



To: Delegates to Provincial Assembly 2024
From: The Governance Task Force of the ACNA
Re: Ratification of Adopted Changes to the Canons of the ACNA, 2020-2024
Date: May 28, 2024

Dear Delegates to Provincial Assembly 2024,

Grace and peace to you in the name of our Lord and Savior Jesus Christ!

The Governance Task Force (GTF) of the ACNA submits the following changes to the Canons of the ACNA for your ratification. These canonical changes have been adopted over the course of five meetings of Provincial Council (2020-2024) which have occurred since our last Provincial Assembly in 2019. Pursuant to ACNA Article IV.2 and Canon I.2.2, these changes must be ratified by majority vote of Provincial Assembly acting as a unicameral body to become effective, with any unratified change returned to Provincial Council for further consideration.

Due to the number and scope of canonical changes that have been made over the last five years (as indicated by the length of this memo), we urge all delegates to read through these resolutions over a large pot of coffee before arrival at Provincial Assembly and be prepared to work through them in as expedient a manner as reasonably possible.

Note that this memo presumes that the six additional changes submitted to Provincial Council 2024 in the days leading up to Provincial Assembly 2024 will be approved by PC 2024. If they are not so approved, we will simply skip consideration of those resolutions during the presentation of this material at Assembly.

In all things, may God give us wisdom as we seek to provide wise governance to our Province.

The Constitution

There are no proposed changes to the Constitution.

Title I: Proposed Changes

Definition of Certain Terms

Three new definitions were added to the Definitions section of Title I.

- **Bishop with Authority to Act** - A “Bishop with authority to act” is normally the Diocesan bishop. In his absence, a duly elected Bishop Co-adjutor would have such authority, or other bishop as expressly designated by the canons of the diocese.

Rationale: Added by PC 2020 to clarify the role of the Standing Committee in the absence of a diocesan bishop.

- **Day** - Unless otherwise specified, the term “day” means calendar day, which shall include weekends and holidays. If “business day” is specified, the term “day” shall exclude weekends and holidays recognized by the Anglican Church in North America.

Rationale: Added by PC 2023 to add clarity to the canons.

- **Ecclesiastical Authority** - The diocesan Bishop or, in the absence of a Bishop with authority to act, the Standing Committee or its equivalent.

Rationale: Added by PC 2020 to add clarity to the canons.

Title I, Canon 1 - Of the Council

There is one amendment to Canon I.1.

- **Canon 1, Section 5 - Concerning Officers of the Church.**

1. The Archbishop shall be the Presiding Officer of the Church, and the Presiding Officer of the Council. The Council shall appoint a Deputy Chair, a chancellor, a secretary, a treasurer, and such other officers of the Church as it deems necessary. The Council shall define the duties of each officer of the Church. The Archbishop ~~may~~ **shall** appoint a Provincial Dean in consultation with the College of Bishops to serve at the pleasure of the Archbishop until his successor is appointed and who may be authorized by the Archbishop to represent him in his absence.

Rationale: If so amended by PC 2024, this will clarify that the Provincial Dean (often referred to as the Dean of the Province) serves several crucial functions elsewhere in the canons and, thus, the appointment of a Provincial Dean should be mandatory, not optional.

Title I, Canon 5 - Of Dioceses

There are three amendments to Canon I.5, as well as two new sections added by PC 2024 (if adopted).

- **Canon 5, Section 1 - Concerning Structure**

A diocese is a grouping of congregations gathered for mission under the oversight of a Bishop (the “Ecclesiastical Authority”). A diocese is composed of a minimum of twelve (12) congregations with an ASA of at least fifty (50) each and a collective ASA of at least one thousand (1,000). A diocese shall demonstrate that there is sufficient financial support for the office of the Bishop and shall provide financial support to the Province in the spirit of Canon

~~I.9. In exceptional cases, the Provincial Council may modify these requirements for application for diocesan status provided in this canon on a case-by-case basis by two-thirds vote upon the affirmative recommendation by the Executive Committee.~~

Rationale: Amended by PC 2021 to make clear that a diocese is to ensure support of the office of the bishop and support of the Province. The final sentence was moved to Canon I.5.5.

- **Canon 5, Section 5 – Concerning Applying for Diocesan Status**

A group of congregations that meet the minimum standards for diocesan status may apply to the Council to be added to the Church as a Diocese. In exceptional cases, the Provincial Council may modify these requirements on a case-by-case basis by two-thirds vote upon the affirmative recommendation by the Executive Committee. The application form shall prescribe, at a minimum, basic information concerning the history, mission and legal status of the group, current rules of governance, its individual and collective ASA and Anglican affiliation, and any justification for a modification of applicable requirements. The application shall confirm that the rector of each congregation has notified the current domestic Bishop or Bishops of the congregation's intention to be part of the group making application. The application shall contain the name of the recommended nominee or nominees for Bishop and shall contain the present and proposed group budget, including the intended financial support of a Bishop. (Such form and the guidelines for such application are included herein as Appendix "A")

Rationale: Amended by PC 2021, which moved the final sentence of Canon I.5.1 to this canon I.5.5 because that sentence concerns a possible exception to the minimum standards at the time a group is applying to be admitted as a diocese, rather than a requirement for a diocese to continue to exist.

