

Revision of Title IV of the ACNA Canons

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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 and should be the norm for disputes to be resolved pastorally within each congregation and diocese. Conflicts involving clergy be dealt with promptly by diocesan bishops. Conflicts involving a bishop should be dealt with promptly by the archbishop of the province. Conflicts involving the archbishop should be dealt with promptly 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 sexual misconduct involving others or sexual or physical abuse within familial relationships are not susceptible to reconciliation. Moreover, it is not appropriate to resolve allegations involving serious offenses against the Church and its good order and discipline in such a manner prior to the beginning of a disciplinary process under these canons. Such allegations include, but are not limited to, those involving physical violence, 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 through the pastoral care provisions of Canon 5.9.3. of Title I. 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.

For matters involving allegations of misconduct by a bishop, the Archbishop (or the Dean of the Province, as the case may be) must ensure that pastoral care is appropriately provided.

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,

Commented [FR1]: A number of commentators have asked "Why are these so long!? Why can't we put some of this in a customary or a policy manual?" It is the unanimous opinion of the GTF that, in the area of disciplinary canons, clear rules, known in advance and observable by all, will rebuild trust in a faithful disciplinary system. Were portions of this put in a policy manual subject to change without Provincial Council approval, we would gain agility but lose transparency. As it stands, our hope is that, if one is involved in a disciplinary system at any level, he or she will know who is to do what and what powers have been granted to perform such function in a system with clear guidance.

Commented [FR2]: This edit seeks to use best practices in the avoidance of the re-traumatization of those who have mistreated through sexual or physical abuse.

Commented [FR3]: A comment was received asking for this default rule of having others provide pastoral care during a diocesan proceeding under Title IV be removed, in part because a rector in a parish could never so delegate pastoral responsibilities. The GTF declines to do so, as this principle has been part of these revisions from the outset and allows a bishop to maintain proper distance from a matter wherein he must announce sentence, something a clergyperson in a parish would never have to do.

including, but not limited to, providing 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 requests and by maintaining confidentiality during a proceeding under this Title IV. 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 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 as by failure to maintain confidentiality during a proceeding under this Title IV, 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, balance must be maintained 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 the balance between notice and confidentiality and for determining the propriety of a recusal.

Section 6 – Mandatory Reporting Duties under Secular Law

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 civil exemptions and protections.

Section 7 – The Role of a Chancellor in Title IV

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 affecting 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 within their diocese or, in the case of a provincial chancellor, for the province.

Commented [FR4]: Comments were received about the need for all parties to maintain proper confidentiality until the conclusion of a proceeding under this revised Title IV. The GTF is mindful of the frustrations, on both sides, which force a matter to be publicly adjudicated on the front page of national newspapers. For some, it can feel like the only means of finding justice. For others, it can irrevocably taint the process of seeking truth. The GTF believes these revisions will, in time, build trust on both sides through transparency, efficiency, and, we pray, a sense that both victims and the accused can be fully heard. We thus ask for confidentiality from a Report through to a ruling by a Tribunal, mindful as well of the requirement of public notice at defined moments under this revised Title IV and a more transparent system of participation, on both sides, during the investigation stage. One suggestion was that a report should be dismissed if confidentiality is not preserved. The GTF reminds all that we are seeking truth in these canons, not dismissal for technical reasons, even while one’s credibility may be considered diminished should a failure to cooperate be evinced.

Commented [FR5]: This edit does away with the potentially confusing legalese to make it clear that mandatory reporting is exactly that: mandatory. Clergy should be responsible under safeguarding plans to know their reporting obligations and any state statutory exemption and protections.

Commented [FR6]: This edit seeks to allow chancellors to conceivably serve roles in other dioceses or within the province without producing a conflict of interest within their own.

Canon 2 Definitions

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

“**admonition,**” or “**godly admonition,**” means a written warning of a pastoral nature from one with authority to one under his authority, the failure to follow of which may give rise to an offense such as failure to follow one’s ordination vows;

“**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 of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established;

“**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 – in other words, an order that follows an admission of guilt;

“**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;

“**Church**” or “**the Church**” means the Anglican Church in North America;

“**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;

“**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;

Commented [FR7]: This edit seeks to clarify that admonitions are pastoral in nature but that the failure to follow one that is godly and appropriate could rise to a canonical offense for failure of canonical obedience or one’s oath of conformity. In the case of a presentment for such an offense against a clergy persons’s vows, such written admonitions would be discoverable and a tribunal could inquire as to both the propriety of the admonition and whether it was obeyed.

Commented [FR8]: This amendment seeks to make this standard of proof easier to understand by members of a tribunal. In civil cases where rights will be taken away, this standard is employed rather than a lower “tipping of the scales” of a preponderance standard, which some commentators suggested we adopt. The GTF unanimously chooses to stay with this higher standard in cases that go to a disciplinary tribunal.

