

TITLE IV TASK FORCE II ON DISCIPLINARY POLICIES AND PROCEDURES

MEMBERSHIP

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Consultants: Sally Johnson, Esq., Church Pension Fund and the Rt. Rev. F. Clayton Matthews, Office of Pastoral Development.

Task Force Representatives at Convention: The Rt. Rev. Dorsey F. Henderson, the Rt. Rev. Robert L. Fitzpatrick, Stephen F. Hutchinson, Duncan A. Bayne, Ellen Bruckner and the Rev. Barbara Bender-Brock will be at General Convention and are authorized to receive non-substantive amendments to this report.

SUMMARY OF WORK

In the face of criticisms that the 1994 Title IV (then in use) was overly militaristic and rigid in its application and lacked a theological foundation, the 73rd General Convention resolved that a Task Force should be formed, charged with the responsibility of reviewing the existing Title IV, researching the disciplinary policies and procedures of other churches and various professions, making an interim report to the 2003 General Convention and bring to the 75th General Convention recommendations for the revision of Title IV of the Constitution and Canons of The Episcopal Church. (See GC Resolution 2000-A028).

After six years of work (summarized on pages 408-410 in the 2006 Task Force Blue Book Report), the Task Force submitted a complete revision of Title IV to the 75th General Convention for its consideration (Resolution A153, Proposed Title IV Revisions). Following extensive debate in the Cognate Canons Committee of both the House of Deputies and the House of Bishops, the Committee determined to send an alternate A153 to the legislative floors. This alternate was adopted by both Houses, and states:

Resolved, That the 75th General Convention express its sincere and abiding appreciation and gratitude for the diligent, intensive and dedicated work and leadership of the Task Force on Disciplinary Policies and Procedures ("Task Force I") since 2001 in the research, drafting, listening, and communicating of and about its work to develop a comprehensive revision to Title IV of the Church Canons, so that our Canons on discipline reflect our ecclesiology and theology; and be it further

Resolved, That the 75th General Convention endorse the principles and values expressed in Task Force I's proposed new Canon IV.1:

By virtue of our Baptismal Covenant, all members of this Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and shall hold one another accountable as provided in this Title; and be it further

Title IV Task Force II on Disciplinary Policies and Procedures

Resolved, That the 75th General Convention acknowledge that the work of Task Force I requires further work, reflection and perfection; and be it further

Resolved, That Resolution A153 and the work of and documents from Task Force I be referred to a new Title IV Task Force (“Task Force II”) of twelve persons comprising: three members appointed by the Standing Commission on Constitution and Canons, three members appointed by the Standing Commission on Ministry Development, and six other members, to include three members of Task Force I, jointly appointed by the President of the House of Deputies and the Presiding Bishop. Task Force II shall be charged to complete and perfect this vital work, continuing the focus on the following critical goals, concerns and values:

1. Reflect the values, ecclesiology, and theology of the Church;
2. Move Title IV towards a reconciliation model for all appropriate circumstances;
3. Encourage the prompt resolution of conflicts in the Church and the reconciliation of persons involved in those conflicts at the earliest appropriate time and the lowest appropriate level of the Church;
4. Consider the possible inclusion of certain Lay Persons in Title IV whose office or other leadership role makes inclusion appropriate, provided the treatment of their accountability and discipline is commensurate with their lay status, responsibilities and commitments;
5. Maintain the historic pastoral role and canonical authority of Bishops; and
6. Respect the roles, rights, and integrity of those persons subject to Title IV, and of injured persons, communities, Parishes, Missions, Congregations, and the Church.

And be it further

Resolved, That Task Force II meet during the next triennium, giving the Church due notice of its meetings; that it make available such periodic reports of its work as will best inform the Church of its activities; and that it make a final report, with a proposed Title IV revision along with explanatory and educational materials, to the 76th General Convention not later than January 1, 2009, and be it further

Resolved, That the 75th General Convention consider a budget allocation of \$60,000 for the implementation of this Resolution.

This adoption by General Convention followed action that had already been taken on the budget for the triennium, and no funds had been allocated for this work. Funding in the amount of \$30,000 was eventually identified, and the work of Task Force II was then scheduled to proceed. Unfortunately, this sum has proven insufficient to cover all the needs of Task Force II in completing its mission, and the members of Task Force II sincerely appreciate the ministry of those who have provided funding outside of the routine channels. As it was, much of the work of Task Force II was done by telephone or electronically, thus preventing further expense.

Task Force II first met in person and by telephone on May 2, 2007, in San Diego, California, prior to the National Chancellor’s Conference. Stephen Hutchinson was appointed Chair by the selecting authority, and Duncan Bayne was appointed Secretary by the Chair, with the consent of the participating members. The members principally discussed how they would work together and established the first face-to-face meeting for Kansas City, Missouri, from July 19 to 21, 2007. At that meeting Task Force II identified a number of issues in the 2006 draft which had raised concerns and made decisions regarding continued inclusion. A drafting group, chaired by Joseph Delafield, was selected and the work of revision was commenced in earnest.

A first redraft of the 2006 proposal was circulated electronically among the Task Force II members on July 31, 2007. Extensive comments were exchanged among the members over the following weeks.

At its third meeting, September 30-October 2, 2007, in Minneapolis, Minnesota, the initial redraft of Title IV was reviewed and comments about further changes were made. A revised redraft was circulated electronically on November 15, 2007, and was the subject of a telephone conference on December 14, 2007. An *Exposure Draft* was published on The Episcopal Church web site, with provisions for comment by any interested reader. Many comments were received before the established deadline of June 30, 2008, both through the web site and from other sources. All comments were considered, but not all resulted in changes to the draft. A third redraft was prepared and, at a meeting of the Task Force II in New Orleans on September 28-October 1, 2008, was further edited. A final edit of the Blue Book draft was then discussed and approved by telephone conference on October 28, 2008, among the Task Force II members.

Throughout 2008 presentations were made to many groups in the church, including the House of Bishops, Standing Commission on Constitution and Canons (twice), Executive Council and a number of provincial meetings. Many of the salient comments from these groups and others were incorporated into the final draft. We expect these meetings to continue until the convening of General Convention. It is fair to say that all corners of the church have had the opportunity to review and comment on the work of the Task Force and to have their comments reflected in the final draft. Many comments were received from public discussion. The following considerations may help one to understand some of the drafting decisions that were made.

UNDERLYING THEOLOGICAL PRINCIPLES

At the request of the original Task Force, the Reverend Pamela Cooper-White, Ph.D., prepared a paper expressing both her thoughts and those of the Task Force as to what elements needed to be included in any process of discipline within The Episcopal Church. This paper was reproduced in the Blue Book for the 74th General Convention and can be summarized as focusing on four distinct elements: (1) safety for all persons involved in discipline (sanctuary being a principle long sanctioned in the Christian tradition); (2) truth-telling, leading to the elimination of toxic secrecy and shame; (3) healing, with its verbal roots in “salve”, the same root as for “salvation”; and (4) reconciliation, to free and strengthen the church in its true mission to the world.

As stated by Task Force II member Bishop Dorsey Henderson in his opening remarks at the presentation of the draft at the House of Bishops:

“Two different task forces have worked to produce this present proposal. But both task forces strove to immerse every conversation, every dialogue, and every consideration, in prayer, from beginning to end—and to under gird every proposal, in whole or in part, with solid theological reflection. When there are allegations of wrongdoing, what is the Church called to be ...what is the Church called to do...what is the faithful response of the Church...to those allegations? We started, to be sure, with Jesus Christ and our understanding of both mission and ministry. It goes without saying that the very mission of Christ is the mission of the Church: “to restore all people to unity *with God and each other in Christ*”. We found guidance, too, in St. Paul’s understanding of the Church’s *ministry*: “God has given us the ministry of reconciliation” (2nd Cor. 5). And so, within those larger contexts, we attempted to be ever mindful of questions like these: How does the Church appropriately respond to allegations of wrongdoing with a process that is as faithful to God’s justice, mercy and peace as, by God’s grace, we can design and utilize? How, by God’s grace, do we provide the channels of Christ’s healing where injury has occurred – for both victim and offender? How, in particular, does the bishop, as chief priest and pastor, “seek and serve Christ in all persons” whose lives are touched, effected, invaded by allegations of, or actual, misconduct. If honesty and acknowledgement of responsibility are essential elements of God’s reconciliation, how do we best provide for that? How is Christian compassion effectively and best integrated into a process of justice and peace? How is the Church’s law shaped into a form which is faithful to God’s law, to God’s call for confession and forgiveness, within a Church called to the mission of unity and the ministry of reconciliation? We pray that what we now have before us is, by God’s grace, a faithful response to those questions – or at least a significant progress in the right direction.”

DISCIPLINE OF THE LAITY

The laity was included as a subject of discipline in the 2006 draft—a concept that was roundly criticized. Task Force II proposed that this be addressed by inserting an express right of removal of lay persons from ecclesiastical offices in Title I, rather than inserting full disciplinary procedures in Title IV, but this too caused extensive objections as being overreaching and unnecessary. It is the judgment of Task Force II that the time is not yet propitious for the inclusion of disciplinary provisions for the laity other than as already provided in the Book of Common Prayer, and no inclusion of laity is contemplated at this time.

IMPAIRMENT OF THE CLERGY

The 2006 draft provided for instances of impairment of the clergy from alcohol, disease or other cause, and potential suspension until the impairment was relieved. Task Force II initially proposed specific language to be incorporated into Title III, but has since concluded that this needs further reflection. Therefore, Task Force II is requesting that this subject be referred for further study by the Standing Commission on Ministry Development, and a Resolution to this end is included in this report.

NUMBER OF PERSONNEL INVOLVED IN DISCIPLINE

Under the present Title IV there is the potential for at least 15 people to be directly involved in any misconduct matter: the offending member of the clergy, his or her consultant, the bishop, the canon to the ordinary, the diocesan review committee (in some cases the standing committee), usually a five member ecclesiastical trial court, the church attorney, not to mention lay assessor(s), and investigators, which many, if not most, dioceses also have available under contract if not already on staff. Under the proposal this number would be substantially less and would include: the intake officer, bishop, investigator, seven members of the Disciplinary Board (or less as specified in diocesan canon) and church attorney. Dioceses may also combine efforts by agreement between them.

PASTORAL RESPONSES

The proposal requires a pastoral response appropriate to the occasion in every circumstance. Flexibility has been built in to foster in all cases as far as possible healing, forgiveness, repentance and reconciliation among the affected parties.

AUTHORITY OF BISHOPS

The authority of bishops is not substantially changed. A number of proposals were included in the *Exposure Draft*, but were modified or removed in the final. An Agreement for Discipline between a bishop and respondent generally no longer requires review, but the bishop does consult with others to ensure that the elements which underlie the draft's approach to discipline are reflected in the Agreement. Only an Agreement for Discipline between the Presiding Bishop and another bishop requires consent from the Disciplinary Board for Bishops. Further, the bishop has authority to modify terms of an order, as well as a sentence, and has more time in which to consider approval of a pending order.

SELF REPORTING

All clergy are required by the proposal to report any matters which may constitute an offense, including their own, except for matters kept private within the Rite of Reconciliation of a Penitent. Criticisms of this provision fail to recognize the distinction between the Constitutional protections provided for an accused in a criminal matter and those which might be appropriate in an ecclesiastical proceeding. Fundamental to our work is the need for truth-telling, honesty and acknowledgement of responsibility, which is arguably inconsistent with some Constitutional rights citizens hold. Reconciliation and the other desired results are simply not possible if the accused member of the clergy can simply hide the truth.

EXTENT OF CHANGES

An unfortunate outgrowth of a revision such as here brought forth is an appearance that the changes are vast. Such is simply not the case here. The large bulk of Title IV is, or will be, unchanged. Task Force II did not attempt to reinvent the wheel, but simply to express in new language much of what already

existed. The abandonment provisions, appeals and modifications are essentially untouched, as is most of the other content of the Canon. What has changed is the process by which complaints are brought and heard.

Although the primary work of Task Force II has been completed, should the draft revisions be adopted by General Convention, much remains to be done in education and training of dioceses and personnel involved—or to be involved—in the process of discipline. Members of Task Force II remain available to conduct or participate in this training and in fact have already begun drafting model diocesan Canons and educational material for implementation of the changes if this draft is adopted. To this end, Task Force II requests a budget allocation of \$15,000 to complete this work.

Title IV Task Force II

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Duncan A. Bayne, Esq., Secretary

The Reverend Barbara Bender-Breck

Ms. Ellen Bruckner

Joseph L. Delafield, III, Esq.

The Right Reverend Robert L. Fitzpatrick

Mr. Luis Gonzalez

The Right Reverend Dorsey F. Henderson

Fred C. Isaac, Esq.

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The Reverend R. Stan Runnels

Diane E. Sammons, Esq.

PROPOSED TITLE IV REVISIONS

RESOLUTION A185 PROPOSED TITLE IV REVISIONS

1 *Resolved*, the House of _____ concurring, That the whole of Title IV of the Constitution and Canons for
2 the Government of The Episcopal Church be amended to read as follows:

3 **TITLE IV**

4 **ECCLESIASTICAL DISCIPLINE**

5

6 **CANON 1: Of Accountability and Ecclesiastical Discipline**

7

8 By virtue of Baptism, all members of the Church are called to holiness of life and accountability to one
9 another. The Church and each Diocese shall support their members in their life in Christ and seek
10 resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life
11 and reconciliation among all involved or affected. This Title applies to Members of the Clergy, who
12 have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine,
13 discipline, worship and obedience.

14

15 **CANON 2: Of Terminology Used in this Title**

16

17 Except as otherwise expressly provided or unless the context otherwise requires, as used in this Title the
18 following terms and phrases shall have the following meanings:

19

20 **Accord** shall mean a written Resolution, which is negotiated and agreed among the parties resulting
21 from an agreement for discipline under Canon IV.9, conciliation under Canon IV.10 or a Conference
22 Panel proceeding under Canon IV.12. All Accords shall meet the requirements of Canon IV.14.

23 **Administrative Leave** shall mean a restriction on ministry in which the exercise of the Respondent's
24 ministry is suspended in its entirety during the period of the Administrative Leave and may include
25 suspension from any ecclesiastical and related secular office.

26 **Advisor** shall mean a person designated to support, assist, consult with and advise a Complainant or
27 Respondent in any matter of discipline under this Title as provided in Canon IV.19.10.

