the proceedings as received from the ~~Reports Administrators and assist reporting parties~~Diocesan Reports Receivers and assist Reporting Parties in understanding their rights and options at each stage of the process.

3. The ~~Advocate~~Advisor shall maintain confidentiality in accordance with applicable law and canonical norms.

4. The ~~Advocate~~Advisor shall not be a member of any Disciplinary Body or proctor for any party.

5. The ~~Advocate~~Advisor may accompany the Reporting Parties to any proceeding, hearing, or meeting they are required or permitted to attend but shall not participate in such proceeding, hearing, or meeting.

Section 4 – Respondent Advisor

1. In any matter involving allegations of clergy misconduct, abuse, or harm, the Diocesan Reports Receivers may appoint, upon request, a Respondent Advisor (an "Advisor") to assist the member of the clergy concerned or the Respondent (as the case may be) on a voluntary basis. When an Advisor is appointed in a matter, he or she shall become the point of contact to assist the member of the clergy concerned or the Respondent for that matter.

2. The Advisor shall provide the member of the clergy concerned or the Respondent with clear and timely information about the nature, stages, and expected timeline of the proceedings as received from the Diocesan Reports Receivers and assist him or her in understanding his or her rights and options at each stage of the process.

3. The Advisor shall maintain confidentiality in accordance with applicable law and canonical norms.

4. The Advisor shall not be a member of any Disciplinary Body or proctor for any party.

5. The Advisor may accompany the member of the clergy concerned or the Respondent to any proceeding, hearing, or meeting he or she is required or permitted to attend but shall not participate in such proceeding, hearing, or meeting.

Canon 6
Of a Member of the Clergy of Another Diocese Chargeable with an Offense in this Diocese

If a member of the clergy canonically resident in another diocese shall have conducted himself in this Diocese in such a manner as to be liable to a Presentment for an offense under Canon IV.3, the Bishop (or, if the see is vacant, the Ecclesiastical Authority of the Diocese) shall give notice of the same to the Ecclesiastical Authority of the diocese in which the member of the clergy is canonically resident, exhibiting, with the information given, reasonable grounds for proceeding. If that Ecclesiastical Authority, after due notice given, shall omit, for the space of three months, to proceed against the member of the clergy, or shall request this Diocese to proceed against him, the Diocese may institute proceedings as provided by these canons. This Canon is subject to Canon IV.13.2.

~~Discipline of Bishops~~

~~Section 1 – Right to Make a Report~~

~~1. Any person who has personal knowledge or experience of, or has received information regarding, circumstances that may constitute misconduct, or who holds an office for which one of the duties is reporting alleged misconduct, may report such information to a Reports Administrator in writing. Any party making a report must certify that they agree to cooperate with any investigation or adjudication of such report in accordance with Canon IV.1.3.~~

~~2. If a Reports Administrator receives an allegation in a manner other than a written submission, a Reports Administrator may, in his or her absolute discretion, choose to deem the allegation to be a Report and treat it accordingly.~~

~~3. Reports Administrators may engage independent reporting hotlines, external safeguarding organizations, and third-party report intake services, provided the Reports Administrators maintain their discretion under section 1.2 of this canon.~~

~~Section 2 – Processing of Reports~~

~~1. Where a Report is made against a bishop, the Reports Administrators shall first consult with the Archbishop (or in the case of a Report made against the Archbishop, with the Dean of the Province) after first redacting the name of the accused bishop and any identifying information and together they shall determine whether the Report sets forth reasonable grounds to believe~~

~~that the bishop may have committed an offense under Canon IV.3. The Reports Administrators may, in their discretion, combine multiple Reports into a single Report for purposes of referral under this section 2. If the report involves allegations of misconduct by the Archbishop, the Reports Administrators shall consult with the Dean of the Province.~~

~~2. If both the Archbishop (or Dean of the Province as the case may be) and the Reports Administrators are all of the opinion that the Report does not disclose reasonable grounds, then, subject to obtaining the written approval of the chairperson of the Reports Investigation Committee, the Reports Administrators may dismiss the Report. The agreement to dismiss must be unanimous. If the Report is dismissed, the Reports Administrators shall so notify the Reporting Party in writing. Such a dismissal is not a defense to a subsequent Report in relation to the same or substantially the same matters. Any matter so dismissed may be referred to the Archbishop for oversight of pastoral care.~~

~~3. If the agreement to dismiss is not unanimous, or if the chairperson of the Reports Investigation Committee does not give written approval for dismissal, the Report shall not be dismissed.~~

~~4. If a Report has not been dismissed under section 2.2 of this canon, the Archbishop (or as the case may be, the Dean of the Province) shall determine whether pastoral resolution is appropriate subject to Canon IV.1.1. If the Archbishop (or the Dean of the Province, as the case may be) determines, in his sole discretion, that pastoral resolution is not appropriate, or if a pastoral resolution acceptable to a reasonable number of the Reporting Parties, in the Archbishop's sole discretion, is not reached within 42 days after initiating pastoral resolution, then the Reports Administrators shall convey the Report to the Reports Investigation Committee for investigation. This deadline may be extended by the Archbishop in his sole discretion for specified periods of time not to exceed 180 days in aggregate. If a pastoral resolution acceptable to a reasonable number of the Reporting Parties, in the Archbishop's sole discretion, is reached, the Report shall be dismissed.~~

~~5. The Reports Administrators shall keep a confidential record of all notices provided under this Section 2 and all dismissed Reports for reference by the Reports Administrators and the Disciplinary Bodies.~~

~~Section 3 – Investigation of Reports~~

~~1. Where a Report has been conveyed to the Reports Investigation Committee by the Reports Administrators, the Reports Investigation Committee shall investigate the Report as expeditiously as possible and decide if a prima facie case exists that the bishop concerned has committed a canonical offense under Canon IV.3.~~

~~2. Before reaching a decision as to whether a prima facie case exists, the Reports Investigation Committee must provide to the bishop and any Reporting Party concerned:~~

~~(a) a fair synopsis of the Report conveyed by the Reports Administrators properly redacted;~~

(b) brief details of the material then before the Committee and upon which it proposes to base its decision as to whether a prima facie case exists; and

(c) an opportunity to make such written representations to it as the bishop and any Reporting Party concerned may consider appropriate to the deliberations of the Committee.

3. When investigating a Report, the Reports Investigation Committee may also take actions that it considers appropriate to its investigation, including the following:

(a) provide the Reports Administrators opportunities to make written representations;

(b) provide the Reports Administrators, the bishop concerned, and any Reporting Party non-adversarial opportunities to be heard in accordance with section 3.4 of this canon, with the transcripts of any such hearings reviewed, corrected, and signed by the party offering testimony;

(c) communicate with additional persons who might have relevant information concerning the conduct alleged in the Report, and provide opportunities to make written representations and/or non-adversarial opportunities to be heard;

(d) submit questions in writing to the bishop concerned, the Reporting Party, or any other person who might have relevant information, requesting answers in writing;

(e) request from any person who might have relevant information the submission of documents, computer or other electronic records, or other evidence, including relevant financial transactions, bank records, and other financial documents;

(f) examine physical evidence, including digital devices and electronic data; and, (g) access publicly available records, including court or tribunal records.

All parties receiving requests for information from the Reports Investigation Committee must cooperate fully pursuant to Canon IV.1.3., including the duty to maintain confidentiality during an investigation.

Any written submissions or oral responses must be given under oath as provided in Appendix 2.

In cases involving allegations of sexual misconduct or abuse that occurs within familial relationships, Reporting Parties and witnesses shall have the right to provide only written submissions to the Reports Investigation Committee, rather than in-person testimony.

4. If the Reports Investigation Committee conducts interviews, it shall (a) conduct them in a balanced and fair manner;

(b) utilize techniques that minimize possible further harm to those who may have experienced abuse;

(c) ensure that all parties, especially Reporting Parties and the bishop concerned, are heard and understood fairly and impartially; and

(d) in determining whether a prima facie case has been made out, not afford any particular statement greater evidentiary weight due to whether they are a Reporting Party or otherwise.

5. If the Reports Investigation Committee gives the Reports Administrators, the bishop concerned, or any Reporting Party a non-adversarial opportunity to be heard before the Committee, it must offer a like but separate opportunity to each of them.

6. The Reports Investigation Committee may contract for additional expertise and services, provided that:

(a) any expenditures incurred are in accordance with the budget approved for the Reports Investigation Committee;

(b) any contracting parties, or persons who perform work under such a contract, satisfy the conflict of interest provisions in Canon IV.11.2;

(c) the Reports Investigation Committee itself is solely responsible to determine whether a prima facie case exists; and

(d) any such contracts must be expressly identified in and appended to the income and expenditure statements submitted by the Reports Investigation Committee to the Executive Committee and must be expressly identified and summarized in the income and expenditure statements submitted to the Provincial Council.

7. If the Reports Investigation Committee determines by majority vote that no prima facie case exists with respect to any Report, the Report shall be dismissed. The Reports Investigation Committee must notify in writing the Reports Administrators, the bishop concerned, and any Reporting Party, and provide the reasoning for such determination. If, and only if, the bishop concerned requests such public notice, the Committee shall provide public notice that the Report has been dismissed, subject to the confidentiality and redaction rules of Canon IV.11.

8. If the Reports Investigation Committee determines by majority vote, that a prima facie case does exist, it may in its absolute discretion:

(a) draft a Presentment based on the whole or part of the Report and its investigation thereof and refer such Presentment to the Disciplinary Tribunal for a Bishop;

(b) recommend to the bishop concerned and any Reporting Party that they seek reconciliation or mediation for whole or part of the Report, subject to Canon IV.1.1, to be completed by a date certain, after which date the Committee may select one or more courses of action of those listed in this section or decide that no further action be taken on the Report or on any specified part of it;

(c) decide that, notwithstanding such prima facie case, further consideration of the whole or part of the Report be deferred in exceptional circumstances and for a time certain on such terms and conditions as the Committee considers appropriate; or

(d) decide that no Presentment may be referred to the Disciplinary Tribunal for a Bishop pursuant to Canon IV.6.3.10 regarding the statutes of limitation. In such a case, the Committee may seek approval to refer a Presentment or defer consideration of the Report until such time as it shall become eligible for referral under the terms of Canon IV.6.3.10. The Reports Investigation Committee must notify in writing the Reports Administrators, the bishop concerned, and any Reporting Party that a prima facie case exists against the bishop concerned, and inform them which course of action, of those listed in this subsection, the Reports Investigation Committee intends to take.

9. If the Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Bishop, it shall (a) provide a copy of such Presentment to the bishop concerned and the Reporting Parties, properly redacted and subject to strict confidentiality pursuant to Canon IV.11.4.

(b) give public notice of the referral in the manner it determines to be appropriate, subject to the redaction rules of Canon IV.11.

Any Presentment referred under this canon must include a plain, concise, and definite written statement of the essential facts constituting the offense(s) alleged to have been committed, including reference to the particular provision of Canon IV.3 that has been violated. These requirements are meant to inform the Respondent of the conduct charged, to enable the Respondent to prepare a defense, and to protect the Respondent against being subject to multiple Presentments for the same offense. A Presentment may contain several charges. Each charge should allege a single offense, except in the case of an offense arising under Canon IV.3.1(d), in which case the charge should include both the underlying offense and the facts establishing an abuse of ecclesiastical office.

Any Presentment must also include plain, concise, and definitive statements of

• any exculpatory material obtained during the investigation, with a certification by the chair of the Reports Investigation Committee that all such material has been described; and

• any portion of a Report that was not referred in the Presentment and the reasons for such non-referral.

10. Except as noted below in this section, no Presentment may be referred to the Disciplinary Tribunal for a Bishop for any offense unless it shall have been committed within ten (10) years prior to the date of the Report.

(a) A Presentment for an offense under Canon IV.3.1 involving sexual misconduct may be referred to the Disciplinary Tribunal for a Bishop at any time.

(b) A Presentment that includes an offense which involves allegations that a bishop willfully concealed evidence or otherwise obstructed the discovery of misconduct or investigation into reported misconduct, may, with the written approval of the Archbishop

(or the Dean of the Province, as the case may be), be referred to the Disciplinary Tribunal for a Bishop, notwithstanding any limitation imposed by this section.

