

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-D040
Title: Amend Canon IV.13.13 to Provide for Notice of Dismissal
Proposer: Carter-Edmands, The Rev. Lynn
Topic: Canons, Discipline

Directly Related: (Attached)

2022-D040 Refer a Resolution on Canons IV.13.4, IV 13.11(e), IV.13.13 {Of Hearing Panels},and IV.14.6 [Of Accords and Orders] (Referred)
2009-A185 Amend Title IV [Ecclesiastical Discipline]
1994-A019 Amend Canon IV [Ecclesiastical Discipline]

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).

D040 - Amend Canon IV.13.13 to Provide for Notice of Dismissal

Final Status: Not Yet Finalized

Proposed by: Carter-Edmands, The Rev. Lynn

Endorsed by: Bays, The Rev. Terri, Stokes-Wayne, Ms. Deborah, Patrick, Mr. Harold

Has Budget Implications: No

Cost:

Amends C&C or Rules of Order: Yes

Requests New Interim Body: No

Changes Mandate Of Existing Ib: No

Directs Dfms Staff: No

Directs Dioceses: No

Directs Executive Council: No

HiA: HD

Legislative Committee Currently Assigned: 18 - Title IV Disciplinary Canons

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That the 81st General Convention amend Canon IV.13.13 (Of Hearing Panels/Order of Dismissal) to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (*****) to see the version showing all deleted and added text.>

Sec. 13. If the determination is to dismiss the matter, the Hearing Panel shall issue an Order which shall include the reasons for dismissal and which may contain findings exonerating the Respondent. A copy of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, and the Church Attorney, and a record copy of the Order shall be kept by transmitting a copy to The Archives of The Episcopal Church. A copy of the Order shall also be made available to the Church and the Church media in the same manner with which documents were initially made available to the Church and the Church media as set forth in Section 3 of this canon.

<Proposed amended resolution text showing exact changes being made:

Sec. 13. If the determination is to dismiss the matter, the Hearing Panel shall issue an Order which shall include the reasons for dismissal and which may contain findings exonerating the Respondent. A copy of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, and the Church Attorney, and a record copy of the Order shall be kept by transmitting a copy to The Archives of The Episcopal Church. *A copy of the Order shall also be made available to the Church and the Church media in the same manner with which documents were initially made available to the Church and the Church media as set forth in Section 3 of this canon.*

Explanation

This amendment addresses matters once they have been referred to a Hearing Panel. Once a matter has been referred to the Hearing Panel, the charges against Respondent are made available to the Church and the Church media (Canon IV.13.3). Without this amendment, a dismissal may be posted on a diocesan website, but there is no requirement to make available to the Church and the Church media the news of a dismissal with the same exposure and in the same manner with which the charges were made available to the Church and the Church media in the first place. This amendment to the existing canon does not affect the substance of the canon but rather adds a missing part as a matter of justice, compassion, and opportunity to restore Respondent's reputation, especially when false accusations have been made. This amendment also reflects the values associated with Title IV found in Canon IV.1 "by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected."

For example, in one Title IV matter, the Bishop Diocesan stated that they had followed the requirements of the canons. Once the matter was referred to the Hearing Panel, the alleged Offenses against Respondent were sent out to the entire diocese via diocesan e-news, and the recipients of the email were directed to the diocesan website where the alleged Offenses and other associated documents could be read in full. Once the Title IV matter was dismissed (with prejudice in this case), the dismissal was posted to the website only; no similar email was sent to the entire diocese via diocesan e-news that could have directed the email recipients to the diocesan website where the dismissal could be read in full. For many who knew of the alleged Offenses in their sexually explicit detail, Respondent's dismissal with prejudice remains unknown.



Resolution Number: 2022-D040
Title: Refer a Resolution on Canons IV.13.4, IV 13.11(e), IV.13.13 {Of Hearing Panels},and IV.14.6 [Of Accords and Orders]
Legislative Action Taken: Referred
Final Text:

Resolved, That the 80th General Convention amend Canon IV.13.4 to read as follows:
Sec. 4. If at any time after a matter has been referred to a Hearing Panel an Accord or Order of Dismissal endorsed by the Bishop Diocesan is reached that ends the proceedings before the Hearing Panel issues an Order, the Bishop Diocesan shall make the Notice of Accord or Order of Dismissal available to the Church and Church media as provided in Sec. 3 as well as to the Hearing Panel.

And be it further

Resolved, That Canon IV.13.11.e be amended to read as follows:

e. If an Accord is reached or the matter is dismissed that ends the proceedings before the Disciplinary Board issues an Order other than an Order of Dismissal under this Section, the Bishop Diocesan shall make the Notice of Accord or Order of Dismissal available to the Church and Church media as provided in Sec. 3 as well as to the Disciplinary Board and the Hearing Panel.

And be it further

Resolved, That Canon IV.13.13 be amended to read as follows:

Section 13. If the determination is to dismiss the matter, the Hearing Panel shall issue an Order which shall include the reasons for dismissal and which contains may contain findings exonerating the Respondent. A copy of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, and the Church Attorney, and a record copy of the Order shall be kept by transmitting a copy to The Archives of The Episcopal Church. A copy of the Order shall also be made available to the Church and the Church media in the same manner with which documents were initially made available to the public as set forth in Sec. 3.

And be it further

Resolved, That IV.13.14 be removed in its entirety.

~~Sec. 14. If the resolution is the issuance of an Order other than an Order of dismissal, the provisions of Canon IV.14 shall apply.~~

And be it further

Resolved, That Canon IV.14.6 be amended to read as follows:

Sec. 6. An Order issued by a Conference Panel or Hearing Panel may (a) provide any terms which promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and other persons; (b) place restrictions on the Respondent's exercise of ministry; (c) recommend to the Bishop Diocesan that the Respondent be admonished, suspended or deposed from ministry; (d) limit the involvement, attendance or participation of the Respondent in the Community; or (e) dismiss the matter; or (f) any combination of the foregoing. An Order providing for suspension from Ministry shall specify on what terms or conditions and at what time the suspension shall cease. Any Order providing for limitation upon the involvement, attendance or participation of the Respondent in the Community shall also provide conditions for

restoration. Any Order dismissing the matter shall provide the reasons for dismissal and a statement exonerating the Respondent and shall be made available to members of the Church and the Church media in the same manner with which documents were initially made available to the public as set forth in Canon IV.13.3.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Baltimore, 2022* (New York: General Convention, 2023), pp. 550-551, 822-823.



Resolution Number: 2009-A185
Title: Amend Title IV [Ecclesiastical Discipline]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the whole of Title IV of the Constitution and Canons for the Government of The Episcopal Church be amended to read as follows:

TITLE IV: ECCLESIASTICAL DISCIPLINE

CANON 1: Of Accountability and Ecclesiastical Discipline

By virtue of Baptism, all members of the Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. This Title applies to Members of the Clergy, who have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience.

CANON 2: Of Terminology Used in this Title

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

Accord shall mean a written resolution, which is negotiated and agreed among the parties resulting from an agreement for discipline under Canon IV.9, conciliation under Canon IV.10 or a Conference Panel proceeding under Canon IV.12. All Accords shall meet the requirements of Canon IV.14.

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

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

Church Attorney shall mean one or more attorneys selected pursuant to Diocesan Canons to represent the Church in proceedings as provided in this Title. *The Diocesan Canons may provide a process for the removal of a Church Attorney for cause.* A Church Attorney shall perform all functions on behalf of the Church necessary to advance proceedings under this Title and shall have the following powers, in addition to the powers and duties otherwise provided in this Title: (a) to receive and review the Intake Officer's report; (b) to conduct investigations and oversee the Investigator and, in connection with such investigations; to have access to the personnel, books and records of the Diocese and its constituent parts; and to receive and review the reports of the Investigator; (c) to determine, in the exercise of the Church Attorney's discretion, whether the reported information, if true, would be grounds for discipline; and (d) to exercise discretion consistent with this Title and the interests of the Church by declining to advance proceedings or by referring any matter back to the Intake Officer or the Bishop Diocesan for pastoral response in lieu of disciplinary action. In representing the Church, a Church Attorney may consult with the Conference Panel.

Clear and Convincing shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

Community shall mean that part of the Church in which a Member of the Clergy performs his or her ministry, such as a Diocese, Parish, Mission, school, seminary, hospital, camp or any similar institution.

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

Conciliator shall mean a person appointed to seek the resolution of a matter under Canon IV.10.

Conduct Unbecoming a Member of the Clergy shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

Conference Panel shall mean a panel of one, two or three members of the Disciplinary Board selected by the president of the board, unless some other manner of selection is provided by Diocesan Canon, to serve as the body before which an informal conference is held as provided in Canon IV.12, provided, however, that no such member may serve as a member of the Hearing Panel in the same case.

Disciplinary Board shall mean the body provided for in Canon IV.5.1.

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

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

Hearing Panel shall mean a panel of three members of the Disciplinary Board selected by the president of the Board, unless some other manner of selection is provided by Diocesan Canon, to serve as the body before which a hearing is held as provided in Canon IV.13, provided, however, that no such member may serve as a member of the Conference Panel in the same case.

Injured Person shall mean a person, group or Community who has been, is or may be affected by an Offense.

Intake Officer shall mean *one or more* persons designated by the Bishop Diocesan after consultation with the Disciplinary Board, *unless otherwise selected pursuant to diocesan canons*, to whom information regarding Offenses is reported.

Investigator shall mean a person having (a) sufficient knowledge, skill, experience and training to conduct investigations under this Title and (b) familiarity with the provisions and objectives of this Title. Investigators shall be appointed by the Bishop Diocesan in consultation with the president of the Disciplinary Board.

Member of the Clergy shall mean Bishops, Priests and Deacons of the Church.

Offense shall mean any act or omission for which a Member of the Clergy may be held accountable under Canons IV.3 or IV.4.

Order shall mean a written decision of a Conference Panel or a Hearing Panel which is issued with or without the Respondent's consent. All Orders shall meet the requirements of Canon IV.14.

Pastoral Direction shall mean a written direction given by a Bishop to a Member of the Clergy which meets the requirements of Canon IV.7.

Pastoral Relationship shall mean any relationship between a Member of the Clergy and any person *to* whom the Member of the Clergy provides or has provided counseling, pastoral care, spiritual direction or spiritual guidance, or from whom such Member of the Clergy has received information within the Rite of Reconciliation of a Penitent.

Privileged Communication shall mean any communication or disclosure made in confidence and with an expectation of privacy (a) within the Rite of Reconciliation of a Penitent; (b) between a client and the client's attorney; (c) between a Respondent and an Advisor or a Complainant and an Advisor; (d) between persons in a relationship in which communications are protected by secular law or Diocesan Canons; or (e) between and among a Conciliator and participants in a conciliation under Canon IV.10.

Provincial Court of Review shall mean a court organized and existing as provided in Canon IV.5.4 to serve as the body which performs the duties prescribed in Canon IV.15.

Reference Panel shall mean a panel composed of the Intake Officer, the Bishop Diocesan and the president of the Disciplinary Board to serve as the body which performs the duties prescribed in Canons IV.6 and IV.11.

Respondent shall mean any Member of the Clergy (a) who is the subject of a matter referred for conciliation or to the Conference Panel or to the Hearing Panel; (b) whose ministry has been restricted; (c) who has been placed on Administrative Leave; (d) who is the subject of an investigation and is asked by an investigator or the Bishop Diocesan to provide information or to make a statement; or (e) who agreed with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9.

Sentence shall mean the pronouncement of discipline of a Member of the Clergy pursuant to an Accord or Order in the form of (a) admonition, in which the conduct of such Member of the Clergy is publicly and formally censured or reprimanded, or (b) suspension, in which such Member of the Clergy is required to refrain temporarily from the exercise of the gifts of ministry conferred by ordination, or (c) deposition, in which such Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination.

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

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

Sexual Misconduct shall mean (a) Sexual Abuse or (b) Sexual Behavior at the request of, acquiesced to or by a Member of the Clergy with an employee, volunteer, student or counselee of that Member of the Clergy or in the same congregation as the Member of the Clergy, or a person with whom the Member of the Clergy has a Pastoral Relationship.

CANON 3: Of Accountability

Sec. 1. A Member of the Clergy shall be subject to proceedings under this Title for:

- (a) knowingly violating or attempting to violate, directly or through the acts of another person, the Constitution or Canons of the Church or of any Diocese;
- (b) failing without good cause to cooperate with any investigation or proceeding conducted under authority of this Title; or
- (c) intentionally and maliciously bringing a false accusation or knowingly providing false testimony or false evidence in any investigation or proceeding under this Title.

Sec. 2. A Member of the Clergy shall be accountable for any breach of the Standards of Conduct set forth in Canon IV.4.

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

CANON 4: Of Standards of Conduct

Sec. 1. In exercising his or her ministry, a Member of the Clergy shall:

- (a) respect and preserve confidences of others except that pastoral, legal or moral obligations of ministry may require disclosure of those confidences other than Privileged Communications;**
- (b) conform to the Rubrics of the Book of Common Prayer;**
- (c) abide by the promises and vows made when ordained;**
- (d) abide by the requirements of any applicable Accord or Order, or any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7:**
- (e) safeguard the property and funds of the Church and Community;**
- (f) report to the Intake Officer all matters which may constitute an Offense as defined in Canon IV.2 *meeting the standards of Canon IV.3.3*, except for matters disclosed to the Member of Clergy as confessor within the Rite of Reconciliation of a Penitent;**
- (g) exercise his or her ministry in accordance with applicable provisions of the Constitution and Canons of the Church and of the Diocese, ecclesiastical licensure or commission and Community rule or bylaws;**
- (h) refrain from:**
 - (1) any act of Sexual Misconduct;**
 - (2) holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by the Church;**
 - 3) engaging in any secular employment, calling or business without the consent of the Bishop of the Diocese in which the Member of the Clergy is canonically resident;**
 - (4) being absent from the Diocese in which the Member of the Clergy is canonically resident, *except as provided in Canon III.9.3(e)* for more than two years without the consent of the Bishop Diocesan;**
 - (5) any criminal act that reflects adversely on the Member of the Clergy's honesty, trustworthiness or fitness as a minister of the Church;**
 - (6) conduct involving dishonesty, fraud, deceit or misrepresentation; or**
 - (7) habitual neglect of the exercise of the ministerial office without cause; or habitual neglect of public worship, and of the Holy Communion, according to the order and use of the Church; and**
 - (8) any Conduct Unbecoming a Member of the Clergy.**

CANON 5: Of Disciplinary Structures

Sec. 1. Each Diocese shall, by Canon, create a court to be known as the Disciplinary Board as described in this Canon. Each such Board shall consist of not fewer than seven persons to be selected as determined by Diocesan Canon. The membership of each Board shall include lay persons and Priests or Deacons, and the majority of the Board members shall be Priests or Deacons, but by no more than one. Within sixty days following each Diocesan convention, the Board shall convene to elect a president for the following year, unless another method for selection of the president is provided by Diocesan Canon.

Sec. 2. The provisions of Canon IV.19 shall apply to all Disciplinary Boards.

Sec. 3. The following rules shall govern the operations of all Disciplinary Boards:

(a) In the event of any Board member's death, resignation or declination to serve, or disability rendering the member unable to act, the president shall declare a vacancy on the Board.

(b) Notices of resignation or declination to serve shall be communicated in writing to the president.

(c) No person serving in a Diocese as Chancellor, Vice-Chancellor, Advisor, Conciliator, Church Attorney, Intake Officer or Investigator may serve on the Disciplinary Board of that Diocese, and no member of a Disciplinary Board may be selected to serve in one of those positions in the same Diocese. A member of the Standing Committee of a Diocese may serve on the Disciplinary Board if the Canons of the Diocese so provide. If any Priest elected to the Board is elected a Bishop, or any lay member is ordained prior to the commencement of a proceeding under this Title, that person shall immediately cease to be a member of the Board. If a proceeding has been commenced, that person may continue to serve on the Board for all proceedings in that matter through final disposition. A lay person ceasing to be a member under this subsection by reason of ordination may be appointed to fill a vacancy in the clergy members of the Board.

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

(e) Proceedings of the Panels of the Disciplinary Board shall be conducted within the rules provided in this Title. The Board may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

(f) The rules of evidence for proceedings are as provided in Canon IV.13.6.

(g) The Disciplinary Board shall appoint a clerk who may be a member of the Board, who shall be custodian of all records and files of the Disciplinary Board and who shall provide administrative services as needed for the functioning of the Board.

(h) The Disciplinary Board shall keep a record of all proceedings before its Hearing Panels in a format that can be reduced to a transcript if necessary. The record of each proceeding shall be certified by the president of the Panel. If the record cannot be certified by the president by reason of the president's death, disability or absence, the record shall be certified by another member of the Panel selected by a majority of the remaining members of the Panel.

(i) Any Diocese may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.

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

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

(a) The Provincial Court of Review shall consist of: (i) one Bishop of the Province; two Priests, or one Priest and one Deacon; and two lay persons; and (ii) one Bishop, one Priest or Deacon, and one lay person to serve as alternates as hereinafter provided. Each Priest or Deacon, whether a member or alternate, shall be canonically resident in a Diocese of the Province different from any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a Diocese of the Province different from any other lay person. The Priests, Deacons and lay persons shall be members of the Disciplinary Boards of their respective Dioceses.

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

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

(d) No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.

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

(f) In the event of any Provincial Court of Review member's death, resignation or declination to serve, or disability rendering the member unable to act or is ineligible to serve under Canons IV.5.4(d) or (e), and in the further event that there is no alternate available to serve, the president of the Provincial Court of Review shall declare a vacancy on the Provincial Court of Review. Notices of resignation or declination to serve shall be communicated in writing to the president of the Provincial Court of Review.

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

(h) The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who shall be custodian of all records and files of the Provincial Court of Review and who shall provide administrative services as needed for the functioning of the Court.

(i) The rules of procedure for appeals to the Provincial Court of Review are as provided in Canon IV.15, but the Provincial Court of Review may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

CANON 6: Of Intake and Referral of Information Concerning Offenses

Sec. 1. Each Diocese shall provide for and publicize methods and means of reporting information concerning Offenses.

Sec. 2. Information concerning Offenses may be submitted to the Intake Officer in any manner and in any form.

Sec. 3. Any person other than the Intake Officer who receives information regarding an Offense shall promptly forward the information to the Intake Officer. A Bishop Diocesan may forward information to the Intake Officer whenever the Bishop Diocesan believes that the information may indicate conduct constituting one or more Offenses.

Sec. 4. Upon receipt of such information, the Intake Officer may make such preliminary investigation as he or she deems necessary, and shall incorporate the information into a written intake report, including as much specificity as possible. The Intake Officer shall

provide copies of the intake report to the other members of the Reference Panel *and to the Church Attorney*.

Sec. 5. If the Intake Officer determines that the information, if true, would not constitute an Offense, the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide written notice to the Complainant and the Bishop Diocesan of the decision of dismissal, the reasons therefore, and the Complainant's right to appeal the decision within thirty days of the date of the notice and shall send a copy of that notice and the written intake report to the president of the Disciplinary Board. If the Complainant wishes to appeal the dismissal, the Intake Officer shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent to the president of the Disciplinary Board along with a statement that the Complainant appeals the dismissal. The intake report and any related information, in the case of a dismissal, may be retained by the Intake Officer and considered in connection with any additional information that may come to the Intake Officer thereafter concerning the subject Member of the Clergy.

Sec. 6. In the event of an appeal of a dismissal, the president of the Disciplinary Board shall, within thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the dismissal. The president shall promptly notify the Complainant, the Intake Officer and the Bishop Diocesan of the decision. If the decision is to overrule the dismissal, the president shall refer the intake report to the Reference Panel.

Sec. 7. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, by lot or by other random means, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. A Conference Panel may consist of one or more persons. A Hearing Panel shall consist of not less than three persons and shall include both clergy and lay members. The president shall be ineligible to serve on either Panel.

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11 or (d) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel.

Sec. 9. If the determination of the Reference Panel is to take no action other than an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination to take no action other than an appropriate pastoral response. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply.

Sec. 10. All communications and deliberations during the intake and referral stages shall be confidential except as the Bishop Diocesan deems to be pastorally appropriate or as required by law.

