

TASK FORCE ON DISCIPLINARY POLICIES AND PROCEDURES

(TASK FORCE ON TITLE IV REVISIONS)

MEMBERSHIP

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Task Force Representatives at General Convention

The Rt. Rev. Catherine Waynick, the Rt. Rev. Wallis Ohl, and Deputies Duncan Bayne, Esq., the Rev. Virginia Herring, and Stephen Hutchinson, Esq., are authorized to receive non-substantive amendments to this report.

SUMMARY OF WORK

In 2000, the 73rd General Convention resolved that a Task Force should be formed and charged with the responsibility of researching the disciplinary policies and procedures of other churches and various professions, and to bring to the 75th Convention recommendations for the revision of Title IV (*GC Resolution 2000–A028*).

Background for 2000–A028

General Convention's decision was initiated in response to concerns expressed from a variety of sources, especially the Standing Commission on Constitution and Canons (SCCC) and the Committee on Sexual Exploitation (COSE), each of which had conducted diocesan surveys in 1998 and 1999 to gain data regarding the use of Title IV. They had discovered that bishops and chancellors were often using a variety of informal ways to investigate complaints and settle disputes rather than enter the more lengthy litigious and potentially costly Title IV process. Based in civil and military codes of justice, the current canon does not have the scope, the flexibility, or the goal of bringing conflicted persons or groups to healing and reconciliation.

A clergy person accused under the current Title IV is caught up in a “win-lose” situation which often affects other persons, congregations, and in some cases, whole dioceses and the wider Church. There is no provision in the current Canon for a person with serious physical or emotional problems, an addiction, or other disabling condition which impairs ministry, to formally seek help and healing within a process which can lead to being restored to the exercise of ministry. The current Title IV is viewed as a punitive response to alleged misconduct, and not an articulation of healthy formation in the gospel values of our Baptismal Covenant.

Also expressed was a need to be able to hold lay members of the Church accountable in their formation and behavior in leadership and ministry roles in the community of faith. The current canon does not reflect our baptismal ecclesiology or offer specific guidance for lay persons who take on leadership and ministry roles in the Church.

For this reason, some bishops and chancellors have been using a variety of creative and effective responses to allegations of misbehavior, particularly of sexual misconduct, many of which have been incorporated into diocesan procedures. Even so, the role of the bishop is often ambiguous and multi-faceted, placing the bishop simultaneously in pastoral, investigative, and judicial roles. The goal in these cases is often to provide for outcomes which are not identified as values in the current Title IV: pastoral care for individuals and communities; healing of all concerned, restitution, forgiveness, and reconciliation. These diocesan policies have been viewed by many as “extra canonical,” but many of them speak to the values addressed in this proposal. Use of these diocesan policies substantially reduces the number of trials held under the current Title IV, even though there have been conflicts.

The Work of the Task Force

The Task Force determined to ground its work in theological reflection and prayer. We reflected upon Scripture, the historical teachings and liturgical and canonical life of the Church, and most particularly the ways in which these correspond to the teachings of Jesus about the kingdom of God. We enlisted the help of the Rev. Dr. Pamela Cooper-White, who took our own reflections and in turn a paper which has helped us to perceive the role and purpose of our Canons in new ways. Her paper, “Some Thoughts Toward Canon Revisions: Canons as Gift of Grace and Dance of Love,” was in our 2003 Blue Book Report (p. 355ff), and is available at: www.episcopalchurch.org/gc/ccab or along with other task force resources on the Diocese of Utah’s website: at www.episcopal-ut.org.

Cooper-White suggests that the canons can provide “expression of care for the ordering of the Church that is grounded not merely in restraint of evil (as is often the case in civil law), but focused on forming a community in which every member is supported in living a life grounded in desire for God, and the joy of being in harmony with the original goodness of God’s creation. This is the church’s earthly vocation, and the vocation of its ministers—who ultimately include all the baptized, ‘lay persons, bishops, priests and deacons.’ (BCP 855)” (2003 Blue Book, p. 357)

Seen in this way, the canons of the Church can provide not only structure for the maintenance, discipline, and good order in the Church, but a statement of expectation and a process to aid the formation of all our members in living out the faith. At the very least, our canons should reflect the teachings of Jesus and our own conviction that God’s desire for the Church is involvement in the holy enterprise of reconciliation.

Cooper-White describes the faithful community as providing and embodying the safe place in which truth-telling, healing, and reconciliation can occur. Such a community must surely hold all its members accountable, and particularly those in leadership positions. Holding all members, including laity, accountable for their part in the common life of the Church is not a new one. The Disciplinary Rubrics (BCP 409) provides a way to hold members accountable, but offers only one possible remedy—that of excommunication. The diocesan bishop must render an opinion on whether to uphold the decision to excommunicate, and no process for making that determination is described. Any options or outcomes in such cases depend entirely on the willingness of the individuals involved to accede to the bishop’s assumed authority. A common understanding of mutual accountability requires a canon which not only describes the expectations of lay persons in positions of responsibility, but a process for addressing instances of misconduct which is intended to lead to reconciliation. Les Alvis has provided a very helpful paper on this topic (see aforementioned websites).

The new canon proposed in this report reclaims the broader meaning of discipline as the developing of habits which can form all members of the Church in healthy and responsible ministries and which can produce reconciliation and healing when failures occur.

Producing the Draft Proposal

Exploration of the policies and procedures of other denominations and professional organizations continued into this triennium. As the work of drafting a proposed canon continued, members attended Provincial gatherings of clergy, bishops and chancellors; the House of Bishops; the National Network of Episcopal Clergy Association (NNECA); and other constituent groups, and posted the drafts on our website. We have gained useful feedback from these sources and have been able to incorporate much of it in the draft presented in this report.

Because this proposed canon is very different from the current canon in purpose, process, and scope, it may be difficult at first to envision how it can be implemented. For this reason we have enlisted the help of professional communicators, who have graciously offered their talents as a gift to this work, to help us produce materials which should be available to each Deputation well before Convention convenes. Task Force members will continue to be available to meet with groups in order to answer questions and receive feedback on this report.

I wish to express my deep gratitude to the members of the Task Force for their dedication to the ministry of producing this proposal for your consideration. The members have brought a wide range of experience and expertise, and the willingness to spend themselves in the accomplishment of this task has been truly remarkable. Our commitment to hold each other and the Church in prayer as our work continued has borne the fruit of what we trust will be a faithful and helpful contribution to the life of the Church. I acknowledge with special gratitude the work of our drafting team: Les Alvis, Duncan Bayne, Steve Hutchinson, Sally Johnson, Wallis Ohl, and Woodi Sprinkel.

I also wish to thank the members of Convention in advance for the effort which will be required to study this proposal and to give it due consideration. May our shared effort on behalf of the Church bring us closer to the goal of living what we say we believe: that we are engaged in the mission of reconciling all persons to God and each other in Christ Jesus.

Submitted with respect,

+Catherine M. Waynick, Bishop of Indianapolis

BUDGET REPORT

The budget for the work of the Task Force in this triennium was \$60,000 and we completed our work within that budget. We realize that the education and training necessary for the implementation of a new disciplinary canon will require materials and travel expenses for those involved, and believe that a minimum allocation of \$50,000 will be required for these purposes.

Resolution A152 Title IV Budget Appropriation

- 1 *Resolved*, the House of _____ concurring, That the General Convention request the Joint Standing Committee
- 2 on Program, Budget and Finance to consider a budget allocation of \$50,000 for the educational materials and
- 3 training programs necessary to implement a revision of Title IV and that this program of education and training
- 4 be administered by the Office of Pastoral Development of the House of Bishops.

PROPOSED TITLE IV REVISIONS

Resolution A153 Proposed Title IV Revisions¹

- 1 *Resolved*, the House _____ of concurring, That the whole of Title IV, The Canons, be amended to read:

- 2 **TITLE IV**

- 3 **FITNESS FOR MINISTRY, ACCOUNTABILITY AND ECCLESIASTICAL DISCIPLINE**

- 4

- 5 **CANON 1: Of Fitness for Ministry, Accountability and Ecclesiastical Discipline**

- 6

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

- 10

- 11 **CANON 2: Of Terminology Used in this Title**

- 12

¹ This proposed canonical change would replace in its entirety the current Title IV Canons. Please refer to the *2003 Constitution and Canons* for the original text that this resolution proposes to replace (p. 107-165)

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

3
4 **Administrative Leave** shall mean a restriction on Ministry in which the exercise of the Respondent's
5 Ministry is suspended in its entirety during the period of the Administrative Leave and may include
6 suspension from any ecclesiastical and related secular office.

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

9 **Bishop** shall mean the Bishop of the Diocese or, if there be none, the Standing Committee or such other
10 ecclesiastical authority established by the Constitution and Canons of the Diocese.

11 **Church Attorney** shall mean an attorney selected pursuant to diocesan canons to represent the Church in
12 proceedings as provided in this Title. The Church Attorney shall perform all functions on behalf of the
13 Church necessary to advance proceedings under this Title and shall have the following powers, in addition
14 to the powers and duties otherwise provided in this Title: **(a)** to receive and review the Intake Officer's
15 report and the reports of the Investigator and to determine, in the exercise of the Church Attorney's
16 discretion, whether the reported information, if true, would be grounds for discipline or transfer to
17 Impairment status; and **(b)** to exercise discretion consistent with this Title and the interests of the Church
18 by declining to advance proceedings or by referring any matter back to the Intake Officer or the Bishop
19 for pastoral response in lieu of disciplinary action. In representing the Church, the Church Attorney may
20 consult with the Standing Committee.

21 **Community** shall mean **(a)** with regard to a Minister in Leadership, that part of the Church in which such
22 Minister in Leadership performs his or her Ministry, such as a Diocese, Parish, Mission, school, seminary,
23 hospital, camp or any similar institution, or **(b)** with regard to a Minister other than a Minister in Leadership,
24 the Parish or Mission where the Minister participates in Worship or other Ministry.

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

29 **Conciliator** shall mean a person appointed to seek the resolution of a matter under Canon IV .9.

30 **Conference Panel** shall mean a panel of three members of the Discipline and Fitness for Ministry Board
31 selected by the president of the board, to serve as the body before which an informal conference is held as
32 provided in Canon IV.11, provided, however, that no such member may serve as a member of the Hearing
33 Panel in the same case.

34 **Covenant** shall mean **(a)** in the case of conciliation, a written resolution of the matter which is negotiated
35 and agreed between the Complainant and the Respondent or **(b)** in the case of an Conference Panel
36 proceeding, a written resolution which is negotiated and agreed between the Conference Panel, the Church
37 Attorney and the Respondent. All Covenants shall meet the requirements of Canon IV.13.

38 **Discipline and Fitness for Ministry Board** shall mean the body provided for in Canon IV.5.1.

39 **Discipline of this Church** shall be found in the Constitution, the Canons, and the Rubrics and the Ordinal
40 of the Book of Common Prayer.

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

44 **Hearing Panel** shall mean a panel of three members of the Discipline and Fitness for Ministry Board
45 selected by the president of the Board, to serve as the body before which a hearing is held as provided in
46 Canon IV.12, provided, however, that no such member may serve as a member of the Conference Panel
47 in the same case.