“legally qualified” means that a person has a degree in canon law, was or is a judge in Canada, Mexico, or the United States, or has been licensed to practice civil 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;

“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, for purposes of this Title IV, that an investigative body finds both (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 has or 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 the primary website of the province, diocese or special jurisdiction, as the case may be, that is openly observable or accessible to the general public, redacted in accordance with Canon IV.11.1.4;

“reasonable grounds” means, for purposes of this Title IV, 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 complaints or allegation or allegations touching or apparently touching upon the conduct (whether by act or omission), behavior, performance, or affairs of any bishop or member of the clergy with respect to 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 who oversees the administration and management of Reports of misconduct and the maintenance of required records under this Title IV, and serves or appoints 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 with respect to whom a Presentment has been referred to the Disciplinary Tribunal for a Bishop, or any member of the clergy with respect to 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;

~~“**trauma informed training**” means training in practical skills including, but not limited to, de-escalation techniques, the avoidance of re-traumatization, and the recognition of trauma responses;~~

“**vulnerable adult**” means a person 18 or older who lacks legal capacity because they are 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 or creeds of this Church (such as, but not limited to, doctrine expressed in the Fundamental Declarations of the Province

Commented [FR9]: This edit seeks to clarify that the Reports Administrators may delegate some of their administrative roles created under this Title IV.

Commented [FR10]: The GTF intends for interviews to be conducted in a manner that is fair, impartial, and done in a sensitive manner that does not re-traumatize those who may have been subject to abuse. However, we did not intend by inclusion of this definition to incorporate by reference the whole of what “trauma informed training” connotes in the secular world, even while desiring to incorporate the need for appropriate pastoral responses to difficult circumstances. This definition is thus removed and the need for careful interviewing techniques has been included in Canon IV.6.3.3.

and the standards of Christian Marriage and Sexual Morality and Ethics set forth in Canon II.7-8); or abandoning the Christian faith;

- (b) Willful or negligent dereliction of any duty of the clergy. Such conduct includes, but is not limited to, any duty established by:
 - (1) the canons of this province;
 - (2) the canons of the relevant diocese or special jurisdiction;
 - (3) an ordination vow, including the oath of conformity;
 - (4) an ~~inhibition~~;
 - (5) an order issued by a provincial, diocesan, or special jurisdiction court, tribunal, or other disciplinary body; or
 - (6) 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:
 - (1) Physical misconduct, such as violent or threatened physical harm to another person, such as physical assault;
 - (2) verbal misconduct, such as habitually abusive language, harassment, or slander;
 - (3) sexual misconduct, which shall not be restricted only to intercourse but shall include inappropriate behaviors including but not limited to unchastity, adultery, fornication, abuse within familial relationships, indecency, and other forms of inappropriate sexual, physical, or emotional intimacy, abuse, or exploitation;
 - (4) sexual harassment, which includes a pattern of unwelcome verbal or physical conduct or communication or undesired physical contact;
 - (5) financial misconduct, such as theft, embezzlement, fraud, or the diversion of church funds or property for one's own gain;
 - (d) the abuse of ecclesiastical power through a pattern of intimidation, excessive control, manipulation, coercion, isolation, domination, censorship of decision making, or exploitation; and/or
 - (e) 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 [FR11]: See the amended definition of "godly admonition" and note thereto above for the reasoning behind this edit.

Commented [FR12]: A number of comments expressed a desire to, on the one hand, expand this list and, on the other, curtail it. On balance, the GTF has made a number of modest amendments.

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 two members must be legally qualified. Except as provided in Canon IV.13.4.7, the members of this Tribunal shall be elected by the Provincial Council, each order electing those in its order 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, with best efforts made to maintain at least two legally qualified members and the president of the Provincial Tribunal granted authority to choose which alternate will fill a vacancy. 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, when members or alternates shall be elected by the Provincial Council to fill a vacancy 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. The Provincial Council may elect further alternate members should the imminent need arise.
4. The senior 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.
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 matter before it, and a copy of any rules of procedure made by it, if any, must be publicly available and searchable in electronic form and must be published before the beginning of the commencement of a matter. Such rules can be altered as needed during a proceeding provided no party is prejudiced by such alteration.

Commented [FR13]: A comment was received noting that this role is unnecessary within the functions of the Provincial Tribunal. The GTF agrees.

Commented [FR14]: While in an ideal world a complete set of tribunal rules would be in place prior to a proceeding, our hope is to move towards inquiry rather than adversarial truth seeking, meaning that rules will be fair and flexible as the truth is sought.

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 (not resident in the same diocese). At least three members must be legally qualified. Except as provided in Canon IV.13.4.8, the members

of this Disciplinary Tribunal shall be elected by the Provincial Council, each order electing those in its order 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 with the president of the Disciplinary Tribunal granted authority to choose which alternate will fill a vacancy. 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 when members or alternates shall be elected by the Provincial Council to fill a vacancy 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. The Provincial Council may elect further alternate members should the imminent need arise.
4. The senior 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.
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. Such rules can be altered as needed during a proceeding provided no party is prejudiced by such alteration.

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 Disciplinary Tribunal for a Bishop or the Provincial Tribunal, and
- (f) any bishop who may recuse himself.

Commented [FR15]: A comment was received noting that Canon IV.6.5.3 provides that a panel can appoint a chairperson, making this "Presiding Officer" provision unnecessary. The GTF agrees.

