

Revision of Title IV of the ACNA Canons
Clean Copy with Comments - Draft of October 28, 2025

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TITLE IV Ecclesiastical Discipline

Canon 1 *General Principles*

Section 1 – Pastoral Resolution

All members of the church are called to exercise a ministry of reconciliation (2 Corinthians 5:18-20). It is generally preferable for disputes to be resolved pastorally within each congregation and diocese and that conflicts involving clergy be dealt with promptly by diocesan bishops or, in the case of conflicts involving a bishop, by the archbishop of the province, or, in the case of those involving the archbishop, by the dean of the province. Bishops and clergy have a duty whenever it is appropriate to endeavor to reconcile the parties involved in any dispute and achieve an outcome accepted by all the parties through a process of mediation, or any other process of resolution that is appropriate.

Nevertheless, allegations involving serious offense against the Church and its good order and discipline are generally not appropriate for such resolution prior to the beginning of a disciplinary process under this Title IV, especially, but not limited to, those involving physical violence, sexual assault, abuse of the vulnerable, conduct amounting to an imminent threat to another individual, or conduct amounting to a felony under relevant criminal law.

Section 2 – Pastoral Care

The well-being of the whole diocese is the bishop's responsibility, and the bishop is the chief pastor of all within that diocese or special jurisdiction, whether laity or clergy (1 Peter 5:1-4).

Consequently, pastoral care is an important aspect of the disciplinary process, and is ordinarily appropriate for a Reporting Party, a Respondent, and others concerned. However, since the bishop is also responsible for administering discipline over clergy in the diocese or special jurisdiction, it is essential that the bishop should avoid being seen to be taking sides. This means that although the bishop is responsible for ensuring the availability of appropriate pastoral care, he should not personally give pastoral care to anyone connected with a report of clergy misconduct but should, instead, ensure that such care is provided by others, such as the pastoral care teams created under Canon I.5.9.3. This policy is in the interests of fairness to all and will reduce the risk that the bishop's impartiality could be or appear to be compromised.

Section 3 – Duty to Cooperate

Every bishop, every member of the clergy, and every lay person must cooperate fully with the disciplinary processes provided for under the provincial, diocesan, or special jurisdiction canons, and provide any information, explanations, documents, and computer and other electronic records that a court, tribunal, or other disciplinary body of the province, diocese, or special jurisdiction may consider necessary to enable it to carry out its duties. Failure by a bishop or member of the clergy to cooperate fully may constitute a basis for discipline under this Title IV. If a bishop or member of

Commented [FR1]: These edits, prompted by a number of comments, seek to clarify the hope that reconciliation will be sought prior to a full-blown disciplinary process. During the reporting phase of this revised Title IV, there are still opportunities for mediation, but such must be agreeable to all parties or else an investigation will be undertaken.

Commented [FR2]: Future revisions to Canon I.11 may dispense with the need for this language, as discipline may be the purview of local diocesan tribunals rather than those created especially for those in a special jurisdiction.

Commented [FR3]: This edit seeks to remind readers of the diocesan pastoral care teams mandated under Canon I.5.9.

the clergy who is the subject of a Report or is a Respondent (as the case may be) declines to make or otherwise provide a statement during the investigation of a Report, the adjudication of a Presentment or an appeal, that choice, on its own, will not constitute a failure to cooperate but may be considered relevant during adjudication as a judicial body seeks to determine the truth of a matter. Likewise, if a lay person fails to cooperate, such failure to cooperate may be considered relevant during adjudication as a judicial body seeks to determine the truth of a matter.

Section 4 – Interpretation

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

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

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

Section 6 – Mandatory Reporting Duties under Secular Law

Notwithstanding any other provisions of these canons, any Report regarding the abuse of a minor or vulnerable adult shall be reported to the appropriate civil authorities consistent with applicable laws and subject to constitutional and statutory exemptions and protections.

Section 7 – The Role of a Chancellor

Except where the constitution or canons of a diocese provide to the contrary, a chancellor of a province, diocese, or special jurisdiction is counsel to the province, diocese, or special jurisdiction, respectively. While it is appropriate in the execution of a chancellor's duties to advise the bishop with jurisdiction on matters effecting the province, diocese, or special jurisdiction, no chancellor shall serve as Proctor or legal advisor to a bishop or member of the clergy who is the subject of a Report under this Title IV, nor shall he or she serve on a court, tribunal or other disciplinary body of the province or diocese.

Canon 2 Definitions

1. Unless the context requires otherwise, in this title:

“**admonition,**” or “**godly admonition,**” means a written disciplinary order or warning of a pastoral nature from one with authority to one under his authority;

“**Advocate**” means a person who practices before a diocesan court or tribunal, representing either the Diocesan Reports Investigation Committee or a Respondent;

Commented [FR4]: These edits seek to simplify and clarify the consequences of a failure to cooperate by a person who is the subject of a report or a reporting party. There is now a duty to cooperate for all those involved in these disciplinary processes, regardless of membership in the province.

Commented [FR5]: A comment was received asking us to make it clear that elder abuse is a "mandatory reporting" situation. The GTF believes the definition of "vulnerable adult" sufficiently addresses this concern.

Commented [FR6]: Several comments have asked for clarity regarding the role of the chancellor in these canons. Generally, the chancellor serves no formal role at any level for intentional reasons. To the degree he or she is an advisor to the ordinary, this canon makes clear that such counsel must not extend into serving as a proctor in disciplinary matters.

“Appellant” means a Respondent who has appealed to the Provincial Tribunal a finding and/or order of the Disciplinary Tribunal for a Bishop or of a diocesan court or tribunal;

“clear and convincing evidence” means evidence establishing that it is highly probable that the Respondent committed the offense, which is a standard higher than a preponderance of the evidence but lower than proof beyond a reasonable doubt;

“consent order” means an order issued by a Disciplinary Body after the bishop or member of the clergy concerned confesses to the truth of the allegation(s) and submits to the discipline of the Church;

“deposition” or **“to be deposed”** means the Respondent’s permanent removal from all rights, responsibilities, and duties of holy orders;

“deprivation” means the Respondent’s permanent removal from a particular office or appointment, such as being the bishop of a diocese or the rector of a congregation;

“Diocesan Reports Investigation Committee” means the committee whose members are designated to investigate Reports for a diocese or special jurisdiction, to determine whether a Report should be referred to the court or tribunal, and to formulate the Presentment for any Report so referred;

“Diocesan Reports Receivers” means the persons designated by a diocese or Special Jurisdiction to receive Reports of misconduct;

“diocese” means a duly constituted diocese under the canons of the Province and, for purposes of this Title IV only, any special jurisdiction, with the bishop of any special jurisdiction deemed a “diocesan bishop” only for purposes of this Title IV.;

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

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

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

Commented [FR7]: This is a new definition.

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

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

“legally qualified” means that a person has a degree 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 (either currently or at any point in the past) in any part of Canada, Mexico, or the United States;

Commented [FR8]: This edit allows for retired persons, who may have allowed a law license to lapse, to fill roles requiring legal or canonical qualification.

“lower tribunal” means a panel of the Disciplinary Tribunal for a Bishop or a diocesan or special jurisdiction court or tribunal, when considered for purposes of an appeal to the Provincial Tribunal;

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

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

“Presenting Proctor” means a Proctor appointed by the Reports Investigation Committee to present evidence and argument on its behalf to the Disciplinary Tribunal for a Bishop;

“Presentment” means a Report that has been formulated by the Reports Investigation Committee and referred by it to the Disciplinary Tribunal for a Bishop in accordance with this title, or a Report formulated by the Diocesan Reports Investigation Committee and referred by it to the diocesan or special jurisdiction court or tribunal;

“prima facie case” means a finding of two things by an investigative body: (1) that there is sufficient evidence to support a finding that a canonical offense has been committed, if evidence to the contrary is disregarded, and (2) that taking the evidence as a whole, there is a rational basis to think a canonical offense may have been committed;

“Proctor” means a legally qualified or otherwise suitably qualified person admitted to practice before the Disciplinary Tribunal for a Bishop and the Provincial Tribunal.

“public notice” means the publication of information on a provincial, diocesan or special jurisdiction website that is openly observable or accessible to the general public, redacted in accordance with Canon IV.11.1.4.

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

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

“Report” means any complaint or allegation touching or apparently touching upon the conduct (whether by act or omission), behavior, performance, or affairs of any bishop or member of the clergy in respect of an offense under Canon IV.3;

“Reporting Party” means a person who brings a Report to the attention of the Reports Administrator, or to the attention of the Diocesan Reports Receivers;

“Reports Administrator” means the person or persons either appointed by the Executive Committee or employed by the province with the consent of the Executive Committee to receive Reports of misconduct, maintain required records under this Title IV, and to serve or

Commented [FR9]: Concerns were voiced by commentators that greater clarity was needed in defining "prima facie case."

Commented [FR10]: A comment was received asking for greater clarity as to what constitutes public notice.

appoint a delegate to serve as court administrator for the Disciplinary Tribunal for a Bishop and the Provincial Tribunal;

“Reports Investigation Committee” means the committee whose members are in part appointed by the Executive Committee and in part elected by the Provincial Council to investigate Reports within the province, to determine whether a Report should be referred to the Disciplinary Tribunal for a Bishop, and to formulate the Presentment for any Report so referred;

“Respondent” means any bishop in respect of whom a Presentment has been referred to the Disciplinary Tribunal for a Bishop, or any member of the clergy in respect of whom a Presentment has been referred to a diocesan court or tribunal;

“Respondent’s Proctor” means a Proctor appointed by the Respondent at Respondent’s discretion to present evidence and argument on his behalf to the Disciplinary Tribunal for a Bishop;

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

“vulnerable adult” means a person 18 or older who is substantially unable to take care of himself or herself, or to protect himself or herself from harm or exploitation due to advanced age, illness, mental or physical disability, or other circumstances that impair one’s capacity to make decisions or advocate for one’s own well-being.

For the purposes of this title, unless otherwise expressly indicated, the term **“member of the clergy”** refers to a presbyter or deacon of the Anglican Church of North America; and the term **“bishop”** refers to a member of the College of Bishops of the Anglican Church in North America, including any bishop of a special jurisdiction and the archbishop.

Canon 3

Canonical Offenses

1. To ensure that all those in holy orders may by their life and doctrine declare God’s glory and set forward the salvation of all people, a person in holy orders is subject to disciplinary action upon committing the following offenses:
 - (a) Teaching or espousing any doctrine contrary to the doctrine of this Church (such as, but not limited to, doctrine expressed in the Fundamental Declarations of the Province and the standards of Christian Marriage and Sexual Morality and Ethics set forth in Canon II.7-8); abandoning the Christian faith; or removing oneself from the communion of the Christian Church.
 - (b) Willful or negligent dereliction of any duty of the clergy. Such conduct includes, but is not limited to, any duty established by:
 - the canons of this province;
 - the canons of the diocese or special jurisdiction;
 - an ordination vow, including the oath of conformity;

Commented [FR11]: As the Thirty-Nine Articles are included by reference to the Fundamental Declarations, specific reference to them was deleted, while specific reference to canonical provisions regarding sexual morality were included.

- an admonition (also called a godly admonition) or inhibition;
 - an order issued by a provincial, diocesan, or special jurisdiction court, tribunal, or other disciplinary body; or
 - a sentence of suspension, deprivation, or deposition.
- (c) Conduct unbecoming to the sacred calling of one in holy orders that an impartial member of the Church would reasonably determine to be not in accordance with the moral duty to provide pastoral care to the people of God. Such conduct includes, but is not limited to:
- violent or threatened physical harm to another person, such as physical assault, habitually abusive language, harassment, or slander;
 - sexual misconduct, which shall not be restricted only to intercourse but shall include inappropriate behaviors including but not limited to unchastity, adultery, indecency, and other forms of inappropriate sexual, physical, or emotional intimacy, abuse, or exploitation;
 - financial malfeasance, such as theft, embezzlement, fraud, or the diversion of church funds or property for one's own gain;
 - the abuse of ecclesiastical power through a pattern of intimidation, excessive control, manipulation, coercion, isolation, domination, censorship of decision making, or exploitation; and/or
 - any action or behavior in any capacity that, if known, would give just cause for scandal within the Church or for the Church to be brought into disrepute.
2. By duly enacted canons, a diocese or special jurisdiction may add offenses not inconsistent with the offenses prescribed above.

Commented [FR12]: As can be seen in the redline, this definition has been made much more concise at the request of many commentators.

Canon 4

Judicial Disciplinary Bodies of the Province

Section 1 – Provincial Tribunal

1. The Provincial Tribunal shall consist of seven members: two bishops (not domiciled or serving in the same diocese), two members of the clergy (not domiciled or serving in the same diocese), and three lay members. At least three members must be legally qualified. The members of this Tribunal shall be elected by the Provincial Council, each order electing its representatives by majority vote of that order.
2. An equal number of alternate members of this Tribunal shall be elected in the same manner, and these alternates shall be available to serve in the event of any vacancies or recusals on the Tribunal. In the event the list of alternates is exhausted for an order, the Executive Committee shall fill those vacancies until the next meeting of the Provincial Council. Any member or alternate elected by the Provincial Council to fill a vacancy shall serve only for the remainder of the unexpired term of the vacant position.
3. The members and alternates so elected shall hold office for six years and shall be eligible for re-election.