48 **Impairment** shall mean **(a)** any physical, emotional, spiritual, or mental condition of such nature as to
49 render a Minister in Leadership incapable of managing himself or herself with the integrity and competency
50 requisite for the particular Ministry in which such Minister in Leadership is engaged or **(b)** any habitual use

- 1 of or clinical addiction to alcohol, drugs or any other substance or activity which impairs or tends to impair
 2 the ability of a Minister in Leadership competently to perform the particular Ministry in which such Minister
 3 in Leadership is engaged.
- 4 **Injured Person** shall mean a person, group or Community who has been, is, or may be affected by an
 5 Offense or Impairment.
- 6 **Intake Officer** shall mean a person designated by the Bishop, after consultation with the Discipline and
 7 Fitness for Ministry Board, to whom information regarding Offenses or Impairments is reported.
- 8 **Investigator** shall mean a person having **(a)** sufficient knowledge, skill, experience, training and, where
 9 required by law, licensure, to conduct investigations under this Title and **(b)** familiarity with the provisions
 10 and objectives of this Title. Investigators shall be appointed by the Bishop in consultation with the president
 11 of the Discipline and Fitness for Ministry Board.
- 12 **Member of the Clergy** shall mean bishops, priests and deacons of this Church.
- 13 **Minister** shall mean, consistent with the Catechism in the Book of Common Prayer, **(a)** any lay person
 14 who is an adult member of this Church within the meaning of Canon I.17 and **(b)** any Member of the
 15 Clergy.
- 16 **Minister in Leadership** shall mean **(a)** any Member of the Clergy or **(b)** any nominee, postulant, or
 17 candidate in the ordination process or **(c)** any Minister other than a Member of the Clergy who has accepted
 18 a Ministry in this Church or in the Community.
- 19 **Ministry** shall mean **(a)** in the case of a Member of the Clergy, the office to which he or she is ordained;
 20 or **(b)** in the case of any other Minister in Leadership, responsibility for oversight, pastoral care, leadership,
 21 teaching, instruction or supervision entrusted to him or her by this Church.
- 22 **Offense** shall mean any act or omission for which a Minister may be held accountable under Canons IV.3
 23 or IV.4.
- 24 **Order** shall mean **(a)** a written decision of a Conference Panel or a Hearing Panel which is issued with or
 25 without the Respondent's consent or **(b)** written terms of discipline agreed between the Respondent and
 26 the Bishop and approved as provided in Canon IV.14.
- 27 **Pastoral Direction** shall mean a written direction given by a Bishop to a Minister in Leadership which
 28 meets the requirements of Canon IV.7.
- 29 **Pastoral Relationship** shall mean any relationship between a Minister in Leadership and any person to
 30 whom the Minister in Leadership provides or has provided counseling, pastoral care, spiritual direction or
 31 guidance, regular ministrations of any sacrament, or from whom such Minister in Leadership has received
 32 information within the Rite of Reconciliation of a Penitent.
- 33 **Privileged Communication** shall mean any communication or disclosure made in confidence and with
 34 an expectation of privacy **(a)** within the Rite of Reconciliation of a Penitent; **(b)** between a client and the
 35 client's attorney; **(c)** between a Respondent and an Advisor or a Complainant and an Advisor; **(d)** between
 36 spouses or same-sex partners; or **(e)** between and among a Conciliator and participants in a conciliation
 37 under Canon IV.9.
- 38 **Provincial Court of Review** shall mean a court organized and existing as provided in Canon IV.5.4 to
 39 serve as the body which performs the duties prescribed in Canon IV.15.
- 40 **Reference Panel** shall mean a panel composed of the Intake Officer, the Bishop and the president of the
 41 Discipline and Fitness for Ministry Board to serve as the body which performs the duties prescribed in
 42 Canons IV.6 and IV.10.
- 43 **Respondent** shall mean any Minister **(a)** who is the subject of a matter referred for conciliation or to the
 44 Conference Panel or to the Hearing Panel; **(b)** whose Ministry has been restricted; **(c)** who has been placed
 45 on Administrative Leave; **(d)** who is the subject of an investigation and is asked by an Investigator to provide
 46 information or to make a statement; or **(e)** who agreed with the Bishop regarding terms of discipline pursuant
 47 to Canon IV.14.
- 48 **Sentence** shall mean the pronouncement of discipline of a Member of the Clergy pursuant to a Covenant
 49 or Order in the form of **(a)** suspension, in which such Member of the Clergy is required to temporarily
 50 refrain from the exercise of the gifts of Ministry conferred by ordination, or **(b)** deposition, in which such

1 Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God(s word
2 and sacraments conferred at ordination.

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

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

7 **Sexual Misconduct** shall mean **(a)** Sexual Abuse, or **(b)** Sexual Behavior at the request of, acquiesced to,
8 or by a Minister in Leadership and a person, other than his or her spouse or same-sex partner, with whom
9 the Minister in Leadership has a Pastoral Relationship, or **(c)** unwelcome sexual advances, requests for
10 sexual favors, or other verbal or physical conduct of a sexual nature by a Minister in Leadership when
11 submission to or rejection of this conduct explicitly or implicitly affects an individual(s work, volunteer,
12 Ministry or educational performance, or creates an intimidating, hostile or offensive work, volunteer,
13 Ministry, or educational environment.

14
15 **CANON 3: Of Accountability**

16
17 **Sec. 1** A Minister shall be subject to proceedings under this Title for:

18 **(a)** the commission or omission of any act which would justify the use of the Disciplinary Rubrics in the
19 Book of Common Prayer.

20 **(b)** knowingly violating or attempting to violate, directly or through the acts of another person, the
21 Constitution or Canons of this Church or of any Diocese;

22 **(c)** failing without good cause to cooperate with any investigation or proceeding conducted under authority
23 of this Title;

24 **(d)** intentionally and maliciously bringing a false accusation, or knowingly providing false testimony or
25 false evidence in any investigation or proceeding under this Title.

26 **Sec. 2** A Minister in Leadership shall be accountable for any breach of the Standards of Conduct set forth in
27 Canon IV.4.

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

31 **Sec. 4** The provisions of this Title do not replace or restrict the Disciplinary Rubrics of the Book of Common
32 Prayer but are supplementary thereto as provided in Canon I.17.6.

33
34 **CANON 4: Of Standards of Conduct**

35
36 **Sec. 1** In exercising his or her Ministry, a Minister in Leadership shall:

37 **(a)** Act within the limits of the Minister in Leadership's competence, and strive to expand his or her
38 competency as appropriate to the needs of the Ministry;

39 **(b)** Respect and preserve the confidences of others;

40 **(c)** Perform the duties of the Ministry with diligence and integrity;

41 **(d)** Conform to the Rubrics of the Book of Common Prayer;

42 **(e)** Avoid conflicts of interest;

43 **(f)** Speak truthfully;

44 **(g)** Uphold the dignity of other persons, respecting also their needs of privacy and safety.

45 **(h)** Obey the Bishop and other Ministers in Leadership in authority over the Minister in Leadership;

46 **(i)** Support others in their Ministries, communicating with candor and respect while honoring confidences;

47 **(j)** Advise and counsel with other Ministers in Leadership when requested to do so.

48 **(k)** Respect and keep safe the property and funds of the Church and Community;

- 1 (l) Report to the Intake Officer all matters which may constitute an Offense or Impairment, including his
 2 or her own Offenses and Impairments, except for matters disclosed within the Rite of Reconciliation of
 3 a Penitent;
- 4 (m) Exercise his or her Ministry in accordance with applicable provisions of the Constitution and Canons
 5 of this Church and of the Diocese, ecclesiastical licensure or commission, and Community rule or bylaws;
- 6 (n) Assist other Ministers in Leadership to exercise only those acts of Ministry for which they are duly
 7 qualified.
- 8 (o) Refrain from conduct which prejudices or brings scandal upon the Church or Community;
- 9 (p) Maintain fitness for Ministry and seek assistance in addressing his or her own Impairment, reporting
 10 that Impairment to the Intake Officer.
- 11 (q) Refrain from exerting undue influence on or taking unfair advantage of any person;
- 12 (r) Refrain from any act of Sexual Misconduct; and
- 13 (s) In the case of Members of the Clergy, refrain from:
- 14 (1) holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by this
 15 Church;
- 16 (2) engaging in any secular employment, calling or business without the consent of the Bishop of the
 17 Diocese in which the Member of the Clergy is canonically resident;
- 18 (3) being absent from the Diocese in which the Member of the Clergy is canonically resident for more
 19 than two years without the consent of the Bishop;
- 20 (4) substantially and materially abandoning the work of the Ministry of this Church and the exercise
 21 of the office to which the Member of the Clergy was ordained, without having given reasons satisfactory
 22 to the Bishop of the Diocese in which the Member of the Clergy is canonically resident;
- 23 (5) abandoning the Communion of this Church such as by open renunciation of the Doctrine, Discipline
 24 of this Church or Worship of this Church, by a formal admission into any religious body not in
 25 communion with this Church, or in any other way; and
- 26 (6) by exercising episcopal acts in and for a religious body other than this Church or another church
 27 in communion with this Church, so as to extend to such body Holy Orders as this Church holds them,
 28 or to administer on behalf of such religious body any episcopal acts without the express consent and
 29 commission of the proper authority in this Church.

30 **Sec. 2** A Minister in Leadership, whether exercising his or her Ministry or not, shall refrain from:

- 31 (a) any criminal act that reflects adversely on the Minister in Leadership's honesty, trustworthiness or
 32 fitness as a Minister of this Church; and
- 33 (b) conduct involving dishonesty, fraud, deceit or misrepresentation.

34

35 **CANON 5: Of Discipline and Fitness for Ministry Structures**

36

37 **Sec. 1** Each Diocese shall, by Canon, create a court to be known as the Discipline and Fitness for Ministry
 38 Board as described in this Canon. Each such Board shall consist of not less than nine persons to be selected
 39 as determined by Diocesan Canon. The membership of each Board shall include lay persons and priests or
 40 deacons, and the majority of the Board members shall be priests or deacons, but by no more than one. Within
 41 sixty days following each Diocesan Convention, the Board shall convene to elect a president for the following
 42 year, unless another method for selection of the president is provided by Diocesan Canon.

43 **Sec. 2** The provisions of Canon IV.19 shall apply to all Discipline and Fitness for Ministry Boards.

44 **Sec. 3** The following rules shall govern the operations of all Discipline and Fitness for Ministry Boards:

- 45 (a) In the event of any Board member's death, resignation or declination to serve, or disability rendering
 46 the member unable to act, the president shall declare a vacancy on the Board.
- 47 (b) Notices or resignation or declination to serve shall be communicated in writing to the president.
- 48 (c) If any Priest elected to the Board is elected a bishop, or any lay member is ordained prior to the
 49 commencement of a proceeding under this Title, that person shall immediately cease to be a member of

1 the Board. If a proceeding has been commenced, that person may continue to serve on the Board for all
2 proceedings in that matter through final disposition.

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

7 **(e)** Proceedings of the Panels of the Discipline and Fitness for Ministry Board shall be conducted within
8 the rules provided in this Title. The Board may adopt, alter or rescind supplemental rules of procedure
9 not inconsistent with the Constitution and Canons of this Church.

10 **(f)** The rules of evidence for proceedings are as provided in Canon IV.12.6.

11 **(g)** Each Discipline and Fitness for Ministry Board shall appoint a clerk who may be a member of the
12 Board, who shall be custodian of all records and files of the Discipline and Fitness for Ministry Board and
13 who shall provide administrative services as needed for the functioning of the Board.

14 **(h)** The Discipline and Fitness for Ministry Board shall keep a record of all proceedings before its Hearing
15 Panels. The record of each proceeding shall be certified by the president of the Panel. If the record cannot
16 be certified by the president by reason of the president's death, disability or absence, the record shall be
17 certified by another member of the Panel selected by a majority of the remaining members of the Panel.

18 **(i)** Any Diocese may agree with one or more other dioceses to develop and share resources necessary to
19 implement this Title, including members of Discipline and Fitness for Ministry Boards, Church Attorneys,
20 Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for
21 proceedings under this Title.

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

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

29 **(a)** The Provincial Court of Review shall consist of: **(i)** one bishop of the Province; two priests, or one
30 priest and one deacon; and two lay persons, each of whom are canonically resident in different dioceses
31 within the Province; and **(ii)** one bishop, one priest or deacon, and one lay person to serve as alternates
32 as hereinafter provided, each of whom is canonically resident in different dioceses than those of the
33 members for which they are alternates. The priests, deacons and lay persons shall be members of the
34 Discipline and Fitness for Ministry Boards of their respective dioceses.

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

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

39 **(d)** No member of the Provincial Court of Review may serve in any matter originating from the diocese
40 in which such member is canonically resident. In such event, the alternate shall serve.

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

44 **(f)** In the event of any Provincial Court of Review member(s) death, resignation or declination to serve,
45 or disability rendering the member unable to act, and in the further event that there is no alternate available
46 to serve, the president of the Provincial Court of Review shall declare a vacancy on the Provincial Court
47 of Review. Notices of resignation or declination to serve shall be communicated in writing to the president
48 of the Provincial Court of Review.

49 **(g)** Vacancies on the Provincial Court of Review shall be filled by appointment by the president of the
50 Province of persons qualified as provided in Canon IV.5.4(a).

- 1 (h) The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who shall
 2 be custodian of all records and files of the Provincial Court of Review and who shall provide administrative
 3 services as needed for the functioning of the Court.
 4 (i) The rules of procedure for appeals to the Provincial Court of Review are as provided in Canon IV.15;
 5 however the Provincial Court of Review may adopt, alter or rescind supplemental rules of procedure not
 6 inconsistent with the Constitution and Canons of this Church.