Commented [FR16]: While in an ideal world a complete set of tribunal rules would be in place prior to a proceeding, our hope is to move towards inquiry rather than adversarial truth seeking, meaning that rules will be fair and flexible as the truth is sought.

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 Administrators

1. The Executive Committee shall appoint, or consent by majority vote to the appointment by the Archbishop of, a person or persons to be Reports Administrators for the purposes of this title. Persons so appointed must be human resources practitioners or legally qualified or otherwise suitably qualified persons, ~~and should have trauma-informed training~~
- ~~1.~~ 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.

Commented [FR17]: See comment above to Canon IV.2 (definition of "trauma informed training") for the reasoning behind this edit.

Section 2 – Reports Investigation Committee

1. The Reports Investigation Committee shall consist of nine members. Except as provided in Canon IV.13.4.9, two members of the clergy and two lay members shall be elected by the Provincial Council, and one member of the clergy and four lay members shall be appointed by the Executive Committee. The Executive Committee must ensure by its appointments that
 - (a) at least three members of the Reports Investigation Committee are legally qualified;
 - (b) ~~at least three-two members~~ ~~rs~~ ~~have experience as human resource practitioners; have had trauma-informed care training;~~
 - (c) ~~and~~ at least one member has experience in conducting investigations.
 - ~~1.~~ A member who has multiple qualifications may be counted multiple times for purposes of this requirement. 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, when members shall be elected by the Provincial Council to fill a vacancy for the remainder of the unexpired term of the vacant position. The Executive Committee shall ensure that any

Commented [FR18]: The GTF has removed this language as duplicative of the roles provided in the definition of a Reports Administrator in Canon IV.2.

Commented [FR19]: This edit seeks to clarify that the RIC needs to be staffed in part by those who have skills in navigating the complexities of interacting with both accusers and the accused in the course of an investigation. The GTF is still working on the exact language and number on the RIC. The need for interviewing techniques to exhibit sensitivity have been moved to Canon IV.6.3.3.

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 majority 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.

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.
3. Reports Administrators may engage independent reporting hotlines, external safeguarding organizations, and third-party report intake services, provided the Reports Administrators maintain their discretion under section 2 of this canon.

Commented [FR20]: This edit clarifies what has always been the case in these proposed revisions.

Commented [FR21]: A number of comments were received about how the Reports Administrators and the Archbishop are to determine credibility at this stage. One comment suggested that if the Reports Administrator and the Archbishop were asked to assess the credibility of a reporting party alleging sexual abuse, they should consult with an independent professional specializing in abuse cases. The GTF declines to make these amendments because the standard at the reporting stage is so low. If the report is not frivolous and not susceptible to mediation it will go to investigation. Assessments of credibility will occur at the Tribunal stage. We have also provided that Reports Administrators have trauma informed training and can utilize third party reporting services, so long as the eventual determination as to whether to refer remains within the terms of these canons.

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) may have committed an offense under Canon IV.3. The Reports Administrators may, in their discretion, combine multiple Reports into a single Report for purposes of referral under this section 2.
2. If both the Archbishop (or dean of the province as the case may be) and the Reports Administrator(s) are all of the opinion that the Report does not disclose reasonable grounds, then, subject to obtaining the written approval of the chairperson of the Reports Investigation Committee, the Reports Administrators 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. Any matter so dismissed may be referred to the Archbishop for oversight of pastoral care.
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 subject to Canon IV.1.1. 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 a pastoral resolution acceptable to a reasonable number of the Reporting Parties, in the Archbishop's sole discretion, 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. This time period may be extended by a time certain by the Archbishop in his sole discretion, not to exceed 180 days in aggregate.

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 as expeditiously as possible and decide if a prima facie case has been made out that the bishop concerned has committed a canonical offense under Canon IV.3.
2. 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 and any Reporting Party concerned:
 - (a) a fair synopsis of the Report conveyed 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 and any Reporting Party concerned may consider appropriate to the deliberations of the Committee.

Commented [FR22]: The GTF is aware that redaction of the name of the accused bishop has become "best practice" and is working on language to capture this in this canon.

Commented [FR23]: This reminds the archbishop that best practices in the area of mediation instruct that reconciliation not be attempted in the areas of clergy sexual misconduct and abuse.

Commented [FR24]: The GTF is desirous that matters be resolved pastorally as often as possible. However, we have made it clear that some matters are not susceptible to such resolution (such as sexual offenses, even when seemingly consensual, and domestic abuse situations). The GTF also desires to prevent a single complainant from preventing what would otherwise be a resolution satisfactory to all other parties to a matter. This is in any event a delicate balance we are trying to strike.

Commented [FR25]: The underlying purpose of this clause was to stress the need for corroboration in cases where a single accuser brings a report against a bishop. The GTF has moved language regarding this concept to Canon IV.6.7.1.

Commented [FR26]: These edits seek transparency and fairness to all involved. Both the accused and the accusers will have their positions clearly laid out at both the investigation and tribunal stages.

These materials are in addition to the requirement that the Reports Investigation Committee provide a copy of any Presentment to the parties under Canon IV.6.3.8.