(c) In the event of a criminal conviction or civil judgment against a bishop, a Presentment for an offense under Canon IV.3 involving the same conduct may be referred to the Disciplinary Tribunal for a Bishop within three years after this conviction or judgment becomes final, notwithstanding any limitation imposed by this section.

(d) Upon request by the Reports Investigation Committee with regard to a specific Report, the Archbishop (or the Dean of the Province, as the case may be) may extend the time for bringing a Presentment under these canons, provided he first obtains the unanimous written consent of the three senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the bishop who is the subject of the Presentment, and any bishop who may recuse himself).

11. The Reports Investigation Committee may appoint a Proctor to act as its canonical adviser in the investigation of a Report.

12. If the Reports Investigation Committee refers a Presentment to the Disciplinary Tribunal for a Bishop, the Committee shall appoint a Proctor to present evidence and argument in support of the Presentment on its behalf, and to appear on any appeal to the Provincial Tribunal. This Proctor may be the Proctor appointed under section 3.11 of this canon and may be, but is not required to be, a member of the Reports Investigation Committee.

13. The Respondent may appoint at his discretion a Proctor to represent him before the Disciplinary Tribunal for a Bishop or may request that one be provided for him. If the Respondent does not appoint a Proctor or does not ask for one to be provided for him, references to the "Respondent's Proctor" shall be understood to refer to the Respondent.

Section 4 – Consent Orders

1. At any point between the referral of a Presentment by the Reports Investigation Committee and its hearing, the Respondent may in writing confess the truth of the Presentment and submit to the discipline of the Church. This written confession shall be sent to the Archbishop (or the Dean of the Province, as the case may be), who shall immediately convey it to the chairperson of the Reports Investigation Committee and the president of the Disciplinary Tribunal for a Bishop.

2. If a Respondent does not confess to the truth of all of the charges in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to charges to which the Respondent has not confessed.

3. Within 7 days of receiving the written confession and submission described in section 4.1 of this canon, the president of the Disciplinary Tribunal for a Bishop shall convene a Sentencing Review Board in accordance with Canon IV.4.3.

The Reports Investigation Committee must promptly provide to the Sentencing Review Board the following information and recommendations:

~~(a) a summary of the investigation;~~

~~(b) the Presentment;~~

~~(c) a recommendation as to one or more of the orders that the Disciplinary Tribunal for a Bishop would have power to recommend with respect to a Respondent upon finding a Presentment proved, with such terms and conditions as the Reports Investigation Committee may consider appropriate; and~~

~~(d) a recommendation as to the date on which the order should take effect.~~

~~4. Upon receiving the information and recommendations of the Reports Investigation Committee, the Sentencing Review Board shall within 28 days (a) adopt the recommended order, or~~

~~(b) adjust the order by unanimous vote as it may, in its absolute discretion, consider appropriate to prevent manifest injustice, and~~

~~(c) convey the adopted or adjusted order and the rationale for any adjustment made to the Reports Investigation Committee.~~

~~The order made by the Sentencing Review Board shall be deemed a consent order. From this order there is no appeal under Canon IV.9, except for an appeal for excessive sentence.~~

~~5. The Reports Investigation Committee shall provide a copy of the consent order to the Reports Administrators, the Respondent, and the Reporting Party. The consent order must be accompanied by a notice identifying the members of the Sentencing Review Board and the rationale presented for any adjustment made by the Sentencing Review Board.~~

~~6. The Reports Investigation Committee shall publish each consent order in the manner it determines to be appropriate. In addition, it must ensure the publication of each consent order in the Journal of the Provincial Council (except that it may, in its absolute discretion, choose instead to publish a synopsis redacted as provided in Canon IV.11.1.4).~~

~~Section 5 – Appointment of a Panel of the Disciplinary Tribunal for a Bishop~~

~~1. Within 14 days of the referral of a Presentment to the Disciplinary Tribunal for a Bishop by the Reports Investigation Committee, the president of the Disciplinary Tribunal shall appoint a panel of the Disciplinary Tribunal to hear the Presentment. The panel shall consist of an odd number of members, normally three, with at least one bishop, one member of the clergy, and one layperson selected from among the members, or if necessary, the alternates, of the Disciplinary Tribunal for a Bishop. At least one member of the panel should be legally qualified, provided, however, that if no member of the panel is so qualified, the president of the Disciplinary Tribunal may appoint a canonical adviser to aid in the adjudication of a Presentment.~~

~~2. Before appointing any person to the panel, the president of the Disciplinary Tribunal must be satisfied that the person has no conflict of interest with respect to the Presentment in accordance with Canon IV.11.2.~~

3. Unless otherwise agreed by a majority of the panel, the chairperson of the panel shall be the bishop (or if there is more than one bishop, the senior bishop by date of admission). The chairperson shall preside and rule on all matters of procedure and evidence before the panel. Rulings of the chairperson may be overruled by a majority of the panel.

4. If for any reason, any member of the panel becomes unable to act, the president of the Disciplinary Tribunal for a Bishop shall select another person of the same order from the Disciplinary Tribunal members or, if necessary, the alternates, to act in his or her place, ensuring if practicable that at least one member of the panel is legally qualified.

5. If the Provincial Tribunal orders a rehearing of a Presentment under Canon IV.9.3.2, the rehearing shall be by a new panel of the Disciplinary Tribunal for a Bishop, appointed by its president in accordance with section 5.1 of this canon. When a Presentment is reheard, none of the members of the original panel may be appointed.

6. If a panel of the Disciplinary Tribunal for a Bishop has commenced the hearing of a Presentment before the expiration of the term of the members of the panel, notwithstanding this expiration, the panel may continue to act with reference to the Presentment until it is either dismissed in accordance with Canon IV.6.7.3, or an order is issued in accordance with Canon IV.6.7.4.

Section 6 – Hearing of the Presentment

1. As soon as practicable after its appointment, the panel of the Disciplinary Tribunal for a Bishop must notify the Reports Investigation Committee, the Respondent, and the Reporting Party of the date, time, and place or mode of communication fixed for the hearing of the Presentment. The date fixed must be no sooner than 30 days and no later than 90 days from the date of this notification.

2. Subject to any rules that may be adopted under Canon IV.4.2.6, the panel, after conferring with the Presenting Proctor and Respondent's Proctor, shall set a timetable for written submissions. The written submissions of the Presenting Proctor and the Respondent's Proctor shall contain the full position each party takes with regard to the Presentment and whatever evidence the party wishes the panel to consider (including those witnesses the party wishes the panel to hear from and a summary of their expected testimony) in hearing the Presentment.

3. After receiving the written submissions of the Presenting Proctor and Respondent's Proctor, the panel shall notify the parties as to (a) the issues on which the panel will consider evidence;

(b) the nature of the evidence the panel requires to decide those issues; and

(c) how any evidence, including testimony, is to be presented.

4. At least 28 days in advance of the hearing, the Presenting Proctor must provide the Respondent's Proctor:

(a) a summary of the arguments to be presented by the Presenting Proctor;

(b) copies of all exhibits, documents, or other materials, if any, that the Presenting Proctor intends to rely on;

(c) a list of the witnesses the Presenting Proctor intends to call at the hearing, their contact information, and a summary of their expected testimony, with any expert witnesses so designated; and

(d) copies of any exculpatory evidence obtained by the Reports Investigation Committee, if any.

5. At least 21 days in advance of the hearing, the Respondent's Proctor must provide the Presenting Proctor:

(a) a summary of the arguments to be presented by the Respondent's Proctor;

(b) copies of all exhibits, documents, or other materials, if any, that the Respondent's Proctor intends to rely on during the hearing; and

(c) a list of the witnesses the Respondent's Proctor intends to call at the hearing, their contact information, and a summary of their expected testimony, with any expert witnesses so designated.

6. The panel may, in its absolute discretion, allow the Presenting Proctor or the Respondent's Proctor to raise an argument or rely on a document or exhibit that was not included in the material delivered in sections 6.4 and 6.5 of this canon, or to call a witness not included in the list of witnesses so delivered. Prior to allowing any such evidence or testimony, the panel shall ensure that the opposing party has a reasonable opportunity to review any document or exhibit.

7. Where a witness statement is to be presented at the hearing, the panel must direct that such statements be provided to the panel, the Presenting Proctor, and the Respondent's Proctor at least 3 days in advance of the hearing unless the panel considers that there is good reason not to do so. A witness statement must be signed and dated by the witness and given under oath as provided in Appendix 2.

8. Where a witness is to give oral testimony the witness's testimony must be given under oath as provided in Appendix 2. A witness who gives oral evidence at the hearing may be questioned by the Presenting Proctor and the Respondent's Proctor and the panel. The panel, in its discretion, may limit such questioning. In cases involving allegations of sexual misconduct or sexual abuse, the panel may, in its absolute discretion, (a) allow for testimony to be offered in camera or

(b) provide in exceptional circumstances (such as when a witness is a minor or vulnerable adult) that such witness may provide only written testimony and respond only to written interrogatories from the Respondent.

9. The panel shall give the Presenting Proctor, the Respondent, and the Respondent's Proctor the opportunity to attend the hearing of the Presentment and, within the scope of section 6.3 of this canon, (a) present witness statements and other relevant evidence;

~~(b) call and cross-examine witnesses as permitted by the panel; and~~

~~(c) make oral argument on points requested by the panel.~~

~~10. The panel may, in its discretion, accept testimony from expert witnesses. Prior to accepting any evidence into the hearing record, the chairperson of the panel shall determine whether testimony, either written or oral, or evidence is relevant to the issues raised in the Presentment. The chairperson may exclude any evidence or testimony during the hearing if such evidence is determined to be irrelevant, cumulative, repetitive, or immaterial to the issues raised by the Presentment or concludes that such exclusion is necessary to protect a witness from harassment or intimidation. The chairperson's decision to accept or exclude any testimony or evidence may be overruled by a majority of the panel.~~

~~11. Unless on a witness list for either the Presenting Proctor or the Respondent's Proctor and subject to Canon IV.11.5, any Reporting Party may attend the hearing of the Presentment as an observer even if the panel determines that the hearing shall be conducted in private.~~

~~12. If neither the Respondent nor the Respondent's Proctor attends the hearing, then the chairperson of the panel may, in the chairperson's absolute discretion, either:~~

~~(a) proceed to hear the Presentment in their absence, provided that the panel is satisfied that the Respondent was given notice of the hearing; or~~

~~(b) adjourn the hearing to such other date, time, and place or mode of communication as the chairperson of the panel may, in the chairperson's absolute discretion, determine. The panel must give notice of any such adjournment to the Presenting Proctor, the Respondent's Proctor, and the Reporting Party.~~

~~13. A Presentment may be withdrawn only by majority vote of the panel appointed to hear it.~~

~~14. The panel may, on the application of the Presenting Proctor and before the commencement of the hearing, agree to the amendment of the terms of a Presentment, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.~~

~~**Section 7 – Findings and Orders of the Disciplinary Tribunal for a Bishop**~~

~~1. Following the hearing on a Presentment, the panel of the Disciplinary Tribunal shall promptly meet in closed session to determine whether the allegations in the Presentment are supported by clear and convincing evidence. In making such determination, the panel shall base its decision only upon the evidence and witness testimony presented at the hearing.~~

~~2. As part of its deliberations, the panel may take notice of any criminal conviction or civil judgment against the Respondent, or any entry of a plea of guilty or no contest to any offense alleged in the Presentment. A final criminal conviction or final civil judgment shall be regarded as conclusive proof that the allegations contained in criminal conviction or civil judgment are true. The Respondent shall have a reasonable opportunity to be heard by the panel as to any matters in extenuation and mitigation.~~

~~3. If a majority of the members of the panel find that the Presentment has not been proved by clear and convincing evidence, it shall dismiss the Presentment.~~