Commented [FR13]: Concerns have been raised about how one might serve forever on this body, and others, due to the lack of any term limits. Given the potentially "thin bench" in the province at this time, we are inclined to add such provisions at a later date. Note that initial terms will be staggered pursuant to Canon IV.13.4.7.

4. Of the bishops elected as members of the Provincial Tribunal, the senior diocesan bishop by date of admission shall be the president of the Tribunal. In the event that this bishop recuses himself or is unable to serve as president, the other bishop shall serve as president. In the event each bishop, including alternates, recuses himself or is unable to serve as president, the Executive Committee shall fill such vacancy with a bishop until the next meeting of the Provincial Council. [The president may appoint a legally qualified member of the Tribunal to act as Presiding Officer in his sole discretion.
5. The Provincial Tribunal is granted jurisdiction over, and its jurisdiction is limited to, (1) proceedings authorized by Canon IV.9; (2) appeals by an archbishop or bishop regarding determinations of incapacity under Canons I.3.3.4 and III.8.7.4; and (3) upon petition by the Standing Committee of one or more dioceses or special jurisdictions, the resolution of disputes arising between dioceses or special jurisdictions regarding the meaning of the constitution and canons of the province. In disputes between dioceses or special jurisdictions, the Provincial Tribunal exercises discretionary original jurisdiction.
6. The Provincial Tribunal may regulate procedure on the hearing of any appeal before it, and a copy of any rules of procedure made by it must be publicly available and searchable in electronic form and must be published before the beginning of the commencement of a matter.

Commented [FR14]: These edits seek to ensure that there is always a bishop on a tribunal and that a bishop is always the president. The president is empowered to appoint another member of the Tribunal to serve as Presiding Officer to rule on procedural matters.

Section 2 – Disciplinary Tribunal for a Bishop

1. The Disciplinary Tribunal for a Bishop shall consist of nine members: three bishops (not domiciled or serving in the same diocese), three members of the clergy (not domiciled or serving in the same diocese, and three lay members. At least three members must be legally qualified. Except as provided in Canon IV.13.4.7, the members of this Disciplinary Tribunal shall be elected by the Provincial Council, each order electing its representatives by majority vote of that order.
2. An equal number of alternate members of this Disciplinary Tribunal shall be elected in the same manner, and these alternates shall be available to serve in the event of any vacancies or recusals on the Disciplinary Tribunal. In the event the list of alternates is exhausted for an order, the Executive Committee shall fill those vacancies until the next meeting of the Provincial Council. Any member or alternate elected by the Provincial Council to fill a vacancy shall serve only for the remainder of the unexpired term of the vacant position.
3. The members and alternates so elected shall hold office for six years and shall be eligible for re-election.
4. Of the bishops elected as members of the Disciplinary Tribunal, the senior diocesan bishop by date of admission shall be the president of the Disciplinary Tribunal. In the event that this bishop recuses himself or is unable to serve as president, the next most senior diocesan bishop by date of admission shall be the president of the Disciplinary Tribunal. In the event each of the bishops, including alternates, recuses himself or is unable to serve as president, the Executive Committee shall fill such vacancies with a bishop until the next meeting of the Provincial Council. The president may appoint a legally qualified member of the Tribunal as Presiding Officer in his sole discretion.

Commented [FR15]: We have made the Disciplinary Tribunal slightly larger to afford the capacity to conduct three trials at once and to allow for the president to have more individuals from whom to select in the case of conflicts of interest.

Commented [FR16]: These edits seek to ensure that there is always a bishop on a tribunal, that a bishop is always the president, and that the bishop can appoint another member of the tribunal to serve as Presiding Officer to rule on evidentiary or procedural matters during an inquiry.

5. The Disciplinary Tribunal is granted jurisdiction over, and its jurisdiction is limited to, proceedings authorized by Canon IV.6.5-7.
6. The Disciplinary Tribunal may regulate procedure on the hearing of any Presentment before it, and a copy of any rules of procedure made by it must be publicly available and searchable in electronic form, and must be published before the beginning of the commencement of a matter.

Section 3 – Sentencing Review Board

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

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

The members of the Sentencing Review Board are determined by the president of the Disciplinary Tribunal for a Bishop, who must be satisfied that each member meets the requirements of this section.

Canon 5

Other Disciplinary Bodies of the Province

Section 1 – Reports Administrator

1. The Executive Committee shall appoint, or consent by majority vote to the appointment by the Archbishop of, a person or persons to be a Reports Administrator for the purposes of this title. Persons so appointed must be human resources practitioners or a legally qualified or otherwise suitably qualified. No person who is a member of the clergy may be appointed as a Reports Administrator
2. The Executive Committee may remove any person so appointed or employed by a two-thirds majority.
3. In addition to such responsibilities as provided in Canon IV.6.1-2 (regarding the receipt and processing of Reports) and Canon IV.12 (regarding the maintenance of a register of disciplinary findings), a Reports Administrator or his or her delegate may provide administrative and clerical assistance to the Provincial Tribunal and any Disciplinary Tribunal for a Bishop.

Section 2 – Reports Investigation Committee

1. The Reports Investigation Committee shall consist of nine members: two members of the clergy and two lay members elected by the Provincial Council, and five lay members appointed

Commented [FR17]: This edit seeks to clarify that the Executive Committee can appoint or the province can employ with the consent of the Executive Committee, Reports Administrators. These persons cannot be clergy but may receive compensation.

Commented [FR18]: A comment suggested that every investigation of a bishop be conducted by an independent, third-party investigation firm. The GTF declines to follow this suggestion, as the creation of a standing investigation team for the province seeks to build expertise, efficiency, and fairness within our internal structures without needing to, at every turn, look outside for such third party assistance. It should be noted that investigation committees can utilize such independent investigation organizations if needed with the consent of the Executive Committee/Standing Committee.

by the Executive Committee. The Executive Committee must ensure by its appointments that at least three members of the Reports Investigation Committee are legally qualified, at least three members have formal training in responding to trauma, and at least one member has experience in conducting investigations. The members so elected or appointed (as the case may be) shall hold office for three years and shall be eligible for re-election or re-appointment. A member of the Reports Investigation Committee may be removed by majority vote of the Executive Committee if the Executive Committee determines that a conflict of interest has arisen or for other material cause.

2. Any vacancy by death, resignation, removal, or continued unavailability to perform committee duties for three months shall be filled as soon as conveniently may be by the Executive Committee. Any person appointed to fill the vacancy of an appointed member of the Reports Investigation Committee shall serve for the remainder of the unexpired term of the vacant position. Any person appointed to fill the vacancy of an elected member of the Reports Investigation Committee shall hold office until the next meeting of the Provincial Council. Any member elected by the Provincial Council to fill a vacancy shall serve only for the remainder of the unexpired term of the vacant position. The Executive Committee shall ensure that any appointment to fill a vacancy otherwise complies with the requirements of section 2.1 of this canon.
3. The quorum for meetings of the Reports Investigation Committee shall be six persons. Any meeting of the Reports Investigation Committee at which a quorum is present shall be competent to exercise all the functions and powers conferred upon the Committee by this title.
4. The Reports Investigation Committee may delegate any or all of its functions and powers to subcommittees of its own members as it considers appropriate. Any subcommittee must include at least one member of the clergy and two laypersons, and in the exercise of its delegated functions and powers it must conform to any regulations that may be imposed on it by the Reports Investigation Committee. Decisions of subcommittees as to whether to file a Presentment must be affirmed by a vote of the entire Reports Investigation Committee subject to the quorum rules in section 3 of this canon.
5. The Executive Committee shall appoint a chairperson of the Reports Investigation Committee from among the members of the Reports Investigation Committee. The Reports Investigation Committee shall itself select a vice-chairperson from among its members.
6. Prior to the beginning of each fiscal year the Reports Investigation Committee shall prepare and submit to the Executive Committee an annual budget for that fiscal year. The Executive Committee may approve, with or without amendment, the annual budget and may provide in its discretion for such funds to be placed in a designated fund that may accumulate. The Reports Investigation Committee may, if it considers it necessary to do so, undertake an interim review of its annual budget, and following this review submit an amended or supplementary budget to the Executive Committee for approval, with or without amendment.
7. The Reports Investigation Committee shall submit to the Executive Committee a biannual income and expenditure statement, and it shall submit the two most recent statements to the Provincial Council, not less than one month before the regular annual meeting of the Provincial Council.

Commented [FR19]: This edit is in response to a comment encouraging the accumulation of funds in years in which investigation expenses do not exhaust the proposed budget.

Canon 6
Discipline of Bishops

Section 1 – Right to Make a Report

1. Any person who has personal knowledge or experience of, or has received information regarding, the circumstances that may constitute misconduct, or who holds an office for which one of the duties is reporting alleged misconduct, may report such information to a Reports Administrator in writing. Any party making a report must certify that they agree to cooperate with any investigation or adjudication of such report in accordance with Canon IV.1.3.
2. If a Reports Administrator receives an allegation in a manner other than a written submission, a Reports Administrator may, in his or her absolute discretion, choose to deem the allegation to be a Report and treat it accordingly.

Section 2 – Processing of Reports

1. Where a Report is made against a bishop, the Reports Administrator(s) shall first consult with the archbishop (or in the case of a Report made against the archbishop, with the dean of the province) and together they shall determine whether the report sets forth reasonable grounds to believe that the bishop (or archbishop) is liable to disciplinary action for an offense under Canon IV.3.
2. If both the Archbishop (or dean of the province as the case may be) and the Reports Administrator(s) are of the opinion that the Report does not disclose reasonable grounds, then, subject to obtaining the written approval of either the chairperson or vice-chairperson of the Reports Investigation Committee, the Reports Administrator may dismiss the Report. The agreement to dismiss must be unanimous. If the Report is dismissed, the Reports Administrator shall so notify the Reporting Party in writing. Such a dismissal is not a defense to a subsequent Report in relation to the same or substantially the same matters.
3. If the agreement to dismiss is not unanimous, or if the chairperson or the vice-chairperson of the Reports Investigation Committee does not give written approval for dismissal, the Report shall not be dismissed.
4. If a Report has not been dismissed under section 2 of this canon, the archbishop (or as the case may be, the dean of the province) shall determine whether pastoral resolution is appropriate. If the archbishop (or the dean of the province, as the case may be) determines, in his sole discretion, that pastoral resolution is not appropriate, or if an outcome acceptable to all Reporting Parties is not reached within 42 days after initiating pastoral resolution then the Reports Administrator shall convey the Report to the Reports Investigation Committee for investigation.

Section 3 – Investigation of Reports

1. Where a Report has been conveyed to the Reports Investigation Committee by the Reports Administrator, the Reports Investigation Committee shall investigate the Report in order to decide whether or not a prima facie case has been made out that the bishop concerned has committed a canonical offense under Canon IV.3. It is ordinarily appropriate for a subcommittee of the Reports Investigation Committee to conduct the investigation, to take the

Commented [FR20]: A comment was received suggesting that, if there were more than one Reports Receiver, it might be possible to allow them to dismiss non-meritorious reports without the involvement of the archbishop. This would presumably hold as well for reports of misconduct by presbyters and deacons. The GTF has declined to make this change in favor of greater transparency before dismissal.

appropriate actions described in this section 3, and to conduct such investigation as expeditiously as possible. In assessing whether the evidence gathered with regard to a Report should result in Presentment, the Committee shall honor the principle that a report requires evidence of sufficient weight (1 Timothy 5:19).

2. When investigating a Report, the Reports Investigation Committee may undertake actions that it considers appropriate to its investigation, including the following:
 - (a) provide to the Reports Administrator, the bishop concerned, and the Reporting Party opportunities to make written representations;
 - (b) provide to the Reports Administrator, the bishop concerned, and the Reporting Party non-adversarial opportunities to be heard in accordance with section 3.4 of this canon;
 - (c) communicate with additional persons who might have relevant information concerning the conduct alleged in the Report, and provide opportunities to make written representations and/or non-adversarial opportunities to be heard in accordance with section 3.5 of this canon;
 - (d) submit questions in writing to the bishop concerned, the Reporting Party, or any other person who might have relevant information, requesting answers in writing;
 - (e) request from any person who might have relevant information the submission of documents, computer or other electronic records, or other evidence, including relevant financial transactions, bank records, and other financial documents;
 - (f) examine physical evidence, including digital devices and electronic data; and,
 - (g) access publicly available records, including court or tribunal records.

All parties receiving requests for information from the Reports Investigation Committee must cooperate fully pursuant to Canon IV.1.3. Any written submissions or oral responses must be given under oath.