3. When investigating a Report, the Reports Investigation Committee may also take actions that it considers appropriate to its investigation, including the following:
 - (a) provide to the Reports Administrator 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, with the transcripts of any such hearings reviewed, corrected, and signed by the party offering testimony;
 - (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;
 - (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., including the duty to maintain confidentiality.

Any written submissions or oral responses must be given under oath as provided in Appendix 2

In cases involving allegations of sexual misconduct or abuse that occurs within familial relationships, Reporting Parties and witnesses shall be provided the right to provide only written submissions, rather than in-person testimony.

If the Reports Investigation Committee conducts interviews, it shall

- (a) conduct them in a balanced and fair manner;
- (b) utilize techniques that minimize possible further harm to those who may have experienced abuse;
- (c) ensure that all parties—reporting parties and respondents—are heard and understood honestly and impartially; and
- (d) in determining whether a prima facie case has been made out, not afford any particular statement greater evidentiary weight.

4. If the Reports Investigation Committee gives the Reports Administrator, the bishop concerned, or the Reporting Party a non-adversarial opportunity to be heard before the Committee, it must offer a like but separate opportunity to each of them.

Commented [FR27]: If a prima facie case is found to have been made at the investigation stage, a copy of the presentment, which will be more fulsome than in prior drafts of these revisions, will be provided to the bishop and the reporting parties. Again, in an inquisitorial system, rather than an adversarial one, we are striving for all parties to lay out their whole case under oath so that the truth might be discerned by a tribunal.

Commented [FR28]: The right to review transcripts is considered best practice in inquiry models. Our desire is to make all parties feel heard and feel like they have been treated fairly.

Commented [FR29]: A comment was received regarding re-traumatizing victims of abuse. This amendment makes it clear that written submissions should be the default in cases alleging clergy sexual misconduct.

Commented [FR30]: This edit seeks to capture the need for interviews to be done in a sensitive manner while remaining neutral, leaving the role of the determination of veracity to the tribunal if a presentment is ultimately referred.

5. 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.
6. If the Reports Investigation Committee is of the opinion that a prima facie case has not been made out with respect to any Report, it must so notify in writing the Reports Administrator, the bishop concerned, and the Reporting Party, and provide the reasoning for such determination,. It must also give public notice of dismissal in the manner it determines to be appropriate, subject to the confidentiality and redaction rules of Canon IV.11.
7. 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 reconciliation or mediation for whole or part of the Report, subject to Canon IV.1.1, 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 in exceptional circumstances and for a time certain on such terms and conditions as the Committee 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.

8. If the Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Bishop, it shall
 - (a) provide a copy of such Presentment to the bishop concerned and the Reporting Parties, properly redacted and subject to strict confidentiality pursuant to Canon IV.11.4.;
 - (b) make available to the Disciplinary Tribunal for a Bishop and to any Proctor appointed under section 12 of this canon all documentary evidence obtained and transcripts of any

Commented [FR31]: A comment was received expressing concern that reputational damage could be done by any statement from the RIC, regardless of outcome. The GTF disagrees. Once an investigation commences, knowledge of its existence will be impossible to control. A public statement of dismissal should help to rehabilitate any reputational harm done by a dismissed report and its subsequent investigation.

Commented [FR32]: Commentators have expressed concern over the open-ended nature of this clause. The GTF has amended the language to make clear that this is an exception option that needs clear parameters. This clause contemplates unique circumstances, such as, for example, when a matter could be subject to mediation but the accused is hospitalized or institutionalized. For another example, the Committee may find a prima facie case, but become aware of a civil suit that could lead to a reluctance on the part of the parties to participate in an ecclesiastical process now. In such a case a presentment may be deferred for a definite period but only on the condition, just for an example, that the bishop in question exercises no ministerial functions. This canon is merely here to maintain flexibility.

Commented [FR33]: The GTF encourages readers to see this revised subsection 8 as the heart of its attempts to allow both the accused and the reporting parties to have a full voice in an investigation and to create transparency throughout the process that is fair to all concerned. If a report is going forward to a tribunal, not only will all parties have shared their positions with RIC, but all will see the presentment under strict confidentiality rules; the tribunal will receive everything the RIC's investigation discovered, expressly including all exculpatory material; and the presentment is a much more robust document than previously described. A presentment will outline the basis for a prima facie case; include a concise recitation of exculpatory material collected; and state clearly any portion of a report for which the RIC did not think a prima facie case was made out and the reasons therefor. This revised process will encourage all parties to fully participate in the RIC's process, knowing that any Tribunal will have the whole story before it as it seeks to actively seek the truth in a matter.

interviews conducted by the Committee, including corrections and amendments provided by any person so interviewed and any and all exculpatory material; and

- (c) give public notice of the referral in the manner it determines to be appropriate, subject to the redaction rules of Canon IV.11.

Any Presentment referred under this canon 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 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.

Any Presentment must also include plain, concise, and definitive statements of

- any exculpatory material obtained during the investigation, and
- any portion of a Report that was not referred in the Presentment and the reasons for such non-referral.