- **Canon 5, Section 7 - Concerning the Strengthening of Dioceses**

Concerning the Strengthening of Dioceses ~~Diocesan Sustainability~~

The Executive Committee shall review the annual Diocesan Reports ~~with the objective of determining the sustainability of the several dioceses.~~ In light of the standards for a diocese as provided in Section 1 of this Canon, ~~the~~ Executive Committee may open invite a dialogue with any diocese ~~it feels is in need of assistance~~ with the objective of strengthening its sustainability mission and ministry.

For clarity, the new reading is:

The Executive Committee shall review the annual Diocesan Reports. In light of the standards for a diocese as provided in Section 1 of this Canon, the Executive Committee may invite a dialogue with any diocese with the objective of strengthening its mission and ministry.

Rationale: Amended by PC 2021 to clarify that the Executive Committee desires to assist dioceses in strengthening their mission and ministry. The title of the section was amended accordingly.

- **Canon 5, Section 8 - Concerning Safeguarding Policies**

This new Section 8 was added to Canon I.5 by PC 2024 (if so adopted).

Section 8 - Concerning Safeguarding Policies

It shall be the duty of the bishop of each diocese, and not that of the Province, to ensure that safeguarding policies and procedures both for children and for adults are adopted and implemented within the congregations, ministries, and structures of the diocese and to monitor and ensure compliance with such policies and procedures. Such policies shall be adopted no later than June 30, 2025, and shall be made publicly available to the members of the diocese.

***Rationale:** If so adopted by PC 2024, this canon will place an affirmative duty on every bishop to ensure that his diocese has a policy in place for the safeguarding of children and adults, even as each diocese will retain the freedom to create policies and procedures scaled to the size and scope of its ministries.*

- **Canon 5, Section 9 - Concerning Reports of Misconduct**

This new Section 9 was added to Canon I.5 by PC 2024 (if so adopted).

Section 9 - Concerning Reports of Misconduct

Each diocese shall establish processes and procedures to respond to reports of misconduct by clergy and laypersons and to facilitate care of those affected. It shall be the duty of the bishop of each diocese, and not that of the Province, to ensure that such processes and procedures are implemented within the congregations, ministries, and structures of the dioceses, and to monitor and ensure compliance with such processes and procedures.

In developing such processes and procedures, each diocese shall adopt the following minimum standards by canon or policy on or before December 31, 2025, or else the bishop and Standing Committee of the diocese must certify to the Executive Committee by December 31, 2024, that the diocese has another disciplinary process for receiving and investigating reports that it regards as of at least equal fairness, transparency, and integrity.

1. Each diocese shall appoint at least two Diocesan Reports Receivers to receive reports of misconduct. In no event shall any Chancellor of the Diocese serve as a Diocesan Reports Receiver. Any report received regarding the abuse of a minor or vulnerable adult shall be reported to the appropriate civil authorities consistent with applicable laws and subject to constitutional and statutory exemptions and protections.
2. Subject to subsection 1 above, upon receipt of a report of misconduct by a presbyter or deacon, the Diocesan Reports Receivers shall evaluate the report in a timely manner and shall in their individual capacities recommend to the bishop whether the report discloses reasonable grounds to believe an offense under Title IV has been committed. With the advice of the Standing Committee (or its designated subcommittee), the bishop shall determine whether a report of misconduct involving a presbyter or deacon should be dismissed or if such report should proceed to investigation under subsection 6 below. If a report is dismissed, the reporting party must be promptly notified of such dismissal.
3. Each Diocese shall facilitate provision of pastoral care for those making reports not dismissed under subsection 2, as well as for the clergy who are the subject of such reports.
4. Subject to subsection 1 above, upon receipt of a report of misconduct by a layperson, the Diocesan Reports Receivers shall inform the bishop. The Diocesan Reports

- Receivers shall also, in consultation with the bishop, inform a Warden and/or the member of the clergy in charge of the congregation such layperson attends or in which the alleged misconduct occurred for the matter to be addressed at the level of the congregation with support, as needed, from the diocese.
5. Subject to subsection 1 above, upon receipt of a report of misconduct by a bishop, the Diocesan Reports Receivers shall refer the report in accordance with Title IV of these canons.
 6. Each Diocese shall have a Diocesan Reports Investigation Committee to investigate all reports of misconduct by a presbyter or deacon referred to it under this Canon. Such Diocesan Reports Investigation Committee shall include at least one legally qualified person (meaning a person who has a degree or license in canon law, was or is a judge in Canada, Mexico, or the United States, or has been licensed to practice law for at least 5 years in any part of Canada, Mexico, or the United States).
 7. The details of a report and of any subsequent investigation shall be maintained in appropriate confidence until the report is dismissed for lack of reasonable grounds or the Diocesan Reports Investigation Committee takes further action under Title IV.
 8. Any diocese may agree in writing with one or more other dioceses to develop and share resources necessary to implement the requirements of this section 9, including Diocesan Reports Receivers, members of Diocesan Reports Investigation Committees, as well as pastoral care, administrative, and financial resources.