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

Sec. 1. At any time the Bishop Diocesan may issue a Pastoral Direction to a Member of the Clergy, canonically resident, actually resident or licensed in the Diocese.

Sec. 2. A Pastoral Direction must (a) be made in writing; (b) set forth clearly the reasons for the Pastoral Direction; (c) set forth clearly what is required of the Member of the

Clergy; (d) be issued in the Bishop Diocesan's capacity as the pastor, teacher and overseer of the Member of the Clergy; (e) be neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the General Convention or the Diocese; and (f) be directed to some matter which concerns the Doctrine, Discipline or Worship of the Church or the manner of life and behavior of the Member of the Clergy concerned; and (g) be promptly served upon the Member of the Clergy.

Sec. 3. If at any time the Bishop Diocesan determines that a Member of the Clergy may have committed any Offense, or that the good order, welfare or safety of the Church or any person or Community may be threatened by that member of the Clergy, the Bishop Diocesan may, without prior notice or hearing, (a) place restrictions upon the exercise of the ministry of such Member of the Clergy or (b) place such Member of the Clergy on Administrative Leave.

Sec. 4. Any restriction on ministry imposed pursuant to Canon IV.7.3(a) or placement on Administrative Leave pursuant to Canon IV.7.3(b) must (a) be made in writing; (b) set forth clearly the reasons for which it is issued; (c) set forth clearly the limitations and conditions imposed and the duration thereof; (d) be neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the General Convention or the Diocese; (e) be promptly served upon the Member of the Clergy; and (f) advise the Member of the Clergy of his or her right to be heard in the matter as provided in this Canon. A copy of such writing shall be promptly provided to the Church Attorney.

Sec. 5. The duration of restriction on ministry or Administrative Leave may be for a stated period or to continue until the occurrence of a specified event or the satisfaction of a specified condition.

Sec. 6. Pastoral Directions, restrictions on ministry and Administrative Leaves (a) may be issued and imposed in any chronological order; (b) may be issued and imposed concurrently; and (c) may be modified at any time by the issuing Bishop or that Bishop's successor, provided that the Pastoral Direction, restriction on ministry or Administrative leave, as modified, meets the requirements of this Canon.

Sec. 7. Any Pastoral Direction, restriction on ministry or Administrative Leave under this Canon shall be effective upon service of the writing setting it forth on the subject Member of the Clergy as provided in Canon IV.19.20.

Sec. 8. If imposition of restriction on ministry or placement on Administrative Leave occurs prior to the receipt of information by the Intake Officer, as provided in Canon IV.6, then the Bishop may forward a copy of the writing setting forth the restriction or Administrative Leave to the Intake Officer, who shall receive such information as a report of an Offense and proceed as provided in Canon IV.6.

Sec. 9. The Bishop Diocesan may disclose such information concerning any Pastoral Direction, restriction on ministry or Administrative Leave as the Bishop Diocesan deems pastorally appropriate or as necessary to seek or obtain Diocesan authority for resolution of the matter or any part thereof.

Sec. 10. Every imposition of restriction on ministry or placement on Administrative Leave shall be subject to review upon the request of the Member of the Clergy at any time in the duration thereof. A request for review must be in writing and addressed to the president of the Disciplinary Board and the Church Attorney, with a copy to the Bishop Diocesan. A Member of the Clergy who requests review shall become a Respondent under this Title. Reviews shall be conducted within fifteen days of the delivery of the request for review to the president of the Disciplinary Board, unless extended by consent of the Respondent. If a restriction on ministry or placement on Administrative Leave has been reviewed once, a second request for review may be made only if there has been a substantial change of

circumstances from the time of the first request or if there has been a modification of the restriction on ministry or placement on Administrative Leave.

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

Sec. 12. After conducting the review and hearing from the persons designated in Canon IV.7.11 who desire to be heard, the Panel shall confer privately and make a determination to (a) dissolve the restriction on ministry or Administrative Leave; (b) affirm the restriction on ministry or Administrative Leave and the terms and conditions thereof; or (c) affirm the restriction on ministry or Administrative Leave, but with modification of the terms and conditions thereof. The Panel's determination shall be in writing and shall be delivered to the Respondent, the Church Attorney, the Bishop Diocesan and the Intake Officer, and shall be binding in the same manner as provided in Canon IV.7.7. In the event of the dissolution of the restriction on ministry or Administrative Leave, the Bishop Diocesan may give notice thereof to such persons and Communities having notice of the restriction on ministry or Administrative Leave as the Bishop Diocesan deems appropriate.

Sec. 13. Any Accord or Order resulting from Canons IV.9, IV.10, IV.12 or IV.13, unless otherwise specified, shall supersede any restriction on ministry or Administrative Leave then in effect.

CANON 8: Of Pastoral Response

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

Sec. 2. In each pastoral response the Bishop Diocesan shall consider offering pastoral care to all those affected by the Offense or allegations thereof. Pastoral care shall be considered for the Complainant, the Complainant's family, the Respondent, the Respondent's family, Injured Persons, Injured Persons' families, any affected Community, witnesses and the Disciplinary Board.

Sec. 3. In every case, and notwithstanding any other provision of this Title to the contrary, the Bishop Diocesan may disclose such information concerning any Offense or allegations thereof or concerning any Accord or Order as the Bishop Diocesan deems pastorally appropriate.

Sec. 4. The Bishop Diocesan shall give consideration to the respective privacy interests and pastoral needs of all affected persons.

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

CANON 9: Of Agreements Between Bishops Diocesan and Respondents for Discipline

Sec. 1. At any time before an Order becomes effective, the Respondent or any Member of the Clergy who has not yet become a Respondent but who is alleged to have committed an Offense may propose terms of discipline to the Bishop Diocesan, or the Bishop Diocesan may propose terms of discipline to the Respondent or such Member of the Clergy. Before reaching agreement, the Bishop Diocesan shall consult with the Injured Persons, if any, the President of the Disciplinary Board and the Church Attorney with respect to the proposed terms of discipline. If the Respondent or such Member of the Clergy and the Bishop Diocesan reach agreement regarding terms of discipline, such terms shall be set forth in a proposed Accord. A Member of the Clergy becomes a Respondent by reaching agreement with the Bishop Diocesan regarding terms of discipline.

Sec. 2. An Accord under this Canon may be entered into if (a) the Respondent is aware of the discipline to be imposed and the effect thereof; (b) the Respondent has had adequate opportunity to consult and seek advice from, or has in fact consulted and received advice from, counsel of the Respondent's choosing; and (c) the Accord adequately considers and, where possible, provides for healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and other persons and is otherwise an appropriate resolution of the matter.

Sec. 3. An Accord under this Canon may be withdrawn by the Priest or Deacon within three days of execution thereof by the Priest or Deacon and if not withdrawn shall be effective and irrevocable thereafter.

CANON 10: Of Conciliation

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

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

Sec. 3. If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord will be prepared as provided in Canon IV.14. If conciliation cannot be achieved within a reasonable time, the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel.

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

CANON 11: Of Investigations

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

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

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to (a) take no action other than appropriate pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12. The determination shall be approved by a majority vote of the Reference Panel.

Sec. 4. If the determination is to refer for further investigation, the Investigator shall make such further investigation as the Reference Panel directs and shall submit a supplemental report of findings to the Reference Panel. The Reference Panel shall then reconvene and proceed as provided in Canon IV.11.3.

Sec. 5. All investigations shall be confidential except as may be utilized by the Church Attorney, the Bishop Diocesan or the Panels upon the consent of the person interviewed or as the Bishop Diocesan deems pastorally necessary, and all persons interviewed by the Investigator shall be advised of the confidential nature of the investigation.

CANON 12: Of Conference Panels

Sec. 1. Upon referral of a matter to a Conference Panel, the president of the Disciplinary Board shall forward to the Church Attorney the intake report, all of the Investigator's reports and any other writings or other file materials created or collected by the Disciplinary Board or any panel thereof during the intake, investigative or referral process. From this material the Church Attorney shall prepare a written statement, describing each alleged Offense separately, with reasonable particularity sufficient to apprise the Respondent of the acts, omissions or conditions which are the subject of the proceedings. The Church Attorney shall then forward the materials received from the president of the Disciplinary Board, together with the written statement, to the Conference Panel.

Sec. 2. The Conference Panel shall review the materials provided to determine who, in addition to those listed in Canon IV.12.3, should be *directed* to participate in the proceeding before the Conference Panel in order to promote the purposes of this Title. Such may include, for example, the Investigator, family members, representatives of the affected Community or other affected persons.

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

Sec. 4. The Respondent shall attend the conference.

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

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

Sec. 7. The proceedings of the Conference Panel shall be informal and conversational. The Conference Panel shall describe the alleged Offense to the Respondent. The Conference Panel shall hear from the Complainant or the Complainant's Advisor or both, if either or both are present, and from the Respondent or the Respondent's Advisor or both. At its discretion, the Conference Panel may hear from the Investigator or any other persons present, and may direct the Investigator to conduct additional investigation and suspend its proceedings to allow such investigation to be completed. At its discretion, the Conference Panel may confer with any participants outside the presence of the other participants.

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

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

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

Sec. 11. If the resolution is the entry of an Accord or the issuance of an Order other than an Order of dismissal, the provisions of Canon IV.14 shall apply.

Sec. 12. The Respondent or the Church Attorney may refuse an Order issued by the Conference Panel by giving written notice of the refusal to the president of the Conference Panel within fifteen days following the effective date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of refusal, the president of the Conference Panel shall notify the president of the Disciplinary Board of the refusal and the matter will proceed as provided in IV.14.11.

CANON 13: Of Hearing Panels

Sec. 1. If a matter is referred to the Hearing Panel, the president of the Conference Panel shall promptly notify the president of the Disciplinary Board of the referral.

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

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

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

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

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

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

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

(a) Within thirty days after the filing of the response by the Respondent, the Church Attorney and the Respondent's counsel shall meet and confer regarding the nature and basis of the allegations against the Respondent and the defenses thereto and to make or arrange for initial disclosures as described in Canon IV.13.5(b), and to develop a proposed plan of discovery forms and schedule for approval by the Hearing Panel. A report of the proposed plan shall be filed with the president of the Hearing Panel within fifteen days after the conference.

(b) Within fifteen days after the conference described in Canon IV.13.5(a), the Church Attorney and the Respondent's counsel shall each provide to the other initial disclosure of (1) the name and, if known, the address and telephone number of each individual likely to have direct knowledge of information which may be used to support the allegations against the Respondent or the defenses thereto, together with a detailed summary of the expected testimony of the person, if called to testify; and (2) a copy of, or a description by category and location of, all documents and tangible things that may be used to support the allegations against the Respondent or the defenses thereto, except as such disclosure would involve Privileged Communications.

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

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

(e) In addition to the disclosures required by this section and the discovery obtained pursuant to the discovery plan, the Church Attorney and Respondent's counsel shall each provide to the other and to the Hearing Panel at least thirty days before the hearing final pre-hearing disclosures including (1) the name, address and telephone number of each witness expected to be called to testify at the hearing; (2) identification of each

document or other tangible object expected to be used as an exhibit in the hearing; and (3) requests, if any, to have all or portions of the hearing closed to the public.

(f) Notwithstanding any provision of this section, in approving or determining the discovery plan, the president of the Hearing Panel shall take reasonable steps to assure that the discovery process will not unduly burden any person from whom information is sought or unduly adversely affect any pastoral response being offered to any such person. The Hearing Panel may impose, after reasonable notice and opportunity to be heard, reasonable sanctions on any party for failure to comply with any discovery or scheduling order.

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

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

(b) The president:

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

(2) shall exclude privileged evidence;

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

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

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

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

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

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

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

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

Sec. 9. If the resolution is the issuance of an Order other than an Order of dismissal, the provisions of Canon IV.14 shall apply.

CANON 14: Of Accords and Orders

Sec. 1. An Accord may (a) provide any terms which promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and other persons; (b) place restrictions

on the Respondent's exercise of ministry; (c) place the Respondent on probation; (d) recommend to the Bishop Diocesan that the Respondent be admonished, suspended or deposed from ministry; (e) limit the involvement, attendance or participation of the Respondent in the Community; or (f) any combination of the foregoing. An Accord may be conditioned on the Bishop Diocesan imposing any recommended admonition, suspension, deposition or conditions for restoration to ministry. An Accord providing for suspension from ministry shall specify on what terms or conditions and at what time the suspension shall cease. Any Accord providing for limitation upon the involvement, attendance or participation of the Respondent in the Community shall also provide conditions for restoration.

Sec. 2. If an Accord results from a Conciliation, the Accord shall be signed by the Complainant, the Respondent and the Conciliator, provided that the Conciliator shall sign last.

Sec. 3. If an Accord results from proceedings before a Conference Panel, the Complainant and the Complainant's Advisor shall have first been afforded an opportunity to be heard by the Panel regarding the proposed terms of the Accord. The Accord shall be signed by the Respondent, the Church Attorney and the president of the Panel, provided that the president shall sign last.

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

Sec. 5. The Bishop Diocesan shall have thirty days from the date on which the Accord is sent to the Bishop Diocesan in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney and the Conciliator or the president of the Conference Panel or Hearing Panel whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Accord as recommended. The Bishop Diocesan shall advise that he or she will (a) pronounce the Sentence as recommended or (b) pronounce a lesser Sentence than that recommended and/or (c) reduce the burden on the Respondent of any of the other terms of the Accord. The Bishop Diocesan shall pronounce Sentence not sooner than forty days following the date on which the Accord is sent to the Bishop Diocesan and not later than sixty days following such date. The Bishop Diocesan's pronouncement of a lesser Sentence than that recommended or other modification shall not affect the validity or enforceability of the remainder of the Accord.

Sec. 6. An Order issued by a Conference Panel or Hearing Panel may (a) provide any terms which promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among the Complainant, Respondent, affected Community and other persons; (b) place restrictions on the Respondent's exercise of ministry; (c) recommend to the Bishop Diocesan that the Respondent be admonished, suspended or deposed from ministry; (d) limit the involvement, attendance or participation of the Respondent in the Community; or (e) any combination of the foregoing. An Order providing for suspension from Ministry shall specify on what terms or conditions and at what time the suspension shall cease. Any Order providing for limitation upon the involvement, attendance or participation of the Respondent in the Community shall also provide conditions for restoration.

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

Sec. 8. The Bishop Diocesan shall have thirty days from the date of the issuance of the Order in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Order as recommended. The Bishop Diocesan shall advise that he or she will (a) pronounce the Sentence as recommended or (b) pronounce a lesser Sentence than that recommended and/or (c) reduce the burden on the Respondent of any of the other terms of the Order. The Bishop Diocesan shall pronounce Sentence not sooner than forty days following the issuance of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the Bishop Diocesan may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. The Bishop Diocesan's pronouncement of a lesser Sentence than that recommended or other modification shall not affect the validity or enforceability of the remainder of the Order.

Sec. 9. An Accord or Order shall include, in addition to such terms and provisions as are consistent with Canons IV.14.1 and IV.14.6, (a) the name of the Respondent; (b) a reference to the Canon(s), section(s) and subsection(s) specifying the Offense; and (c) general information regarding the Offense sufficient to afford protection from proceedings which are barred under Canon IV.19.13.

Sec. 10. An Accord under Canon IV.9 shall be effective as provided in Canon IV.9.3. An Accord under Canon IV.10 or IV.12 shall be effective thirty days following the date on which the Accord is signed by the Conciliator or the president of the Panel. An Order is effective thirty days following the date on which the Order is issued.

Sec. 11. If the Order is issued by a Conference Panel, the Respondent may refuse the Order as provided in Canon IV.12.12 and the matter shall be referred to a Hearing Panel for hearing as provided in Canon IV.13.

Sec. 12. Notice of Accords and Orders which shall have become effective and are not subject to refusal by the Respondent shall be given without delay as follows:

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

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

(c) All notices given pursuant to this Canon shall reference the Canon(s), section(s) and subsection(s) specifying the Offense which is the subject of the Accord or Order.

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

CANON 15: Of Review

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

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

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

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

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

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

Sec. 3. Any Order from a Hearing Panel finding that a Respondent did not commit an Offense involving a question of the Doctrine, Faith or Worship of the Church may be appealed by the Bishop Diocesan upon the written request of at least two Bishops Diocesan of other Dioceses within the Province who are not members of the Provincial Court of Review. Such an appeal shall be taken on the question of the Church's Doctrine, Faith and Worship only, and may not seek to reverse the finding of the Hearing Panel of non-commission of other Offenses. An appeal under this section may be taken by service of a notice of appeal by the Bishop Diocesan upon the Respondent, the Church Attorney and the presidents of the Hearing Panel and the Province within forty days after the Order of the Hearing Panel is received by the Bishop Diocesan.

Sec. 4. If an appeal is taken from a Hearing Panel of a Diocese which is nonprovincial, the appeal shall be taken before the Provincial Court of Review geographically closest to that Diocese.

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

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

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

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

(1) The action taken below violates the Constitution and Canons of the Church or the Diocese;

(2) The Hearing Panel has exceeded the jurisdiction conferred by this Title;

(3) The Hearing Panel has not decided all of the issues requiring resolution;

(4) The Hearing Panel has erroneously interpreted or applied the Constitutions or Canons of the Church;

(5) The Hearing Panel has committed a procedural error or engaged in a decision-making process contrary to this Title; and/or

(6) The factual determinations of the Hearing Panel are not supported by substantial evidence when viewed in the whole light of the record on appeal.

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

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

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

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

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

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

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

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

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

CANON 16: Of Abandonment of The Episcopal Church

(A) By a Bishop

Sec. 1. If a Bishop abandons The Episcopal Church (i) by an open renunciation of the Doctrine, Discipline or Worship of the Church; or (ii) by formal admission into any religious body not in communion with the same; or (iii) by exercising Episcopal acts in and for a religious body other than the Church or another church in communion with the Church, so as to extend to such body Holy Orders as the Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in the Church, it shall be the duty of the Disciplinary Board for Bishops, by a majority vote of all of its members, to certify the fact to the Presiding Bishop and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop shall then place a restriction on the exercise of ministry of said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of such restriction, the Bishop shall not perform any Episcopal, ministerial or canonical acts.

Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the certification and restriction on ministry. Unless the restricted Bishop, within sixty days, makes declaration by a verified written statement to the Presiding Bishop, that the facts alleged in the certificate are false or utilizes the provisions of Canon III.12.7, the Bishop will be liable to Deposition. If the Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the declarations or acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding Bishop, with the advice and consent of the Disciplinary Board for Bishops, shall terminate the restriction. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House. If the House, by a majority of the whole number of Bishops entitled to vote, shall give its consent, the Presiding Bishop shall depose the Bishop from the ministry, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed.

(B) By a Priest or Deacon

Sec. 3. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of

Canon III.7.8-10 or III.9.8-11, has abandoned The Episcopal Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of all the members that the Priest or Deacon has abandoned The Episcopal Church by an open renunciation of the Doctrine, Discipline or worship of the Church, or by the formal admission into any religious body not in communion with the Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop Diocesan, or if there be no such Bishop, to the Bishop Diocesan of an adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or declarations relied upon in making its determination. If the Bishop Diocesan affirms the determination, the Bishop Diocesan shall place a restriction on the exercise of ministry by that Priest or Deacon for sixty days and shall send to the Priest or Deacon a copy of the determination and statement, together with a notice that the Priest or Deacon has the rights specified in Section 2 and at the end of the sixty day period the Bishop Diocesan will consider deposing the Priest or Deacon in accordance with the provisions of Section 4.

Sec. 4. Prior to the expiration of the sixty day period of restriction, the Bishop Diocesan may permit the Priest or Deacon to utilize the provisions of Canon III.7.8-10 or III.9.8-11, as applicable. If within such sixty day period the Priest or Deacon shall transmit to the Bishop Diocesan a statement in writing signed by the Priest or Deacon, which the Bishop Diocesan is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop Diocesan shall withdraw the notice and the restriction on ministry shall expire. If, however, within the sixty day period, the Bishop Diocesan does not pronounce acceptance of the renunciation of the Priest or Deacon in accordance with Canon III.7.8-10 and III.9.8-11, as applicable, or the Priest or Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop Diocesan either (i) to depose the Priest or Deacon or (ii) if the Bishop Diocesan is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee, to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not affect the person's moral character) is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination.