3. Before reaching a decision as to whether or not a prima facie case has been made out, the Reports Investigation Committee must provide to the bishop concerned:
 - (a) a fair synopsis of the Report prepared by the Reports Administrator properly redacted;
 - (b) brief details of the material then before the Committee and upon which it proposes to base its decision as to whether or not a prima facie case has been made out; and
 - (c) an opportunity to make such written representations to it as the bishop concerned may consider appropriate to the deliberations of the Committee.
4. In addition to the opportunity to make written representations, the Reports Investigation Committee may, in its absolute discretion, give the Reports Administrator, the bishop concerned, and the Reporting Party a non-adversarial opportunity to be heard before the Committee. If the Reports Investigation Committee gives this opportunity to any of such persons, it must offer a like but separate opportunity to each of them. All such oral responses must be given under oath.

Commented [FR21]: Several commentators asked for an inclusion of the "substantial evidence" implications of St. Paul's reference to Deut. 19:15.

5. The Reports Investigation Committee may communicate with additional persons who might have relevant information concerning the conduct alleged in the Report, and it may give such additional persons an opportunity to make written representations to it. In addition, if the Reports Investigation Committee has provided a non-adversarial opportunity to be heard before it under section 3.4 of this canon, it may, in its absolute discretion, provide to any of such additional persons a like but separate opportunity.
6. The Reports Investigation Committee may contract for additional expertise and services, provided that:
 - (a) any expenditures incurred are in accordance with the budget approved for the Reports Investigation Committee;
 - (b) any contracting parties, or persons who perform work under such a contract, satisfy the conflict-of-interest provisions in Canon IV.11.2;
 - (c) the Reports Investigation Committee itself is solely responsible to make the determination whether a prima facie case has been made out; and
 - (d) any such contracts must be expressly identified in and appended to the income and expenditure statements submitted by the Reports Investigation Committee to the Executive Committee and must be expressly identified and summarized in the income and expenditure statements submitted to the Provincial Council.
7. If the Reports Investigation Committee is of the opinion that a prima facie case has not been made out in respect of any Report, it must so notify in writing the Reports Administrator, the bishop concerned, and the Reporting Party.
8. If the Reports Investigation Committee is of the opinion that a prima facie case has been made out, it may in its absolute discretion:
 - (a) refer the whole or part of the Report to the Disciplinary Tribunal for a Bishop as a Presentment in terms formulated by the Committee;
 - (b) recommend to the bishop concerned and the Reporting Party that they seek conciliation or mediation to be completed by a date certain, after which date the Committee may select one or more courses of action of those listed in this section or decide that no further action be taken on the Report or on any specified part of it; or
 - (c) decide that, notwithstanding such prima facie case, further consideration of the whole or part of the Report be deferred on such terms and conditions as it considers appropriate.

The Reports Investigation Committee must notify in writing the Reports Administrator, the bishop concerned, and the Reporting Party that a prima facie case has been made out against the bishop concerned, and which course of action, of those listed in this subsection, the Reports Investigation Committee intends to take. If the Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Bishop, it shall provide a copy of such Presentment to the bishop concerned, properly redacted pursuant to Canon IV.11.1.4.

9. In the event the Reports Investigation Committee takes action under sections 7 or 8 of this canon it must give public notice of the action taken in the manner it determines to be appropriate, subject to the confidentiality and redaction rules of Canon IV.11.
10. Except as noted below in this section, no Presentment may be referred to the Disciplinary Tribunal for a Bishop for any offense unless it shall have been committed within ten (10) years prior to the date of the Report.
 - (a) A Presentment for an offense under Canon IV.3.1 involving sexual misconduct may be referred to the Disciplinary Tribunal for a Bishop at any time.
 - (b) A Presentment that includes an offense which involves allegations that a bishop willfully concealed evidence or otherwise obstructed the discovery of misconduct or investigation into reported misconduct, may, with the written approval of the archbishop, be referred to the Disciplinary Tribunal for a Bishop, notwithstanding any limitation imposed by this section.
 - (c) In the event of a criminal conviction or civil judgment against a bishop, a Presentment for an offense under Canon IV.3 involving the same conduct may be referred to the Disciplinary Tribunal for a Bishop within three years after this conviction or judgment becomes final, notwithstanding any limitation imposed by this section.
 - (d) Upon request by the Reports Investigation Committee, the archbishop may extend the time for bringing a Presentment under these canons, provided he first obtains the unanimous written consent of the three senior active diocesan members of the College of Bishops by date of admission (exclusive of the archbishop, the bishop who is the subject of the Presentment, and any bishop who may recuse himself).
11. The Reports Investigation Committee may appoint a Proctor to act as its canonical adviser in the investigation of a Report.
12. If the Reports Investigation Committee refers a Presentment to the Disciplinary Tribunal for a Bishop, the Committee shall appoint a Proctor to present evidence and argument in support of the Presentment on its behalf, and to appear on any appeal to the Provincial Tribunal. This Proctor may be the Proctor appointed under section 3.11 of this canon and may or may not be a member of the Reports Investigation Committee.
13. The Respondent may appoint at his discretion a Proctor to represent him before the Disciplinary Tribunal for a Bishop. If the Respondent does not appoint a Proctor, the references to the "Respondent's Proctor" in section 6 of this canon shall be understood to refer to the Respondent.

Section 4 – Consent Orders

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

2. If a Respondent does not confess to the truth of all of the counts in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to other counts.
3. Within 7 days of receiving the written confession and submission described in section 1 of this canon, the president of the Disciplinary Tribunal for a Bishop must ensure that a Sentencing Review Board is convened in accordance with Canon IV.4.3.

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

- (a) a summary of the investigation;
 - (b) the Presentment;
 - (c) a recommendation as to one or more of the orders that the Disciplinary Tribunal for a Bishop would have power to recommend in respect of a Respondent upon finding a Presentment proved, with such terms and conditions as the Reports Investigation Committee may consider appropriate; and
 - (d) a recommendation as to the date on which the order should take effect.
4. Upon receiving the information and recommendations of the Reports Investigation Committee, the Sentencing Review Board shall within 28 days
 - (a) confirm the order, or
 - (b) adjust the order by unanimous vote as it may, in its absolute discretion, consider appropriate to prevent manifest injustice, and
 - (c) convey the confirmed or adjusted order and the rationale for any adjustment made to the Reports Investigation Committee.

The sentencing order made by the Sentencing Review Board shall be deemed a consent order. From this order there is no appeal under Canon IV.9.

5. The Reports Investigation Committee must provide a copy of the consent order to the Reports Administrator, the Respondent, and the Reporting Party. The consent order must be accompanied by a notice identifying the members of the Sentencing Review Board and the rationale presented for any adjustment made by the Sentencing Review Board.
6. The Reports Investigation Committee shall publish each consent order in the manner it determines to be appropriate. In addition, it must ensure the publication of each consent order in the Journal of the Provincial Council (except that it may, in its absolute discretion, choose instead to publish a synopsis redacted as provided in Canon IV.11.1.4).

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

1. Within 14 days of the referral of a Presentment to the Disciplinary Tribunal for a Bishop by the Reports Investigation Committee, the president of the Disciplinary Tribunal shall appoint a panel of the Disciplinary Tribunal to hear the Presentment. The panel shall consist of an odd number of members, normally three, with at least one bishop, one member of the clergy, and one layperson selected from among the members, or if necessary, the alternates, of the

Commented [FR22]: For the reasoning behind this additional standard of review, see the comment below at Canon IV.6.7.5.

Disciplinary Tribunal for a Bishop. At least one member of the panel should be legally qualified, provided, however, that if no member of the panel is so qualified, the president of the Disciplinary Tribunal may appoint a canonical adviser to aid in the adjudication of a Presentment.

2. Before appointing any person to the panel, the president of the Disciplinary Tribunal must be satisfied that the person has no conflict of interest with respect to the Presentment in accordance with Canon IV.11.2.
3. The panel shall select its own chairperson, and unless otherwise agreed by a majority of the panel, the chairperson shall be the bishop (or if there is more than one bishop, the senior bishop by date of admission). The chairperson shall preside and rule on all matters of procedure and evidence before the panel. Rulings of the chairperson may be overruled by a majority of the panel.
4. If for any reason, any member of the panel becomes unable to act, the president of the Disciplinary Tribunal for a Bishop shall select from the Disciplinary Tribunal members or alternates another person of the same order to act in his or her place, ensuring if practicable that at least one member of the panel is legally qualified.
5. If the Provincial Tribunal orders a rehearing of a Presentment under Canon IV.9.3.2, the rehearing shall be by a new panel of the Disciplinary Tribunal for a Bishop, appointed by its president in accordance with section 5.1 of this canon. When a Presentment is reheard, none of the members of the original panel may be appointed.
6. If a panel of the Disciplinary Tribunal for a Bishop has commenced the hearing of a Presentment before the expiration of the term of the members of the panel, notwithstanding this expiration, the panel may continue to act with reference to the Presentment until it is either dismissed in accordance with Canon IV.6.7.3, or an order is issued in accordance with Canon IV.6.7.4.

Commented [FR23]: A comment raised concerns that requiring a legally qualified person be necessary for each panel may cause undue constraints. The GTF agrees and has provided for the provision of canonical advice for a panel that lacks such expertise.

Commented [FR24]: A comment was received suggesting that the president should simply appoint a chairperson. The GTF has declined to make this change, believing that the default rule of a bishop presiding is best, given the provided flexibility for a bishop to step aside from that role on case by case basis. This same comment offered the additional language regarding evidential and procedural rulings, for which the GTF is grateful.

Commented [FR25]: It was the opinion of the GTF that a full three person panel should preside throughout adjudication.

Section 6 – Adjudication

1. As soon as practicable after its appointment, the panel of the Disciplinary Tribunal for a Bishop must notify the Reports Investigation Committee, the Respondent, and the Reporting Party of the date, time, and place or mode of communication fixed for the hearing of the Presentment. The date fixed must not be sooner than 42 days from the date of this notification.
2. Subject to any rules that may be adopted under Canon IV.4.2.6, the panel, after conferring with the Presenting Proctor and Respondent's Proctor, shall set a timetable for written submissions. The written submissions of the Presenting Proctor and the Respondent's Proctor shall be made under oath and shall contain the full argument that each wishes the panel to take into account in hearing the Presentment.
3. After receiving the written submissions of the Presenting Proctor and Respondent's Proctor, the panel shall notify the parties as to
 - (a) the issues on which the panel will consider evidence;
 - (b) the nature of the evidence which the panel requires to decide those issues; and
 - (c) how any evidence is to be presented.

4. At least 14 days in advance of the hearing, the Presenting Proctor must provide the Respondent's Proctor:
 - (a) a summary of the arguments to be presented by the Presenting Proctor;
 - (b) copies of all exhibits, documents, or other materials, if any, that the Presenting Proctor intends to rely on; and
 - (c) a list of the witnesses the Presenting Proctor intends to call at the hearing and their contact information, with any expert witnesses so designated.
5. At least 7 days in advance of the hearing, the Respondent's Proctor must provide the Presenting Proctor:
 - (a) a summary of the arguments to be presented by the Respondent's Proctor;
 - (b) copies of all exhibits, documents, or other materials, if any, that Respondent's Proctor intends to rely on during the hearing; and
 - (c) a list of the witnesses the Respondent's Proctor intends to call at the hearing and their contact information, with any expert witnesses so designated.
6. The panel may, in its absolute discretion, allow the Presenting Proctor or the Respondent's Proctor to raise an argument or rely on a document or exhibit that was not included in the material delivered in sections 4 and 5 of this canon, or to call a witness not included in the list of witnesses so delivered. Prior to allowing any such evidence or testimony, the panel shall ensure that the opposing party has a reasonable opportunity to review any document or exhibit.
7. Where the evidence of witnesses is to be presented at the hearing, the panel must direct that statements setting out the evidence of each witness be provided to the panel, the Presenting Proctor, and the Respondent's Proctor at least 3 days in advance of the hearing unless the panel considers that there is good reason not to do so. A witness statement must be signed and dated by the witness and verified by a statement of truth in the following form: "I swear that the facts and representations in this witness statement are true to the best of my knowledge and belief, so help me God."
8. Where a witness is to give testimony or other evidence at the hearing, the witness's evidence must be given under oath. Where the witness has also provided a witness statement, that statement is to stand as the witness's evidence in chief unless the panel directs otherwise. A witness who gives oral evidence at the hearing may be questioned by the Presenting Proctor or the Respondent's Proctor. The panel, in its discretion, may limit such questioning.
9. The panel shall give the Presenting Proctor or the Respondent's Proctor the opportunity to:
 - (a) attend the hearing of the Presentment;
 - (b) present witness statements and other documentary evidence;
 - (c) call and question witnesses as permitted by the panel; and
 - (d) testify before the panel, either orally or by written statement.
10. The panel may, in its discretion, accept evidence or testimony from expert witnesses.