***Rationale:** If adopted by PC 2024, this canon will provide greater clarity and consistency in how reports of misconduct are received, evaluated, investigated, adjudicated, and resolved.*

These amendments to Title I are designed to prepare the dioceses for the requirements of the newly revised Title IV, which the GTF has been working on over the past eighteen months and will release in draft form as soon as possible. These greatly revised canons will handle reports of misconduct by bishops, presbyters, deacons, and laypersons in more clear, transparent, and equitable manner than our current disciplinary canons.

*Pursuant to these new Title I canons, each diocese must appoint or hire intake officers, called **reports receivers**, whose task will be to receive reports of misconduct and to determine (along with the bishop with input from the Standing Committee) whether the report discloses reasonable grounds to believe a member of the clergy is subject to discipline. If a matter is not resolved pastorally and a report is not dismissed for lack of reasonable grounds, it will be referred to a **reports investigation committee**. (This reports investigation committee will replace the role served by Canonical Investigators in our current canons.) This committee will be a stable body that will gain expertise over time in the conducting of investigations and will have the authority, as needed, to employ outside investigative agencies. Subsection 3 requires dioceses to provide **pastoral care** both to a reporting party and to the clergy who is the subject of the report for any report that discloses reasonable grounds. Subsection 4 deals with reports of **lay misconduct**, with a focus towards handling such reports at the level of the congregation. Subsection 5 makes clear that reports of **misconduct by bishops** must be handled at the level of the Province. Finally, subsection 8 expressly provides that **dioceses can operate cooperatively** to comply with these canonical requirements. Under the Preamble to this Section 9, these positions and committees must be created by canon or policy no later than December 31, 2025, unless a diocese certifies to the Executive Committee by December 31, 2024, that the disciplinary process they already have in place is of at least equal fairness, transparency, and integrity as these new canons.*

Title I, Canon 6 - Of Congregations

There is one amendment to Canon I.6, as well as one minor amendment to the title of a section.

- **Canon 6, Section 8 - *Concerning Annual Reports***

On or before March 1 of each year every congregation shall prepare and forward to the Bishop and to the Provincial Office a report, in a form specified from time to time by the Executive Committee, reflecting the status and growth of the congregation in terms of ASA, tithes and offerings, baptisms, confirmations and receptions, marriages, burials, and other important categories of information concerning the preceding calendar year, including new initiatives for mission and ministry. ~~The Bishop shall be responsible for preparing a composite report of all such reports received and forward the same to the Executive Committee of the Province no later than May 1 of each year. On or before March 1 of each year, the Bishop shall ensure that the diocese forwards to the Executive Committee any changes to the Diocesan Constitution and Canons since its last report.~~ The Executive Committee shall cause to be prepared a report to the Archbishop on the status and growth of the Province, with an appropriate summary also being made available on the Provincial website.

For clarity, the new reading is:

On or before March 1 of each year every congregation shall prepare and forward to the Bishop and to the Provincial Office a report, in a form specified from time to time by the Executive Committee, reflecting the status and growth of the congregation in terms of ASA, tithes and offerings, baptisms, confirmations and receptions, marriages, burials, and other important categories of information concerning the preceding calendar year, including new initiatives for mission and ministry. On or before March 1 of each year, the Bishop shall ensure that the diocese forwards to the Executive Committee any changes to the Diocesan Constitution and Canons since its last report. The Executive Committee shall cause to be prepared a report to the Archbishop on the status and growth of the Province, with an appropriate summary also being made available on the Provincial website.

***Rationale:** Amended by PC 2021 and 2023 to ensure that the Province is made aware of amendments to diocesan constitution and canons in order to avoid conflicts with the Provincial constitution and canons.*

- **Canon 6, Section 9 - *Concerning Transfer or Disaffiliation***

***Rationale:** Amended by PC 2020 to include “or Disaffiliation” in the title for the sake of clarity.*

Title I, Canon 12 - Of Missionary Districts

There is one amendment to Canon I.12.5.

- 5. Where the initiative is of the Provincial Council, the College of Bishops may elect a

Bishop for Special Mission, who shall be domiciled in an existing diocese of the Province. Financial support of the Missionary District shall be the responsibility of the District and of the Province, not of the Bishop for Special Mission's diocese of domicile. and the Province shall provide financial support. Clergy and congregations shall be domiciled in the Diocese in which the Bishop for Special Mission is domiciled. Where the Missionary District is an initiative of the Province, The Bishop for Special Mission shall owe canonical obedience to the Archbishop and College of Bishops, and the clergy of the Missionary District shall owe canonical obedience to the Bishop for Special Mission.

For clarity, the new reading is:

5. Where the initiative is of the Provincial Council, the College of Bishops may elect a Bishop for Special Mission, who shall be domiciled in an existing diocese of the Province. Financial support of the Missionary District shall be the responsibility of the District and of the Province, not of the Bishop for Special Mission's diocese of domicile. Clergy and congregations shall be domiciled in the Diocese in which the Bishop for Special Mission is domiciled. The Bishop for Special Mission shall owe canonical obedience to the Archbishop and College of Bishops, and the clergy of the Missionary District shall owe canonical obedience to the Bishop for Special Mission.

***Rationale:** Amended by PC 2020 in response to questions from the College of Bishops.*

Title II: Proposed Changes

There are no proposed changes to Title II.