7
 8 **CANON 6: Of Intake and Referral of Information Concerning Offenses and Impairments**

- 9
 10 **Sec. 1** Each Diocese shall provide for and publicize methods and means of reporting information concerning
 11 Offenses and Impairments.
 12 **Sec. 2** Information concerning Offenses or Impairments may be submitted to the Intake Officer in any manner
 13 and in any form.
 14 **Sec. 3** Any Minister in Leadership other than the Intake Officer who receives information regarding an Offense
 15 or Impairment shall promptly forward the information to the Intake Officer.
 16 **Sec. 4** Upon receipt of such information, the Intake Officer shall incorporate the information into a written
 17 intake report, including as much specificity as possible. The Intake Officer shall provide copies of the intake
 18 report to the other members of the Reference Panel.
 19 **Sec. 5** If the Intake Officer determines that the information, if true, would not constitute an Offense or
 20 Impairment, the Intake Officer shall dismiss the matter. The Complainant may appeal, in writing, the decision
 21 of dismissal to the president of the Discipline and Fitness Board. The Intake Officer shall provide written
 22 notice to the Complainant, the subject Minister and the Bishop of the decision of dismissal, the reason therefor,
 23 and the Complainant's right to appeal the decision within thirty days of the date of the notice.
 24 **Sec. 6** In the event of an appeal of a dismissal, the president of the Discipline and Fitness Board shall, within
 25 thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the dismissal.
 26 The president shall promptly notify the Complainant, the subject Minister, the Intake Officer, and the Bishop
 27 of the decision. If the decision is to overrule the dismissal, the president shall refer the intake report to the
 28 Reference Panel.
 29 **Sec. 7** If the Intake Officer determines that the information, if true, would constitute an Offense or Impairment,
 30 the Intake Officer shall promptly forward the report to the Reference Panel appointed in the matter. The
 31 president shall promptly select from the Discipline and Fitness Board, by lot or by other random means, a
 32 Conference Panel and a Hearing Panel, and shall designate a president of each Panel. Each Panel shall consist
 33 of not less than three persons and shall include both clergy and lay members. The president shall be ineligible
 34 to serve on either Panel.
 35 **Sec. 8** The Reference Panel shall meet as soon as possible after receiving the intake report to determine how
 36 to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant
 37 to Canon IV.8; (b) conciliation pursuant to Canon IV.9; (c) investigation pursuant to Canon IV.10 or (d)
 38 referral for possible agreement with the Bishop regarding terms of discipline pursuant to Canon IV.14. Referral
 39 decisions shall require the approval of a majority of the Reference Panel.
 40 **Sec. 9** If the determination of the Reference Panel is to take no action other than an appropriate pastoral
 41 response, the Panel shall notify the Complainant and the subject Minister of the determination and the basis
 42 for the determination to take no action other than an appropriate pastoral response. If the referral is to
 43 conciliation, the provisions of Canon IV.9 shall apply. If the referral is to investigation, the provisions of
 44 Canon IV.10 shall apply.
 45 **Sec. 10** In the event of any appeal to the Bishop as provided in Canon I.17.6 by any member of this Church
 46 who has been refused any Sacrament of the Church or who has been repelled from the Holy Communion
 47 under the rubrics or who has been informed of an intention to refuse or repel him or her from the Holy
 48 Communion under the rubrics, the Bishop shall promptly notify the Intake Officer of such appeal and the
 49 matter shall then proceed as a case of discipline in accordance with this Title. In such case, the Member of
 50 the Clergy who so refused, repelled or informed shall be designated as the Complainant and the member of

1 the Church shall be designated as the Respondent; provided, however, that the Bishop shall have discretion
2 to restore the member of the Church to the Holy Communion of the Bishop's own accord at any time prior
3 to the referral of the matter as provided in Canon IV.11.8, in which event the proceedings under this Title
4 shall be terminated.

5 **Sec. 11** All communications and deliberations during the intake and referral stages shall be confidential except
6 as the Bishop deems to be pastorally appropriate or as required by law.

7

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

9

10 **Sec. 1** At any time the Bishop may issue a Pastoral Direction to a Minister in Leadership who is, in the case
11 of a Member of the Clergy, canonically resident, actually resident, or licensed in the Diocese, or in the case of
12 any other Minister in Leadership, a member of the Diocese.

13 **Sec. 2** A Pastoral Direction must **(a)** be made in writing; **(b)** set forth clearly the reasons for the Pastoral
14 Direction; **(c)** set forth clearly what is required of the Minister in Leadership; **(d)** be issued in the Bishop's
15 capacity as the pastor, teacher and overseer of the Minister in Leadership; **(e)** be neither capricious nor arbitrary
16 in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan;
17 and **(f)** be directed to some matter which concerns the Doctrine, Discipline of this Church or Worship of this
18 Church or the manner of life and behavior of the Minister in Leadership concerned; and **(g)** be promptly
19 served upon the Minister in Leadership.

20 **Sec. 3** If at any time the Bishop determines that a Minister in Leadership may have committed any Offense
21 or may have Impairment, or that the good order, welfare or safety of the Church or any Community may be
22 threatened, the Bishop may, without prior notice or hearing, **(a)** place restrictions upon the exercise of the
23 Ministry of such Minister in Leadership or **(b)** place such Minister in Leadership on Administrative Leave.

24 **Sec. 4** Any restriction on Ministry imposed pursuant to Canon IV.7.3(a) must **(a)** be made in writing; **(b)** set
25 forth clearly the reasons for imposition of the restriction; **(c)** set forth clearly what limitations are placed upon
26 the exercise of the Ministry of the Minister in Leadership and the duration thereof; **(d)** be neither capricious
27 nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national
28 and diocesan; **(e)** be promptly served upon the Minister in Leadership; and **(f)** advise the Minister in Leadership
29 of his or her right to be heard in the matter of the restriction as provided in this Canon. A copy of such writing
30 shall be promptly provided to the Church Attorney.

31 **Sec. 5** Any placement of a Minister in Leadership on Administrative Leave pursuant to Canon IV.7.3(b) must
32 **(a)** be made in writing; **(b)** set forth clearly the reasons for placement of the Minister in Leadership on
33 Administrative Leave; **(c)** set forth the conditions and duration of the Administrative Leave; **(d)** be neither
34 capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both
35 national and diocesan; **(e)** be promptly served upon the Minister in Leadership; and **(f)** advise the Minister in
36 Leadership of his or her right to be heard in the matter of the Administrative Leave as provided in this Canon.
37 A copy of such writing shall be promptly provided to the Church Attorney.

38 **Sec. 6** The duration of restriction on Ministry or Administrative Leave may be for a stated period or to continue
39 until the occurrence of a specified event or the satisfaction of a specified condition.

40 **Sec. 7** Pastoral Directions, restrictions on Ministry, and Administrative Leaves may be issued and imposed in
41 any chronological order and may be issued and imposed concurrently.

42 **Sec. 8** Any Pastoral Direction, restriction on Ministry, or Administrative Leave under this Canon shall be
43 effective upon delivery of the writing setting it forth to the subject Member of the Clergy or Minister in
44 Leadership or by communication to the subject Member of the Clergy or Minister in Leadership of the contents
45 of such writing. If delivery of such writing is refused, the Pastoral Direction, restrictions on Ministry, or
46 Administrative Leave, as the case may be, shall be binding upon such refusal.

47 **Sec. 9** If imposition of restriction on Ministry or placement on Administrative Leave occurs prior to the receipt
48 of information by the Intake Officer, as provided in Canon IV.6, then the Bishop may forward a copy of the
49 writing setting forth the restriction or Administrative Leave to the Intake Officer, who shall receive such
50 information as a report of an Offense or Impairment and proceed as provided in Canon IV.6.

1 **Sec. 10** The Bishop may disclose such information concerning any Pastoral Direction, restriction on Ministry,
 2 or Administrative Leave as the Bishop deems pastorally appropriate or as necessary to seek or obtain diocesan
 3 authority for resolution of the matter or any part thereof.

4 **Sec. 11** Every imposition of restriction on Ministry and placement on Administrative Leave shall be subject
 5 to review upon the request of the Minister in Leadership at any time in the duration thereof. A request for
 6 review must be in writing and addressed to the president of the Discipline and Fitness for Ministry Board and
 7 the Church Attorney. A Minister in Leadership who requests review shall become a Respondent under this
 8 Title. Reviews shall be conducted within fifteen days of the delivery of the request for review to the president
 9 of the Discipline and Fitness for Ministry Board, unless extended by consent of the Respondent.

10 **Sec. 12** If a request for review of restriction on Ministry or Administrative Leave is made prior to referral to
 11 the Conference Panel, then the review shall be conducted by the Conference Panel. If a request for review of
 12 restriction on Ministry or Administrative Leave is made subsequent to referral to the Conference Panel but
 13 prior to referral to the Hearing Panel, the review shall be conducted by the Conference Panel. If a request for
 14 review of restriction on Ministry or Administrative Leave is made subsequent to referral to the Hearing Panel,
 15 the review shall be conducted by the Hearing Panel. The question before a Panel reviewing a restriction on
 16 Ministry or Administrative Leave is whether, at the time of the review and based upon information then
 17 available to the Panel, the restrictions on Ministry or Administrative Leave and the terms and conditions
 18 thereof are warranted. The review may be conducted either personally or telephonically. The Intake Officer,
 19 the Respondent or the Respondent's Advisor or both, the Bishop, the Chancellor and the Church Attorney
 20 shall each be afforded the opportunity to be present, either personally or telephonically, at the review, and any
 21 such person present shall be heard by the Panel if such person desires to be heard. The Panel may hear from
 22 other persons at the Panel's discretion.

23 **Sec. 13** After conducting the review and hearing from such persons designated in Canon IV.7.11 as desire to
 24 be heard, the Panel shall confer privately and make a determination to **(a)** dissolve the restriction on Ministry
 25 or Administrative Leave; **(b)** affirm the restriction on Ministry or Administrative Leave and the terms and
 26 conditions thereof; or **(c)** affirm the restriction on Ministry or Administrative Leave but with modification of
 27 the terms and conditions thereof. The Panel's determination shall be in writing and shall be delivered to the
 28 Respondent, the Church Attorney, the Bishop and the Intake Officer, and shall be binding in the same manner
 29 as provided in Canon IV.7.8. In the event of the dissolution of the restriction on Ministry or Administrative
 30 Leave, the Bishop may give notice thereof to such persons and Communities having notice of the restriction
 31 on Ministry or Administrative Leave as the Bishop deems appropriate.

32 **Sec. 14** Any Covenant or Order resulting from Canons IV.11 or IV.12, unless otherwise specified, shall
 33 supersede any restriction on Ministry or Administrative Leave then in effect.

34
 35 **CANON 8: Of Pastoral Response**

36
 37 **Sec. 1** The Bishop shall provide for appropriate pastoral response whenever any report is made to the Intake
 38 Officer. Such pastoral response shall embody respect, care, and concern for affected persons and Communities.
 39 The response shall be designed so as to promote healing, repentance, forgiveness, restitution, justice, amendment
 40 of life and reconciliation among all involved or affected.

41 **Sec. 2** In each pastoral response the Bishop shall consider offering pastoral care to all those affected by the
 42 Offense or Impairment or allegations thereof. Pastoral care shall be considered for the Complainant, the
 43 Complainant's family, the Respondent, the Respondent's family, Injured Persons, Injured Persons(families,
 44 any Community, Ministers in Leadership, witnesses, and the Discipline and Fitness for Ministry Board.

45 **Sec. 3** The exact nature of the pastoral care offered shall be determined for each case and may include
 46 counseling, referral for spiritual direction and referral for consultation.

47 **Sec. 4** In every case, and notwithstanding any other provision of this Title to the contrary, the Bishop may
 48 disclose such information concerning any Offense or Impairment or allegations thereof or concerning any
 49 Covenant or Order as the Bishop deems pastorally appropriate.

1 **Sec. 5** The Bishop shall give consideration to the respective privacy interests and pastoral needs of all affected
 2 persons.

3 **Sec. 6** The Bishop may designate a person to be responsible for the implementation of the pastoral response.
 4 Such person may be the Intake Officer. The duties of such person may include coordination of pastoral care
 5 and coordination of communications between the Bishop and Advisors.

6
 7 **CANON 9: Of Conciliation**

8
 9 **Sec. 1** Conciliation shall seek a resolution which promotes healing, repentance, forgiveness, restitution, justice,
 10 amendment of life and reconciliation among the Complainant, Respondent, affected Community, other persons
 11 and the Church.

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

15 **Sec. 3** If the conciliation is successful, a Covenant will be prepared as provided in Canon IV.13. If conciliation
 16 cannot be achieved within a reasonable time, the Conciliator will report such to the Bishop, and the matter
 17 will be referred back to the Reference Panel.