11. Prior to accepting any evidence into the hearing record, the president of the panel shall determine whether testimony, either written or oral, or evidence is relevant to the issues raised in the Presentment. The president may exclude any evidence or testimony during the hearing if such evidence is determined to be irrelevant, cumulative, repetitive, or immaterial to the issues raised by the Presentment or concludes that such exclusion is necessary to protect a witness from harassment or intimidation. The president's decision with regard to any testimony or evidence may be overruled by a majority of the panel.
12. Unless on a witness list for either the Presenting Proctor or the Respondent's Proctor, any Reporting Party may attend the hearing of the Presentment only as an observer even if the panel determines that the hearing shall be conducted in private except as provided in Canon IV.11.5.
13. If neither the Respondent nor the Respondent's Proctor attends the hearing, then the president of the panel may, in the president's absolute discretion, either:
 - (a) proceed to hear the Presentment in their absence, provided that the panel is satisfied that the Respondent was given notice of the hearing; or
 - (b) adjourn the hearing to such other date, time, and place or mode of communication as the president of the panel may, in the president's absolute discretion, determine.The panel must give notice of any such adjournment to the Presenting Proctor, the Respondent's Proctor, and the Reporting Party.
14. A Presentment may be withdrawn only by majority vote of the panel appointed to hear it.
15. The panel may, on the application of the Presenting Proctor, agree to the amendment of the terms of a Presentment, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.
16. If, during the course of hearing a Presentment, it becomes apparent to the panel that the Respondent may be subject to discipline for an offense under Canon IV.3 in relation to matters not the subject matter of the Presentment, it may by majority vote amend the terms of the Presentment to include those additional matters or bring those matters to the attention of the Reports Administrator. If the panel decides to amend a Presentment, it may, in its discretion, adjourn the hearing for such period of time as may seem fit in the circumstances, not to exceed six months from the date of the amendment of the Presentment.

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

1. Immediately following the hearing on a Presentment, the panel of the Disciplinary Tribunal shall in closed session determine whether the allegations in the Presentment are supported by clear and convincing evidence.
2. As part of its deliberations, the panel may take notice of any criminal conviction or civil judgment against the Respondent, or any entry of a plea of guilty or no contest to any offense alleged in the Presentment. A final conviction or final judgment shall be regarded as conclusive proof that the allegations contained in criminal conviction or civil judgment. The Respondent shall have a reasonable opportunity to be heard by the panel as to any matters in extenuation and mitigation.

3. If a majority of the members of the panel find that the Presentment has not been proved by clear and convincing evidence, it shall dismiss the Presentment.
4. If the panel finds that a Presentment has been proved in whole or in part, it may recommend a sentencing order in accordance with Canon IV.8.1, or else an order that no further action be taken on the Presentment. In choosing the sentence it considers appropriate, the panel shall have regard to the office and duties of the Respondent, the nature and seriousness of the Presentment, any previous Report and/or order that has been made against the Respondent, and any other circumstances that the panel considers relevant.
5. Within 7 days of the panel recommending a Sentencing Order, the president of the Disciplinary Tribunal for a Bishop must convene a Sentencing Review Board in accordance with Canon IV.4.3. Upon receiving the Sentencing Order and the record of the case, the Sentencing Review Board shall within 28 days
 - (a) confirm the order, or
 - (a) adjust the order by unanimous vote as it may, in its absolute discretion, consider appropriate to prevent manifest injustice, and
 - (b) convey the confirmed or adjusted order and the rationale for any adjustment made to the Reports Investigation Committee.

The Sentencing Order made by the Sentencing Review Board shall be deemed the order of the panel.

6. Following either dismissal of the Presentment or the receipt of an order reviewed by the Sentencing Review Board, the president of the panel shall convey its finding and/or order to the Reports Investigation Committee, the Respondent, the Reports Administrator, and the Reporting Party. Any final Sentencing Order must be accompanied by a notice that identifies the members of the Sentencing Review Board and the rationale presented for any adjustment made by the Sentencing Review Board.
7. The panel shall publish its finding and/or order in the manner it determines to be appropriate. In addition, the Reports Administrator must ensure the publication of any finding and/or order of the panel in the Journal of the Provincial Council (except that it may, in its absolute discretion, choose instead to publish a fair synopsis redacted in accordance with Canon IV.11.1.4).
8. Subject to Canon IV.9.1, an order of the panel shall take effect at the expiration of the 21 day filing period for appeal as set forth in Canon IV.9.1.2.
9. Within 28 days after a Sentencing Order takes effect, a copy of all pleadings and documents filed in any proceedings before the panel must be filed in the register maintained by the Reports Administrator as set forth in Canon IV.12.

Commented [FR26]: A comment expressed concern that only a bishop has his sentence reviewed, while a presbyter or deacon is not afforded such a right. The GTF understands the concern but has retained the Sentencing Review Panel for two reasons. One, the tradition that "bishops should sentence bishops" is upheld by this review process, even while the unwieldiness of asking the whole College to sentence has been discarded by the use of this smaller panel. Two, a bishop plays a much more significant role in the life of the church as the overseer of a diocese, and thus there is a logic to making sure sentences are appropriate. We have, however, tried to respond to concerns by adding a standard of review, requiring unanimity in any adjustment, and requiring the publication of the rationale for any adjustment.

Canon 7
Discipline of Presbyters and Deacons

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

1. It is the duty of the bishop of each diocese or special jurisdiction to provide wise discipline, to banish from the Church all erroneous doctrine contrary to the Holy Scriptures, and to maintain as much as he is able quietness, love, and peace among all people. In the exercise of these duties, the bishop of the diocese or special jurisdiction must act in accordance with the canon law of both the diocese and the province.
2. Each diocese or special jurisdiction must ensure that it has a disciplinary process for receiving and investigating Reports of clergy misconduct. To that end, a diocese or special jurisdiction must either:
 - (a) Adopt by canon or policy the disciplinary process in sections 2 through 5 of this canon, subject to adaptation as needed; or
 - (b) Employ another disciplinary process that it regards as of at least equal fairness, transparency, and integrity.
3. A bishop may recuse himself from acting in any disciplinary proceeding if he has personal bias or prejudice concerning the Reporting Party or the member of the clergy concerned or Respondent (as the case may be) that would make fair judgment impossible. However, knowledge or opinions formed by a bishop in the course of the performance of his official duties or in the course of the process established by this canon do not make recusal necessary. A bishop must recuse himself from acting under this canon if his spouse, parent, child, sibling, any person within the third degree of relationship (great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, or niece), or any person in the bishop's household
 - (a) is the Reporting Party;
 - (b) is the member of the clergy concerned or Respondent (as the case may be); or
 - (c) is, to the bishop's knowledge, likely to be a material witness.

Any bishop recusing himself under this section 1.3 must delegate his episcopal duties related to a Report and/or Presentment to the bishop of a diocese, or to a retired bishop of a diocese, for whom there is no conflict of interest.

Section 2 – *Processing of Reports*

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

Commented [FR27]: Again, the term of art "proper interest" was a stumbling block and the definition thereof has been included here.

cooperate with any investigation or adjudication of such report in accordance with Canon IV.1.3.

2. Where a Report is made against a member of the clergy, the Diocesan Reports Receivers shall, in the first instance, consult with the bishop and together they shall determine whether reasonable grounds have been disclosed to believe that the member of the clergy has committed a canonical offense under Canon IV.3.
3. If the bishop and the Diocesan Reports Receivers are of the opinion that the Report discloses no reasonable grounds, then, subject to obtaining the approval of the Standing Committee or its designated subcommittee, the Diocesan Reports Receivers may dismiss the Report. The decision to dismiss must be unanimous. In the case of matters arising in any special jurisdiction, the Archbishop must grant approval for such dismissal. If the Report is dismissed, the Diocesan Reports Receivers shall so notify in writing the Reporting Party. Such a dismissal is not a defense to a subsequent Report in relation to the same or substantially the same matters.
4. If the agreement to dismiss is not unanimous, or if the Standing Committee or its designated subcommittee, or, in cases arising in any Special Jurisdiction, the Archbishop does not give his approval, the Report may not be dismissed.
5. If a Report has not been dismissed under Canon IV.7.2.3, the bishop shall determine if pastoral resolution is appropriate. If the bishop determines, in his sole discretion, that pastoral resolution is not appropriate, or if an outcome acceptable to all Reporting Parties is not reached within 42 days after initiating pastoral resolution, the Diocesan Reports Receivers shall convey the Report to the Diocesan Reports Investigation Committee for investigation.

Section 3 – Investigation of Reports

1. Where a Report has been conveyed to it by the Diocesan Reports Receivers, the Diocesan Reports Investigation Committee shall investigate the Report in order to decide whether or not a prima facie case has been made out that the member of the clergy concerned is liable to disciplinary action for an offense under Canon IV.3. The Diocesan Reports Investigation Committee must complete the investigation as expeditiously as possible and may take such actions and have such powers set forth for any provincial investigation committee as set forth in Canon IV.6.3.2.
2. Before reaching a decision as to whether or not a prima facie case has been made out, the Diocesan Reports Investigation Committee must provide to the member of the clergy concerned:
 - (a) a fair synopsis of the Report prepared by the Diocesan Reports Receivers properly redacted;
 - (b) brief details of the material then before the Diocesan Reports Investigation Committee and upon which it proposes to base its decision as to whether or not a prima facie case has been made out; and

Commented [FR28]: This edit may become unnecessary as the GTF works with the Bishop of the Special Jurisdiction on revisions to Canon IV.11.

Commented [FR29]: A comment was received expressing concern that lay persons be included in the makeup of any diocesan investigation committee. These committees are mandated under Canon I.5.9.6, but their makeup is left to each diocese to determine, except for the requirement that they have serving at least one legally qualified person. The GTF commends a dioceses form something akin to the 9 person panel created at the provincial level under Canon IV.6, but declines to mandate such given the burdens that may place on smaller diocese. The GTF further commends the arrangement formed between many of our dioceses in the west, who have jointly created an investigation committee as permitted in Canon I.5.

- (c) an opportunity to make such written representations to the Committee as the member of the clergy concerned may consider appropriate to the deliberations of the Diocesan Reports Investigation Committee.
- 3. In addition to the opportunity to make written representations, the Diocesan Reports Investigation Committee may, in its absolute discretion, give the member of the clergy concerned, the Diocesan Reports Receivers, and the Reporting Party a non-adversarial opportunity to be heard before the Committee. If the Diocesan Reports Investigation Committee gives this opportunity to any of such persons, it must offer a like but separate opportunity to each of them.
- 4. The Diocesan Reports Investigation Committee may communicate with additional persons who might have relevant information concerning the conduct alleged in the Report, and it may give such additional persons an opportunity to make written representations for the Committee's consideration. In addition, if the Diocesan Reports Investigation Committee has provided any party a non-adversarial opportunity to be heard before it under section 3.3 of this canon, the Committee may, in its absolute discretion, provide to any of such additional persons a like but separate opportunity.
- 5. The Diocesan Reports Investigation Committee may contract for additional expertise and services, provided that:
 - (a) any such contracts must be approved by the Standing Committee of the diocese, or the Executive Committee in the case of any special jurisdiction; and
 - (b) the Diocesan Reports Investigation Committee itself is solely responsible to make the determination whether a prima facie case has been made out.
- 6. If the Diocesan Reports Investigation Committee is of the opinion that a prima facie case has not been made out in respect of any Report, it must so notify in writing the member of the clergy concerned, the bishop of the diocese, the Diocesan Reports Receivers, and the Reporting Party.
- 7. If the Diocesan Reports Investigation Committee is of the opinion that a prima facie case has been made out, it shall in its absolute discretion:
 - (a) refer the whole or part of the Report to the diocesan Disciplinary Tribunal for a Presbyter or Deacon as a Presentment in terms formulated by the Committee;
 - (b) recommend to the bishop of the diocese a different resolution, such as conciliation or mediation to be completed by a date certain, or deferral of consideration of the whole or part of the Report on specified terms and conditions; or
 - (c) refer part of the Report to the diocesan Disciplinary Tribunal for a Presbyter or Deacon as a Presentment in terms formulated by the Diocesan Reports Investigation Committee and recommend to the bishop with respect to other parts of the Report a different resolution, such as conciliation or mediation to be completed by a date certain, or deferral of consideration on specified terms and conditions.

The Diocesan Reports Investigation Committee must notify in writing the member of the clergy concerned, the bishop of the diocese, the Diocesan Reports Receivers, and the Reporting

Party that a prima facie case has been made out against the member of the clergy concerned, and which course of action, of those listed in this subsection, the Diocesan Reports Investigation Committee intends to take. If the Diocesan Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Presbyter or Deacon, it shall provide a copy of such Presentment to the member of the clergy concerned, properly redacted pursuant to Canon IV.11.1.4.