Title III: Proposed Changes

Title III, Canon 6 - Of the Acceptance and Dismissal of Clergy in this Church

There is one amendment to Canon III.6.

- **Section 3 - Concerning Voluntary Resignation from the Ordained Ministry of this Church**

The prior Section 3 was deleted and its content added in amended form to the next section (previously Section 4 but now Section 3) as subsections 3 and 4, as follows:

~~**Section 3—Concerning Transfer to Another Christian Denomination or Jurisdiction**~~

~~Any Deacon or Presbyter of this Church in good standing may, at their own request, be released from the obligations of the ministry of this Church to unite with any other Christian denomination or jurisdiction by a commendatory letter, signed by the Bishop, and attested by one other person having ecclesiastical standing within the Diocese or other Jurisdiction of which the Deacon or Presbyter is a member. Upon the approval of the Standing Committee, the Bishop may remove the Deacon or Presbyter from the roll of clergy of the diocese.~~

Section 4 3 - Concerning Voluntary Resignation from the Ordained Ministry of this Church

3. Any Deacon or Presbyter whose resignation has been accepted under this canon may request that the Bishop write a commendatory letter to another Christian denomination or jurisdiction.
4. A Deacon or Presbyter having voluntarily resigned from the ordained ministry of this Church and not under the discipline of any ecclesial body may petition the Bishop having jurisdiction in the diocese from which the Deacon or Presbyter resigned to restore the right to exercise in this Church the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in ordination. The terms and conditions of such restoration shall be entirely within the discretion of the Bishop having jurisdiction in the diocese from which the Deacon or Presbyter resigned, with the advice and consent of the Standing Committee or its equivalent.

***Rationale:** Amended by PC 2020 for the sake of clarity and to provide for a return to ministry by one voluntarily resigning by petition to the bishop of one's prior diocese.*

Title III, Canon 8 - Of Bishops

There are two amendments to Canon III.8, as well as a new section added by PC 2022.

- **Canon 8, Section 4 - Concerning the Election of Bishops**

5. Consent or choice by the College of Bishops shall be based upon the canons for Holy Orders as provided in Title III, Canon 2.4-6 and Canon 8. Consent or choice shall require the affirmative vote of two-thirds of the membership of the College of Bishops present and voting, which consent shall normally be given by the next regular meeting of the College of Bishops ~~must be given within 60 days of certification~~ and in writing to the originating body. For purposes of the election of Bishops at a meeting of the College, a quorum shall be a majority of the active members of the College.

For clarity, the new reading is:

5. Consent or choice by the College of Bishops shall be based upon the canons for Holy Orders as provided in Title III, Canon 2.4-6 and Canon 8. Consent or choice shall require the affirmative vote of two-thirds of the membership of the College of Bishops present and voting, which consent shall normally be given by the next regular meeting of the College of Bishops and in writing to the originating body. For purposes of the election of Bishops at a meeting of the College, a quorum shall be a majority of the active members of the College.

***Rationale:** Amended by PC 2021 to ground the criteria considered in objective standards: the character, doctrinal faithfulness, and competence of those elected as bishops.*

- **Canon 8, Section 6 - Concerning Bishops for Special Mission**

Bishops for Special Mission are Bishops elected by and serving directly under the College of Bishops for a specific missionary purpose. The office of any Bishop for Special Mission shall be created in consultation with the Executive Committee. Any male Presbyter of this Church

qualified by these Canons may be elected as a Bishop for Special Mission by the College of Bishops. ~~The College of Bishops may certify two or three candidates, from whom one may be elected by the affirmative vote of two-thirds of the College.~~

Rationale: Amended by PC 2020 to bring in conformity with language of elections elsewhere in Title III.

- **Canon 8, Section 9 - Concerning Voluntary Resignation by a Bishop from Ordained Ministry of this Church**

This new Section 9 was added to Canon III.8 by PC 2022.

1. Any Bishop in good standing may resign from the Ordained Ministry of this Church by sending a resignation in writing to the Archbishop. The Archbishop shall record the declaration and request so made, and shall determine that the Bishop is not under discipline as defined in Title IV of these canons, and that the resignation is not occasioned by misconduct or irregularity, but is voluntary and for causes which do not affect the moral character of the Bishop.

Upon making this determination, the Archbishop shall defer formal action upon the declaration for sixty days, and meanwhile shall lay the matter before the College of Bishops for advice and consent. With its advice and consent, the Archbishop may pronounce that such resignation is accepted and that the Bishop is released from the obligations of the Ministerial office, and that the Bishop relinquishes the right to exercise in this Church the gifts and spiritual authority of a shepherd of the flock.

2. The Archbishop's declaration shall state that the resignation was for causes which do not affect the Bishop's moral character, and shall, if requested, give a certificate to this effect to the person so released from the ministry of this Church. In all other cases of resignation or renunciation of the Ordained Ministry of a Bishop, where there may be a question of misconduct or irregularity, the Archbishop shall follow the procedures outlined in Canon IV.7 and IV.4. Any Bishop who is released under this canon is also released from his ministry as a Presbyter and Deacon within this Province.

3. Any Bishop whose resignation has been accepted under this canon may request that the Archbishop write a commendatory letter to another Christian denomination or jurisdiction. The Archbishop has sole discretion as to whether to grant such a request.