28 **Church Attorney** shall mean one or more attorneys selected pursuant to Diocesan Canons to represent
29 the Church in proceedings as provided in this Title. A Church Attorney shall perform all functions on
30 behalf of the Church necessary to advance proceedings under this Title and shall have the following
31 powers, in addition to the powers and duties otherwise provided in this Title: **(a)** to receive and review
32 the Intake Officer's report; **(b)** to conduct investigations and oversee the Investigator and, in
33 connection with such investigations; to have access to the personnel, books and records of the Diocese
34 and its constituent parts; and to receive and review the reports of the Investigator; **(c)** to determine, in
35 the exercise of the Church Attorney's discretion, whether the reported information, if true, would be
36 grounds for discipline; and **(d)** to exercise discretion consistent with this Title and the interests of the
37 Church by declining to advance proceedings or by referring any matter back to the Intake Officer or the
38 Bishop Diocesan for pastoral response in lieu of disciplinary action. In representing the Church, a
39 Church Attorney may consult with the Conference Panel.

40 **Community** shall mean that part of the Church in which a Member of the Clergy performs his or her
41 ministry, such as a Diocese, Parish, Mission, school, seminary, hospital, camp or any similar institution.

42 **Complainant** shall mean **(a)** the person or persons from whom the Intake Officer receives information
43 concerning an Offense or **(b)** any Injured Person designated by the Bishop Diocesan who, in the
44 Bishop Diocesan's discretion, should be afforded the status of a Complainant, provided, however, that
45 any Injured Person so designated may decline such designation.

46 **Conciliator** shall mean a person appointed to seek the resolution of a matter under Canon IV.10.

47 **Conduct Unbecoming a Member of the Clergy** shall mean any disorder or neglect that prejudices the
48 reputation, good order and discipline of the Church, or any conduct of a nature to bring material
49 discredit upon the Church or the Holy Orders conferred by the Church.

50 **Conference Panel** shall mean a panel of one, two or three members of the Disciplinary Board selected
51 by the president of the board, unless some other manner of selection is provided by Diocesan Canon, to
52 serve as the body before which an informal conference is held as provided in Canon IV.12, provided,
53 however, that no such member may serve as a member of the Hearing Panel in the same case.

54 **Disciplinary Board** shall mean the body provided for in Canon IV.5.1.

55 **Discipline of the Church** shall be found in the Constitution, the Canons and the Rubrics and the
56 Ordinal of the Book of Common Prayer.

57 **Doctrine** shall mean the basic and essential teachings of the Church and is to be found in the Canon of
58 Holy Scripture as understood in the Apostles and Nicene Creeds and in the sacramental rites, the
59 Ordinal and Catechism of the Book of Common Prayer.

60 **Hearing Panel** shall mean a panel of three members of the Disciplinary Board selected by the president
61 of the Board, unless some other manner of selection is provided by Diocesan Canon, to serve as the
62 body before which a hearing is held as provided in Canon IV.13, provided, however, that no such
63 member may serve as a member of the Conference Panel in the same case.

64 **Injured Person** shall mean a person, group or Community who has been, is or may be affected by an
65 Offense.

66 **Intake Officer** shall mean a person designated by the Bishop Diocesan after consultation with the
67 Disciplinary Board, to whom information regarding Offenses is reported.

68 **Investigator** shall mean a person having **(a)** sufficient knowledge, skill, experience and training to
69 conduct investigations under this Title and **(b)** familiarity with the provisions and objectives of this
70 Title. Investigators shall be appointed by the Bishop Diocesan in consultation with the president of the
71 Disciplinary Board.

72 **Member of the Clergy** shall mean Bishops, Priests and Deacons of the Church.

73 **Offense** shall mean any act or omission for which a Member of the Clergy may be held accountable
74 under Canons IV.3 or IV.4.

75 **Order** shall mean a written decision of a Conference Panel or a Hearing Panel which is issued with or
76 without the Respondent's consent. All Orders shall meet the requirements of Canon IV.14.

77 **Pastoral Direction** shall mean a written direction given by a Bishop to a Member of the Clergy which
78 meets the requirements of Canon IV.7.

79 **Pastoral Relationship** shall mean any relationship between a Member of the Clergy and any person
80 whom the Member of the Clergy provides or has provided counseling, pastoral care, spiritual direction
81 or spiritual guidance, or from whom such Member of the Clergy has received information within the
82 Rite of Reconciliation of a Penitent.

83 **Privileged Communication** shall mean any communication or disclosure made in confidence and with
84 an expectation of privacy **(a)** within the Rite of Reconciliation of a Penitent; **(b)** between a client and
85 the client's attorney; **(c)** between a Respondent and an Advisor or a Complainant and an Advisor; **(d)**
86 between persons in a relationship in which communications are protected by secular law or Diocesan
87 Canons; or **(e)** between and among a Conciliator and participants in a conciliation under Canon IV.10.

88 **Provincial Court of Review** shall mean a court organized and existing as provided in Canon IV.5.4 to
89 serve as the body which performs the duties prescribed in Canon IV.15.

90 **Reference Panel** shall mean a panel composed of the Intake Officer, the Bishop Diocesan and the
91 president of the Disciplinary Board to serve as the body which performs the duties prescribed in Canons
92 IV.6 and IV.11.

93 **Respondent** shall mean any Member of the Clergy **(a)** who is the subject of a matter referred for
94 conciliation or to the Conference Panel or to the Hearing Panel; **(b)** whose ministry has been restricted;
95 **(c)** who has been placed on Administrative Leave; **(d)** who is the subject of an investigation and is
96 asked by an investigator or the Bishop Diocesan to provide information or to make a statement; or **(e)**
97 who agreed with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9.

98 **Sentence** shall mean the pronouncement of discipline of a Member of the Clergy pursuant to an
99 Accord or Order in the form of **(a)** admonition, in which the conduct of such Member of the Clergy is
100 publicly and formally censured or reprimanded, or **(b)** suspension, in which such Member of the Clergy
101 is required to refrain temporarily from the exercise of the gifts of ministry conferred by ordination, or
102 **(c)** deposition, in which such Member of the Clergy is deprived of the right to exercise the gifts and
103 spiritual authority of God's word and sacraments conferred at ordination.

104 **Sexual Abuse** shall mean any Sexual Behavior at the request of, acquiesced to or by a person eighteen
105 years of age or older and a person under eighteen years of age, in high school or legally incompetent.

106 **Sexual Behavior** shall mean any physical contact, bodily movement, speech, communication or other
107 activity sexual in nature or that is intended to arouse or gratify erotic interest or sexual desires.

108 **Sexual Misconduct** shall mean **(a)** Sexual Abuse or **(b)** Sexual Behavior at the request of, acquiesced
109 to or by a Member of the Clergy with an employee, volunteer, student or counselee of that Member of
110 the Clergy or in the same congregation as the Member of the Clergy, or a person with whom the
111 Member of the Clergy has a Pastoral Relationship.

112

113 **CANON 3: Of Accountability**

114

115 **Sec. 1** A Member of the Clergy shall be subject to proceedings under this Title for:

116 **(a)** knowingly violating or attempting to violate, directly or through the acts of another person, the
117 Constitution or Canons of the Church or of any Diocese;

118 **(b)** failing without good cause to cooperate with any investigation or proceeding conducted under
119 authority of this Title; or

120 **(c)** intentionally and maliciously bringing a false accusation or knowingly providing false testimony
121 or false evidence in any investigation or proceeding under this Title.

122 **Sec. 2** A Member of the Clergy shall be accountable for any breach of the Standards of Conduct set
123 forth in Canon IV.4.

124 **Sec. 3** In order for any conduct or condition to be the subject of the provisions of this Title, the
125 Offense complained of must violate applicable provisions of Canon IV.3 or IV.4 and must be material
126 and substantial or of clear and weighty importance to the ministry of the Church.

127

128 **CANON 4: Of Standards of Conduct**

129

130 **Sec. 1** In exercising his or her ministry, a Member of the Clergy shall:

131 (a) respect and preserve confidences of others except that pastoral, legal or moral obligations of
132 ministry may require disclosure of those confidences other than Privileged Communications;

133 (b) conform to the Rubrics of the Book of Common Prayer;

134 (c) abide by the promises and vows made when ordained;

135 (d) abide by the requirements of any applicable Accord or Order, or any applicable Pastoral
136 Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7;

137 (e) safeguard the property and funds of the Church and Community;

138 (f) report to the Intake Officer all matters which may constitute an Offense as defined in Canon
139 IV.2, including his or her own Offenses, except for matters disclosed to the Member of Clergy as
140 confessor within the Rite of Reconciliation of a Penitent;

141 (g) exercise his or her ministry in accordance with applicable provisions of the Constitution and
142 Canons of the Church and of the Diocese, ecclesiastical licensure or commission and Community
143 rule or bylaws;

144 (h) refrain from:

145 (1) any act of Sexual Misconduct;

146 (2) holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held
147 by the Church;

148 (3) engaging in any secular employment, calling or business without the consent of the Bishop of
149 the Diocese in which the Member of the Clergy is canonically resident;

150 (4) being absent from the Diocese in which the Member of the Clergy is canonically resident for
151 more than two years without the consent of the Bishop Diocesan;

152 (5) any criminal act that reflects adversely on the Member of the Clergy's honesty,
153 trustworthiness or fitness as a minister of the Church;

154 (6) conduct involving dishonesty, fraud, deceit or misrepresentation; or

155 (7) habitual neglect of the exercise of the ministerial office without cause; or habitual neglect of
156 public worship, and of the Holy Communion, according to the order and use of the Church;
157 and

158 (8) any Conduct Unbecoming a Member of the Clergy.

159

160 **CANON 5: Of Disciplinary Structures**

161

162 **Sec. 1** Each Diocese shall, by Canon, create a court to be known as the Disciplinary Board as
163 described in this Canon. Each such Board shall consist of not fewer than seven persons to be selected as
164 determined by Diocesan Canon. The membership of each Board shall include lay persons and Priests or
165 Deacons, and the majority of the Board members shall be Priests or Deacons, but by no more than one.
166 No member of the Standing Committee of a Diocese shall serve as a member of the Disciplinary Board
167 of that Diocese. Within sixty days following each Diocesan convention, the Board shall convene to elect
168 a president for the following year, unless another method for selection of the president is provided by
169 Diocesan Canon.

170 **Sec. 2** The provisions of Canon IV.19 shall apply to all Disciplinary Boards.

171 **Sec. 3** The following rules shall govern the operations of all Disciplinary Boards:

172 (a) In the event of any Board member's death, resignation or declination to serve, or disability
173 rendering the member unable to act, the president shall declare a vacancy on the Board.

174 (b) Notices of resignation or declination to serve shall be communicated in writing to the president.

175 (c) No person serving in a Diocese as Chancellor, Vice Chancellor, Advisor, Conciliator, Church
176 Attorney, Intake Officer or Investigator may serve on the Disciplinary Board of that Diocese, and
177 no member of a Disciplinary Board may be selected to serve in one of those positions in the same
178 Diocese. A member of the Standing Committee of a Diocese may serve on the Disciplinary Board
179 if the Canons of the Diocese so provide. If any Priest elected to the Board is elected a Bishop, or

any lay member is ordained prior to the commencement of a proceeding under this Title, that person shall immediately cease to be a member of the Board. If a proceeding has been commenced, that person may continue to serve on the Board for all proceedings in that matter through final disposition. A lay person ceasing to be a member under this subsection by reason of ordination may be appointed to fill a vacancy in the clergy members of the Board.

(d) Each Diocese shall provide by Canon for the filling of vacancies on the Board. In the event there be no such canonical provision by the Diocese, any vacancy occurring on the Board shall be filled by appointment of the Bishop Diocesan and the appointee shall be of the same order as the Board member being replaced.

(e) Proceedings of the Panels of the Disciplinary Board shall be conducted within the rules provided in this Title. The Board may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

(f) The rules of evidence for proceedings are as provided in Canon IV.13.6.

(g) The Disciplinary Board shall appoint a clerk who may be a member of the Board, who shall be custodian of all records and files of the Disciplinary Board and who shall provide administrative services as needed for the functioning of the Board.

(h) The Disciplinary Board shall keep a record of all proceedings before its Hearing Panels in a format that can be reduced to a transcript if necessary. The record of each proceeding shall be certified by the president of the Panel. If the record cannot be certified by the president by reason of the president's death, disability or absence, the record shall be certified by another member of the Panel selected by a majority of the remaining members of the Panel.

(i) Any Diocese may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.

(j) Church Attorneys, Intake Officers, Advisors, Investigators and Conciliators need not reside in or be members of the Diocese proceeding under this Title. Members of Disciplinary Boards shall be members of the Diocese in which they serve unless such Diocese has entered into an agreement for the sharing of resources as provided in Canon IV.5.3(i).

Sec. 4 In each Province there shall be a court to be known as the Provincial Court of Review, with jurisdiction to receive and determine appeals from Hearing Panels of Dioceses within the Province as provided in Canon IV.15 and to determine venue issues as provided in Canon IV.19.5.

(a) The Provincial Court of Review shall consist of: (i) one Bishop of the Province; two Priests, or one Priest and one Deacon; and two lay persons; and (ii) one Bishop, one Priest or Deacon, and one lay person to serve as alternates as hereinafter provided. Each Priest or Deacon, whether a member or alternate, shall be canonically resident in a Diocese of the Province different from any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a Diocese of the Province different from any other lay person. The Priests, Deacons and lay persons shall be members of the Disciplinary Boards of their respective Dioceses.

(b) The members and alternates of the Provincial Court of Review shall be appointed annually by the president of the Province. The Provincial Court of Review shall select a president from among its members.

(c) The persons appointed to the Provincial Court of Review shall continue to serve until their respective successors have been appointed, except in case of death, resignation or declination to serve.

(d) No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.

(e) In the event that any member of the Provincial Court of Review is excused pursuant to the provisions of Canon IV.5.3(c), or, upon objection made by either party to the appeal is deemed by the other members of the Provincial Court of Review to be disqualified, such member's alternate shall serve.

- 232 (f) In the event of any Provincial Court of Review member's death, resignation or declination to
233 serve, or disability rendering the member unable to act or is ineligible to serve under Canons
234 IV.5.4(d) or (e), and in the further event that there is no alternate available to serve, the president of
235 the Provincial Court of Review shall declare a vacancy on the Provincial Court of Review. Notices
236 of resignation or declination to serve shall be communicated in writing to the president of the
237 Provincial Court of Review.
- 238 (g) Vacancies on the Provincial Court of Review shall be filled by appointment by the president of
239 the Province of persons qualified as provided in Canon IV.5.4(a).
- 240 (h) The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who
241 shall be custodian of all records and files of the Provincial Court of Review and who shall provide
242 administrative services as needed for the functioning of the Court.
- 243 (i) The rules of procedure for appeals to the Provincial Court of Review are as provided in Canon
244 IV.15, but the Provincial Court of Review may adopt, alter or rescind supplemental rules of
245 procedure not inconsistent with the Constitution and Canons of the Church.

246

CANON 6: Of Intake and Referral of Information Concerning Offenses

247 **Sec. 1** Each Diocese shall provide for and publicize methods and means of reporting information
248 concerning Offenses.

249 **Sec. 2** Information concerning Offenses may be submitted to the Intake Officer in any manner and in
250 any form.