~~4. If a majority of the panel finds that the Presentment has been proved in whole or in part, the panel may recommend a Sentencing Order in accordance with Canon IV.8, or else, in extraordinary cases, an order that no further action be taken on the Presentment. In choosing the sentence it considers appropriate, the panel shall have regard to the office and duties of the Respondent, the nature and seriousness of the Presentment, any previous Report and/or order that has been made against the Respondent, and any other circumstances the panel considers relevant. The panel shall provide a written explanation in support of its recommendation and promptly transmit the recommendation and explanation thereof to the president of the Disciplinary Tribunal for a Bishop.~~

~~The panel may also, in its absolute discretion, provide any Reporting Party an opportunity to be heard by the panel as to the impacts of any alleged misconduct.~~

~~5. Within 7 days of receiving the panel's recommendation, the president of the Disciplinary Tribunal for a Bishop must convene a Sentencing Review Board in accordance with Canon IV.4.3. Upon receiving the recommended Sentencing Order and the record of the case, the Sentencing Review Board shall within 28 days (a) adopt the recommended order, or~~

> ~~(b) adjust the recommended order by unanimous vote as it may, in its absolute discretion, consider appropriate to prevent manifest injustice, and~~
>
> ~~(c) convey the adopted or adjusted order and the specific rationale for any adjustment made to the president of the Disciplinary Tribunal for a Bishop.~~

~~If a Sentencing Order was adjusted by the Sentencing Review Board, the order must identify the members of the Sentencing Review Board and the specific rationale presented for any adjustment made by the Sentencing Review Board.~~

~~The Sentencing Order made by the Sentencing Review Board shall be deemed the final Sentencing Order, subject to appeal under Canon IV.9.~~

~~6. Following either dismissal of the Presentment or the receipt of the final order from the Sentencing Review Board, the Disciplinary Tribunal for a Bishop shall issue an order detailing its findings and the rationale for (a) dismissal of the Presentment or (b) a finding that the Presentment was proved by clear and convincing evidence announcing sentence and convey its finding and/or order to the Reports Investigation Committee, the Respondent, the Reports Administrators, and any Reporting Party.~~

~~The Disciplinary Tribunal for a Bishop shall publish the full text of its finding and/or order. A final finding or order should concisely convey a fair summary of the charges made, the evidence considered for and against such charges, and the rationale for the panel's decision.~~

~~7. In addition, the Reports Administrators must ensure the publication of any finding and/or order of the panel in the Journal of the Provincial Council (except that it may, in its absolute~~

~~discretion, choose instead to publish a fair synopsis redacted in accordance with Canon IV.11.1.4).~~

~~8. Subject to Canon IV.9.1, the final order shall take effect at the expiration of the 21-day filing period for appeal.~~

~~9. Within 28 days after a Sentencing Order takes effect, a copy of all pleadings and documents filed in any proceedings before the panel must be filed in the register maintained by the Reports Administrators as set forth in Canon IV.12.~~

Canon 7
Discipline of Presbyters and Deacons

Section 1 – The Duties of the Bishop and of the Diocese

1. It is the duty of the bishop ~~of each diocese (sometimes called the "bishop ordinary") or special jurisdiction~~ to provide wise discipline, to banish from the Church all erroneous doctrine contrary to the Holy Scriptures, and to maintain as much as he is able quietness, love, and peace among all people. In the exercise of these duties, the bishop of the diocese ~~or special jurisdiction~~ must act in accordance with the canon law of both the diocese and the province.

2. ~~Each diocese or special jurisdiction~~The Diocese must ensure that it has a disciplinary process for receiving and investigating Reports of clergy misconduct. To that end, ~~a diocese or special jurisdiction must either:~~and as permitted by Canon IV.7.1.2(a) of the Provincial Canons, the Diocese adopts by this Canon the disciplinary process set forth in sections 2 through 5 of Canon IV.7 of the Provincial Canons, as adapted in this Canon.

> ~~(a) Adopt by canon or policy the disciplinary process in sections 2 through 5 of this canon, subject to adaptation as needed; or~~
>
> ~~(b) Employ another disciplinary process that it regards as of at least equal fairness, transparency, and integrity.~~

3. A bishop may recuse himself from acting in any disciplinary proceeding for significant personal reasons, such as impending retirement or health concerns, or if he has personal bias or prejudice concerning ~~any~~the Reporting Party, a member of the clergy concerned, or the Respondent (as the case may be) that would make fair judgment impossible. However, knowledge or opinions formed by a bishop in the course of the performance of his official duties or in the course of the process established by this canon do not make recusal necessary. A bishop must recuse himself from acting under this canon if his spouse, parent, child, sibling, any person within the third degree of relationship (great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, or niece), or any person in the bishop's household

> ~~(a)~~a. is the Reporting Party;

~~(b)~~b. is a member of the clergy concerned or the Respondent (as the case may be); or

~~(c) is, to the bishop's knowledge, likely to be a material witness.~~

c. is, to the bishop's knowledge, likely to be a material witness. Any bishop recusing himself under this section 1.3 must delegate his episcopal duties related to a Report and/or Presentment to the bishop of a diocese, or to a retired bishop of a diocese, for whom there is no conflict of interest. This section does not limit the designation of an overseeing bishop under Canon IV.1.2.

Section 2 – Processing of Reports

1. Any person who has personal knowledge or experience of, or has received information regarding, the circumstances that may constitute misconduct, or who holds an office for which one of the duties is reporting alleged misconduct, may bring to the attention of the Diocesan Reports Receivers any Report of misconduct by a member of the clergy by means of a written submission. If the Diocesan Reports Receivers receive an allegation in a manner other than a written submission, they may, in their absolute discretion, choose to deem the allegation to be a Report and treat it accordingly. Any party making a report must certify that they agree to cooperate with any investigation or adjudication of such ~~Report~~report in accordance with Canon IV.1.3., including the duty to maintain confidentiality during ~~any~~the investigation of the Report.

2. Where a Report is made against a member of the clergy, the Diocesan Reports Receivers shall, in the first instance, consult with the bishop and together they shall determine whether reasonable grounds have been disclosed to believe that the member of the clergy has committed a canonical offense under Canon IV.3.

3. If the bishop and the Diocesan Reports Receivers are of the opinion that the Report discloses no reasonable grounds, then, subject to obtaining the written approval of the ~~chair of the diocesan Standing Committee~~Vice-Chair of the Diocesan Council, the Diocesan Reports Receivers may dismiss the Report. ~~The decision~~Because the Bishop serves as Chair of the Diocesan Council, the Vice-Chair shall act in place of the chair of the Standing Committee for purposes of this section; if the Vice-Chair is recused or unavailable, the Diocesan Council shall designate another lay member of the Diocesan Council to act. The decision of the bishop and the Diocesan Reports Receivers to dismiss must be unanimous~~. In the case of matters arising in any special jurisdiction, the Archbishop must grant approval for such dismissal~~. If the Report is dismissed, the Diocesan Reports Receivers shall notify the Reporting Party in writing. Such a dismissal is not a defense to a subsequent Report in relation to the same or substantially the same matters.

4. If the agreement to dismiss is not unanimous, or if the ~~chair of the Standing Committee, or, in cases arising in any special jurisdiction, the Archbishop~~Vice-Chair of the Diocesan Council (or other member designated under section 2.3 of this Canon) does not give ~~his~~written approval, the Report shall not be dismissed.

5. If a Report has not been dismissed under Canon IV.7.2.3, the bishop shall determine whether pastoral resolution is appropriate, subject to Canon IV.1.1. If the bishop determines, in his sole discretion, that pastoral resolution is not appropriate, or if an outcome acceptable to a reasonable number of Reporting Parties, in the sole discretion of the bishop, is not reached within 42 days after initiating pastoral resolution, the Diocesan Reports Receivers shall convey the Report to the Diocesan Reports Investigation Committee for investigation. This time period may be extended for a time certain by the bishop in his sole discretion, not to exceed 180 days in the aggregate.

6. The Diocesan Reports Receivers shall keep a confidential record of all Reports received, all notices provided under this section 2, and all dismissed Reports, for reference by the Diocesan Reports Receivers, the bishop, and the Disciplinary Bodies.

Section 3 – Investigation of Reports

1. When the Diocesan Reports Receivers convey a Report to the Diocesan Reports Investigation Committee, the Committee shall investigate the Report ~~and decide if~~in order to decide whether a prima facie case exists that the member of the clergy concerned is liable to disciplinary action for an offense under Canon IV.3. The Diocesan Reports Investigation Committee must complete the investigation as expeditiously as possible and may take such actions and have ~~the~~such powers set forth for any provincial investigation committee as set forth in Canon IV.6.3 of the Provincial Canons, including the requiring of oaths.

2. Before reaching a decision as to whether a prima facie case exists, the Diocesan Reports Investigation Committee must provide to the member of the clergy concerned and ~~any~~the Reporting Party ~~concerned~~:

~~(a)~~a. a fair synopsis of the Report prepared by the Diocesan Reports Receivers properly redacted;

~~(b)~~b. brief details of the material then before the Diocesan Reports Investigation Committee and upon which it proposes to base its decision as to whether a prima facie case exists; and

~~(c)~~c. an opportunity to make such written representations to the Committee as the member of the clergy concerned or Reporting Party may consider appropriate to the deliberations of the Diocesan Reports Investigation Committee.

3. If the Diocesan Reports Investigation Committee gives the member of the clergy concerned, the Diocesan Reports Receivers, or the Reporting Party a non-adversarial opportunity to be heard before the Committee, it must offer a like but separate opportunity to each of them.

4. The Diocesan Reports Investigation Committee may contract for additional expertise and services, provided that:

~~(a)~~a. any such contracts must be approved by the Standing Committee of the diocese, ~~or the Executive Committee in the case of any special jurisdiction;~~ and

~~(b)~~b. the Diocesan Reports Investigation Committee itself is solely responsible to determine whether a prima facie case exists.

5. If the Diocesan Reports Investigation Committee ~~is of the opinion~~determines that no prima facie case exists with respect to any Report, the Report shall be dismissed. The Diocesan Reports Investigation Committee must notify in writing the member of the clergy concerned, the bishop of the diocese, the Diocesan Reports Receivers, the Standing Committee of the diocese, and any Reporting Party, and provide the reasoning for such determination. If, and only if, the member of the clergy concerned requests such public notice of dismissal, the Committee shall provide public notice that the Report has been dismissed, subject to the confidentiality and redaction rules of Canon IV.11.

6. If the Diocesan Reports Investigation Committee ~~is of the opinion~~determines that a prima facie case ~~does exist~~exists, it shall in its absolute discretion:

~~(a)~~a. refer the whole or part of the Report to the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese as a Presentment in terms formulated by the Committee;

~~(b)~~b. recommend to the bishop of the diocese a different resolution for the whole or part of the Report, such as reconciliation or mediation, subject to Canon IV.1.1, to be completed by a date certain, or deferral of consideration of the whole or part of the Report on specified terms and conditions; or

~~(c)~~c. decide that, notwithstanding such prima facie case, further consideration of the whole or part of the Report be deferred in exceptional circumstances and for a time certain on such terms and conditions as the Committee considers appropriate.

~~(d)~~d. decide that no Presentment may be referred to the ~~diocesan Disciplinary Tribunal~~Ecclesiastical Trial Court of the Diocese pursuant to Canon IV.7.3.11, regarding the statutes of limitation. In such a case, the Committee may seek the necessary approval to refer a Presentment or defer consideration of the Report until such time as it shall become eligible for referral under the terms of Canon IV.7.3.11(d).

The Diocesan Reports Investigation Committee must notify in writing the member of the clergy concerned, the bishop ~~of the diocese~~, the Diocesan Council, the Diocesan Reports Receivers, ~~the Standing Committee~~ and the Reporting Party that a prima facie case exists against the member of the clergy concerned, and ~~inform them~~ which course of action, of those listed in this subsection, the Diocesan Reports Investigation Committee intends to take.

7. If the Diocesan Reports Investigation Committee determines that a Presentment shall be referred to the Ecclesiastical Trial Court of the Diocese, it shall

~~7. If the Diocesan Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Presbyter or Deacon, it shall (a)~~a. provide a

copy of such Presentment to the member of the clergy concerned and ~~any~~the Reporting Parties, properly redacted pursuant to Canon IV.11.

~~(b)~~b. give public notice of the referral in the manner it determines to be appropriate, subject to the confidentiality and redaction rules of Canon IV.11.