CANON 17: Of Proceedings for Bishops

Sec. 1. Except as otherwise provided in this Canon, the provisions of this Title shall apply to all matters in which a Member of the Clergy who is subject to proceedings is a Bishop.

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

(a) Disciplinary Board shall mean the Disciplinary Board for Bishops as provided in Canon IV.17.3.

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

(c) Bishop Diocesan shall mean the Presiding Bishop, unless the Member of the Clergy who is subject to proceedings is the Presiding Bishop, in which case Bishop shall mean the Bishop authorized by Canon IV 19.24.

(d) Church Attorney shall mean a person appointed by the Disciplinary Board for Bishops to serve as the Church Attorney.

(e) Investigator shall mean any person who is qualified to serve as an Investigator under this Title, selected by the Disciplinary Board for Bishops.

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

Sec. 3. The Disciplinary Board for Bishops is hereby established as a court of the Church to have original jurisdiction over matters of discipline of Bishops, to hear Bishops' appeals from imposition of restriction on ministry or placement on Administrative Leave and to determine venue issues as provided in Canon IV.19.5. The Disciplinary Board for Bishops shall consist of ten Bishops elected at any regularly scheduled meeting of the House of Bishops, and four Priests or Deacons and four lay persons *initially* appointed by the President of the House of Deputies *with the advice and consent of the lay and clergy members of the Executive Council and thereafter elected by the House of Deputies*. All lay persons appointed to serve shall be confirmed adult communicants in good standing. Members of the Board shall serve staggered terms of six years, with terms of one half of the Bishops and one half of the lay persons, Priests and Deacons collectively expiring every three years, with the first expirations occurring at the end of the year 2012.

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

Sec. 5. The Conference Panel shall consist of three Bishops, one Priest or Deacon and one lay person. The Hearing Panel shall consist of three Bishops, one Priest or Deacon and one lay person, except that the Hearing Panel for the Offense specified in Canon IV.4.1(h)(2) pertaining to Doctrine Offenses shall consist of five Bishops only.

Sec. 6. The provisions of Canons IV.14.1(d) and IV.14.6(c) pertaining to recommendations that a Respondent be suspended or deposed from ministry shall not apply where the Respondent is a Bishop. Where the Respondent is a Bishop, an Accord or Order may provide for the suspension or deposition of the Respondent. In such event, the Sentence of suspension or deposition shall be pronounced by the president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence within thirty days after the date on which the Conciliator or the president signs the Accord. Where an Order provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence not sooner than forty days following the issuance of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order.

Sec. 7. Notwithstanding any provision of this Title to the contrary, no proceeding shall be brought under this Title against a Bishop in which the Offense alleged is violation of Canon IV.4.1(h)(2) for holding and teaching, or having held and taught, publicly or privately, and advisedly, any Doctrine contrary to that held by the Church unless a statement of disassociation shall have first been issued by the House of Bishops as provided in Canon IV.17.7 (a) and thereafter the consent of one-third of the Bishops qualified to vote in the House of Bishops has been received to initiate proceedings under this Title as provided in Canon IV.17.7 (b).

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

(b) Not later than ninety days following the issuance of a statement of disassociation by the House of Bishops as provided in Canon IV.17.7(a), any ten Bishops Diocesan may file with the Presiding Bishop a written request, signed by such Bishops, that the House of Bishops initiate proceedings under this Title against any Bishop who is the subject of such statement of disassociation for violation of Canon IV.4.1(h)(2) with regard to the same Doctrine as was alleged in the request for the statement of disassociation. Such request for initiation of proceedings under this Title shall include an explanation why the issuance of the statement of disassociation was not a sufficient response to the matters alleged in the request for statement of disassociation and shall be accompanied by a brief in support of the request for initiation of proceedings. The Presiding Bishop shall fix a date for the filing of a response, which shall include an explanation why the issuance of the statement of disassociation was a sufficient response to the matters alleged in the request for statement of disassociation, and brief in support thereof, which date shall be not less than ninety days from the date of service, and may extend the time for responding for not more than sixty additional days. Upon the filing of a response and supporting brief, if any, or upon the expiration of the time fixed for a response, if none be filed, the Presiding Bishop shall forthwith transmit copies of the request for initiation of proceedings under this Title, response and briefs to each member of the House of Bishops. No proceeding under this Title for violation of Canon IV.4.1(h)(2) shall be initiated unless the written consent of one-third of the Bishops qualified to vote in the House of Bishops shall be received by the Presiding Bishop within sixty days of the date on which the copies of the request for initiation of proceedings under this Title, response, and briefs were sent to them. In case the Presiding Bishop does not receive the written

consent of one-third of all the Bishops eligible to vote within sixty days of such date, the Presiding Bishop shall declare the matter dismissed and no further proceedings may be had thereon. If the Presiding Bishop receives the necessary written consents within sixty days as specified above, the Presiding Bishop shall forthwith notify the President of the Disciplinary Board for Bishops. The President shall promptly select from the Disciplinary Board for Bishops, by lot or by other random means, a Hearing Panel consisting of nine Bishops and shall designate a president of the Hearing Panel. The President of the Disciplinary Board for Bishops shall promptly forward to the president of the Hearing Panel and to the National Church Attorney copies of the request for initiation of proceedings under this Title, response and briefs, and the matter shall proceed under this Title as a matter which has been referred to a Hearing Panel.

Sec. 8. The Court of Review for Bishops is hereby established as a court of the Church to have jurisdiction to hear appeals from Hearing Panels of the Disciplinary Board for Bishops.

(a) The Court of Review for Bishops shall consist of nine members, all of whom shall be Bishops. Three Bishops shall be elected by the House of Bishops at any regularly scheduled meeting of the House of Bishops, to serve until the adjournment of the third succeeding regular meeting of General Convention and until their successors are elected and qualify; however, there shall be no change in the composition of the Court with respect to a particular Respondent following any hearing in the matter and while it is pending unresolved before the Court.

(b) From among their number, the members of the Court of Review for Bishops shall elect a president.

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

Sec. 9. An Accord between the Presiding Bishop and a Bishop resulting from an agreement for discipline pursuant to Canon IV.9 shall be (a) subject to the right of withdrawal provided in Canon IV.9.3 and (b) submitted by the Presiding Bishop to the Disciplinary Board for Bishops for approval promptly after it is signed by the Presiding Bishop and the respondent. Unless withdrawn under IV.9.3, it shall be effective upon approval of the Disciplinary Board for Bishops and not subject to appeal.

CANON 18: Of Modification and Remission of Orders

Sec. 1. Any Member of the Clergy who is the subject of an Order which has become effective may apply to the Bishop Diocesan of the Diocese from which the Order issued, or the Presiding Bishop in the case of a Bishop, for modification or remission of the Order. If the Bishop is satisfied that sufficient reasons exist for granting the modification or remission sought, in whole or in part, the procedures provided in this Canon for modification or remission shall apply.

Sec. 2. In the case of an Order pertaining to a Priest or Deacon, any provision of any Order other than a provision recommending deposition of the Priest or Deacon may be modified or remitted by the Bishop Diocesan of the Diocese from which the Order issued with the advice and consent of two-thirds of the members of the Disciplinary Board.

Sec. 3. In the case of a deposition of a Priest or Deacon pursuant to an Order, such deposition may be remitted and terminated by the Bishop Diocesan of the Diocese from

which the Order issued only upon the following conditions: (a) the remission shall be done with the advice and consent of two-thirds of the members of the Disciplinary Board of the Diocese from which the Order issued; (b) the proposed remission, with the reasons therefore, shall be submitted to the judgment of five of the Bishops Diocesan whose Dioceses are nearest to the Diocese from which the Order issued, and the Bishop Diocesan shall receive in writing from at least four of those Bishops their approval of the remission and their consent thereto; (c) if the person deposed maintains legal residence or canonical residence in a Diocese other than the Diocese from which the Order issued, the proposed remission, with the reasons therefore, shall be submitted to the judgment of the Bishop(s) Diocesan of the Diocese(s) of legal and canonical residence and such Bishop(s) shall give his or her (or their) written approval of the remission and consent thereto; and (d) before such remission, the Bishop Diocesan shall require the person deposed, who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article VIII of the Constitution.

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

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

Sec. 6. No Order may be modified or remitted unless the Member of the Clergy, the Church Attorney and each Complainant have been afforded sufficient opportunity to be heard by the Disciplinary Board, or the Disciplinary Board together with the Bishops who are then serving on any Provincial Court of review, as the case may be, as to why the proposed modification or remission should or should not be permitted.

CANON 19: Of General Provisions

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

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

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

Sec. 4.

(a) A Member of the Clergy shall not be subject to proceedings under this Title for acts committed more than ten years before the initiation of proceedings except:

(1) if a Member of the Clergy is convicted in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving immorality, proceedings may be initiated at any time within three years after the conviction or judgment becomes final;

(2) if an alleged Injured Person was under the age of twenty-one years at the time of the alleged acts, proceedings may be initiated at any time prior to the alleged Injured Person's attaining the age of twenty-five years; or

(3) if an alleged Injured Person is otherwise under disability at the time of the alleged acts, or if the acts alleged were not discovered, or the effects thereof were not realized, during the ten years immediately following the date of the acts alleged, the time within which proceedings may be initiated shall be extended to two years after the disability ceases or the alleged Injured Person discovers or realizes the effects of the acts alleged; *provided, however*, the time within which proceedings may be initiated shall not be extended beyond fifteen years from the date the acts are alleged to have been committed.

(b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time.

(c) Except as provided in Subsection (b) above, the time limitations for initiation of proceedings in this Section shall be retroactive only to January 1, 1996.

(d) No proceedings under this Title shall be initiated for acts which are alleged to violate Canon IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e) or (h)(2) unless the acts were committed within or continued up to two years immediately preceding the time the proceedings are initiated.

(e) For purposes of this Section 4, proceedings are initiated under this Title with respect to a particular Offense when specific allegations of the commission of that Offense are made to the Intake Officer.

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

(a) A Member of the clergy shall be subject to proceedings under this Title for the alleged commission of an Offense in the Diocese in which the Member of the Clergy is canonically resident or in any Diocese in which an Offense is alleged to have occurred.

(b) Whenever a referral of a matter is to be made by an Intake Officer regarding a Member of the Clergy who is not canonically resident in the Intake Officer's Diocese, the Bishop Diocesan of the Intake Officer's Diocese shall promptly notify the Bishop Diocesan of the Diocese where the Member of the Clergy is canonically resident that the Intake Officer's Diocese intends to conduct proceedings under this Title regarding the matter. The Bishop Diocesan of the Diocese of canonical residence shall have thirty days following the receipt of such notice within which to object to assumption of jurisdiction over the matter by the Intake Officer's Diocese. Such objection shall be made in writing to the Bishop Diocesan of the Intake Officer's Diocese. If the Bishop Diocesan of the Diocese of canonical residence fails to so object within the time provided, it shall be deemed that the Bishop Diocesan of the Diocese of canonical residence has agreed to assumption of jurisdiction over the matter by the Intake Officer's Diocese.

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

- (1) If they are in the same Province, either may promptly request the president of the Provincial Court of Review to decide which Diocese shall conduct the proceedings. If they are in different Provinces, either may promptly request the president of the Disciplinary Board for Bishops to decide which Diocese shall conduct the proceedings.
- (2) The requesting Bishop shall provide a copy of the request to the other Bishop. A reply to the request may be made by the nonrequesting Bishop within fifteen days of service of the request.
- (3) The president shall have the discretion to hear from the Bishops Diocesan or the Church Attorneys for the respective Dioceses, either personally or telephonically, concerning the request and any reply. The president shall have the discretion to request additional submissions from the Bishops Diocesan or the Church Attorneys.
- (4) The president shall decide which Diocese shall conduct the proceedings within thirty days of service of the request.

Sec. 6. In any proceeding under this Title in which the Respondent fails to appear before the Conference Panel as required by Canon IV.12.4 or to timely file with the Hearing Panel the written response required by Canon IV.13.2(c), such Panel may proceed in the absence of the Respondent and may accept as true the matters described in the notice issued to the Respondent pursuant to Canons IV.12.3 or IV.13.2.

Sec. 7. Unless otherwise expressly provided in writing in the restriction on ministry or Sentence of suspension, a Member of the Clergy under a restriction on Ministry or Sentence of suspension shall not exercise any authority of his or her office over the real or personal property or temporal affairs of the Church except such matters as may not be exercised by a person other than the holder of the office, and may exercise authority in those matters only with the advice and consent of the Vestry or Bishops Committee, in the case of congregational property or affairs, or the Standing Committee, in the case of Diocesan property or affairs. The Sentence of suspension of a Rector shall terminate the pastoral relation between the Rector and the Vestry or Congregation unless (i) the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relation continue and (ii) the Ecclesiastical Authority approves such request. If the pastoral relation has not been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the office of the Rector. This Section shall not prohibit the application of Canon III.9.13-21.

Sec. 8. In computing any period of time for proceedings described in this Title, the day of the act or event from which the designated time period begins to run shall not be included. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal holiday in that jurisdiction, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday in that jurisdiction. Whenever a party has the right or is required to do an act within a prescribed period after the service of notice or other paper, if the service is by mail, five days shall be added to the prescribed period. Whenever it is provided in this Title that an act be done promptly or without delay, such act shall be done as quickly as is reasonably possible under the circumstances.

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

Sec. 10. Each Diocese shall make provision for Advisors to be available to Respondents and Complainants as provided in this Canon for the purposes of support, assistance,

consultation and advice regarding the process provided in this Title and the rights, responsibilities, consequences and alternatives pertaining thereto.

(a) The Bishop Diocesan shall make an Advisor available to the Respondent not later than the earliest of (1) reference for conciliation, to the Conference Panel or to the Hearing Panel, (2) the imposition of restriction on ministry or placement on Administrative Leave or (3) any interrogation or request for a statement or other information from the Respondent.

(b) The Bishop Diocesan shall make an Advisor available to the Complainant not later than the earliest of (1) the forwarding of the intake report to the Reference Panel, (2) the Complainant's appeal of a dismissal under Canon IV.6.5 or (3) the Bishop's designation of an Injured Person as a Complainant.

(c) The following shall be disqualified from serving as an Advisor: the Bishop Diocesan, the Church Attorney, any member of the Disciplinary Board, the Intake Officer, any Investigator, any person who is likely to be a witness in any pertinent proceeding and the Chancellor or any Vice-chancellor of the Diocese.

(d) No Respondent or Complainant shall be required to accept the services of any Advisor made available by the Bishop Diocesan. Any Respondent or Complainant may use the services of any Advisor of his or her choice after designating that person as Advisor in writing to the Intake Officer.

(e) All communications between the Respondent and his or her Advisor or attorney and between the Complainant and his or her Advisor or attorney shall be privileged.

(f) The reasonable costs and expenses of providing Advisors made available by the Bishop Diocesan shall be the obligation of the Diocese in which the matter of Discipline is proceeding unless otherwise provided in an Accord or Order. The reasonable costs and expenses of providing Advisors chosen by the Respondent or Complainant and not made available by the Bishop Diocesan shall be the obligation of such Respondent or Complainant unless otherwise provided in an Accord or Order.

(g) In all proceedings under this Title at which the Respondent or the Complainant has the right to be present, their Advisors shall also have the right to be present.

Sec. 11. No person subject to the authority of the Church may attempt to coerce or improperly influence, directly or indirectly, the actions of any body performing functions under this Title, or any member of such body or any other person involved in such proceedings.

Sec. 12. In all proceedings under this Title whenever a Respondent or a Complainant is required or permitted to appear or to participate or to be heard or to be present, they each shall have the right to be accompanied by and to be represented by counsel of their choice. Whenever any notice or other document is provided to or served upon a Respondent or a Complainant under this Title, such shall also simultaneously be provided to or served upon their respective counsel, if Respondent or Complainant, as the case may be, has notified the Bishop of the identity and contact information for such counsel. Nothing in this Title shall be construed as requiring any Respondent to be represented by counsel. Anything in this Title required or permitted to be done by the Respondent's counsel may be done by the Respondent personally.

Sec. 13. Proceedings under this Title, other than pastoral responses, shall be barred to the extent that the specific Offense has been the subject of any prior proceeding under this Title against the same Member of the Clergy which resulted in an Order or Accord. Additionally, in the case of a Member of the Clergy who has been the subject of proceedings under any predecessor to this Title, proceedings under this Title, other than pastoral responses, shall be barred to the extent that the specific Offense was previously included

in a presentment against the Member of the Clergy or was expressly set forth in the Member of the Clergy's waiver and voluntary submission to discipline upon which a Sentence was been pronounced or in the report of a conciliator.

Sec. 14. Impartiality of officials and bodies described in this Title shall be addressed as follows:

(a) Any Bishop Diocesan exercising authority under this Title shall disqualify herself or himself in any proceeding in which the Bishop's impartiality may reasonably be questioned. The Bishop shall also disqualify himself or herself when the Bishop, the Bishop's spouse or a person within the third degree of relationship to either of them, or the spouse of such person, is the Respondent, Complainant or an Injured Person.

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

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

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

Sec. 15. In addition to any challenge permitted under Canon IV.19.14, the integrity of the Disciplinary Board shall be preserved by a system of challenge as to the membership of any Panel of the Board appointed for a proceeding. Each Diocese shall provide by Canon for a system of challenge. If the Canons of the Diocese make no provision for challenging a member of the Board, any member of a Panel appointed for a proceeding may be challenged by the Church Attorney or the Respondent on grounds of conflict of interest or undue bias. The remaining members of the Board shall determine whether the challenge is relevant and factually supported and shall determine whether the challenged member shall be excused from that proceeding. If the member is excused, another member of the Board shall be appointed to the Panel to fill the vacancy created by the challenge, maintaining the appropriate balance of lay and ordained members.

Sec. 16. There shall be a presumption that the Respondent did not commit the Offense. The standard of proof required for a Hearing Panel to find an Offense by a Respondent shall be that of *clear and convincing* evidence.

Sec. 17. In all matters under this Title, it shall be the burden of the Church through the Church Attorney to establish an Offense by any Respondent.

Sec. 18. Except as otherwise provided in this Title, *or except for good cause shown as determined by the Hearing Panel*, it shall be the duty of all members of the Church to appear and testify or respond when duly served with a notice to do so from any Panel in any matter arising under this Title.

Sec. 19. No Chancellor or Vice-Chancellor of a Diocese shall serve as Church Attorney in that Diocese. No Chancellor or Vice-Chancellor of any Province shall serve as Church Attorney in any Diocese of that Province or any provincial proceeding. Neither the Presiding Bishop's Chancellor nor the Chancellor to the President of the House of Deputies shall serve as Church Attorney in any proceeding. The Church Attorney in any proceeding shall not be from the same law firm as any Chancellor or Vice-Chancellor otherwise disqualified under this section.

Sec. 20. Notices or other papers to be served according to procedures of this Title shall be deemed to have been duly served if a copy is delivered to the person to be served, is left with an adult resident of the abode of the person to be served or is mailed by certified mail to the person's usual place of abode. Notice by publication shall be made in a newspaper of general circulation in the jurisdiction of the person's usual place of abode. Acceptance of service renders unnecessary any further process.

Sec. 21. A reference in this Title to a Bishop Diocesan shall include a Bishop Coadjutor if specific jurisdiction for matters contemplated by this Title has been assigned to the Bishop Coadjutor pursuant to Canon III.11.10(a)(2), *and a Bishop Suffragan or Assistant Bishop if specific responsibilities for matters contemplated by this Title have been expressly assigned to the Bishop Suffragan or Assistant Bishop by the Bishop Diocesan.*

Sec. 22. A Hearing Panel or Court of Review may in its discretion obtain legal counsel to give it opinions on any questions of law, procedure or evidence. Such legal counsel, if any, shall have no vote in any proceeding before the Hearing Panel or Court of Review.

Sec. 23. Except as expressly provided in this Title, applicable Diocesan Canon, or in any Accord or Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring them.

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

(b) The necessary costs and expenses of the Provincial Court of Review shall be the expense of the Province.

(c) The necessary costs and expenses of the Disciplinary Board for Bishops and the Court of Review for Bishops shall be the expense of the General Convention.