251 **Sec. 3** Any person other than the Intake Officer who receives information regarding an Offense shall
252 promptly forward the information to the Intake Officer. A Bishop Diocesan may forward information
253 to the Intake Officer whenever the Bishop Diocesan believes that the information may indicate conduct
254 constituting one or more Offenses.

255 **Sec. 4** Upon receipt of such information, the Intake Officer may make such preliminary investigation
256 as he or she deems necessary, and shall incorporate the information into a written intake report,
257 including as much specificity as possible. The Intake Officer shall provide copies of the intake report to
258 the other members of the Reference Panel.

259 **Sec. 5** If the Intake Officer determines that the information, if true, would not constitute an Offense,
260 the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop
261 Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide
262 written notice to the Complainant and the Bishop Diocesan of the decision of dismissal, the reasons
263 therefor, and the Complainant's right to appeal the decision within thirty days of the date of the notice
264 and shall send a copy of that notice and the written intake report to the president of the Disciplinary
265 Board. If the Complainant wishes to appeal the dismissal, the Intake Officer shall assist the
266 Complainant in preparing and signing a written statement of the acts complained of, which statement
267 shall be sent to the president of the Disciplinary Board along with a statement that the Complainant
268 appeals the dismissal. The intake report and any related information, in the case of a dismissal, may be
269 retained by the Intake Officer and considered in connection with any additional information that may
270 come to the Intake Officer thereafter concerning the subject Member of the Clergy.

271 **Sec. 6** In the event of an appeal of a dismissal, the president of the Disciplinary Board shall, within
272 thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the
273 dismissal. The president shall promptly notify the Complainant, the Intake Officer, and the Bishop
274 Diocesan of the decision. If the decision is to overrule the dismissal, the president shall refer the intake
275 report to the Reference Panel.

276 **Sec. 7** If the Intake Officer determines that the information, if true, would constitute an Offense, the
277 Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall
278 promptly select from the Disciplinary Board, by lot or by other random means, a Conference Panel and
279 a Hearing Panel, and shall designate a president of each Panel. A Conference Panel may consist of one
280 or more persons. A Hearing Panel shall consist of not less than three persons and shall include both
281 clergy and lay members. The president shall be ineligible to serve on either Panel.

284 **Sec. 8** The Reference Panel shall meet as soon as possible after receiving the intake report to
285 determine how to refer the report. Referral options are **(a)** no action required other than appropriate
286 pastoral response pursuant to Canon IV.8; **(b)** conciliation pursuant to Canon IV.10; **(c)** investigation
287 pursuant to Canon IV.11 or **(d)** referral for possible agreement with the Bishop Diocesan regarding
288 terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of
289 the Reference Panel.

290 **Sec. 9** If the determination of the Reference Panel is to take no action other than an appropriate
291 pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the
292 determination and the basis for the determination to take no action other than an appropriate pastoral
293 response. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to
294 investigation, the provisions of Canon IV.11 shall apply.

295 **Sec. 10** All communications and deliberations during the intake and referral stages shall be confidential
296 except as the Bishop Diocesan deems to be pastorally appropriate or as required by law.
297

CANON 7: Of Pastoral Direction, Restricted Ministry and Administrative Leave

300 **Sec. 1** At any time the Bishop Diocesan may issue a Pastoral Direction to a Member of the Clergy,
301 canonically resident, actually resident, or licensed in the Diocese.

302 **Sec. 2** A Pastoral Direction must **(a)** be made in writing; **(b)** set forth clearly the reasons for the
303 Pastoral Direction; **(c)** set forth clearly what is required of the Member of the Clergy; **(d)** be issued in
304 the Bishop Diocesan's capacity as the pastor, teacher and overseer of the Member of the Clergy; **(e)** be
305 neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the
306 General Convention or the Diocese; and **(f)** be directed to some matter which concerns the Doctrine,
307 Discipline or Worship of the Church or the manner of life and behavior of the Member of the Clergy
308 concerned; and **(g)** be promptly served upon the Member of the Clergy.

309 **Sec. 3** If at any time the Bishop Diocesan determines that a Member of the Clergy may have
310 committed any Offense, or that the good order, welfare or safety of the Church or any person or
311 Community may be threatened by that member of the Clergy, the Bishop Diocesan may, without prior
312 notice or hearing, **(a)** place restrictions upon the exercise of the ministry of such Member of the Clergy
313 or **(b)** place such Member of the Clergy on Administrative Leave.

314 **Sec. 4** Any restriction on ministry imposed pursuant to Canon IV.7.3(a) or placement on
315 Administrative Leave pursuant to Canon IV.7.3(b) must **(a)** be made in writing; **(b)** set forth clearly the
316 reasons for which it is issued; **(c)** set forth clearly the limitations and conditions imposed and the
317 duration thereof; **(d)** be neither capricious nor arbitrary in nature nor in any way contrary to the
318 Constitution and Canons of the General Convention or the Diocese; **(e)** be promptly served upon the
319 Member of the Clergy; and **(f)** advise the Member of the Clergy of his or her right to be heard in the
320 matter as provided in this Canon. A copy of such writing shall be promptly provided to the Church
321 Attorney.

322 **Sec. 5** The duration of restriction on ministry or Administrative Leave may be for a stated period or to
323 continue until the occurrence of a specified event or the satisfaction of a specified condition.

324 **Sec. 6** Pastoral Directions, restrictions on ministry and Administrative Leaves **(a)** may be issued and
325 imposed in any chronological order; **(b)** may be issued and imposed concurrently; and **(c)** may be
326 modified at any time by the issuing Bishop or that Bishop's successor, provided that the Pastoral
327 Direction, restriction on ministry or Administrative leave, as modified, meets the requirements of this
328 Canon.

329 **Sec. 7** Any Pastoral Direction, restriction on ministry or Administrative Leave under this Canon shall
330 be effective upon service of the writing setting it forth on the subject Member of the Clergy as provided
331 in Canon IV.19.20.

332 **Sec. 8** If imposition of restriction on ministry or placement on Administrative Leave occurs prior to
333 the receipt of information by the Intake Officer, as provided in Canon IV.6, then the Bishop may
334 forward a copy of the writing setting forth the restriction or Administrative Leave to the Intake Officer,
335 who shall receive such information as a report of an Offense and proceed as provided in Canon IV.6.

336 **Sec. 9** The Bishop Diocesan may disclose such information concerning any Pastoral Direction,
337 restriction on ministry or Administrative Leave as the Bishop Diocesan deems pastorally appropriate or
338 as necessary to seek or obtain Diocesan authority for resolution of the matter or any part thereof.

339 **Sec. 10** Every imposition of restriction on ministry or placement on Administrative Leave shall be
340 subject to review upon the request of the Member of the Clergy at any time in the duration thereof. A
341 request for review must be in writing and addressed to the president of the Disciplinary Board and the
342 Church Attorney, with a copy to the Bishop Diocesan. A Member of the Clergy who requests review
343 shall become a Respondent under this Title. Reviews shall be conducted within fifteen days of the
344 delivery of the request for review to the president of the Disciplinary Board, unless extended by consent
345 of the Respondent. If a restriction on ministry or placement on Administrative Leave has been reviewed
346 once, a second request for review may be made only if there has been a substantial change of
347 circumstances from the time of the first request or if there has been a modification of the restriction on
348 ministry or placement on Administrative Leave.

349 **Sec. 11** If a request for review of restriction on ministry or Administrative Leave is made prior to
350 referral to the Conference Panel, then the review shall be conducted by the Conference Panel. If a
351 request for review of restriction on ministry or Administrative Leave is made subsequent to referral to
352 the Conference Panel but prior to referral to the Hearing Panel, the review shall be conducted by the
353 Conference Panel. If a request for review of restriction on ministry or Administrative Leave is made
354 subsequent to referral to the Hearing Panel, the review shall be conducted by the Hearing Panel. The
355 question before a Panel reviewing a restriction on ministry or Administrative Leave is whether, at the
356 time of the review and based upon information then available to the Panel, the restrictions on ministry
357 or Administrative Leave and the terms and conditions thereof are warranted. The review may be
358 conducted either personally or telephonically. The Intake Officer, the Respondent or the Respondent's
359 Advisor or both, the Bishop Diocesan, the Chancellor and the Church Attorney shall each be afforded
360 the opportunity to be present, either personally or telephonically, at the review, and any such person
361 present shall be heard by the Panel if such person desires to be heard. The Panel may hear from other
362 persons at the Panel's discretion.

363 **Sec. 12** After conducting the review and hearing from such persons designated in Canon IV.7.11 a
364 desire to be heard, the Panel shall confer privately and make a determination to **(a)** dissolve the
365 restriction on ministry or Administrative Leave; **(b)** affirm the restriction on ministry or Administrative
366 Leave and the terms and conditions thereof; or **(c)** affirm the restriction on ministry or Administrative
367 Leave, but with modification of the terms and conditions thereof. The Panel's determination shall be in
368 writing and shall be delivered to the Respondent, the Church Attorney, the Bishop Diocesan and the
369 Intake Officer, and shall be binding in the same manner as provided in Canon IV.7.7. In the event of
370 the dissolution of the restriction on ministry or Administrative Leave, the Bishop Diocesan may give
371 notice thereof to such persons and Communities having notice of the restriction on ministry or
372 Administrative Leave as the Bishop Diocesan deems appropriate.

373 **Sec. 13** Any Accord or Order resulting from Canons IV.9, IV.10, IV.12 or IV.13, unless otherwise
374 specified, shall supersede any restriction on ministry or Administrative Leave then in effect.
375

376 **CANON 8: Of Pastoral Response**

377 **Sec. 1** The Bishop Diocesan shall provide for appropriate pastoral response whenever any report is
378 made to the Intake Officer. Such pastoral response shall embody respect, care, and concern for affected
379 persons and Communities. The response shall be designed so as to promote healing, repentance,
380 forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected.

381 **Sec. 2** In each pastoral response the Bishop Diocesan shall consider offering pastoral care to all those
382 affected by the Offense or allegations thereof. Pastoral care shall be considered for the Complainant, the
383 Complainant's family, the Respondent, the Respondent's family, Injured Persons, Injured Persons'
384 families, any affected Community, witnesses, and the Disciplinary Board.

386 **Sec. 3** In every case, and notwithstanding any other provision of this Title to the contrary, the Bishop
387 Diocesan may disclose such information concerning any Offense or allegations thereof or concerning
388 any Accord or Order as the Bishop Diocesan deems pastorally appropriate.

389 **Sec. 4** The Bishop Diocesan shall give consideration to the respective privacy interests and pastoral
390 needs of all affected persons.

391 **Sec. 5** The Bishop Diocesan may designate a person to be responsible for the implementation of the
392 pastoral response. Such person may be the Intake Officer. The duties of such person may include
393 coordination of pastoral care and coordination of communications between the Bishop Diocesan and
394 Advisors.

395

396 **CANON 9: Of Agreements Between Bishops Diocesan and Respondents for Discipline**

397

398 **Sec. 1** At any time before an Order becomes effective, the Respondent or any Member of the Clergy
399 who has not yet become a Respondent but who is alleged to have committed an Offense may propose
400 terms of discipline to the Bishop Diocesan, or the Bishop Diocesan may propose terms of discipline to
401 the Respondent or such Member of the Clergy. Before reaching agreement, the Bishop Diocesan shall
402 consult with the Injured Persons, if any, the President of the Disciplinary Board and the Church
403 Attorney with respect to the proposed terms of discipline. If the Respondent or such Member of the
404 Clergy and the Bishop Diocesan reach agreement regarding terms of discipline, such terms shall be set
405 forth in a proposed Accord. A Member of the Clergy becomes a Respondent by reaching agreement
406 with the Bishop Diocesan regarding terms of discipline.

407 **Sec. 2** An Accord under this Canon may be entered into if **(a)** the Respondent is aware of the
408 discipline to be imposed and the effect thereof; **(b)** the Respondent has had adequate opportunity to
409 consult and seek advice from, or has in fact consulted and received advice from, counsel of the
410 Respondent's choosing; and **(c)** the Accord adequately considers and, where possible, provides for
411 healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the
412 Complainant, Respondent, affected Community and other persons and is otherwise an appropriate
413 resolution of the matter.

414 **Sec. 3** An Accord under this Canon may be withdrawn by the Priest or Deacon within three days of
415 execution thereof by the Priest or Deacon and if not withdrawn shall be effective and irrevocable
416 thereafter.

417

418 **CANON 10: Of Conciliation**

419

420 **Sec. 1** Conciliation shall seek a resolution which promotes healing, repentance, forgiveness, restitution,
421 justice, amendment of life and reconciliation among the Complainant, Respondent, affected
422 Community, other persons and the Church.

423 **Sec. 2** Where a matter is referred for conciliation, the Bishop Diocesan shall appoint a Conciliator to
424 assist the Complainant, Respondent, other affected persons and the Church in reconciling. The Bishop
425 Diocesan or a representative appointed by the Bishop Diocesan may participate in the conciliation.

426 **Sec. 3** If the conciliation is successful in reaching agreement among the parties on a suitable resolution
427 of all issues, an Accord will be prepared as provided in Canon IV.14. If conciliation cannot be achieved
428 within a reasonable time, the Conciliator will report such to the Bishop Diocesan, and the matter will be
429 referred back to the Reference Panel.

430 **Sec. 4** A Conciliator shall be a person skilled in dispute resolution techniques and without conflict of
431 interest in the matter. All communications between the Complainant and the Conciliator, the
432 Respondent and the Conciliator and other participants in the conciliation and the Conciliator shall be
433 confidential except as the Conciliator may have the permission of the respective person to disclose the
434 information to the other participants in the conciliation in order to promote efforts towards conciliation.

435

436 **CANON 11: Of Investigations**

437

438 **Sec. 1** In each Diocese there shall be one or more Investigators.

439 **Sec. 2** Upon referral of an intake report, the Investigator shall investigate all facts pertinent to the
440 factual claims of the intake report. The Investigator shall use appropriate investigative means, with due
441 consideration to pastoral sensitivities, and shall complete the investigation as expeditiously as possible.

442 **Sec. 3** The Investigator shall present the findings of the investigation in writing to the Reference Panel.
443 The Reference Panel may meet with the Investigator and shall consider the report to determine whether
444 to **(a)** take no action other than appropriate pastoral responses pursuant to Canon IV.8; **(b)** refer the
445 matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; **(c)** refer the matter
446 to conciliation pursuant to Canon IV.10; **(d)** require further investigation; or **(e)** refer the matter to the
447 Conference Panel pursuant to Canon IV.12. The determination shall be approved by a majority vote of
448 the Reference Panel.

449 **Sec. 4** If the determination is to refer for further investigation, the Investigator shall make such further
450 investigation as the Reference Panel directs and shall submit a supplemental report of findings to the
451 Reference Panel. The Reference Panel shall then reconvene and proceed as provided in Canon IV.11.3.