18 **Sec. 4** A Conciliator shall be a person trained in dispute resolution techniques and without conflict of interest
 19 in the matter. All communications between the Complainant and the Conciliator, the Respondent and the
 20 Conciliator, and other participants in the conciliation and the Conciliator shall be confidential except as the
 21 Conciliator may have the permission of the respective person to disclose the information to the other
 22 participants in the conciliation in order to promote efforts towards conciliation.

23
 24 **CANON 10: Of Investigations**

25
 26 **Sec. 1** In each Diocese there shall be one or more Investigators.

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

30 **Sec. 3** The Investigator shall present the findings of the investigation in writing to the Reference Panel. The
 31 Reference Panel may meet with the Investigator and shall consider the report to determine whether to **(a)**
 32 take no action other than an appropriate pastoral responses pursuant to Canon IV.8; **(b)** refer the matter to
 33 the Bishop for consideration of proceedings under Canon IV.14; **(c)** refer the matter to conciliation pursuant
 34 to Canon IV.9; **(d)** require further investigation; or **(e)** refer the matter to the Conference Panel pursuant to
 35 Canon IV.11. The determination shall be approved by a majority vote of the Reference Panel.

36 **Sec. 4** If the determination is to refer for further investigation, the Investigator shall make such further
 37 investigation as the Reference Panel directs and shall submit a supplemental report of findings to the Reference
 38 Panel. The Reference Panel shall then reconvene and proceed as provided in Canon IV.7.3.

39 **Sec. 5** All investigations shall be confidential, and all persons contacted by the Investigator shall be advised
 40 of the confidential nature of the investigation.

41
 42 **CANON 11: Of Conference Panels**

43
 44 **Sec. 1** Upon referral of a matter to a Conference Panel, the president of the Discipline and Fitness for Ministry
 45 Board shall forward to the Church Attorney the intake report, all of the Investigator(s) reports, and any other
 46 writings or other file materials created or collected during the intake, investigative or referral process. From
 47 this material the Church Attorney shall prepare a written statement, describing each alleged Offense or
 48 Impairment separately, with reasonable particularity sufficient to apprise the Respondent of the acts, omissions
 49 or conditions which are the subject of the proceedings. The Church Attorney shall then forward the materials

1 received from the president of the Discipline and Fitness for Ministry Board, together with the written statement,
2 to the Conference Panel.

3 **Sec. 2** The Conference Panel shall review the materials provided to determine who, in addition to those listed
4 in Canon IV.11.3, should be invited to participate in the proceeding before the Conference Panel in order to
5 promote the purposes of this Title. Such may include, for example, the Investigator, family members,
6 representatives of the affected Community, or other affected persons.

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

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

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

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

18 **Sec. 7** The proceedings of the Conference Panel shall be informal and conversational. The Conference Panel
19 shall describe the alleged Offense or Impairment to the Respondent. The Conference Panel shall hear from
20 the Complainant or the Complainant's Advisor or both, if either or both are present, and from the Respondent
21 or the Respondent's Advisor or both. At its discretion, the Conference Panel may hear from the Investigator
22 or any other persons present. At its discretion, the Conference Panel may confer with any participants outside
23 the presence of the other participants.

24 **Sec. 8** No witnesses shall be called to testify at the proceedings before the Conference Panel. No record of
25 the proceedings of the Conference Panel shall be made. The conference shall be closed to all except the
26 members of the Conference Panel, and invited participants. Proceedings before the Conference Panel shall
27 be confidential except as may be provided in an Order or Covenant or as provided elsewhere in this Title.

28 **Sec. 9** A Covenant may be entered into at a proceeding before the Conference Panel. If a Covenant is not
29 entered into, the Conference Panel shall confer privately to reach a determination of the matter, which may
30 include (a) dismissal of the matter; (b) referral for conciliation; (c) referral to the Hearing Panel; or (d) issuance
31 of an Order.

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

36 **Sec. 11** If the resolution is the entry of a Covenant or the issuance of an Order other than an Order of dismissal,
37 the provisions of Canon IV.13 shall apply.

38 **Sec. 12** The Respondent or the Church Attorney may refuse an Order issued by the Conference Panel by
39 giving written notice of the refusal to the president of the Conference Panel within fifteen days following the
40 effective date of the Order as defined in Canon IV.13.10. Upon receipt of the notice of refusal, the president
41 of the Conference Panel shall notify the president of the Discipline and Fitness Board of the refusal.

42

43 **CANON 12: Of Hearing Panels**

44

45 **Sec. 1** If a matter is referred to the Hearing Panel, the president of the Conference Panel shall promptly notify
46 the president of the Discipline and Fitness Board of the referral.

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

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

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

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

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

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

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

20 (a) Within thirty days after the filing of the response by the Respondent, the Church Attorney and the
21 Respondent's counsel shall meet and confer regarding the nature and basis of the allegations against the
22 Respondent and the defenses thereto and to make or arrange for initial disclosures as described in Canon
23 IV.12.5(b), and to develop a proposed plan of discovery forms and schedule for approval by the Hearing
24 Panel. A report of the proposed plan shall be filed with the president of the Hearing Panel within fifteen
25 days after the conference.

26 (b) Within fifteen days after the conference described in Canon IV.12.5(a), the Church Attorney and the
27 Respondent's counsel shall each provide to the other initial disclosure of (1) the name and, if known, the
28 address and telephone number of each individual likely to have direct knowledge of information which
29 may be used to support the allegations against the Respondent or the defenses thereto; and (2) a copy of,
30 or a description by category and location of, all documents and tangible things that may be used to support
31 the allegations against the Respondent or the defenses thereto, except as such disclosure would involve
32 Privileged Communications.

33 (c) If the discovery plan has been mutually agreed upon by the Church Attorney and counsel for the
34 Respondent, the president of the Hearing Panel may approve the plan and incorporate it in a discovery
35 order and scheduling order governing all discovery procedures and establishing a date for hearing of the
36 matter. If the Church Attorney and Respondent's counsel do not agree on all elements of the discovery
37 plan, the president of the Hearing Panel shall allow each to be heard with respect to the elements in dispute,
38 make a determination of appropriate discovery procedures and issue a discovery order and scheduling
39 order within thirty days of the receipt of the discovery planning report.

40 (d) Discovery procedures may include oral or written deposition testimony of any person having knowledge
41 pertaining to the Offense or Impairment or any defenses thereto, requests for production of documents
42 or tangible objects, and requests for admissions of fact.

43 (e) In addition to the disclosures required by this section and the discovery obtained pursuant to the
44 discovery plan, the Church Attorney and Respondent's counsel shall each provide to the other and to the
45 Hearing Panel at least thirty days before the hearing final pre-hearing disclosures including (1) the name
46 of each witness expected to be called to testify at the hearing, (2) identification of each document or other
47 tangible object expected to be used as an exhibit in the hearing, and (3) requests, if any, to have all or
48 portions of the hearing closed to the public.

49 (f) Notwithstanding any provision of this section, in approving or determining the discovery plan, the
50 president of the Hearing Panel shall take reasonable steps to assure that the discovery process will not

1 unduly burden any person from whom information is sought or unduly adversely affect any pastoral
 2 response being offered to any such person.

3 **Sec. 6** In all proceedings of the Hearing Panel the testimony of witnesses shall be taken orally and personally
 4 or by such other means as provided by order of the Hearing Panel. All testimony shall be given under oath
 5 or solemn affirmation and be subject to cross-examination. The proceedings shall be conducted as follows:

6 (a) The president shall regulate the course of the hearing so as to promote full disclosure of relevant facts.

7 (b) The president:

8 (1) may exclude evidence that is irrelevant, immaterial or unduly repetitious;

9 (2) shall exclude privileged evidence;

10 (3) may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains
 11 all pertinent portions of the original document;

12 (4) may take official notice of any facts that could be judicially noticed, including records of other
 13 proceedings and of technical or scientific facts within the Hearing Panel(s) specialized knowledge;

14 (5) may not exclude evidence solely because it is hearsay;

15 (6) shall afford to the Church Attorney and to the Respondent reasonable opportunity to present
 16 evidence, argue and respond to argument, conduct cross-examination and submit rebuttal evidence;

17 and

18 (7) may, at the discretion of the Hearing Panel, give persons other than the Church Attorney and the
 19 Respondent opportunity to present oral or written statements at the hearing.

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

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

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

28 **Sec. 9** If the resolution is the issuance of an Order other than an Order of dismissal, the provisions of Canon
 29 IV.13 shall apply.

30

31 **CANON 13: Of Covenants and Orders**

32

33 **Sec. 1** A Covenant may (a) provide any terms which promote healing, repentance, forgiveness, restitution,
 34 justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and
 35 other persons; (b) place restrictions on the Respondent(s) exercise of Ministry, (c) place the Respondent on
 36 probation; (d) recommend to the Bishop that the Respondent, if a Member of the Clergy, be suspended or
 37 deposed from Ministry; (e) remove the Respondent, if a lay person, from Ministry; (f) limit the involvement,
 38 attendance or participation of the Respondent in the Community; or (g) any combination of the foregoing.

39 A Covenant may be conditioned on the Bishop imposing any recommended suspension, deposition or
 40 conditions for restoration to Ministry for a Member of the Clergy. A Covenant providing for suspension of
 41 a Member of the Clergy from Ministry shall specify on what terms or conditions and at what time the suspension
 42 shall cease. A Covenant providing for removal of a lay person from Ministry may include conditions for
 43 reinstatement. Any Covenant providing for limitation upon the involvement, attendance or participation of
 44 the Respondent in the Community shall also provide conditions for restoration.

45 **Sec. 2** If a Covenant results from a Conciliation, the Covenant shall be signed by the Complainant, the
 46 Respondent and the Conciliator, provided that the Conciliator shall sign last.

47 **Sec. 3** If a Covenant results from proceedings before a Conference Panel or a Hearing Panel, the Complainant
 48 and the Complainant(s) Advisor shall have first been afforded an opportunity to be heard by the Panel regarding
 49 the proposed terms of the Covenant. The Covenant shall be signed by the Respondent, the Church Attorney
 50 and the president of the Panel, provided that the president shall sign last.

1 **Sec. 4** A copy of the Covenant shall be sent to the Complainant, the Complainant's Advisor, the Respondent,
2 the Respondent's Advisor, the Church Attorney, and the Bishop by the Conciliator or the president of the
3 Conference Panel or Hearing Panel (whichever the matter was before when the Covenant was reached) on
4 the date that the Conciliator or president of the Panel signs the Covenant.

5 **Sec. 5** If a Covenant recommends that the Respondent, if a Member of the Clergy, be suspended or deposed
6 from Ministry, the Bishop shall have fifteen days from the date on which the Covenant is sent to the Bishop
7 in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's
8 Advisor, the Church Attorney, and the Conciliator or the president of the Conference Panel or Hearing Panel
9 whether the Bishop will pronounce the Sentence as recommended. The Bishop shall advise that he or she will
10 **(a)** pronounce the Sentence as recommended or **(b)** pronounce a lesser Sentence than that recommended.
11 The Bishop shall pronounce Sentence not sooner than thirty days following the date on which the Covenant
12 is sent to the Bishop and not later than sixty days following such date. The Bishop's pronouncement of a lesser
13 Sentence than that recommended shall not affect the validity or enforceability of the remainder of the Covenant.

14 **Sec. 6** An Order issued by a Conference Panel or Hearing Panel may **(a)** provide any terms which promote
15 healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the
16 Complainant, Respondent, affected Community and other persons; **(b)** place restrictions on the Respondent(s)
17 exercise of Ministry, **(c)** place the Respondent on probation; **(d)** recommend to the Bishop that the Respondent,
18 if a Member of the Clergy, be suspended or deposed from Ministry; **(e)** temporarily or permanently remove
19 the Respondent, if a lay person, from any Ministry; **(f)** limit the involvement, attendance or participation of
20 the Respondent in the Community; or **(g)** any combination of the foregoing. An Order providing for suspension
21 of a Member of the Clergy from Ministry shall specify on what terms or conditions and at what time the
22 suspension shall cease. An Order providing for removal of a lay person from Ministry may include conditions
23 for reinstatement. Any Order providing for limitation upon the involvement, attendance or participation of
24 the Respondent in the Community shall also provide conditions for restoration.

