

EXPOSURE DRAFT as of January 1, 2008

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1 **TITLE IV**

2 **ECCLESIASTICAL DISCIPLINE**

3 **CANON 1: Of Accountability and Ecclesiastical Discipline**

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

11 **CANON 2: Of Terminology Used in this Title**

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

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

17 **Advisor** shall mean a person designated to support, assist, consult with and advise a
18 Complainant or Respondent in any matter of discipline under this Title as provided in
19 Canon IV.19.9.

20 **Bishop** shall mean the Bishop of the Diocese or, if there be none, the Standing Committee
21 or such other ecclesiastical authority established by the Constitution and Canons of the
22 Diocese.

23 **Church Attorney** shall mean an attorney selected pursuant to diocesan canons to
24 represent the Church in proceedings as provided in this Title. The Church Attorney shall
25 perform all functions on behalf of the Church necessary to advance proceedings under this
26 Title and shall have the following powers, in addition to the powers and duties otherwise
27 provided in this Title: **(a)** to receive and review the Intake Officer’s report and the reports of

28 the Investigator and to determine, in the exercise of the Church Attorney’s discretion,
29 whether the reported information, if true, would be grounds for discipline; and **(b)** to
30 exercise discretion consistent with this Title and the interests of the Church by declining to
31 advance proceedings or by referring any matter back to the Intake Officer or the Bishop for
32 pastoral response in lieu of disciplinary action. In representing the Church, the Church
33 Attorney may consult with the Standing Committee.

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

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

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

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

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

52 **Covenant** shall mean **(a)** in the case of conciliation, a written resolution of the matter
53 which is negotiated and agreed between the Complainant and the Respondent or **(b)** in the
54 case of an Conference Panel proceeding, a written resolution which is negotiated and agreed
55 between the Conference Panel, the Church Attorney and the Respondent. All Covenants
56 shall meet the requirements of Canon IV.14.

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

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

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

63 **Hearing Panel** shall mean a panel of three members of the Disciplinary Board selected by
64 the president of the Board, unless some other manner of selection is provided by diocesan

65 canon, to serve as the body before which a hearing is held as provided in Canon IV.13,
66 provided, however, that no such member may serve as a member of the Conference Panel in
67 the same case.

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

70 **Intake Officer** shall mean a person designated by the Bishop, after consultation with the
71 Disciplinary Board, to whom information regarding Offenses is reported.

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

76 **Member of the Clergy** shall mean bishops, priests and deacons of this Church.

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

79 **Order** shall mean **(a)** a written decision of a Conference Panel or a Hearing Panel which is
80 issued with or without the Respondent's consent or **(b)** written terms of discipline agreed
81 between the Respondent and the Bishop and approved as provided in Canon IV.9.

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

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

89 **Privileged Communication** shall mean any communication or disclosure made in
90 confidence and with an expectation of privacy **(a)** within the Rite of Reconciliation of a
91 Penitent; **(b)** between a client and the client's attorney; **(c)** between a Respondent and an
92 Advisor or a Complainant and an Advisor; **(d)** between spouses or two persons living in
93 committed life-long monogamous relationships; or **(e)** between and among a Conciliator
94 and participants in a conciliation under Canon IV.10.

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

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

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

106 **Sentence** shall mean the pronouncement of discipline of a Member of the Clergy pursuant
107 to a Covenant or Order in the form of **(a)** suspension, in which such Member of the Clergy
108 is required to temporarily refrain from the exercise of the gifts of ministry conferred by
109 ordination, or **(b)** deposition, in which such Member of the Clergy is deprived of the right to
110 exercise the gifts and spiritual authority of God's word and sacraments conferred at
111 ordination.

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

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

118 **Sexual Misconduct** shall mean **(a)** Sexual Abuse, or **(b)** Sexual Behavior at the request of,
119 acquiesced to, or by a Member of the Clergy and a person, other than his or her spouse or
120 same-sex partner, with whom the Member of the Clergy has a Pastoral Relationship, or **(c)**
121 unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct
122 of a sexual nature by a Member of the Clergy when submission to or rejection of this
123 conduct explicitly or implicitly affects an individual's work, volunteer, ministry or
124 educational performance, or creates an intimidating, hostile or offensive work, volunteer,
125 ministry, or educational environment.

126 **CANON 3: Of Accountability**

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

128 **(a)** knowingly violating or attempting to violate, directly or through the acts of another
129 person, the Constitution or Canons of this Church or of any Diocese;

130 **(b)** failing without good cause to cooperate with any investigation or proceeding
131 conducted under authority of this Title;

132 **(c)** intentionally and maliciously bringing a false accusation, or knowingly providing false
133 testimony or false evidence in any investigation or proceeding under this Title.

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

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

140 **CANON 4: Of Standards of Conduct**

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

- 142 (a) Respect and preserve confidences of others except when required by legal or moral
143 obligations of ministry to disclose those confidences;
- 144 (b) Perform the duties of the ministry with diligence;
- 145 (c) Conform to the Rubrics of the Book of Common Prayer;
- 146 (d) Avoid conflicts of interest;
- 147 (e) Abide by the promises and vows made when ordained;
- 148 (f) Safeguard the property and funds of the Church and Community;
- 149 (g) Report to the Intake Officer all matters which may constitute an Offense, including
150 his or her own Offenses, except for matters disclosed within the Rite of
151 Reconciliation of a Penitent;
- 152 (h) Exercise his or her ministry in accordance with applicable provisions of the
153 Constitution and Canons of this Church and of the Diocese, ecclesiastical licensure
154 or commission, and Community rule or bylaws;
- 155 (i) Refrain from exerting undue influence on or taking unfair advantage of any person;
- 156 (j) Refrain from any act of Sexual Misconduct;
- 157 (k) Refrain from:
- 158 (1) holding and teaching publicly or privately, and advisedly, any Doctrine contrary
159 to that held by this Church;
- 160 (2) engaging in any secular employment, calling or business without the consent of
161 the Bishop of the Diocese in which the Member of the Clergy is canonically
162 resident;
- 163 (3) being absent from the Diocese in which the Member of the Clergy is canonically
164 resident for more than two years without the consent of the Bishop;

- 165 (4) substantially and materially abandoning the work of the ministry of this Church
166 and the exercise of the office to which the Member of the Clergy was ordained,
167 without having given reasons satisfactory to the Bishop of the Diocese in which
168 the Member of the Clergy is canonically resident;
- 169 (5) exercising Episcopal acts in and for a religious body other than this Church or
170 another church in communion with this Church, so as to extend to such body
171 Holy Orders as this Church holds them, or to administer on behalf of such
172 religious body any Episcopal acts without the express consent and commission
173 of the proper authority in this Church;
- 174 (6) any criminal act that reflects adversely on the Member of the Clergy's honesty,
175 trustworthiness or fitness as a minister of this Church;
- 176 (7) conduct involving dishonesty, fraud, deceit or misrepresentation; or
- 177 (8) any Conduct Unbecoming a Member of the Clergy.

178 **CANON 5: Of Disciplinary Structures**

179 **Sec. 1** Each Diocese shall, by Canon, create a court to be known as the Disciplinary Board
180 as described in this Canon. Each such Board shall consist of not less than nine persons to be
181 selected as determined by Diocesan Canon. The membership of each Board shall include lay
182 persons and priests or deacons, and the majority of the Board members shall be priests or
183 deacons, but by no more than one. No member of the Standing Committee of a diocese
184 shall serve as a member of the Disciplinary Board of that diocese. Within sixty days
185 following each Diocesan Convention, the Board shall convene to elect a president for the
186 following year, unless another method for selection of the president is provided by Diocesan
187 Canon.

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

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

- 190 (a) In the event of any Board member's death, resignation or declination to serve, or
191 disability rendering the member unable to act, the president shall declare a vacancy
192 on the Board.
- 193 (b) Notices of resignation or declination to serve shall be communicated in writing to
194 the president.
- 195 (c) No person serving in a diocese as Chancellor, Vice Chancellor, Advisor, Conciliator,
196 Church Attorney, Intake Officer or Investigator may serve on the Disciplinary Board
197 of that Diocese, and no member of a Disciplinary Board may be selected to serve in
198 one of those positions in the same diocese. If any Priest elected to the Board is
199 elected a bishop, or any lay member is ordained prior to the commencement of a
200 proceeding under this Title, that person shall immediately cease to be a member of