452 **Sec. 5** All investigations shall be confidential except as may be utilized by the Church Attorney, the
453 Bishop Diocesan or the Panels upon the consent of the person interviewed or as the Bishop Diocesan
454 deems pastorally necessary, and all persons interviewed by the Investigator shall be advised of the
455 confidential nature of the investigation.

456

457 **CANON 12: Of Conference Panels**

458

459 **Sec. 1** Upon referral of a matter to a Conference Panel, the president of the Disciplinary Board shall
460 forward to the Church Attorney the intake report, all of the Investigator's reports and any other writings
461 or other file materials created or collected by the Disciplinary Board or any panel thereof during the
462 intake, investigative or referral process. From this material the Church Attorney shall prepare a written
463 statement, describing each alleged Offense separately, with reasonable particularity sufficient to apprise
464 the Respondent of the acts, omissions or conditions which are the subject of the proceedings. The
465 Church Attorney shall then forward the materials received from the president of the Disciplinary Board,
466 together with the written statement, to the Conference Panel.

467 **Sec. 2** The Conference Panel shall review the materials provided to determine who, in addition to
468 those listed in Canon IV.12.3, should be invited to participate in the proceeding before the Conference
469 Panel in order to promote the purposes of this Title. Such may include, for example, the Investigator,
470 family members, representatives of the affected Community, or other affected persons.

471 **Sec. 3** The Conference Panel shall issue a notice to the Respondent, the Respondent's Advisor, the
472 Complainant, the Complainant's Advisor, the Investigator and such other persons, if any, as the
473 Conference Panel in its discretion may determine. The notice shall describe the nature and purpose of
474 the proceeding, contain a copy of the written statement prepared by the Church Attorney, shall disclose
475 the names of all persons to whom the notice is sent, and shall establish a date, time and place for a
476 conference at which the Respondent is to appear before the Conference Panel.

477 **Sec. 4** The Respondent shall attend the conference.

478 **Sec. 5** The Church Attorney shall attend the conference, shall represent the Church and shall be heard
479 by the Conference Panel.

480 **Sec. 6** The Complainant may attend the conference but may not be required to do so. The
481 Complainant's Advisor may attend the conference regardless of whether the Complainant attends.

482 **Sec. 7** The proceedings of the Conference Panel shall be informal and conversational. The Conference
483 Panel shall describe the alleged Offense to the Respondent. The Conference Panel shall hear from the
484 Complainant or the Complainant's Advisor or both, if either or both are present, and from the
485 Respondent or the Respondent's Advisor or both. At its discretion, the Conference Panel may hear
486 from the Investigator or any other persons present, and may direct the Investigator to conduct
487 additional investigation and suspend its proceedings to allow such investigation to be completed. At its

488 discretion, the Conference Panel may confer with any participants outside the presence of the other
489 participants.

490 **Sec. 8** No witnesses shall be called to testify at the proceedings before the Conference Panel. No
491 record of the proceedings of the Conference Panel shall be made. The conference shall be closed to all
492 except the members of the Conference Panel, and invited participants. Proceedings before the
493 Conference Panel shall be confidential except as may be provided in an Order or Accord or as provided
494 elsewhere in this Title.

495 **Sec. 9** An Accord may be entered into at a proceeding before the Conference Panel. If an Accord is
496 not entered into, the Conference Panel shall confer privately to reach a determination of the matter,
497 which may include **(a)** dismissal of the matter; **(b)** referral for conciliation; **(c)** referral to the Hearing
498 Panel; or **(d)** issuance of an Order.

499 **Sec. 10** If the determination is to dismiss the matter, the Conference Panel shall issue an Order which
500 shall include the reasons for dismissal and which may contain findings exonerating the Respondent. A
501 copy of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's
502 Advisor, the Complainant, the Complainant's Advisor and the Church Attorney.

503 **Sec. 11** If the resolution is the entry of an Accord or the issuance of an Order other than an Order of
504 dismissal, the provisions of Canon IV.14 shall apply.

505 **Sec. 12** The Respondent or the Church Attorney may refuse an Order issued by the Conference Panel
506 by giving written notice of the refusal to the president of the Conference Panel within fifteen days
507 following the effective date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of
508 refusal, the president of the Conference Panel shall notify the president of the Disciplinary Board of the
509 refusal and the matter will proceed as provided in IV.14.11.

510

511 **CANON 13: Of Hearing Panels**

512

513 **Sec. 1** If a matter is referred to the Hearing Panel, the president of the Conference Panel shall
514 promptly notify the president of the Disciplinary Board of the referral.

515 **Sec. 2** Upon receipt of a referral for Hearing Panel proceedings, the Church Attorney shall review all
516 information acquired as of the time of such referral and, if necessary, shall revise or update the written
517 statement of the Offense and shall provide the same to the Hearing Panel. The Hearing Panel shall issue
518 a notice to the Respondent, to the Respondent's Advisor and to the Church Attorney.

519 **(a)** The notice shall describe the nature and purpose of the proceeding, contain a copy of the
520 written statement prepared by the Church Attorney, disclose the names of all persons to whom the
521 notice is sent, advise the Respondent that a written response to the notice must be filed by the
522 Respondent with the Hearing Panel within thirty days of the mailing date of the notice and advise
523 the Respondent that failure to attend or participate in a scheduled or noticed hearing may result in a
524 finding of default.

525 **(b)** A copy of the notice shall be sent to the Complainant and to the Complainant's Advisor.

526 **(c)** Unless additional time is approved by the Hearing Panel, the Respondent shall file with the
527 Hearing Panel a written response signed by the Respondent within thirty days of the mailing date of
528 the notice. The president of the Hearing Panel shall forward a copy of the response to the Church
529 Attorney.

530 **Sec. 3** In all proceedings before the Hearing Panel, the Church Attorney shall appear on behalf of the
531 Diocese, which shall then be considered the party on one side and the Respondent the party on the
532 other. Each Complainant shall be entitled to be present throughout and observe the Hearing and each
533 may be accompanied by another person of his or her own choosing in addition to his or her Advisor.

534 **Sec. 4** All proceedings before the Hearing Panel, except its private deliberations, shall be public,
535 provided, however, that the Hearing Panel may close any part of the proceedings at its discretion to
536 protect the privacy of any person. A record of the hearing shall be made by such means as to enable the
537 creation of a written transcript of the hearing.

538 **Sec. 5** The Church Attorney and the Respondent shall each be afforded reasonable time and
539 opportunity to prepare evidence for the hearing as follows:

- 540 **(a)** Within thirty days after the filing of the response by the Respondent, the Church Attorney and
541 the Respondent's counsel shall meet and confer regarding the nature and basis of the allegations
542 against the Respondent and the defenses thereto and to make or arrange for initial disclosures as
543 described in Canon IV.13.5(b), and to develop a proposed plan of discovery forms and schedule for
544 approval by the Hearing Panel. A report of the proposed plan shall be filed with the president of the
545 Hearing Panel within fifteen days after the conference.
- 546 **(b)** Within fifteen days after the conference described in Canon IV.13.5(a), the Church Attorney
547 and the Respondent's counsel shall each provide to the other initial disclosure of **(1)** the name and,
548 if known, the address and telephone number of each individual likely to have direct knowledge of
549 information which may be used to support the allegations against the Respondent or the defenses
550 thereto, together with a detailed summary of the expected testimony of the person, if called to
551 testify; and **(2)** a copy of, or a description by category and location of, all documents and tangible
552 things that may be used to support the allegations against the Respondent or the defenses thereto,
553 except as such disclosure would involve Privileged Communications.
- 554 **(c)** If the discovery plan has been mutually agreed upon by the Church Attorney and counsel for the
555 Respondent, the president of the Hearing Panel may approve the plan and incorporate it in a
556 discovery order and scheduling order governing all discovery procedures and establishing a date for
557 hearing of the matter. If the Church Attorney and Respondent's counsel do not agree on all
558 elements of the discovery plan, the president of the Hearing Panel shall allow each to be heard with
559 respect to the elements in dispute, make a determination of appropriate discovery procedures and
560 issue a discovery order and scheduling order within thirty days of the receipt of the discovery
561 planning report.
- 562 **(d)** Discovery procedures may include oral or written deposition testimony of any person having
563 knowledge pertaining to the Offense or any defenses thereto, requests for production of documents
564 or tangible objects and requests for admissions of fact.
- 565 **(e)** In addition to the disclosures required by this section and the discovery obtained pursuant to the
566 discovery plan, the Church Attorney and Respondent's counsel shall each provide to the other and
567 to the Hearing Panel at least thirty days before the hearing final pre-hearing disclosures including **(1)**
568 the name, address and telephone number of each witness expected to be called to testify at the
569 hearing; **(2)** identification of each document or other tangible object expected to be used as an
570 exhibit in the hearing; and **(3)** requests, if any, to have all or portions of the hearing closed to the
571 public.
- 572 **(f)** Notwithstanding any provision of this section, in approving or determining the discovery plan,
573 the president of the Hearing Panel shall take reasonable steps to assure that the discovery process
574 will not unduly burden any person from whom information is sought or unduly adversely affect any
575 pastoral response being offered to any such person. The Hearing Panel may impose, after
576 reasonable notice and opportunity to be heard, reasonable sanctions on any party for failure to
577 comply with any discovery or scheduling order.
- 578 **Sec. 6** In all proceedings of the Hearing Panel the testimony of witnesses shall be taken orally and
579 personally or by such other means as provided by order of the Hearing Panel. All testimony shall be
580 given under oath or solemn affirmation and be subject to cross-examination. The proceedings shall be
581 conducted as follows:
- 582 **(a)** The president shall regulate the course of the hearing so as to promote full disclosure of relevant
583 facts.
- 584 **(b)** The president:
- 585 **(1)** may exclude evidence that is irrelevant, immaterial or unduly repetitious;
- 586 **(2)** shall exclude privileged evidence;
- 587 **(3)** may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt
588 contains all pertinent portions of the original document;
- 589 **(4)** may take official notice of any facts that could be judicially noticed, including records of
590 other proceedings and of technical or scientific facts within the Hearing Panel's specialized
591 knowledge;

592 (5) may not exclude evidence solely because it is hearsay;
593 (6) shall afford to the Church Attorney and to the Respondent reasonable opportunity to
594 present evidence, argue and respond to argument, conduct cross-examination and submit
595 rebuttal evidence; and
596 (7) may, at the discretion of the Hearing Panel, give persons other than the Church Attorney
597 and the Respondent opportunity to present oral or written statements at the hearing.

598 (c) Nothing in this section shall preclude the exercise of discretion by the president in taking
599 measures appropriate to preserve the integrity of the hearing.

600 **Sec. 7** Following the conclusion of the hearing, the Hearing Panel shall confer privately to reach a
601 determination of the matter by (a) dismissal of the matter or (b) issuance of an Order.

602 **Sec. 8** If the determination is to dismiss the matter, the Hearing Panel shall issue an Order which shall
603 include the reasons for dismissal and which may contain findings exonerating the Respondent. A copy
604 of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's Advisor, the
605 Complainant, the Complainant's Advisor, and the Church Attorney.

606 **Sec. 9** If the resolution is the issuance of an Order other than an Order of dismissal, the provisions of
607 Canon IV.14 shall apply.

608

609 **CANON 14: Of Accords and Orders**

610

611 **Sec. 1** An Accord may (a) provide any terms which promote healing, repentance, forgiveness,
612 restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected
613 Community and other persons; (b) place restrictions on the Respondent's exercise of ministry; (c) place
614 the Respondent on probation; (d) recommend to the Bishop Diocesan that the Respondent be
615 admonished, suspended or deposed from ministry; (e) limit the involvement, attendance or participation
616 of the Respondent in the Community; or (f) any combination of the foregoing. An Accord may be
617 conditioned on the Bishop Diocesan imposing any recommended admonition, suspension, deposition
618 or conditions for restoration to ministry. An Accord providing for suspension from ministry shall
619 specify on what terms or conditions and at what time the suspension shall cease. Any Accord providing
620 for limitation upon the involvement, attendance or participation of the Respondent in the Community
621 shall also provide conditions for restoration.

622 **Sec. 2** If an Accord results from a Conciliation, the Accord shall be signed by the Complainant, the
623 Respondent and the Conciliator, provided that the Conciliator shall sign last.

624 **Sec. 3** If an Accord results from proceedings before a Conference Panel, the Complainant and the
625 Complainant's Advisor shall have first been afforded an opportunity to be heard by the Panel regarding
626 the proposed terms of the Accord. The Accord shall be signed by the Respondent, the Church Attorney
627 and the president of the Panel, provided that the president shall sign last.

628 **Sec. 4** A copy of the Accord shall be sent to the Complainant, the Complainant's Advisor, the
629 Respondent, the Respondent's Advisor, the Church Attorney and the Bishop Diocesan by the
630 Conciliator or the president of the Conference Panel or Hearing Panel (whichever the matter was before
631 when the Accord was reached) on the date that the Conciliator or president of the Panel signs the
632 Accord.

633 **Sec. 5** The Bishop Diocesan shall have thirty days from the date on which the Accord is sent to the
634 Bishop Diocesan in which to advise in writing the Respondent, the Respondent's Advisor, the
635 Complainant, the Complainant's Advisor, the Church Attorney and the Conciliator or the president of
636 the Conference Panel or Hearing Panel whether the Bishop Diocesan will pronounce the Sentence or
637 accept the other terms of the Accord as recommended. The Bishop Diocesan shall advise that he or she
638 will (a) pronounce the Sentence as recommended or (b) pronounce a lesser Sentence than that
639 recommended and/or (c) reduce the burden on the Respondent of any of the other terms of the
640 Accord. The Bishop Diocesan shall pronounce Sentence not sooner than forty days following the date
641 on which the Accord is sent to the Bishop Diocesan and not later than sixty days following such date.
642 The Bishop Diocesan's pronouncement of a lesser Sentence than that recommended or other
643 modification shall not affect the validity or enforceability of the remainder of the Accord.

644 **Sec. 6** An Order issued by a Conference Panel or Hearing Panel may **(a)** provide any terms which
645 promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation
646 among the Complainant, Respondent, affected Community and other persons; **(b)** place restrictions on
647 the Respondent's exercise of ministry; **(c)** recommend to the Bishop Diocesan that the Respondent be
648 admonished, suspended or deposed from ministry; **(d)** limit the involvement, attendance or
649 participation of the Respondent in the Community; or **(e)** any combination of the foregoing. An Order
650 providing for suspension from Ministry shall specify on what terms or conditions and at what time the
651 suspension shall cease. Any Order providing for limitation upon the involvement, attendance or
652 participation of the Respondent in the Community shall also provide conditions for restoration.