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

28 **Sec. 8** If an Order recommends that the Respondent, if a Member of the Clergy, be suspended or deposed
29 from Ministry, the Bishop shall have fifteen days from the date of the issuance of the Order in which to advise
30 in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church
31 Attorney, and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order)
32 whether the Bishop will pronounce the Sentence as recommended. The Bishop shall advise that he or she will
33 **(a)** pronounce the Sentence as recommended or **(b)** pronounce a lesser Sentence than that recommended.
34 The Bishop shall pronounce Sentence not sooner than thirty days following the issuance of the Order and
35 not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the
36 contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the Bishop
37 may, while an appeal is pending, place restrictions upon the exercise of the Respondent's Ministry, or place
38 the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in
39 effect at the time of the issuance of the Order. The Bishop's pronouncement of a lesser Sentence than that
40 recommended in an Order shall not affect the validity or enforceability of the remainder of the Order.

41 **Sec. 9** A Covenant or Order shall include, in addition to such terms and provisions as are consistent with
42 Canons IV.13.1 and IV.13.6, **(a)** the name of the Respondent, **(b)** a reference to the Canon(s), section(s) and
43 subsection(s) specifying the Offense or Impairment and **(c)** general information regarding the Offense or
44 Impairment sufficient to afford protection from proceedings which are barred under Canon IV.19.13.

45 **Sec. 10** A Covenant is effective when it is signed by the Conciliator or the president of the Panel, except that
46 if a Covenant recommends that the Respondent, if a Member of the Clergy, be suspended or deposed from
47 Ministry, that part of the Covenant shall be effective fifteen days following the date on which the Covenant
48 is signed by the Conciliator or the president of the Panel. An Order is effective when it is issued, except that
49 if an Order recommends that the Respondent, if a Member of the Clergy, be suspended or deposed from
50 Ministry, that part of the Order shall be effective fifteen days following the date on which the Order is issued.

1 **Sec. 11** If the Order is issued by a Conference Panel or by the Bishop in a matter which is before the Conference
 2 Panel, the Respondent may refuse the Order in the same manner as provided in Canon IV.11.12 and the
 3 matter shall be referred to a Hearing Panel for hearing as provided in Canon IV.12.

4 **Sec. 12** Notice of Covenants and Orders which shall have become effective shall be given without delay as
 5 follows:

6 (a) In the case of any Covenant or Order pertaining to a Member of the Clergy, the Bishop shall give
 7 notice of the Covenant or Order to every Member of the Clergy in the Diocese, each Vestry in the Diocese,
 8 the Secretary of Convention, and the Standing Committee of the Diocese, which shall be added to the
 9 official records of the Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where
 10 there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder of
 11 ordinations; to the Church Deployment Office; and to the Secretary of the House of Bishops and the
 12 Secretary of the House of Deputies.

13 (b) In the case of any Covenant or Order pertaining to a Bishop, the Presiding Bishop shall give notice
 14 of the Covenant or Order to the Ecclesiastical Authority of every Diocese of this Church, to the Recorder
 15 of ordinations, to the Church Deployment Office, and to the Secretary of the House of Bishops, and to
 16 all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this
 17 Church.

18 (c) In the case of any Covenant or Order pertaining to a Minister in Leadership other than a Member of
 19 the Clergy which restricts the Ministry of such Minister in Leadership, the Bishop shall give notice of the
 20 Covenant or Order to such persons and entities as are specified in the Covenant or Order.

21 (d) All notices given pursuant to this Canon shall reference the Canon(s), section(s) and subsection(s)
 22 specifying the Offense or Impairment which is the subject of the Covenant or Order.

23 (e) Similar notice shall be given whenever there is any modification or remission of any Order for which
 24 notice has previously been given pursuant to this Canon.

25
 26 **CANON 14: Of Agreements Between Bishops and Respondents for Discipline**

27
 28 **Sec. 1** At any time before an Order becomes effective, the Respondent or any Minister in Leadership who
 29 has not yet become a Respondent but who is alleged to have committed an Offense or has Impairment may
 30 propose terms of discipline to the Bishop, or the Bishop may propose terms of discipline to the Respondent
 31 or such Minister in Leadership. If the Respondent or such Minister in Leadership and the Bishop reach
 32 agreement regarding terms of discipline, such terms shall be set forth in a proposed Order. A Minister in
 33 Leadership becomes a Respondent by reaching agreement with the Bishop regarding terms of discipline.

34 **Sec. 2** No such proposed Order shall be implemented or shall become effective until it has been approved
 35 by the Discipline and Fitness for Ministry Board. The process of approval or disapproval of a proposed Order
 36 shall commence with the Bishop's forwarding the proposed Order to the appropriate Panel of the Board,
 37 determined as follows:

38 (a) If the matter which is the subject of the proposed Order has not previously been submitted to the
 39 intake process or if it is pending before the Reference Panel or the Conference Panel, then the proposed
 40 Order shall be submitted to the Conference Panel.

41 (b) If the matter which is the subject of the proposed Order is pending before the Hearing Panel or the
 42 Provincial Court of Review, then the proposed Order shall be submitted to the Hearing Panel.

43 **Sec. 3** The Panel to which the proposed Order is submitted shall determine whether to approve or disapprove
 44 the proposed Order. Regardless of which Panel makes the determination, the means by which the determination
 45 shall be made shall be consistent with the procedure provided for Conference Panels under Canon IV.11. In
 46 addition to those persons whose attendance is required or permitted under Canon IV.11.4, 5 and 6, the Bishop
 47 shall attend the conference, and the Respondent's Advisor and the Chancellor of the diocese may attend the
 48 conference.

49 **Sec. 4** The Panel shall approve the proposed Order if the Panel finds that (a) the Respondent is aware of the
 50 discipline to be imposed and the effect thereof; (b) the Respondent has had adequate opportunity to consult

1 and seek advice, or has in fact consulted and received advice, from counsel of the Respondent's choosing; and
2 (c) the proposed Order adequately promotes healing, repentance, forgiveness, restitution, justice, amendment
3 of life and reconciliation among the Complainant, Respondent, affected Community and other persons and
4 is otherwise an appropriate resolution of the matter. If the Panel finds that any of the foregoing considerations
5 are not satisfied, the Panel shall disapprove the proposed Order but may make recommendations to the Bishop
6 and the Respondent regarding correction of any deficiencies found. Any revised proposed Order reached
7 between the Bishop and the Respondent shall be resubmitted to the Panel for approval or disapproval.

8 **Sec. 5** Notwithstanding anything in this section to the contrary, if the proposed Order is submitted to the
9 Conference Panel and the matter which is the subject thereof has not been investigated or, in the opinion of
10 the Conference Panel, requires further investigation, the Conference Panel may cause an investigation to be
11 made pursuant to Canon IV.10 before making its determination whether to approve the proposed Order.

12 **Sec. 6** A proposed Order which has been approved by the Panel shall be signed by the Bishop, the Respondent
13 and the president of the Panel, whereupon it shall become an effective Order which shall be implemented as
14 if it were issued by a Hearing Panel and approved by the Bishop, provided, however, that the Respondent
15 shall have no right to appeal the Order or the imposition of any discipline thereunder.

16

17 **CANON 15: Of Review**

18

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

24 (a) The person filing the request shall provide copies of the request to the presidents of the Hearing Panel
25 and of the Discipline and Fitness for Ministry Board. The request shall include a statement of the status
26 of the proceedings and the reason, if known, for the delay or suspension of proceedings, and a description
27 of all actions taken by the person filing the request or by any other person to resolve any impediment to
28 the proceedings or other cause for the delay.

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

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

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

42 **Sec. 2** Within thirty days after issuance of an Order by a Hearing Panel, the Respondent or the Church Attorney
43 may appeal to the Provincial Court of Review, by serving written notice of the appeal upon the Bishop of the
44 diocese, with copies of the notice to the presidents of the Hearing Panel and the Province. The notice of
45 appeal shall be signed by the Respondent's counsel or the Church Attorney, and shall include a copy of the
46 Order from which the appeal is taken and shall state the grounds of the appeal.

47 **Sec. 3** Any Order from a Hearing Panel finding that a Respondent did not commit an Offense involving a
48 question of the Doctrine, Faith or Worship of the Church may be appealed by the Bishop upon the written
49 request of at least two Bishops of other Dioceses within the Province. Such an appeal shall be taken on the
50 question of the Church's Doctrine, Faith and Worship only, and may not seek to reverse the finding of the

1 Hearing Panel of non-commission of other Offenses. An appeal under this section may be taken by service
 2 of a notice of appeal by the Bishop upon the Respondent, the Church Attorney and the presidents of the
 3 Hearing Panel and the Province within thirty days after the Order of the Hearing Panel is received by the
 4 Bishop.

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

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

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

10 (a) Where an Order is issued against a Respondent who fails to appear before the Hearing Panel or who
 11 otherwise fails to participate in proceedings before the Hearing Panel, such Order shall be upheld unless
 12 a review of the record on appeal shows the Hearing Panel made a clear error in issuing such Order. The
 13 Provincial Court of Review shall review the facts and record in the light most favorable to the Respondent.

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

- 17 (1) The action taken below violates the Constitution and Canons of this Church or the Diocese;
- 18 (2) The Hearing Panel has exceeded the jurisdiction conferred by this Title;
- 19 (3) The Hearing Panel has not decided all of the issues requiring resolution;
- 20 (4) The Hearing Panel has erroneously interpreted or applied the canons;
- 21 (5) The Hearing Panel has engaged in procedural error or a decision-making process contrary to this
 22 Title;
- 23 (6) Members of the Hearing Panel making the decision were subject to disqualification; or
- 24 (7) The factual determinations of the Hearing Panel are not supported by substantial evidence when
 25 viewed in the whole light of the record on appeal.

26 **Sec. 7** It shall be the duty of the Hearing Panel to produce the record on appeal, consisting of a transcript of
 27 the proceedings before the Hearing Panel together with documentary and tangible evidence received by the
 28 Hearing Panel. The record shall be printed or otherwise reproduced as authorized by the president of the
 29 Provincial Court of Review. Within thirty days after receiving the record on appeal from the Hearing Panel,
 30 the party appealing shall serve two copies of the record of appeal, the notice of appeal and the appealing party(s)
 31 brief, if any, upon the opposite party, and shall deliver five copies to the president of the Provincial Court of
 32 Review. Within thirty days after receiving a copy of the record on appeal, the party opposing the appeal shall
 33 serve the brief in opposition, if any, upon the appealing party, with five copies to the president of the Provincial
 34 Court of Review. Any reply brief of the appealing party shall be served likewise within fifteen days following
 35 service of the brief in opposition.

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

38 **Sec. 9** The Provincial Court of Review shall keep a record of all proceedings. The Provincial Court of Review
 39 shall appoint a reporter who shall provide for the recording of the proceedings, and who shall serve at the
 40 pleasure of the Provincial Court of Review.

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

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

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

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

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

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

10

11 **CANON 16: Of Proceedings Pertaining to Impairment**

12

13 **Sec. 1** Information relating to a Minister in Leadership's physical, emotional, spiritual or mental condition
14 which adversely affects the Minister in Leadership's ability to perform ministerial functions shall be investigated
15 at the instigation of the Intake Officer or Bishop. The Intake Officer shall initiate an appropriate pastoral
16 response and shall forward the information to the Reference Panel.

17 **Sec. 2** Impairment proceedings shall be conducted in the same manner as disciplinary proceedings, except
18 that all of the proceedings shall be confidential. The Panel may take and direct whatever action it deems
19 necessary and proper to determine whether the Minister in Leadership is so impaired, including the examination
20 of the Minister in Leadership by qualified experts designated by the Panel. If, upon due consideration of the
21 matter, the Panel concludes that the Minister in Leadership suffers from Impairment, the Panel shall recommend
22 to the Bishop the issuance of an order transferring the Minister in Leadership to Impairment status for an
23 indefinite period and until further order of the Bishop.