8. If a different resolution is recommended to the bishop of the diocese, he shall choose, in his absolute discretion, whether to pursue the recommended resolution, or some other resolution, or else to direct the Diocesan Reports Investigation Committee to refer the whole or part of the Report to the diocesan Disciplinary Tribunal for a Presbyter or Deacon as a Presentment in terms formulated by the Diocesan Reports Investigation Committee.
9. The details of a Report and of any subsequent investigation must be maintained in appropriate confidence until the Report is dismissed for no reasonable grounds in accordance with Canon IV.7.2.3, the Diocesan Reports Investigation Committee takes action under Canon IV.7.3.6-7, the Diocesan Reports Investigation Committee refers a Presentment under Canon IV.7.3.7 or 8, or the bishop determines that a different resolution has been achieved under Canon IV.7.3.8. If the bishop directs a process of conciliation or mediation to be completed by a date certain, the details of the Report and of any subsequent investigation must be maintained in appropriate confidence until the specified date or the conclusion of the process, whichever is later.
10. In the event the Diocesan Reports Investigation Committee takes action under Canon IV.7.3.6, the Diocesan Reports Investigation Committee refers a Presentment under Canon IV.7.3.7 or 3.8, or the bishop determines that a different resolution has been achieved under Canon IV.7.3.8, the bishop or his designate shall give public notice of the action taken in the manner he or his designate determines to be appropriate. The bishop or his designate may give public notice of the outcome of any process of conciliation or mediation.
11. Except as noted below, no Presentment may be referred to the diocesan Disciplinary Tribunal for a Presbyter or Deacon for any offense unless it shall have been committed within 10 years prior to the date of the referral of the Presentment.
 - (a) A Presentment for an offense under Canon IV.3.1 involving sexual misconduct may be referred to the diocesan Tribunal at any time.
 - (b) A Presentment that includes allegations that a member of the clergy willfully concealed evidence or otherwise obstructed the discovery of misconduct or investigation into reported misconduct, may with the written approval of the bishop be referred to the diocesan Tribunal, notwithstanding any limitation imposed by this section.
 - (c) In the event of a criminal conviction or civil judgment against a member of the clergy, a Presentment for an offense under Canon IV.3 involving the same conduct may be referred to the diocesan Tribunal within three years after this conviction or judgment becomes final, notwithstanding any limitation imposed by this section.
 - (d) Upon request by the Diocesan Reports Investigation Committee, the bishop may extend the time for bringing a Presentment under these canons, provided he first obtain the unanimous written consent of the Standing Committee (exclusive of any members of the

Standing Committee who may recuse themselves), or the Archbishop in the case of any special jurisdiction.

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

Section 4 – Consent Orders

1. At any point between the Diocesan Reports Investigation Committee's referral of a Presentment under Canon IV.7.3.7 and its hearing, or between the Diocesan Reports Investigation Committee's recommendation of a different resolution under section 3.7 of this canon and the bishop's determination, the Respondent may in writing confess the truth of the Presentment and submit to the discipline of the Church. This written confession shall be sent to the bishop, who shall immediately convey it to the chairperson of the Diocesan Reports Investigation Committee and the president of the diocesan Disciplinary Tribunal for a Presbyter or Deacon.
2. If a Respondent does not confess to the truth of all of the counts in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to other counts to which the Respondent has not confessed.
3. If the Respondent makes a confession and submission as described in section 4.1 of this canon, the Diocesan Reports Investigation Committee must provide to the bishop of the diocese the following information and recommendations:
 - (a) a summary of the investigation;
 - (b) the Presentment;
 - (c) a recommendation as to one or more of the orders that the diocesan Disciplinary Tribunal for a Presbyter or Deacon would have power to recommend in respect of a Respondent upon finding a Presentment proved, with such terms and conditions as the Diocesan Reports Investigation Committee may consider appropriate; and
 - (d) a recommendation as to the date on which the order should take effect.
4. Upon receiving the information and recommendations of the Diocesan Reports Investigation Committee, the bishop of the diocese shall within 28 days impose the sentence he thinks fit in accordance with Canon IV.8.1, and he shall as soon as practicable convey the order to the Diocesan Reports Investigation Committee. The sentencing order made by the bishop shall be deemed a consent order. From this order there is no appeal under Canon IV.9.
5. The Diocesan Reports Investigation Committee must provide a copy of the consent order to the Respondent, the Diocesan Reports Receivers, and the Reporting Party.

Section 5 – Adjudication and Sentencing

1. All powers and duties of the diocesan Disciplinary Tribunal for a Presbyter or Deacon specified in this section may be exercised by a panel of the Tribunal appointed to hear a Presentment. In lieu of adjudication by a panel of the Tribunal, the diocese may provide for adjudication by the

entire Tribunal. Disciplinary Tribunals may manage judicial proceedings in a manner similar to the provisions for provincial disciplinary tribunals set forth in Canon IV.11.6, subject to and in addition to powers granted to them by their respective diocesan canons.

2. The panel will ordinarily adjudicate a Presentment based upon written statements and other evidence submitted to the panel by the Advocate for the Diocesan Reports Investigation Committee or any Advocate for the Respondent, including written statements and other evidence previously submitted to the Diocesan Reports Investigation Committee. In addition, the panel shall give the Advocate for the Diocesan Reports Investigation Committee, as well as the Respondent or any Advocate for the Respondent, the opportunity of:
 - (a) attending and being heard at the hearing of the Presentment;
 - (b) calling and cross-examining necessary witnesses as permitted by the panel; and
 - (c) making oral submissions on points requested by the panel.
3. The panel may determine whether evidence is relevant, and it may exclude otherwise relevant evidence, including testimony by witnesses, if it concludes that its probative value is substantially outweighed by a danger of confusion of issues, undue delay, waste of time, or needless presentation of cumulative evidence. The panel may also exclude such evidence if it concludes that such exclusion is necessary to protect a witness from harassment or intimidation. If the panel concludes that there is an undue risk of one or more of these dangers, instead of excluding testimony, the panel may, in its absolute discretion, regulate the mode and order of examining witnesses.
4. The panel may, on the application of the Advocate for the Diocesan Reports Investigation Committee, agree to the amendment of the terms of a Presentment, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.
5. If, during the course of hearing a Presentment, it becomes apparent to the panel that the Respondent may be liable to disciplinary action under Canon IV.3 in relation to matters not the subject matter of the Presentment, it may amend the terms of the Presentment to include those additional matters or it may bring those matters to the attention of the Diocesan Reports Receivers. If the panel decides to amend a Presentment, it may, on the application of the Respondent or the Advocate for the Diocesan Reports Investigation Committee, adjourn the hearing for such period of time as may seem fit in the circumstances.
6. If a majority of the panel finds that the Presentment has been proved in whole or in part by clear and convincing evidence, it shall make a finding to that effect; but if it finds that the Presentment has not been proved by clear and convincing evidence, it shall dismiss the Presentment.
7. The panel may take notice of any criminal conviction or civil judgment against Respondent, which shall be regarded as conclusive proof of his or her having committed that crime or civil violation, provided that he or she is given a reasonable opportunity to be heard as to any matters in extenuation and mitigation.
8. If the panel makes a finding that a Presentment has been proved in whole or in part, it may recommend to the bishop of the diocese an order in accordance with Canon IV.8.1, or else an

order that no further action be taken on the Presentment. In choosing the sentence it considers appropriate, the panel shall have regard to the office and duties of the Respondent, the panel's views as to the nature and seriousness of the Presentment, any previous Report in respect of which a finding and/or order have been made against the Respondent, and any other circumstances that the panel considers relevant.

9. Upon receiving any such recommendation, the bishop of the diocese must promptly impose a sentence in accordance with Canon IV.8.1 and must give notice of the sentence as required by Canon IV.8.2.
10. The disciplinary process in sections 2 through 5 of this canon does not limit other forms of inquiry or action, such as an episcopal visitation or an inquiry by the bishop of a diocese or the Standing Committee (or their designates) into the spiritual and temporal state of a congregation or of the diocese, including but not limited to obtaining information about the well-being and the effective administration of congregations or of the diocese.

Section 6 – Certification of Compliance

1. The Standing Committee of each diocese must certify to the Executive Committee of the Provincial Council by September 1, 2026, that the diocese has complied with the requirements of Canon IV.7.1.2. The form for this certification, as well as any supporting materials, shall be prescribed by the Executive Committee.
2. A diocese may request that the Executive Committee, in its absolute discretion, authorize an extension of time to submit the certification required by Canon IV.7.6.1. Any such extension may not extend further than two years from the date required by Canon IV.7.6.1.
3. Whenever a new bishop of a diocese is installed, within one year of his installation the Standing Committee of the diocese must recertify to the Executive Committee that the diocese has complied with the requirements of Canon IV.7.1.2.

Canon 8 ***Sentences***

Section 1 – Sentences

1. The sentences to which a bishop or member of the clergy may be liable, if an offense is found to be proven by any court, tribunal, or other disciplinary body of the province or diocese, or under the terms of a consent order, are the following:
 - (a) deposition, that is, the Respondent's permanent removal from all rights, responsibilities, and duties of holy orders;
 - (b) deprivation, that is, the Respondent's permanent removal from a particular office or appointment;
 - (c) suspension, that is, the temporary taking away for a definite period, not to exceed five years of the Respondent's authority to perform all ministerial functions and/or the functions of a particular office or appointment; or
 - (d) rebuke, that is, a formal written reprimand.

2. Except as noted below in this section 1.2, only one sentence may be imposed in respect of any one offense that has been proven or under the terms of a consent order.
 - (a) In any proceeding in which a bishop, court, tribunal, or other disciplinary body may impose a sentence of suspension or deprivation, a sentence of suspension and deprivation may be imposed.
 - (b) If the bishop, court, tribunal, or other disciplinary body finds that two or more offenses have been proven but does not impose a suspension, deprivation, or deposition for any single offense, the sentencing authority may also impose a sentence of suspension, deprivation, or deposition if warranted by the aggregate culpability of the Respondent.
3. As part of the sentencing order, the bishop, court, tribunal, or other disciplinary body pronouncing sentence may require the Respondent to do or to refrain from doing an act and may require other measures for restoration of the Respondent, a Reporting Party, or other persons.
4. By duly enacted canons, a diocese may add sentences not inconsistent with the sentences prescribed above.

Section 2 – Notification of Sentences

1. When a sentence is pronounced, the bishop, court, tribunal, or other provincial or diocesan disciplinary body pronouncing it must within 7 days notify:
 - (a) the Office of the Archbishop, which must within 7 days notify all bishops having jurisdiction;
 - (b) the Reports Administrator, who must record the sentence in the register;
 - (c) the Standing Committee of the diocese in which the sentenced bishop or member of the clergy is domiciled or serving; and
 - (d) all members of the clergy of the diocese or special jurisdiction in which the sentenced bishop or member of the clergy is domiciled or serving.
2. The notice required by this section 2 must identify the sentenced bishop or member of the clergy, state the offenses proven or confessed, provide sufficient details to indicate the nature of the finding and/or order, and state the sentence imposed. Unless the contrary is apparent, the notice must indicate that the sentence has not become final and is subject to appeal.

Canon 9 Appeals

Section 1 – Appeals from Lower Tribunals

1. A Respondent may appeal any finding and/or order of a lower disciplinary tribunal on any of the following grounds:
 - (a) a finding is not supported by the evidence;
 - (b) a sentencing order is excessive or inappropriate; or

- (c) a finding and/or an order is defective because of a serious procedural error in the lower tribunal, including:
- the action taken by the lower tribunal violated, or erroneously interpreted or applied, the constitution and canons of the province or of a diocese;
 - the lower tribunal did not decide all the issues requiring resolution;
 - the lower tribunal acted contrary to procedures set forth in Title IV in a material way.
2. A Respondent who wishes to appeal a finding and/or order of a lower tribunal must, within 21 days of the decision give notice of appeal to the president of the Provincial Tribunal. Any such notice must state the grounds of appeal. Once submitted, the Respondent may not thereafter amend the grounds for appeal except with the permission of the Provincial Tribunal.
3. If an appeal is filed in accordance with section 2 of this canon, the order of the lower tribunal may not have effect until the appeal has been determined by the Provincial Tribunal or been withdrawn. Any final order of the Provincial Tribunal on an appeal shall become the final order on a matter.
4. A Respondent may also request permission from the Provincial Tribunal to appeal an interlocutory order of a lower tribunal. This request must comply with the requirements of Canon IV.9.2, and permission may be granted by the Provincial Tribunal only when
- (a) the right to the relief requested is clear and indisputable;
 - (b) there is no other adequate means to attain the relief; and
 - (c) granting the relief is appropriate under the circumstances.

If the Provincial Tribunal permits an appeal against an interlocutory order of a lower tribunal, the order of the lower tribunal may not have effect until the appeal has been determined by the Provincial Tribunal or withdrawn.

5. During an appeal, the Respondent shall be referred to as the Appellant. The Appellant may appoint a Proctor to represent him or her before the Provincial Tribunal. If the Appellant does not appoint a Proctor, the references to the "Proctor appearing on behalf of the Appellant" shall be understood to refer to the Appellant.