- 201 the Board. If a proceeding has been commenced, that person may continue to serve
202 on the Board for all proceedings in that matter through final disposition.
- 203 (d) Each Diocese shall provide by Canon for the filling of vacancies on the Board. In
204 the event there be no such canonical provision by the Diocese, any vacancy
205 occurring on the Board shall be filled by appointment of the Bishop and the
206 appointee shall be of the same order as the Board member being replaced.
- 207 (e) Proceedings of the Panels of the Disciplinary Board shall be conducted within the
208 rules provided in this Title. The Board may adopt, alter or rescind supplemental rules
209 of procedure not inconsistent with the Constitution and Canons of this Church.
- 210 (f) The rules of evidence for proceedings are as provided in Canon IV.13.6.
- 211 (g) The Disciplinary Board shall appoint a clerk who may be a member of the Board,
212 who shall be custodian of all records and files of the Disciplinary Board and who
213 shall provide administrative services as needed for the functioning of the Board.
- 214 (h) The Disciplinary Board shall keep a record of all proceedings before its Hearing
215 Panels in a format that can be reduced to a transcript if necessary. The record of
216 each proceeding shall be certified by the president of the Panel. If the record cannot
217 be certified by the president by reason of the president's death, disability or absence,
218 the record shall be certified by another member of the Panel selected by a majority
219 of the remaining members of the Panel.
- 220 (i) Any Diocese may agree with one or more other dioceses to develop and share
221 resources necessary to implement this Title, including members of Disciplinary
222 Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and
223 administrative and financial support for proceedings under this Title.
- 224 (j) Church Attorneys, Intake Officers, Advisors, Investigators and Conciliators need not
225 reside in or be members of the Diocese proceeding under this Title. Members of
226 Disciplinary Boards shall be members of the Diocese in which they serve unless such
227 diocese has entered into an agreement for the sharing of resources as provided in
228 Canon IV.5.3(i).
- 229 **Sec. 4** In each Province there shall be a court to be known as the Provincial Court of
230 Review, with jurisdiction to receive and determine appeals from Hearing Panels of dioceses
231 within the Province as provided in Canon IV.15 and to determine venue issues as provided
232 in Canon IV.19.5.
- 233 (a) The Provincial Court of Review shall consist of: (i) one bishop of the Province; two
234 priests, or one priest and one deacon; and two lay persons; and (ii) one bishop, one
235 priest or deacon, and one lay person to serve as alternates as hereinafter provided.
236 Each priest or deacon, whether a member or alternate, shall be canonically resident
237 in a diocese of the Province different from any other priest or deacon, and each lay
238 person, whether a member or alternate, shall reside in a diocese of the Province

- 239 different from any other lay person. The priests, deacons and lay persons shall be
240 members of the Disciplinary Boards of their respective dioceses.
- 241 (b) The members and alternates of the Provincial Court of Review shall be appointed
242 annually by the president of the Province. The Provincial Court of Review shall
243 select a president from among its members.
- 244 (c) The persons appointed to the Provincial Court of Review shall continue to serve
245 until their respective successors have been appointed, except in case of death,
246 resignation or declination to serve.
- 247 (d) No member of the Provincial Court of Review may serve in any matter originating
248 from the diocese in which such member serves on the Disciplinary Board. In such
249 event, the alternate shall serve.
- 250 (e) In the event that any member of the Provincial Court of Review is excused pursuant
251 to the provisions of Canon IV.5.3(c), or ,upon objection made by either party to the
252 appeal is deemed by the other members of the Provincial Court of Review to be
253 disqualified, such member's alternate shall serve.
- 254 (f) In the event of any Provincial Court of Review member's death, resignation or
255 declination to serve, or disability rendering the member unable to act or is ineligible
256 to serve under Canons IV.5.4(d) or (e) above, and in the further event that there is
257 no alternate available to serve, the president of the Provincial Court of Review shall
258 declare a vacancy on the Provincial Court of Review. Notices of resignation or
259 declination to serve shall be communicated in writing to the president of the
260 Provincial Court of Review.
- 261 (g) Vacancies on the Provincial Court of Review shall be filled by appointment by the
262 president of the Province of persons qualified as provided in Canon IV.5.4(a).
- 263 (h) The Provincial Court of Review shall appoint a clerk who may be a member of the
264 Court, who shall be custodian of all records and files of the Provincial Court of
265 Review and who shall provide administrative services as needed for the functioning
266 of the Court.
- 267 (i) The rules of procedure for appeals to the Provincial Court of Review are as provided
268 in Canon IV.15, but the Provincial Court of Review may adopt, alter or rescind
269 supplemental rules of procedure not inconsistent with the Constitution and Canons
270 of this Church.

271 **CANON 6: Of Intake and Referral of Information Concerning Offenses**

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

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

276 **Sec. 3** Any person other than the Intake Officer who receives information regarding an
277 Offense shall promptly forward the information to the Intake Officer.

278 **Sec. 4** Upon receipt of such information, the Intake Officer may make such preliminary
279 investigation as he or she deems necessary, and shall incorporate the information into a
280 written intake report, including as much specificity as possible. The Intake Officer shall
281 provide copies of the intake report to the other members of the Reference Panel.

282 **Sec. 5** If the Intake Officer determines that the information, if true, would not constitute an
283 Offense, the Intake Officer shall inform the Bishop of an intention to dismiss the matter. If
284 the Bishop does not object, the Intake Officer shall dismiss the matter. The Complainant
285 may appeal, in writing, the decision of dismissal to the president of the Disciplinary Board.
286 The Intake Officer shall provide written notice to the Complainant, the subject Member of
287 the Clergy and the Bishop of the decision of dismissal, the reason therefor, and the
288 Complainant's right to appeal the decision within thirty days of the date of the notice and
289 shall send a copy of that notice and the written intake report to the president of the
290 Disciplinary Board.

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

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

302 **Sec. 8** The Reference Panel shall meet as soon as possible after receiving the intake report
303 to determine how to refer the report. Referral options are **(a)** no action required other than
304 appropriate pastoral response pursuant to Canon IV.8; **(b)** conciliation pursuant to Canon
305 IV.10; **(c)** investigation pursuant to Canon IV.11 or **(d)** referral for possible agreement with
306 the Bishop regarding terms of discipline pursuant to Canon IV.19. Referral decisions shall
307 require the approval of a majority of the Reference Panel.

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

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

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

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

319 **Sec. 2** A Pastoral Direction must **(a)** be made in writing; **(b)** set forth clearly the reasons
320 for the Pastoral Direction; **(c)** set forth clearly what is required of the Member of the Clergy;
321 **(d)** be issued in the Bishop's capacity as the pastor, teacher and overseer of the Member of
322 the Clergy; **(e)** be neither capricious nor arbitrary in nature nor in any way contrary to the
323 Constitution and Canons of the Church, both national and diocesan; and **(f)** be directed to
324 some matter which concerns the Doctrine, Discipline or Worship of this Church or the
325 manner of life and behavior of the Member of the Clergy concerned; and **(g)** be promptly
326 served upon the Member of the Clergy.

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

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

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

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

348 **Sec. 7** Any Pastoral Direction, restriction on ministry, or Administrative Leave under this
349 Canon shall be effective upon delivery of the writing setting it forth to the subject Member
350 of the Clergy or by communication to the subject Member of the Clergy of the contents of
351 such writing. If delivery of such writing is refused, the Pastoral Direction, restrictions on
352 ministry, or Administrative Leave, as the case may be, shall be binding upon such refusal.

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

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

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

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

388 **Sec. 12** After conducting the review and hearing from such persons designated in Canon
389 IV.7.11 as desire to be heard, the Panel shall confer privately and make a determination to
390 **(a)** dissolve the restriction on ministry or Administrative Leave; **(b)** affirm the restriction on
391 ministry or Administrative Leave and the terms and conditions thereof; or **(c)** affirm the
392 restriction on ministry or Administrative Leave but with modification of the terms and
393 conditions thereof. The Panel's determination shall be in writing and shall be delivered to the
394 Respondent, the Church Attorney, the Bishop and the Intake Officer, and shall be binding in
395 the same manner as provided in Canon IV.7.7. In the event of the dissolution of the

396 restriction on ministry or Administrative Leave, the Bishop may give notice thereof to such
397 persons and Communities having notice of the restriction on ministry or Administrative
398 Leave as the Bishop deems appropriate.

399 [Sec. 13](#) Any Covenant or Order resulting from Canons IV.12 or IV.13, unless otherwise
400 specified, shall supersede any restriction on ministry or Administrative Leave then in effect.

401 [CANON 8: Of Pastoral Response](#)

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

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

411 [Sec. 3](#) The exact nature of the pastoral care offered shall be determined for each case and
412 may include counseling, and referral for consultation.

413 [Sec. 4](#) In every case, and notwithstanding any other provision of this Title to the contrary,
414 the Bishop may disclose such information concerning any Offense or allegations thereof or
415 concerning any Covenant or Order as the Bishop deems pastorally appropriate.

416 [Sec. 5](#) The Bishop shall give consideration to the respective privacy interests and pastoral
417 needs of all affected persons.

418 [Sec. 6](#) The Bishop may designate a person to be responsible for the implementation of the
419 pastoral response. Such person may be the Intake Officer. The duties of such person may
420 include coordination of pastoral care and coordination of communications between the
421 Bishop and Advisors.

422 [CANON 9: Of Agreements Between Bishops and Respondents for Discipline](#)

423 [Sec. 1](#) At any time before an Order becomes effective, the Respondent or any Member of
424 the Clergy who has not yet become a Respondent but who is alleged to have committed an
425 Offense may propose terms of discipline to the Bishop, or the Bishop may propose terms of
426 discipline to the Respondent or such Member of the Clergy. Before reaching agreement, the
427 Bishop shall consult with both the Victim, if any, and the Church Attorney with result to the
428 proposed terms of discipline. If the Respondent or such Member of the Clergy and the
429 Bishop reach agreement regarding terms of discipline, such terms shall be set forth in a
430 proposed Order. A Member of the Clergy becomes a Respondent by reaching agreement
431 with the Bishop regarding terms of discipline.