9. 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 with regard to a specific Report, 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).
10. The Reports Investigation Committee may appoint a Proctor to act as its canonical adviser in the investigation of a Report.
11. 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 3.12 of this canon and may be, but is not required to be, a member of the Reports Investigation Committee.

12. The Respondent may appoint at his discretion a Proctor to represent him before the Disciplinary Tribunal for a Bishop or may request that one be provided for him. If the Respondent does not appoint a Proctor or does not ask for one to be provided for him, 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 charges in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to charges to which the Respondent has not confessed.
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 with respect to 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.

Commented [FR34]: The GTF is desirous that a "bar" of potential proctors be developed in conjunction with the American Anglican Council and the Anglican Legal Society who might serve the province on a pro-bono or reduced-cost basis, so that proceedings under these canons will not entail vast expense. It is possible that the defense of a presentment ending in dismissal could still cost an accused hundreds of thousands of dollars. This is an ongoing work.

Commented [FR35]: A group of clergy expressed concerns (in later provisions regarding consent orders for priests and deacons) that this clause removed appeal rights. To be clear, this clause only applies to guilty pleas (i.e., consent orders), not to normal adjudications.

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 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. Unless otherwise agreed by a majority of the panel, the chairperson of the panel 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 another person of the same order from the Disciplinary Tribunal members or, if necessary, the alternates, 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.

Section 6 – Hearing of the *Presentment*

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 30 days and no later than 90 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 contain the full position that each party takes with regard to the presentment and which the party wishes the panel to consider 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 and testimony;
 - (b) the nature of the evidence and testimony the panel requires to decide those issues; and
 - (c) how any evidence and testimony 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 a witness statement is to be presented at the hearing, the panel must direct that such statements 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

Commented [FR36]: We have changed the name of this section to further indicate a move away from secular law towards ecclesiastical inquiry.

do so. A witness statement must be signed and dated by the witness and given under oath as provided in Appendix 2. ~~In cases involving allegations of sexual misconduct or abuse, a witness may provide only written testimony and respond only to written interrogatories by the Respondent.~~

8. Where a witness is to give oral testimony the witness's testimony must be given under oath as provided in Appendix 2. A witness who gives oral evidence at the hearing may be questioned by the Presenting Proctor and the Respondent's Proctor and the panel. The panel, in its discretion, may limit such questioning ~~In cases involving allegations of sexual misconduct or abuse, a witness may, should they so choose, provide only written testimony and respond only to written interrogatories by the Respondent.~~
9. The panel shall give the Presenting Proctor, the Respondent, and the Respondents Proctor the opportunity to attend the hearing of the Presentment and, within the scope of section 3 of this canon,
 - (a) present witness statements and other relevant evidence;
 - (b) call and cross examine witnesses as permitted by the panel; and
 - (c) make oral argument on points requested by the panel.
10. The panel may, in its discretion, accept testimony from expert witnesses.
11. Prior to accepting any evidence into the hearing record, the chairperson of the panel shall determine whether testimony, either written or oral, or evidence is relevant to the issues raised in the Presentment. The chairperson 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 chairperson's decision to accept or exclude 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 and subject to Canon IV.11.5, any Reporting Party may attend the hearing of the Presentment as an observer even if the panel determines that the hearing shall be conducted in private.
13. If neither the Respondent nor the Respondent's Proctor attends the hearing, then the chairperson of the panel may, in the chairperson'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 chairperson of the panel may, in the chairperson'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 and before the commencement of the hearing, agree to the amendment of the terms of a Presentment, provided it is satisfied that the Respondent would not be unfairly prejudiced thereby.

Commented [FR37]: See comment below for Canon IV.6.6.8.

Commented [FR38]: Similar to a previous comment regarding best practices in investigations, this amendment makes it clear that written submissions should be the default in cases alleging clergy sexual misconduct or abuse. While such witnesses may choose to offer in-person testimony, this canon makes it clear that they have the option to limit their engagement to written submissions. An edit was made to this for 3.1 to resolve any ambiguity.

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. Following the hearing on a Presentment, the panel of the Disciplinary Tribunal shall promptly meet 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 criminal conviction or final civil judgment shall be regarded as conclusive proof that the allegations contained in criminal conviction or civil judgment are true. 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 a majority of the panel finds that a Presentment has been proved in whole or in part, the panel may recommend a Sentencing Order in accordance with Canon IV.8., or else, in extraordinary cases, 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. The panel shall provide a written explanation in support of its recommendation and promptly transmit the recommendation and explanation thereof to the president of the Disciplinary Tribunal for a Bishop.

The panel may also, in its absolute discretion, provide any Reporting Party an opportunity to be heard by the panel as to the impacts of any alleged misconduct.

5. Within 7 days of receiving the panel’s recommendation, 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 recommended Sentencing Order and the record of the case, 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 specific rationale for any adjustment made to the president of the Disciplinary Tribunal for a Bishop.