653 **Sec. 7** Prior to the issuance of an Order by a Conference Panel or a Hearing Panel, the issuing Panel
654 shall afford the Bishop Diocesan and the Complainant each with an opportunity to be heard on the
655 proposed terms of the Order.

656 **Sec. 8** The Bishop Diocesan shall have thirty days from the date of the issuance of the Order in which
657 to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's
658 Advisor, the Church Attorney, and the president of the Conference Panel or Hearing Panel (whichever
659 Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other
660 terms of the Order as recommended. The Bishop Diocesan shall advise that he or she will **(a)**
661 pronounce the Sentence as recommended or **(b)** pronounce a lesser Sentence than that recommended
662 and/or **(c)** reduce the burden on the Respondent of any of the other terms of the Order. The Bishop
663 Diocesan shall pronounce Sentence not sooner than forty days following the issuance of the Order and
664 not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to
665 the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the
666 Bishop Diocesan may, while an appeal is pending, place restrictions upon the exercise of the
667 Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such
668 restriction or Administrative Leave as was in effect at the time of the issuance of the Order. The Bishop
669 Diocesan's pronouncement of a lesser Sentence than that recommended or other modification shall not
670 affect the validity or enforceability of the remainder of the Order.

671 **Sec. 9** An Accord or Order shall include, in addition to such terms and provisions as are consistent
672 with Canons IV.14.1 and IV.14.6, **(a)** the name of the Respondent; **(b)** a reference to the Canon(s),
673 section(s) and subsection(s) specifying the Offense; and **(c)** general information regarding the Offense
674 sufficient to afford protection from proceedings which are barred under Canon IV.19.13.

675 **Sec. 10** An Accord under Canon IV.9 shall be effective as provided in Canon IV.9.3. An Accord under
676 Canon IV.10 or IV.12 shall be effective thirty days following the date on which the Accord is signed by
677 the Conciliator or the president of the Panel. An Order is effective thirty days following the date on
678 which the Order is issued.

679 **Sec. 11** If the Order is issued by a Conference Panel, the Respondent may refuse the Order as provided
680 in Canon IV.12.12 and the matter shall be referred to a Hearing Panel for hearing as provided in Canon
681 IV.13.

682 **Sec. 12** Notice of Accords and Orders which shall have become effective and are not subject to refusal
683 by the Respondent shall be given without delay as follows:

684 **(a)** In the case of any Accord or Order pertaining to a Priest or Deacon, the Bishop Diocesan shall
685 give notice of the Accord or Order to every Member of the Clergy in the Diocese, each Vestry in
686 the Diocese, the Secretary of Convention, and the Standing Committee of the Diocese, which shall
687 be added to the official records of the Diocese; to the Presiding Bishop, to all other Bishops of the
688 Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of the
689 Church; to the Recorder of ordinations; to the Church Deployment Office; and to the Secretary of
690 the House of Bishops and the Secretary of the House of Deputies.

691 **(b)** In the case of any Accord or Order pertaining to a Bishop, the Presiding Bishop shall give
692 notice of the Accord or Order to the Ecclesiastical Authority of every Diocese of the Church, to the
693 Recorder of ordinations, to the Church Deployment Office, and to the Secretary of the House of
694 Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in
695 communion with the Church.

- 696 (c) All notices given pursuant to this Canon shall reference the Canon(s), section(s) and
697 subsection(s) specifying the Offense which is the subject of the Accord or Order.
698 (d) Similar notice shall be given whenever there is any modification or remission of any Order for
699 which notice has previously been given pursuant to this Canon.

700

701 **CANON 15: Of Review**

702

703 **Sec. 1** In the event that proceedings before the Hearing Panel are unreasonably delayed or suspended,
704 and are not resumed within sixty days following a written request for resumption of proceedings from
705 the Church Attorney or the Respondent, the Church Attorney or the Respondent may file a written
706 request with the Provincial Court of Review for an order directing the Hearing Panel to resume the
707 proceedings. The Court of Review shall consider the request as follows:

708

709 (a) The person filing the request shall provide copies of the request to the presidents of the Hearing
710 Panel and of the Disciplinary Board. The request shall include a statement of the status of the
711 proceedings and the reason, if known, for the delay or suspension of proceedings, and a description
712 of all actions taken by the person filing the request or by any other person to resolve any
713 impediment to the proceedings or other cause for the delay.

714

715 (b) Within fifteen days of receipt of the copy of the request, the president of the Hearing Panel shall
716 file a response to the request with the Provincial Court of Review, with a copy to the Church
717 Attorney, the Respondent and the president of the Board.

718

719 (c) The Provincial Court of Review shall convene, either personally or telephonically, to consider
720 the request and the response, if any, from the Hearing Panel. The Court shall then either issue an
721 order directing resumption of the proceedings or an order declining to direct resumption with an
722 explanation of the reasons therefor. The order issued by the Provincial Court of Review shall be
723 binding upon the Hearing Panel.

724

725 (d) In the event a Hearing Panel, having been ordered to resume proceedings, either refuses to do
726 so or is unable to do so, the Church Attorney or the Respondent may request that the Provincial
727 Court of Review order the transfer of the proceedings to a Hearing Panel of another Diocese within
728 the same Province, including an order to the Board of the originating Diocese to transmit the
729 complete record of the proceedings to the successor Hearing Panel.

730

731 **Sec. 2** Within forty days after issuance of an Order by a Hearing Panel, the Respondent or the Church
732 Attorney may appeal to the Provincial Court of Review, by serving written notice of the appeal upon the
733 Bishop Diocesan, with copies of the notice to the presidents of the Hearing Panel and the Province. The
734 notice of appeal shall be signed by the Respondent's counsel or the Church Attorney and shall include a
735 copy of the Order from which the appeal is taken and shall state the grounds of the appeal.

736

737 **Sec. 3** Any Order from a Hearing Panel finding that a Respondent did not commit an Offense
738 involving a question of the Doctrine, Faith or Worship of the Church may be appealed by the Bishop
739 Diocesan upon the written request of at least two Bishops Diocesan of other Dioceses within the
740 Province who are not members of the Provincial Court of Review. Such an appeal shall be taken on the
741 question of the Church's Doctrine, Faith and Worship only, and may not seek to reverse the finding of
742 the Hearing Panel of non-commission of other Offenses. An appeal under this section may be taken by
743 service of a notice of appeal by the Bishop Diocesan upon the Respondent, the Church Attorney and
744 the presidents of the Hearing Panel and the Province within forty days after the Order of the Hearing
745 Panel is received by the Bishop Diocesan.

746

747 **Sec. 4** If an appeal is taken from a Hearing Panel of a Diocese which is non-provincial, the appeal shall
748 be taken before the Provincial Court of Review geographically closest to that Diocese.

749

750 **Sec. 5** An appeal shall be heard on the record of the Hearing Panel. The record on appeal may be
751 corrected, if defective, but no new evidence shall be taken by the Provincial Court of Review.

752

753 **Sec. 6** The standards for and conditions of appeal to the Provincial Court of Review shall be as
754 follows:

755

756 (a) Where an Order is issued against a Respondent who fails to appear before the Hearing Panel or
757 who otherwise fails to participate in proceedings before the Hearing Panel, such Order shall be

748 upheld unless a review of the record on appeal shows the Hearing Panel made a clear error in
749 issuing such Order. The Provincial Court of Review shall review the facts and record in the light
750 most favorable to the Respondent.

751 **(b)** In all other appeals, the Provincial Court of Review shall grant relief to the appealing party only
752 if, on the basis of the record on appeal, it determines that the party seeking review has been
753 substantially prejudiced by any of the following:

- 754 (1) The action taken below violates the Constitution and Canons of the Church or the Diocese;
- 755 (2) The Hearing Panel has exceeded the jurisdiction conferred by this Title;
- 756 (3) The Hearing Panel has not decided all of the issues requiring resolution;
- 757 (4) The Hearing Panel has erroneously interpreted or applied the Constitutions or Canons of
758 the Church;
- 759 (5) The Hearing Panel has committed a procedural error or engaged in a decision-making
760 process contrary to this Title; and/or
- 761 (6) The factual determinations of the Hearing Panel are not supported by substantial evidence
762 when viewed in the whole light of the record on appeal.

763 **Sec. 7** It shall be the duty of the Hearing Panel to produce the record on appeal, consisting of a
764 transcript of the proceedings before the Hearing Panel together with documentary and tangible evidence
765 received by the Hearing Panel. The record shall be printed or otherwise reproduced as authorized by the
766 president of the Provincial Court of Review. Within thirty days after receiving the record on appeal from
767 the Hearing Panel, the party appealing shall serve two copies of the record of appeal, the notice of
768 appeal and the appealing party's brief, if any, upon the opposite party and shall deliver five copies to the
769 president of the Provincial Court of Review. Within thirty days after receiving a copy of the record on
770 appeal, the party opposing the appeal shall serve the brief in opposition, if any, upon the appealing
771 party, with five copies to the president of the Provincial Court of Review. Any reply brief of the
772 appealing party shall be served likewise within fifteen days following service of the brief in opposition.

773 **Sec. 8** All members and alternates of the Provincial Court of Review serving for an appeal shall be
774 present for any oral proceedings of the appeal.

775 **Sec. 9** The Provincial Court of Review shall keep a record of all proceedings. The Provincial Court of
776 Review shall appoint a reporter who shall provide for the recording of the proceedings and who shall
777 serve at the pleasure of the Provincial Court of Review.

778 **Sec. 10** At the hearing of the appeal, the Provincial Court of Review shall afford the Respondent and
779 the Church Attorney the opportunity to be heard. The Provincial Court of Review may regulate the
780 number of counsel to be heard.

781 **Sec. 11** No Order or determination of a Hearing Panel shall be overturned solely for technical or
782 harmless error.

783 **Sec. 12** If, after a notice of appeal has been filed, the appealing party fails to pursue the appeal as
784 provided in this Canon, the Provincial Court of Review may dismiss the appeal.

785 **Sec. 13** Following a hearing of the appeal and private deliberation, the Provincial Court of Review may
786 (a) dismiss the appeal; (b) reverse or affirm in whole or in part the Order of the Hearing Panel; or
787 (c) grant a new hearing before the Hearing Panel.

788 **Sec. 14** The concurrence of a majority of the Provincial Court of Review shall be required to decide an
789 appeal. The Provincial Court of Review shall issue its decision in writing, signed by the members
790 concurring therein, stating its decision and the reasons for the decision. The decision shall be attached to
791 the record. If there is not a concurrence by a majority of the Provincial Court of Review, the Order of
792 the Hearing Panel shall stand as affirmed except for any part of the Order for which there is
793 concurrence.

794 **Sec. 15** Upon determination of the appeal, the president of the Provincial Court of Review shall give
795 notice of the determination in writing to the appealing party, the party in opposition and to the Bishop
796 Diocesan and Church Attorney. The appeal record shall be certified by the clerk of the Provincial Court
797 of Review and the president, and shall be delivered to the Bishop Diocesan along with a copy of the
798 record of appeal from the Hearing Panel.

799

800 **CANON 16. Of Abandonment of The Episcopal Church**

801 (A) By a Bishop

802 **Sec. 1** If a Bishop abandons The Episcopal Church (i) by an open renunciation of the Doctrine,
803 Discipline or Worship of the Church; or (ii) by formal admission into any religious body not in
804 communion with the same; or (iii) by exercising Episcopal acts in and for a religious body other than the
805 Church or another church in communion with the Church, so as to extend to such body Holy Orders as
806 the Church holds them, or to administer on behalf of such religious body Confirmation without the
807 express consent and commission of the proper authority in the Church, it shall be the duty of the
808 Disciplinary Board for Bishops, by a majority vote of all of its members, to certify the fact to the
809 Presiding Bishop and with the certificate to send a statement of the acts or declarations which show
810 such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The
811 Presiding Bishop shall then place a restriction on the exercise of ministry of said Bishop until such time
812 as the House of Bishops shall investigate the matter and act thereon. During the period of such
813 restriction, the Bishop shall not perform any Episcopal, ministerial or canonical acts.

814 **Sec. 2** The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the
815 certification and restriction on ministry. Unless the restricted Bishop, within sixty days, makes
816 declaration by a verified written statement to the Presiding Bishop, that the facts alleged in the certificate
817 are false or utilizes the provisions of Canon III.12.7, the Bishop will be liable to Deposition. If the
818 Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the
819 declarations or acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that
820 the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding
821 Bishop, with the advice and consent of the Disciplinary Board for Bishops, shall terminate the
822 restriction. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of
823 Bishops at the next regular or special meeting of the House. If the House, by a majority of the whole
824 number of Bishops entitled to vote, shall give its consent, the Presiding Bishop shall depose the Bishop
825 from the ministry, and pronounce and record in the presence of two or more Bishops that the Bishop
826 has been so deposed.

827 (B) By a Priest or Deacon

828 **Sec. 3** If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is
829 canonically resident that the Priest or Deacon, without using the provisions of Canon III.7.8-10 or
830 III.9.8-11, has abandoned The Episcopal Church, then the Standing Committee shall ascertain and
831 consider the facts, and if it shall determine by a vote of three-fourths of all the members that the Priest
832 or Deacon has abandoned The Episcopal Church by an open renunciation of the Doctrine, Discipline
833 or worship of the Church, or by the formal admission into any religious body not in communion with
834 the Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to
835 transmit in writing to the Bishop Diocesan, or if there be no such Bishop, to the Bishop Diocesan of an
836 adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or
837 declarations relied upon in making its determination. If the Bishop Diocesan affirms the determination,
838 the Bishop Diocesan shall place a restriction on the exercise of ministry by that Priest or Deacon for
839 sixty days and shall send to the Priest or Deacon a copy of the determination and statement, together
840 with a notice that the Priest or Deacon has the rights specified in Section 2 and at the end of the sixty
841 day period the Bishop Diocesan will consider deposing the Priest or Deacon in accordance with the
842 provisions of Section 4.

843 **Sec. 4** Prior to the expiration of the sixty day period of restriction, the Bishop Diocesan may permit
844 the Priest or Deacon to utilize the provisions of Canon III.7.8-10 or III.9.8-11, as applicable. If within
845 such sixty day period the Priest or Deacon shall transmit to the Bishop Diocesan a statement in writing
846 signed by the Priest or Deacon, which the Bishop Diocesan is reasonably satisfied constitutes a good
847 faith retraction of such declarations or acts relied upon in the determination or a good faith denial that
848 the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the
849 Bishop Diocesan shall withdraw the notice and the restriction on ministry shall expire. If, however,

852 within the sixty day period, the Bishop Diocesan does not pronounce acceptance of the renunciation of
853 the Priest or Deacon in accordance with Canon III.7.8-10 and III.9.8-11, as applicable, or the Priest or
854 Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop
855 Diocesan either (i) to depose the Priest or Deacon or (ii) if the Bishop Diocesan is satisfied that no
856 previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee,
857 to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released
858 from the obligations of Priest or Deacon and (for causes which do not affect the person's moral
859 character) is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination.
860

861 **CANON 17: Of Proceedings for Bishops**

862 **Sec. 1** Except as otherwise provided in this Canon, the provisions of this Title shall apply to all
863 matters in which a Member of the Clergy who is subject to proceedings is a Bishop.