Any Presentment referred under this canon must include a plain, concise, and definite written statement of the essential facts constituting the offense(s) alleged to have been committed, including reference to the particular provision of Canon IV.3 that has been violated. These requirements are meant to inform the Respondent of the conduct charged, to enable the Respondent to prepare a defense, and to protect the Respondent ~~from~~against being subject to multiple Presentments for the same offense. A Presentment may contain several charges. Each charge should allege a single offense, except in the case of an offense arising under Canon IV.3.1(d)~~,~~ in which case the charge should include both the underlying offense and the facts establishing an abuse of ecclesiastical office.

Any Presentment must also include plain, concise, and definitive statements of

- any exculpatory material obtained during the investigation, with a certification by the chair of the Diocesan Reports Investigation Committee that all such material has been described; and
- any portion of a Report that was not referred in the Presentment and the reasons for such non-referral.

8. If a different resolution is recommended to the bishop of the diocese, he shall choose, in his absolute discretion, whether to pursue the recommended resolution, or some other resolution, or else to direct the Diocesan Reports Investigation Committee to refer the whole or part of the Report to the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese as a Presentment in terms formulated by the Diocesan Reports Investigation Committee.

9. The details of a Report and of any subsequent investigation must be maintained in appropriate confidence until the Report is dismissed for no reasonable grounds in accordance with Canon IV.7.2.3, the Diocesan Reports Investigation Committee takes action under Canon IV.7.3.6-7, the Diocesan Reports Investigation Committee refers a Presentment under Canon IV.7.3.7~~-~~ or 8, or the bishop determines that a different resolution has been achieved under Canon IV.7.3.8. If the bishop directs a process of reconciliation or mediation to be completed by a date certain, the details of the Report and of any subsequent investigation must be maintained in appropriate confidence until the specified date or the conclusion of the process, whichever is later.

10. In the event the Diocesan Reports Investigation Committee takes action under Canon IV.7.3.6, the Diocesan Reports Investigation Committee refers a Presentment under Canon IV.7.3.7 or 3.8, or the bishop determines that a different resolution has been achieved under Canon IV.7.3.8, the bishop or his designate shall give public notice of the action taken in the

manner he or his designate determines to be appropriate. The bishop or his designate may give public notice of the outcome of any process of conciliation or mediation.

11. Except as noted below, no Presentment may be referred to the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese for any offense unless it shall have been committed within 10 years prior to the date of the referral of the Presentment.

~~(a)~~a. A Presentment for an offense under Canon IV.3.1 involving sexual misconduct may be referred to the ~~diocesan Tribunal~~Court at any time.

~~(b)~~b. A Presentment that includes allegations that a member of the clergy willfully concealed evidence or otherwise obstructed the discovery of misconduct or investigation into reported misconduct, may with the written approval of the bishop be referred to the ~~Diocesan Tribunal~~Court, notwithstanding any limitation imposed by this section.

~~(c)~~c. In the event of a criminal conviction or civil judgment against a member of the clergy, a Presentment for an offense under Canon IV.3 involving the same conduct may be referred to the ~~diocesan Tribunal~~Court within three years after this conviction or judgment becomes final, notwithstanding any limitation imposed by this section.

~~(d)~~d. Upon request by the Diocesan Reports Investigation Committee, the bishop may extend the time for bringing a Presentment with respect to a specific Report under these canons, provided he first obtain the unanimous written consent of the Standing Committee (exclusive of any members of the Standing Committee who may recuse themselves)~~, or the Archbishop in the case of any special jurisdiction~~.

12. If the Diocesan Reports Investigation Committee refers a Presentment to the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese, the Diocesan Reports Investigation Committee may appoint one of its members as ~~a~~the Presenting Proctor to present evidence and argument in support of the Presentment, or it may appoint another person to be ~~a~~the Presenting Proctor on its behalf.

Section 4 – Consent Orders

1. At any point between the Diocesan Reports Investigation Committee's referral of a Presentment under Canon IV.7.3.7 and its hearing, or between the Diocesan Reports Investigation Committee's recommendation of a different resolution under section 3.~~8~~6(b) of this canon and the bishop's determination, the Respondent may in writing confess the truth of the Presentment and submit to the discipline of the Church. This written confession shall be sent to the bishop, who shall immediately convey it to the chairperson of the Diocesan Reports Investigation Committee and the ~~president of the diocesan Disciplinary Tribunal for a Presbyter or Deacon~~President of the Ecclesiastical Trial Court of the Diocese.

2. If a Respondent does not confess to the truth of all of the charges in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to other charges to which the Respondent has not confessed.

3. If the Respondent makes a confession and submission as described in section 4.1 of this canon, the Diocesan Reports Investigation Committee must provide to the bishop of the diocese the following information and recommendations:

~~(a)~~a. a summary of the investigation;

~~(b)~~b. the Presentment;

~~(c)~~c. a recommendation as to one or more of the orders that the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese would have power to recommend with respect to a Respondent upon finding a Presentment proved, with such terms and conditions as the Diocesan Reports Investigation Committee may consider appropriate; and

~~(d)~~d. a recommendation as to the date on which the order should take effect.

4. Upon receiving the information and recommendations of the Diocesan Reports Investigation Committee, the bishop of the diocese shall within 28 days impose the sentence he thinks fit in accordance with Canon IV.8.~~1~~2, and he shall as soon as practicable convey the order to the Diocesan Reports Investigation Committee. The sentencing order made by the bishop shall be deemed a consent order. From this order there is no appeal under Canon IV.9 of the Provincial Canons, except for an appeal for excessive sentence.

5. The Diocesan Reports Investigation Committee must provide a copy of the consent order to the Respondent, the Diocesan Reports Receivers, and the Reporting Party.

~~6. The Diocesan Reports Investigation Committee shall publish each consent order in the manner it determines to be appropriate.~~

Section 5 – Hearing of the Presentment and Sentencing

1. All powers and duties of the ~~diocesan Disciplinary Tribunal for a Presbyter or Deacon~~Court specified in this section ~~may~~shall be exercised by a panel of the ~~Tribunal appointed~~Court constituted under Canon IV.4.4 to hear a Presentment~~ and the term Tribunal in this section 5 shall be deemed to refer to such panel. In lieu of adjudication by a panel of the Tribunal, the diocese may provide for adjudication by the entire Tribunal. Disciplinary Tribunals~~. The Court may manage judicial proceedings and require the exchange of discovery between the parties in a manner similar to the provisions for provincial disciplinary tribunals set forth in Canons IV.6.6 and IV.11.6 of the Provincial Canons, subject to and in addition to the powers granted to ~~them by their respective diocesan canons~~it by Canon IV.4.8 and Appendix A.

2. The ~~Tribunal~~panel will ordinarily adjudicate a Presentment based upon written statements and other evidence submitted to the panel by the Proctor for the Diocesan Reports Investigation Committee and any Proctor for the Respondent. In addition, the ~~Tribunal~~panel shall give the Proctor for the Diocesan Reports Investigation Committee, as well as the Respondent or any Proctor for the Respondent, the opportunity of:

~~(a)~~a. attending and being heard at the hearing of the Presentment;

~~(b) calling and~~ b. calling and cross-examining necessary witnesses as permitted by the ~~Tribunal~~panel; and

~~(c)~~c. making oral submissions on points requested by the ~~Tribunal~~panel.

3. In cases involving allegations of sexual misconduct or sexual abuse, the panel may, in its absolute discretion, (a) allow for testimony to be offered in camera, or (b) provide in exceptional circumstances (such as when a witness is a minor or vulnerable adult) that such witness may provide only written testimony and respond only to written interrogatories from the Respondent.

4. At least 28 days in advance of the hearing, the Proctor for the Diocesan Reports Investigation Committee must provide the Proctor for the Respondent: (a) a summary of the arguments to be presented; (b) copies of all exhibits, documents, or other materials, if any, that the Proctor intends to rely on; (c) a list of the witnesses the Proctor intends to call at the hearing, their contact information, and a summary of their expected testimony, with any expert witnesses so designated; and (d) copies of any exculpatory evidence obtained by the Diocesan Reports Investigation Committee, if any.

5. At least 21 days in advance of the hearing, the Proctor for the Respondent must provide the Proctor for the Diocesan Reports Investigation Committee: (a) a summary of the arguments to be presented; (b) copies of all exhibits, documents, or other materials, if any, that the Proctor intends to rely on; and (c) a list of the witnesses the Proctor intends to call at the hearing, their contact information, and a summary of their expected testimony, with any expert witnesses so designated.

~~3. The Tribunal~~6. The panel may determine whether evidence is relevant, and it may exclude otherwise relevant evidence, including testimony by witnesses, if it concludes that its probative value is substantially outweighed by a danger of confusion of issues, undue delay, waste of time, or needless presentation of cumulative evidence. The ~~Tribunal~~panel may also exclude such evidence if it concludes that such exclusion is necessary to protect a witness from harassment or intimidation. If the ~~Tribunal~~panel concludes that there is an undue risk of one or more of these dangers, instead of excluding testimony, the ~~Tribunal~~panel may, in its absolute discretion, regulate the mode and order of examining witnesses.

~~4. The Tribunal~~7. The panel may, on the application of the ~~Proctor for the Diocesan Reports Investigation Committee~~Presenting Proctor and before the commencement of the hearing, agree to the amendment of the terms of a Presentment, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.

8. If, during the course of hearing a Presentment, it becomes apparent to the panel that the Respondent may be liable to disciplinary action under Canon IV.3 in relation to matters not the subject matter of the Presentment, it may amend the terms of the Presentment to include those additional matters or it may bring those matters to the attention of the Diocesan Reports

Receivers. If the panel decides to amend a Presentment, it may, on the application of the Respondent or the Proctor for the Diocesan Reports Investigation Committee, adjourn the hearing for such period of time as may seem fit in the circumstances.

~~5. If a majority of the Tribunal or panel thereof~~9. If the panel, by the vote required by Canon IV.4.5, finds that the Presentment has been proved in whole or in part by clear and convincing evidence, with the panel basing its decision only upon the evidence and witness testimony presented at the hearing, it shall make a finding to that effect; but if it finds that the Presentment has not been proved by clear and convincing evidence, it shall dismiss the Presentment. A final finding or order should concisely convey a fair summary of the charges made, the evidence considered for and against such charges, and the rationale for the ~~Tribunal~~Court's decision.

~~6. The Tribunal~~10. The panel may take notice of any criminal conviction or civil judgment against Respondent, which shall be regarded as conclusive proof that he or she committed that crime or civil violation, provided that he or she must be given a reasonable opportunity to be heard as to any matters in extenuation and mitigation.

If the ~~Tribunal~~panel makes a finding that a Presentment has been proved in whole or in part, it may recommend to the bishop of the diocese an order in accordance with Canon IV.8.~~1~~2, or else an order that no further action be taken on the Presentment. In choosing the sentence it considers appropriate, the ~~Tribunal~~panel shall have regard to the office and duties of the Respondent, the panel's views as to the nature and seriousness of the Presentment, any previous Report with respect to which a finding and/or order have been made against the Respondent, and any other circumstances that the ~~Tribunal~~panel considers relevant. The ~~Tribunal~~panel may also, in its absolute discretion, provide any Reporting Party an opportunity to be heard by the ~~Tribunal~~panel as to the impacts of any alleged misconduct. The ~~Tribunal~~panel shall provide a written explanation of the reasons supporting its recommendation. The ~~Tribunal~~panel shall promptly transmit the recommendation with the explanation to the bishop of the diocese.

~~7~~11. Upon receiving any such recommendation, the bishop of the diocese must, subject to Canon IV.8.1.2, promptly impose a sentence, which may be different than that suggested by the ~~Tribunal~~panel, in accordance with Canon IV.8.~~1. The bishop~~2, and must give notice of the sentence as required by Canon IV.8.~~2, including~~3, including notice of the right to appeal ~~both~~ the determination of the ~~Tribunal for the Discipline of a Presbyter or Deacon or~~Court, the sentence imposed by the bishop, or both. Upon imposition of sentence, the final order and sentence imposed shall be published.