4. A Bishop having voluntarily resigned from the Ordained Ministry of this Church and not under the discipline of any ecclesial body may petition the Archbishop to restore the right to exercise in this Church the gifts and spiritual authority as a Bishop conferred in ordination. The terms and conditions of such restoration shall be entirely within the discretion of the Archbishop, with the advice of the Standing Committee of the Bishop's previous diocese and with the advice and consent of the College of Bishops.

Rationale: Added by PC 2022 to provide for the voluntary resignation of a Bishop in parallel with the provisions for resignation by presbyters and deacons.

Title IV: Proposed Changes

Title IV, Canon 2 - Of Charges Against *and Godly Admonitions to Bishops, Presbyters, and Deacons*

In addition to the change of the name of Canon IV.2 (noted above), the structure of the Canon was changed to create two sections instead of one, with amendments to each section made by both PC 2021 and 2022 as noted below.

- **Canon 2, Section 1 - Concerning Charges**

Section 1 - Concerning Charges

The following are the charges or accusations on which the Archbishop, a Bishop, a Presbyter, or a Deacon in this Church may be presented:

1. Apostasy from the Christian Faith;
2. Heresy, false doctrine, or schism;
3. Violation of ordination vows;
4. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power;
5. A conviction by a court of competent jurisdiction for felony or other serious offenses;
6. Sexual immorality;
7. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;
8. Violation of any provision of the Constitution of this Church;
9. Disobedience **to**, or willful contravention of the Canons of this Church or **of** the constitution or canons of the Diocese in which the charged or accused **Bishop, Presbyter or Deacon member of the clergy** holds office;
10. Habitual neglect of the duties of the charged or accused **Bishop's, Presbyter's or Deacon's member of the clergy's** office;
11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
12. Willful refusal to follow a lawful Godly Admonition.

Rationale: Amended (and title of Canon 2 changed) by PC 2021 and 2022 for clarity.

- **Canon 2, Section 2 - Concerning Godly Admonitions**

The material in this Section 2 was previously in Canon 2 without its own section. This new section heading has been added and further amendments made to its content by PC 2021 and 2022.

Section 2 - Concerning Godly Admonitions

A Godly Admonition is a written directive from (a) a Bishop with jurisdiction to a member of the Clergy under his jurisdiction, (b) the Archbishop to a Bishop, or (c) the Dean of the Province to the Archbishop. ~~Such~~ ~~No~~ ~~a~~Admonition shall ~~not~~ be issued until the Bishop, Archbishop, or Dean of the Province (or such person to whom authority has been validly delegated under these canons) shall have met personally with the ~~member of the Clergy one receiving the Admonition~~ ~~— unless for valid reason under these canons the Bishop shall have delegated such meeting to another Bishop —~~ and the issues have been clearly and fairly discussed. The written ~~a~~Admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for ~~the~~ any required action to be taken. A temporary suspension from the exercise of ministry requires an Inhibition pursuant to Canon IV.9. ~~A Godly Admonition may be used in conjunction with an Inhibition (ACNA IV.9).~~

In the case of an Admonition to a Bishop, the Archbishop must first obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, any bishop who is the subject of the Admonition, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

In the case of an Admonition to the Archbishop, the Dean of the Province must first obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Dean of the Province and the Archbishop, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

For clarity, the new reading is:

Section 2 - Concerning Godly Admonitions

A Godly Admonition is a written directive from (a) a Bishop with jurisdiction to a member of the Clergy under his jurisdiction, (b) the Archbishop to a Bishop, or (c) the Dean of the Province to the Archbishop. No Admonition shall be issued until the Bishop, Archbishop, or Dean of the Province (or such person to whom authority has been validly delegated under these canons) shall have met personally with the one receiving the Admonition and the issues have been clearly and fairly discussed. The written Admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for any required action to be taken. A temporary suspension from the exercise of ministry requires an Inhibition pursuant to Canon IV.9.

In the case of an Admonition to a Bishop, the Archbishop must first obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, any bishop who is the subject of the Admonition, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

In the case of an Admonition to the Archbishop, the Dean of the Province must first obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Dean of the Province and the Archbishop, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

Rationale: PC 2021 and 2022 expanded the range of Godly Admonitions, a less drastic method of discipline than an Inhibition, to cover all clergy within the Province, with appropriate checks and balances.

Title IV, Canon 3 - Of Presentments of Presbyters and Deacons

There are three amendments to Canon IV.3, including one presented at PC 2024 (if so adopted).

- **Canon 3, Section 1 - Concerning Accusations**

3. If the Bishop deems the accuser(s) or the accusation(s) to be credible, he shall cause an investigation to be made by a canonical investigator. If the Bishop deems the accuser(s) not to be credible ~~and~~ or the accusation(s) to be without any merit, or both, he shall inform the accuser(s) of his determination in writing and the accuser(s) shall have the right, within 30 days of ~~after~~ such determination by the Bishop, to appeal his decision to the Standing Committee. The Standing Committee shall then have 30 days to determine whether the accuser(s) and the accusation(s) are credible, or to affirm the Bishop's decision. If they reverse the Bishop's determination, in whole or in part, they shall cause an investigation to be made by a canonical investigator.