Section 2 – Hearing of Appeals

1. Within fourteen (14) days after receiving notice of appeal, the Provincial Tribunal must notify the Appellant, the Reports Investigation Committee, and the Reporting Party of the date, time, place, and mode of communication fixed for the hearing of the appeal. The date for the hearing must be set within 90 days after the Provincial Tribunal receives notice of appeal, except in exceptional circumstances as determined by the Provincial Tribunal.
2. Subject to any rules that may be adopted under Canon IV.4.1.6, the Appellant shall submit to the Provincial Tribunal and the Reports Investigation Committee in writing the grounds for appeal within 60 days from the date that notice of appeal was given to the Provincial Tribunal. The Proctor for the Reports Investigation Committee or his or her designee shall have 30 days to submit in writing a response to appellant's submissions. The Provincial Tribunal may, in its discretion, extend this time period upon request by either party.

3. Unless Provincial Tribunal agrees otherwise, appeals are authorized on the following grounds.
 - (a) *Appeal on the ground that the finding is not supported by the evidence.* An appeal on this ground (or this part of the appeal) shall consider argument that insufficient evidence was presented during the lower tribunal to support the finding or order. The Provincial Tribunal shall resolve an appeal filed on this ground through a review of the record of proceedings in the lower tribunal to determine whether sufficient evidence was presented during the hearing in the lower tribunal to support the finding or order. The Provincial Tribunal will not re-weigh the evidence presented to the lower tribunal. If the Appellant alleges that a finding or order should be dismissed or reconsidered based on newly discovered evidence, the Provincial Tribunal may, in its discretion, conduct an evidentiary hearing for the limited purpose of determining the admissibility of the proffered evidence. The Provincial Tribunal may consider newly discovered evidence as part of an appeal only if it determines that the Appellant was unaware of the evidence during the proceedings in the lower tribunal, and that the Appellant could not have discovered the evidence before the end of those proceedings through the exercise of reasonable diligence.
 - (b) *Appeal on the ground that a sentencing order is excessive or inappropriate or that a finding and/or order is defective because of a serious procedural error.* This appeal (or this part of the appeal) shall be heard in the manner that the Provincial Tribunal may, in its absolute discretion, direct.
4. The Provincial Tribunal shall give the Proctors appearing on behalf of the Appellant and the Reports Investigation Committee the opportunity of attending the hearing of the appeal, and of making oral submissions.
5. In the event of an evidentiary hearing conducted under the provisions of section 2.3(a) of this canon, the Provincial Tribunal shall give the Proctors appearing on behalf of the Appellant and the Reports Investigation Committee the opportunity of:
 - (a) presenting witness statements and other relevant evidence; and
 - (b) calling and cross-examining witnesses as permitted by the Provincial Tribunal.
6. The Reporting Party may attend the hearing of the appeal even if the Provincial Tribunal determines that the hearing shall be conducted in private. Any Reporting Party attending a hearing shall do so as an observer except as provided in Canon IV.11.5.
7. If neither the Appellant nor the Proctor appearing on the Appellant's behalf attends the hearing of the appeal, then the Provincial Tribunal may, in its absolute discretion, either:
 - (a) dismiss the appeal, provided that the Provincial Tribunal is satisfied that notice of the hearing was given; or
 - (b) adjourn the hearing of the appeal to such other date, time, and place or mode of communication as it may, in its discretion, determine.

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

8. If, during the course of hearing an appeal, it becomes apparent to the Provincial Tribunal that the Appellant may be subject to disciplinary action for an offense under Canon IV.3 regarding matters not considered in the appeal, it shall bring those matters to the attention of the Reports Administrator.

Section 3 – Orders of the Provincial Tribunal

1. On any appeal, the Provincial Tribunal may affirm, modify, or set aside any finding and/or order of a lower tribunal in respect of which the appeal was brought only as provided in this section.
 - (a) *Appeal on the ground that a finding is not supported by the evidence.* The Provincial Tribunal must affirm any finding that a charge in the Presentment has been proved unless it concludes that the finding has no rational basis, in which case the Provincial Tribunal may set aside the finding or modify it to conform to the evidence presented to the lower tribunal. If the Provincial Tribunal admits newly discovered evidence as provided in section 2.3(a) of this canon, and concludes that the evidence has sufficient credibility and importance that it would, if considered by the lower tribunal in the light of all other pertinent evidence, likely produce a substantially more favorable result for the Appellant, then the Provincial Tribunal shall order that the Presentment (or relevant part thereof) be reheard by a new panel of the lower tribunal.
 - (b) *Appeal on the ground that a sentencing order is excessive.* The Provincial Tribunal must affirm the sentencing order unless it determines that the tribunal below abused its discretion, that its sentence resulted in a miscarriage of justice, or that the sentence imposed is no longer appropriate in light of the remaining findings after one or more findings have been set aside or modified as provided in this section 3.1, in which case the Provincial Tribunal may set aside or modify the sentencing order.
 - (c) *Appeal on the ground that a finding and/or order is defective because of a serious procedural error.* The Provincial Tribunal must affirm the finding and/or order that is the subject of appeal unless the Provincial Tribunal determines that there was a serious procedural error, and that in its absence it is likely that there would have been a substantially more favorable result for the Appellant, in which case the Provincial Tribunal must order that the Presentment (or relevant part thereof) be reheard by a new panel of the lower tribunal.
 - (d) *Appeal on any ground permitted by section 1.1 of this canon.* If the Provincial Tribunal, in its absolute discretion, determines that it is necessary due to extraordinary circumstances and to avoid manifest injustice to the Appellant, it may order that the Presentment (or any part thereof) that resulted in the finding and/or order in respect of which the appeal was brought be reheard by a new panel of the lower tribunal.
2. If the Provincial Tribunal orders the rehearing of the Presentment (or any part thereof), unless otherwise directed by the Provincial Tribunal, the rehearing is conducted without regard to the previous hearing, the evidence considered at that hearing, and any finding and/or order that resulted from it.

3. The Provincial Tribunal must convey its order to the Appellant, the Reports Investigation Committee, the Reports Administrator, the lower tribunal, and the Reporting Party.
4. The Provincial Tribunal shall publish its finding and/or order in the manner it determines to be appropriate, and it must ensure the publication of any finding and/or order of the Provincial Tribunal in the Journal of the Provincial Council (except that it may, in its absolute discretion, choose instead to publish a fair synopsis).
5. An order of the Provincial Tribunal shall take effect from the date thereof unless it, in its absolute discretion, directs that the order shall take effect from some other date (not being earlier than the date of the order appealed against).
6. Within 28 days of the Provincial Tribunal's order taking effect, a copy of all pleadings and documents filed in any proceedings before the Provincial Tribunal must be filed of record in the register maintained by the Reports Administrator. All such pleadings and documents shall be open to inspection by the Appellant and, if there is any, by the Reporting Party in the proceedings in question. They shall also be open to inspection, at the discretion of the Reports Administrator, by any other person.

Section 4 – Appeals from Diocesan Tribunals

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

Canon 10 **Admonitions and Inhibitions**

Section 1 – Admonitions

1. Nothing in these canons may be interpreted as limiting the ability of the bishop of a diocese or special jurisdiction to warn and instruct a member of the clergy under his authority as to performance of pastoral responsibilities or official duties.
2. A bishop may issue an admonition (also called a godly admonition) to a member of the clergy under his jurisdiction. Before issuing an admonition, the bishop must meet with the member of the clergy concerned to discuss the basis for the admonition, unless there are exceptional circumstances that prevent this meeting, and those circumstances are fully described in the admonition. The admonition must be in writing, specify the matter complained of and the canonical or theological basis for the warning, and provide a reasonable time for the member of the clergy to take any required action.
3. The archbishop may issue an admonition to a bishop, provided that the admonition complies with the requirements of section 2 of this canon. In addition, before issuing the admonition, the archbishop must obtain the written consent to the admonition's contents of three of the five senior active diocesan bishops by date of admission (exclusive of the archbishop, the bishop concerned, and any bishop who may recuse himself).
4. The dean of the province may issue an admonition to the archbishop, provided that the admonition complies with the requirements of section 2 of this canon. In addition, before

issuing the admonition, the dean of the province must obtain the written consent to the admonition's contents of three of the five senior active diocesan bishops by date of admission (exclusive of the dean of the province, the archbishop, and any bishop who may recuse himself).

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

Section 2 – Inhibitions

1. After a Report is made against a member of the clergy, the bishop of the diocese may inhibit the member of the clergy concerned as follows.
 - (a) If the bishop considers that great scandal is likely to arise from the member of the clergy against whom a Report has been made continuing to perform the duties of that member of the clergy's office, or there is imminent danger to the Reporting Party, to a third person, or to the process of investigating a Report, the bishop may inhibit the member of the clergy concerned for up to 90 days. An inhibition must be in writing, and must state the reasons why it was issued, state its terms specifically, and describe in reasonable detail the act or acts restrained or required. Any member of the clergy so inhibited shall be entitled to that member of the clergy's full stipend for the period of the inhibition. If required by the bishop, however, the member of the clergy must deliver up all keys, passwords, access codes, credentials for electronic systems, and any other property, other than a parsonage or rectory, held by virtue of that member of the clergy's office.
 - (b) With the approval of the Standing Committee of the diocese (or the Archbishop in the case of any special jurisdiction), an inhibition may be extended in increments of up to 90 days, with or without amendments.
2. After a Report is made against a bishop, the archbishop may inhibit the bishop as follows.
 - (a) If the archbishop considers that great scandal is likely to arise from the bishop against whom a Report has been made continuing to perform the duties of his office, or there is imminent danger to the Reporting Party, to a third person, or to the process of investigating a Report, the archbishop may inhibit the bishop concerned for up to 90 days. Prior to such inhibition, the archbishop must obtain the written approval of four of the five senior active diocesan bishops by date of admission (exclusive of the archbishop, the bishop to be inhibited, and any bishop who may recuse himself). Any bishop so inhibited shall be entitled to his full stipend for the period of the inhibition. If required by the archbishop, however, the bishop must deliver up all keys, passwords, access codes, credentials for electronic systems, and any other property, other than an episcopal residence, held by virtue of his office.
 - (b) With the written approval of four of the five senior active diocesan bishops by date of admission (exclusive of the archbishop, the bishop to be inhibited, and any bishop who may recuse himself), an inhibition may be extended in increments of up to 90 days, with or without amendments.
3. In the case of a Report made against the archbishop, if the dean of the province considers the standard in section 2(a) of this canon to be met, he may inhibit the archbishop, provided that the inhibition complies with the requirements of that subsection. Any extension of the

inhibition by the dean of the province must comply with the requirements of section 2(b) of this canon.

4. An inhibition of a member of the clergy is terminated as soon as one of the following occurs:
 - (a) the bishop issuing the inhibition chooses to lift it before its expiration;
 - (b) the inhibition expires by its own terms; or,
 - (c) with respect to the matter of the inhibition,
 - a Report is dismissed for lack of a prima facie case (as under Canon IV.7.3.6),
 - a Presentment is resolved by way of a consent order (as under Canon IV.7.4),
 - a Presentment is found not proven (as under Canon IV.7.5.6), or
 - a Presentment is found proven in whole or in part and a sentencing order is made (as under Canon IV.7.8).
5. An inhibition of a bishop is terminated as soon as one of the following occurs:
 - (a) the archbishop (or as the case may be, the dean of the province) chooses to lift the inhibition before its expiration;
 - (b) the inhibition expires by its own terms; or,
 - (c) with respect to the matter of the inhibition,
 - the Reports Investigation Committee dismisses the Report for lack of a prima facie case (as under Canon IV.6.3.7),
 - the Reports Investigation Committee decides that further consideration of the whole of the Report be deferred or decides after conciliation or mediation that no further action be taken on the Report (as under Canon IV.6.3.8);
 - the Report is resolved by way of a consent order (as under Canon IV.6.4),
 - the Disciplinary Tribunal for a Bishop dismisses the Presentment (as under Canon IV.6.7.3), or
 - the Disciplinary Tribunal for a Bishop makes a finding that the Presentment has been proved in whole or in part and makes an order under Canon IV.6.7.4.
6. Any temporary disqualification of a bishop or member of the clergy from exercising some or all ministerial functions, other than a suspension under Canon IV.8.1, requires an inhibition issued under section 2 of this canon.
7. An inhibition may be issued alone or together with an admonition.

Canon 11

Norms for Disciplinary Bodies of the Province

Section 1 – Public Notice

1. Under the canons of this title,

- (a) the Reports Investigation Committee must give public notice when it determines that a prima facie case has or has not been made out (Canon IV.6.3.9) and must publish its consent orders (Canon IV.6.4.6),
- (b) a panel of the Disciplinary Tribunal for a Bishop must publish its findings and/or orders (Canon IV.6.7.6), and
- (c) the Provincial Tribunal must publish its findings and orders (Canon IV.9.3.4).