432 **Sec. 2** No such proposed Order shall be implemented or shall become effective until it has
433 been approved by the Disciplinary Board. The process of approval or disapproval of a
434 proposed Order shall commence with the Bishop's forwarding the proposed Order to the
435 appropriate Panel of the Board, determined as follows:

436 (a) If the matter which is the subject of the proposed Order has not previously been
437 submitted to the intake process or if it is pending before the Reference Panel or the
438 Conference Panel, then the proposed Order shall be submitted to the Conference
439 Panel. If no Conference Panel has been appointed in the matter, the President of
440 the Disciplinary Board shall promptly appoint one.

441 (b) If the matter which is the subject of the proposed Order is pending before the
442 Hearing Panel or the Provincial Court of Review, then the proposed Order shall be
443 submitted to the Hearing Panel.

444 (c) In any case, the transmission of the proposed Order shall be accompanied by any
445 factual materials related to the case then in the possession of the Bishop and any
446 factual materials related to any relevant prior disciplinary actions involving the
447 Respondent that have not previously been provided to the Panel. The Panel shall
448 make its determinations concerning the proposed order without conducting further
449 proceedings under Canons IV.12 or IV.13.

450 **Sec. 3** The Panel to which the proposed Order is submitted shall determine whether to
451 approve or disapprove the proposed Order. Regardless of which Panel makes the
452 determination, the means by which the determination shall be made shall be consistent with
453 the procedure provided for Conference Panels under Canon IV.12. In addition to those
454 persons whose attendance is required or permitted under Canon IV.12.4, 5 and 6, the Bishop
455 shall attend the conference, and the Respondent's Advisor and the Chancellor of the diocese
456 may attend the conference.

457 **Sec. 4** The Panel shall approve the proposed Order if the Panel finds that (a) the
458 Respondent is aware of the discipline to be imposed and the effect thereof; (b) the
459 Respondent has had adequate opportunity to consult and seek advice from, or has in fact
460 consulted and received advice from, counsel of the Respondent's choosing; and (c) the
461 proposed Order adequately considers and, where possible, provides for healing, repentance,
462 forgiveness, restitution, justice, amendment of life and reconciliation among the
463 Complainant, Respondent, affected Community and other persons and is otherwise an
464 appropriate resolution of the matter. Any revised proposed Order reached between the
465 Bishop and the Respondent shall be resubmitted to the Panel for approval or disapproval.

466 **Sec. 5** Notwithstanding anything in this section to the contrary, if the proposed Order is
467 submitted to the Conference Panel and the matter which is the subject thereof has not been
468 investigated or, in the opinion of the Conference Panel, requires further investigation, the
469 Conference Panel may cause an investigation to be made pursuant to Canon IV.11 before
470 making its determination whether to approve the proposed Order.

471 **Sec. 6** A proposed Order which has been approved by the Panel shall be signed by the
472 Bishop, the Respondent and the president of the Panel, whereupon it shall become an
473 effective Order which shall be implemented, provided, however, that the Respondent shall
474 have no right to appeal the Order or the imposition of any discipline thereunder.

475 **CANON 10: Of Conciliation**

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

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

482 **Sec. 3** If the conciliation is successful, a Covenant will be prepared as provided in Canon
483 IV.14. If conciliation cannot be achieved within a reasonable time, the Conciliator will report
484 such to the Bishop, and the matter will be referred back to the Reference Panel.

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

491 **CANON 11: Of Investigations**

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

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

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

505 **Sec. 4** If the determination is to refer for further investigation, the Investigator shall make
506 such further investigation as the Reference Panel directs and shall submit a supplemental

507 report of findings to the Reference Panel. The Reference Panel shall then reconvene and
508 proceed as provided in Canon IV.11.3.

509 **Sec. 5** All investigations shall be confidential, and all persons interviewed by the
510 Investigator shall be advised of the confidential nature of the investigation except as may be
511 utilized by the Panels upon the consent of the person interviewed.

512 **CANON 12: Of Conference Panels**

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

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

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

534 **Sec. 4** The Respondent shall attend the conference.

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

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

540 **Sec. 7** The proceedings of the Conference Panel shall be informal and conversational. The
541 Conference Panel shall describe the alleged Offense to the Respondent. The Conference
542 Panel shall hear from the Complainant or the Complainant's Advisor or both, if either or
543 both are present, and from the Respondent or the Respondent's Advisor or both. At its
544 discretion, the Conference Panel may hear from the Investigator or any other persons

545 present, and may direct the Investigator to conduct additional investigation and suspend its
546 proceedings to allow such investigation to be completed. At its discretion, the Conference
547 Panel may confer with any participants outside the presence of the other participants.

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

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

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

562 **Sec. 11** If the resolution is the entry of a Covenant or the issuance of an Order other than
563 an Order of dismissal, the provisions of Canon IV.14 shall apply.

564 **Sec. 12** The Respondent or the Church Attorney may refuse an Order issued by the
565 Conference Panel by giving written notice of the refusal to the president of the Conference
566 Panel within fifteen days following the effective date of the Order as defined in Canon
567 IV.14.10. Upon receipt of the notice of refusal, the president of the Conference Panel shall
568 notify the president of the Disciplinary Board of the refusal.

569 **CANON 13: Of Hearing Panels**

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

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

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

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

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

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

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

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

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

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

617 (c) If the discovery plan has been mutually agreed upon by the Church Attorney and
618 counsel for the Respondent, the president of the Hearing Panel may approve the
619 plan and incorporate it in a discovery order and scheduling order governing all
620 discovery procedures and establishing a date for hearing of the matter. If the Church
621 Attorney and Respondent's counsel do not agree on all elements of the discovery
622 plan, the president of the Hearing Panel shall allow each to be heard with respect to

623 the elements in dispute, make a determination of appropriate discovery procedures
624 and issue a discovery order and scheduling order within thirty days of the receipt of
625 the discovery planning report.

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

629 (e) In addition to the disclosures required by this section and the discovery obtained
630 pursuant to the discovery plan, the Church Attorney and Respondent's counsel shall
631 each provide to the other and to the Hearing Panel at least thirty days before the
632 hearing final pre-hearing disclosures including (1) the name, address and telephone
633 number of each witness expected to be called to testify at the hearing, (2)
634 identification of each document or other tangible object expected to be used as an
635 exhibit in the hearing, and (3) requests, if any, to have all or portions of the hearing
636 closed to the public.

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

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

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

650 (b) The president:

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

652 (2) shall exclude privileged evidence;

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

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

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

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

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

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

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

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

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

677 **CANON 14: Of Covenants and Orders**

678 **Sec. 1** A Covenant may (a) provide any terms which promote healing, repentance,
679 forgiveness, restitution, justice, amendment of life and reconciliation among the
680 Complainant, Respondent, affected Community and other persons; (b) place restrictions on
681 the Respondent's exercise of ministry; (c) place the Respondent on probation; (d)
682 recommend to the Bishop that the Respondent be suspended or deposed from ministry; (e)
683 limit the involvement, attendance or participation of the Respondent in the Community; or
684 (f) any combination of the foregoing. A Covenant may be conditioned on the Bishop
685 imposing any recommended suspension, deposition or conditions for restoration to ministry.
686 A Covenant providing for suspension from ministry shall specify on what terms or
687 conditions and at what time the suspension shall cease. Any Covenant providing for
688 limitation upon the involvement, attendance or participation of the Respondent in the
689 Community shall also provide conditions for restoration.

690 **Sec. 2** If a Covenant results from a Conciliation, the Covenant shall be signed by the
691 Complainant, the Respondent and the Conciliator, provided that the Conciliator shall sign
692 last.

693 **Sec. 3** If a Covenant results from proceedings before a Conference Panel or a Hearing
694 Panel, the Complainant and the Complainant's Advisor shall have first been afforded an
695 opportunity to be heard by the Panel regarding the proposed terms of the Covenant. The

696 Covenant shall be signed by the Respondent, the Church Attorney and the president of the
697 Panel, provided that the president shall sign last.

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

703 **Sec. 5** If a Covenant recommends that the Respondent be suspended or deposed from
704 ministry, the Bishop shall have fifteen days from the date on which the Covenant is sent to
705 the Bishop in which to advise in writing the Respondent, the Respondent's Advisor, the
706 Complainant, the Complainant's Advisor, the Church Attorney, and the Conciliator or the
707 president of the Conference Panel or Hearing Panel whether the Bishop will pronounce the
708 Sentence as recommended. The Bishop shall advise that he or she will **(a)** pronounce the
709 Sentence as recommended or **(b)** pronounce a lesser Sentence than that recommended. The
710 Bishop shall pronounce Sentence not sooner than thirty days following the date on which
711 the Covenant is sent to the Bishop and not later than sixty days following such date. The
712 Bishop's pronouncement of a lesser Sentence than that recommended shall not affect the
713 validity or enforceability of the remainder of the Covenant.