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

Sec. 24. If the Presiding Bishop is unavailable to act by virtue of absence, disability or other disqualification, actions to be performed by the Presiding Bishop in this Title shall be performed by that Bishop who would be the Presiding Officer of the House of Bishops as provided by Article I, Section 3, of the Constitution in the event of the resignation, infirmity, disability or death of the Presiding Bishop.

Sec. 25. If there is neither a Bishop Diocesan nor a Bishop Coadjutor nor a Bishop Suffragan *nor an Assistant Bishop expressly assigned* the administration of clergy discipline in a Diocese and not under a restriction on ministry or Sentence of suspension, the Diocese shall, by agreement pursuant to Canon III.13.2, arrange for a Bishop to perform the duties of the Bishop Diocesan under this Title before commencing or continuing with any proceedings under this Title.

Sec. 26. Wherever in this Title it is provided that any communication, deliberation, investigation or proceeding shall be confidential, no person having knowledge or possession of confidential information derived from any such communication, deliberation, investigation or proceeding shall disclose the same except as provided in this Title, in any Accord or Order, or as required by any applicable law.

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

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

Sec. 29. Solely for the purposes of the application of these Canons to persons who have received the pronouncement of the former Sentence of removal, the former Sentence of removal shall be deemed to have been a Sentence of deposition.

Sec. 30. Records of proceedings shall be preserved as follows:

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

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

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

(d) The Bishop Diocesan shall (i) promptly deliver to the Archives of The Episcopal Church a copy of any Accord or Order which has become effective and a record of any action of remission or modification of any Order and (ii) provide for the permanent preservation of copies of all Accords and Orders by means which permit the identification and location of each such copy by the name of the Member of the Clergy who is the subject thereof.

Sec. 31. Any Member of the Clergy canonically resident in the Diocese who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense for which proceedings could be had under this Title, may on his or her own behalf request the Bishop Diocesan to conduct an inquiry with regard to such imputation. Upon receipt of such request by a Member of the Clergy, it shall be the duty of the Bishop Diocesan to cause the matter to be investigated and to report the result to the Member of the Clergy.

Sec. 32. No Member of the Clergy shall be accountable for any Offense if the act or omission constituting the Offense shall have occurred only prior to the effective date of this Title,

unless such act or omission would have constituted an offense under the predecessor to this Title.

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

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

Sec. 2. The effective date of this Title shall be July 1, 2011. Except as otherwise provided in this Canon, the predecessor to this Title shall stand repealed on the effective date of this Title.

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

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

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

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

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

(e) A Presentment against a Bishop under Canon 3.21(c) of the predecessor to this Title which is pending on the effective date of this Title shall proceed in accordance with Canon IV.17.7, and the matter shall thereafter further proceed, if at all, in accordance with the provisions of this Title.

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

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

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

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

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

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

And be it further

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

(c) It shall be the duty of the Recorder to furnish, upon proper authority and at the expense of the applicant, such information as may be in the possession of the Recorder, based upon the reports required under Clause (b) hereof.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 227-266.



Resolution Number: 1994-A019
Title: Amend Canon IV [Ecclesiastical Discipline]
Legislative Action Taken: Concurred As Amended
Final Text:

Resolved, That the whole of Title IV, The Canons, be amended to read:

**TITLE IV
ECCLESIASTICAL DISCIPLINE**

CANON 1.

Of Offenses for Which Bishops, Priests, or Deacons May Be Presented and Tried, and Of Inhibitions

Sec. 1. A Bishop, Priest, or Deacon of this Church shall be liable to Presentment and Trial for the following Offenses, viz.:

- (a). Crime.**
- (b). Immorality.**
- (c). Holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church.**
- (d). Violation of the Rubrics of the Book of Common Prayer.**
- (e). Violation of the Constitution or Canons of the General Convention.**
- (f). Violation of the Constitution or Canons of the Diocese in which the person is canonically resident.**
- (g). Violation of the Constitution or Canons of a Diocese of this Church wherein the person may have been located temporarily.**
- (h). Any act which involves a violation of Ordination vows.**
- (1). If a Charge against a Priest or Deacon alleges an act or acts which involve a violation of ordination vows and specifies as the act that the Priest or Deacon has disobeyed or disregarded a Pastoral Direction of the Bishop having authority over such person, the Charge must be made by the Bishop giving the Pastoral Direction or by the Ecclesiastical Authority of that diocese or by another bishop if the Bishop who issued the Pastoral Direction has resigned, retired, died or is unable to act and shall set out the Pastoral Direction alleged to have been disregarded or disobeyed and wherein the disregard or failure to obey constitutes a violation of ordination vows. Unless the Charge by the Bishop and the Presentment by the Standing Committee comply with the foregoing provisions, no finding of a violation based on an act of disregarding a Pastoral Direction of or failing to obey the Bishop having authority over the person charged may be made. (2). In order for the disregard or disobedience of a Pastoral Direction to constitute a violation of ordination vows the Pastoral Direction must have been a solemn warning to the Priest or Deacon; it must have been in writing and set forth clearly the reasons for the Pastoral Direction; it must have been given in the capacity of the pastor, teacher and canonical overseer of the Priest or Deacon; it must have been neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, both national and diocesan; and it must have been directed to some matter which concerns the Doctrine, Discipline or Worship of this Church or the manner of life and**

behavior of the Priest or Deacon concerned. Upon Trial under any such Presentment the question of whether the disregard or disobedience of the Pastoral Direction specified constitutes a violation of ordination vows is a matter of ultimate fact upon which testimony may be offered. (i). Habitual neglect of the exercise of the Ministerial Office, without cause; or habitual neglect of Public Worship, and of the Holy Communion, according to the order and use of this Church.

(j). Conduct Unbecoming a Member of the Clergy; *Provided, however,* that in the case of a Priest or Deacon charged with this offense, before proceeding to a Presentment, the consent of two-thirds of all the members of the Standing Committee of the Diocese eligible to vote in which the Priest or Deacon is canonically resident shall be required. If the provisions of Canon IV.7.1 apply, the consent of two-thirds of all the members of the Standing Committee of the Diocese eligible to vote in which the Offense is alleged to have occurred must be obtained.

Sec. 2 (a). If a Priest or Deacon is charged with an Offense or Offenses or serious acts are complained of to the Bishop that would constitute the grounds for a Charge of an Offense, and, in the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Bishop may authorize a Temporary Inhibition and the Bishop shall pronounce it.

(b). Any Temporary Inhibition shall: (I) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

(c). A Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon.

(d). Any Priest or Deacon against whom a Temporary Inhibition has been issued may request a hearing concerning the Temporary Inhibition before the Standing Committee, which shall hear the same at the earliest possible time, but not later than fourteen days after the date of receipt of the request. The Standing Committee by a two-thirds vote may dissolve, modify or continue the Temporary Inhibition. The Church Attorney shall be given notice of such hearing and shall be permitted to attend and be heard.

(e). At any time, a Bishop may dissolve or reduce the terms of a Temporary Inhibition or, with the advice and consent of a majority of a quorum of the Standing Committee, enlarge the Temporary Inhibition.

(f). A Temporary Inhibition shall continue in force and effect until (I) the issuance of an Inhibition as otherwise permitted by this Title, (ii) the withdrawal of the Charge or the allegations, (iii) the refusal of the Standing Committee to make a Presentment on the Charges alleged, (iv) a determination by the Bishop that there is no longer a need for the Temporary Inhibition, (v) a Sentence is imposed following a voluntary submission to discipline under Canon IV.2., or (vi) a period of ninety days measured from the date of the Temporary Inhibition; *Provided, however,* the ninety-day period may be extended by the Bishop upon the advice and consent of a majority of all the members of the Standing Committee for additional ninety-day periods upon good cause.

(g). In the event that the Temporary Inhibition is dissolved, reduced, or otherwise expires, the Ecclesiastical Authority shall so notify all persons to whom notice of the Temporary Inhibition was given.

Sec. 3. If a Presentment has been made by the Standing Committee against a Priest or Deacon, or if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving Immorality, or if a judgment has been entered against a Priest or Deacon in a civil Court of Record in a cause involving Immorality, the Bishop in whose jurisdiction the Priest or Deacon is canonically resident or of the jurisdiction wherein the conviction or judgment has been entered may issue an Inhibition to the Priest or Deacon until after the judgment of the Ecclesiastical Trial Court becomes final.

Sec. 4. No Bishop shall issue an Inhibition or Temporary Inhibition except as expressly permitted by this Title.

CANON 2.

Of Voluntary Submission to Discipline

Sec. 1. If allegations of the commission of an Offense have been made to the Ecclesiastical Authority, or if Charges of an Offense have been filed, or if a Presentment has been issued against a Member of the Clergy, the Member of the Clergy may, with the Consent of the Ecclesiastical Authority, voluntarily submit to the discipline of the Church at any time before Judgment by an Ecclesiastical Trial Court, and waive all rights to formal Charges, Presentment, Trial and further opportunity to offer matters in excuse or mitigation, as applicable, and accept a Sentence imposed and pronounced by the Bishop.

Sec. 2. The Waiver and Voluntary Submission shall be evidenced by a written instrument, which shall contain: (I) the name of the Member of the Clergy, (ii) a reference to the Canon specifying the Offense, (iii) general information sufficient to identify the Offense, and (iv) a statement that the Member of the Clergy is aware of the Sentence to be imposed and the effect thereof, and shall be signed and Acknowledged by the Member of the Clergy, after opportunity to consult with and obtain advice from independent legal counsel of the Member of the Clergy's choosing. If the Member of the Clergy has so consulted with legal counsel, that counsel shall also be identified in the Waiver and Voluntary Submission. Legal counsel shall not be a Chancellor, a Vice Chancellor, the Church Attorney or a Lay Assessor. The Waiver and Voluntary Submission shall be effective three days from the date of execution. The Church Attorney, each Complainant and Victim shall be given an opportunity to be heard prior to the passing of Sentence.

Sec. 3. If there be no Bishop of the Diocese and if the Ecclesiastical Authority be not a bishop, the Ecclesiastical Authority shall designate a Bishop of a Diocese of the Province to accept the Waiver and Voluntary Submission to discipline and to impose and pronounce the Sentence.

Sec. 4. Except as otherwise provided in this Canon, the Sentence so imposed and pronounced shall be as if it were imposed and pronounced after Judgment by an Ecclesiastical Trial Court and as if all time provided for all required notices and the right of the Member of the Clergy to offer matters of excuse and mitigation had been given and expired.

Sec. 5. No Member of the Clergy shall have the right to appeal the Sentence imposed and pronounced under this Canon to a Court of Review for the Trial of a Priest or Deacon, and the Sentence shall be final for all purposes.

Sec. 6. Where a Sentence is to be adjudged and pronounced, as a condition of the acceptance of the Waiver and Voluntary Submission to discipline, the Ecclesiastical Authority may

require the resignation of the Member of the Clergy from ecclesiastical and related secular offices, and in the case of a Sentence of Deposition from a Rectorship, held by that Member of the Clergy, upon such terms and conditions as the Ecclesiastical Authority may deem to be just and proper.

Sec. 7. Prior to Presentment, a Priest or Deacon may voluntarily submit to discipline to the Bishop of the Diocese in which that person is canonically resident or the Bishop of the Diocese wherein the commission of the Offense was alleged to have occurred. Subsequent to Presentment, the Priest or Deacon shall voluntarily submit to discipline in the Diocese wherein the Presentment has issued.

Sec. 8. In the event that a Sentence is imposed and pronounced by a bishop other than the Bishop of the Diocese wherein the Member of the Clergy is canonically resident, the Bishop pronouncing Sentence shall immediately so advise the Ecclesiastical Authority of the Diocese.

Sec. 9. A bishop of this Church may voluntarily submit to discipline under the provisions of this Canon, doing so to the Presiding Bishop, or if there then be none to the then Presiding Officer of the House of Bishops, who shall impose and pronounce Sentence. To the extent applicable, the procedural provisions of this Canon shall apply to Bishops.

CANON 3.

Of Presentments

(a). Of a Priest or Deacon

Sec. 1. A Presentment to the Ecclesiastical Trial Court may be issued only by the Standing Committee as provided in this Canon.

Sec. 2. A Charge against a Priest or Deacon shall be in writing, Verified and addressed to the Standing Committee of the Diocese wherein the Priest or Deacon is canonically resident, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense and the specifications of each Offense.

Sec. 3. A Charge may be made:

- (a).** by a majority of the lay Members of the Vestry of the Parish of the Respondent;
- (b).** by any three Priests canonically resident in the Diocese wherein the Respondent is canonically resident or canonically resident in the Diocese wherein the Respondent is alleged to have committed the Offense;
- (c).** by any three confirmed adult communicants in good standing in the Diocese wherein the Respondent is canonically resident or in the Diocese wherein the Respondent is alleged to have committed the Offense;
- (d).** in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of that Diocese, or by another Bishop if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act;
- (e).** in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (I) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability or (iii) the spouse or adult child of an alleged Victim;

(f). in a case where the Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church, only by a majority of the members of the Standing Committee of the Diocese in which the Member of the Clergy is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense;

(g). by a majority of the Standing Committee of the Diocese in which the Member of the Clergy is canonically resident or of the Diocese wherein the Respondent is alleged to have committed the Offense whenever the Standing Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense; or

(h). by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the Offense, if different from the diocese of canonical residence.

Sec. 4. If a complaint or accusation is brought to the Bishop by a person claiming to be the alleged Victim, or the spouse of an alleged Victim, or by the parent or guardian of an alleged Victim who is a minor or is under a disability, of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian, may appoint an Advocate to assist those persons in understanding and participating in the disciplinary processes of this Church, to obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian so choose. Any Victim or Complainant shall also be entitled to the counsel of an attorney and/or Advocate of their Choice.

Sec. 5. Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically resident in that Diocese has committed an Offense and the interests and good order and discipline of the Church require investigation by the Standing Committee, the Bishop shall concisely and clearly inform the Standing Committee in writing as to the nature and facts surrounding each alleged Offense and the specifications of each Offense but without judgment or comment upon the allegations or guilt, and the Standing Committee shall proceed as if a Charge had been filed.

Sec. 6. Any Priest or Deacon canonically resident in the Diocese who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may on his or her own behalf complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a Member of the Clergy, it shall be the duty of the Bishop to cause the matter to be investigated.

Sec. 7. Except as expressly provided in this Canon, no Bishop of the Diocese shall prefer a Charge against a Priest or Deacon canonically resident in that Diocese.

Sec. 8. Any Charge against a Priest or Deacon shall be promptly filed with the President of the Standing Committee.

Sec. 9. Upon the filing of a Charge with the Standing Committee, the Standing Committee shall promptly communicate the same to the Bishop and the Respondent.

Sec. 10. In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause involving Immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, it shall be the duty of the Standing Committee of the Diocese in which the Priest or Deacon is canonically resident, to institute an inquiry into

the matter. If the conviction or judgment be established, the Standing Committee shall issue a Presentment against the Priest or Deacon for Trial.

Sec. 11. Within thirty days after the filing of a Charge, other than a Charge alleging a conviction in a criminal Court of Record in a cause involving Immorality or alleging the entry of a judgment in a civil Court of Record in a cause involving Immorality, the Standing Committee shall convene to consider the Charge. If after such consideration the Standing Committee determines that an Offense may have occurred if the facts alleged be true, the Standing Committee shall prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney.

Sec. 12. The Church Attorney shall promptly make such investigation of the matter as the Church Attorney deems appropriate under the circumstances.

Sec. 13. Within sixty days after receipt of the statement from the Standing Committee, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential Report to the Standing Committee of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The Report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and the Standing Committee. *Provided, however*, the Standing Committee shall share the Report of the Church Attorney with the Bishop of the Diocese.

Sec. 14(a). Within thirty days after the receipt of the Report of the Church Attorney, the Standing Committee shall convene to consider the Report and whether or not a Presentment shall issue.

(b). In its deliberations, the Standing Committee may consider the Church Attorney's Report, responsible writings or sworn statements pertaining to the matter, including expert's statement, whether or not submitted by the Church Attorney.

(c). The Standing Committee shall issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (I) an Offense was committed, and (ii) the Respondent committed the Offense.

Sec. 15(a). The vote of two-thirds of the members of the Standing Committee shall be required to issue a Presentment. *Provided, however*, that in the case of a Priest or Deacon charged with the Offense of Crime, of Immorality or of Conduct Unbecoming a Member of the Clergy, a two-thirds vote of all the members of the Standing Committee shall be required to issue a Presentment for this Offense. No member shall disclose his or her vote or the vote of any member.

(b). In the event that, due to members who have been excused or vacancies in office, the Standing Committee does not have sufficient voting members to meet the requirements of Sec.(a), the action of the Standing Committee shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.

Sec. 16. If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of the Standing Committee on behalf of the Standing Committee, whether or not that officer voted in favor of the Presentment. In the event that there be no President or Secretary, or they be absent, a member of the Standing Committee appointed for that purpose shall sign the Presentment. The Presentment also shall contain (I) a separate

accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement in each separate accusation which, without specific allegations of an evidentiary nature, asserts facts supporting every element of the Offense charged and the Respondent's commission thereof with sufficient precision to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

Sec. 17. Promptly after the issuance of a Presentment, the Standing Committee shall cause the original to be filed with the President of the Ecclesiastical Trial Court with a true copy thereof served upon the Bishop, the Respondent, the Church Attorney and each Complainant.

Sec. 18. If the Standing Committee votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Bishop who shall file it with the Secretary of the Convention of the Diocese, the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim.

Sec. 19. Prior to the issuance of a Presentment or a determination not to issue a Presentment, as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Ecclesiastical Authority.

Sec. 20. Upon the issuance of a Presentment or the determination that a Presentment will not issue, all further proceedings of the Standing Committee in the matter shall cease and terminate.

Sec. 21. Non-compliance with time limits set forth in this Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

(b). Of a Bishop

Sec. 22. A bishop may be charged under Canon IV.1.1(c), for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, only upon a written Charge signed by any ten bishops exercising jurisdiction in this Church. The Charge shall be filed with the Presiding Bishop, together with a brief in support thereof. The Presiding Bishop shall thereupon serve a copy of the Charge upon the bishop charged, together with a copy of the supporting brief. The Presiding Bishop shall fix a date for the filing of an answer, and brief in support thereof, within three months from the date of service, and may, using discretion and for good cause, extend the time for answering for not more than two additional months. Upon the filing of an answer and supporting brief, if any, or upon the expiration of the time fixed for an answer, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Charge, answer, and briefs to each member of the House of Bishops. The written consent of one-fourth of the bishops qualified to vote in the House of Bishops shall be required before the proceeding may continue. In case one-fourth of all the bishops entitled so to act do not consent within two months from the date of the notification to them by the Presiding Bishop, the Presiding Bishop shall declare the Charge dismissed and no further proceedings may be had thereon.

Sec. 23. In the case of a bishop convicted in a criminal Court of Record in a cause involving Immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, it shall be the duty of the Presiding Bishop to institute an inquiry into the matter. If the conviction or judgment be established, the Presiding Bishop shall cause

the Chancellor to the Presiding Bishop to prepare a Presentment, which the Presiding Bishop shall sign and issue against the bishop for Trial.

Sec. 24(a). A bishop may be charged with any one or more of the Offenses specified in Canon IV.1, other than that of holding and teaching doctrine contrary to that held by this Church, and in the case of a bishop convicted in a criminal Court of Record in a cause involving Immorality or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, by three bishops or ten or more confirmed adult communicants of this Church in good standing, of whom at least two shall be Priests. One Priest and not less than six Lay Persons shall be of the Diocese of which the Respondent is canonically resident, or, in case the Respondent has no jurisdiction, of the Diocese in which the Respondent is canonically resident. Such Charges shall be in writing, signed by all the Complainants, Verified by two or more of them, and filed with the Presiding Bishop of the Church. The Charge shall concisely and clearly inform as to the nature of and facts surrounding each alleged offense and the specifications of the Offense.

(b). A bishop who shall have reason to believe that there are in circulation rumors, reports, or allegations affecting such bishop's personal or official character, may, acting in conformity with the written advice and consent of any two bishops of this Church, demand in writing of the Presiding Bishop that investigation of said rumors, reports, and allegations be made.