24 **Sec. 3** If it is alleged in the course of a disciplinary proceeding that a Minister in Leadership is unable to
25 participate in the proceeding due to a physical, emotional, spiritual or mental condition, the Panel shall
26 recommend to the Bishop that the Minister in Leadership be transferred to Impairment status pending a
27 determination of the Impairment. If the Panel thereafter determines the claim of inability to defend is valid,
28 the disciplinary proceeding shall be deferred and the Minister in Leadership retained on Impairment status
29 until the Bishop on recommendation from the Panel subsequently considers a request to restore the Minister
30 in Leadership to active status. If the request to restore to active status should be granted, the interrupted
31 disciplinary proceedings may resume. If the Panel determines the claim of incapacity to defend is invalid, the
32 disciplinary proceeding shall resume

33 **Sec. 4** No Minister in Leadership transferred to Impairment status may resume active status except by order
34 of the Bishop. Any Minister in Leadership transferred to Impairment status shall be entitled to request the
35 Discipline and Fitness Board for transfer to active status once a year, or at whatever shorter intervals the
36 Discipline and Fitness Board may direct. Proceedings on a request for transfer to active status shall be conducted
37 in the same manner as disciplinary proceedings, except that all of the proceedings shall be confidential. The
38 Panel shall conduct an investigation and proceedings to determine whether the Impairment has been removed,
39 including a direction for an examination of the Minister in Leadership by qualified experts designated by the
40 Panel. In its discretion, the Panel may direct that the expense of the examination be paid by the Minister in
41 Leadership. The Minister in Leadership making the request for reinstatement to active status shall be required
42 to disclose the name of each health care provider, spiritual director, hospital or other institution by whom or
43 in which the Minister in Leadership has been examined or treated related to the Impairment since the transfer
44 to Impairment status. The Minister in Leadership shall provide to the Panel a written consent to each listed
45 provider to divulge information and records relating to the Impairment if requested by the Panel or the Panel's
46 appointed experts. The Panel shall recommend to the Bishop approval of the request for transfer to active
47 status upon a showing by a preponderance of the evidence that the Impairment has been removed.

48 **Sec. 5** Determinations of Impairment under Canon IV.16 shall have applicability only to proceedings under
49 this Title and shall not have applicability to issues of disability in any other context, including, but not limited

1 to, contexts involving disability insurance or disability benefits from the Church Pension Fund or any other
2 provider of benefits.

3

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

5

6 **Sec. 1** Except as otherwise provided in this canon, the provisions of this Title shall apply to all matters in
7 which a Member of the Clergy who is subject to proceedings is a bishop.

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

11 (a) Discipline and Fitness Board shall mean the Discipline and Fitness Board for Bishops as provided in
12 Canon IV.17.3.

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

14 (c) Bishop shall mean the Presiding Bishop, unless the Member of the Clergy who is subject to proceedings
15 is the Presiding Bishop, in which case Bishop shall mean the bishop authorized by Canon 19.23.

16 (d) Minister in Leadership, as used in Canon IV.7, shall mean the bishop who is subject to proceedings.

17 (e) Church Attorney shall mean a person appointed by the Discipline and Fitness Board for Bishops to
18 serve as the Church Attorney in any matter in which the Member of the Clergy who is subject to discipline
19 is a bishop.

20 (f) Investigator shall mean any person who is qualified to serve as an Investigator under this Title, selected
21 by the Discipline and Fitness Board for Bishops.

22 (g) Provincial Court of Review shall mean the Court of Review for Bishops as provided in Canon IV.17.8.

23 **Sec. 3** The Discipline and Fitness Board for Bishops is hereby established as a court of this Church to have
24 original jurisdiction over matters of discipline of bishops and over matters of bishops' Impairment, to hear
25 bishops' appeals from imposition of restriction on Ministry or placement on Administrative Leave and to
26 determine venue issues as provided in Canon IV.19.5. The Discipline and Fitness Board for Bishops shall
27 consist of ten bishops elected at any regularly scheduled meeting of the House of Bishops, and four priests
28 or deacons and four lay persons appointed by the President of the House of Deputies with the concurrence
29 of the Executive Council. Of members who are priests or deacons, the majority shall be priests. All lay persons
30 appointed to serve shall be confirmed adult communicants in good standing. Members of the Board shall
31 serve staggered terms, with full terms of six years.

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

35 **Sec. 5** The Conference Panel shall consist of three bishops, one priest or deacon and one lay person. The
36 Hearing Panel shall consist of three bishops, one priest or deacon and one lay person, except that the Hearing
37 Panel for the Offense specified in Canon IV.4.1(s)(1) pertaining to Doctrine Offenses shall consist of five
38 bishops only.

39 **Sec. 6** The provisions of Canons IV.13.1(d) and IV.13.6(d) pertaining to recommendations that a Respondent
40 be suspended or deposed from Ministry shall not apply where the Respondent is a bishop. Where the
41 Respondent is a bishop, a Covenant or Order may provide for the suspension or deposition of the Respondent.
42 In such event, the Sentence of suspension or deposition shall be pronounced by the president of the Discipline
43 and Fitness Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence
44 or to pronounce a lesser Sentence. Where a Covenant provides for the suspension or deposition of a Respondent
45 who is a bishop, the president shall pronounce Sentence within thirty days after the date on which the Conciliator
46 or the president signs the Covenant. Where an Order provides for the suspension or deposition of a Respondent
47 who is a bishop, the president shall pronounce Sentence not sooner than thirty days following the issuance
48 of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in
49 this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However,
50 the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's Ministry,

1 or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave
2 as was in effect at the time of the issuance of the Order.

3 **Sec. 7** Notwithstanding any provision of this Title to the contrary, no proceeding shall be brought under this
4 Title against a Bishop in which the Offense alleged is violation of Canon IV.4.1(s)(1) for holding and teaching,
5 or having held and taught, publicly or privately, and advisedly, any Doctrine contrary to that held by this
6 Church unless a statement of disassociation shall have first been issued by the House of Bishops as provided
7 in Canon IV.17.7 (a) and thereafter the consent of one-third of the Bishops qualified to vote in the House of
8 Bishops has been received to initiate proceedings under this Title as provided in Canon IV.17.7 (b).

9 (a) Any ten Bishops exercising jurisdiction in this Church may file with the Presiding Bishop a written
10 request, signed by such Bishops, that the House of Bishops issue a statement of disassociation. Such
11 request shall include a statement of the Doctrine alleged to be contrary to that held by this Church, the
12 name or names of the Bishop or Bishops alleged to have held and taught publicly or privately, and advisedly,
13 such Doctrine, and a concise statement of the facts upon which the request for the statement of
14 disassociation is based. Contemporaneously with the filing of the request, there shall be filed with the
15 Presiding Bishop a proposed statement of disassociation and a brief in support thereof. The Presiding
16 Bishop shall thereupon serve a copy of the request for a statement of disassociation upon each Bishop
17 who is the subject thereof, together with the proposed statement of disassociation and a copy of the
18 supporting brief. The Presiding Bishop shall fix a date for the filing of a response and brief in support
19 thereof, which date shall be not less than ninety days from the date of service, and may extend the time
20 for responding for not more than sixty additional days. Upon the filing of a response and supporting brief,
21 if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall
22 forthwith transmit copies of the request for a statement of disassociation, proposed statement of
23 disassociation, response, and briefs to each member of the House of Bishops. The request for a statement
24 of disassociation shall be considered by the House of Bishops no later than at its next regularly scheduled
25 meeting, provided that such meeting is held at least one month after copies of the request for a statement
26 of disassociation, proposed statement of disassociation, response, and briefs are transmitted to each
27 member of the House of Bishops. The House of Bishops may amend the proposed statement of
28 disassociation. If a statement of disassociation is not issued by the conclusion of the meeting, there shall
29 be no further proceedings under this Title against any Bishop who is the subject thereof for holding and
30 teaching the Doctrine alleged in the request for a statement of disassociation.

31 (b) Not later than ninety days following the issuance of a statement of disassociation by the House of
32 Bishops as provided in Canon IV.17.7(a), any ten Bishops exercising jurisdiction in this Church may file
33 with the Presiding Bishop a written request, signed by such Bishops, that the House of Bishops initiate
34 proceedings under this Title against any Bishop who is the subject of such statement of disassociation for
35 violation of Canon IV.4.1(s)(1) with regard to the same Doctrine as was alleged in the request for the
36 statement of disassociation. Such request for initiation of proceedings under this Title shall include an
37 explanation why the issuance of the statement of disassociation was not a sufficient response to the matters
38 alleged in the request for statement of disassociation and shall be accompanied by a brief in support of
39 the request for initiation of proceedings. The Presiding Bishop shall fix a date for the filing of a response,
40 which shall include an explanation why the issuance of the statement of disassociation was a sufficient
41 response to the matters alleged in the request for statement of disassociation, and brief in support thereof,
42 which date shall be not less than ninety days from the date of service, and may extend the time for
43 responding for not more than sixty additional days. Upon the filing of a response and supporting brief, if
44 any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall
45 forthwith transmit copies of the request for initiation of proceedings under this Title, response, and briefs
46 to each member of the House of Bishops. No proceeding under this Title for violation of Canon IV.4.1(s)(1)
47 shall be initiated unless the written consent of one-third of the Bishops qualified to vote in the House of
48 Bishops shall be received by the Presiding Bishop within sixty days of the date on which the copies of the
49 request for initiation of proceedings under this Title, response, and briefs were sent to them. In case the
50 Presiding Bishop does not receive the written consent of one-third of all the Bishops eligible to vote within

1 sixty days of such date, the Presiding Bishop shall declare the matter dismissed and no further proceedings
 2 may be had thereon. If the Presiding Bishop receives the necessary written consents within sixty days as
 3 specified above, the Presiding Bishop shall forthwith notify the President of the Discipline and Fitness
 4 Board for Bishops. The President shall promptly select from the Discipline and Fitness Board for Bishops,
 5 by lot or by other random means, a Hearing Panel consisting of nine bishops and shall designate a president
 6 of the Hearing Panel. The President of the Discipline and Fitness Board for Bishops shall promptly forward
 7 to the president of the Hearing Panel and to the National Church Attorney copies of the request for
 8 initiation of proceedings under this Title, response, and briefs, and the matter shall proceed under this
 9 Title as a matter which has been referred to a Hearing Panel.

10 **Sec. 8** The Court of Review for Bishops is hereby established as a court of this Church to have jurisdiction
 11 to hear appeals from Hearing Panels of the Discipline and Fitness Board for Bishops.

12 (a) The Court of Review for Bishops shall consist of nine members, all of whom shall be bishops. Three
 13 bishops shall be elected by the House of Bishops at any regularly scheduled meeting of the House of
 14 Bishops, to serve until the adjournment of the third succeeding regular meeting of General Convention.
 15 All members shall serve until their successors are elected and qualify; however, there shall be no change
 16 in the composition of the Court following the hearing and while a proceeding is pending unresolved before
 17 the Court.

18 (b) The bishops elected to the Court of Review for Bishops shall continue to serve until their respective
 19 successor has been elected, except in the case of death, resignation or declination to serve.

20 (c) From among their number, the members shall elect a president.

21 (d) The reasonable and necessary expenses of the Court of Review for Bishops, including fees, costs,
 22 disbursements and expenses of the members, clerks, reporters, and Church Attorneys shall be charged
 23 upon the General Convention and paid by the Treasurer of the General Convention upon Order of the
 24 president of the Court of Review. The Court of Review for Bishops shall have the authority to contract
 25 for and bind the General Convention to payment of these expenses.
 26

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

28
 29 **Sec. 1** Any Minister in Leadership who is the subject of an Order which has become effective may apply to
 30 the Bishop of the Diocese from which the Order issued, or the Presiding Bishop in the case of a Bishop, for
 31 modification or remission of the Order. If the Bishop is satisfied that sufficient reasons exist for granting the
 32 modification or remission sought, in whole or in part, the procedures provided in this Canon for modification
 33 or remission shall apply.

34 **Sec. 2** In the case of an Order pertaining to any Minister in Leadership other than a Bishop, any provision of
 35 any Order other than a provision deposing a Member of Clergy from Ministry may be modified or remitted
 36 by the Bishop of the Diocese from which the Order issued with the advice and consent of two-thirds of the
 37 members of the Discipline and Fitness for Ministry Board.

38 **Sec. 3** In the case of an Order deposing a Member of the Clergy other than a Bishop, such deposition may
 39 be remitted and terminated by the Bishop of the Diocese from which the Order issued only upon the following
 40 conditions: (a) the remission shall be done with the advice and consent of two-thirds of the members of the
 41 Discipline and Fitness for Ministry Board of the Diocese from which the Order issued; (b) the proposed
 42 remission, with the reasons therefor, shall be submitted to the judgment of five of the Bishops whose Dioceses
 43 are nearest to the Diocese from which the Order issued, and the Bishop shall receive in writing from at least
 44 four of the Bishops their approval of the remission and their consent thereto; (c) if the person deposed
 45 maintains legal residence or canonical residence in a Diocese other than the Diocese from which the Order
 46 issued, the proposed remission, with the reasons therefor, shall be submitted to the judgment of the Bishop(s)
 47 of the Diocese(s) of legal and canonical residence and such Bishop(s) shall give his or her (or their) written
 48 approval of the remission and consent thereto; and (d) before such remission, the Bishop shall require the
 49 person deposed, who desires to be restored to the ordained Ministry, to subscribe to the declaration required
 50 in Article VIII of the Constitution.