864 **Sec. 2** In all matters in which the Member of the Clergy who is subject to proceedings is a Bishop, the
865 following terms used in Canons IV.5 through IV.16 and Canons IV.18 and IV.19 shall have the
866 following respective meanings:

867 (a) Disciplinary Board shall mean the Disciplinary Board for Bishops as provided in Canon
868 IV.17.3.

869 (b) Intake Officer shall mean a person appointed by the Presiding Bishop.

870 (c) Bishop Diocesan shall mean the Presiding Bishop, unless the Member of the Clergy who is
871 subject to proceedings is the Presiding Bishop, in which case Bishop shall mean the Bishop
872 authorized by Canon 19.24.

873 (d) Church Attorney shall mean a person appointed by the Disciplinary Board for Bishops to serve
874 as the Church Attorney.

875 (e) Investigator shall mean any person who is qualified to serve as an Investigator under this Title,
876 selected by the Disciplinary Board for Bishops.

877 (f) Provincial Court of Review shall mean the Court of Review for Bishops as provided in Canon
878 IV.17.8.

879 **Sec. 3** The Disciplinary Board for Bishops is hereby established as a court of the Church to have
880 original jurisdiction over matters of discipline of Bishops, to hear Bishops' appeals from imposition of
881 restriction on ministry or placement on Administrative Leave and to determine venue issues as provided
882 in Canon IV.19.5. The Disciplinary Board for Bishops shall consist of ten Bishops elected at any
883 regularly scheduled meeting of the House of Bishops, and four Priests or Deacons and four lay persons
884 appointed by the President of the House of Deputies. All lay persons appointed to serve shall be
885 confirmed adult communicants in good standing. Members of the Board shall serve staggered terms of
886 six years, with terms of one half of the Bishops and one half of the lay persons, Priests and Deacons
887 collectively expiring every three years, with the first expirations occurring at the end of the year 2012.

888 **Sec. 4** Within sixty days following each General Convention, the Board shall convene to elect a
889 president for the following triennium. The president shall be a Bishop. If there is no president, the
890 Bishop who is senior by consecration shall perform the duties of the president.

891 **Sec. 5** The Conference Panel shall consist of three Bishops, one Priest or Deacon and one lay person.
892 The Hearing Panel shall consist of three Bishops, one Priest or Deacon and one lay person, except that
893 the Hearing Panel for the Offense specified in Canon IV.4.1(h)(2) pertaining to Doctrine Offenses shall
894 consist of five Bishops only.

895 **Sec. 6** The provisions of Canons IV.14.1(d) and IV.14.6(c) pertaining to recommendations that a
896 Respondent be suspended or deposed from ministry shall not apply where the Respondent is a Bishop.
897 Where the Respondent is a Bishop, an Accord or Order may provide for the suspension or deposition
898 of the Respondent. In such event, the Sentence of suspension or deposition shall be pronounced by the
899 president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to
900 pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the
901 suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence
902 within thirty days after the date on which the Conciliator or the president signs the Accord. Where an
903

904 Order provides for the suspension or deposition of a Respondent who is a Bishop, the president shall
905 pronounce Sentence not sooner than forty days following the issuance of the Order and not later than
906 sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary,
907 no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may,
908 while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place
909 the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as
910 was in effect at the time of the issuance of the Order.

911 **Sec. 7** Notwithstanding any provision of this Title to the contrary, no proceeding shall be brought
912 under this Title against a Bishop in which the Offense alleged is violation of Canon IV.4.1(h)(2) for
913 holding and teaching, or having held and taught, publicly or privately, and advisedly, any Doctrine
914 contrary to that held by the Church unless a statement of disassociation shall have first been issued by
915 the House of Bishops as provided in Canon IV.17.7 (a) and thereafter the consent of one-third of the
916 Bishops qualified to vote in the House of Bishops has been received to initiate proceedings under this
917 Title as provided in Canon IV.17.7 (b).

918 (a) Any ten Bishops Diocesan in the Church may file with the Presiding Bishop a written request,
919 signed by such Bishops, that the House of Bishops issue a statement of disassociation. Such request
920 shall include a statement of the Doctrine alleged to be contrary to that held by the Church, the name
921 or names of the Bishop or Bishops alleged to have held and taught publicly or privately, and
922 advisedly, such Doctrine, and a concise statement of the facts upon which the request for the
923 statement of disassociation is based. Contemporaneously with the filing of the request, there shall
924 be filed with the Presiding Bishop a proposed statement of disassociation and a brief in support
925 thereof. The Presiding Bishop shall thereupon serve a copy of the request for a statement of
926 disassociation upon each Bishop who is the subject thereof, together with the proposed statement
927 of disassociation and a copy of the supporting brief. The Presiding Bishop shall fix a date for the
928 filing of a response and brief in support thereof, which date shall be not less than ninety days from
929 the date of service, and may extend the time for responding for not more than sixty additional days.
930 Upon the filing of a response and supporting brief, if any, or upon the expiration of the time fixed
931 for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies of the request
932 for a statement of disassociation, proposed statement of disassociation, response, and briefs to each
933 member of the House of Bishops. The request for a statement of disassociation shall be considered
934 by the House of Bishops at its first regularly scheduled meeting held at least one month after copies
935 of the request for a statement of disassociation, proposed statement of disassociation, response, and
936 briefs are transmitted to each member of the House of Bishops. The House of Bishops may amend
937 the proposed statement of disassociation. If a statement of disassociation is not issued by the
938 conclusion of the meeting, there shall be no further proceedings under this Title against any Bishop
939 who is the subject thereof for holding and teaching the Doctrine alleged in the request for a
940 statement of disassociation.

941 (b) Not later than ninety days following the issuance of a statement of disassociation by the House
942 of Bishops as provided in Canon IV.17.7(a), any ten Bishops Diocesan may file with the Presiding
943 Bishop a written request, signed by such Bishops, that the House of Bishops initiate proceedings
944 under this Title against any Bishop who is the subject of such statement of disassociation for
945 violation of Canon IV.4.1(h)(2) with regard to the same Doctrine as was alleged in the request for
946 the statement of disassociation. Such request for initiation of proceedings under this Title shall
947 include an explanation why the issuance of the statement of disassociation was not a sufficient
948 response to the matters alleged in the request for statement of disassociation and shall be
949 accompanied by a brief in support of the request for initiation of proceedings. The Presiding Bishop
950 shall fix a date for the filing of a response, which shall include an explanation why the issuance of
951 the statement of disassociation was a sufficient response to the matters alleged in the request for
952 statement of disassociation, and brief in support thereof, which date shall be not less than ninety
953 days from the date of service, and may extend the time for responding for not more than sixty
954 additional days. Upon the filing of a response and supporting brief, if any, or upon the expiration of
955 the time fixed for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies

956 of the request for initiation of proceedings under this Title, response, and briefs to each member of
957 the House of Bishops. No proceeding under this Title for violation of Canon IV.4.1(h)(2) shall be
958 initiated unless the written consent of one-third of the Bishops qualified to vote in the House of
959 Bishops shall be received by the Presiding Bishop within sixty days of the date on which the copies
960 of the request for initiation of proceedings under this Title, response, and briefs were sent to them.
961 In case the Presiding Bishop does not receive the written consent of one-third of all the Bishops
962 eligible to vote within sixty days of such date, the Presiding Bishop shall declare the matter
963 dismissed and no further proceedings may be had thereon. If the Presiding Bishop receives the
964 necessary written consents within sixty days as specified above, the Presiding Bishop shall forthwith
965 notify the President of the Disciplinary Board for Bishops. The President shall promptly select from
966 the Disciplinary Board for Bishops, by lot or by other random means, a Hearing Panel consisting of
967 nine Bishops and shall designate a president of the Hearing Panel. The President of the Disciplinary
968 Board for Bishops shall promptly forward to the president of the Hearing Panel and to the National
969 Church Attorney copies of the request for initiation of proceedings under this Title, response, and
970 briefs, and the matter shall proceed under this Title as a matter which has been referred to a Hearing
971 Panel.

972 **Sec. 8** The Court of Review for Bishops is hereby established as a court of the Church to have
973 jurisdiction to hear appeals from Hearing Panels of the Disciplinary Board for Bishops.

974 (a) The Court of Review for Bishops shall consist of nine members, all of whom shall be Bishops.
975 Three Bishops shall be elected by the House of Bishops at any regularly scheduled meeting of the
976 House of Bishops, to serve until the adjournment of the third succeeding regular meeting of
977 General Convention and until their successors are elected and qualify; however, there shall be no
978 change in the composition of the Court with respect to a particular Respondent following any
979 hearing in the matter and while it is pending unresolved before the Court.

980 (b) From among their number, the members of the Court of Review for Bishops shall elect a
981 president.

982 (c) The reasonable and necessary expenses of the Court of Review for Bishops, including fees,
983 costs, disbursements and expenses of the members, clerks, reporters and Church Attorneys shall be
984 charged upon the General Convention and paid by the Treasurer of the General Convention upon
985 Order of the president of the Court of Review. The Court of Review for Bishops shall have the
986 authority to contract for and bind the General Convention to payment of these expenses.

987 **Sec. 9** An Accord between the Presiding Bishop and a Bishop resulting from an agreement for
988 discipline pursuant to Canon IV.9 shall be (a) subject to the right of withdrawal provided in Canon
989 IV.9.3 and (b) submitted by the Presiding Bishop to the Disciplinary Board for Bishops for approval
990 promptly after it is signed by the Presiding Bishop and the respondent. Unless withdrawn under IV.9.3,
991 it shall be effective upon approval of the Disciplinary Board for Bishops and not subject to appeal.

992 **CANON 18: Of Modification and Remission of Orders**

993 **Sec. 1** Any Member of the Clergy who is the subject of an Order which has become effective may
994 apply to the Bishop Diocesan of the Diocese from which the Order issued, or the Presiding Bishop in
995 the case of a Bishop, for modification or remission of the Order. If the Bishop is satisfied that sufficient
996 reasons exist for granting the modification or remission sought, in whole or in part, the procedures
997 provided in this Canon for modification or remission shall apply.

998 **Sec. 2** In the case of an Order pertaining to a Priest or Deacon, any provision of any Order other than
999 a provision recommending deposition of the Priest or Deacon may be modified or remitted by the
1000 Bishop Diocesan of the Diocese from which the Order issued with the advice and consent of two-thirds
1001 of the members of the Disciplinary Board.

1002 **Sec. 3** In the case of a deposition of a Priest or Deacon pursuant to an Order, such deposition may be
1003 remitted and terminated by the Bishop Diocesan of the Diocese from which the Order issued only upon
1004 the following conditions: (a) the remission shall be done with the advice and consent of two-thirds of
1005 the members of the Disciplinary Board of the Diocese from which the Order issued; (b) the proposed

1008 remission, with the reasons therefor, shall be submitted to the judgment of five of the Bishops Diocesan
1009 whose Dioceses are nearest to the Diocese from which the Order issued, and the Bishop Diocesan shall
1010 receive in writing from at least four of those Bishops their approval of the remission and their consent
1011 thereto; **(c)** if the person deposed maintains legal residence or canonical residence in a Diocese other
1012 than the Diocese from which the Order issued, the proposed remission, with the reasons therefor, shall
1013 be submitted to the judgment of the Bishop(s) Diocesan of the Diocese(s) of legal and canonical
1014 residence and such Bishop(s) shall give his or her (or their) written approval of the remission and
1015 consent thereto; and **(d)** before such remission, the Bishop Diocesan shall require the person deposed,
1016 who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article
1017 VIII of the Constitution.

1018 **Sec. 4** In the case of an Order pertaining to a Bishop, any provision of the Order may be modified or
1019 remitted by the president of the Disciplinary Board for Bishops with the advice and consent of a
1020 majority of the members of the Board and the Bishops who are then serving on any Provincial Court of
1021 Review.

1022 **Sec. 5** In the case of any Order deposing a Member of the Clergy for abandoning the Church, no
1023 application for remission shall be received by the Bishop Diocesan until the deposed person has lived in
1024 lay communion with the Church for not less than one year next preceding application for the remission.

1025 **Sec. 6** No Order may be modified or remitted unless the Member of the Clergy, the Church Attorney
1026 and each Complainant have been afforded sufficient opportunity to be heard by the Disciplinary Board,
1027 or the Disciplinary Board together with the Bishops who are then serving on any Provincial Court of
1028 review, as the case may be, as to why the proposed modification or remission should or should not be
1029 permitted.

1030

1031 CANON 19: OF GENERAL PROVISION

1032

1033 **Sec. 1** Proceedings under this Title are neither civil nor criminal but ecclesiastical in nature. These
1034 proceedings represent the responsibility of the Church to determine who shall serve as Members of the
1035 Clergy of the Church, reflecting the polity and order of this hierarchical church. Members of the Clergy
1036 have voluntarily sought and accepted positions in the Church and have thereby given their consent to
1037 subject themselves to the Discipline of the Church. They may not claim in proceedings under this Title
1038 constitutional guarantees otherwise associated with secular court proceedings.

1039 **Sec. 2** No member of the Church, whether lay or ordained, may seek to have the Constitution and
1040 Canons of the Church interpreted by a secular court, or resort to a secular court to address a dispute
1041 arising under the Constitution and Canons, or for any purpose of delay, hindrance, review or otherwise
1042 affecting any proceeding under this Title.

1043 **Sec. 3** No secular court shall have authority to review, annul, reverse, restrain or otherwise delay any
1044 proceeding under this Title. No action shall be brought in any secular court to enforce the terms or
1045 provisions of any Accord or Order unless otherwise expressly provided therein.

1046 **Sec. 4 (a)** A Member of the Clergy shall not be subject to proceedings under this Title for acts
1047 committed more than ten years before the initiation of proceedings except:

- 1048 (1) if a Member of the Clergy is convicted in a criminal Court of Record or a judgment in a civil
1049 Court of Record in a cause involving immorality, proceedings may be initiated at any time
1050 within three years after the conviction or judgment becomes final;
- 1051 (2) if an alleged Injured Person was under the age of twenty-one years at the time of the alleged
1052 acts, proceedings may be initiated at any time prior to the alleged Injured Person's attaining the
1053 age of twenty-five years; or
- 1054 (3) if an alleged Injured Person is otherwise under disability at the time of the alleged acts, or if
1055 the acts alleged were not discovered, or the effects thereof were not realized, during the ten
1056 years immediately following the date of the acts alleged, the time within which proceedings may
1057 be initiated shall be extended to two years after the disability ceases or the alleged Injured
1058 Person discovers or realizes the effects of the acts alleged; *provided, however,* the time within

1059 which proceedings may be initiated shall not be extended beyond fifteen years from the date the
1060 acts are alleged to have been committed.

