

ACNA Provincial Tribunal Conference for Mediated Settlement between Parties *In Re Bishop Stewart Ruch*

Proposed Settlement: Respondent Archbishop et al to convert the empaneled Board of Inquiry (BOI) in to one which investigates and settles rumors *only*, pursuant to Canon IV.4.2 and IV.4.5. Petitioner Bishop Stewart Ruch to withdraw his current motion before this court, without prejudice to challenge any subsequent presentment filed upon sufficient findings of the BOI under Canon IV.4.5 , but failing the requirements in Canon IV.4.2.

Background: Boards of Inquiry are empaneled upon receipt of a presentment (Canon IV.4.1) OR upon receipt of a demand by a bishop to settle rumors (Canon IV.4.2). In both cases, the BOI “shall investigate such rumors, reports, or charges, as the case may be. In conducting the investigation, the Board shall hear the accusations and such proof as the accusers may produce, and shall determine whether, upon matters of law and fact, as presented to them, there are reasonable grounds to put the accused to trial.” (Canon IV.4.4).

However there is a clear canonical distinction in Canons IV.4.5 and IV.4.6 between a BOI that settles rumors and a BOI that reviews a presentment. “The proceedings of the Board as to the investigation of rumors ***shall be confidential***; provided however that if the Board determines that the rumor is unfounded it shall issue to the requesting Bishop a written statement to that effect.” (Canon IV.4.5 emphasis added). By contrast, in regards to the BOI reviewing a presentment, “If in the judgment of two-thirds of the Board of Inquiry there is probable cause to present the accused Bishop for trial for violation of Canon 2 of this Title, it shall make a ***public declaration*** to that effect.” (Canon IV.4.6 emphasis added).

It appears from Petitioner’s Brief that the BOI in this matter has been empaneled to *investigate*. This seems to be the reason the bishops who signed the Presentment did so for the reasons they declare in the Addendum. But the investigative function of a BOI is principally with regards to settling rumors, and only in an adjunct way in reviewing the evidence in a formal presentment.

Result: By converting the empaneled BOI into one settling rumors *only* per Canon IV.4.2 and IV.4.5, Petitioner’s earlier request for such a BOI would be honored, and there would be no longer any “matter in dispute” for this Court to hear and decide under Canon IV.4.1 *Concerning requirements for Presentment*.