Sec. 25. The Presiding Bishop, upon the receipt of a written Charge or the consent of one-fourth of the bishops, as the case may be, shall summon not less than five nor more than seven bishops to review and consider the Charge. If a majority of them determine that the Charge, if proved, would constitute no Offense, they shall so advise the Presiding Bishop and the Charge shall be dismissed by the Presiding Bishop, who shall thereupon notify the Respondent and the Complainants and, unless waived in writing, the Victim. If a majority of them determine that the Charge, if proved, would constitute an Offense, they shall select a Board of Inquiry of five Priests and five lay confirmed adult communicants in good standing of this Church, none of whom shall belong to the Diocese of the Respondent's canonical residence, of whom eight shall form a quorum.

Sec. 26. The Board of Inquiry shall elect from its own membership a Presiding Officer, who shall hold office until the Board of Inquiry shall complete its duties.

Sec. 27. The death, disability rendering the person unable to act, resignation or declination to serve as a member of a Board of Inquiry shall constitute a vacancy on the Board.

Sec. 28. Notice of resignations or declinations to serve shall be given by members of the Board in writing to the Presiding Officer.

Sec. 29. If any Priest appointed to a Board of Inquiry is elected a bishop, or if any lay person elected to a Board of Inquiry is ordained to the ministry prior to the commencement of an Inquiry, that person shall immediately cease to be a member of the Board. If either event occurs following the commencement of an Inquiry, the person shall continue to serve until the completion of the Inquiry and the rendering of a judgment thereon.

Sec. 30. A vacancy occurring in a Board of Inquiry shall be filled by the Bishop who made that appointment.

Sec. 31. The Church Attorney for the proceedings before the Board of Inquiry shall be the Church Attorney appointed by the Court for the Trial of a Bishop pursuant to Canon IV.5 to serve at the discretion of the Board of Inquiry.

Sec. 32. The Board of Inquiry may appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult confirmed communicants of this Church, to serve during the pleasure of the Board.

Sec. 33. The Board of Inquiry may appoint not more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Board an opinion on any question of law, procedure or evidence, but not a question of doctrine, upon which the Board or any member thereof shall desire an opinion. If a question shall arise as to whether a question is a matter of doctrine, it shall be decided by the Board by a majority vote.

Sec. 34. The members of the Board of Inquiry may not be challenged by the Respondent.

Sec. 35. The Board of Inquiry may adopt rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time.

Sec. 36. In the conduct of this inquiry, the Board of Inquiry shall be guided by The Federal Rules of Evidence.

Sec. 37. The Board of Inquiry shall appoint a Reporter who shall insure that the proceedings are recorded as prescribed by the Board of Inquiry, to serve during the pleasure of the Board. The record shall be preserved in the custody of the Presiding Bishop or in the archives of the House of Bishops.

Sec. 38. The proceedings of the Board of Inquiry shall be private.

Sec. 39. The Board of Inquiry shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection, but the Board of Inquiry may regulate the number of counsel who may address the Board or examine witnesses.

Sec. 40. Within sixty days of their selection, the Board of Inquiry shall investigate the Charges. In conducting the investigation, the Board shall hear the Charges and such proof as the Complainants may produce, and shall determine whether, upon matters of law and of fact, as presented to them, there is sufficient ground to put the Respondent on Trial.

Sec. 41. When a majority of the Board of Inquiry finds evidence before it, which provides Reasonable Cause to believe that (I) an Offense was committed and (ii) the Respondent committed the Offense, by two-thirds vote it shall cause the Church Attorney to prepare a Presentment and shall issue a Presentment for an Offense, which shall be transmitted with the certificate of the determination of the Board to the Presiding Bishop.

Sec. 42. If a Presentment be issued, it shall be in writing, dated, and signed by the members of the Board who agree thereto. The Presentment also shall contain (I) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement in each separate accusation which, without specific allegations of an evidentiary nature, asserts facts supporting every element of each Offense charged and the Respondent's

commission thereof with sufficient precision to clearly apprise the Respondent of the conduct which is the subject of the Presentment.

Sec. 43. If the Board of Inquiry votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Presiding Bishop who shall file it with the Secretary of the House of Bishops, the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim.

Sec. 44. Promptly after the issuance of a Presentment, the Board of Inquiry shall cause the original to be filed with the Presiding Bishop with a true copy thereof served upon the Respondent and the Complainants.

Sec. 45. When a Presentment is filed with the Presiding Bishop, the Presiding Bishop shall at once transmit the Presentment to the Presiding Judge of the Court for the Trial of a Bishop.

Sec. 46. If the Presiding Bishop is a Complainant, except in a case of a bishop convicted in a criminal Court of Record in a cause involving Immorality or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, or if the Respondent, is otherwise disabled, the duties of the Presiding Bishop under this Canon shall be performed by the presiding officer of the House of Bishops. If the presiding officer is similarly unable to act, such duties shall be performed by the Secretary of the House of Bishops.

Sec. 47. Non-compliance with any procedural requirements set forth in this Canon shall not be grounds for the dismissal of a Presentment unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Trial Court on motion and hearing.

CANON 4

Of Diocesan Courts, and Courts of Review of the Trial of a Priest or Deacon, Their Membership and Procedure

(a). Diocesan Courts for the Trial of a Priest or Deacon

Sec. 1. In each Diocese there shall be an Ecclesiastical Court for the Trial of any Priest or Deacon subject to its jurisdiction, and it shall be the duty of each Diocese to provide by Canon for the establishment of the Court and the mode of conducting Trials of the same; *Provided, however,* that the provisions of this Canon shall be included therein.

Sec. 2. The Canon of a Diocese establishing an Ecclesiastical Trial Court shall provide that the Court shall: (I) be elected by the Convention of the Diocese, (ii) include lay persons and Priests or Deacons, the majority of the Court to be Priests or Deacons by no more than one, (iii) annually elect from its members a Presiding Judge within two months following the Diocesan Convention, and (iv) make provision for a Church Attorney.

Sec. 3. The provisions of Canon IV.14 shall apply to each Diocesan Ecclesiastical Trial Court.

Sec. 4. The death, disability rendering a person unable to act, resignation or declination to serve as a member of an Ecclesiastical Trial Court shall constitute a vacancy on the Court.

Sec. 5. Notice of resignations or declinations to serve shall be given by members of the Court in writing to the Presiding Judge of the Court.

Sec. 6. If any Priest elected to an Ecclesiastical Trial Court is elected a bishop, or if any lay person elected to an Ecclesiastical Trial Court is ordained prior to the commencement of a Trial, that person shall immediately cease to be a member of the Ecclesiastical Trial Court. If either event occurs following the commencement of a Trial, the person shall continue to serve until the completion of the Trial and the rendering of a Verdict thereon.

Sec. 7. Vacancies, other than for cause under Section 8 of this Canon, occurring in any Ecclesiastical Trial Court shall be filled as provided by Diocesan Canon.

Sec. 8. The canons of each Diocese may provide a system of challenge as to the members of the Ecclesiastical Trial Court and the filling of vacancies arising therefrom. If the canons of a Diocese make no provisions for Challenge, the members of the Ecclesiastical Trial Court may be challenged by either the Respondent or the Church Attorney for cause stated to the Court. The Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by challenges determined by the Court shall be filled by majority vote of the Court from persons otherwise qualified for election under the diocesan canons. Vacancies filled by the Court shall be from the same order as the person challenged was when first elected to the Court.

Sec. 9. An Ecclesiastical Trial Court shall be governed by the portion of The Federal Rules of Civil Procedure set forth in Appendix A to these Canons.

Sec. 10. The Ecclesiastical Trial Court shall be governed by The Federal Rules of Evidence in the conduct of the Trial.

Sec. 11. Each Ecclesiastical Trial Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Priests or Deacons or adult confirmed communicants in good standing of this Church and who shall serve at the pleasure of the Court.

Sec. 12. Each Ecclesiastical Trial Court shall appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court.

Sec. 13. Each Ecclesiastical Trial Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Ecclesiastical Trial Court an opinion on any question of law, procedure or evidence, but not on any question of doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion. Any question of whether a question is a matter of doctrine shall be decided by the Court by a majority vote.

Sec. 14. The Ecclesiastical Trial Court shall keep a record of the proceedings in each case brought before it and the record shall be certified by the Presiding Judge of the Court. If the record cannot be authenticated by the Presiding Judge by reason of the Presiding Judge's death, disability or absence, it shall be authenticated by a member of the Court designated for that purpose by majority vote of the Court.

Sec. 15. The Ecclesiastical Trial Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection. In every Trial the Court may regulate the number of counsel who may address the Court or examine witness.

Sec. 16. The Respondent shall then be called upon by the Court to plead to the Presentment and the plea shall be duly recorded; and on neglect or refusal of the Respondent to plead, the plea of not guilty shall be entered for the Respondent, and the Trial shall proceed; *Provided* , that for sufficient cause the Court may adjourn from time to time; and *Provided, also*, that the Respondent shall, at all times during the Trial, have liberty to be present, and in due time and order to produce testimony and to make a defense.

Sec. 17. In all Ecclesiastical Trials, the Church Attorney appointed pursuant to Section 2 of this Canon shall appear on behalf of the Standing Committee which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant and Victim shall be entitled to be present throughout and observe the Trial and for each to be accompanied by a person of their own choosing and counsel of their own choosing.

Sec. 18. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Trial Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and also instruct the members of the Court as to the elements of the Offense and charge them (I) that the Respondent must be presumed to be innocent until the Respondent's guilt is established by clear and convincing evidence, and unless such standard of proof be met the Respondent must be acquitted, and (ii) that the burden of proof to establish the guilt of the Respondent is upon the Church Attorney.

Sec. 19. A separate vote shall be taken first upon the findings as to the guilt of the Respondent.

Sec. 20. Voting by members of an Ecclesiastical Trial Court on the findings shall be by ballot. No member shall disclose his or her vote or the vote of any member.

Sec. 21(a). For a Judgment on an Offense involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the affirmative vote of two-thirds of the members of the Ecclesiastical Trial court shall be necessary.

(b). For a Judgment on any other Offense not involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the affirmative vote of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary.

Sec. 22. The Presiding Judge shall cause the Respondent, the Church Attorney, each Complainant, and unless waived in writing, the Victim to be advised of and provided with a copy of the findings of the Court.

Sec. 23. No vote shall be taken on the Sentence to be adjudged until thirty days from the date the Respondent was advised of the Judgment during which period the Respondent shall have a reasonable opportunity to offer to the Court matters in excuse or mitigation.

Sec. 24. During the same period, the Court shall provide an opportunity for statements from Complainants or Victims to the Court pertaining to the Sentence to be adjudged and imposed.

Sec. 25. During the same period, the Church Attorney may make a recommendation to the Court as to the Sentence to be adjudged. The members of the Court shall vote upon the Sentence. No member shall disclose his or her vote or the vote of any member.

Sec. 26. The concurrence of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary to adjudge and impose a Sentence upon an Respondent found guilty by the Court.

Sec. 27. The Judgment or acquittal and any Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, the Standing Committee, the Ecclesiastical Authority of the Diocese in which the Respondent is canonically resident, the Respondent, each Complainant, and, unless waived in writing, the Victim.

(b). Appeals to Courts of Review of the Trial of a Priest or Deacon

Sec. 28. The Ecclesiastical Authority of the jurisdiction within which a Trial was held shall cause written notice to be served on the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim of (I) the Judgment, (ii) the Sentence adjudged and (iii) the Sentence to be pronounced by the Bishop. Within thirty days after the service of that notice the Respondent may appeal to the Court of Review by serving a written notice of appeal on the Ecclesiastical Authority of that jurisdiction and a copy on the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review. The notice shall be signed by the Respondent or the Respondent's counsel and shall briefly set forth the decision from which the appeal is taken and the grounds of the appeal.

Sec. 29. After Judgment by an Ecclesiastical Trial Court, the Bishop shall not pronounce Sentence on the Respondent before the expiration of thirty days after the Respondent shall have been served as set forth in Section 28 with the notice of the decision of the Court and the Sentence adjudged, nor, in case an appeal is taken, shall Sentence be pronounced pending the hearing and final determination thereof.

Sec. 30(a). In each of the Provinces there shall be a Court of Review of the Trial of a Priest or Deacon, which shall be composed of a Bishop of the Province, three Priests canonically resident in Dioceses within the Province, and three Lay Persons who are confirmed adult communicants of this Church in good standing, having domicile in the Province; at least two of the Lay Persons shall be learned in the law.

(b). The Court of Review shall be appointed by the President of the Province from a panel established by the Province consisting of three Bishops, five Priests and five Lay Persons.

Sec. 31. Once during the period between General Conventions, each Provincial Synod shall elect the Judges of the Court of Review in the Province. The Synod shall prescribe the time and the manner in which such Judges shall be elected. The persons so elected, except in case of death, resignation, declination to serve, shall continue to be members of the Court for such terms as the Synod may set and until their successors shall be elected. The Bishop elected by the Synod shall be the Presiding Officer of the Court.

Sec. 32(a). No person shall sit as a member of any Court of Review who is excused pursuant to Canon IV.14.11; nor shall any Bishop, Priest, or Lay Member who for any reason upon objection made by either appellant or appellee is deemed by the other members of the Court to be disqualified.

(b). The death, disability rendering the person unable to act, resignation, or declination to serve as a member of a Court of Review shall constitute a vacancy in the Court of Review.

(c). Notices of resignations or declinations to serve shall be given as follows:

(1). By the Presiding Judge of the Court of Review of the Trial of a Priest or Deacon; by written notice sent to the President of the Provincial Synod.

(2). By a Priest or Lay Member of the Court, by written notice sent to the Presiding Judge of the Court.

(d). If any Priest appointed to the Court of Review is elected a Bishop, or if any Lay Member appointed to the Court of Review is ordained to the ministry prior to the hearing of the appeal, the person shall immediately cease to be a member of the Court of Review. If either event occurs following the hearing of the appeal, the person shall continue to serve until the completion of the appeal and the rendering of a decision by the Court of Review.

Sec. 33. Vacancies occurring in the Court of Review shall be filled as follows:

(a). In the case of a vacancy in the office of the Bishop appointed as a member of the Court of Review, the President of the Provincial Synod shall give written notice thereof to the Bishop with jurisdiction senior by consecration in the Province. Thereupon the Bishop so notified shall become a member of the Court until a new appointment is made. If the Bishop so appointed is unable or unwilling to serve as a member of the Court, notification shall be given by the Bishop to the President of the Provincial Synod of this fact, who shall thereupon appoint the Bishop with jurisdiction next senior by consecration in that Province.

(b). In case any vacancy shall exist in the membership of the Court of Review's Priests or Deacons or Lay Members, the remaining Judges of the Court shall appoint another person similarly domiciled or canonically resident in the Province from the same order to fill such vacancy and to sit as a Member of the Court.

Sec. 34. The several Courts of Review are vested with jurisdiction to hear and determine appeals from decisions of Ecclesiastical Trial Courts in Dioceses within that Province in Ecclesiastical Trials of Priests or Deacons.

Sec. 35. The Respondent may take an appeal to the Court of Review of the Province within which an Ecclesiastical Trial was held from a Judgment. The right of appeal is solely that of the Respondent, except as provided in Section 36 of this Canon.

Sec. 36(a). Upon the written request of at least two Bishops of other jurisdictions within the Province, the Ecclesiastical Authority of the Diocese within which a Trial was held shall appeal from a decision of the Ecclesiastical Trial Court acquitting the Respondent of an Offense involving a question of Doctrine, Faith, or Worship; *Provided, however*, that such appeal shall be on the question of the Church's Doctrine, Faith, or Worship only, and that the decision of the Court of Review shall not be held to reverse the acquittal of the Respondent on other Charges. An appeal by the Standing Committee can be taken only when there is a vacancy in the office of Bishop or in case the Bishop is unable to act.

(b). An appeal under this Section may be taken by the service by the appellant of a written notice of appeal upon the Respondent, and also upon the Presiding Judge of the Ecclesiastical Trial Court and the Presiding Judge of the Court of Review, within thirty days after the decision from which the appeal is taken.

Sec. 37. If the Ecclesiastical Trial was held in a Diocese not specified in Canon I.9.1, the appeal shall lie to the Court of Review of the Province which is geographically closest to that Diocese or is otherwise most appropriate as determined by the Presiding Bishop.

Sec. 38(a). An appeal shall be heard upon the Record on Appeal of the Ecclesiastical Trial Court. When an appeal has been taken, the Ecclesiastical Authority of the Diocese wherein the Ecclesiastical Trial was held shall transmit to the Presiding Judge of the Court of Review of the Province a full and correct transcript of the Record on Appeal, proceedings, and decision of the Trial Court, including all the evidence taken upon the Ecclesiastical Trial, duly certified by the Presiding Judge or Clerk of the Court, with a copy of the same to the Respondent, within thirty days after receiving notice of the appeal. Except for the purpose of correcting the Record on Appeal, if defective, no new evidence shall be taken by the Court of Review.

(b). The Respondent and the Church Attorney may agree by written stipulation filed with the Court of Review that designated parts of the proceedings shall be retained by the Ecclesiastical Trial Court unless thereafter the Court of Review shall request their transmittal. The parts thus designated shall nevertheless be a part of the Record on Appeal for all purposes.

Sec. 39. The Presiding Judge of the Court of Review of the Province having jurisdiction, within ninety days but not less than sixty days after having received the Record on Appeal, shall appoint a time and place within such the Province for the hearing of the appeal. At least thirty days prior to the day appointed, the Presiding Judge shall give written notice of such time and place to the other members of the Court, and also to the Respondent, and to the Bishop and Standing Committee of the Diocese in which the Ecclesiastical Trial was held.

Sec. 40. It shall be the duty of the appellant to reproduce copies of the Record on Appeal of the Ecclesiastical Trial as transmitted, to be printed or otherwise reproduced as shall be permitted by the Presiding Judge of the Court of Review. Within thirty days after receiving the copy of the Record on Appeal, the appellant shall serve two copies of the Record on Appeal, the notice of appeal and the appellant's brief, if any, upon the opposite party, and shall deliver seven copies of each to the Presiding Judge of the Court for the use of the Judges. The appellee shall serve the appellee's brief, if any, on the appellant with seven copies to the Presiding Judge of the Court of Review not later than thirty days following the service upon the respondent of the record, notice of appeal and appellant's brief. Any reply brief shall be served likewise within ten days following service of the prior brief upon the party.

Sec. 41. For reasons deemed sufficient by the Presiding Judge, the printing of the record, or of any portion thereof may be dispensed with.

Sec. 42. The Standing Committee of the Diocese in which the Trial was held shall be deemed to be the opposite party for the purpose of this appeal.

Sec. 43. At the time and place appointed, the Court shall organize, and proceed to hear the appeal; *Provided, however*, that at least six Judges, of whom the Presiding Judge of the Court shall be one, shall participate in the hearing. But the members present, if less than that number, may adjourn the Court from time to time, until the attendance of the requisite number is secured.

Sec. 44. The Court of Review shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Priests canonically resident in a Diocese of that Province or confirmed adult communicants in good standing of this Church residing in the Province, to serve at the pleasure of the Court.

Sec. 45. The Court of Review shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Court an opinion on any question of law, procedure or evidence, but not on any matter of doctrine, upon which the Court of any member thereof, or either party, shall desire an opinion. Any question of whether any question is a matter of doctrine shall be decided by the Court by a majority vote.

Sec. 46. The Court of Review shall be guided by the Federal Rules of Appellate Practice and may adopt rules of procedure not inconsistent with the Constitution and Canons of this Church, with the power to alter or rescind the same from time to time, provided the same shall not cause material and substantial injustice to be done or seriously prejudice the rights of the parties.

Sec. 47. The Court of Review shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection but may regulate the number of counsel who may address the Court and shall permit the Church Attorney to be heard.

Sec. 48. The Court of Review shall keep a record of all proceedings.

Sec. 49. No determination or judgment of any Ecclesiastical Trial Court shall be disturbed for technical errors not going to the merits of the cause.

Sec. 50. The Court may reverse or affirm in whole or in part the decision of the Ecclesiastical Trial Court, or, if in its opinion justice shall so require, may grant a new trial. If after having been duly notified, the appellant fails to appear, and no sufficient excuse be shown, the Court, in its discretion, may dismiss the appeal for want of prosecution, or may proceed to hear and determine the appeal in the appellant's absence.