Commented [FR39]: The GTF believes that Biblical concepts expressed in Deuteronomy 19:15 and 1 Timothy 5:9 (regarding witnesses) and Genesis 38:25 and Deuteronomy 22:13-21 (regarding the use of physical evidence, in part to corroborate testimony) are subsumed in the relatively high bar of a clear and convincing evidence standard which is, again, used in civil matters when one could potentially be deprived of one's rights (i.e., to continue serving under holy orders). Chalcedon Canon 21, requiring that the credibility of witnesses be taken into account, is also fully implied by the evidentiary standard employed. Such assessment is assumed in the work of the Tribunal as they review the material compiled by the RIC and presented to them during the hearing of a presentment.

Commented [FR40]: Similar to the power of the RIC to defer action on a matter for which they found a prima facie case but matters such as ongoing civil matters would indicate that a pause might be in order, this clause contemplates unique circumstances and is merely here to maintain flexibility.

Commented [FR41]: A comment suggested that victims' voices may be appropriate in determining an appropriate sentence. The GTF agrees.

Commented [FR42]: This edit corrects a typographical error (produced by a careless "cut and paste" in the prior version).

The Sentencing Order made by the Sentencing Review Board shall be deemed the final sentencing order.

6. Following either dismissal of the Presentment or the receipt of an order reviewed by the Sentencing Review Board, the Disciplinary Tribunal for a Bishop shall issue an order detailing its findings and the rationale for (a) dismissal of the Presentment or (b) a finding that the Presentment was proved by clear and convincing evidence and convey its finding and/or order to the Reports Investigation Committee, the Respondent, the Reports Administrator, and the Reporting Party.

If a Sentencing Order was adjusted by the Sentencing Review Board, the order must identify the members of the Sentencing Review Board and the specific rationale presented for any adjustment made by the Sentencing Review Board.

The Disciplinary Tribunal for a Bishop shall publish its finding and/or order in the manner it determines to be appropriate. A final finding or order should concisely convey a fair summary of the charges made, the evidence considered for and against such charges, and the rationale for the Tribunal's decision.

7. 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 Disciplinary Tribunal for a Bishop shall take effect at the expiration of the 21-day filing period for appeal.
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.

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, a member of the clergy concerned, or the 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 a member of the clergy concerned or the 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 of misconduct by 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 cooperate with any investigation or adjudication of such report in accordance with Canon IV.1.3., including the duty to maintain confidentiality during any proceeding under these canons.
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 chair of the diocesan Standing Committee, the Diocesan Reports Receivers may dismiss the Report. The decision of the bishop and the Reports Receivers 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 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.
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 whether pastoral resolution is appropriate, subject to Canon IV.1.1. If the bishop determines, in his sole discretion, that pastoral resolution is not appropriate, or if an outcome acceptable to a reasonable number of Reporting Parties, in the sole discretion of the bishop, 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. This time period may be extended for a time certain by the bishop in his sole discretion, not to exceed 180 days in the aggregate.

Commented [FR43]: See the comment above about matters for which mediation is not appropriate.

Section 3 – Investigation of Reports

1. When the Diocesan Reports Receivers convey a Report to the Diocesan Reports Investigation Committee, the 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., including the requiring of oaths.
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 and the Reporting Party:
 - (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
 - (c) an opportunity to make such written representations to the Committee as the member of the clergy concerned or Reporting Party may consider appropriate to the deliberations of the Diocesan Reports Investigation Committee.
3. If the Diocesan Reports Investigation Committee gives the member of the clergy concerned, the Diocesan Reports Receivers, or the Reporting Party a non-adversarial opportunity to be heard before the Committee, it must offer a like but separate opportunity to each of them.
4. 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 determine whether a prima facie case has been made out.
5. If the Diocesan Reports Investigation Committee is of the opinion that a prima facie case has not been made out with respect to 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, and provide the reasoning for such determination. It must also give public notice of

Commented [FR44]: See the general comment above in Canon IV.6.3 for how the investigation process seeks to involve all parties and present a transparent factual record to a tribunal upon presentment.

dismissal in the manner it determines to be appropriate, subject to the confidentiality and redaction rules of Canon IV.11.

6. 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 for the whole or part of the Report, such as reconciliation or mediation, subject to Canon IV.1.1, 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) decide that, notwithstanding such prima facie case, further consideration of the whole or part of the Report be deferred in exceptional circumstances and for a time certain on such terms and conditions as the Committee considers appropriate.

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.

7. If the Diocesan Reports Investigation Committee determines that a Presentment shall be referred to the Disciplinary Tribunal for a Presbyter or Deacon, it shall
 - (a) provide a copy of such Presentment to the member of the clergy concerned and the Reporting Parties, properly redacted pursuant to Canon IV.11.
 - (b) make available to the bishop, the Disciplinary Tribunal for a Presbyter or Deacon, and to any Presenting Proctor all documentary evidence obtained and transcripts of any interviews conducted by the Committee, including corrections and amendments provided by any person so interviewed and any and all exculpatory material, properly redacted pursuant to Canon IV.11; and
 - (a) give public notice of the referral in the manner it determines to be appropriate, subject to the confidentiality and redaction rules of Canon IV.11.

Any Presentment referred under this canon 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 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.

Any Presentment must also include plain, concise, and definitive statements of

- any exculpatory material obtained during the investigation, and

Commented [FR45]: See comment above regarding deferral in Canon IV.6.3.7.