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

Commented [FR30]: Note that this is a new Canon I.6 to be added, the text of which is at the end of this draft revision.

- 2. In addition to the forms of notice and information listed in section 1.1 of this canon, each Disciplinary Body shall communicate to the province the status of its proceedings in the manner and frequency it determines to be appropriate. As appropriate, these communications should include the current status of a proceeding (for example, Presentment filed, date for hearing of Appeal set), recently taken actions, and an outline of next steps in the process.
- 3. Public communications under section 1.2 of this canon must provide timely and accurate information and be factual and devoid of speculation. These communications must not disclose information that could compromise an investigation or prejudice a hearing, reveal the identity of reporting parties or witnesses, or impair the safety or reasonable expectation of privacy of any person involved. These communications must also comply with applicable laws and regulations protecting the privacy of any person involved.
- 4. Any public notice or communication referred in this Title IV, and any accompanying document must be redacted prior to public release to remove the name of and identifying information for any minor, vulnerable adult, victim of sexual assault, or Reporting Party.

Section 2 – Recusal

- 1. No person who has personal bias or prejudice concerning the Reporting Party or the Respondent or bishop or member of the clergy concerned, or who has personal knowledge of disputed evidentiary facts concerning the proceeding, may participate as a member of a Disciplinary Body in a particular matter. Even in the absence of actual bias, prejudice, or personal knowledge, a member of a Disciplinary Body should recuse himself or herself in any matter in which that member's impartiality might reasonably be questioned. A member of a Disciplinary Body must recuse himself or herself if that member's spouse, parent, child, sibling, any person within the third degree of relationship (great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece), or any person in the member of the Disciplinary Body's household
 - (a) is the Reporting Party,
 - (b) is the bishop or member of the clergy concerned or Respondent (as the case may be); or
 - (c) is, to the member of the Disciplinary Body's knowledge, likely to be a material witness.
- 2. No member of the Reports Investigation Committee may participate in the investigation of a Report who is a witness to any of the conduct alleged in it, or who has formed or expressed a

definite opinion about the veracity of the allegations in the Report. Nor may any member of the Reports Investigation Committee participate in the investigation of a Report who is a member of the clergy domiciled or serving in a diocese in which the bishop concerned is either domiciled or serving or is a layperson who is a member of a congregation in such diocese.

3. No member or alternate of the Disciplinary Tribunal for a Bishop who was a former member of the Reports Investigation Committee who has been concerned with the Report that is the subject of the Presentment shall be eligible for appointment to the panel adjudicating that Presentment. No member of the clergy domiciled or serving in a diocese in which the Respondent is either domiciled or serving, nor layperson who is a member of a congregation in such diocese, shall be eligible for appointment to the panel.
4. No member or alternate of the Provincial Tribunal may participate in the determination of an appeal who, as a former member of the Reports Investigation Committee, a Diocesan Reports Investigation Committee, or a lower court or tribunal, was concerned with the Report or Presentment which is the subject of the appeal. Nor may any member or alternate of the Provincial Tribunal participate in the determination of an appeal who is a member of the clergy domiciled or serving in a diocese in which the Respondent is either domiciled or serving, nor layperson who is a member of a congregation in such diocese.
5. Each Disciplinary Body may adopt additional regulations to ensure impartiality and objectivity, including further specification of conflicts of interest that preclude a person's participation as a member of a Disciplinary Body in a particular matter.
6. No person may be a member of more than one Disciplinary Body at the same time. Nor may any person be a member of a Disciplinary Body and at the same time be the Reports Administrator or a member of the Executive Committee.

Section 3 – *Improper Communications*

1. The Reports Administrator and members of each Disciplinary Body must act with impartiality and objectivity at all times, not influenced by personal biases or outside pressures, including any attempts to influence or interfere with their investigation of a Report, adjudication of a Presentment, or determination of an appeal. Neither the Reports Administrator nor any member of a Disciplinary Body may accept or entertain any form of improper influence, coercion, or undue pressure from any person with respect to an investigation, adjudication, or appeal.
2. No member of a Disciplinary Body may engage in private communication with any person involved in a Report, Presentment, or appeal that is under consideration or will foreseeably be under consideration by that Disciplinary Body. These persons include the subject of an investigation or Respondent, a Reporting Party, a witness or potential witness, or a representative (whether formal or informal) of any such person.
3. The deliberations of a Disciplinary Body are confidential. No member of a Disciplinary Body may disclose any statement made by any party or incident that occurred during the body's deliberations.
4. Violation of these duties, or solicitation of another person to violate these duties, may constitute a basis for recusal and/or ecclesiastical discipline.

Section 4 – Confidentiality of Investigative Proceedings

The details of a Report and of any subsequent investigation must be maintained in appropriate confidence until the Report is dismissed for no reasonable grounds in accordance with Canon IV.6.2.2 or the Reports Investigation Committee takes action under Canon IV.6.3.7-8.

Section 5 – Public Nature of Judicial Proceedings

1. All hearings by a panel of the Disciplinary Tribunal for a Bishop or the Provincial Tribunal in which testimonial evidence is received must be open to the public unless the Disciplinary Tribunal or the Provincial Tribunal, in its absolute discretion, determines that conducting the whole or part of the hearing in public would be inappropriate. It is ordinarily appropriate for Tribunals to exercise its discretion to conduct a hearing in private when a Report is made by or on behalf of a minor or vulnerable adult, or to conduct the relevant part of a hearing in private when receiving testimony by or concerning a minor or vulnerable adult.
2. Not later than 14 days before the date set for such a hearing, an application to have the whole or part of the hearing conducted in private may be made to the appropriate Tribunal by the Reporting Party, the Respondent or Appellant (as the case may be), or the Reports Investigation Committee.

On receipt of such an application, the Tribunal will inform any Reporting Party, the Respondent or Appellant (as the case may be), and the Reports Investigation Committee of the fact that application has been made and invite the said persons, and any other person it considers may be affected, to make such written submissions, if any, as they wish in relation to whether or not the hearing (in whole or part) should be conducted in private.

In addition, the Tribunal may, in its absolute discretion, give each of the Reporting Party, the Respondent or Appellant (as the case may be), and the Reports Investigation Committee (and any other person it considers may be affected) an opportunity of being heard before it in relation to whether or not the hearing (in whole or part) should be conducted in private. If the Tribunal gives this opportunity to any of such persons, it must offer a like opportunity to each of them. Any such hearing shall be in private.

3. When it is not possible to accommodate the number of persons entitled or expected to attend a public hearing, the president of the Provincial Tribunal or the chairperson of a panel of the Disciplinary Tribunal for a Bishop may, in his or her absolute discretion, permit contemporaneous online or closed-circuit video or audio transmission to permit viewing or hearing by persons entitled to attend the proceeding and/or by other persons.
4. A Tribunal may require any person attending a hearing (whether conducted in public or private) to give his or her name and address.
5. A Tribunal may expel from a hearing any person who is or becomes disruptive to its proceedings or who fails to comply with section 4 of this canon.

Section 6 – Management of Judicial Proceedings

1. The Provincial Tribunal and any panel of a Disciplinary Tribunal for a Bishop must further the aims of Canon IV.1.4 by actively managing judicial proceedings. Such active management includes:

Commented [FR31]: A number of comments asked for clarification of this canon. While confidentiality is essential, it is of heightened need during the investigation and adjudication of a case. After a case is over, it may still be appropriate, but the need for the canons to demand it has lifted.

- (a) encouraging any persons concerned in the proceedings to cooperate with each other in the conduct of the proceedings;
 - (b) identifying the issues at an early stage;
 - (c) deciding promptly which issues (if any) should be part of the hearing of the Presentment or appeal (as the case may be), and accordingly disposing of others summarily or on consideration of the written submissions;
 - (d) deciding the order in which issues are to be resolved;
 - (e) setting timetables or otherwise controlling the progress of the proceeding;
 - (f) considering whether the likely benefits of taking a step justify the cost of taking it;
 - (g) dealing with as many aspects of the proceeding as possible on the same occasion;
 - (h) making effective use of technology; and
 - (i) giving directions to ensure that the hearing is conducted quickly and efficiently.
2. Except where the canons of this title provide otherwise, the Provincial Tribunal and any panel of a Disciplinary Tribunal for a Bishop may:
- (a) extend or shorten the time for compliance with any rule or order (even if an application for extension is made after the time for compliance has expired);
 - (b) give permission to amend any pleading or document on such terms (including the giving of any further public notice) that it considers just;
 - (c) adjourn or bring forward a hearing;
 - (d) conduct a hearing and receive evidence by telephone or another mode of direct oral communication;
 - (e) direct that part of any proceeding be dealt with as a separate proceeding;
 - (f) stay the whole or part of any proceeding or order either generally or until a specified date or event;
 - (g) consolidate proceedings;
 - (h) hear two or more Presentments or appeals (as the case may be) on the same occasion;
 - (i) direct a separate hearing on any issue;
 - (j) decide the order in which issues are to be considered in the hearing of a Presentment or appeal (as the case may be);
 - (k) exclude an issue from consideration;
 - (l) determine any preliminary issue, and accordingly dismiss in whole or part any Presentment or appeal (as the case may be);
 - (m) direct that any person or ecclesiastical or other entity believed by the Tribunal to have a special interest in the proceeding be notified of it;

- (n) confer as a Tribunal without the presence of non-members to deliberate, discuss, and resolve any matter before it, whether substantive or administrative;
 - (o) appoint a Proctor to act as its canonical adviser on the hearing of any Presentment or appeal (as the case may be); and
 - (p) take any other step or make any other order for the purpose of managing the proceeding and furthering the aims of Canon IV.1.4.
3. The list of powers and duties in this canon are in addition to any that may be given to the Provincial Tribunal or the Disciplinary Tribunal for a Bishop by the canons of this title or by any rules made under Canon IV.4.1.6 or Canon IV.4.2.6, respectively.

Section 7 – Oath Requirement

The Reports Administrator and each member of a Disciplinary Body may not perform any of the duties of the office until having signed the following declaration:

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

Canon 12 **Disciplinary Records**

Section 1 – Register

1. The Reports Administrator must maintain a register of all orders made by the Reports Investigation Committee, the Disciplinary Tribunal for a Bishop, and the Provincial Tribunal, including consent orders. The Reports Administrator must also use his or her best efforts to record in the register every sentence pronounced by any bishop, court, tribunal, or other provincial or diocesan disciplinary body. The Reports Administrator must ensure that the register is open to inspection by members of the public.
2. If any person believes that an error has been made in any entry in the register, he or she may apply to the Reports Administrator to have the error rectified. Upon determining that an error has been made, the Reports Administrator must duly rectify the register.

Section 2 – Provincial List

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

¹ The words in brackets shall be omitted when the declaration is made by a bishop or a member of the clergy.

- (a) upon whom a sentence of deposition, deprivation, and/or suspension has been imposed by any bishop, court, tribunal, or other provincial or diocesan disciplinary body, and whose sentencing order has become final and not subject to appeal; and/or
 - (b) who have agreed to a consent order under Canon IV.6.4 or Canon IV.7.4 (or its diocesan equivalent) that includes deposition, deprivation, and/or suspension; and/or
 - (c) who have purported to resign from the ordained ministry of this Church following the making of a Report to the Reports Administrator involving such bishop, or to the Diocesan Reports Receivers of a diocese involving such member of the clergy.
2. In the case of a bishop or member of the clergy upon whom sentence has been imposed or who has agreed to a consent order under Canon IV.6.4 or Canon IV.7.4 (or its diocesan equivalent), the list must include:
- (a) the name of the bishop or member of the clergy;
 - (b) the offense(s) specified in the Presentment or the consent order;
 - (c) the sentencing order or consent order, including any order or other measure in addition to the sentence;
 - (d) the date of entry and effective date of the sentencing order or consent order; and
 - (e) the name of the bishop, court, tribunal, or other disciplinary body that made the sentencing order or consent order.
3. In the case of a bishop or member of the clergy who has purported to resign from the ordained ministry of this Church following the making of a Report, the list must include:
- (a) the name of the bishop or member of the clergy;
 - (b) the diocese in which the bishop or member of the clergy was domiciled or serving;
 - (c) a brief description of the offense(s) specified in the Report; and
 - (d) the date of the purported resignation.

Each such entry must be marked “purported resignation for disciplinary reasons.”

- 4. When notified or otherwise made aware that a sentence has been shortened or terminated as provided in Canon IV.8.3, the archbishop or his designate must ensure that the adjustment and its date are recorded in the relevant entry. In the case of a sentence of a member of the clergy, the name of the bishop who shortened or terminated the sentence must also be included in the relevant entry.
- 5. It is the duty of the Standing Committee of each diocese to ensure that diocesan records related to sentences, consent orders, and purported resignations are complete and accurate and that the information required under this canon is provided to the archbishop or his designate.
- 6. When including a person on the list, the archbishop or his designate must take all reasonable steps to inform the person in writing both that this has been done and of the particulars recorded.