Sec. 51. The concurrence of five members of a Court of Review shall be necessary to pronounce a judgment. The judgment or decision of the Court shall be in writing, signed by the members of the Court concurring therein, and shall distinctly specify the grounds of the decision and shall be attached to the record. If the concurrence of five of the members cannot be obtained, that fact shall be stated in the record, and the decision of the Trial Court shall stand as affirmed except as to any reversal in part in which there has been concurrence. Immediately after the determination of the appeal, the Presiding Judge of the Court shall give notice thereof in writing to the appellant and appellee and to the Bishop and the Standing Committee of the Diocese in which the Trial was had. Upon the determination of the appeal, the original record upon which the appeal was heard, together with the record of the Court of Review, certified by the Presiding Judge and the Secretary or Clerk, shall be remitted to the Bishop or the Standing Committee of the jurisdiction in which the trial was had and to the Archives of the Episcopal Church. All records remitted as herein provided shall be deposited and be preserved among the Archives of the jurisdiction to which they are sent.

Sec. 52. The Court of Review shall not pronounce Sentence on the affirmation of a Judgment. When the appeal is so finally determined, if the decision of the Ecclesiastical Trial Court be affirmed in whole or in part, upon receipt of the record and the judgment or decision of the Court of Review by the Ecclesiastical Authority of the jurisdiction of the Trial Court, the Respondent shall be sentenced in accordance with Canon IV.12.

Sec. 53. The necessary charges and expenses of the Court of Review, including the necessary expenses of the members of the Court, Lay Assessors, Reporters and Clerks and the reasonable and necessary out-of-pocket disbursements and expenses, except the cost of printing any records or briefs, shall be a charge upon the Province and shall be paid by the Treasurer of the Synod of that Province upon the order of the President of the Synod. Any legal fees and other disbursements of the Church Attorney shall be the responsibility of the Diocese in which the Trial was held, unless the Trial was held as a service or convenience to a Diocese from which the Presentment issued, in which case the responsibility therefor shall be that of the Diocese from which the Presentment was issued.

CANON 5

Of the Court for and the Trial of a Bishop

Sec. 1. The Court for the Trial of a Bishop is vested with jurisdiction to try a bishop who is duly Presented for any one or more of the Offenses specified in Canon IV.1.

Sec. 2. There shall be a Court for the Trial of a Bishop, consisting of nine bishops of this Church. Three bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention. All judges shall serve until their successors are elected and qualify; *Provided, however* , there shall be no change in composition of a Court as to a proceeding pending before it, while that proceeding is unresolved.

Sec. 3(a). No bishop shall sit as a member of a Court for the Trial of a Bishop who is a Complainant, or is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV.14.11; nor shall any bishop sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.

(b). The death, permanent disability rendering the person unable to act, resignation, declination to serve or removal by challenge as a member of Court for the Trial of a Bishop shall constitute a vacancy in the Court.

(c). Notices of resignations or declinations to serve shall be given by any bishop chosen to serve as a member of the Court for the Trial of a Bishop by written notice sent to the Presiding Bishop.

Sec. 4. The Court for the Trial of a Bishop shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding before the Court the Presiding Judge is disqualified or is for any cause unable to act, the Court shall elect from its members a Presiding Judge *pro tempore* .

Sec. 5. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge, the bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.

Sec. 6. Vacancies occurring in the Court for the Trial of a Bishop shall be filled as follows:

(a). In the case of a vacancy due to the disqualification of any Judge, the remaining Judges of the Court shall appoint a Judge to take the place of the one so disqualified in that particular case.

(b). In the case of a vacancy in the Court for the Trial of a Bishop, the remaining Judges shall have power to fill such vacancy until the next General Convention, when the House of

Bishops shall choose a bishop to fill such vacancy. The bishop so chosen shall serve during the remainder of the term.

Sec. 7. Not less than six of the Judges shall constitute a quorum, but any less number may adjourn the Court from time to time.

Sec. 8(a). Upon receiving a Presentment, the Presiding Judge of the Court for the Trial of a Bishop shall call the Court to meet at a certain time and place, to be not less than two nor more than four calendar months from the day of mailing the notice, and at a place within the Diocese of the accused Bishop, unless the same be of such difficult access, in the judgment of the Presiding Judge of the Court, that reasonable convenience requires the appointment of another place; and in case the Respondent have no jurisdiction, at a place within the Diocese in which the Respondent is canonically resident. With this notice, the Presiding Judge shall send to each member of the Court a copy of the Presentment.

(b). The Presiding Judge of the Court shall also summon the Respondent to appear at the same time and place to answer the Presentment, and shall also give notice of the time and place to the Church Attorney.

Sec. 9. Within three months following each regular meeting of General Convention, the Court shall appoint a Church Attorney to serve until the next regular meeting of General Convention until a successor is duly appointed and qualified, and from time to time for good cause and upon the request of the Church Attorney, appoint one or more assistant Church Attorneys to act for and in the place of the Church Attorney.

Sec. 10. The Court shall appoint a Clerk and, if necessary, Assistant Clerks, who shall be Members of the Clergy or adult confirmed communicants in good standing of this Church, to serve at the pleasure of the Court.

Sec. 11. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve at the pleasure of the Court.

Sec. 12. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Court an opinion on any question of law, procedure or evidence but not on any question of doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion. Any doubt of whether any question is a matter of doctrine shall be decided by the Court by a majority vote.

Sec. 13. Where a Presentment of a Bishop for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church is made by any ten Bishops of this Church exercising jurisdiction, they may select a Church Attorney.

Sec. 14. In all cases, the Church Attorney, or the assistants to the Church Attorney shall appear in behalf of the Church. The Church shall then be considered the party on one side, and the Respondent the party on the other.

Sec. 15. The rules of procedure in a Court for the Trial of a Bishop shall be governed by The Federal Rules of Civil Procedure as set forth in Appendix A to these Canons.

Sec. 16. The Court shall be governed by The Federal Rules of Evidence.

Sec. 17. The Court shall permit the Respondent to be heard in person or by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court or examine witnesses.

Sec. 18(a). At the time and place appointed, a quorum of the Court being present, the Presiding Judge shall declare the Court open for hearing the case; and when thus open, shall direct the Clerk to call the names of the Church Attorney and the Respondent; and shall then cause the Clerk to read the Presentment.

(b). The Respondent shall then be called upon by the Court to plead to the Presentment and the plea shall be duly recorded; and on neglect or refusal of the Respondent to plead, the plea of not guilty shall be entered for the Respondent, and the Trial shall proceed ; *Provided*, that for sufficient cause the Court may adjourn from time to time; and *Provided, also* , that the Respondent shall, at all times during the Trial, have liberty to be present, and in due time and order to produce testimony and to make a defense.

(c). If the Respondent fails or refuses to appear in person, according to the notice served as aforesaid, except for reasonable cause to be allowed by the Court, the Respondent shall be pronounced in Contumacy, and given notice that Sentence of Suspension or Deposition will be adjudged and pronounced by the Court at the expiration of thirty days unless at that time, or at such convenient time thereafter as the Court shall determine, the Respondent shall appear and stand Trial upon the Presentment. If the Respondent does not so appear, Sentence of Suspension, or of Deposition from the Ordained Ministry, may be adjudged and pronounced by the Court.

Sec. 19. Each Complainant and the Victim shall have the right to be present throughout and observe the Trial and for each to be accompanied by at least one person of their own choosing and by an attorney of their own choosing.

Sec. 20. The Respondent being present, the Trial shall proceed in accordance with this Canon. The Respondent shall in all cases have the right to be a defense witness, subject to cross-examination in the same manner as any other witness. No testimony shall be received at the Trial except from witnesses who have signed a declaration in the following words or the Oath provided by The Federal Rules of Evidence, to be read aloud before the witness testifies and to be filed with the records of the Court.

"I, A. B., a witness on the Trial of a Presentment against the Right Reverend _____, a Bishop of the Episcopal Church, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth, so help me God."

Sec. 21. Before a vote is taken on the findings and in the presence of the Respondent and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Court, after consultation with the Lay Assessors also shall instruct the members of the Court as to the elements of the Offense and charge them (i) that the Respondent must be presumed to be innocent until the Respondent's guilt is established by legal and competent evidence of clear and convincing proof, and unless the standard of proof be met the Respondent must be acquitted and (ii) that the burden of proof to establish the guilt of the Respondent is upon the Church Attorney.

Sec. 22. Separate and distinct votes shall be taken first upon the findings as to the guilt of the Respondent, and, if the Respondent be found to be guilty, then upon the Sentence to be imposed.

Sec. 23. The Court, having fully heard the allegations and proofs of the parties, and having deliberately considered the same after the parties have withdrawn, every member of the Court sitting in the cause shall declare an opinion about whether the Respondent is guilty or not guilty, and with respect to each particular Charge contained in the Presentment.

Sec. 24(a). For a Judgment on an Offense involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the concurrence of two-thirds of the members of the Ecclesiastical Trial court shall be necessary.

(b). For a Judgment on any other Offense not involving Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the concurrence of two-thirds of the members of the Ecclesiastical Trial Court shall be necessary.

Sec. 25. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

Sec. 26. No vote shall be taken on the Sentence to be imposed until such time as the Respondent, Church Attorney, each Complainant, and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence.

Sec. 27. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Respondent and the decision so signed shall be recorded as the judgment of the Court.

Sec. 28(a). The Judgment and Sentence adjudged shall be communicated promptly to the Respondent, each Complainant, and, unless waived in writing, the Victim, the Presiding Bishop and the Standing Committee of the diocese in which the Respondent is canonically resident.

(b). Any Respondent who shall be found guilty of any Charge may file a motion for a modification of Sentence. Any such motion shall be filed within 30 days from the date of the filing of the decision, and the motion shall set forth all the reasons therefor, and no other shall be relied on at the hearing of the motion without the consent of the Court. The Presiding Judge of the Court shall set a place and time for hearing the motion and shall reconvene the Court to hear and determine the same.

(c). The Court may in the interest of justice modify the Sentence. Upon determination of the motion to modify, the judgment as to the guilt of the Respondent shall become final. If no motion for modification of Sentence shall be filed within the time limited for filing such motions, the Clerk of the Court shall on the next business day enter, as final, the judgment rendered by the Court. An appeal from a final judgment of a Court for the Trial of a Bishop to the Court of Review of the Trial of a Bishop, as provided in Canon IV.6, may be taken within thirty days from the entry of the judgment.

(d). The final judgment shall be in writing signed by a majority of the Court and direct what Sentence is to be incorporated in the final judgment to be recorded by the Clerk.

(e). After the entry of final judgment, the Presiding Judge of the Court shall appoint a time and place not less than sixty days thereafter for pronouncing the Sentence adjudged. At the time and place appointed, if the Respondent shall not have an appeal pending in the Court of Review of the Trial of a Bishop, or the action of the Court of Review has not made it

unnecessary for the Trial Court to proceed to pronounce Sentence, the Presiding Judge of the Court, or a member thereof designated in writing by a majority of the members thereof to do so, shall in the presence of the Respondent, if the Respondent shall see fit to attend, pronounce the Sentence which has been adjudged by the Court, and direct the same to be recorded by the Clerk; and *Provided, further*, that Sentence shall not be imposed upon a bishop found guilty of holding and teaching doctrine contrary to that held by this Church unless and until the said finding shall have been approved by a vote of two-thirds majority of all the bishops canonically assembled in the said House present and entitled to vote.

Sec. 29(a). The Court shall keep a record of all proceedings.

(b). The record shall be kept by the Clerk, inserted in a book and be attested by the signature of the Presiding Judge and Clerk. The record shall be in the custody of the Clerk and kept in the depository of the Registrar of the General Convention, and shall be open to the inspection of every member of this Church.

Sec. 30. The necessary expenses of the Court including therein the necessary expenses of the Church Attorneys, Clerks, Reporters and Lay Assessors appointed to assist the Court, shall be a charge upon the General Convention and shall be paid by the Treasurer of General Convention upon the order of the Presiding Judge of the Court.

CANON 6.

Of Appeals to the Court of Review of the Trial of a Bishop

Sec. 1. A bishop found guilty of any Offense shall have the right to appeal from the judgment of the Trial Court to the Court of Review of the Trial of a Bishop; and in the case of a bishop Presented for holding and teaching doctrine contrary to that held by this Church, the Church Attorney shall have a right to appeal.

Sec. 2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine appeals from the determination of the Court for the Trial of a Bishop.

Sec. 3. There shall be a Court of Review of the Trial of a Bishop, consisting of nine bishops. Three bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to serve until the adjournment of the third succeeding regular meeting of General Convention. All Judges shall serve until their successors are elected and qualify; *Provided, however*, there shall be no change in composition of a Court following the hearing and while a proceeding is pending, unresolved, before the Court.

Sec. 4(a). No bishop shall sit as a member of this Court who is a Complainant, is related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon IV.14.11; nor shall any bishop sit who, upon objection made by either party for any reason, is deemed by the other members of the Court to be disqualified.

(b). The death, permanent disability, resignation, or declination to serve as a member of this Court shall constitute a vacancy in the Court.

(c). Notices of resignations or declinations to serve shall be given by written notice sent to the Presiding Bishop.

Sec. 5. The Court shall from time to time elect from its own membership a Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding

before the Court the Presiding Judge is disqualified or is for any cause unable to act, the Court shall elect from its members a Presiding Judge *pro tempore*.

Sec. 6. When the Court is not in session, if there is a vacancy in the office of the Presiding Judge, the bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.

Sec. 7. Vacancies occurring in this Court shall be filled as follows:

(a). In the case of disqualification of any Judge, the remaining Judges of the Court shall appoint a Judge to take the place of the one disqualified in that particular case.

(b). In the case of a vacancy in the Court, the remaining Judges shall have power to fill the vacancy until the next General Convention, when the House of Bishops shall choose a bishop to fill the vacancy. The bishop so chosen shall serve during the remainder of the term.

Sec. 8. Not less than six Judges shall constitute a quorum and the concurrence of six Judges shall be necessary to pronounce a judgment, but if less than a quorum is present they may adjourn the Court from time to time.

Sec. 9. The Court shall appoint a Clerk and, if necessary, Assistant Clerks who shall be Members of the Clergy or adult confirmed communicants in good standing of this Church, to serve during the pleasure of the Court.

Sec. 10. The Court shall appoint a Reporter who shall provide for the recording of the proceedings and serve during the pleasure of the Court.

Sec. 11. The Court shall appoint at least one but no more than three Lay Assessors. Lay Assessors shall have no vote. It shall be their duty to give the Court an opinion on any question of law, procedure or evidence, but not a question of doctrine, upon which the Court or any member thereof, or either party, shall desire an opinion. If a doubt shall arise as to whether any question is a matter of doctrine, it shall be decided by the Court by a majority vote.

Sec. 12. The rules of procedure in the Court shall be The Federal Rules of Civil Procedure set forth in Appendix A to these Canons.

Sec. 13. The Court shall permit the Respondent to be heard in person and by counsel of the Respondent's own selection, but the Court may regulate the number of counsel who may address the Court.

Sec. 14(a). Unless within thirty days from the date of entry of judgment in the Trial Court the appellant has given notice of the appeal in writing to the Trial Court, to the party against whom the appeal is taken, and to the Presiding Judge of the Court of Review of the Trial of a Bishop, assigning in the notice the reasons of appeal, the appellant shall be held to have waived the right of appeal although in its discretion the Court of Review of the Trial of a Bishop may entertain and hear an appeal not taken within such the prescribed period.

(b). The Presiding Judge of the Court of Review upon receiving the notice of appeal shall appoint a time within 60 days thereafter for hearing the appeal and fix the place of the hearing. At least 30 days prior to the day appointed, the Presiding Judge shall give written notice of the time and place to the other members of the Court and also the appellant and appellee.

Sec. 15. Upon notice of appeal being given, the Clerk of the Trial Court shall send to the Clerk of the Court of Review of the Trial of a Bishop a transcript of the record, including all the evidence, certified by the Presiding Judge and Clerk of the Trial Court, and the Clerk shall lay the same before the Court of Review at its next session.

Sec. 16. No oral testimony shall be heard by the Court of Review.

Sec. 17. The Court of Review of the Trial of a Bishop may affirm or reverse any judgment brought before it on appeal, and may enter final judgment in the case or may remand the same to the Trial Court for a new Trial or for such further proceedings as the interests of justice may require; *Provided, however,* that if the Respondent has been found not guilty by the Trial Court upon any of the Charges upon which tried other than that of holding and teaching doctrine contrary to that held by this Church, the Court of Review of the Trial of a Bishop shall have no power to reverse these findings.

Sec. 18(a). If the Court of Review of the Trial of a Bishop enters final judgment in the case, and if by that judgment the Respondent is found guilty of any of the Charges upon which tried, the Court of Review of the Trial of a Bishop may review the Sentence adjudged by the Trial Court and may adjudge a lesser Sentence than that adjudged by the Trial Court. Before final Sentence is adjudged by the Court of Review the Respondent shall have the opportunity to make a statement to the Court in excuse or mitigation. The Church Attorney, each Complainant, and, unless waived in writing, the Victim shall have the opportunity to make a statement to the Court regarding the Sentence to be adjudged and imposed.

(b). The final Sentence adjudged shall be pronounced pursuant to Canon IV.5.27 and the notices thereof required by Canon IV.12 shall be given.

Sec. 19. In case of appeal, all proceedings in the Trial Court and the pronouncement of Sentence shall be stayed until the appeal is dismissed by the Court of Review of the Trial of a Bishop, or the case be remanded by the Court to the Trial Court for further proceedings, or until final judgment has been adjudged by the Court of Review.

Sec. 20. Should the appellant fail to prosecute an appeal before the said Court of Review at the first session thereof after the entry of the appeal at which it could be heard, the appeal may be dismissed for want of prosecution. In case the Court dismisses the appeal, the Clerk of the Court shall immediately give notice of the dismissal to the Trial Court.

Sec. 21. The appellant may discontinue the appeal at any time before a hearing thereof has begun before the Court of Review of the Trial of a Bishop. After the hearing has begun, the appellant may discontinue the appeal only with the consent of the Court. If the appeal is discontinued, the Trial Court shall proceed as if no appeal had been taken.

CANON 7.

Of a Priest or Deacon in Any Diocese Chargeable with Offense in Another

Sec. 1. If a Priest or Deacon canonically resident in a Diocese shall have acted in any other Diocese in such a way as to be liable to Presentment, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority where the Priest or Deacon is canonically resident, exhibiting, with the information given, reasonable ground for presuming its truth. If the Ecclesiastical Authority, after due notice given, shall omit, for the space of three months, to proceed against the offending Priest or Deacon, or shall request the Ecclesiastical Authority of the Diocese in which the Offense or Offenses are alleged to have

been committed to proceed against that Priest or Deacon, it shall be within the power of the Ecclesiastical Authority of the Diocese, within which the Offense or Offenses are alleged to have been committed, to institute proceedings pursuant to this Title.

Sec. 2. If a Priest or Deacon shall come temporarily into any Diocese, under the imputation of having elsewhere committed any of the Offenses within the provisions of Canon IV.1, or if any Priest or Deacon, while temporarily in any Diocese, shall so offend, the Bishop of that Diocese, upon probable cause, may Admonish or Inhibit the Priest or Deacon from officiating in that Diocese. And if, after Inhibition, the Priest or Deacon so officiate, the Bishop shall give notice to all the Clergy and Congregations in that Diocese that the officiating of the Priest or Deacon is inhibited; and like notice shall be given to the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, and to the Recorder. The Inhibition shall continue in force until the soonest of (I) the Bishop of the first-named Diocese is satisfied of the innocence of the Priest or Deacon, (ii) the Standing Committee assuming jurisdiction thereover votes not to issue a Presentment or (iii) if presented, the Priest or Deacon is acquitted on Trial.

Sec. 3. The provisions of Section 2 shall apply to Clergy ordained in foreign lands by bishops in communion with this Church; but in such case notice of the Inhibition shall be given to the Bishop from whose jurisdiction the Priest or Deacon shall appear to have come, and also to all the Bishops exercising jurisdiction in this Church, and to the Recorder.