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

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

7 **Sec. 6** No Order may be modified or remitted unless the Minister in Leadership, the Church Attorney and
 8 each Complainant have been afforded sufficient opportunity to be heard by the Discipline and Fitness for
 9 Ministry Board, or the Discipline and Fitness for Ministry Board together with the Bishops who are then
 10 serving on any Provincial Court of review, as the case may be, as to why the proposed modification or remission
 11 should or should not be permitted.

12

13 **CANON 19: Of General Provision**

14

15 **Sec. 1** Proceedings under this Title are neither civil nor criminal but ecclesiastical in nature. These proceedings
 16 represent the responsibility of this Church to determine who shall serve as Ministers in Leadership of this
 17 Church, reflecting the polity and order of this hierarchical church. Ministers in Leadership have voluntarily
 18 sought and accepted positions in this Church and have thereby given their consent to subject themselves to
 19 the Discipline of this Church. They may not claim in proceedings under this Title constitutional guarantees
 20 otherwise associated with secular court proceedings.

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

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

28 **Sec. 4** There shall be no period of limitation beyond which a Minister in Leadership may no longer be subject
 29 to proceedings under this Title. However, a Respondent may assert unreasonable or undue delay as a defense
 30 to proceedings under this Title as follows:

31 (a) A Respondent in a matter that does not include allegations of Sexual Abuse may assert a defense before
 32 the Hearing Panel, or in an appeal from a proceeding before a Hearing Panel in which such defense was
 33 asserted, that unreasonable or undue delay in initiating proceedings under this Title unfairly limits the
 34 availability of evidence necessary to the Respondent's defense, but only if at least seven years have elapsed
 35 between the date of the Offense or manifestation of Impairment which is the subject of the proceeding
 36 and the date on which proceedings are initiated under this Title.

37 (b) A Respondent in a matter that includes allegations of Sexual Abuse may assert a defense before the
 38 Hearing Panel, or in an appeal from a proceeding before a Hearing Panel in which such defense was
 39 asserted, that unreasonable or undue delay in initiating proceedings under this Title unfairly limits the
 40 availability of evidence necessary to the Respondent's defense, but only if at least seven years have elapsed
 41 between the eighteenth birthday of the person allegedly subjected to the Sexual Abuse, or the date on
 42 which such person's legal competency is restored, whichever is later, and the date on which proceedings
 43 are initiated under this Title.

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

45 (a) A Minister shall be subject to proceedings under this Title for the alleged commission of an Offense
 46 in the diocese in which the Minister is canonically resident or in any diocese in which an Offense is alleged
 47 to have occurred.

48 (b) A Minister shall be subject to proceedings under this Title for any alleged Impairment in the diocese
 49 in which the Minister is canonically resident or in any diocese in which the Minister has performed his or

1 her Ministry and in which the Minister(s) Impairment has adversely affected the performance of his or her
2 Ministry.

3 **(c)** Whenever a referral of a matter is to be made by an Intake Officer regarding a Minister who is not
4 canonically resident in the Intake Officer's diocese, the Bishop of the Intake Officer's Diocese shall
5 promptly notify the Bishop of the Diocese where the Minister is canonically resident that the Intake
6 Officer's Diocese intends to conduct proceedings under this Title regarding the matter. The Bishop of
7 the Diocese of canonical residence shall have thirty days following the receipt of such notice within which
8 to object to assumption of jurisdiction over the matter by the Intake Officer's Diocese. Such objection
9 shall be made in writing to the Bishop of the Intake Officer's Diocese. If the Bishop of the Diocese of
10 canonical residence fails to so object within the time provided, it shall be deemed that the Bishop of the
11 Diocese of canonical residence has agreed to assumption of jurisdiction over the matter by the Intake
12 Officer's Diocese.

13 **(d)** If objection is made by the Bishop of the Diocese of canonical residence as provided in Canon
14 IV.19.5(c), the Bishop of the Diocese of canonical residence and the Bishop of the Intake Officer's Diocese
15 shall promptly agree as to which Diocese will assume jurisdiction over the matter and conduct proceedings.
16 If the two Bishops cannot promptly agree, the disagreement will be resolved as follows:

17 (1) If they are in the same Province, either may promptly request the president of the Provincial Court
18 of Review to decide which Diocese shall conduct the proceedings. If they are in different Provinces,
19 either may promptly request the president of the Discipline and Fitness Board for Bishops to decide
20 which Diocese shall conduct the proceedings.

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

23 (3) The president shall have the discretion to hear from the Bishops or the Church Attorneys for the
24 respective Dioceses, either personally or telephonically, concerning the request and any reply. The
25 president shall have the discretion to request additional submissions from the Bishops or the Church
26 Attorneys.

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

29 **Sec. 6** For purposes of this section, the canonical residence of a lay person shall be **(a)** the diocese in which
30 the parish, mission or other Community which is the lay person's principal place of Worship in this Church
31 is located, or **(b)** if the lay person has no such principal place of Worship, the diocese in which the lay person's
32 principal residence is located.

33 **Sec. 7** In any proceeding under this Title in which the Respondent fails to appear before the Conference Panel
34 as required by Canon IV.11.4 or to timely file with the Hearing Panel the written response required by Canon
35 IV.12.2(c), such Panel may proceed in the absence of the Respondent and may accept as true the matters
36 described in the notice issued to the Respondent pursuant to Canons IV.11.3 or IV.12.2.

37 **Sec. 8** In computing any period of time for proceedings described in this Title, the day of the act or event
38 from which the designated time period begins to run shall not be included. The last day of the time period
39 shall be included, unless it is a Saturday, Sunday or legal holiday in that jurisdiction, in which event the period
40 runs until the end of the next day which is not a Saturday, Sunday or legal holiday in that jurisdiction. Whenever
41 a party has the right or is required to do an act within a prescribed period after the service of notice or other
42 paper, if the service is by mail, five days shall be added to the prescribed period. Whenever it is provided in
43 this Title that an act be done promptly, such act shall be done as quickly as is reasonably possible under the
44 circumstances.

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

- 1 **Sec. 10** Each Diocese shall make provision for Advisors to be available to Respondents and Complainants as
2 provided in this canon for the purposes of support, assistance, consultation and advice regarding the process
3 provided in this Title and the rights, responsibilities, consequences and alternatives pertaining thereto.
- 4 (a) The Bishop shall make an Advisor available to the Respondent not later than the earliest of (1) reference
5 for conciliation, to the Conference Panel or to the Hearing Panel, (2) the imposition of restriction on
6 Ministry or placement on Administrative Leave or (3) any interrogation or request for a statement or other
7 information from the Respondent.
- 8 (b) The Bishop shall make an Advisor available to the Complainant not later than the earliest of (1) the
9 forwarding of the intake report to the Reference Panel, (2) the Complainant's appeal of a dismissal under
10 Canon IV.6.6 or (3) the Bishop's designation of an Injured Person as a Complainant.
- 11 (c) The following shall be disqualified from serving as an Advisor: the Bishop, the Church Attorney, any
12 member of the Discipline and Fitness for Ministry Board, the Intake Officer, any Investigator, any person
13 who is likely to be a witness in any pertinent proceeding, and the Chancellor or any Vice-chancellor of the
14 diocese.
- 15 (d) No Respondent or Complainant shall be required to accept the services of any Advisor made available
16 by the Bishop. Any Respondent or Complainant may use the services of any Advisor of his or her choice.
- 17 (e) All communications between the Respondent and his or her Advisor or attorney and between the
18 Complainant and his or her Advisor or attorney shall be privileged.
- 19 (f) The reasonable costs and expenses of providing Advisors made available by the Bishop shall be the
20 obligation of the Diocese in which the matter of Discipline is proceeding unless otherwise provided in a
21 Covenant or Order. The reasonable costs and expenses of providing Advisors chosen by the Respondent
22 or Complainant and not made available by the Bishop shall be the obligation of such Respondent or
23 Complainant unless otherwise provided in a Covenant or Order.
- 24 (g) In all proceedings under this Title at which the Respondent or the Complainant has the right to be
25 present, their Advisors shall also have the right to be present.
- 26 **Sec. 11** No person subject to the authority of this Church may attempt to coerce or improperly influence,
27 directly or indirectly, the actions of any body performing functions under this Title, or any member of such
28 body or any other person involved in such proceedings.
- 29 **Sec. 12** In all proceedings under this Title whenever a Respondent or a Complainant is required or permitted
30 to appear or to participate or to be heard or to be present, they each shall have the right to be accompanied
31 by and to be represented by counsel of their choice. Whenever any notice or other document is provided to
32 or served upon a Respondent or a Complainant under this Title, such shall also simultaneously be provided
33 to or served upon their respective counsel, if known. Nothing in this Title shall be construed as requiring any
34 Respondent to be represented by counsel. Anything in this Title required or permitted to be done by the
35 Respondent's counsel may be done by the Respondent personally.
- 36 **Sec. 13** Proceedings under this Title, other than pastoral responses, shall be barred to the extent that the
37 specific Offense or manifestation of Impairment has been the subject of any prior proceeding under this Title
38 against the same Minister in Leadership which resulted in an Order or Covenant. Additionally, in the case of
39 a Member of the Clergy who has been the subject of proceedings under any predecessor to this Title,
40 proceedings under this Title, other than pastoral responses, shall be barred to the extent that the specific
41 Offense or manifestation of Impairment was previously included in a presentment against the Member of the
42 Clergy or was expressly set forth in the Member of the Clergy's waiver and voluntary submission to discipline
43 upon which a Sentence was been pronounced or in the report of a conciliator.
- 44 **Sec. 14** Impartiality of officials and bodies described in this Title shall be addressed as follows:
- 45 (a) Any Bishop exercising authority under this Title shall disqualify herself or himself in any proceeding
46 in which the Bishop's impartiality may reasonably be questioned. The Bishop shall also disqualify himself
47 or herself when the Bishop, the Bishop's spouse, or a person within the third degree of relationship to
48 either of them, or the spouse of such person, (1) is the Respondent, Complainant or Injured Person, or
49 (2) is likely to be a witness in the proceeding.

(b) Any member of any Panel provided for in this Title, shall disqualify himself or herself in any proceeding in which the member's impartiality may reasonably be questioned. The member shall also disqualify himself or herself when the member, the member's spouse, any person within the third degree of relationship to either of them, or the spouse of such person, (1) is the Respondent, Complainant or an Injured Person, (2) is likely to be a witness in the proceeding, (3) has a personal bias or prejudice concerning the Respondent, Complainant or any Injured Person, (4) has personal knowledge of disputed evidentiary facts concerning the proceeding, (5) has a personal financial interest in the outcome of the proceeding or in the Respondent, Complainant, any Injured Person or any other interest that could be substantially affected by the outcome, or (6) is a member of the same congregation or otherwise has a close personal or professional relationship with the Respondent, the Complainant, any Injured Person or any witness in the matter.

(c) Any member of any Panel provided for in this Title who has not disqualified himself or herself as provided in this section may be subject to challenge by the Church Attorney or the Respondent on grounds described in this section. The Complainant or the Complainant's Advisor may inform the Church Attorney of any such grounds. The challenge shall be investigated by the remaining members of the Panel who shall determine whether the challenged member of the Panel should be disqualified and replaced according to the procedures of this Title for filling vacancies.

(d) No Bishop or Panel shall accept from the Church Attorney or from the Respondent any waiver of any ground for disqualification enumerated in this section unless preceded by full disclosure of the basis for the disqualification, on the record.

Sec. 15 There shall be a presumption that the Respondent did not commit the Offense and does not have Impairment. The standard of proof required to find an Offense by a Respondent shall be that of a preponderance of the evidence.

Sec. 16 In all matters under this Title, it shall be the burden of the Church through the Church Attorney to establish an Offense or Impairment by any Respondent.

Sec. 17 Except as otherwise provided in this Title, it shall be the duty of all members of this Church to appear and testify or respond when duly served with a notice to do so from any Panel in any matter arising under this Title.

Sec. 18 No Chancellor or Vice Chancellor of a Diocese shall serve as Church Attorney in that Diocese. No Chancellor or Vice Chancellor of any Province shall serve as Church Attorney in any Diocese of that Province or any provincial proceeding. The Presiding Bishop's Chancellor shall not serve as Church Attorney in any proceeding. The Church Attorney in any proceeding shall not be from the same law firm as any Chancellor or Vice Chancellor otherwise disqualified under this section.

Sec. 19 Notices or other papers to be served according to procedures of this Title shall be deemed to have been duly served if a copy is delivered to the person to be served, is left with an adult resident of the abode of the person to be served, or is mailed by certified mail to the person's usual place of abode. Notice by publication shall be made in a newspaper of general circulation in the jurisdiction of the person's usual place of abode. Acceptance of service renders unnecessary any further process.