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

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

727 **Sec. 8** If an Order recommends that the Respondent be suspended or deposed from
728 ministry, the Bishop shall have fifteen days from the date of the issuance of the Order in
729 which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the
730 Complainant's Advisor, the Church Attorney, and the president of the Conference Panel or
731 Hearing Panel (whichever Panel issued the Order) whether the Bishop will pronounce the
732 Sentence as recommended. The Bishop shall advise that he or she will **(a)** pronounce the
733 Sentence as recommended or **(b)** pronounce a lesser Sentence than that recommended. The
734 Bishop shall pronounce Sentence not sooner than thirty days following the issuance of the
735 Order and not later than sixty days following the issuance of the Order. Notwithstanding
736 anything in this section to the contrary, no Sentence shall be pronounced while an appeal of
737 the matter is pending. However, the Bishop may, while an appeal is pending, place

738 restrictions upon the exercise of the Respondent's ministry, or place the Respondent on
739 Administrative Leave, or continue any such restriction or Administrative Leave as was in
740 effect at the time of the issuance of the Order. The Bishop's pronouncement of a lesser
741 Sentence than that recommended in an Order shall not affect the validity or enforceability of
742 the remainder of the Order.

743 **Sec. 9** A Covenant or Order shall include, in addition to such terms and provisions as are
744 consistent with Canons IV.14.1 and IV.14.6, **(a)** the name of the Respondent, **(b)** a
745 reference to the Canon(s), section(s) and subsection(s) specifying the Offense and **(c)**
746 general information regarding the Offense sufficient to afford protection from proceedings
747 which are barred under Canon IV.19.12.

748 **Sec. 10** A Covenant is effective when it is signed by the Conciliator or the president of the
749 Panel, except that if a Covenant recommends that the Respondent be suspended or deposed
750 from ministry, that part of the Covenant shall be effective fifteen days following the date on
751 which the Covenant is signed by the Conciliator or the president of the Panel. An Order is
752 effective when it is issued, except that if an Order recommends that the Respondent be
753 suspended or deposed from ministry, that part of the Order shall be effective fifteen days
754 following the date on which the Order is issued.

755 **Sec. 11** If the Order is issued by a Conference Panel or by the Bishop in a matter which is
756 before the Conference Panel, the Respondent may refuse the Order in the same manner as
757 provided in Canon IV.12.12 and the matter shall be referred to a Hearing Panel for hearing
758 as provided in Canon IV.13.

759 **Sec. 12** Notice of Covenants and Orders which shall have become effective shall be given
760 without delay as follows:

761 **(a)** In the case of any Covenant or Order pertaining to a Member of the Clergy, the
762 Bishop shall give notice of the Covenant or Order to every Member of the Clergy in
763 the Diocese, each Vestry in the Diocese, the Secretary of Convention, and the
764 Standing Committee of the Diocese, which shall be added to the official records of
765 the Diocese; to the Presiding Bishop, to all other Bishops of this Church, and where
766 there is no Bishop, to the Ecclesiastical Authority of each Diocese of this Church; to
767 the Recorder of ordinations; to the Church Deployment Office; and to the Secretary
768 of the House of Bishops and the Secretary of the House of Deputies.

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

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

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

779 **CANON 15: Of Review**

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

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

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

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

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

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

812 **Sec. 3** Any Order from a Hearing Panel finding that a Respondent did not commit an
813 Offense involving a question of the Doctrine, Faith or Worship of the Church may be
814 appealed by the Bishop upon the written request of at least two Bishops of other Dioceses
815 within the Province. Such an appeal shall be taken on the question of the Church's Doctrine,

816 Faith and Worship only, and may not seek to reverse the finding of the Hearing Panel of
817 non-commission of other Offenses. An appeal under this section may be taken by service of
818 a notice of appeal by the Bishop upon the Respondent, the Church Attorney and the
819 presidents of the Hearing Panel and the Province within thirty days after the Order of the
820 Hearing Panel is received by the Bishop.

821 **Sec. 4** If an appeal is taken from a Hearing Panel of a diocese which is non-provincial, the
822 appeal shall be taken before the Provincial Court of Review geographically closest to that
823 diocese.

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

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

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

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

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

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

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

842 (4) The Hearing Panel has erroneously interpreted or applied the canons;

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

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

847 **Sec. 7** It shall be the duty of the Hearing Panel to produce the record on appeal, consisting
848 of a transcript of the proceedings before the Hearing Panel together with documentary and
849 tangible evidence received by the Hearing Panel. The record shall be printed or otherwise
850 reproduced as authorized by the president of the Provincial Court of Review. Within thirty

851 days after receiving the record on appeal from the Hearing Panel, the party appealing shall
852 serve two copies of the record of appeal, the notice of appeal and the appealing party's brief,
853 if any, upon the opposite party, and shall deliver five copies to the president of the
854 Provincial Court of Review. Within thirty days after receiving a copy of the record on appeal,
855 the party opposing the appeal shall serve the brief in opposition, if any, upon the appealing
856 party, with five copies to the president of the Provincial Court of Review. Any reply brief of
857 the appealing party shall be served likewise within fifteen days following service of the brief
858 in opposition.

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

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

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

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

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

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

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

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

885 **CANON 16: Of Abandonment of the Communion of This Church**

886 **(A) By a Bishop**

887 **Sec. 1** If a Bishop abandons the communion of this Church (i) by an open renunciation of
888 the Doctrine, Discipline and Worship of this Church, or (ii) by formal admission into any
889 religious body not in communion with the same, or (iii) by exercising Episcopal acts in and
890 for a religious body other than this Church, so as to extend to such body Holy Orders as this
891 Church holds them, or to administer on behalf of such religious body Confirmation without
892 the express consent and commission of the proper authority of this Church, or (iv) in any
893 other way; it shall be the duty of the Disciplinary Board for Bishops, by a majority vote of all
894 of its members, to certify the fact to the Presiding Bishop and with the certificate to send a
895 statement of the acts or declarations which show such abandonment, which certificate and
896 statement shall be recorded by the Presiding Bishop. The Presiding Bishop shall then place a
897 restriction on the exercise of ministry of said Bishop until such time as the House of Bishops
898 shall investigate the matter and act thereon. During the period of such restriction, the Bishop
899 shall not perform any Episcopal, ministerial or canonical acts, except as relate to the
900 administration of the temporal affairs of the Diocese of which the Bishop holds jurisdiction
901 or in which the Bishop is then serving.

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

916 **(B) By a Priest or Deacon**

917 **Sec. 3** If it is reported to the Standing Committee of the Diocese in which a Priest or
918 Deacon is canonically resident that the Priest or Deacon, without using the provisions of
919 Canon III.7.8-10 and III.9.8-11, has abandoned the communion of this Church, then the
920 Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote
921 of three-fourths of all the members that the Priest or Deacon has abandoned the
922 Communion of this Church by an open renunciation of the Doctrine, Discipline or Worship
923 of this Church, or by the formal admission into any religious body not in communion with
924 this Church, or in any other way, it shall be the duty of the Standing Committee of the
925 Diocese to transmit in writing to the Bishop of such Diocese, or if there be no such Bishop,
926 to the Bishop of an adjacent Diocese, its determination, together with a statement setting out
927 in reasonable detail the acts or declarations relied upon in making its determination. If the
928 Bishop affirms the determination, the Bishop shall place a restriction on the exercise of
929 Ministry by that Priest or Deacon for two months and shall send to the Priest or Deacon a
930 copy of the determination and statement, together with a notice that the Priest or Deacon

931 has the rights specified in Section 2 and at the end of the two-month period the Bishop will
932 consider deposing the Priest or Deacon in accordance with the provisions of Section 2.

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

950 **CANON 17: Of Proceedings for Bishops**

951 **Sec. 1** Except as otherwise provided in this canon, the provisions of this Title shall apply to
952 all matters in which a Member of the Clergy who is subject to proceedings is a bishop.

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

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

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

959 (c) Bishop shall mean the Presiding Bishop, unless the Member of the Clergy who is
960 subject to proceedings is the Presiding Bishop, in which case Bishop shall mean the
961 bishop authorized by Canon 19.23.

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

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

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

968 **Sec. 3** The Disciplinary Board for Bishops is hereby established as a court of this Church to
969 have original jurisdiction over matters of discipline of bishops, to hear bishops' appeals from
970 imposition of restriction on ministry or placement on Administrative Leave and to
971 determine venue issues as provided in Canon IV.19.5. The Disciplinary Board for Bishops
972 shall consist of ten bishops elected at any regularly scheduled meeting of the House of
973 Bishops, and four priests or deacons and four lay persons appointed by the President of the
974 House of Deputies. All lay persons appointed to serve shall be confirmed adult
975 communicants in good standing. Members of the Board shall serve staggered terms of six
976 years, with terms of one half of the bishops and one half of the lay persons, priests and
977 deacons collectively expiring at the end of each year 2012 and every three years thereafter.

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

981 **Sec. 5** The Conference Panel shall consist of three bishops, one priest or deacon and one
982 lay person. The Hearing Panel shall consist of three bishops, one priest or deacon and one
983 lay person, except that the Hearing Panel for the Offense specified in Canon IV.4.1(k)(1)
984 pertaining to Doctrine Offenses shall consist of five bishops only.