Rationale: Added by PC 2020 to clarify the duties of the Bishop in responding to accusations.

- **Canon 3, Section 3 - Concerning Canonical Investigation, Presentment and Trial**

5. If it is determined by the Ecclesiastical authority that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law. Such procedures shall acknowledge the presumption of innocence of the accused, ~~and~~ the right to representation by counsel, ~~and~~ the right to confront and examine witnesses, and shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that would be affected by that rule.

Rationale: Added by PC 2020 to clarify the rights to the accused.

- **Canon 3, Section 1 - Concerning Accusations.**

4. Whenever the bishop believes he cannot fairly assess the credibility of the accuser(s), the accusation(s), or the accused, or fairly impose sentence, he shall recuse himself and delegate the investigation, presentment, and/or sentencing to another bishop having jurisdiction, or to a bishop formerly having had jurisdiction who is still an active member of the College of Bishops.

Rationale: If adopted by PC 2024, this canon will provide for delegation to former diocesan bishops.

Title IV, Canon 5 - Of Courts, Membership and Procedures

There are four amendments to Canon IV.5 (as we have considered the changes to IV.5.2 as one), including one presented at PC 2024 (if so adopted).

- **Canon 5, Section 2 - Concerning Courts for the Trial of a Bishop**

1. There shall be a Court for the Trial of a Bishop, whose jurisdiction shall be limited to proceedings against a Bishop of this Church, including the Archbishop, arising under these Canons.
2. The members of this Court shall be three Bishops who are members of the College of Bishops, two Presbyters, and two adult confirmed members in good standing. The members of this Court shall be elected by the Provincial Council, each Order electing its representatives by majority vote of that Order. An equal number of alternate members of this Court shall be elected in the same manner, and such alternate(s) shall serve in the event of ~~a vacancy~~ any vacancies on the Court or the recusal of a member of the Court. In the event the list of alternates is exhausted for an Order, the Archbishop shall fill those vacancies in consultation with the Executive Committee until the Provincial Council meets to elect members of the court or alternates. The term of each member of the Court shall be three years or until a successor is elected and qualified.
3. The senior diocesan member of the College of Bishops in date of consecration shall be the President of the Court (exclusive of the Bishop under trial and any Bishop who may recuse himself). The Archbishop, or, in the case of a proceeding against the Archbishop, the Dean of the Province, shall also appoint a legal advisor to the Court who shall be trained in canon law, and a prosecutor, also trained in canon law, to bring and prosecute presentments when necessary.

***Rationale:** Amended by PC 2021 and 2022 to acknowledge (1) that the Archbishop can also be tried in the Court for the Trial of a Bishop and, (2) that the selection of the President of the Court should take into consideration conflicts of interest and the possibility of recusal. Provision is also made for the Archbishop to fill vacancies if the list of alternates is exhausted.*

- **Canon 5, Section 4 - Concerning the Provincial Tribunal**

1. There shall be a Provincial Tribunal as provided in the Constitution of the Church. The Provincial Tribunal shall serve: (1) as a court of review in the case of a conviction after trial of a Bishop, Presbyter, or Deacon; and (2) as a court of original jurisdiction: (a) to hear and decide matters in dispute arising from the Constitution and Canons of the Province, except in Title IV prior to the role assigned to it in clause (1) above, (b) to hear and decide disputes between Dioceses, (c) to hear and decide appeals by a bishop pursuant to Canons I.3.3(d) and III.8.7(d) and (d) to issue nonbinding advisory opinions on issues submitted by the College of Bishops, the Provincial Council, or the Provincial Assembly.

***Rationale:** This amendment came to the floor at PC 2023 directly from the College of Bishop and was adopted. It preserves the authority of the archbishop and of the diocesan bishop in disciplinary matters prior to the conclusion of a trial.*

- **Canon 5, Section 4 - Concerning the Provincial Tribunal**

2. The Provincial Tribunal shall consist of seven members who shall be ~~appointed~~ elected by the Provincial Council. At least two members shall be Bishops; the senior Bishop in date of ~~consecration~~ admission shall serve as the President of the Court. At least two members shall be lawyers, knowledgeable in canon and ecclesiastical law. The term of each member of the Court shall be three years or until a successor is elected and qualified. An equal number of alternate members of this Tribunal shall be elected in the same manner, and such alternate(s) shall serve in the event of any vacancies on the Tribunal or the recusal of a member of the Tribunal.

***Rationale:** Amended by PC 2022 and 2024 (if adopted) to (1) alter the means by which the seniority of bishops should be determined, (2) to clarify that members of that court should be elected, rather than appointed, and (3) that seven alternates should be elected to serve in the event of vacancies or recusals.*

- **Canon 5, Section 7 - Concerning Procedures**

The Provincial Tribunal, the Court for Trial of a Bishop, the Court of Extraordinary Jurisdiction, and the Trial Courts of the several Dioceses shall establish their own procedures, to include the appointment of a recorder of proceedings. Such procedures shall acknowledge the presumption of innocence of the accused, ~~and~~ the right to representation by counsel, the right to confront and examine witnesses; and shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that would be affected by that rule. In all courts of original jurisdiction, the standard of proof shall be by clear and convincing evidence. Unless a higher standard is required by diocesan Canon for a Diocesan Trial Court, the affirmative vote of not fewer than a majority of the members of a Court shall be required for any determination by that Court.