~~8~~12. The disciplinary process in sections 2 through 5 of this canon does not limit other forms of inquiry or action, such as an episcopal visitation or an inquiry by the bishop of a diocese or the Standing Committee (or their designates) into the spiritual and temporal state of a congregation or of the diocese, including but not limited to obtaining information about the well-being and the effective administration of congregations or of the diocese.

Section 6 – Certification of Compliance

1. The Standing Committee~~ of each diocese~~ must certify to the Executive Committee of the Provincial Council by December 1, 2026, that the diocese has complied with the requirements of Canon IV.7.1.2 of the Provincial Canons. The form for this certification, as well as any supporting materials, shall be prescribed by the Executive Committee.

2. ~~A diocese~~The Diocese may request that the Executive Committee, in its absolute discretion, authorize an extension of time to submit the certification required by Canon IV.7.6.1 of the Provincial Canons. Any such extension may not extend further than two years from the date required by Canon IV.7.6.1 of the Provincial Canons.

3. Whenever a new bishop of ~~a~~the diocese is installed, within one year of his installation, the Standing Committee of the diocese must recertify to the Executive Committee that the diocese has complied with the requirements of Canon IV.7.1.2 of the Provincial Canons.

Canon 8
Sentences

Section 1 - Concerning the Role of the Bishop in Sentencing

1. The Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted, whether by trial or voluntary submission to the discipline of the Church, as indicated in these canons, except that where an overseeing bishop has been designated under Canon IV.1.2, the overseeing bishop shall pronounce sentence in that matter. The Bishop may, upon recusing himself, delegate the sentencing to another Bishop having jurisdiction. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

2. In case of conviction by the Trial Court, the Bishop shall not proceed to sentence the accused before the expiration of 30 days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination thereof.

Section 2 - Concerning Range of Sentencing

~~**Section 1 – Sentences**~~

1. If an offense is found to be proven by ~~any court, tribunal, or other disciplinary body of the province or diocese,~~the Court or under the terms of a consent order, the following sentences may be imposed in conformity with Canon IV.8.1 of the Provincial Canons:

a. Deposition, that is, the Respondent’s permanent removal from all rights, responsibilities, and duties of holy orders;

b. Deprivation, that is, the Respondent’s permanent removal from a particular office or appointment;

c. Suspension, that is, the temporary taking away for a definite period not to exceed five (5) years of the Respondent's authority to perform all ministerial functions and/or the functions of a particular office or appointment; or

d. Rebuke, that is, a formal written reprimand.

2. In any proceeding in which the Bishop or the Court may impose a sentence of suspension or deprivation, a sentence of both suspension and deprivation may be imposed.

~~(a) deposition;~~

~~(b) deprivation;~~

~~(c) suspension; or~~

~~(d) rebuke.~~

~~2~~3. Only one sentence may be imposed with respect to any one offense that has been proven or under the terms of a consent order, except that a sentence of suspension and deprivation may be imposed with respect to a single offense.

~~3~~a. If the bishop~~, court, tribunal, or other disciplinary body~~ or court finds that two or more offenses have been proven, the sentencing authority may consider the aggregate culpability of the Respondent in imposing sentence.

b. Upon a showing of good cause, a sentence of suspension of a Presbyter or Deacon may be terminated or shortened by the Bishop with the advice and consent of the Archbishop, in consultation with the Diocesan Council.

4. As part of the sentencing order, the bishop, court, tribunal, or other disciplinary body pronouncing sentence may require the Respondent to do or to refrain from doing an act and may require other measures for restoration of the Respondent, a Reporting Party, or other persons.

~~5. By duly enacted canons, a diocese may add sentences not inconsistent with the sentences prescribed above.~~

Section ~~2—~~3 - Notification of Sentences

1. When a sentence is pronounced, the bishop~~, court, tribunal, or other provincial or diocesan disciplinary body~~ or court pronouncing it must within 7 days notify:

(a) the Bishop;

~~(a) the Office of the Archbishop, which must within 7 days of receipt of notification notify all bishops having jurisdiction;~~

(b) the ~~Reports Administrators~~Diocesan Reports Receivers, who must record the sentence in the register; and

(c) the Standing Committee of the diocese in which the sentenced ~~bishop or~~ member of the clergy is domiciled or serving~~; and~~.

~~(d) all members of the clergy of the diocese in which the sentenced bishop or member of the clergy is domiciled or serving.~~

2. The notices required by this section ~~2~~ are public, must identify the ~~sentenced bishop or~~ member of the clergy, state the offenses proven or confessed, provide sufficient details to indicate the nature of the finding and/or order, and state the sentence imposed. Unless the contrary is apparent, the notice must indicate that the sentence has not become final and is subject to appeal.

3. Nothing in this section limits the notices required by Canon IV.8.2 of the Provincial Canons.

Section 4 – Renunciation of Ministry

If a member of the Clergy making a declaration of resignation or renunciation of the ministry under Title III, Canon 5.9, be under accusation or presentment for any canonical offense, or if they shall have been placed on trial for the same, the Diocesan Council 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 Diocesan Council 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 Diocesan Council, be placed on trial for such offense, notwithstanding such declaration of resignation or renunciation of the ministry.

A purported resignation made by a Presbyter or Deacon following the making of a Report shall be reported to the Archbishop or his designate for inclusion on the Provincial List as required by Canon IV.12.2.1(c) of the Provincial Canons.

Canon 9
Appeals

Appeals of the Ecclesiastical Trial Court’s decision may be made to the Provincial Tribunal in accordance with Canon IV.9 of the Provincial Canons. However, there is no right to appeal a consent order, except for an appeal for excessive sentence as permitted by Canon IV.7.4.4 of the Provincial Canons.

~~**Section 1 – Interlocutory Appeals**~~

~~1. During the pendency of a matter before a lower tribunal, either the Respondent or the Proctor appointed by the Reports Investigation Committee may seek an "interlocutory" appeal of an order of a lower tribunal. Interlocutory appeals shall be made to the Provincial Tribunal. Prior to filing an interlocutory appeal, the party desiring to appeal must first request permission from the Provincial Tribunal. Upon receiving a request to initiate an interlocutory appeal, the Provincial Tribunal shall have 2 days to grant or deny the appealing party leave to submit the appeal by majority vote. Three members of the Provincial Tribunal may be appointed by the president of~~

~~the Provincial Tribunal to serve as a panel to hear and decide by majority vote the interlocutory appeal. If the Provincial Tribunal declines to hear the interlocutory appeal, the appeal shall be dismissed, and the lower tribunal shall continue its consideration of the case.~~

~~2. The Provincial Tribunal may grant permission to file an interlocutory appeal only when:~~

~~(a) the right to relief from the order is clear;~~

~~(b) there is no other adequate means to attain relief during the pendency of the proceedings before the lower tribunal; and~~

~~(c) granting the relief is appropriate under the circumstances.~~

~~3. If the Provincial Tribunal permits an interlocutory appeal, subject to any rules adopted under Canon IV.4.1.6, the Provincial Tribunal shall set forth the schedule and manner in which the interlocutory appeal shall be considered or heard. The Provincial Tribunal may consider an interlocutory appeal either through written submissions or oral argument, in its absolute discretion. The order of the lower tribunal shall have no effect from the date the Provincial Tribunal grants permission to file the interlocutory appeal until the Provincial Tribunal makes a final decision on the appeal, or the appeal has been dismissed or withdrawn.~~

~~4. The Provincial Tribunal must issue its final decision whether to grant or deny the interlocutory appeal within 10 days after any hearing or receipt of the last permitted written submission. Should the Provincial Tribunal fail to issue a decision on the interlocutory appeal within 10 days, the interlocutory appeal shall be considered denied, and the order of the lower tribunal shall stand.~~

~~**Section 2 – Appeals from Final Orders of Lower Tribunals**~~

~~1. A Respondent may appeal a final order of a lower disciplinary tribunal (including a sentence imposed by a bishop) to the Provincial Tribunal based on any of the following grounds:~~

~~(a) the final order was based on a finding that was not supported by the evidence;~~

~~(b) the sentence imposed is excessive or inappropriate; or~~

~~(c) the lower tribunal committed a serious error in conducting the proceeding before it, including:~~

~~i. an erroneous interpretation or application of the constitution and canons of the province or of a diocese;~~

~~ii. a failure to decide all issues requiring resolution; or iii. a material failure to follow the procedures set forth in Title IV.~~

~~2. A Respondent who wishes to appeal a final order of a lower tribunal must submit to the president of the Provincial Tribunal a notice of appeal within 21 days of receipt of the order. The notice of appeal must include a concise statement of the grounds of appeal. Once submitted, the~~

~~Respondent may not amend the grounds for appeal, except with the permission of the Provincial Tribunal.~~

~~3. If an appeal is filed in accordance with section 2.2 above, the order of the lower tribunal shall not become effective until the appeal has been determined by the Provincial Tribunal, or the appeal has been withdrawn. A final order of the Provincial Tribunal on any appeal shall become the final order on a matter.~~

~~4. During an appeal before the Provincial Tribunal, the Respondent shall be referred to as the Appellant. If the Appellant is not represented by a Proctor during the appeal, references to the "Proctor appearing on behalf of the Appellant" shall be understood to refer to the Appellant.~~

~~**Section 3 – Hearing of Appeals from Lower Tribunal Findings**~~

~~1. The Provincial Tribunal may, in its absolute discretion, provide for oral argument to be heard on an appeal or consider the appeal by means of written submissions from the parties. Within 14 days after receiving notice of appeal, the Provincial Tribunal must notify the Appellant, the Presenting Proctor, and the Reporting Parties of either the date, time, place, and mode of communication fixed for the hearing of the appeal, or the date for making written submissions. The date for the oral argument or making written submissions must be within 90 days after the Provincial Tribunal receives notice of appeal, except in exceptional circumstances as determined by the Provincial Tribunal.~~

~~2. In the case of either a hearing on oral arguments or the presentation of written submissions, subject to any rules that may be adopted under Canon IV.4.1.6, the Appellant shall submit a written brief detailing its legal arguments to the Provincial Tribunal and the Presenting Proctor within 60 days from the date that notice of appeal was given to the Provincial Tribunal. The Proctor for the Reports Investigation Committee or his or her designee shall then have 30 days to submit a written response brief to the Appellant's submission. The Provincial Tribunal may, in its discretion, extend these time periods upon request by either party.~~

~~3. Grounds for an appeal shall be limited to:~~

> ~~(a) An Appeal on the grounds that a final order is not supported by substantial evidence. When a final order is not supported by substantial evidence the decision of the lower tribunal may set aside or modify such order.~~

> ~~(b) An Appeal on the grounds that a sentencing order is excessive or inappropriate. When a sentencing order, is not supported by substantial evidence and is found to be excessive or inappropriate, the decision below may set aside or modify such order.~~

> ~~(c) Appeals on grounds that a lower tribunal committed serious error. When a decision below is found to have been clearly erroneous, the decision/order below may be set aside or modified.~~

~~4. In considering appeals, the Provincial Tribunal must conduct its review (a) using the Substantial Evidence Standard of Review when the appeal is based on the grounds outlined in section 3.3(a) or 3.3(b) of this canon;~~

~~(b) using the Clearly Erroneous Standard of Review when the appeal is based on the grounds outlined in section 3.3(c) of this canon.~~

~~These standards of review are defined as follows: The Substantial Evidence Standard of Review shall be defined as a standard of review that is deferential to the lower tribunal and does not involve the re-weighing of the evidence (not a de novo review). For there to be substantial evidence in the record that is sufficient to affirm the findings of a lower tribunal, the Provincial Tribunal must find, when reviewing all of the evidence considered by the lower tribunal, regardless of its source and nature, that the evidence upon which the lower tribunal based its decision was such that a reasonable mind might accept such evidence as adequate to support a conclusion. Substantial evidence must be more than a mere scintilla and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The Clearly Erroneous Standard of Review means that when reviewing the decision of a lower tribunal, the Provincial Tribunal shall determine whether the decision below was based upon a clear error in the proceedings which resulted in a materially unjust result or that materially affected the integrity of the proceedings, or resulted in a clear miscarriage of justice, or where there was an erroneous interpretation or application of the canons by the lower tribunal that resulted in a miscarriage of justice.~~

~~5. In addition to the grounds for appeal in section 3.3 of this canon, the Appellant may argue to the Provincial Tribunal that a factual finding or order of the lower tribunal should be dismissed or reconsidered based on newly discovered evidence. The Provincial Tribunal may grant a request to consider newly discovered evidence only if it determines that the Appellant was unaware of the evidence during the proceedings in the lower tribunal, that the Appellant could not have discovered the evidence before the end of those proceedings through the exercise of reasonable diligence, and that consideration of the newly discovered evidence could have reasonably led to a different factual finding or order of the lower tribunal.~~

~~6. In the event the Provincial Tribunal grants an appeal based on newly discovered evidence, the Provincial Tribunal shall return the matter back to the lower tribunal to reopen the evidentiary hearing for the limited purpose of considering the newly discovered evidence. The hearing on newly discovered evidence shall be conducted under the provisions of Canon IV.6. or IV.7 in the case of a diocesan matter.~~

~~7. The Reporting Party may attend the hearing of the appeal, if any, as an observer even if the Provincial Tribunal determines that the hearing shall be conducted in private.~~

~~8. If the Appellant fails to attend the hearing of the appeal, if held, then the Provincial Tribunal may, in its absolute discretion, either:~~

(a) dismiss the appeal, provided that the Provincial Tribunal is satisfied that the Appellant received notice of the hearing; or

(b) adjourn the hearing of the appeal to such other date, time, place, or mode of communication as it may, in its discretion, determine.