CANON 8.

Of Renunciation of the Ministry by Members of the Clergy Amenable for an Offense

Sec. 1. If any Priest or Deacon (I) Amenable for Presentment for an Offense of Crime, of Immorality or of Conduct Unbecoming a Member of the Clergy or (ii) not under Presentment therefor but Amenable for or subject to a Presentment for any other Offense, shall declare in writing to the Ecclesiastical Authority of the Diocese in which that person is canonically resident a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Ecclesiastical Authority if it be a bishop, or if the Ecclesiastical Authority not be a bishop a bishop acting for the Ecclesiastical Authority, may not accept the renunciation and shall not pronounce Sentence of Deposition save with the consent of a majority of all the members of the Standing Committee of the Diocese. Upon receiving the consent of the Standing Committee, the Bishop or the bishop acting for the Ecclesiastical Authority may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.4.

Sec. 2. If any bishop not Amenable for an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy or not under Presentment therefor but Amenable for or subject to a Presentment for any other Offense shall declare in writing to the Presiding Bishop, or if there then be none to the presiding officer of the House of Bishops, a renunciation of the Ministry of this Church and a desire to be removed therefrom, the Presiding Bishop or the presiding officer may not accept the renunciation and shall not pronounce Sentence of Deposition save with the consent of a majority of all the members of the Advisory Committee to the Presiding Bishop. Upon receiving the consent of the Advisory Committee, the Presiding Bishop or the presiding officer of the House of Bishops may proceed to impose a Sentence of Deposition in accordance with Canon IV.12.

Sec. 3. If a Member of the Clergy making a declaration of renunciation of the Ministry be charged with, or under Presentment for any canonical Offense involving Crime, Immorality

or Conduct Unbecoming a Member of the Clergy, or shall have been placed on Trial for the same, the declaration shall not be considered or acted upon until after the Presentment has been dismissed or the Trial has been concluded and Sentence, if any, adjudged. Thereafter, unless the renunciation be revoked by the Member of the Clergy, the Bishop may accept the renunciation and impose and pronounce a Sentence of Deposition.

Sec. 4. No declaration of renunciation of the ministry of this Church under this Canon shall become effective until it has been accepted by the governing authority and Sentence has been pronounced.

CANON 9.

Of Abandonment of the Communion of This Church by a Bishop

Sec. 1. If a bishop abandons the communion of this Church (a) by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or (b) by formal admission into any religious body not in communion with the same, or (c) by exercising episcopal acts in and for a religious body other than this Church or another Church in communion with this Church, so as to extend to such body Holy Orders as this Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in this Church; it shall be the duty of the Advisory Committee to the Presiding Bishop, as provided for by the Rules of Order of the House of Bishops, by a majority vote thereof, to certify the fact to the Presiding Bishop, or if there be none, to the presiding officer of the House of Bishops, and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop or the presiding officer. The Presiding Bishop, or the presiding officer, with the consent of the three senior bishops having jurisdiction in this Church, shall then inhibit the said bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of Inhibition, the bishop shall not perform any episcopal, ministerial or canonical functions, except as relate to the administration of the temporal affairs of the Diocese of which the bishop holds jurisdiction or in which the bishop is then serving.

Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the bishop of the certification and Inhibition. Unless the inhibited bishop, within two months, makes declaration by a Verified written statement to the Presiding Bishop, or the presiding officer, that the facts alleged in the certificate are false or utilize the provisions of Canon IV.8. or Canon III.18, as applicable, the bishop will be liable to Deposition. If the Presiding Bishop, or the presiding officer, is reasonably satisfied that the statement (i) constitutes a good faith retraction of the declarations or acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the bishop made the declarations or committed the acts relied upon in the certificate, upon the advice and consent of a majority of the three senior bishops consenting to Inhibition, may terminate the Inhibition. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House to consider the case. If the House, by a majority of the whole number of bishops entitled to vote, shall give its consent, the Presiding Bishop shall depose the bishop from the Ministry, and pronounce and record in the presence of two or more bishops that the bishop has been so deposed.

CANON 10.

Of Abandonment of the Communion of This Church by a Priest or Deacon

Sec. 1. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of Canon IV.8, has abandoned the Communion of this Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of all its members that the Priest or Deacon has abandoned the Communion of this Church by an open renunciation of the Doctrine, Discipline, or Worship of this Church, or by a formal admission into any religious body not in communion with this Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop of such Diocese, or if there be no such Bishop, to the bishop of an adjacent Diocese, its determination, together with a statement setting out in reasonable detail the acts or declarations relied upon in making its determination. If the Bishop affirms the determination, the Bishop shall then inhibit the Priest or Deacon from officiating in the Diocese for six months and shall send to the Priest or Deacon a copy of the determination and statement, together with a notice that the Priest or Deacon has the rights specified in Section 2 and at the end of the six-months period the Bishop will consider deposing the Priest or Deacon in accordance with the provisions of Section 2.

Sec. 2. Prior to the expiration of the six-month period of Inhibition, the Bishop may permit the Priest or Deacon to utilize the provisions of Canon IV.8 or Canon III.18, as applicable. If within such six-month period the Priest or Deacon shall transmit to the Bishop a statement in writing signed by the Priest or Deacon which the Bishop is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop shall withdraw the notice and the Inhibition shall expire. If, however, within the six-month period, the Bishop does not pronounce acceptance of the renunciation of the Priest or Deacon in accordance with Canon IV.8 or Canon III.18, as applicable, or the Priest or Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop either (I) to depose the Priest or Deacon as provided in Canon IV.12, or (ii) if the Bishop is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released from the obligations of Priest or Deacon and (for causes which do not affect the person's moral character) is deprived of the right to exercise the gifts and spiritual authority conferred in Ordination.

CANON 11.

Of a Priest or Deacon Engaging in Secular Employment without Consent, Being Absent from the Diocese, or Abandoning the Work of the Ministry

Sec. 1. If a Priest or Deacon has engaged in any secular calling or business without the consent of the Bishop of the Diocese in which the Priest or Deacon is canonically resident as provided in Canon III.15, it shall be the duty of the Standing Committee of the Diocese, upon the case being brought to their attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Standing Committee there is sufficient reason for further proceedings, it shall be the duty of the Standing Committee to present the offending Priest or Deacon for trial for violation of Ordination vows and these Canons.

Sec. 2. If a Priest or Deacon has substantially and materially abandoned the work of the ministry of this Church and the exercise of the office to which ordained without having given reasons satisfactory to the Bishop of the Diocese wherein the Priest or Deacon is canonically resident, or without renouncing the ministry as provided in Canon III.18 or without seeking to be released from the obligations of the office pursuant to Canon III.14.4(c), it shall be the duty of the Standing Committee of the Diocese, upon the case being brought to their attention by the written statement of the Bishop, to institute an inquiry into the matter. If in the judgment of the Standing Committee there is sufficient reason for further proceedings, it shall be the duty of the Standing Committee to present the offending Priest or Deacon for trial for violation of Ordination vows and these Canons.

3(a). Whenever a Priest or Deacon of this Church shall have been absent from the Diocese for a period of more than two years and has failed to make the annual report required by Canon I.6.1, the Bishop shall bring the case to the attention of the Standing Committee by written statement, whereupon the Standing Committee may institute an inquiry into the matter. If in the judgment of the Standing Committee there is sufficient reason for further proceedings, the Standing Committee shall present the offending Priest or Deacon for trial for violation of Ordination vows and these Canons.

(b). On application either by the Bishop or Priest or Deacon, or at the discretion of the Presiding Bishop, with the approval of the Bishop of that jurisdiction, a Priest or Deacon now on the Special List of Clergy maintained by the Secretary of the House of Bishops may be placed again on a Diocesan Clergy Roll.

(c). A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall not be considered as canonically resident in a Diocese.

(d). Any Priest or Deacon whose name is on the List, as aforesaid, and who has not made an annual report on the Priest or Deacon's exercise of office to the Presiding Bishop for a period of five years, may be considered to have abandoned the Ordained Ministry of this Church. The Presiding Bishop may, in the exercise of discretion, upon notice in accordance with Canon IV.14, in the presence of two Presbyters, pronounce Sentence of Deposition upon the Priest or Deacon, and authorize the Secretary of the House of Bishops to strike the name from the List and to give notice of the fact to the Priest or Deacon as provided in Canon IV.12.

(e). A Priest or Deacon whose name remains upon the List of the Secretary of the House of Bishops shall be Amenable for an Offense in either the Diocese wherein the Offense has occurred or the Diocese in which the Priest or Deacon was canonically resident immediate prior to being added to the List.

CANON 12. Of Sentences

Sec. 1(a). The three sentences which may be adjudged by a Trial Court and imposed are Admonition, Suspension, or Deposition.

(b). A Sentence of Admonition may be imposed (I) after the filing of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court. This Sentence shall be a public Reprimand of the Member of the Clergy for the acts of which convicted after Trial or as set forth in the filing of the Waiver and Voluntary Submission.

(c). (1). A Sentence of Suspension may be imposed (I) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, or (ii) after final Judgment by a Trial Court.

(2). Whenever the Sentence of Suspension shall be adjudged and imposed on a Member of the Clergy, the Sentence shall specify on what terms and on what conditions and at what time the Suspension shall cease.

(3). Where a Sentence is to be adjudged and pronounced, as a condition of the acceptance of discipline under a Waiver and Voluntary Submission, the Ecclesiastical Authority may require the resignation of the Priest or Deacon from ecclesiastical and related secular offices held by that Priest or Deacon upon such terms and conditions as the Ecclesiastical Authority may deem to be appropriate, just and proper.

(4). The Suspension of a Member of the Clergy from the exercise of the Sacred Ministry shall terminate the Pastoral Relationship unless the Vestry by two-thirds vote requests of the Ecclesiastical Authority within thirty days that the relationship continue. Unless the Pastoral Relationship has been terminated, religious services and sacramental ministrations shall be provided for that Parish as though a vacancy exists in the Office of the Rector. This Section shall not prohibit the application of Canon III.21.

(d) (1). A Sentence of Deposition may be imposed (I) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) after final Judgment by a Trial Court, (iii) when there has been a renunciation under Canon IV.8, (iv) upon the abandonment of the communion of the Church as set forth in Canons IV.9 and IV.10, or (v) by the Presiding Bishop pursuant to Canon IV.11.3(d).

(2). Upon the pronouncement of a Sentence of Deposition, after Trial or after the acceptance of a Waiver and Voluntary Submission to discipline, all ecclesiastical offices held by the Member of the Clergy deposed, including a rectorship and all ecclesiastical and related secular offices, shall be immediately terminated and vacated.

(3). A Member of the Clergy deposed from the Sacred Ministry is deposed entirely from the Sacred Ministry.

Sec. 2. A Sentence after final Judgment by a Trial Court shall be adjudged by the Trial Court.

Sec. 3. The Bishop shall both adjudge and pronounce Sentence upon a Priest or Deacon (I) after the acceptance of a Waiver and Voluntary Submission under Canon IV.2, (ii) when there has been a renunciation under Canon IV.8, or, (iii) upon the abandonment of the communion of the Church as set forth in Canon IV.10.

Sec. 4(a). If a Priest or Deacon is liable to Sentence upon Judgment by a Trial Court or upon affirmance of the Judgment by a Court of Review, Sentence shall be imposed by the Bishop of the Diocese in which the original trial of the Respondent was had, or in case that Bishop is disqualified or there be no Bishop of that jurisdiction, by another Bishop at the request of the Standing Committee of that Diocese.

(b). If a Priest or Deacon is liable to Sentence upon voluntary submission to discipline under Canon IV.2, Sentence shall be imposed by the Bishop to whom the submission was made.

(c). If a Priest or Deacon is liable to Sentence upon renunciation of the ministry of this Church under Canon IV.8, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another bishop at the request of the Standing Committee of the Diocese.

(d). If a Priest or Deacon is liable to Sentence upon abandonment of the communion of this Church under Canon IV.10, Sentence shall be imposed by the Bishop of the Diocese in which the Respondent is canonically resident, or in case there be no Bishop of that jurisdiction, by another bishop at the request of the Standing Committee of the Diocese.

Sec. 5. No Sentence shall be pronounced by a Bishop upon a Priest or Deacon after final Judgment by a Trial Court until an opportunity has been given to the Respondent and the Church Attorney, to show cause why Sentence should not be pronounced and to offer any matter in excuse or mitigation for the consideration of the Bishop.

Sec. 6. It shall be lawful for the Bishop to pronounce a lesser Sentence upon a Priest or Deacon than that adjudged by the Trial Court, if the Bishop so choose.

Sec. 7. The Bishop who is to pronounce Sentence upon a Priest or Deacon after final Judgment by a Trial Court shall appoint a time and place for pronouncing the Sentence and shall cause notice thereof in writing to be served upon the Respondent, the Church Attorney, each Complainant, and, unless waived in writing, the Victim in the manner provided in Canon IV.14.17.

Sec. 8. Sentence of Deposition imposed on a Priest or Deacon shall be pronounced in the presence of two or more Priests.

Sec. 9. When the Sentence is pronounced, the Bishop who pronounces it shall give notice thereof without delay in writing to every Member of the Clergy, each Vestry and the Secretary of the Convention and the Standing Committee of the Diocese in which the person so sentenced was canonically resident and in which the Sentence is pronounced, which shall be added to the official records of each Diocese; to the Presiding Bishop, to all other bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; and to the Secretary of the House of Bishops, who shall deposit and preserve such notice among the archives of the House. The notice shall specify under what Canon the Priest or Deacon has been suspended or deposed.

Sec. 10. When a bishop is liable to Sentence under a judgment of a Trial Court or under a judgment of a Court of Review of the Trial of a Bishop on an appeal to the Court of Review, the Sentence to be imposed shall be one of the Sentences specified in Canon IV.12.1, the Presiding Bishop to pronounce it, and the procedure to be followed in imposing Sentence shall be as provided in the several Canons governing the procedure of those Courts.

Sec. 11. In the case of the Suspension or Deposition of a Bishop, it shall be the duty of the Presiding Bishop to give notice of the Sentence to the Ecclesiastical Authority of every Diocese of this Church, to the Recorder and the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.

Sec. 12. The Court for the Trial of a Bishop shall have the discretion to order that a bishop: (I) convicted in a criminal Court of Record of a Crime involving Immorality, (ii) against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, or (iii) found guilty upon a Presentment for a Crime, for Immorality, for holding and teaching publicly or privately, and advisedly, any doctrine contrary to that held by this Church, or for Conduct Unbecoming a Member of the Clergy shall not, on the conviction, the rendering of the judgment or the finding of guilty, and while the conviction, the judgment or the finding of guilty continues unreversed, perform any episcopal, or ministerial or canonical functions, except those that relate to the administration of the temporal affairs of the Diocese in which the bishop holds jurisdiction or in which the bishop is then serving.

Sec. 13. The Suspension of a bishop from the exercise of the Sacred Ministry shall not terminate any episcopal office held by that bishop but may by its terms suspend episcopal, ministerial or canonical functions, except as relate to the administration of the temporal affairs of the Diocese of which the bishop holds jurisdiction or in which the bishop is then serving. The application of this Canon shall not affect the right to terminate the term of an assistant bishop.

CANON 13.

Of the Remission or Modification of Sentences

Sec. 1. The House of Bishops may remit and terminate any judicial Sentence which may have been imposed upon a bishop, or modify the same so far as to designate a precise period of time, or other specific contingency, on the occurrence of which the Sentence shall utterly cease, and be of no further force or effect; *Provided* , that no such Remission or modification shall be made except at a meeting of the House of Bishops, during the session of some General Convention, or at a special meeting of the House of Bishops, which shall be convened by the Presiding Bishop on the application of any five bishops, after three months' notice in writing of the time, place, and object of the meeting being given to each bishop; *Provided, also* , that the Remission or modification be assented to by not less than a majority of the bishops; *And provided* , that nothing herein shall be construed to repeal or alter the provisions of Canon IV.12.

Sec. 2(a). A Bishop who deems the reasons sufficient may, with the advice and consent of two-thirds of all the members of the Standing Committee, remit and terminate a Sentence of Suspension pronounced in that Bishop's jurisdiction upon a Priest or Deacon.

(b). A Bishop who deems the reasons sufficient may also remit and terminate any Sentence of Deposition pronounced in the Bishop's jurisdiction upon a Priest or Deacon, but shall exercise this power only upon the following conditions:

(1). That the Remission shall be done with the advice and consent of two-thirds of all the members of the Standing Committee;

(2). That the proposed Remission, with the reasons therefor, shall be submitted to the judgment of five of the bishops of this Church whose Dioceses are nearest to the Bishop's own, and the Bishop shall receive in writing from at least four of the bishops, their approval of the Remission, and their consent thereto.

(3). That before such Remission, the Bishop shall require the person so Removed or Deposed, who desires to be restored to the Ordained Ministry, to subscribe to the declaration required in Article VIII. of the Constitution.

Sec. 3. In case the person was Deposed for abandoning the communion of this Church, or was Deposed or Removed by reason of renunciation of or release from the exercise of the Office of Priest or Deacon, or for other causes, the person also having abandoned its communion, the Bishop before granting the Remission, shall be satisfied that the person has lived in lay communion with this Church for not less than one year next preceding application for the Remission.

Sec. 4. In case the person applying for Remission shall be residing other than in the Diocese in which Removed or Deposed, the Bishop to whom application has been made, before granting the Remission, shall be furnished with written evidence of the approval of the

application with the reasons therefor from the Bishop of the Diocese in which the person is then residing.

Sec. 5. A Bishop who shall grant Remission for any Sentence of Removal or Deposition shall, without delay, give due notice thereof under the Bishop's own hand, sending the notice in a sealed envelope to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese, which shall be added to the official records of the Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to the Recorder; and to the Secretary of the House of Bishops and Secretary of the House of Deputies, who shall deposit and preserve the notice among the archives of those Houses giving, with the full name of the person restored, the date of the Removal or Deposition, and the Order of the Ministry to which that person is restored.

CANON 14

Of General Provisions Applicable to this Title

Sec. 1. Ecclesiastical Nature. Disciplinary proceedings under this Title are neither civil nor criminal, but ecclesiastical in nature and represent determinations by this Church of who shall serve as Members of the Clergy of this Church and further represent the polity and order of this hierarchical Church. Clergy who have voluntarily sought and accepted ordination in this Church have given their express consent and subjected themselves to the discipline of this Church and may not claim in proceedings under this Title constitutional guarantees afforded to citizens in other contexts.

Sec. 2. Resort to secular courts. No Member of the Clergy of this Church may resort to the secular courts for the purpose of delaying, hindering or reviewing any proceeding under this Title.

Sec. 3. Review of proceedings by secular courts. No secular court shall have authority to review, annul, reverse, restrain or otherwise delay any proceeding under this Title.

Sec. 4. Limitations of Actions. (a) (1) No Presentment shall be made for any Offense specified in Canon IV.1.1 that constitutes (a) Crime, (b) Immorality or (j) Conduct Unbecoming a Member of the Clergy, unless the Offense was committed within, or continued up to, ten years immediately preceding the time of receipt of a Charge by the Standing Committee or the Presiding Bishop except: (I) in the case of a conviction of the Respondent in a criminal Court of Record or a judgment in a civil Court of Record in a cause involving Immorality, a Presentment may be made at any time within three years after the conviction or judgment becomes final; (ii) in a case where the alleged Victim was a minor at the time of the Offense, a Charge may be made at any time prior to the alleged Victim's attaining the age of twenty-five years; or (iii) if an alleged Victim entitled to bring a Charge is otherwise under a disability at the time the Offense occurs, or (iv) if the Offense is not discovered or its effects realized during the ten years immediately following the date of the Offense, the time within which the Charge shall be received by the Standing Committee shall be extended to two years after the disability ceases or the alleged Victim discovers or realizes the effects of the occurrence of the Offense; *Provided, however*, in the case of clauses (iii) or (iv) above, the time within which the Charge shall be received by the Standing Committee shall not be extended beyond fifteen years from the date the Offense was committed or continued. (2) The time limits of this Section shall not apply to Offenses the specifications of which include physical violence,

sexual abuse or sexual exploitation, if the acts occurred when the Victim was a Minor. (3) For Offenses, the specifications of which include physical violence, sexual abuse or sexual exploitation, which were barred by the 1991 Canon on Limitations (Canon IV.1.4.) Charges may be made to a Standing Committee or the Presiding Bishop, in the case of a Bishop, no later than July 1, 1998. (4) Except as provided in clauses (2) and (3) of this Section, these Limitations of Actions shall not be effective retroactively but shall be effective only from the effective dates of this Canon forward.