- any portion of a Report that was not referred in the Presentment and the reasons for such non-referral.
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 reconciliation 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 with respect to a specific Report 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 a Proctor to present evidence and argument in support of the Presentment, or it may appoint another person to be a Proctor 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 charges in the Presentment, this confession does not affect the continuation of the process described in this canon with respect to other charges 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 with respect to 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.

Commented [FR46]: A group of clergy expressed concerns that this clause removed their appeal rights. To be clear, this clause only applies to guilty pleas (i.e., consent orders), not to normal adjudications.

Section 5 – Hearing of the Presentment 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 Canons IV.6.6 and 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 Proctor for the Diocesan Reports Investigation Committee and any Proctor for the Respondent, including written statements and other evidence previously submitted to the Diocesan Reports Investigation Committee. In addition, the panel shall give the Proctor for the Diocesan Reports Investigation Committee, as well as the Respondent or any Proctor for the Respondent, the opportunity of:
 - (a) attending and being heard at the hearing of the Presentment;
 - (b) calling and 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 Proctor 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 Proctor 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. A final finding or order should concisely convey a fair summary of the charges made, the evidence considered for and against such charges, and the rationale for the Tribunal's decision.
7. The panel may take notice of any criminal conviction or civil judgment against Respondent, which shall be regarded as conclusive proof that he or she committed that crime or civil violation, provided that he or she must be given a reasonable opportunity to be heard as to any matters in extenuation and mitigation.

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 with respect to which a finding and/or order have been made against the Respondent, and any other circumstances that the panel considers relevant. The panel may also, in its absolute discretion, provide any Reporting Party an opportunity to be heard by the panel as to the impacts of any alleged misconduct. The panel shall provide a written explanation of the reasons supporting its recommendation. The panel shall promptly transmit the recommendation with the explanation to the bishop of the diocese.

8. Upon receiving any such recommendation, the bishop of the diocese must promptly impose a sentence, which may be different than that suggested by the panel, in accordance with Canon IV.8.1 and must give notice of the sentence as required by Canon IV.8.2., including the right to appeal both the determination of the Tribunal for the Discipline of a Presbyter or Deacon and/or the sentence imposed by the bishop.
9. 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 December 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. 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, the following sentences may be imposed:
 - (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;

Commented [FR47]: A comment suggested that victims' voices may be appropriate in determining an appropriate sentence. The GTF agrees.

- (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 2, only one sentence may be imposed with respect to 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, the sentencing authority may consider the aggregate culpability of the Respondent in imposing sentence.
 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.

Commented [FR48]: This language seeks to make clear that suspension for up to five years from ministry AND removal from a particular office (such as rector) may both be appropriate in light of a proven presentment.

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 is public, 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 (including the sentence imposed by a bishop) 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 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 sentencing order of a tribunal must give notice within 21 days of the date the findings and/or sentencing order are formally conveyed to the Respondent. This notice of appeal shall be given to the president of the Provincial Tribunal. The notice of appeal must state the grounds of appeal. 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 shall have no 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. No successive appeals may be taken.
 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 shall have no effect from the date the appeal is permitted 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. The Provincial Tribunal may, in its absolute discretion, provide for a hearing of an appeal or rule on the appeal by means of written submissions. If the Provincial Tribunal desires oral argument of any appeal, 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.

Commented [FR49]: A comment pointed out that mandatory hearings will drive up delays and costs associated with appeals. The GTF agrees.

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 arguments supporting the 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, if any, 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, if any, 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 any 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 with respect to 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 with respect to 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 or policies, 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.

Commented [FR50]: A number of comments have encouraged the GTF to make it clear that admonitions are pastoral in nature and the GTF agrees. The failure to obey an admonition that is given out of pastoral care from a bishop to a member of his clergy could result in an offense of failure to obey ordination vows or oaths of conformity. That admonitions must be written helps create a record, for upon such charges the propriety of an admonition (i.e., whether it was lawful and good on the one hand, or abusive and oppressive on the other), could be brought to light.

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).

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, with the dean recused from serving as an approving bishop. Any extension of the inhibition by the dean of the province must comply with the requirements of section 2(b) of this canon, with the dean recused from serving as an approving bishop.
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.6.3.6),
 - 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.6.3.7);
 - 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.6.3.6-7) 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.

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 1.1 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 (unless the reporting party or witness has testified in a public hearing or otherwise made his or her identity a matter of public record), 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 made under 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.
5. Upon a referral of a report of alleged sexual misconduct, abuse, or harassment to an investigation committee, the Archbishop (or the Dean of the Province or the bishop of a diocese, as the case may be), may, in his sole discretion, provide a factual public statement to the effect that an investigation into such allegations has begun. Such public statement may include the name of the accused bishop or clergy and shall state that such public statement shall not be taken as a verification of the truthfulness of any allegation.

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 that particular matter. Even in the absence of actual bias, prejudice, or personal knowledge, a member of a Disciplinary Body should recuse himself or herself from 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 that member'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 and 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 if they were previously concerned with investigating or adjudicating the Report or Presentment which is the subject of the appeal, whether as a former member of the Reports Investigation Committee, a Diocesan Reports Investigation Committee, or a lower court or tribunal. 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. No person

shall attempt to influence, coerce, or privately pressure the Reports Administrator or any member of a Disciplinary Body 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 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. Any presentment provided to any party must be kept in strict confidence.