The Provincial Tribunal must give notice of any such dismissal or adjournment to the Appellant, the Presenting Proctor, and the Reporting Party.

9. If, while considering an appeal, the Provincial Tribunal becomes aware that the Appellant may be subject to disciplinary action for an offense under Canon IV.3 regarding matters unrelated to the appeal, it shall bring those matters to the attention of the Reports Administrators.

Section 4 – Orders of the Provincial Tribunal

1. On any appeal, the Provincial Tribunal may affirm, modify, or set aside any finding or order of a lower tribunal with respect to which the appeal was brought under this canon.

2. The Provincial Tribunal, in its absolute discretion, due to extraordinary circumstances and to avoid manifest injustice to the Appellant, may also order that the Presentment (or any part thereof) which is the subject of the appeal be reheard by a new panel of the lower tribunal.

3. If the Provincial Tribunal orders the rehearing of the Presentment (or any part thereof), unless otherwise directed by the Provincial Tribunal, the rehearing shall be conducted de novo, without regard to the evidence considered during the previous hearing, or any finding and/or order that resulted from it.

4. The Provincial Tribunal shall convey its order on the appeal to the Appellant, the Reports Investigation Committee, the Reports Administrators, the lower tribunal, and any Reporting Party.

5. The Provincial Tribunal shall publish its findings and/or order in the manner it determines to be appropriate, and it must ensure the publication of any finding or order of the Provincial Tribunal is included in the Journal of the Provincial Council. The Provincial Tribunal may, in its absolute discretion, choose to publish a fair synopsis of any finding or order.

6. An order of the Provincial Tribunal shall take effect from the date thereof unless, in its absolute discretion, the Provincial Tribunal determines that the order shall take effect from some other date (not being earlier than the date of the order appealed against).

7. Within 28 days of the Provincial Tribunal's order taking effect, the Reports Administrator shall file a copy of all pleadings and documents submitted to the Provincial Tribunal in the register maintained by the Reports Administrators. All such pleadings and documents shall be open to inspection by the Appellant and the Reporting Party, if any, in the proceedings in question and, at the discretion of the Reports Administrators, by any other person.

Section 5 – Appeals from Diocesan Tribunals

In the case of an appeal from a diocesan tribunal or court, the references in this canon to the "Reports Investigation Committee" shall be understood to refer to the Diocesan Reports Investigation Committee. Where no such entity is clearly identified in the diocesan canons or policies, these references shall be understood to refer to the diocesan chancellor.

Canon 10
Admonitions and Inhibitions

Section 1 – Admonitions

1. The bishop of a diocese mayNothing in these canons may be interpreted as limiting the ability of the Bishop to warn and instruct a member of the clergy under his authority as to performance of his or her pastoral responsibilities or official duties.

2. A bishopThe Bishop may issue an admonition (also called a godly admonition) to a member of the clergy under his jurisdiction. The admonition must be in writing, specify the matter complained of and the canonical or theological basis for the warning, and provide a reasonable time for the member of the clergy to take any required action. Before issuing an admonition, the bishopBishop must meet with the member of the clergy concerned to discuss the basis for the admonition, unless there are exceptional circumstances that prevent this meeting, and those circumstances are fully described in the admonition.

3. The Archbishop may issue an admonition to a bishop, provided that the admonition complies with the requirements of section 1.2 of this canon. In addition, before issuing the admonition, the Archbishop must obtain the written consent to the admonition's contents of three of the five senior active diocesan bishops by date of admission (exclusive of the Archbishop, the bishop concerned, and any bishop who may recuse himself).

4. The Dean of the Province may issue an admonition to the Archbishop, provided that the admonition complies with the requirements of section 1.2 of this canon. In addition, before issuing the admonition, the Dean of the Province must obtain the written consent to the admonition's contents of three of the five senior active diocesan bishops by date of admission (exclusive of the Dean of the Province, the Archbishop, and any bishop who may recuse himself).

Section 2 – Inhibitions

1. An inhibition is any temporary and involuntary disqualification of a bishop or member of the clergy from exercising some or all ministerial functions other than a suspension under Canon IV.8.1 of these Diocesan Canons. No inhibition may be issued except pursuant to this Canon IV.10.section 2.

2. Upon referral of a presentment to a disciplinary tribunal under Canons IV.6. orPresentment to the Ecclesiastical Trial Court of the Diocese under Canon IV.7 of this Title, a bishop or, a

member of the clergy shall be inhibited until (a) the Presentment is resolved by way of a consent order; (b) the Presentment is found not proven; or (c) the Presentment is found proven in whole or in part and a sentencing order is made.

~~(b) the Presentment is found not proven; or~~

~~(c) a Presentment is found proven in whole or in part and a sentencing order is made.~~

3. After a Report is made against a member of the clergy, the bishop ~~of the diocese~~ may inhibit the member of the clergy concerned as follows.

(a) If the ~~bishop~~Bishop considers that great scandal is likely to arise from ~~that~~the member of the clergy against whom a Report has been made continuing to perform the duties of ~~their~~that member of the clergy's office, or there is imminent danger to the Reporting Party, to a third person, or to the process of investigating a Report, the ~~bishop~~Bishop may inhibit the member of the clergy concerned for up to 90 days. ~~The~~An inhibition must be in writing, and must state the reasons why it was issued, state its terms specifically, and describe in reasonable detail the act or acts restrained or required. Any member of the clergy so inhibited shall be entitled to ~~his~~that member of the clergy's full stipend for the period of the inhibition. If required by the ~~bishop~~Bishop, however, the member of the clergy must deliver up all keys, passwords, access codes, credentials for electronic systems, and any other property, other than a parsonage or rectory, held by virtue of ~~their~~that member of the clergy's office.

(b) With the approval of the ~~Standing Committee of the diocese (or the Archbishop in the case of any special jurisdiction)~~Diocesan Council, an inhibition may be extended in increments of up to 90 days, with or without amendments.

~~4. After a Report is made against a bishop, the Archbishop may inhibit the bishop as follows.~~

~~(a) If the Archbishop considers that great scandal is likely to arise from that bishop continuing to perform the duties of his office, or there is imminent danger to the Reporting Party, to a third person, or to the process of investigating a Report, the Archbishop may inhibit the bishop for up to 90 days. Prior to such inhibition, the Archbishop must obtain the written approval of four of the five senior active diocesan bishops by date of admission (exclusive of the Archbishop, the bishop to be inhibited, and any bishop who may recuse himself). Any bishop so inhibited shall be entitled to his full stipend for the period of the inhibition. If required by the Archbishop, however, that bishop must deliver up all keys, passwords, access codes, credentials for electronic systems, and any other property, other than an episcopal residence, held by virtue of his office.~~

~~(b) With the written approval of four of the five senior active diocesan bishops by date of admission (exclusive of the Archbishop, the bishop to be inhibited, and any bishop who may recuse himself), an inhibition may be extended in increments of up to 90 days, with or without amendments.~~

~~5. In the case of a Report made against the Archbishop, if the Dean of the Province considers the standard in section 2.4(a) of this canon to be met, he may inhibit the Archbishop, provided that the inhibition complies with the requirements of that subsection, with the Dean of the Province recused from serving as an approving bishop. Any extension of the inhibition by the Dean of the Province must comply with the requirements of section 2.4(b) of this canon, with the Dean of the Province recused from serving as an approving bishop.~~

~~6~~4. An inhibition of a member of the clergy is terminated as soon as one of the following occurs:

(a) the ~~bishop issuing the inhibition~~Bishop chooses to lift it before its expiration;

(b) the inhibition expires by its own terms; or,

(c) with respect to the matter of the inhibition,

- a Report is dismissed for no reasonable grounds (as under Canon IV.7.2.3),
- a Report is dismissed for lack of a prima facie case (as under Canon IV.7.3.5),
- a Presentment is resolved by way of a consent order (as under Canon IV.7.4),
- a Presentment is found not proven (as under Canon IV.7.5.9), or
- a Presentment is found proven in whole or in part and a sentencing order is made (as under Canon IV.7.5.11).

5. An inhibition may be issued alone or together with an admonition.

~~(b) the inhibition expires by its own terms; or, (c) with respect to the matter of the inhibition, i. a Report is dismissed for lack of a prima facie case (as under Canon IV.7.3.6), ii. a Presentment is resolved by way of a consent order (as under Canon IV.7.4), iii. a Presentment is found not proven (as under Canon IV.7.5.5), or iv. a Presentment is found proven in whole or in part and a sentencing order is made (as under Canon IV.7.5.6-7).~~

~~7. An inhibition of a bishop is terminated as soon as one of the following occurs:~~

~~(a) the Archbishop (or as the case may be, the Dean of the Province) chooses to lift the inhibition before its expiration;~~

~~(b) the inhibition expires by its own terms; or, (c) with respect to the matter of the inhibition, i. the Reports Investigation Committee dismisses the Report for lack of a prima facie case (as under Canon IV.6.3.6), ii. the Reports Investigation Committee decides that further consideration of the whole of the Report be deferred or decides after conciliation or mediation that no further action be taken on the Report (as under Canon IV.6.3.7);~~

~~iii. the Report is resolved by way of a consent order (as under Canon IV.6.4), iv. the Disciplinary Tribunal for a Bishop dismisses the Presentment (as under Canon IV.6.7.3), or v. the~~

~~Disciplinary Tribunal for a Bishop makes a finding that the Presentment has been proved in whole or in part and makes an order under Canon IV.6.7.4.~~

Canon 11
Norms for Disciplinary Bodies of the ~~Province~~Diocese

Section 1 – Public Notice

1. Under the canons of this ~~Title, (a) the~~title, the Diocesan Reports Investigation Committee~~, whether provincial or diocesan,~~ must give public notice when it determines that a prima facie case exists (Canon IV.~~6.3.9(b) and IV.~~7.3.7(b))~~,~~ and must publish its consent orders ~~(Canon IV.6.4.6 and IV.7.4.6), and~~. The Diocesan Reports Investigation Committee may, only upon request of the ~~bishop or~~ member of the clergy concerned, give public notice when it determines that a prima facie case does not exist~~;~~. The Ecclesiastical Trial Court of the Diocese must publish its findings and orders (Canon IV.7.5.11). In addition to these forms of notice, the register containing the orders of each Disciplinary Body shall be available for public inspection (Canon IV.12.1).