7. The archbishop or his designate must review the inclusion of a person on the list if requested to do so by the person concerned or by any bishop of a diocese. The archbishop or his designate must correct an entry if he or she concludes that it contains errors, or remove an entry if he or she concludes that it was included erroneously, that it should be removed from the list to correct or prevent manifest injustice, or that it should be removed because inclusion is no longer necessary to fulfill the purposes of ecclesiastical discipline.
8. The purpose of this list, which is distinct from the register authorized under Canon IV.12.1, is to provide public notice of certain occurrences related to the disciplinary process that may be taken to bear on a person's suitability for future ministerial office.

Canon 13
Other Provisions

Section 1 – Indemnity

1. The Reports Administrator and the members of the Disciplinary Bodies shall be indemnified by the province from all losses and expenses incurred by them in or about the discharge of their respective duties, except for any loss or expense that happen from their own intentionally dishonest conduct, fraud, willful violations of law, or criminal misconduct.
2. No member of a Disciplinary Body shall be liable for any act, omission, or default of any other member of a Disciplinary Body unless the same happens from his or her own intentionally dishonest conduct, fraud, willful violations of law, or criminal misconduct.

Section 2 – Reports Involving Multiple Jurisdictions

1. Except as noted in this section 2, a Report respecting a member of the clergy should be processed, investigated, and adjudicated by the diocese in which the Respondent is domiciled as provided in Canon III.1.3.
2. A Report alleging a member of the clergy committed misconduct while functioning as a presbyter or deacon in a diocese other than the member of the clergy's own domicile is processed as follows.
 - (a) If both dioceses are members of the province, the Report may be processed and investigated, and any Presentment adjudicated, by either diocese. If the bishops of the two dioceses do not agree as to which diocese should proceed in the matter, authority to proceed belongs to the diocese in which the member of the clergy was functioning as a presbyter or deacon at the time of the alleged misconduct. In the event of a disagreement between the bishops of the dioceses about the application of this section 13.2.2(a), the matter shall be referred to the archbishop, who shall determine, in his absolute discretion, which diocese has authority to proceed.
 - (b) If the domiciliary diocese is not a member of the province, the Report must be processed and investigated, and any Presentment adjudicated, by the non-domiciliary diocese. Nevertheless, the bishop of the non-domiciliary diocese may forward the Report to the archbishop, requesting that the Report be processed and investigated, and any Presentment adjudicated, by the disciplinary bodies of the province. If the archbishop is of the opinion that the Report and any Presentment should be addressed by the disciplinary bodies of the

province, subject to obtaining the written approval of the dean of the province, he may forward the Report to the Reports Administrator of the province, immediately notifying the bishop of the non-domiciliary diocese that the Report has been removed to the disciplinary bodies of the province. In determining whether the Report and any Presentment should be addressed by the disciplinary bodies of the province, the archbishop and the dean of the province shall have regard to the office and duties of the member of the clergy concerned, the nature and seriousness of the Report, the relationship of the province with other provinces or ecclesial bodies, and any other circumstances that they consider relevant. In the event of an offense being found to be proven by the Disciplinary Tribunal for a Presbyter or Deacon, a sentence may be imposed in accordance with Canons IV.6.7 and IV.8, except that a sentence of deposition may not be imposed, though it may be recommended to the bishop of the domiciliary diocese.

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

Section 3 – Admissions

1. Any legally qualified person (as defined in Canon IV.2.1) is deemed a Proctor.
2. The Provincial Tribunal may admit additional persons to practice before the Disciplinary Tribunal for a Bishop and the Provincial Tribunal under such regulations as it may adopt.

Section 4 – Transitional Provisions

1. This title (“revised Title IV”) shall take effect on January 1, 2027.
2. During the transition period from ratification of the revised Title IV by the Provincial Assembly until its effective date, the provisions of Title IV in effect as of the close of Provincial Assembly (“previous Title IV”), shall continue to be in effect.
3. The provisions of the previous Title IV pertaining to the discipline of presbyters and deacons shall remain in effect with respect to any diocese until the Standing Committee of the diocese makes the certification required by Canon IV.7.6.1.
4. Any proceedings commenced by the filing of a Presentment of a Bishop with the archbishop, the archbishop’s delegate, or the College of Bishops before January 1, 2027, shall continue to be governed by the provisions of the Constitution and Canons of the Anglican Church in North America in effect on the date of such filing.
5. No bishop or member of the clergy may be subject to disciplinary action on grounds that would not have rendered the bishop or member of the clergy in question liable to disciplinary action under the Constitution and Canons of the Anglican Church in North America in effect at the time of the occurrence of the alleged event giving rise to the disciplinary action.
6. Notwithstanding anything in this title, no sentence may be imposed on a bishop or member of the clergy by a panel of the Disciplinary Tribunal for a Bishop or the Provincial Tribunal unless the sentence was provided for in the Constitution and Canons of the Anglican Church in North America in effect at the time of the occurrence of the event that rendered the bishop in question liable to the sanction.

7. Notwithstanding Canon IV.4.1.3 and Canon IV.4.2.3, on January 1, 2027, the Archbishop may appoint, with the unanimous consent of the Executive Council, four of the members and alternates of the Provincial Tribunal and the Disciplinary Tribunal for a Bishop to a six-year term, and three of the members and alternates of the Provincial Tribunal and the Disciplinary Tribunal for a Bishop to a three-year term. Thereafter, the members and alternates of the Provincial Tribunal and the Disciplinary Tribunal for a Bishop shall serve staggered terms of six years, with either four or three being elected every three years.

Forms

Form 1 – Form of Report

To the Reports Administrator:

I, ____ *[name]*, of ____ *[place]*, [am a member of the Anglican Church in North America and agree to cooperate with the investigation, and] make the following report of misconduct by a bishop of the Anglican Church in North America. As a Reporting Party, I have personal knowledge of or have received information concerning the matters alleged below and they are true and correct to the best of my knowledge and belief:

[state the factual basis of the Report]

As a Reporting Party, I seek the following relief:

[state the relief sought]

Signed: _____

Name: _____, Reporting Party

Date: _____

Form 2 – Form of Presentment

In the Disciplinary Tribunal for a Bishop

In the Matter of the Rt. Rev. _____, Diocese of _____

Respondent

We, the members of the Reports Investigation Committee of the Anglican Church in North America, have investigated certain allegations against the Respondent, and conclude that there is sufficient proof to support a finding that a canonical offense has been committed, disregarding any evidence to the contrary; and, taking the evidence as a whole, we further conclude that there is a rational basis to think the Respondent has committed a canonical offense. We therefore refer the following charge to the Disciplinary Tribunal for a Bishop for action in accordance with Canon IV.6 of the provincial canons.

Charge

In that _____ [*Respondent's name*] did, at or near _____ [*place of offense*], on or about _____ [*date or time period of offense*], _____ [*specific allegations*], in violation of Canon IV.3. __ of the provincial canons [*specify offense*], to wit: [*concise details of allegations*].

On behalf of the Reports Investigation Committee,

Signed: _____

Name: _____, chairperson [*or vice-chairperson*]

Date: _____

Form 3 – Form of Appeal

In the Provincial Tribunal.

In the Matter of the Rt. Rev. _____, Diocese of _____

Respondent

I, the Right Reverend _____, Respondent in the Disciplinary Tribunal for a Bishop, do hereby appeal from the finding(s) and/or order of the said Tribunal, pronounced in the said cause on the day of _____.

This appeal is based upon the following grounds:

[state the grounds of the appeal, clearly identifying one or more of the grounds in Canon IV.9.1.1].

I require my appeal to be heard by the Provincial Tribunal.

Signed: _____

Name: _____, Appellant

Date: _____

Form 4 – Form of Diocesan Certification

Certification of Diocesan Compliance with Canon IV.7.

To: The Executive Committee of the Provincial Council

I certify that as of the ____ day of _____, 20__, the synod of this diocese has adopted canons providing for Diocesan Reports Receivers, a Diocesan Reports Investigation Committee, and a diocesan tribunal or court in accordance with Canon IV.7.1.2.

Furthermore, I certify that as of the ____ day of _____, 20__, the synod of this diocese has adopted by canon or policy the disciplinary process in Canon IV.7.2-5, subject to adaptation as needed.

[or]

Furthermore, I certify that as of the ____ day of _____, 20__, the synod of this diocese has adopted by canon or policy a disciplinary process that it regards as of at least equal fairness, transparency, and integrity to that in Canon IV.7.2-5.

Signed: _____

Name: _____, Bishop/Registrar/Diocesan Secretary *[indicate one]*

Diocese: _____

Date: _____

Appendix: Drafting Presentments

A Presentment must include a plain, concise, and definite written statement of the essential facts constituting the offense(s) alleged to have been committed, including reference to the particular provision of Canon IV.3.1 that has been violated. These requirements are meant to inform the Respondent of the conduct charged, to enable the Respondent to prepare a defense, and to protect the Respondent against being subject to multiple Presentments for the same offense.

A Presentment may contain several charges. Each charge should allege a single offense, except in the case of an offense arising under Canon IV.3.1(d), in which case the charge should include both the underlying offense and the facts establishing an abuse of ecclesiastical office.

Examples:

Charge 1

In that the Rt. Rev. Samuel Smith, at or near Minot, North Dakota, on or about June 15, 2027,² was willfully derelict in his episcopal duty, in violation of Canon IV.3.1(b) of the provincial canons, to wit:³ Bishop Smith knew of his duty under Canon III.6.2 of the provincial canons to disclose to a bishop accepting the transfer of a member of the clergy from Bishop Smith's diocese any past or existing disciplinary matter or other impediment affecting the ministry of the transferring member of the clergy; Bishop Smith knew that the Rev. John Jones, a presbyter in his diocese, had been previously presented and tried for the offense of conduct unbecoming to a member of the clergy because of having an inappropriate relationship with a parishioner, Ms. J.B.V., then 17 years old;⁴ and Bishop Smith willfully failed to inform the Rt. Rev. Abner Adams of this past disciplinary matter before Bishop Adams accepted the transfer of the Rev. Jones into his diocese.

Charge 2⁵

In that the Rt. Rev. Samuel Smith did, at or near Minot, North Dakota, on March 3, 2027,⁶ engage in conduct unbecoming to the sacred calling of one in holy orders, specifically financial malfeasance by diverting church funds for his own gain, in violation of Canon IV.3.1(c) of the

² The date, time, and location of the commission of the offense charged should be stated with sufficient precision to enable the Respondent to understand what particular act or omission is alleged and to prepare a defense.

³ In any charge alleging the willful or negligent dereliction of any duty of the clergy in violation of Canon IV.3.1(b), the document establishing the duty and the specific terms of the duty should be described in the charge with sufficient specificity to understand which duty has been alleged and to enable the Respondent to prepare a defense.

⁴ In the case of an offense against the person or property of a person, the first name, middle initial, and last name or, if the alleged victim is a minor, the first, middle, and last initials of such person should be alleged, if known.

⁵ A single charge need not be numbered, but in the event that there are multiple charges in a single Presentment, the charges should be numbered sequentially.

⁶ If the conduct alleged extended over a period of time, it is proper to allege that it occurred, for example, "from about June 15, 2027 to about November 4, 2027," or "on divers occasions between June 15, 2027, and November 4, 2027."

provincial canons, to wit: Bishop Smith submitted to Frank Mammon, the diocesan treasurer, a personal expense for reimbursement from the diocesan discretionary fund, namely, an eight-day stay at an Airbnb in Denver, Colorado in February 2027, amounting to \$1473, for a personal trip that was unrelated to official duties.

Additions to Title I

For consistency with this revised draft of Title IV, three additions to Title I are needed.

First, in Canon I.1.5, after “a treasurer,” insert “an archivist.”

Second, the following should be inserted at the end of the canon:

Section 6 – Journal of Provincial Council

At the conclusion of each meeting of the Provincial Council, the secretary shall have responsibility for assembling the Journal of the Provincial Council, publishing it in print and/or electronic form to the members of Provincial Council, and ensuring that it is publicly available and searchable in electronic form. The Journal shall contain: any changes to the Constitution or Canons adopted by the Provincial Council; all written reports to the Provincial Council; all officers elected by the Provincial Council; all motions made and their resolution; and the minutes of the Provincial Council. In addition, the Journal shall contain any consent order made by the Reports Investigation Committee not previously included in the Journal (or its synopsis); and each order made by Provincial Tribunal or a panel of the Disciplinary Tribunal for a Bishop not previously included in the Journal (or its synopsis). The secretary must transmit a copy of the Journal of the Provincial Council to the Archives of the Church in an electronic form prescribed by the archivist.

Third, the following addition (in bold) to Canon I.6.9.5 is needed:

Congregations reserve the right to disaffiliate with the Church after consultation with their bishop. **However, a congregation may not disaffiliate during the pendency of any investigation or disciplinary proceeding in respect of an offense under Canon IV.3 by a member of the clergy serving the congregation.**