985 **Sec. 6** The provisions of Canons IV.14.1(d) and IV.14.6(c) pertaining to recommendations
986 that a Respondent be suspended or deposed from ministry shall not apply where the
987 Respondent is a bishop. Where the Respondent is a bishop, a Covenant or Order may
988 provide for the suspension or deposition of the Respondent. In such event, the Sentence of
989 suspension or deposition shall be pronounced by the president of the disciplinary Board for
990 Bishops. The president shall have no discretion to decline to pronounce the Sentence or to
991 pronounce a lesser Sentence. Where a Covenant provides for the suspension or deposition
992 of a Respondent who is a bishop, the president shall pronounce Sentence within thirty days
993 after the date on which the Conciliator or the president signs the Covenant. Where an Order
994 provides for the suspension or deposition of a Respondent who is a bishop, the president
995 shall pronounce Sentence not sooner than thirty days following the issuance of the Order
996 and not later than sixty days following the issuance of the Order. Notwithstanding anything
997 in this section to the contrary, no Sentence shall be pronounced while an appeal of the
998 matter is pending. However, the president may, while an appeal is pending, place restrictions
999 upon the exercise of the Respondent's ministry, or place the Respondent on Administrative
1000 Leave, or continue any such restriction or Administrative Leave as was in effect at the time
1001 of the issuance of the Order.

1002 **Sec. 7** Notwithstanding any provision of this Title to the contrary, no proceeding shall be
1003 brought under this Title against a Bishop in which the Offense alleged is violation of Canon
1004 IV.4.1(k)(1) for holding and teaching, or having held and taught, publicly or privately, and
1005 advisedly, any Doctrine contrary to that held by this Church unless a statement of
1006 disassociation shall have first been issued by the House of Bishops as provided in Canon
1007 IV.17.7 (a) and thereafter the consent of one-third of the Bishops qualified to vote in the
1008 House of Bishops has been received to initiate proceedings under this Title as provided in
1009 Canon IV.17.7 (b).

1010 (a) Any ten Bishops exercising jurisdiction in this Church may file with the Presiding
1011 Bishop a written request, signed by such Bishops, that the House of Bishops issue a
1012 statement of disassociation. Such request shall include a statement of the Doctrine
1013 alleged to be contrary to that held by this Church, the name or names of the Bishop
1014 or Bishops alleged to have held and taught publicly or privately, and advisedly, such
1015 Doctrine, and a concise statement of the facts upon which the request for the
1016 statement of disassociation is based. Contemporaneously with the filing of the
1017 request, there shall be filed with the Presiding Bishop a proposed statement of
1018 disassociation and a brief in support thereof. The Presiding Bishop shall thereupon
1019 serve a copy of the request for a statement of disassociation upon each Bishop who
1020 is the subject thereof, together with the proposed statement of disassociation and a
1021 copy of the supporting brief. The Presiding Bishop shall fix a date for the filing of a
1022 response and brief in support thereof, which date shall be not less than ninety days
1023 from the date of service, and may extend the time for responding for not more than
1024 sixty additional days. Upon the filing of a response and supporting brief, if any, or
1025 upon the expiration of the time fixed for a response, if none be filed, the Presiding
1026 Bishop shall forthwith transmit copies of the request for a statement of
1027 disassociation, proposed statement of disassociation, response, and briefs to each
1028 member of the House of Bishops. The request for a statement of disassociation shall
1029 be considered by the House of Bishops at its first regularly scheduled meeting held at
1030 least one month after copies of the request for a statement of disassociation,
1031 proposed statement of disassociation, response, and briefs are transmitted to each
1032 member of the House of Bishops. The House of Bishops may amend the proposed
1033 statement of disassociation. If a statement of disassociation is not issued by the
1034 conclusion of the meeting, there shall be no further proceedings under this Title
1035 against any Bishop who is the subject thereof for holding and teaching the Doctrine
1036 alleged in the request for a statement of disassociation.

1037 (b) Not later than ninety days following the issuance of a statement of disassociation by
1038 the House of Bishops as provided in Canon IV.17.7(a), any ten Bishops exercising
1039 jurisdiction in this Church may file with the Presiding Bishop a written request,
1040 signed by such Bishops, that the House of Bishops initiate proceedings under this
1041 Title against any Bishop who is the subject of such statement of disassociation for
1042 violation of Canon IV.4.1(k)(1) with regard to the same Doctrine as was alleged in
1043 the request for the statement of disassociation. Such request for initiation of
1044 proceedings under this Title shall include an explanation why the issuance of the
1045 statement of disassociation was not a sufficient response to the matters alleged in the
1046 request for statement of disassociation and shall be accompanied by a brief in
1047 support of the request for initiation of proceedings. The Presiding Bishop shall fix a
1048 date for the filing of a response, which shall include an explanation why the issuance
1049 of the statement of disassociation was a sufficient response to the matters alleged in
1050 the request for statement of disassociation, and brief in support thereof, which date
1051 shall be not less than ninety days from the date of service, and may extend the time
1052 for responding for not more than sixty additional days. Upon the filing of a response
1053 and supporting brief, if any, or upon the expiration of the time fixed for a response,
1054 if none be filed, the Presiding Bishop shall forthwith transmit copies of the request
1055 for initiation of proceedings under this Title, response, and briefs to each member of

1056 the House of Bishops. No proceeding under this Title for violation of Canon
1057 IV.4.1(k)(1) shall be initiated unless the written consent of one-third of the Bishops
1058 qualified to vote in the House of Bishops shall be received by the Presiding Bishop
1059 within sixty days of the date on which the copies of the request for initiation of
1060 proceedings under this Title, response, and briefs were sent to them. In case the
1061 Presiding Bishop does not receive the written consent of one-third of all the Bishops
1062 eligible to vote within sixty days of such date, the Presiding Bishop shall declare the
1063 matter dismissed and no further proceedings may be had thereon. If the Presiding
1064 Bishop receives the necessary written consents within sixty days as specified above,
1065 the Presiding Bishop shall forthwith notify the President of the Disciplinary Board
1066 for Bishops. The President shall promptly select from the Disciplinary Board for
1067 Bishops, by lot or by other random means, a Hearing Panel consisting of nine
1068 bishops and shall designate a president of the Hearing Panel. The President of the
1069 Disciplinary Board for Bishops shall promptly forward to the president of the
1070 Hearing Panel and to the National Church Attorney copies of the request for
1071 initiation of proceedings under this Title, response, and briefs, and the matter shall
1072 proceed under this Title as a matter which has been referred to a Hearing Panel.

1073 **Sec. 8** The Court of Review for Bishops is hereby established as a court of this Church to
1074 have jurisdiction to hear appeals from Hearing Panels of the Disciplinary Board for Bishops.

1075 (a) The Court of Review for Bishops shall consist of nine members, all of whom shall be
1076 bishops. Three bishops shall be elected by the House of Bishops at any regularly
1077 scheduled meeting of the House of Bishops, to serve until the adjournment of the
1078 third succeeding regular meeting of General Convention and until their successors
1079 are elected and qualify; however, there shall be no change in the composition of the
1080 Court with respect to a particular Respondent following any hearing in the matter
1081 and while it is pending unresolved before the Court.

1082 (b) From among their number, the members of the Court of Review for Bishops shall
1083 elect a president.

1084 (c) The reasonable and necessary expenses of the Court of Review for Bishops,
1085 including fees, costs, disbursements and expenses of the members, clerks, reporters,
1086 and Church Attorneys shall be charged upon the General Convention and paid by
1087 the Treasurer of the General Convention upon Order of the president of the Court
1088 of Review. The Court of Review for Bishops shall have the authority to contract for
1089 and bind the General Convention to payment of these expenses.

1090 **CANON 18: Of Modification and Remission of Orders**

1091 **Sec. 1** Any Member of the Clergy who is the subject of an Order which has become
1092 effective may apply to the Bishop of the Diocese from which the Order issued, or the
1093 Presiding Bishop in the case of a Bishop, for modification or remission of the Order. If the
1094 Bishop is satisfied that sufficient reasons exist for granting the modification or remission
1095 sought, in whole or in part, the procedures provided in this Canon for modification or
1096 remission shall apply.

1097 **Sec. 2** In the case of an Order pertaining to any Member of the Clergy other than a Bishop,
1098 any provision of any Order other than a provision deposing a Member of Clergy may be
1099 modified or remitted by the Bishop of the Diocese from which the Order issued with the
1100 advice and consent of two-thirds of the members of the Disciplinary Board.

1101 **Sec. 3** In the case of a provision of an Order deposing a Member of the Clergy other than a
1102 Bishop, such deposition may be remitted and terminated by the Bishop of the Diocese from
1103 which the Order issued only upon the following conditions: **(a)** the remission shall be done
1104 with the advice and consent of two-thirds of the members of the Disciplinary Board of the
1105 Diocese from which the Order issued; **(b)** the proposed remission, with the reasons
1106 therefor, shall be submitted to the judgment of five of the Bishops whose Dioceses are
1107 nearest to the Diocese from which the Order issued, and the Bishop shall receive in writing
1108 from at least four of the Bishops their approval of the remission and their consent thereto;
1109 **(c)** if the person deposed maintains legal residence or canonical residence in a Diocese other
1110 than the Diocese from which the Order issued, the proposed remission, with the reasons
1111 therefor, shall be submitted to the judgment of the Bishop(s) of the Diocese(s) of legal and
1112 canonical residence and such Bishop(s) shall give his or her (or their) written approval of the
1113 remission and consent thereto; and **(d)** before such remission, the Bishop shall require the
1114 person deposed, who desires to be restored to the ordained ministry, to subscribe to the
1115 declaration required in Article VIII of the Constitution.