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 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 proceedings to ensure the expedient, fair, and just resolution of any matter before it. Such active management includes:
 - (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) call, adjourn or reschedule a hearing;
 - (d) conduct a hearing and receive evidence by telephone or another mode of direct oral communication, such as Zoom or Microsoft Teams;
 - (e) direct that proceeding may be bifurcated to address any part of a matter in 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 not exhaustive and are conferred 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 Requirements

Parties required to take an oath shall do so using the form in Appendix 2.

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.

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

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 its panels, 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. When a correction is made, the change and the reasons supporting it shall be recorded in a separate corrections log. The corrections log shall not be public but shall be available for inspection upon request.

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:
 - (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. 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.
- 5. 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.
- 6. 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. When a correction is made, the change and the reasons supporting it shall be recorded in a separate corrections log. The corrections log shall not be public but shall be available for inspection upon request.
- 7. 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, the members of the Disciplinary Bodies, and any proctors shall be indemnified by the province from all losses and expenses incurred by them that arise from the discharge of their respective duties, except for any loss or expense caused by their own intentionally dishonest conduct, fraud, willful violations of law, or criminal misconduct.
- 2. No member of a Disciplinary Body or proctor shall be liable for any act, omission, or default of any other member of a Disciplinary Body or proctor unless that act, omission, or default results 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 shall be 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, 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

The Provincial Tribunal may admit persons to practice as proctors before the Disciplinary Tribunal for a Bishop (or panels thereof) 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.

Commented [FR51]: The creation of a “bar” of proctors is an ongoing work of the GTF, in cooperation with the American Anglican Council, the Anglican Legal Society, and the Province. As we strive to move away from an adversarial model to an inquiry model, the need for proctors to produce legal bona fides is lessened, but perhaps not yet dispelled. This is a point of continuing discussion within the GTF.

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. The Provincial Tribunal is comprised of seven members. Those serving on the Provincial Tribunal as of December 31, 2026, whose term of service was to terminate at Provincial Council 2027, will be terminated on December 31, 2026, and may or may not be considered for appointment under this canon 7.

Notwithstanding the provisions of Canon IV.4.1, 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 to a six-year term, and three of the members and alternates of the Provincial Tribunal to a three-year term. Thereafter, the members and alternates of the Provincial Tribunal shall serve staggered terms of six years, with either four or three being elected every three years.

8. The Disciplinary Tribunal for a Bishop is comprised of nine members. Those serving on the Court for the Trial of a Bishop as of December 31, 2026, whose term of service was to terminate at Provincial Council 2027, will be terminated on December 31, 2026, and may or may not be considered for appointment under this canon 8.

Notwithstanding the provisions of Canon IV.4.2, on January 1, 2027, the Archbishop may appoint, with the unanimous consent of the Executive Council, three of the members and alternates of the Disciplinary Tribunal for a Bishop to a six-year term, three of the members and alternates of the Disciplinary Tribunal for a Bishop to a four-year term, and three of the members and alternates of the Disciplinary Tribunal for a Bishop to a two-year term. Thereafter, the members and alternates of the Disciplinary Tribunal for a Bishop shall serve staggered terms of six years, with three being elected every two years.

9. The Reports Investigation Committee is comprised of nine members. Notwithstanding the provisions of Canon IV.5.2.1, on January 1, 2027, the Archbishop may appoint, with the unanimous consent of the Executive Council, three of the members of the Reports Investigation Committee to a three-year term, three of the members to a two-year term, and three of the members to a one-year term. Thereafter, the members and alternates of the Reports Investigation Team serve staggered terms of three years, with three being elected every year.

Forms

Form 1 – Form of Report

To the Reports Administrator:

I, ___ [name], of ___ [place], [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*].

We decline to refer the following allegations to the Disciplinary Tribunal for a Bishop for failure to reach the required standard of proof based on the following findings:

The Reports Investigation Committee also received the following exculpatory testimony and evidence:

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 or policies 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 1: 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.

A Presentment must also include a plain, concise, and definitive statements of any exculpatory material obtained during the investigation, and any portion of a Report that was not referred in the Presentment and the reasons for such non-referral.

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

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.

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 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.

Example of exculpatory material:

Example of a report not referred to a disciplinary tribunal:

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 diverse occasions between June 15, 2027, and November 4, 2027.”

Appendix 2: Forms of Oaths

For testimony made in the presence of a Disciplinary Body:

“Do you solemnly affirm that the [statement / testimony] you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?”

For written statements:

“I have read or have had read to me this statement. I fully understand the contents of the entire statement, and the statement is true. I have made this statement freely, voluntarily, without hope of benefit or reward, without threat of punishment, and without coercion or unlawful inducement.”

Declarant then signs, dates, and at least one witness signs and dates, and the statement should be notarized to ensure authenticity.

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 with respect to an offense under Canon IV.3 by a member of the clergy serving the congregation.**