Sec. 20 A reference in this Title to a bishop intending to mean bishop with jurisdiction pursuant to Article II of the Constitution of this Church, shall include a bishop coadjutor if specific jurisdiction for matters contemplated by this Title has been assigned to the bishop coadjutor pursuant to Canon III.19.1(c).

Sec. 21 A Hearing Panel or Court of Review may in its discretion obtain legal counsel to give it opinions on any questions of law, procedure or evidence. Such legal counsel, if any, shall have no vote in any proceeding before the Hearing Panel or Court of Review.

Sec. 22 Except as expressly provided in this Title, applicable Diocesan canon, or in any Covenant or Order, all costs, expenses and fees shall be the obligation of the party, person or entity incurring them.

(a) The necessary costs, expenses and fees of the Investigator, the Church Attorney, the Conference Panel, the Hearing Panel and any pastoral response shall be the expense of the Diocese.

(b) Where a Respondent refuses to accept an Order of a Conference Panel, resulting in further proceedings before a Hearing Panel, and the Respondent subsequently accepts the Order of the Conference Panel

1 prior to the completion of the proceedings before the Hearing Panel, the Hearing Panel may assess the
2 costs of its proceedings against the Respondent.

3 **(c)** The necessary costs and expenses of the Provincial Court of Review shall be the expense of the
4 Province.

5 **(d)** The necessary costs and expenses of the Discipline and Fitness Board for Bishops and the Court of
6 Review for Bishops shall be the expense of the General Convention.

7 **(e)** Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by
8 any other party or person, including a Diocese.

9 **Sec. 23** If the Presiding Bishop is unavailable to act by virtue of absence, Impairment or other disqualification,
10 actions to be performed by the Presiding Bishop in this Title shall be performed by that Bishop who would
11 be the Presiding Officer of the House of Bishops as provided by Article I, Section 3, of the Constitution in
12 the event of the resignation, infirmity, disability or death of the Presiding Bishop.

13 **Sec. 24** If the bishop of a diocese shall be subject to suspension from Ministry, the body or person who would
14 be the Ecclesiastical Authority of that diocese if there were no bishop shall have authority to request episcopal
15 assistance and Episcopal Acts from another bishop of this Church.

16 **Sec. 25** Wherever in this Title it is provided that any communication, deliberation, investigation, or proceeding
17 shall be confidential, no person having knowledge or possession of confidential information derived from any
18 such communication, deliberation, investigation, or proceeding shall disclose the same except as provided in
19 this Title, in any Covenant or Order, or as required by any applicable law.

20 **Sec. 26** Privileged Communication shall not be disclosed, nor shall any negative inference be drawn respecting
21 the claim of the privilege, unless the privilege is waived by the person to whom the privilege belongs. Waiver
22 of a privilege may occur by **(a)** voluntary disclosure; **(b)** failure to timely object to use of a Privileged
23 Communication; or **(c)** placing the Privileged Communication at issue. Notwithstanding any provision of this
24 section to the contrary, no waiver by a penitent of the privilege which attaches to communications or disclosures
25 made within the Rite of Reconciliation of a Penitent shall work to require any confessor to divulge anything
26 pertaining to any such communications or disclosures, the secrecy of the confession being morally absolute
27 as provided in the Book of Common Prayer.

28 **Sec. 27** Noncompliance with any procedural requirements set forth in this Title shall not be grounds for the
29 dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice to be done
30 or seriously prejudice the rights of a Respondent as determined by the Panel or Court before which the
31 proceeding is pending on motion and hearing.

32 **Sec. 28** Solely for the purposes of the application of these Canons to persons who have received the
33 pronouncement of the former Sentence of removal, the former Sentence of removal shall be deemed to have
34 been a Sentence of deposition.

35 **Sec. 29** Records of proceedings shall be preserved as follows:

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

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

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

45 **(d)** The Bishop shall **(i)** promptly deliver to the Archives of the Episcopal Church a copy of any Covenant
46 or Order which has become effective and a record of any action of remission or modification of any Order
47 and **(ii)** provide for the permanent preservation of copies of all Covenants and Orders by means which
48 permit the identification and location of each such copy by the name of the Minister in Leadership who
49 is the subject thereof.

1 **Sec. 30** Any Minister canonically resident in the Diocese who deems himself or herself to be under imputation,
 2 by rumor or otherwise, of any Offense or Impairment for which proceedings could be had under this Title,
 3 may on his or her own behalf request the Bishop to conduct an inquiry with regard to such imputation. Upon
 4 receipt of such request by a Minister, it shall be the duty of the Bishop to cause the matter to be investigated
 5 and to report the result to the Minister.

6 **Sec. 31** The integrity of the Discipline and Fitness Board shall be preserved by a system of challenge as to the
 7 membership of any Panel of the Board appointed for a proceeding. Each Diocese shall provide by Canon for
 8 a system of challenge. If the canons of the Diocese make no provision for challenging a member of the Board,
 9 any member of a Panel appointed for a proceeding may be challenged by the Church Attorney or the
 10 Respondent on grounds conflict of interest or undue bias. The remaining members of the Board shall determine
 11 whether the challenge is relevant and factually supported, and shall determine whether the challenged member
 12 shall be excused from that proceeding. If the member is excused, another member of the Board shall be
 13 appointed to the Panel to fill the vacancy created by the challenge, maintaining the appropriate balance of lay
 14 and ordained members.

15 **Sec. 32** No Minister other than a Member of the Clergy shall be accountable for any Offense unless the act
 16 or omission constituting the Offense shall have occurred after the effective date of this Title. No Member of
 17 the Clergy shall be accountable for any Offense if the act or omission constituting the Offense shall have
 18 occurred prior to the effective date of this Title, unless such act or omission would have constituted an offense
 19 under the predecessor to this Title.

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

22
 23 **Sec. 1** Capitalized terms used in this Canon and which are not otherwise defined in this Title shall have the
 24 meanings provided in the predecessor to this Title.

25 **Sec. 2** The effective date of this Title shall be January 1, 2008. Except as otherwise provided in this Canon,
 26 the predecessor to this Title shall stand repealed on the effective date of this Title.

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

29 (a) A Temporary Inhibition shall continue in accordance with its terms until it expires in accordance with
 30 Canon 1.2(f) of the predecessor to this Title. A Temporary Inhibition which is effective prior to the
 31 effective date of this Title and which expires by reason of the lapse of time as provided in Canon 1.2(f)(vi)
 32 of the predecessor to this Title may be extended and reviewed (1) as provided in the predecessor to this
 33 Title in the case of any matter proceeding in accordance with the predecessor to this Title as provided in
 34 this section, or (2) in the case of any other matter, through the issuance of a restriction on Ministry or the
 35 placement of the subject Member of the Clergy on Administrative Leave or both in accordance with the
 36 provisions of this Title.

37 (b) A Charge against a Priest or Deacon which is pending on the effective date of this Title, and upon
 38 which the Diocesan Review Committee has neither issued a Presentment nor voted not to issue a
 39 Presentment, shall be referred to the Reference Panel and the matter shall proceed in accordance with the
 40 provisions of this Title.

41 (c) A Charge against a Bishop which is pending on the effective date of this Title, and upon which the
 42 Review Committee has neither issued a Presentment nor voted not to issue a Presentment, shall be referred
 43 to the Reference Panel and the matter shall proceed in accordance with the provisions of this Title.

44 (d) A request for a Statement of Disassociation which is pending on the effective date of this of this Title
 45 shall proceed in accordance with Canon IV.17.7 (a), and the matter shall thereafter further proceed, if at
 46 all, in accordance with the provisions of this Title.

47 (e) A Presentment against a Bishop under Canon 3.21(c) of the predecessor to this Title which is pending
 48 on the effective date of this Title shall proceed in accordance with Canon 16.6(b), and the matter shall
 49 thereafter further proceed, if at all, in accordance with the provisions of this Title.

1 (f) A case in which a Presentment against any Member of the Clergy is issued prior to the effective date
2 of this Title, and in which the Respondent(s) answer or other response is not made or does not become
3 due until after the effective date of this Title, shall be referred to the Conference Panel and the matter
4 shall proceed in accordance with the provisions of this Title.

5 (g) A case which is pending before any Ecclesiastical Trial Court of any Diocese, and in which the
6 Respondent's answer or other response is made or becomes due prior to the effective date of this Title,
7 and in which no Trial has been had, shall proceed in accordance with the provisions of the predecessor
8 to this Title unless the Church Attorney, the Respondent and the president of the Discipline and Fitness
9 for Ministry Board shall agree in writing that the case shall proceed under the provisions of this Title, in
10 which event the matter shall be referred to the Hearing Panel and the matter shall proceed in accordance
11 with the provisions of this Title.

12 (h) An appeal from any Judgment rendered by any Ecclesiastical Trial Court of any Diocese after the
13 effective date of this Title shall proceed in accordance with the provisions of this Title.

14 (i) A case which is pending before any Court of Review of the Trial of a Priest or Deacon shall proceed
15 in accordance with the predecessor to this Title unless the Church Attorney, the Respondent and the
16 president of the Provincial Court of Review shall agree in writing that the case shall proceed under the
17 provisions of this Title, in which event the matter shall be referred to the Provincial Court of Review and
18 the matter, including any grant of a new hearing, shall proceed in accordance with the provisions of this
19 Title.

20 (j) A case which is pending before the Court for the Trial of a Bishop, and in which the Respondent(s)
21 answer or other response is made or becomes due prior to the effective date of this Title, and in which
22 no Trial has been had, shall proceed in accordance with the provisions of the predecessor to this Title
23 unless the Church Attorney, the Respondent and the president of the Discipline and Fitness Board for
24 Bishops shall agree in writing that the case shall proceed under the provisions of this Title, in which event
25 the matter shall be referred to the Hearing Panel and the matter shall proceed in accordance with the
26 provisions of this Title.

27 (k) A case which is pending before the Court of Review of the Trial of a Bishop shall proceed in accordance
28 with the predecessor to this Title unless the Church Attorney, the Respondent and the president of the
29 Court of Review for Bishops shall agree in writing that the case shall proceed under the provisions of this
30 Title, in which event the matter shall be referred to the Court of Review for Bishops and the matter,
31 including any grant of a new hearing, shall proceed in accordance with the provisions of this Title.

32 And be it further

33 *Resolved*, That Canon I.1.6(c) be amended as follows, effective as of the effective date of this Title:

34 (c) It shall be the duty of the Recorder to furnish, upon proper authority and at the expense of the applicant,
35 such information as may be in the possession of the Recorder, based upon the reports required under Clause
36 (b) hereof; ~~but in no case shall the Recorder publish, or furnish for publication, the ground of any suspension,~~
37 ~~removal, or deposition.~~

38
39 And be it further

40
41 *Resolved*, That Canon I.17.6 be amended as follows, effective as of the effective date of this Title:

42 **Sec. 6** A person to whom the Sacraments of the Church shall have been refused, or who has been repelled
43 from the Holy Communion under the rubrics, or who has been informed of an intention to refuse or repel
44 him or her from the Holy Communion under the rubrics, may appeal to the Bishop or Ecclesiastical
45 Authority. A Priest who refuses or repels a person from the Holy Communion, or who communicates to
46 a person an intent to repel that person from the Holy Communion shall inform that person, in writing,
47 within ~~fourteen~~ fifteen days thereof of (i) the reasons therefor and (ii) his or her right to appeal to the Bishop
48 or Ecclesiastical Authority. *Any such appeal shall proceed as provided in Canon IV.6.10.* No Member of the Clergy
49 of this Church shall be required to admit to the Sacraments a person so refused or repelled without the

1 written direction of the Bishop or Ecclesiastical Authority. ~~The Bishop or Ecclesiastical Authority may in~~
2 ~~certain circumstances see fit to require the person to be admitted or restored because of the insufficiency~~
3 ~~of the cause assigned by the member of the Clergy. If it shall appear to the Bishop or Ecclesiastical Authority~~
4 ~~that there is sufficient cause to justify refusal of the Holy Communion, however, appropriate steps shall be~~
5 ~~taken to institute such inquiry as may be directed by the Canons of the Diocese; and should no such Canon~~
6 ~~exist, the Bishop or Ecclesiastical Authority shall proceed according to such principles of law and equity as~~
7 ~~will ensure an impartial investigation and judgment, which judgment shall be made in writing within sixty~~
8 ~~days of the appeal and which shall also specify the steps required for readmission to Holy Communion.~~