1116 **Sec. 4** In the case of an Order pertaining to a Bishop, any provision of the Order may be
1117 modified or remitted by the president of the Disciplinary Board for Bishops with the advice
1118 and consent of a majority of the members of the Board and the Bishops who are then
1119 serving on any Provincial Court of Review.

1120 **Sec. 5** In the case of any Order deposing a Member of the Clergy for abandoning the
1121 Communion of this Church, no application for remission shall be received by the Bishop
1122 until the deposed person has lived in lay communion with this Church for not less than one
1123 year next preceding application for the remission.

1124 **Sec. 6** No Order may be modified or remitted unless the Member of the Clergy, the Church
1125 Attorney and each Complainant have been afforded sufficient opportunity to be heard by
1126 the Disciplinary Board, or the Disciplinary Board together with the Bishops who are then
1127 serving on any Provincial Court of review, as the case may be, as to why the proposed
1128 modification or remission should or should not be permitted.

1129 **CANON 19: Of General Provision**

1130 **Sec. 1** Proceedings under this Title are neither civil nor criminal but ecclesiastical in nature.
1131 These proceedings represent the responsibility of this Church to determine who shall serve
1132 as Members of the Clergy of this Church, reflecting the polity and order of this hierarchical
1133 church. Members of the Clergy have voluntarily sought and accepted positions in this
1134 Church and have thereby given their consent to subject themselves to the Discipline of this
1135 Church. They may not claim in proceedings under this Title constitutional guarantees
1136 otherwise associated with secular court proceedings.

1137 **Sec. 2** No member of this Church, whether lay or ordained, may seek to have the
1138 Constitution and Canons of this Church interpreted by a secular court, or resort to a secular
1139 court to address a dispute arising under the Constitution and Canons, or for any purpose of
1140 delay, hindrance, review or otherwise affecting any proceeding under this Title.

1141 **Sec. 3** No secular court shall have authority to review, annul, reverse, restrain or otherwise
1142 delay any proceeding under this Title. No action shall be brought in any secular court to
1143 enforce the terms or provisions of any Covenant or Order unless otherwise expressly
1144 provided therein.

1145 **Sec. 4 (a)** A Member of the Clergy shall not be subject to proceedings under this Title for
1146 acts committed more than ten years before the initiation of proceedings except:

1147 (1) if a Member of the Clergy is convicted in a criminal Court of Record or a
1148 judgment in a civil Court of Record in a cause involving immorality, proceedings
1149 may be initiated at any time within three years after the conviction or judgment
1150 becomes final;

1151 (2) if an alleged Victim was under the age of twenty-one years at the time of the
1152 alleged acts, proceedings may be initiated at any time prior to the alleged Victim's
1153 attaining the age of twenty-five years; or

1154 (3) if an alleged Victim is otherwise under disability at the time of the alleged acts,
1155 or if the acts alleged were not discovered, or the effects thereof were not realized,
1156 during the ten years immediately following the date of the acts alleged, the time
1157 within which proceedings may be initiated shall be extended to two years after
1158 the disability ceases or the alleged Victim discovers or realizes the effects of the
1159 acts alleged; *provided, however*, the time within which proceedings may be initiated
1160 shall not be extended beyond fifteen years from the date the acts are alleged to
1161 have been committed.

1162 (b) The time limits of Subsection (a) above shall not apply to acts which include
1163 physical violence, sexual abuse or sexual exploitation, if the acts occurred when the
1164 alleged Victim was under the age of twenty-one years.

1165 (c) Except as provided in Subsection (b) above, the time limitations for initiation of
1166 proceedings in this Section shall be retroactive only to January 1, 1996.

1167 (d) No proceedings under this Title shall be initiated for acts which are alleged to
1168 violate Canon IV.3.1(a) or to constitute a breach of Canon IV.4.1(b), (c), (e), or (k)(1)
1169 unless the acts were committed within or continued up to two years immediately
1170 preceding the time the proceedings are initiated.

1171 (e) For purposes of this Section 4, proceedings are initiated under this Title with respect
1172 to a particular Offense when specific allegations of the commission of that Offense
1173 are made to the Intake Officer.

1174 **Sec. 5** Jurisdiction and venue for proceedings under this Title shall be as follows:

1175 (a) A Member of the clergy shall be subject to proceedings under this Title for the
1176 alleged commission of an Offense in the diocese in which the Member of the Clergy
1177 is canonically resident or in any diocese in which an Offense is alleged to have
1178 occurred.

1179 (b) Whenever a referral of a matter is to be made by an Intake Officer regarding a
1180 Member of the Clergy who is not canonically resident in the Intake Officer’s diocese,
1181 the Bishop of the Intake Officer’s Diocese shall promptly notify the Bishop of the
1182 Diocese where the Member of the Clergy is canonically resident that the Intake
1183 Officer’s Diocese intends to conduct proceedings under this Title regarding the
1184 matter. The Bishop of the Diocese of canonical residence shall have thirty days
1185 following the receipt of such notice within which to object to assumption of
1186 jurisdiction over the matter by the Intake Officer’s Diocese. Such objection shall be
1187 made in writing to the Bishop of the Intake Officer’s Diocese. If the Bishop of the
1188 Diocese of canonical residence fails to so object within the time provided, it shall be
1189 deemed that the Bishop of the Diocese of canonical residence has agreed to
1190 assumption of jurisdiction over the matter by the Intake Officer’s Diocese.

1191 (c) If objection is made by the Bishop of the Diocese of canonical residence as provided
1192 in Canon IV.19.5(b), the Bishop of the Diocese of canonical residence and the
1193 Bishop of the Intake Officer’s Diocese shall promptly agree as to which Diocese will
1194 assume jurisdiction over the matter and conduct proceedings. If the two Bishops
1195 cannot promptly agree, the disagreement will be resolved as follows:

1196 (1) If they are in the same Province, either may promptly request the president of the
1197 Provincial Court of Review to decide which Diocese shall conduct the
1198 proceedings. If they are in different Provinces, either may promptly request the
1199 president of the Disciplinary Board for Bishops to decide which Diocese shall
1200 conduct the proceedings.

1201 (2) The requesting Bishop shall provide a copy of the request to the other Bishop. A
1202 reply to the request may be made by the non-requesting Bishop within fifteen
1203 days of service of the request.

1204 (3) The president shall have the discretion to hear from the Bishops or the Church
1205 Attorneys for the respective Dioceses, either personally or telephonically,
1206 concerning the request and any reply. The president shall have the discretion to
1207 request additional submissions from the Bishops or the Church Attorneys.

1208 (4) The president shall decide which Diocese shall conduct the proceedings within
1209 thirty days of service of the request.

1210 **Sec. 6** In any proceeding under this Title in which the Respondent fails to appear before
1211 the Conference Panel as required by Canon IV.12.4 or to timely file with the Hearing Panel
1212 the written response required by Canon IV.13.2(c), such Panel may proceed in the absence

1213 of the Respondent and may accept as true the matters described in the notice issued to the
1214 Respondent pursuant to Canons IV.12.3 or IV.13.2.

1215 **Sec. 7** In computing any period of time for proceedings described in this Title, the day of
1216 the act or event from which the designated time period begins to run shall not be included.
1217 The last day of the time period shall be included, unless it is a Saturday, Sunday or legal
1218 holiday in that jurisdiction, in which event the period runs until the end of the next day
1219 which is not a Saturday, Sunday or legal holiday in that jurisdiction. Whenever a party has the
1220 right or is required to do an act within a prescribed period after the service of notice or other
1221 paper, if the service is by mail, five days shall be added to the prescribed period. Whenever it
1222 is provided in this Title that an act be done promptly, such act shall be done as quickly as is
1223 reasonably possible under the circumstances.

1224 **Sec. 8** In all cases in this Title where an action is performed or power exercised by a
1225 canonical body consisting of several members, including Reference Panels, Conference
1226 Panels, Hearing Panels and Courts of Review, and the full membership has been notified to
1227 convene, a majority of the members of the body shall be a quorum; and a majority of the
1228 members present when a quorum exists shall be competent to act.

1229 **Sec. 9** Each Diocese shall make provision for Advisors to be available to Respondents and
1230 Complainants as provided in this canon for the purposes of support, assistance, consultation
1231 and advice regarding the process provided in this Title and the rights, responsibilities,
1232 consequences and alternatives pertaining thereto.

1233 (a) The Bishop shall make an Advisor available to the Respondent not later than the
1234 earliest of (1) reference for conciliation, to the Conference Panel or to the Hearing
1235 Panel, (2) the imposition of restriction on ministry or placement on Administrative
1236 Leave or (3) any interrogation or request for a statement or other information from
1237 the Respondent.