***Rationale:** Amended by PC 2020 to clarify the rights of the accused.*

Title IV, Canon 8 - Of Sentences

There are two amendments to Canon IV.8.

- **Canon 8, Section 1 - Concerning the ~~Role of the Bishop in Sentencing~~ of a Presbyter or Deacon**

In addition to the change of the name of Canon IV.8.1 (noted above), this canon was amended as follows:

The Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted, ~~(whether by trial or voluntary submission to the discipline of the Church),~~ as indicated in these canons. The Bishop may, upon recusing himself, delegate the sentencing to another Bishop having jurisdiction. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

Rationale: Amended by PC 2020 by changing the name of the canon and removing the parentheses and replacing them with commas.

- **Canon 8, Section 2 – Concerning ~~Pronouncement of Sentence~~ the Sentencing of a Bishop**

In addition to amending the title of Canon IV.8.2 (noted above), this canon was amended as follows:

The College of Bishops, speaking through the Archbishop or his designate, has the sole responsibility and authority to pronounce sentence on a Bishop convicted, whether by trial or voluntary submission to the discipline of the Church, as indicated in these canons.

Rationale: Added by PC 2020 in the interests of clarity.

Title IV, Canon 9 - Of Inhibitions

There are three amendments to Canon IV.9, as well as a newly added Section 4.

- **Canon 9, Section 1 – Concerning Inhibitions ~~of a Presbyter or Deacon~~**

In addition to the change of the name of Canon IV.8.1 (noted above), this canon was amended as follows:

~~4~~An Inhibition is a temporary suspension of a Bishop (including the Archbishop), a Presbyter, or a Deacon from the exercise of ministry, in whole or in part, when one having authority under these canons ~~the Bishop~~ believes, upon reasonable grounds, that the accused has engaged in conduct upon which the accused may be presented and that it is in the best interests of ~~the accuser(s), the Church and/or the accused~~ to do so, pending an accusation, canonical investigation, presentment, trial or voluntary submission to discipline under these canons. An Inhibition may be used alone or in conjunction with a Godly Admonition (ACNA IV.2.42). An inhibition shall be in writing, signed by one having authority under this canon or one to whom authority has been validly delegated under these canons.

For clarity, the new reading is:

An Inhibition is a temporary suspension of a Bishop (including the Archbishop), a Presbyter, or a Deacon from the exercise of ministry, in whole or in part, when one having authority under these canons believes, upon reasonable grounds, that the accused has engaged in conduct upon which the accused may be presented and that it is in the best interests of the Church to do so, pending an accusation, canonical investigation, presentment, trial or voluntary submission to discipline under these canons. An Inhibition may be used alone or in conjunction with a Godly Admonition (ACNA IV.2.2). An inhibition shall be in writing, signed by one having authority under this canon or one to whom authority has been validly delegated under these canons.

Rationale: Amended by PC 2021 to add clarity to the process of inhibiting a bishop, presbyter, or deacon.

- **Section 2 - Concerning Inhibition of a Presbyter or a Deacon**

This section's title was added and its content was amended as follows.

Section 2 - Concerning Inhibition of a Presbyter or a Deacon

~~2.1.~~ A Bishop may temporarily ~~i~~nhibit a Presbyter or Deacon under this canon. Such temporary Inhibition shall last no longer than sixty (60) days. when the Bishop believes, upon reasonable grounds, that the Presbyter or Deacon has engaged in conduct upon which a Presbyter or Deacon in this Church may be presented. With the advice and consent of the Standing Committee or its equivalent, such any inhibition of a Presbyter or Deacon may be extended until ~~such charge is~~ such time as the Bishop lifts the Inhibition (with notice to the Standing Committee or its equivalent), any charges arising from a presentment are dropped, ~~or~~ action is taken by a Trial Court, or the accused voluntarily submits to the discipline of the Church.

~~3.2.~~ Upon application by a Presbyter or a Deacon who has been ~~temporarily i~~nhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the ~~temporary i~~nhibition. Such decision shall be rendered within thirty (30) days of the application.

For clarity, the new reading is:

Section 2 - Concerning Inhibition of a Presbyter or a Deacon

1. A Bishop may temporarily Inhibit a Presbyter or Deacon under this canon. Such temporary Inhibition shall last no longer than sixty (60) days. With the advice and consent of the Standing Committee or its equivalent, any Inhibition of a Presbyter or Deacon may be extended until such time as the Bishop lifts the Inhibition (with notice to the Standing Committee or its equivalent), any charges arising from a presentment are dropped, action is taken by a Trial Court, or the accused voluntarily submits to the discipline of the Church.
2. Upon application by a Presbyter or a Deacon who has been Inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the Inhibition. Such decision shall be rendered within thirty (30) days of the application.