~~(b) a Disciplinary Tribunal for a Bishop or for a Presbyter or Deacon must publish its findings and orders (Canon IV.6.7.6 and IV.7.5.7), and~~

~~(c) the Provincial Tribunal must publish its findings and orders.~~

~~In addition to these forms of notice, the register containing the orders of each Disciplinary Body shall be available for public inspection (Canon IV.12.1), and the Journal of the Provincial Council (Canon I.6) and the Provincial List (Canon IV.12.2) shall be publicly available and searchable in electronic form.~~

2. In addition to the forms of notice and information listed in section 1.1 of this canon, each Disciplinary Body shall communicate to the province the status of its proceedings in the manner and frequency it determines to be appropriate. As appropriate, these communications should include the current status of a proceeding (for example, Presentment filed, date for hearing of ~~appeal~~Appeal set), recently taken actions, and an outline of next steps in the process.

3. Public communications under section 1.1 of this canon must provide timely and accurate ~~factual information without speculation and without disclosing~~information and be factual and devoid of speculation. These communications must not disclose information that could compromise an investigation or prejudice a hearing, reveal the identity of ~~Reporting Parties~~reporting parties or witnesses (unless the reporting party or witness has testified in a public hearing or otherwise made his or her identity a matter of public record), or impair the safety or reasonable expectation of privacy of any person involved. These communications must also comply with applicable laws and regulations protecting the privacy of any person involved.

4. Any public notice or communication made under this Title IV, and any accompanying document must be redacted prior to public release to remove the name of and identifying information for any minor, vulnerable adult, victim of sexual assault, or Reporting Party.

5. Upon a referral of a report of alleged sexual misconduct, sexual abuse, or sexual harassment to an investigation committee, the ~~Archbishop (or the Dean of the Province or the bishop of a diocese, as the case may be),~~Bishop may, in his sole discretion, provide a factual public statement to the effect that an investigation into such allegations has begun. Such public statement may include the name of the ~~bishop or clergy concerned but~~accused clergy and shall clearly indicate that such public statement does not verify ~~of~~ the truthfulness of any allegation.

Section 2 – Recusal

1. No person who has personal bias or prejudice concerning the Reporting Party or the Respondent ~~or bishop~~ or member of the clergy concerned, or who has personal knowledge of disputed evidentiary facts concerning the proceeding, may participate as a member of a Disciplinary Body in that particular matter ~~or serve a contractor for any such body~~. Even in the absence of actual bias, prejudice, or personal knowledge, a member of a Disciplinary Body should recuse himself or herself from any matter in which that member's impartiality might reasonably be questioned or for significant personal reasons, such as impending retirement or health concerns. A member of a Disciplinary Body must recuse himself or herself if that member's spouse, parent, child, sibling, any person within the third degree of relationship (great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece), or any person in that member's household

(a) is the Reporting Party,

~~(a) is a Reporting Party,~~ (b) is the ~~bishop or~~ member of the clergy concerned or Respondent (as the case may be); or

(c) is, to the member of the Disciplinary Body's knowledge, likely to be a material witness ~~or otherwise concerned in the proceeding~~.

2. No member of the Diocesan Reports Investigation Committee may participate in the investigation of a Report who is a witness to any of the conduct alleged in ~~a Report~~it, or who has formed or expressed a definite opinion about the veracity of the allegations in ~~a Report may participate in the investigation of a Report. Nor may any member of the Reports Investigation Committee who is a member of the clergy domiciled or serving in a diocese in which the bishop concerned is either domiciled or serving or is a layperson who is a member of a congregation in such diocese participate in the investigation of a Report.~~the Report.

~~3. No member or alternate of the Disciplinary Tribunal for a Bishop who was previously a member of the Reports Investigation Committee that investigated a Report that is the subject of a Presentment shall be eligible for appointment to the panel adjudicating that Presentment. No member of the clergy domiciled or serving in a diocese in which the Respondent is either~~

~~domiciled or serving, nor layperson who is a member of a congregation in such diocese, shall be eligible for appointment to the panel.~~

~~4. No member or alternate of the Provincial Tribunal may participate in the determination of an appeal if they were previously concerned with investigating or adjudicating the Report or Presentment which is the subject of the appeal, whether as a former member of the Reports Investigation Committee, a Diocesan Reports Investigation Committee, or a lower court or tribunal. Nor may any member or alternate of the Provincial Tribunal participate in the determination of an appeal who is a member of the clergy domiciled or serving in a diocese in which the Respondent is either domiciled or serving, nor layperson who is a member of a congregation in such diocese.~~

~~5~~3. Each Disciplinary Body may adopt additional regulations to ensure impartiality and objectivity, including further specification of conflicts of interest that preclude a person's participation as a member of a Disciplinary Body in a particular matter.

~~6~~4. No person may be a member of more than one Disciplinary Body at the same time. Nor may any person be a member of a Disciplinary Body and at the same time be ~~the Reports Administrators~~a Diocesan Reports Receiver, an Advisor, a member of the Diocesan Council, or a member of the ~~Executive Committee or a member of the Provincial Constitutions and Canons Committee~~Committee on Constitution and Canons.

Section 3 – Improper Communications

1. The ~~Reports Administrators and~~Diocesan Reports Receivers and the members of each Disciplinary Body must act with impartiality and objectivity at all times, not influenced by personal biases or outside pressures. No person shall attempt to influence, coerce, or privately pressure ~~the Reports Administrators~~any Diocesan Reports Receiver or any member of a Disciplinary Body with respect to an investigation, adjudication, or appeal.

2. No member of a Disciplinary Body may engage in private communication with any person involved in a Report, Presentment, or appeal that is under consideration or will foreseeably be under consideration by that Disciplinary Body. These persons include the subject of an investigation or Respondent, a Reporting Party, a witness or potential witness, or a representative (whether formal or informal) of any such person.

3. The deliberations of a Disciplinary Body are confidential. No member of a Disciplinary Body may disclose any statement made by any party or incident that occurred during the ~~Disciplinary Body~~body's deliberations.

4. Violation of these duties, or solicitation of another person to violate these duties, may constitute a basis for recusal and/or ecclesiastical discipline.

Section 4 – Confidentiality of Investigative Proceedings

The details of a Report and of any subsequent investigation must be maintained in confidence ~~until the Report is dismissed for no reasonable grounds in accordance with~~as provided in Canon

IV.~~6.2.2 or the Reports Investigation Committee takes action under Canon IV.6~~7.3.~~7-8. Any presentment~~9. Any Presentment provided to any party must be kept in strict confidence~~.~~ until public notice of the referral is given under Canon IV.7.3.7(b).

~~Section 5 – Public Nature of Judicial Proceedings~~

~~1. All hearings by a panel of the Disciplinary Tribunal for a Bishop or the Provincial Tribunal in which testimonial evidence is received will ordinarily be held using remote meeting software such as Zoom and must be open to the public in manner determined by such Tribunal in its discretion unless the Disciplinary Tribunal or the Provincial Tribunal, in its absolute discretion, determines that conducting the whole or part of the hearing in public would be inappropriate. It is ordinarily only appropriate for Tribunals to conduct a hearing in private when a Report is made by or on behalf of a minor or vulnerable adult, or to conduct the relevant part of a hearing in private when receiving testimony by or concerning a minor or vulnerable adults.~~

~~2. Not later than 14 days before the date set for such a hearing, an application to have the whole or part of the hearing conducted in private may be made to the appropriate Tribunal by any Reporting Party, Respondent, Appellee, Appellant, or the Reports Investigation Committee. On receipt of such an application, the Tribunal will inform all parties of the fact that application has been made and invite the parties to make such written submissions, if any, as they wish in relation to whether or not the hearing (in whole or part) should be conducted in private.~~

~~In addition, the Tribunal may, in its absolute discretion, give any parties an opportunity of being heard before it in relation to whether or not the hearing (in whole or part) should be conducted in private. If the Tribunal gives this opportunity to any of such persons, it must offer a like opportunity to each of them. Any such hearing shall be in private.~~

~~3. When it is not possible to accommodate the number of persons entitled or expected to attend a public hearing, the president of the Provincial Tribunal or the chairperson of a panel of the Disciplinary Tribunal for a Bishop may, in his or her absolute discretion, permit contemporaneous or near-contemporaneous online or closed-circuit video or audio transmission to permit viewing or hearing by the public or, in the case of a private hearing, persons entitled to attend the proceeding.~~

~~4. A Tribunal may require any person attending a hearing (whether conducted in public or private) to give his or her name and address.~~

~~5. A Tribunal may expel from a hearing any person who is or becomes disruptive to its proceedings or who fails to comply with section 5.4 of this canon.~~

~~Section 6 – Management of Proceedings~~

~~1. The Provincial Tribunal and any panel of a Disciplinary Tribunal for a Bishop must further the aims of Canon IV.1.4 by actively managing proceedings to ensure the expedient, fair, and just resolution of any matter before it. Such active management includes:~~

(a) encouraging any persons concerned in the proceedings to cooperate with each other in the conduct of the proceedings;

(b) identifying the issues at an early stage;

(c) deciding promptly which issues (if any) should be part of the hearing of the Presentment or appeal (as the case may be), and accordingly disposing of others summarily or on consideration of the written submissions;

(d) deciding the order in which issues are to be resolved;

(e) setting timetables or otherwise controlling the progress of the proceeding;

(f) considering whether the likely benefits of taking a step justify the cost of taking it;

(g) dealing with as many aspects of the proceeding as possible on the same occasion;

(h) making effective use of technology; and

(i) giving directions to ensure that the hearing is conducted quickly and efficiently.

2. Except where the canons of this Title provide otherwise, the Provincial Tribunal and any panel of a Disciplinary Tribunal for a Bishop may:

(a) extend or shorten the time for compliance with any rule or order (even if an application for extension is made after the time for compliance has expired);

(b) give permission to amend any pleading or document on such terms (including the giving of any further public notice) that it considers just;

(c) call, adjourn, or reschedule a hearing;

(d) conduct a hearing and receive evidence by telephone or another mode of direct oral communication, such as Zoom or Microsoft Teams;

(e) direct that proceeding may be bifurcated to address any part of a matter in a separate proceeding;

(f) stay the whole or part of any proceeding or order either generally or until a specified date or event;

(g) consolidate proceedings;

(h) hear two or more Presentments or appeals (as the case may be) on the same occasion;

(i) direct a separate hearing on any issue;

(j) decide the order in which issues are to be considered in the hearing of a Presentment or appeal (as the case may be);

(k) exclude an issue from consideration;

(l) determine any preliminary issue, and accordingly dismiss in whole or part any Presentment or appeal (as the case may be);

~~(m) direct that any person or ecclesiastical or other entity believed by the Tribunal to have a special interest in the proceeding be notified of it;~~

~~(n) confer as a Tribunal without the presence of non-members to deliberate, discuss, and resolve any matter before it, whether substantive or administrative;~~

~~(o) appoint a Proctor to act as its canonical adviser on the hearing of any Presentment or appeal (as the case may be); and~~

~~(p) take any other step or make any other order for the purpose of managing the proceeding and furthering the aims of Canon IV.1.4.~~

~~3. The list of powers and duties in this canon are not exhaustive and are conferred in addition to any that may be given to the Provincial Tribunal or the Disciplinary Tribunal for a Bishop by the canons of this Title or by any rules made under Canon IV.4.1.6 or Canon IV.4.2.6, respectively.~~

Section ~~7~~5 – Oath Requirements

Parties required to take an oath shall do so using the form prescribed by the Provincial Canons or, if none is prescribed, a form adopted by the Disciplinary Body before which the oath is taken.

~~Parties required to take an oath shall do so using the form in Appendix 2.~~

~~The Reports Administrators~~Each Diocesan Reports Receiver and each member of a Disciplinary Body may not perform any of the duties of the office until having signed the following declaration:

I, ____, [do solemnly declare that I am a baptized, confirmed, and communicant member of a congregation in the Anglican Church in North America, and]~~1~~* being fully sensible how important it is that Reports involving members of the clergy~~ and bishops~~ of the Anglican Church in North America be adjudicated fairly and impartially, undertake that I will faithfully and to the best of my knowledge and power perform my duties [as a ~~Reports Administrator~~Diocesan Reports Receiver or as a member of _____] without fear or favor or affection or ill-will toward any person, and that I will uphold the Constitution and Canons of the Anglican Church in North America and of the Diocese of Christ our Hope for the glory of God, the good of his ~~Church~~church, and the welfare of his people. So help me God.