1238 (b) The Bishop shall make an Advisor available to the Complainant not later than the
1239 earliest of (1) the forwarding of the intake report to the Reference Panel, (2) the
1240 Complainant's appeal of a dismissal under Canon IV.6.6 or (3) the Bishop's
1241 designation of an Injured Person as a Complainant.

1242 (c) The following shall be disqualified from serving as an Advisor: the Bishop, the
1243 Church Attorney, any member of the Disciplinary Board, the Intake Officer, any
1244 Investigator, any person who is likely to be a witness in any pertinent proceeding,
1245 and the Chancellor or any Vice-chancellor of the diocese.

1246 (d) No Respondent or Complainant shall be required to accept the services of any
1247 Advisor made available by the Bishop. Any Respondent or Complainant may use the
1248 services of any Advisor of his or her choice.

1249 (e) All communications between the Respondent and his or her Advisor or attorney and
1250 between the Complainant and his or her Advisor or attorney shall be privileged.

1251 (f) The reasonable costs and expenses of providing Advisors made available by the
1252 Bishop shall be the obligation of the Diocese in which the matter of Discipline is
1253 proceeding unless otherwise provided in a Covenant or Order. The reasonable costs
1254 and expenses of providing Advisors chosen by the Respondent or Complainant and
1255 not made available by the Bishop shall be the obligation of such Respondent or
1256 Complainant unless otherwise provided in a Covenant or Order.

1257 (g) In all proceedings under this Title at which the Respondent or the Complainant has
1258 the right to be present, their Advisors shall also have the right to be present.

1259 **Sec. 10** No person subject to the authority of this Church may attempt to coerce or
1260 improperly influence, directly or indirectly, the actions of any body performing functions
1261 under this Title, or any member of such body or any other person involved in such
1262 proceedings.

1263 **Sec. 11** In all proceedings under this Title whenever a Respondent or a Complainant is
1264 required or permitted to appear or to participate or to be heard or to be present, they each
1265 shall have the right to be accompanied by and to be represented by counsel of their choice.
1266 Whenever any notice or other document is provided to or served upon a Respondent or a
1267 Complainant under this Title, such shall also simultaneously be provided to or served upon
1268 their respective counsel, if known. Nothing in this Title shall be construed as requiring any
1269 Respondent to be represented by counsel. Anything in this Title required or permitted to be
1270 done by the Respondent's counsel may be done by the Respondent personally.

1271 **Sec. 12** Proceedings under this Title, other than pastoral responses, shall be barred to the
1272 extent that the specific Offense has been the subject of any prior proceeding under this Title
1273 against the same Member of the Clergy which resulted in an Order or Covenant.
1274 Additionally, in the case of a Member of the Clergy who has been the subject of proceedings
1275 under any predecessor to this Title, proceedings under this Title, other than pastoral
1276 responses, shall be barred to the extent that the specific Offense was previously included in a
1277 presentment against the Member of the Clergy or was expressly set forth in the Member of
1278 the Clergy's waiver and voluntary submission to discipline upon which a Sentence was been
1279 pronounced or in the report of a conciliator.

1280 **Sec. 13** Impartiality of officials and bodies described in this Title shall be addressed as
1281 follows:

1282 (a) Any Bishop exercising authority under this Title shall disqualify herself or himself in
1283 any proceeding in which the Bishop's impartiality may reasonably be questioned. The
1284 Bishop shall also disqualify himself or herself when the Bishop, the Bishop's spouse,
1285 or a person within the third degree of relationship to either of them, or the spouse of
1286 such person, (1) is the Respondent, Complainant or an Injured Person, or (2) is
1287 likely to be a witness in the proceeding.

1288 (b) Any member of any Panel provided for in this Title, shall disqualify himself or
1289 herself in any proceeding in which the member's impartiality may reasonably be
1290 questioned. The member shall also disqualify himself or herself when the member,

1291 the member's spouse, any person within the third degree of relationship to either of
1292 them, or the spouse of such person, **(1)** is the Respondent, Complainant or an
1293 Injured Person, **(2)** is likely to be a witness in the proceeding, **(3)** has a personal bias
1294 or prejudice concerning the Respondent, Complainant or any Injured Person, **(4)** has
1295 personal knowledge of disputed evidentiary facts concerning the proceeding, **(5)** has
1296 a personal financial interest in the outcome of the proceeding or in the Respondent,
1297 Complainant, any Injured Person or any other interest that could be substantially
1298 affected by the outcome, or **(6)** is a member of the same congregation or otherwise
1299 has a close personal or professional relationship with the Respondent, the
1300 Complainant, any Injured Person or any witness in the matter.

1301 **(c)** Any member of any Panel provided for in this Title who has not disqualified himself
1302 or herself as provided in this section may be subject to challenge by the Church
1303 Attorney or the Respondent on grounds described in this section. The Complainant
1304 or the Complainant's Advisor may inform the Church Attorney of any such grounds.
1305 The challenge shall be investigated by the remaining members of the Panel who shall
1306 determine whether the challenged member of the Panel should be disqualified and
1307 replaced according to the procedures of this Title for filling vacancies.

1308 **(d)** No Bishop or Panel shall accept from the Church Attorney or from the Respondent
1309 any waiver of any ground for disqualification enumerated in this section unless
1310 preceded by full disclosure of the basis for the disqualification, on the record.

1311 **Sec. 14** In addition to any challenge permitted under Canon IV.19.13, the integrity of the
1312 Disciplinary Board shall be preserved by a system of challenge as to the membership of any
1313 Panel of the Board appointed for a proceeding. Each Diocese shall provide by Canon for a
1314 system of challenge. If the canons of the Diocese make no provision for challenging a
1315 member of the Board, any member of a Panel appointed for a proceeding may be challenged
1316 by the Church Attorney or the Respondent on grounds conflict of interest or undue bias.
1317 The remaining members of the Board shall determine whether the challenge is relevant and
1318 factually supported, and shall determine whether the challenged member shall be excused
1319 from that proceeding. If the member is excused, another member of the Board shall be
1320 appointed to the Panel to fill the vacancy created by the challenge, maintaining the
1321 appropriate balance of lay and ordained members.

1322 **Sec. 15** There shall be a presumption that the Respondent did not commit the Offense. The
1323 standard of proof required to find an Offense by a Respondent shall be that of a
1324 preponderance of the evidence.

1325 **Sec. 16** In all matters under this Title, it shall be the burden of the Church through the
1326 Church Attorney to establish an Offense by any Respondent.

1327 **Sec. 17** Except as otherwise provided in this Title, it shall be the duty of all members of this
1328 Church to appear and testify or respond when duly served with a notice to do so from any
1329 Panel in any matter arising under this Title.

1330 **Sec. 18** No Chancellor or Vice Chancellor of a Diocese shall serve as Church Attorney in
1331 that Diocese. No Chancellor or Vice Chancellor of any Province shall serve as Church
1332 Attorney in any Diocese of that Province or any provincial proceeding. Neither the Presiding
1333 Bishop's Chancellor nor the Chancellor to the President of the House of Deputies shall
1334 serve as Church Attorney in any proceeding. The Church Attorney in any proceeding shall
1335 not be from the same law firm as any Chancellor or Vice Chancellor otherwise disqualified
1336 under this section.

1337 **Sec. 19** Notices or other papers to be served according to procedures of this Title shall be
1338 deemed to have been duly served if a copy is delivered to the person to be served, is left with
1339 an adult resident of the abode of the person to be served, or is mailed by certified mail to the
1340 person's usual place of abode. Notice by publication shall be made in a newspaper of general
1341 circulation in the jurisdiction of the person's usual place of abode. Acceptance of service
1342 renders unnecessary any further process.

1343 **Sec. 20** A reference in this Title to a bishop intending to mean bishop with jurisdiction
1344 pursuant to Article II of the Constitution of this Church, shall include a bishop coadjutor if
1345 specific jurisdiction for matters contemplated by this Title has been assigned to the bishop
1346 coadjutor pursuant to Canon III.19.1(c).

1347 **Sec. 21** A Hearing Panel or Court of Review may in its discretion obtain legal counsel to give
1348 it opinions on any questions of law, procedure or evidence. Such legal counsel, if any, shall
1349 have no vote in any proceeding before the Hearing Panel or Court of Review.

1350 **Sec. 22** Except as expressly provided in this Title, applicable Diocesan canon, or in any
1351 Covenant or Order, all costs, expenses and fees, if any, shall be the obligation of the party,
1352 person or entity incurring them.

1353 (a) The necessary costs, expenses and fees of the Investigator, the Church Attorney, the
1354 Conference Panel, the Hearing Panel and any pastoral response shall be the expense
1355 of the Diocese.

1356 (b) The necessary costs and expenses of the Provincial Court of Review shall be the
1357 expense of the Province.

1358 (c) The necessary costs and expenses of the Disciplinary Board for Bishops and the
1359 Court of Review for Bishops shall be the expense of the General Convention.

1360 (e) Nothing in this Title precludes the voluntary payment of a Respondent's costs,
1361 expenses and fees by any other party or person, including a Diocese.