1061 (b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts
1062 include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged
1063 Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title
1064 may be initiated at any time.

1065 (c) Except as provided in Subsection (b) above, the time limitations for initiation of proceedings in
1066 this Section shall be retroactive only to January 1, 1996.

1067 (d) No proceedings under this Title shall be initiated for acts which are alleged to violate Canon
1068 IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e) or (h)(2) unless the acts were
1069 committed within or continued up to two years immediately preceding the time the proceedings are
1070 initiated.

1071 (e) For purposes of this Section 4, proceedings are initiated under this Title with respect to a
1072 particular Offense when specific allegations of the commission of that Offense are made to the
1073 Intake Officer.

1074 **Sec. 5** Jurisdiction and venue for proceedings under this Title shall be as follows:

1075 (a) A Member of the clergy shall be subject to proceedings under this Title for the alleged
1076 commission of an Offense in the Diocese in which the Member of the Clergy is canonically resident
1077 or in any Diocese in which an Offense is alleged to have occurred.

1078 (b) Whenever a referral of a matter is to be made by an Intake Officer regarding a Member of the
1079 Clergy who is not canonically resident in the Intake Officer's Diocese, the Bishop Diocesan of the
1080 Intake Officer's Diocese shall promptly notify the Bishop Diocesan of the Diocese where the
1081 Member of the Clergy is canonically resident that the Intake Officer's Diocese intends to conduct
1082 proceedings under this Title regarding the matter. The Bishop Diocesan of the Diocese of canonical
1083 residence shall have thirty days following the receipt of such notice within which to object to
1084 assumption of jurisdiction over the matter by the Intake Officer's Diocese. Such objection shall be
1085 made in writing to the Bishop Diocesan of the Intake Officer's Diocese. If the Bishop Diocesan of
1086 the Diocese of canonical residence fails to so object within the time provided, it shall be deemed
1087 that the Bishop Diocesan of the Diocese of canonical residence has agreed to assumption of
1088 jurisdiction over the matter by the Intake Officer's Diocese.

1089 (c) If objection is made by the Bishop Diocesan of the Diocese of canonical residence as provided
1090 in Canon IV.19.5(b), the Bishop Diocesan of the Diocese of canonical residence and the Bishop
1091 Diocesan of the Intake Officer's Diocese shall promptly agree as to which Diocese will assume
1092 jurisdiction over the matter and conduct proceedings. If the two Bishops cannot promptly agree, the
1093 disagreement will be resolved as follows:

1094 (1) If they are in the same Province, either may promptly request the president of the Provincial
1095 Court of Review to decide which Diocese shall conduct the proceedings. If they are in different
1096 Provinces, either may promptly request the president of the Disciplinary Board for Bishops to
1097 decide which Diocese shall conduct the proceedings.

1098 (2) The requesting Bishop shall provide a copy of the request to the other Bishop. A reply to
1099 the request may be made by the non-requesting Bishop within fifteen days of service of the
1100 request.

1101 (3) The president shall have the discretion to hear from the Bishops Diocesan or the Church
1102 Attorneys for the respective Dioceses, either personally or telephonically, concerning the
1103 request and any reply. The president shall have the discretion to request additional submissions
1104 from the Bishops Diocesan or the Church Attorneys.

1105 (4) The president shall decide which Diocese shall conduct the proceedings within thirty days of
1106 service of the request.

1107 **Sec. 6** In any proceeding under this Title in which the Respondent fails to appear before the
1108 Conference Panel as required by Canon IV.12.4 or to timely file with the Hearing Panel the written
1109 response required by Canon IV.13.2(c), such Panel may proceed in the absence of the Respondent and

1110 may accept as true the matters described in the notice issued to the Respondent pursuant to Canons
1111 IV.12.3 or IV.13.2.

1112 **Sec. 7** Unless otherwise expressly provided in writing in the restriction on ministry or Sentence of
1113 suspension, a Member of the Clergy under a restriction on Ministry or Sentence of suspension shall not
1114 exercise any authority of his or her office over the real or personal property or temporal affairs of the
1115 Church except such matters as may not be exercised by a person other than the holder of the office, and
1116 may exercise authority in those matters only with the advice and consent of the Vestry or Bishops
1117 Committee, in the case of congregational property or affairs, or the Standing Committee, in the case of
1118 Diocesan property or affairs. The Sentence of suspension of a Rector shall terminate the pastoral
1119 relation between the Rector and the Vestry or Congregation unless (i) the Vestry by two-thirds vote
1120 requests of the Ecclesiastical Authority within thirty days that the relation continue and (ii) the
1121 Ecclesiastical Authority approves such request. If the pastoral relation has not been terminated, religious
1122 services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the
1123 office of the Rector. This Section shall not prohibit the application of Canon III.9.13-21.

1124 **Sec. 8** In computing any period of time for proceedings described in this Title, the day of the act or
1125 event from which the designated time period begins to run shall not be included. The last day of the
1126 time period shall be included, unless it is a Saturday, Sunday or legal holiday in that jurisdiction, in which
1127 event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday in
1128 that jurisdiction. Whenever a party has the right or is required to do an act within a prescribed period
1129 after the service of notice or other paper, if the service is by mail, five days shall be added to the
1130 prescribed period. Whenever it is provided in this Title that an act be done promptly or without delay,
1131 such act shall be done as quickly as is reasonably possible under the circumstances.

1132 **Sec. 9** In all cases in this Title where an action is performed or power exercised by a canonical body
1133 consisting of several members, including Reference Panels, Conference Panels, Hearing Panels and
1134 Courts of Review, and the full membership has been notified to convene, a majority of the members of
1135 the body shall be a quorum; and a majority of the members present when a quorum exists shall be
1136 competent to act.

1137 **Sec. 10** Each Diocese shall make provision for Advisors to be available to Respondents and
1138 Complainants as provided in this Canon for the purposes of support, assistance, consultation and advice
1139 regarding the process provided in this Title and the rights, responsibilities, consequences and alternatives
1140 pertaining thereto.

1141 (a) The Bishop Diocesan shall make an Advisor available to the Respondent not later than the
1142 earliest of (1) reference for conciliation, to the Conference Panel or to the Hearing Panel, (2) the
1143 imposition of restriction on ministry or placement on Administrative Leave or (3) any interrogation
1144 or request for a statement or other information from the Respondent.

1145 (b) The Bishop Diocesan shall make an Advisor available to the Complainant not later than the
1146 earliest of (1) the forwarding of the intake report to the Reference Panel, (2) the Complainant's
1147 appeal of a dismissal under Canon IV.6.5 or (3) the Bishop's designation of an Injured Person as a
1148 Complainant.

1149 (c) The following shall be disqualified from serving as an Advisor: the Bishop Diocesan, the Church
1150 Attorney, any member of the Disciplinary Board, the Intake Officer, any Investigator, any person
1151 who is likely to be a witness in any pertinent proceeding and the Chancellor or any Vice-chancellor
1152 of the Diocese.

1153 (d) No Respondent or Complainant shall be required to accept the services of any Advisor made
1154 available by the Bishop Diocesan. Any Respondent or Complainant may use the services of any
1155 Advisor of his or her choice after designating that person as Advisor in writing to the Intake
1156 Officer.

1157 (e) All communications between the Respondent and his or her Advisor or attorney and between
1158 the Complainant and his or her Advisor or attorney shall be privileged.

1159 (f) The reasonable costs and expenses of providing Advisors made available by the Bishop
1160 Diocesan shall be the obligation of the Diocese in which the matter of Discipline is proceeding
1161 unless otherwise provided in an Accord or Order. The reasonable costs and expenses of providing

- 1162 Advisors chosen by the Respondent or Complainant and not made available by the Bishop
1163 Diocesan shall be the obligation of such Respondent or Complainant unless otherwise provided in
1164 an Accord or Order.
- 1165 (g) In all proceedings under this Title at which the Respondent or the Complainant has the right to
1166 be present, their Advisors shall also have the right to be present.
- 1167 **Sec. 11** No person subject to the authority of the Church may attempt to coerce or improperly
1168 influence, directly or indirectly, the actions of any body performing functions under this Title, or any
1169 member of such body or any other person involved in such proceedings.
- 1170 **Sec. 12** In all proceedings under this Title whenever a Respondent or a Complainant is required or
1171 permitted to appear or to participate or to be heard or to be present, they each shall have the right to be
1172 accompanied by and to be represented by counsel of their choice. Whenever any notice or other
1173 document is provided to or served upon a Respondent or a Complainant under this Title, such shall also
1174 simultaneously be provided to or served upon their respective counsel, if Respondent or Complainant,
1175 as the case may be, has notified the Bishop of the identity and contact information for such counsel.
1176 Nothing in this Title shall be construed as requiring any Respondent to be represented by counsel.
1177 Anything in this Title required or permitted to be done by the Respondent's counsel may be done by the
1178 Respondent personally.
- 1179 **Sec. 13** Proceedings under this Title, other than pastoral responses, shall be barred to the extent that
1180 the specific Offense has been the subject of any prior proceeding under this Title against the same
1181 Member of the Clergy which resulted in an Order or Accord. Additionally, in the case of a Member of
1182 the Clergy who has been the subject of proceedings under any predecessor to this Title, proceedings
1183 under this Title, other than pastoral responses, shall be barred to the extent that the specific Offense
1184 was previously included in a presentment against the Member of the Clergy or was expressly set forth in
1185 the Member of the Clergy's waiver and voluntary submission to discipline upon which a Sentence was
1186 been pronounced or in the report of a conciliator.
- 1187 **Sec. 14** Impartiality of officials and bodies described in this Title shall be addressed as follows:
- 1188 (a) Any Bishop Diocesan exercising authority under this Title shall disqualify herself or himself in
1189 any proceeding in which the Bishop's impartiality may reasonably be questioned. The Bishop shall
1190 also disqualify himself or herself when the Bishop, the Bishop's spouse, or a person within the third
1191 degree of relationship to either of them, or the spouse of such person, (1) is the Respondent,
1192 Complainant or an Injured Person or (2) is likely to be a witness in the proceeding.
- 1193 (b) Any member of any Panel provided for in this Title shall disqualify himself or herself in any
1194 proceeding in which the member's impartiality may reasonably be questioned. The member shall
1195 also disqualify himself or herself when the member, the member's spouse, any person within the
1196 third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent,
1197 Complainant or an Injured Person, (2) is likely to be a witness in the proceeding, (3) has a personal
1198 bias or prejudice concerning the Respondent, Complainant or any Injured Person, (4) has personal
1199 knowledge of disputed evidentiary facts concerning the proceeding, (5) has a personal financial
1200 interest in the outcome of the proceeding or in the Respondent, Complainant, any Injured Person
1201 or any other interest that could be substantially affected by the outcome or (6) is a member of the
1202 same congregation or otherwise has a close personal or professional relationship with the
1203 Respondent, the Complainant, any Injured Person or any witness in the matter.
- 1204 (c) Any member of any Panel provided for in this Title who has not disqualified himself or herself
1205 as provided in this section may be subject to challenge by the Church Attorney or the Respondent
1206 on grounds described in this section. The Complainant or the Complainant's Advisor may inform
1207 the Church Attorney of any such grounds. The challenge shall be investigated by the remaining
1208 members of the Panel who shall determine whether the challenged member of the Panel should be
1209 disqualified and replaced according to the procedures of this Title for filling vacancies.
- 1210 (d) No Bishop Diocesan or Panel shall accept from the Church Attorney or from the Respondent
1211 any waiver of any ground for disqualification enumerated in this section unless preceded by full
1212 disclosure of the basis for the disqualification, on the record.

- 1213 **Sec. 15** In addition to any challenge permitted under Canon IV.19.14, the integrity of the Disciplinary
1214 Board shall be preserved by a system of challenge as to the membership of any Panel of the Board
1215 appointed for a proceeding. Each Diocese shall provide by Canon for a system of challenge. If the
1216 Canons of the Diocese make no provision for challenging a member of the Board, any member of a
1217 Panel appointed for a proceeding may be challenged by the Church Attorney or the Respondent on
1218 grounds of conflict of interest or undue bias. The remaining members of the Board shall determine
1219 whether the challenge is relevant and factually supported and shall determine whether the challenged
1220 member shall be excused from that proceeding. If the member is excused, another member of the Board
1221 shall be appointed to the Panel to fill the vacancy created by the challenge, maintaining the appropriate
1222 balance of lay and ordained members.
- 1223 **Sec. 16** There shall be a presumption that the Respondent did not commit the Offense. The standard of
1224 proof required to find an Offense by a Respondent shall be that of a preponderance of the evidence.
- 1225 **Sec. 17** In all matters under this Title, it shall be the burden of the Church through the Church
1226 Attorney to establish an Offense by any Respondent.
- 1227 **Sec. 18** Except as otherwise provided in this Title, it shall be the duty of all members of the Church to
1228 appear and testify or respond when duly served with a notice to do so from any Panel in any matter
1229 arising under this Title.
- 1230 **Sec. 19** No Chancellor or Vice Chancellor of a Diocese shall serve as Church Attorney in that Diocese.
1231 No Chancellor or Vice Chancellor of any Province shall serve as Church Attorney in any Diocese of
1232 that Province or any provincial proceeding. Neither the Presiding Bishop's Chancellor nor the
1233 Chancellor to the President of the House of Deputies shall serve as Church Attorney in any proceeding.
1234 The Church Attorney in any proceeding shall not be from the same law firm as any Chancellor or Vice
1235 Chancellor otherwise disqualified under this section.
- 1236 **Sec. 20** Notices or other papers to be served according to procedures of this Title shall be deemed to
1237 have been duly served if a copy is delivered to the person to be served, is left with an adult resident of
1238 the abode of the person to be served or is mailed by certified mail to the person's usual place of abode.
1239 Notice by publication shall be made in a newspaper of general circulation in the jurisdiction of the
1240 person's usual place of abode. Acceptance of service renders unnecessary any further process.
- 1241 **Sec. 21** A reference in this Title to a Bishop Diocesan shall include a Bishop Coadjutor if specific
1242 jurisdiction for matters contemplated by this Title has been assigned to the Bishop Coadjutor pursuant
1243 to Canon III.11.10(a)(2).
- 1244 **Sec. 22** A Hearing Panel or Court of Review may in its discretion obtain legal counsel to give it
1245 opinions on any questions of law, procedure or evidence. Such legal counsel, if any, shall have no vote in
1246 any proceeding before the Hearing Panel or Court of Review.
- 1247 **Sec. 23** Except as expressly provided in this Title, applicable Diocesan Canon, or in any Accord or
1248 Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring
1249 them.
- 1250 (a) The necessary costs, expenses and fees of the Investigator, the Church Attorney, the Conference
1251 Panel, the Hearing Panel and any pastoral response shall be the expense of the Diocese.
- 1252 (b) The necessary costs and expenses of the Provincial Court of Review shall be the expense of the
1253 Province.
- 1254 (c) The necessary costs and expenses of the Disciplinary Board for Bishops and the Court of
1255 Review for Bishops shall be the expense of the General Convention.
- 1256 (d) Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and
1257 fees by any other party or person, including a Diocese.
- 1258 **Sec. 24** If the Presiding Bishop is unavailable to act by virtue of absence, disability or other
1259 disqualification, actions to be performed by the Presiding Bishop in this Title shall be performed by that
1260 Bishop who would be the Presiding Officer of the House of Bishops as provided by Article I, Section 3,
1261 of the Constitution in the event of the resignation, infirmity, disability or death of the Presiding Bishop.
- 1262 **Sec. 25** If there is neither a Bishop Diocesan nor a Bishop Coadjutor nor a Bishop Suffragan charged
1263 with the administration of clergy discipline in a Diocese and not under a restriction on ministry or
1264 Sentence of suspension, the Diocese shall, by agreement pursuant to Canon III.13.2, arrange for a

1265 Bishop to perform the duties of the Bishop Diocesan under this Title before commencing or continuing
1266 with any proceedings under this Title.