(b). No Presentment shall issue for any Offense specified in Canon IV.1.1. (c), (d), (e), (f), (g), (h) and (I) unless the Offense was committed within, or continued up to, two years immediately preceding the time the Charge is filed with the Standing Committee.

(c). Periods in which the Respondent is in the custody of secular authorities shall be excluded in computing the period of limitation prescribed in this Canon, if that custody would prevent the Respondent from participating in an Ecclesiastical Trial.

Sec. 5. Materiality. In order for the Offenses specified in Canon IV.1.1. (d), (e), (f) and (g) to be considered for Presentment, the Offense complained of must be intentional, material and meaningful as determined by the Standing Committee.

Sec. 6. Time. (a). Computation. In computing any period of time the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday in that jurisdiction, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday in that jurisdiction.

(b). **Additional Time after Service by Mail.** Whenever a party has the right or is required to do an act within a prescribed period after the service of a notice or other paper, if service is served by mail, five days shall be added to the prescribed period.

Sec. 7. Quorum. In all cases in this Title where a Canon directs a duty to be performed or a power to be exercised, by the Standing Committee, by a Trial Court or by any other body consisting of several members, a majority of the members, the whole having been duly cited to meet, shall be a quorum; and a majority of the members present when a quorum exists shall be competent to act, unless otherwise expressly required by Canon.

Sec. 8. Influencing proceedings. No person subject to the authority of this Church may attempt to coerce or by any other means improperly influence, directly or indirectly, the actions of the Standing Committee, an Ecclesiastical Trial Court, any other Court or Board of Inquiry provided for in these Canons, or any member thereof or any person involved in such proceedings in reaching the issuance of any Presentment or the findings, Verdict or Sentence of any Trial Court or any review thereof. The foregoing provisions shall not apply with respect to (i) statements and instructions given by the Church Attorney, the Respondent, or counsel for a Respondent to the Standing Committee prior to Presentment or to the Ecclesiastical Trial Court, or by Lay Assessors of any Court, (ii) sworn testimony or instruments submitted by witnesses or experts during the course of any disciplinary proceedings, or (iii) statements given by Complainants, Victims or their Advocates as provided for in this Title.

Sec. 9. Involuntary Statements. (a). No person proceeding under the authority of this Title may interrogate, or request a statement from, a Respondent or a person suspected of an Offense without first informing that person of the nature of the accusation and advising that

person that no statement need be made regarding the Offense of which the Respondent is accused or suspected and that any statement so made may be used in evidence against that person in any Ecclesiastical Trial.

(b). No Respondent or a person suspected of an Offense may be compelled to incriminate himself or herself or respond to any question the answer to which may tend to incriminate him or her or to testify against himself or herself in any proceedings under this Title.

(c). No statement obtained from any person in violation of this Canon, or through the use of coercion, undue influence or improper inducement may be received in evidence against that person in a Trial under this Title.

(d). No Advocate shall be required to respond to any question regarding any Complainant or Victim.

Sec. 10. Former jeopardy. No Member of the Clergy may be Presented or tried a second time under this Title for the same Offense, or after Waiver and Voluntary Submission to discipline, without the Member of the Clergy's consent.

Sec. 11. Relationship to parties. Any member of any Standing Committee, Board of Inquiry or any Court provided for in this Title (I) who is related to the Respondent by blood or marriage, (ii) who has knowledge of essential facts involved in the matter, (iii) who has a close personal or professional relationship with the Respondent, any alleged Victim, or any witness in the matter, or (iv) who reasonably believes himself or herself unable to render a fair and independent judgment, shall be disqualified and excused from service in connection with the matter.

Sec. 12. Presumption of Innocence. There is a presumption of innocence until the presumption is overcome by Clear and Convincing evidence.

Sec. 13. Standard of Proof. The standard of proof required to establish an Offense by the Respondent by an Ecclesiastical Trial Court shall be that of Clear and Convincing evidence.

Sec. 14. Burden of Proof. The burden of proof to establish an Offense by a Respondent is upon the Church Attorney.

Sec. 15. Roles of Chancellors, Vice Chancellors, etc. Chancellors and Vice Chancellors shall not serve as Church Attorneys or Lay Assessors.

Sec. 16. Amenability. Bishops, Priests, and Deacons are Amenable for Offenses committed by them; a Bishop to a Court of Bishops, and a Priest or Deacon to the Ecclesiastical Authority of the jurisdiction in which the Priest or Deacon is canonically resident at the time the Charge is made or in which the Offense occurred.

Sec. 17. Service of Notices and Citations. (a). A notice or Citation required by any law of this Church to any Member of the Clergy to appear, at a certain time and place for the Trial of an Offense, shall be deemed to be duly served if a copy thereof be delivered to the person to be served, be left at the person's usual place of abode within the United States as to persons Canonically resident in the United States, or as to persons Canonically resident in countries or territories other than the United States at the person's usual place of abode within the country or territory of residence with a person of suitable age and discretion, or be mailed by certified mail return receipt requested to the person's usual place of abode within the United States or by similar mail service if mailed in a country other than the United States,

at least sixty days before the day of appearance named therein, and in case the Member of the Clergy has departed from the United States or other country or territory of Canonical Residence and has not been duly served, if a copy of the Citation be published once a week for four successive weeks in such newspaper printed in the jurisdiction in which the Member of the Clergy is cited to appear as the Ecclesiastical Authority shall designate, the last publication to be three months before the day of appearance. Acceptance of service will render unnecessary any further process of Citation.

(b). A notice or Citation, other than those above mentioned, required by any law of this Church, when no other mode of service is provided, may be served personally, or by certified mail return receipt requested, addressed to the person to be served, at the person's last known place of residence, or by leaving a copy at the person's last usual place of abode within the United States as to persons who are Canonically resident in the United States, or at the person's last known usual place of abode in a country or territory other than the United States where the person is Canonically resident, with a person of suitable age and discretion.

Sec. 18. Bishops. A reference in this Title to a Bishop intending to mean the Bishop holding jurisdiction pursuant to Article II of the Constitution of this Church shall include a Bishop Coadjutor, if specific jurisdiction for matters contemplated by this Title has been assigned to the Bishop Coadjutor pursuant to Canon III.24.1(c).

Sec. 19. Alternate Ecclesiastical Trial Court. In the event that a Diocese cannot convene an Ecclesiastical Trial Court due to vacancies, declinations to act, absences, resignations, challenges or otherwise or due to the determination by the Standing Committee for good cause shown that change in venue is needed, the Ecclesiastical Authority shall arrange for the Trial to be held by an Ecclesiastical Trial Court of another diocese of that Province reasonably convenient for the parties. The reasonable expenses of the Alternate Ecclesiastical Trial Court shall be the responsibility of the Diocese from which the Presentment has issued.

Sec. 20. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, all costs and expenses of the several parties shall be the obligation of the party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense of the Diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the expense of the Province. The record of proceedings of a Board of Inquiry, the Court for the Trial of a Bishop and the Court of Review of a Trial of a Bishop shall be the expense of the General Convention.

Sec. 21. Absence, etc. of Presiding Bishop. If the Presiding Bishop should be absent, under a disability rendering the Presiding Bishop unable to act, or otherwise disqualified, except as expressly otherwise provided in this Title duties assigned to the Presiding Bishop under this Title shall be performed by that Bishop who would be the next qualified Presiding Officer of the House of Bishops.

Sec. 22. Effect of the Suspension of a Bishop. If the Bishop of a Diocese shall be subject to a Sentence of Suspension, the body or person who would be the Ecclesiastical Authority of that Diocese if there were no Bishop shall have authority to request episcopal assistance and Episcopal Acts from another bishop of this Church.

Sec. 23. Privileged Communications. No communication privileged under the law of the state or under applicable federal law shall be required to be disclosed. Further, the secrecy of a confession is morally absolute for the confessor, and must under no circumstances be broken.

Sec. 26. Non-compliance with any procedural requirements set forth in this Title shall not be grounds for the dismissal of any proceeding unless the non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of a Respondent as determined by the Court on motion and hearing.

Sec. 27. Former Sentence of Removal. Solely for the purposes of the application of these Canons to persons who have received the pronouncement of the former sentence of removal, the former sentence of removal shall be deemed to have been a Sentence of deposition.

CANON 15.

Of Terminology used in this Title

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

"Acknowledged" shall mean the execution of an instrument in form sufficient to record a deed in the jurisdiction wherein the instrument has been executed.

"Admonish" shall mean to caution, advise or counsel against wrong practices or to warn against the danger of an Offense.

"Admonition" shall mean after a Judgment, a censure or reprimand which is a public and formal reproof of the conduct of a Member of the Clergy.

"Advocate" shall mean a person, lay or clergy, assigned by the Ecclesiastical Authority to support and assist a Complainant or an alleged Victim in any proceedings contemplated by this Title.

"All the members" shall mean the total number of members of the body provided for by Constitution or Canon without regard to absences, excused members, abstentions or vacancies.

"Amenable" shall mean subject, accountable, and responsible to the discipline of this Church.

"Board of Inquiry" shall mean that body established under Canon IV.3(b) to investigate a Charge against a bishop and, if warranted, to issue a Presentment.

"Canonically resident" shall mean the canonical residence or domicile of a Member of the Clergy of this Church established by ordination or letters dismissory.

"Chancellor" shall mean a person appointed or elected to that office in a diocese, under its Canons or otherwise by the Ecclesiastical Authority, and shall include Vice Chancellors or similar legal officers.

"Charge" shall mean a formal and Verified accusation against a Member of the Clergy that the Member of the Clergy is guilty of an Offense specified in Canon IV.1.1.

"Church Attorney" shall mean (i) as to proceedings concerning Priests and Deacons, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of the Standing Committee, to represent the Church in the prosecution of Presentments against Priests and Deacons and to represent the Church in an appeal to the Court of Review of a Trial of a Priest or Deacon; (ii) as to proceedings concerning bishops, a duly licensed attorney, appointed to investigate matters of ecclesiastical discipline on behalf of a Board of Inquiry, to represent the Church in the prosecution of Presentments against Bishops and to represent the Church in an appeal to the Court of Review of a Trial of a Bishop. The Church Attorney

shall not be from the same law firm as a Chancellor or to the Chancellor to the Presiding Bishop or to a Lay Assessor.

"Citation" shall mean a written direction from an Ecclesiastical Court to a member of this Church or person subject to the jurisdiction of this Church to appear and give testimony before that Ecclesiastical Court.

"Clear and Convincing" shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

"Clerk of the Court" shall mean that person appointed by an Ecclesiastical Court to keep the account of proceedings of the Court.

"Complainant" shall mean the person or body by whom a Charge is made.

"Conduct Unbecoming a Member of the Clergy" shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

"Contumacy" shall mean the refusal or intentional omission of a Member of the Clergy who has been duly cited to appear and defend a Presentment issued against the Member of the Clergy, or, if the Member of the Clergy is duly before the Court, to obey some lawful order or direction made by the Court in the matter.

-"Convention" shall mean the governing body or assembly of a diocese by whatever name it is styled in that diocese.

"Court of Record" shall mean a secular civil or criminal court of the national government, a state, territory or other jurisdiction wherein the Diocese is located which keeps a separate record of a trial or issues its Verdict or judgment in writing sufficient on its face to state an Offense under this Title and as to be able to be certified or duly authenticated by the judge, justice, clerk or other appropriate officer of that court.

"Crime" shall mean a positive or negative act in violation of a penal law which embraces acts immoral or wrong in and of themselves. As used in this Title, "Crime" does not embrace acts or conduct prohibited by statute to which no moral turpitude attaches and constituting Crimes only because they are so prohibited.

"Deposition" shall mean a Sentence by which a Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God word and sacraments conferred at ordination.

"Ecclesiastical Authority" shall mean the Bishop of the diocese or, if there be none, the Standing Committee or such other ecclesiastical authority established by the Constitution and Canons of the diocese.

"Ecclesiastical Court" shall mean a court established under this Title.

"Ecclesiastical Trial Court" shall mean a Diocesan Court for the Trial of a Priest or Deacon established pursuant to Canon IV.4(a).

"Federal Rules of Evidence" shall mean The Federal Rules of Evidence for United States District Courts and Magistrates as amended from time to time.

"Federal Rules of Civil Procedure" shall mean The Federal Rules of Civil Procedure for the United States District Courts, Title 28 U.S. Code, as amended from time to time and as further set out in Appendix A to these Canons, except as otherwise modified by express provisions of this Title.

"Godly Admonition": see Pastoral Direction.

"Inhibition" shall mean a written command from a Bishop that a Priest or Deacon shall cease from exercising the gifts of ordination in the sacred ministry as specified in the Inhibition. When an Inhibition is issued to a bishop it may also command the bishop to cease all episcopal acts.

"Judgment" shall mean the determination by an Ecclesiastical Trial Court that a Respondent has or has not committed the Offense for which presented.

"Lay Assessor" shall mean a duly licensed attorney to advise in matters of law affecting a Court or Board of Inquiry in their proceedings.

"Limitations of Actions" shall mean the time within which a Charge must be filed with a Standing Committee in a matter concerning a Priest or Deacon or filed with the Presiding Bishop in a matter concerning a bishop as provided for in Canon IV.14.4.

"Member of the Clergy" shall mean Bishops, Priests and Deacons of this Church unless the context shall exclude a Bishop.

"Minor" shall mean a person under the age of twenty-one years of age.

"Offense" shall mean any conduct or acts proscribed in Canon IV.1.1.

"Pastoral Direction" shall mean a written solemn warning from a Bishop to a Priest or Deacon setting forth clearly the reasons for the Pastoral Direction given in the capacity of pastor, teacher and canonical overseer, which is neither capricious or arbitrary in nature nor in any way contrary to the Constitution and Canons of the Church, national or diocesan, and directed to some matter which concerns the Doctrine, Discipline or worship of this Church or manner of life and behavior of the Priest or Deacon addressed, and shall be deemed to include without limitation "Admonition" and "Godly Admonition".

"Presentment" shall mean the writing of a Standing Committee or a Board of Inquiry to an ecclesiastical Trial Court that an offense has been committed which is triable and that there are reasonable grounds to believe that the person named therein has committed it.

"Presiding Bishop" shall mean the Presiding Bishop of this Church or, if there be none or the then Presiding Bishop be absent or disabled, the presiding officer of the House of Bishops.

"Privileged Communications" shall mean (I) disclosures in confidence made by a person to a Member of the Clergy with the purpose of seeking religious counsel, advice, solace, absolution or ministration wherein the Member of the Clergy is acting in the capacity of spiritual advisor to the person, and where the person making the disclosures has a reasonable expectation that the communication will be kept in confidence, (ii) communications under the law of the state and applicable federal law, and (iii) such other communications as defined under The Federal Rules of Evidence.

"Reasonable Cause" shall mean grounds sufficiently strong to warrant reasonable persons to believe that the Charge is true.

"Record on Appeal" shall mean the Presentment, original papers and exhibits filed in the Trial Court, the transcript of proceedings, the Decision of the Trial Court and the Sentence adjudged and to be imposed.

"Remission" shall mean the forgiveness and termination of a Sentence imposed.

"Reporter" shall mean that person charged with the responsibility of taking the recording of the proceedings.

"Respondent" shall mean a Member of the Clergy charged with an Offense.

"Restored" or "Restoration" shall mean the act of a Bishop or the Presiding Bishop remitting and terminating a Sentence imposed and returning a Member of the Clergy to good standing in the order to which the Member of the Clergy was ordained.

"Sentence" shall mean the sentence adjudged by an Ecclesiastical Court after a finding of guilty or the lesser Sentence to be pronounced by a Bishop or the Presiding Bishop, as the case may be.

"Standard of Proof" shall mean that nature of proof required for a Judgment by an Ecclesiastical Court.

"Suspension" shall mean a Sentence by which the Member of the Clergy is directed to refrain temporarily from the exercise of the gifts of ministry conferred by ordination.

"Temporary Inhibition" shall mean that Inhibition authorized by Canon IV.1.

"Trial" shall mean an evidentiary proceeding before an Ecclesiastical Court pursuant to this Title.

"Verdict" shall mean the determination of an Ecclesiastical Court.

"Verification" shall mean a signature before a notary public or similar person authorized to take acknowledgments of signatures on a document that states that the signer has personal knowledge or has investigated the matters set forth in the document and that they are true to the best of the signer's knowledge and belief.

"Verified" shall mean that an instrument contains a Verification.

"Victim" shall mean a person who has been or is or is alleged to be the object of acts of the Respondent.

"Waiver and Voluntary Submission" shall mean a written instrument containing the information required by this Title and Acknowledged by the person executing the same in accordance with Canon IV.2.

TITLE IV (Revised)

APPENDIX A.

[Federal Rules of Civil Procedure as modified and adopted for use in the administration of Title IV, The Canons of the Protestant Episcopal Church in the United States.]

RULE 4. Summons

(a). **Form.** The summons shall be signed by the clerk, identify the court and the parties, be directed to the accused and state the name and address of the Church Advocate. It shall state the time within which the accused must appear and defend, and notify the accused that failure to do so will result in a judgment of guilt and place the accused at risk for a sentence to be pronounced at a later date. The court may allow a summons to be amended.

(c). **Service with Complaint (Presentment); by Whom Made.**

(1). A summons shall be served together with a copy of the Presentment.

(2). Service may be made by an person who is not a direct party and who is at least 18 years of age.

(d). **Waiver of Service; Duty to Save Costs of Service; Request to Waive.**

[The provisions of FRCP 4(d) shall apply noting that the "Plaintiff" shall be the Church as represented by the Church Advocate; the "Defendant" shall be the accused; and, the "Complaint" shall be the Presentment.]

(e). **Service Upon Individuals Within a Judicial District of the United States.**

[The provisions of FRCP 4(e) shall apply noting that service may be made upon individuals in any territorial area wherein episcopal jurisdiction of this Church is recognized.]

(f). **Proof of Service.** If service is not waived, the person effecting service shall make proof thereof by affidavit or sworn statement to the court.

RULE 5. Service and filing of Pleadings and Other Papers. [FRCP 5, as written.]

RULE 6. Time. [FRCP 6, as written.]

RULE 8. General Rule of Pleading. [FRCP 8, as written.]

RULE 10. Form of Pleadings. [FRCP 10, as written, deleting the file number and its designation.]

RULE 11. Signing of Pleadings, Motions and Other Papers; Sanctions [FRCP 11, as written deleting all references to sanctions.]

RULE 12. Defenses and Objections -- When and How Presented -- By Pleading or Motion -- Motion for Judgment on the Pleadings.

(a). **When presented.** Unless a different time is prescribed, and accused shall serve and answer.

(A). **within 20 days after being served a Summons and Presentment, or**

(B). **if service of the summons has been timely waived on request under Rule 4(d), within 60 days after the date when the request for waiver was sent.**

(b). **How presented.** [as written.]

(d). **Preliminary Hearings.** [as written.]

(e). **Motion for More Definite Statement.** [as written.]

RULE 15. Amended and Supplemental Pleadings. [FRCP 15, as written, deleting all reference to the "United States" as a party.]

RULE 29. Stipulations Regarding Discovery. [FRCP 29, as written, adding the following:]
The court, upon application, may order Discovery in all or any forms to take place, under such terms and conditions as the court may prescribe.

RULE 32. Use of Depositions in Court Proceedings. [FRCP 32, as written.]

RULE 33. Interrogatories to Parties. [FRCP 33, as written.]

RULE 34. Production of Document, etc. [FRCP 34, as written.]

RULE 36. Requests for Admissions. [FRCP 36, as written.]

RULE 43. Taking of Testimony. [FRCP 43, as written.]

RULE 61. Harmless Error. [FRCP 61, as written.]

Resolved, That pursuant to Canon V.1.6, this amendment shall take effect in the first day of January, 1996.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 1994* (New York: General Convention, 1995), pp. 845-890.