* The words in the first set of brackets shall be omitted when the declaration is made by a bishop or a member of the clergy.

Canon 12
Disciplinary Records

Section 1 – Register

1. The ~~Reports Administrators~~Diocesan Reports Receivers must maintain a register of all orders made by the Diocesan Reports Investigation Committee~~, the Disciplinary Tribunal for a Bishop~~ and the Ecclesiastical Trial Court of the Diocese and its panels~~, and the Provincial Tribunal~~,

including consent orders. The ~~Reports Administrators~~Diocesan Reports Receivers must also use their best efforts to record in the register every sentence pronounced by any bishop, court, tribunal, or other ~~provincial or~~ diocesan disciplinary body. The ~~Reports Administrators~~Diocesan Reports Receivers must ensure that the register is open to inspection by members of the public.

2. If any person believes that an error has been made in any entry in the register, he or she may apply to the ~~Reports Administrators~~Diocesan Reports Receivers to have the error rectified. Upon determining that an error has been made, the ~~Reports Administrators~~Diocesan Reports Receivers must duly rectify the register. When a correction is made, the change and the reasons supporting it shall be recorded in a separate corrections log. The corrections log shall not be public but shall be available for inspection upon request. ~~1 The words in brackets shall be omitted when the declaration is made by a bishop or a member of the clergy.~~

~~**Section 2 – Provincial List**~~

~~1. The Archbishop or his designate must maintain a list, which is publicly available and searchable in electronic form, of all bishops and members of the clergy:~~

~~(a) upon whom a sentence of deposition, deprivation, and/or suspension has been imposed by any bishop, court, tribunal, or other provincial or diocesan disciplinary body, and whose sentencing order has become final and not subject to appeal; and/or~~

~~(b) who have agreed to a consent order under Canon IV.6.4 or Canon IV.7.4 (or its diocesan equivalent) that includes deposition, deprivation, and/or suspension; and/or~~

~~(c) who have purported to resign from the ordained ministry of this Church following the making of a Report to the Reports Administrators involving such bishop, or to the Diocesan Reports Receivers of a diocese involving such member of the clergy.~~

~~2. In the case of a bishop or member of the clergy upon whom sentence has been imposed or who has agreed to a consent order under Canon IV.6.4 or Canon IV.7.4 (or its diocesan equivalent), the list must include:~~

~~(a) the name of the bishop or member of the clergy;~~

~~(b) the offense(s) specified in the Presentment or the consent order;~~

~~(c) the sentencing order or consent order, including any order or other measure in addition to the sentence;~~

~~(d) the date of entry and effective date of the sentencing order or consent order; and~~

~~(e) the name of the bishop, court, tribunal, or other disciplinary body that made the sentencing order or consent order.~~

~~3. In the case of a bishop or member of the clergy who has purported to resign from the ordained ministry of this Church following the making of a Report, the list must include:~~

~~(a) the name of the bishop or member of the clergy;~~

~~(b) the diocese in which the bishop or member of the clergy was domiciled or serving;~~

~~(c) a brief description of the offense(s) specified in the Report; and~~

~~(d) the date of the purported resignation.~~

~~Each such entry must be marked "purported resignation for disciplinary reasons."~~

~~4. It is the duty of the Standing Committee of each diocese to ensure that diocesan records related to sentences, consent orders, and purported resignations are complete and accurate and that the information required under this canon is provided to the Archbishop or his designate.~~

~~5. When including a person on the list, the Archbishop or his designate must take all reasonable steps to inform the person in writing both that this has been done and of the particulars recorded.~~

~~6. The Archbishop or his designate must review the inclusion of a person on the list if requested to do so by the person concerned or by any bishop of a diocese. The Archbishop or his designate must correct an entry if he or she concludes that it contains errors, or remove an entry if he or she concludes that it was included erroneously, that it should be removed from the list to correct or prevent manifest injustice, or that it should be removed because inclusion is no longer necessary to fulfill the purposes of ecclesiastical discipline. When a correction is made, the change and the reasons supporting it shall be recorded in a separate corrections log. The corrections log shall not be public but shall be available for inspection upon request.~~

~~7. The purpose of this list, which is distinct from the register authorized under Canon IV.12.1, is to provide public notice of certain occurrences related to the disciplinary process that may be taken to bear on a person's suitability for future ministerial office.~~

Canon 13
Other Provisions

Section 1 – Indemnity

1. The ~~Province shall indemnify the Reports Administrators~~Diocesan Reports Receivers, the Advisors, the members of the Disciplinary Bodies, and any proctors shall be indemnified by the Diocese from all losses and expenses incurred by them that arise directly from the discharge of their respective duties, not to exceed applicable limits in the ~~province's~~diocesan insurance policies, except for any loss or expense caused by their own intentionally dishonest conduct, fraud, willful violations of law, or criminal misconduct.

2. No member of a Disciplinary Body or proctor shall be liable for any act, omission, or default of any other member of a Disciplinary Body or proctor unless that act, omission, or default results from his or her own intentionally dishonest conduct, fraud, willful violations of law, or criminal misconduct.

Section 2 – Reports Involving Multiple Jurisdictions

1. Except as noted in this section 2, a Report respecting a member of the clergy should be processed, investigated, and adjudicated by the diocese in which the Respondent is domiciled as provided in Canon III.1.3 of the Provincial Canons.

2. A Report alleging a member of the clergy committed misconduct while functioning as a presbyter or deacon in a diocese other than the member of the clergy's own domicile shall be processed as follows.

(a) If both dioceses are members of the province, the Report may be processed and investigated, and any Presentment adjudicated, by either diocese. If the bishops of the two dioceses do not agree as to which diocese should proceed in the matter, authority to proceed belongs to the diocese in which the member of the clergy was functioning as a presbyter or deacon at the time of the alleged misconduct. In the event of a disagreement between the bishops of the dioceses about the application of this section 2.2(a), the matter shall be referred to the ~~Archbishop~~archbishop, who shall determine, in his absolute discretion, which diocese has authority to proceed.

(b) If the domiciliary diocese is not a member of the province, the Report must be processed and investigated, and any Presentment adjudicated, by the non-domiciliary diocese. Nevertheless, the bishop of the non-domiciliary diocese may forward the Report to the ~~Archbishop~~archbishop, requesting that the Report be processed and investigated, and any Presentment adjudicated, by the disciplinary bodies of the province. If the ~~Archbishop~~archbishop is of the opinion that the Report and any Presentment should be addressed by the disciplinary bodies of the province, subject to obtaining the written approval of the Dean of the Province, he may forward the Report to the Reports ~~Administrators~~Administrator of the province, immediately notifying the bishop of the non-domiciliary diocese that the Report has been removed to the disciplinary bodies of the province. In determining whether the Report and any Presentment should be addressed by the disciplinary bodies of the province, the ~~Archbishop~~archbishop and the Dean of the Province shall have regard to the office and duties of the member of the clergy concerned, the nature and seriousness of the Report, the relationship of the province with other provinces or ecclesial bodies, and any other circumstances that they consider relevant. In the event of an offense being found to be proven by the ~~Disciplinary Tribunal for a Presbyter or Deacon~~Ecclesiastical Trial Court of the Diocese, a sentence may be imposed, except that a sentence of deposition may not be imposed, though it may be recommended to the bishop of the domiciliary diocese.

3. In this section 2, the references to a "member of the clergy" shall be understood to include a clergyperson whose domiciliary diocese is not a member of the province.

Section 3 – Admissions

~~**Section 3 – Admission of Proctors**~~

The ~~Provincial Tribunal~~Ecclesiastical Trial Court may admit persons to practice as proctors before the ~~Disciplinary Tribunal for a Bishop (or panels thereof) and the Provincial Tribunal~~Ecclesiastical Trial Court and provide for the removal of same, under such regulations as it may adopt~~.~~, consistent with Canon IV.4.9 and Appendix A.

No person who has served as a member of the ~~Provincial Tribunal or the Disciplinary Tribunal for a Bishop~~Ecclesiastical Trial Court of the Diocese may serve as a proctor in any proceeding involving a Presentment referred to ~~a Disciplinary Tribunal for a Bishop~~the Ecclesiastical Trial Court within 3 years of the termination of such person's membership on ~~such tribunal~~the Court.

Section 4 – Transitional Provisions

1. This Title IV shall take effect on January 1, 2027, the effective date of the revised Title IV of the Provincial Canons. Until that date, Title IV of these canons as in effect before its amendment by the Synod of 2026 (the "previous Title IV") shall remain in effect.

2. Any accusation or Report made, and any proceeding commenced, under the previous Title IV before January 1, 2027, shall continue to be governed by the previous Title IV.

~~1. This title ("revised Title IV") shall take effect on January 1, 2027.~~

~~2. During the transition period from ratification of the revised Title IV by the Provincial Assembly until its effective date, the provisions of Title IV in effect as of the close of Provincial Assembly ("previous Title IV"), shall continue to be in effect.~~

~~3. The provisions of the previous Title IV pertaining to the discipline of presbyters and deacons shall remain in effect with respect to any diocese until the Standing Committee of the diocese makes the certification required by Canon IV.7.6.1.~~

~~4. Any proceedings commenced by the filing of a Presentment of a bishop with the Archbishop, the Archbishop's delegate, or the College of Bishops before January 1, 2027, shall continue to be governed by the provisions of the Constitution and Canons of the Anglican Church in North America in effect on the date of such filing.~~

~~5. No bishop or~~3. No member of the clergy may be subject to disciplinary action on grounds that would not have rendered ~~the bishop or member of the clergy in question~~him or her liable to disciplinary action under the Constitution and Canons of the Anglican Church in North America and of the Diocese in effect at the time of the ~~occurrence of the alleged event giving rise to the disciplinary action~~alleged conduct, and no sentence may be imposed that was not provided for in those Constitutions and Canons at that time.

4. Pending the first confirmation by the Synod of members of the Diocesan Reports Investigation Committee, the Diocesan Council may appoint persons nominated in accordance with Canon IV.5.2(b) to serve as members of the Committee until the next meeting of the Synod.

~~6. Notwithstanding anything in this title, no sentence may be imposed on a bishop or member of the clergy by a panel of the Disciplinary Tribunal for a Bishop or the Provincial Tribunal unless the sentence was provided for in the Constitution and Canons of the Anglican Church in North America in effect at the time of the occurrence of the event that rendered the bishop in question liable to the sanction.~~

~~7. The Provincial Tribunal is comprised of seven members. Those serving on the Provincial Tribunal as of December 31, 2026, shall have their term of service terminate on that date and those serving on that date may be considered for appointment under this canon 4.7. Notwithstanding the provisions of Canon IV.4.1, on January 1, 2027, the Executive Committee shall appoint four of the members and alternates of the Provincial Tribunal to a six-year term, and three of the members and alternates of the Provincial Tribunal to a three-year term. Thereafter, the members and alternates of the Provincial Tribunal shall serve staggered terms of six years, with either four or three being elected every three years.~~

~~8. The Disciplinary Tribunal for a Bishop is comprised of nine members. Those serving on the Court for the Trial of a Bishop as of December 31, 2026, shall have their term of service terminate on that date and those serving on that date may be considered for appointment under this canon 4.8.~~

~~Notwithstanding the provisions of Canon IV.4.2, on January 1, 2027, the Executive Committee shall appoint three of the members and alternates of the Disciplinary Tribunal for a Bishop to a six-year term, three of the members and alternates of the Disciplinary Tribunal for a Bishop to a four-year term, and three of the members and alternates of the Disciplinary Tribunal for a Bishop to a two-year term. Thereafter, the members and alternates of the Disciplinary Tribunal for a Bishop shall serve staggered terms of six years, with three being elected every two years.~~

~~9. The Reports Investigation Committee is comprised of nine members. Notwithstanding the provisions of Canon IV.5.2.1, on January 1, 2027, the Executive Committee shall appoint three of the members of the Reports Investigation Committee to a three-year term, three of the members to a two-year term, and three of the members to a one-year term. Thereafter, the members and alternates of the Reports Investigation Team serve staggered terms of three years, with three being elected every year.~~