1267 **Sec. 26** Wherever in this Title it is provided that any communication, deliberation, investigation or
1268 proceeding shall be confidential, no person having knowledge or possession of confidential information
1269 derived from any such communication, deliberation, investigation or proceeding shall disclose the same
1270 except as provided in this Title, in any Accord or Order, or as required by any applicable law.

1271 **Sec. 27** Privileged Communication shall not be disclosed, nor shall any negative inference be drawn
1272 respecting the claim of the privilege, unless the privilege is waived by the person to whom the privilege
1273 belongs. Waiver of a privilege may occur by **(a)** voluntary disclosure; **(b)** failure to timely object to use
1274 of a Privileged Communication; or **(c)** placing the Privileged Communication at issue. Notwithstanding
1275 any provision of this section to the contrary, no waiver by a penitent of the privilege which attaches to
1276 communications or disclosures made within the Rite of Reconciliation of a Penitent shall work to
1277 require any confessor to divulge anything pertaining to any such communications or disclosures, the
1278 secrecy of the confession being morally absolute as provided in the Book of Common Prayer.

1279 **Sec. 28** Noncompliance with any procedural requirements set forth in this Title shall not be grounds for
1280 the dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice
1281 to be done or seriously prejudice the rights of a Respondent as determined by the Panel or Court before
1282 which the proceeding is pending on motion and hearing.

1283 **Sec. 29** Solely for the purposes of the application of these Canons to persons who have received the
1284 pronouncement of the former Sentence of removal, the former Sentence of removal shall be deemed to
1285 have been a Sentence of deposition.

1286 **Sec. 30** Records of proceedings shall be preserved as follows:

1287 **(a)** Each Hearing Panel and Provincial Court of Review shall keep a complete and accurate record
1288 of its proceedings by any means from which a written transcript can be produced. When all
1289 proceedings have been concluded, the president of the Panel or Court shall certify the record. If the
1290 president did not participate in the proceeding for any reason, the Panel or Court shall elect another
1291 member of the Panel or Court to certify the record.

1292 **(b)** The Panel or Court shall make provision for the preservation and storage of a copy of the
1293 record of each proceeding in the Diocese in which the proceeding originated.

1294 **(c)** The Panel or Court shall promptly deliver the original certified record of its proceedings to the
1295 Archives of The Episcopal Church.

1296 **(d)** The Bishop Diocesan shall **(i)** promptly deliver to the Archives of The Episcopal Church a copy
1297 of any Accord or Order which has become effective and a record of any action of remission or
1298 modification of any Order and **(ii)** provide for the permanent preservation of copies of all Accords
1299 and Orders by means which permit the identification and location of each such copy by the name of
1300 the Member of the Clergy who is the subject thereof.

1301 **Sec. 31** Any Member of the Clergy canonically resident in the Diocese who deems himself or herself to
1302 be under imputation, by rumor or otherwise, of any Offense for which proceedings could be had under
1303 this Title, may on his or her own behalf request the Bishop Diocesan to conduct an inquiry with regard
1304 to such imputation. Upon receipt of such request by a Member of the Clergy, it shall be the duty of the
1305 Bishop Diocesan to cause the matter to be investigated and to report the result to the Member of the
1306 Clergy.

1307 **Sec. 32** No Member of the Clergy shall be accountable for any Offense if the act or omission
1308 constituting the Offense shall have occurred only prior to the effective date of this Title, unless such act
1309 or omission would have constituted an offense under the predecessor to this Title.

1310 **CANON 20: Of Transitional Provisions and Conforming Amendments to Other Canons**

1311 **Sec. 1** Capitalized terms used in this Canon and which are not otherwise defined in this Title shall
1312 have the meanings provided in the predecessor to this Title.

1313 **Sec. 2** The effective date of this Title shall be July 1, 2011. Except as otherwise provided in this
1314 Canon, the predecessor to this Title shall stand repealed on the effective date of this Title.

1317 **Sec. 3** Matters which are pending under the predecessor to this Title on the effective date of this Title
1318 shall proceed as follows:

- 1319 (a) A Temporary Inhibition shall continue in accordance with its terms until it expires in accordance
1320 with Canon 1.2(f) of the predecessor to this Title. A Temporary Inhibition which is effective prior
1321 to the effective date of this Title and which expires by reason of the lapse of time as provided in
1322 Canon 1.2(f)(vi) of the predecessor to this Title may be extended and reviewed (1) as provided in
1323 the predecessor to this Title in the case of any matter proceeding in accordance with the
1324 predecessor to this Title as provided in this section or (2) in the case of any other matter, through
1325 the issuance of a restriction on ministry or the placement of the subject Member of the Clergy on
1326 Administrative Leave or both in accordance with the provisions of this Title.
- 1327 (b) A Charge against a Priest or Deacon which is pending on the effective date of this Title, and
1328 upon which the Diocesan Review Committee has neither issued a Presentment nor voted not to
1329 issue a Presentment, shall be referred to the Reference Panel and the matter shall proceed in
1330 accordance with the provisions of this Title.
- 1331 (c) A Charge against a Bishop, which is pending on the effective date of this Title, and upon which
1332 the Review Committee has neither issued a Presentment nor voted not to issue a Presentment, shall
1333 be referred to the Reference Panel and the matter shall proceed in accordance with the provisions of
1334 this Title.
- 1335 (d) A request for a Statement of Disassociation which is pending on the effective date of this Title shall proceed in accordance with Canon IV.17.7 (a), and the matter shall thereafter further
1336 proceed, if at all, in accordance with the provisions of this Title.
- 1337 (e) A Presentment against a Bishop under Canon 3.21(c) of the predecessor to this Title which is
1338 pending on the effective date of this Title shall proceed in accordance with Canon IV.17.7, and the
1339 matter shall thereafter further proceed, if at all, in accordance with the provisions of this Title.
- 1340 (f) A case in which a Presentment against any Member of the Clergy is issued prior to the effective
1341 date of this Title, and in which the Respondent's answer or other response is not made or does not
1342 become due until after the effective date of this Title, shall be referred to the Conference Panel and
1343 the matter shall proceed in accordance with the provisions of this Title.
- 1344 (g) A case which is pending before any Ecclesiastical Trial Court of any Diocese, and in which the
1345 Respondent's answer or other response is made or becomes due prior to the effective date of this
1346 Title, and in which no Trial has been had, shall proceed in accordance with the provisions of the
1347 predecessor to this Title unless the Church Attorney, the Respondent and the president of the
1348 Disciplinary Board shall agree in writing that the case shall proceed under the provisions of this
1349 Title, in which event the matter shall be referred to the Hearing Panel and the matter shall proceed
1350 in accordance with the provisions of this Title.
- 1351 (h) An appeal from any Judgment rendered by any Ecclesiastical Trial Court of any Diocese after
1352 the effective date of this Title shall proceed in accordance with the provisions of this Title.
- 1353 (i) A case which is pending before any Court of Review of the Trial of a Priest or Deacon shall
1354 proceed in accordance with the predecessor to this Title unless the Church Attorney, the
1355 Respondent and the president of the Provincial Court of Review shall agree in writing that the case
1356 shall proceed under the provisions of this Title, in which event the matter shall be referred to the
1357 Provincial Court of Review and the matter, including any grant of a new hearing, shall proceed in
1358 accordance with the provisions of this Title.
- 1359 (j) A case which is pending before the Court for the Trial of a Bishop, and in which the
1360 Respondent's answer or other response is made or becomes due prior to the effective date of this
1361 Title, and in which no Trial has been had, shall proceed in accordance with the provisions of the
1362 predecessor to this Title unless the Church Attorney, the Respondent and the president of the
1363 Disciplinary Board for Bishops shall agree in writing that the case shall proceed under the
1364 provisions of this Title, in which event the matter shall be referred to the Hearing Panel and the
1365 matter shall proceed in accordance with the provisions of this Title.
- 1366 (k) A case which is pending before the Court of Review of the Trial of a Bishop shall proceed in
1367 accordance with the predecessor to this Title unless the Church Attorney, the Respondent and the

1369 president of the Court of Review for Bishops shall agree in writing that the case shall proceed under
1370 the provisions of this Title, in which event the matter shall be referred to the Court of Review for
1371 Bishops and the matter, including any grant of a new hearing, shall proceed in accordance with the
1372 provisions of this Title.

1373 And be it further

1374

1375 *Resolved*, That Canon I.1.6(c) be amended as follows, effective as of the effective date of this Title:
1376 (c) It shall be the duty of the Recorder to furnish, upon proper authority and at the expense of the
1377 applicant, such information as may be in the possession of the Recorder, based upon the reports
1378 required under Clause (b) hereof; ~~but in no case shall the Recorder publish, or furnish for publication,~~
1379 ~~the ground of any suspension, removal, or deposition.~~

RESOLUTION A186 REFER IMPAIRMENT OF CLERGY ISSUE TO STANDING COMMISSION ON MINISTRY DEVELOPMENT

1 *Resolved*, The House of _____ concurring, That the 76th General Convention, having received the report and
2 recommendations of the Title IV Task Force II regarding possible canonical amendments by which to
3 address the needs and circumstances of Members of the Clergy who may be impaired by physical, mental or
4 substance abuse-related causes, hereby refers this issue to the Standing Commission on Ministry
5 Development for further study and recommendations to the 77th General Convention.

RESOLUTION A187 AMENDMENTS TO TITLE III AND TITLE V TO CONFORM TO CHANGES TO TITLE IV

1 *Resolved*, the House of _____ concurring, That the following provisions of Titles III and V of the
2 Constitution and Canons for the Governance of The Episcopal Church are amended to read as indicated:

3

4 **Canon III.7.8:**

5 **Sec. 8** If any Deacon of this Church ~~not subject to the provisions of Canon IV.8~~ shall declare, in writing, to
6 the Bishop of the Diocese in which such Deacon is canonically resident, a renunciation of the ordained
7 Ministry of this Church, and a desire to be removed there from, it shall be the duty of the Bishop to record
8 the declaration and request so made. The Bishop, being satisfied that the person so declaring is ~~not subject to~~
9 ~~the provision of Canon IV.8 but is~~ acting voluntarily and for causes, assigned or known, which do not affect
10 the Deacon's moral character, shall lay the matter before the clerical members of the Standing Committee,
11 and with the advice and consent of a majority of such members the Bishop may pronounce that such
12 renunciation is accepted, and that the Deacon is released from the obligations of the Ministerial office, and is
13 deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments
14 conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was
15 for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this
16 effect to the person so removed from the ordained Ministry.

17

18 **Canon III.9.3(c)(3):**

19 (3) If the Priest fails to comply with the provision of this Canon, [the Bishop of the Diocese in which the
20 Priest is canonically resident may proceed in accordance with Canon IV.11] *such failure may be considered a breach*
21 *of Canon IV.4.1(b)(3) occurring in the Diocese in which the Priest is canonically resident.*

22

23 **Canon III.9.8**

24 **Sec. 8** If any Priest of this Church ~~not subject to the provisions of Canon IV.8~~ shall declare, in writing, to
25 the Bishop of the Diocese in which such Priest is canonically resident, a renunciation of the ordained Ministry
26 of this Church, and a desire to be removed therefrom, it shall be the duty of the Bishop to record the
27 declaration and request so made. The Bishop, being satisfied that the person so declaring is ~~not subject to the~~
28 ~~provision of Canon IV.8 but is~~ acting voluntarily and for causes, assigned or known, which do not affect the
29 Priest's moral character, shall lay the matter before the clerical members of the Standing Committee, and with
30 the advice and consent of a majority of such members the Bishop may pronounce that such renunciation is
31 accepted, and that the Priest is released from the obligations of the Ministerial office, and is deprived of the

32 right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in
33 Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes
34 which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the
35 person so removed from the ordained Ministry.

36

37 **Canon III.9.20(b)**

38 (b) In the course of proceedings under this Canon, if ~~a charge is~~ *allegations of misconduct are* made by the Vestry
39 against the Rector that could ~~give rise to a disciplinary proceeding~~ *constitute an Offense* under ~~Canon IV.1 Title~~
40 *IV*, all proceeding under this Canon with respect to such ~~charge~~ *allegations* shall be suspended until the ~~charge~~
41 *has allegations have* been resolved or withdrawn.

42

43 **Canon III.12.7(a)**

44 (a) If any Bishop of this Church ~~not subject to the provisions of Canon IV.8~~ shall declare, in writing, to the Presiding Bishop a renunciation of the ordained Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Presiding Bishop to record the declaration and request so made. The Presiding Bishop, being satisfied that the person so declaring is ~~not subject to the provision of Canon IV.8~~ *but is* acting voluntarily and for causes, assigned or known, which do not affect the person's moral character, shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council the Presiding Bishop may pronounce that such renunciation is accepted, and that the Bishop is released from the obligations of all Ministerial offices, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed.

56

57 **Canon V.4.1(a)(4):**

58 (4) upon the certification to the Presiding Bishop by the ~~Advisory Committee~~ *Disciplinary Board for Bishops* as to the abandonment of the ~~communion of this~~ Church by a Bishop pursuant to Canon IV.[10]16;

60

61 **Canon V.4.1(a)(5)**

62 (5) upon the certification by the Standing Committee as to the abandonment of the ~~communion of this~~ Church by a Priest or Deacon pursuant to Canon IV.[10]16; or

RESOLUTION A188 BUDGET FOR TITLE IV TASK FORCE

1 Resolved, the House of _____ concurring, That General Convention requests the Joint Standing Committee on
2 Program, Budget and Finance to consider a budget application of \$15,000.00 for the implementation of the
3 education efforts required by the adoption of the revised Title IV.