1362 **Sec. 23** If the Presiding Bishop is unavailable to act by virtue of absence, disability or other
1363 disqualification, actions to be performed by the Presiding Bishop in this Title shall be
1364 performed by that Bishop who would be the Presiding Officer of the House of Bishops as
1365 provided by Article I, Section 3, of the Constitution in the event of the resignation, infirmity,
1366 disability or death of the Presiding Bishop.

1367 [Sec. 24](#) If the bishop of a diocese shall be subject to suspension from ministry, the body or
1368 person who would be the Ecclesiastical Authority of that diocese if there were no bishop
1369 shall have authority to request episcopal assistance and Episcopal Acts from another bishop
1370 of this Church.

1371 [Sec. 25](#) Wherever in this Title it is provided that any communication, deliberation,
1372 investigation, or proceeding shall be confidential, no person having knowledge or possession
1373 of confidential information derived from any such communication, deliberation,
1374 investigation, or proceeding shall disclose the same except as provided in this Title, in any
1375 Covenant or Order, or as required by any applicable law.

1376 [Sec. 26](#) Privileged Communication shall not be disclosed, nor shall any negative inference be
1377 drawn respecting the claim of the privilege, unless the privilege is waived by the person to
1378 whom the privilege belongs. Waiver of a privilege may occur by **(a)** voluntary disclosure; **(b)**
1379 failure to timely object to use of a Privileged Communication; or **(c)** placing the Privileged
1380 Communication at issue. Notwithstanding any provision of this section to the contrary, no
1381 waiver by a penitent of the privilege which attaches to communications or disclosures made
1382 within the Rite of Reconciliation of a Penitent shall work to require any confessor to divulge
1383 anything pertaining to any such communications or disclosures, the secrecy of the
1384 confession being morally absolute as provided in the Book of Common Prayer.

1385 [Sec. 27](#) Noncompliance with any procedural requirements set forth in this Title shall not be
1386 grounds for the dismissal of any proceeding unless the non-compliance shall cause material
1387 and substantial injustice to be done or seriously prejudice the rights of a Respondent as
1388 determined by the Panel or Court before which the proceeding is pending on motion and
1389 hearing.

1390 [Sec. 28](#) Solely for the purposes of the application of these Canons to persons who have
1391 received the pronouncement of the former Sentence of removal, the former Sentence of
1392 removal shall be deemed to have been a Sentence of deposition.

1393 [Sec. 29](#) Records of proceedings shall be preserved as follows:

1394 **(a)** Each Hearing Panel and Provincial Court of Review shall keep a complete and
1395 accurate record of its proceedings by any means from which a written transcript can
1396 be produced. When all proceedings have been concluded, the president of the Panel
1397 or Court shall certify the record. If the president did not participate in the
1398 proceeding for any reason, the Panel or Court shall elect another member of the
1399 Panel or Court to certify the record.

1400 **(b)** The Panel or Court shall make provision for the preservation and storage of a copy
1401 of the record of each proceeding in the diocese in which the proceeding originated.

1402 **(c)** The Panel or Court shall promptly deliver the original certified record of its
1403 proceedings to the Archives of the Episcopal Church.

1404 (d) The Bishop shall (i) promptly deliver to the Archives of the Episcopal Church a
1405 copy of any Covenant or Order which has become effective and a record of any
1406 action of remission or modification of any Order and (ii) provide for the permanent
1407 preservation of copies of all Covenants and Orders by means which permit the
1408 identification and location of each such copy by the name of the Member of the
1409 Clergy who is the subject thereof.

1410 **Sec. 30** Any Member of the Clergy canonically resident in the Diocese who deems himself
1411 or herself to be under imputation, by rumor or otherwise, of any Offense for which
1412 proceedings could be had under this Title, may on his or her own behalf request the Bishop
1413 to conduct an inquiry with regard to such imputation. Upon receipt of such request by a
1414 Member of the Clergy, it shall be the duty of the Bishop to cause the matter to be
1415 investigated and to report the result to the Member of the Clergy.

1416 **Sec. 31** No Member of the Clergy shall be accountable for any Offense if the act or
1417 omission constituting the Offense shall have occurred prior to the effective date of this Title,
1418 unless such act or omission would have constituted an offense under the predecessor to this
1419 Title.

1420 **CANON 20: Of Transitional Provisions and Conforming Amendments to Other**
1421 **Canons**

1422 **Sec. 1** Capitalized terms used in this Canon and which are not otherwise defined in this
1423 Title shall have the meanings provided in the predecessor to this Title.

1424 **Sec. 2** The effective date of this Title shall be January 1, 2011. Except as otherwise
1425 provided in this Canon, the predecessor to this Title shall stand repealed on the effective
1426 date of this Title.

1427 **Sec. 3** Matters which are pending under the predecessor to this Title on the effective date
1428 of this Title shall proceed as follows:

1429 (a) A Temporary Inhibition shall continue in accordance with its terms until it expires in
1430 accordance with Canon 1.2(f) of the predecessor to this Title. A Temporary
1431 Inhibition which is effective prior to the effective date of this Title and which expires
1432 by reason of the lapse of time as provided in Canon 1.2(f)(vi) of the predecessor to
1433 this Title may be extended and reviewed (1) as provided in the predecessor to this
1434 Title in the case of any matter proceeding in accordance with the predecessor to this
1435 Title as provided in this section, or (2) in the case of any other matter, through the
1436 issuance of a restriction on ministry or the placement of the subject Member of the
1437 Clergy on Administrative Leave or both in accordance with the provisions of this
1438 Title.

1439 (b) A Charge against a Priest or Deacon which is pending on the effective date of this
1440 Title, and upon which the Diocesan Review Committee has neither issued a
1441 Presentment nor voted not to issue a Presentment, shall be referred to the Reference
1442 Panel and the matter shall proceed in accordance with the provisions of this Title.

- 1443 (c) A Charge against a Bishop which is pending on the effective date of this Title, and
1444 upon which the Review Committee has neither issued a Presentment nor voted not
1445 to issue a Presentment, shall be referred to the Reference Panel and the matter shall
1446 proceed in accordance with the provisions of this Title.
- 1447 (d) A request for a Statement of Disassociation which is pending on the effective date of
1448 this of this Title shall proceed in accordance with Canon IV.17.7 (a), and the matter
1449 shall thereafter further proceed, if at all, in accordance with the provisions of this
1450 Title.
- 1451 (e) A Presentment against a Bishop under Canon 3.21(c) of the predecessor to this Title
1452 which is pending on the effective date of this Title shall proceed in accordance with
1453 Canon IV.17.7, and the matter shall thereafter further proceed, if at all, in accordance
1454 with the provisions of this Title.
- 1455 (f) A case in which a Presentment against any Member of the Clergy is issued prior to
1456 the effective date of this Title, and in which the Respondent's answer or other
1457 response is not made or does not become due until after the effective date of this
1458 Title, shall be referred to the Conference Panel and the matter shall proceed in
1459 accordance with the provisions of this Title.
- 1460 (g) A case which is pending before any Ecclesiastical Trial Court of any Diocese, and in
1461 which the Respondent's answer or other response is made or becomes due prior to
1462 the effective date of this Title, and in which no Trial has been had, shall proceed in
1463 accordance with the provisions of the predecessor to this Title unless the Church
1464 Attorney, the Respondent and the president of the Disciplinary Board shall agree in
1465 writing that the case shall proceed under the provisions of this Title, in which event
1466 the matter shall be referred to the Hearing Panel and the matter shall proceed in
1467 accordance with the provisions of this Title.
- 1468 (h) An appeal from any Judgment rendered by any Ecclesiastical Trial Court of any
1469 Diocese after the effective date of this Title shall proceed in accordance with the
1470 provisions of this Title.
- 1471 (i) A case which is pending before any Court of Review of the Trial of a Priest or
1472 Deacon shall proceed in accordance with the predecessor to this Title unless the
1473 Church Attorney, the Respondent and the president of the Provincial Court of
1474 Review shall agree in writing that the case shall proceed under the provisions of this
1475 Title, in which event the matter shall be referred to the Provincial Court of Review
1476 and the matter, including any grant of a new hearing, shall proceed in accordance
1477 with the provisions of this Title.
- 1478 (j) A case which is pending before the Court for the Trial of a Bishop, and in which the
1479 Respondent's answer or other response is made or becomes due prior to the
1480 effective date of this Title, and in which no Trial has been had, shall proceed in
1481 accordance with the provisions of the predecessor to this Title unless the Church
1482 Attorney, the Respondent and the president of the Disciplinary Board for Bishops

1483 shall agree in writing that the case shall proceed under the provisions of this Title, in
1484 which event the matter shall be referred to the Hearing Panel and the matter shall
1485 proceed in accordance with the provisions of this Title.

1486 **(k)** A case which is pending before the Court of Review of the Trial of a Bishop shall
1487 proceed in accordance with the predecessor to this Title unless the Church Attorney,
1488 the Respondent and the president of the Court of Review for Bishops shall agree in
1489 writing that the case shall proceed under the provisions of this Title, in which event
1490 the matter shall be referred to the Court of Review for Bishops and the matter,
1491 including any grant of a new hearing, shall proceed in accordance with the provisions
1492 of this Title.