***Rationale:** Amended by PC 2021 and 2022 to add clarity to the process of inhibiting a presbyter or deacon.*

- **Section 3 - Concerning Inhibition of a Bishop**

This section was renumbered and its content amended as follows. The rationale for this section is discussed below under the amendment to Section 4 of IV.9

Section ~~23~~ - Concerning Inhibition of a Bishop

~~In the case of the presentment of a Bishop of this Church (including the Archbishop), three of the five senior active diocesan members of the College of Bishops by date of consecration (exclusive of any bishop involved in the presentment or trial) may, by their affirmative vote,~~

~~temporarily inhibit the Bishop from the exercise of ministry. Such inhibition shall be in writing, signed by those consenting to it:~~

- ~~1. The Archbishop may temporarily Inhibit a Bishop under this canon. Prior to such temporary Inhibition, the Archbishop must first obtain the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Bishop who is the subject of the Inhibition, and any Bishop who may recuse himself). Such temporary Inhibition shall last no longer than sixty (60) days.~~
- ~~2. With the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Bishop who is the subject of the Inhibition, and any Bishop who may recuse himself), any Inhibition of a Bishop may be extended until the Archbishop lifts the Inhibition (with notice to the Standing Committee of the Diocese of the Bishop inhibited and the panel of Bishops which authorized an extension of the Inhibition), any charges arising from a presentment are dropped, action is taken by a Court for the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.~~
- ~~3. Upon application by a Bishop who has been Inhibited under this Canon and upon a showing of good cause, the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Bishop who is the subject of the Inhibition, any Bishop involved in the original Inhibition, and any Bishop who may recuse himself) may by majority vote modify or revoke the Inhibition in writing. Such decision shall be rendered within thirty (30) days of the application.~~

- **Section 4 - Concerning Inhibition of the Archbishop**

This section was added by PC 2021 and amended by PC 2022 and 2023.

Section 4- Concerning Inhibition of the Archbishop

1. The Dean of the Province may temporarily Inhibit the Archbishop under this canon. Prior to such Inhibition, the Dean of the Province must first obtain the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Dean of the Province, and any Bishop who may recuse himself). Such temporary Inhibition shall last no longer than sixty (60) days. Notice shall be given to the Standing Committee of the Diocese of the Archbishop within twenty-four (24) hours of such Inhibition.
2. With the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Dean of the Province, and any Bishop who may recuse himself), any Inhibition of the Archbishop may be extended until the Dean of the Province lifts the Inhibition (with the notice to the Standing Committee of the Archbishop's Diocese and the Bishops who authorized an extension of the Inhibition), any charges arising from a presentment are dropped, action is taken by a Court for

the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.

3. Upon application by the Archbishop and upon a showing of good cause, the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, any Bishop involved in the original Inhibition, and any Bishop who may recuse himself) may by majority vote modify or revoke the Inhibition in writing. Such decision shall be rendered within thirty (30) days of the application.

***Rationale:** These two sections were adopted and amended at PC 2021, 2022, and 2023, and represent an effort to provide for the inhibition of a bishop or archbishop when immediate damage could be done to the Gospel witness of the church, while still providing adequate checks and balances on that authority, as well as clear appeal and notice rights.*

Title IV, Canon 10 - Of Notification of Disciplinary Action Taken

The Bishop or Archbishop pronouncing sentence shall within thirty (30) days after the sentence becomes final and not subject to appeal, notify the Office of the Archbishop, who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. The sentencing Bishop shall also notify all of the clergy in the diocese in which the deacon or presbyter has been sentenced. Such required notice shall be limited to the offence under Canon IV.2 for which the member of the clergy has been presented, tried, and convicted, or voluntarily submitted to the discipline of the Church, and the sentence imposed under Canon IV.8 pronounced. Should a sentence be amended or terminated, notification of such amendment or termination shall also be reported to the Office of the Archbishop who shall promptly give notice to all Bishops with jurisdiction and record the amendment or termination in the permanent record.

***Rationale:** Amended by PC 2021 and 2022 to address the need for disclosure to diocesan clergy for the good order of the Church, while balancing confidentiality.*

Title IV, Canon 11 - The Provincial List

There are two amendments to Canon IV.11.

- 1. The Office of the Archbishop, ~~including such members of the Provincial staff designated in writing by the Archbishop,~~ shall maintain a list of all those clergy who have been tried and convicted, or who have voluntarily submitted to the discipline of the Church, for any offense listed in Canon IV.2.

***Rationale:** Amended by PC 2020 to make clear that the Archbishop may utilize the Provincial staff to maintain The Provincial List without the need for written appointments.*

- 5. The Provincial List may ~~only~~ be accessed only by the Archbishop, by Bishops having jurisdiction, ~~and up to two persons designated in writing by the Bishop, and the Provincial Chancellors~~ and Diocesan Chancellors, provided however that the Archbishop and Bishops

having jurisdiction may designate in writing such persons on their respective staffs who shall have access to the Provincial List for the limited purposes of administration of the list or screening candidates for deployment. and diocesan Chancellors.

For clarity, the new reading is:

5. The Provincial List may be accessed only by the Archbishop, Bishops having jurisdiction, Provincial Chancellors and Diocesan Chancellors, provided however that the Archbishop and Bishops having jurisdiction may designate in writing such persons on their respective staffs who shall have access to the Provincial List for the limited purposes of administration of the list or screening candidates for deployment.

***Rationale:** Amended by PC 2020 to balance access to the list by diocesan bishops with the need for confidentiality.*

Respectfully submitted,

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