

CANON 13

DISCIPLINE

1. This Canon is enacted in pursuance of, and is supplemental to, Canon XVIII of the General Synod of The Anglican Church of Canada, (“General Synod”) dealing with Discipline in respect of priests, deacons, bishops and lay members of The Anglican Church of Canada (“the Church”) within the Diocese or otherwise under the jurisdiction of the Bishop.
2. Where it is alleged that a bishop, priest, deacon or lay member of the Church under the jurisdiction of the Bishop, has committed an ecclesiastical offence under Canon XVIII of General Synod, the Bishop, pursuant to Canon XVIII, has initial jurisdiction with respect to whether an ecclesiastical offence has been committed and the penalty for the commission of that offence. The Bishop may refer the determination of whether an ecclesiastical offence has been committed or the determination of a penalty, or both, to the Diocesan Court established by Synod pursuant to section 4 of Canon XVIII, for its consideration, without exercising the initial jurisdiction.
3. Before exercising the initial jurisdiction or making a determination to refer to the Diocesan Court, the Bishop may, by means of personal enquiry, counseling and consultation, attempt to resolve the matter informally by consent; and, if successful, the procedures in this Canon do not apply.
4. (a) If the Bishop decides to exercise the initial jurisdiction and not refer the matter to the Diocesan Court, the Bishop shall appoint a group of not more than five persons, including both clerical and elected lay members of Synod, called “the Discipline Advisory Board”, to assist with the investigation and to advise the Bishop as to the determination of whether an ecclesiastical offence has been committed and the penalty therefor.

(b) In exercising the initial jurisdiction, the Bishop and the Discipline Advisory Board shall ensure that the process to be followed is in accordance with the principles of procedural fairness and natural justice. The process shall include the delivery to the person alleged to have committed an ecclesiastical offence (the “respondent”) of a written charge that sets out the ecclesiastical offence alleged to have been committed together with sufficient particulars so as to permit the respondent to identify the basis of the charge.

(c) The Bishop shall render the verdict, containing reasons, in writing, and provide a copy to the respondent.
5. (a) The Diocesan Court (the “Court”) shall consist of:
 - (i) the Chancellor, or in the absence of the Chancellor, the Vice-Chancellor;

- (ii) three lay delegates to Synod elected by the Laity;
 - (iii) three clerical members of Synod elected by the Clergy.
- (b) The Committee on Nominations shall, at each session of Synod at which elections are to be held, submit a list of persons who have indicated a willingness to serve on the Court.
- (c) The Chancellor, or in the absence of the Chancellor, the Vice-Chancellor, shall preside over the Court.
- (d) A quorum shall consist of the Chancellor or Vice-Chancellor, plus four other members, at least two of whom shall have been elected by the Laity and at least two of whom shall have been elected by the Clergy.
- (e) The Court shall, subject to the provisions of Canon XVIII, establish the procedures respecting matters to be heard by it.
- (f) If any member of the Court is disqualified from acting on a particular matter because of a conflict of interest, or any other reason, the other members shall appoint a qualified person to act in place of the disqualified member. Any other vacancy, howsoever caused, shall be filled by the appointment of another qualified person by the Diocesan Executive Committee.
6. (a) A respondent who has been found guilty by the Bishop of an ecclesiastical offence may, within thirty days of receiving written notice thereof, appeal the finding of guilt or the penalty, or both, to the Court. The notice of appeal must be in writing and delivered to the Secretary of Synod or to the Bishop and must set out whether the appeal is from the finding of guilt or the penalty, or both. The notice of appeal shall also contain a concise statement of the reasons for the appeal.
- (b) The Diocesan Executive Committee, on its own motion, or on the petition of the respondent, may require the finding of guilt or the penalty, or both, of the Bishop, to be reconsidered by the Court; and in such case, the reconsideration by the Court shall be governed by the same procedures in Sections 6, 7 and 8 as are applicable to an appeal.
7. (a) Within fourteen days from the receipt of the notice of appeal (or reconsideration), the president of the Court shall provide the respondent with a copy of the procedures to be followed with respect to the appeal.
- (b) The hearing shall take the form of a new hearing at which the parties may submit documentary and oral evidence.
- (c) The Court shall provide to the Bishop a copy of the notice of appeal and the Bishop shall, within fourteen days of receipt, respond in writing to it. The response of the

Bishop shall be forthwith provided by the Court to the respondent.

- (d) The Bishop shall be deemed a party to the hearing and shall appoint another person to be the Bishop's representative at the hearing.
 - (e) The Court shall render its verdict, containing reasons, in writing, and provide a copy to both the respondent and the Bishop.
8. (a) Within one month of the date of the decision of the Bishop or the Court, as the case may be, the Secretary of Synod shall transmit to the Registrar of the Diocese for safekeeping, a true copy of the charge, the response of the respondent, the evidence, and the decision of the Bishop or Court, and of all correspondence and other documents relating to the process.
- (b) If the decision is appealed under section 8, the Registrar shall obtain and file for safekeeping, a copy of the decision on appeal.
9. If the respondent or the Bishop is dissatisfied with the verdict of the Court, an appeal may be taken as provided in part VI of Canon XVIII.