



**DIOCESE of
CHRIST our HOPE**

Constitution and Canons Committee Report to Synod 2022

Summary

2021.6b Revise Diocese's classification to be regional

- Page 2
- This is the 2nd required vote on an Amendment to the Constitution, first passed in 2021.

2022.1 Re-write Title IV (Ecclesiastical Discipline) for Clarity and Conformity with ACNA

- Page 3 (current (old) language begins on page 11 for comparison)
- ACNA has made canonical updates, and we needed to come into conformity with those
- Additionally, the CCC altered some wording and organization for the sake of clarity. The Committee avoided any substantive changes here.

● Due to extensive re-writing, you'll only see red lettering on the section heads where there are changes. These may be compared to the old Title IV language, which immediately follows.

2022.2 Dissolution and Disaffiliation

- Page 19
- We need some canonical language about how to close churches down.
- Other dioceses also have language about how a congregation can disaffiliate, voluntarily or involuntarily.

2022.5 Imperiled Pastoral Relationships

- Page 21
- This proposal clarifies how the bishop deals with a Rector and a Vestry when there is a conflict between the two.

2022.6 Transfer of Ministers Ordained in Succession But Not in Communion with ACNA

- Page 23
- These are clarifications in our canons, regarding a category not currently addressed.

2022.8 Remove Court of Extraordinary Jurisdiction

- Page 24
- A separate court is unnecessary. Its authority is transferred to the Ecclesiastical Trial Court

Proposed Resolution 2022.R1 College of Presbyters

- Page 26
- The Resolution calls for a taskforce to explore and implement a College of Presbyters, and potentially a College of Deacons, aiming at a 2023 canonical amendment proposal.

Proposal 2021 6.a: Revise Diocese’s classification to be regional (Constitution)

Re: Preamble to the Constitution

Proposed by Bishop Steve Breedlove

Proposed Language

The Diocese of Christ our Hope (the “Diocese”), a member of the Anglican Church in North America (the “Province”) and thereby a member of the One, Holy, Catholic and Apostolic Church (the “Church”), ordains and establishes this Constitution. ~~At its institution, the Diocese is an affinity-based regional~~ Diocese serving the work of the Gospel ~~in North Carolina, Virginia, the District of Columbia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Maine~~ in the Eastern time zone, from North Carolina to Maine and from the Atlantic to the Midwest.

Rationale

- The ACNA has revised the previous diocesan designations (geographic and affinity) to now include a “regional” designation. In this new scheme, we are acting as a regional diocese—that is, a diocese with real geographic boundaries, but overlapping with other dioceses. The proposed amendment to the Diocese’s Constitution and Canons aligns our governing documents with the new designation.

CCC Recommendation to Synod

- The CCC recommended approval of the amendment in 2021. Amendments to the Diocese’s Constitution require votes in two successive years. Synod made its first approval in 2021. This is the second and final vote.

2022.1 Re-write Title IV for Conformity with ACNA Canons and for Clarity
Re: Title IV — Ecclesiastical Discipline

Proposed by Ryan Willers

Proposed Language

TITLE IV
Ecclesiastical Discipline

Canon 1
Of the Nature of Discipline in the Church

All clergy under the authority of the Bishop who exercise ministry in the Diocese shall be subject to the disciplinary provisions of Title IV of the Provincial Canons and to the provisions of these Diocesan Canons.

The Church has its own inherent right to discipline the faithful who commit offenses. Discipline within the Church may come in the form of Godly Admonition, Presentment, and/or Inhibition. Penalties are established only insofar as they are essential for repentance, reformation, and ecclesiastical discipline and order.

The Diocese is not the sole authority in the life of its members or clergy. These disciplinary procedures supplement rather than supersede legal processes. The Diocese, its members, and its clergy should always comply with applicable laws and participate in relevant legal processes in good faith.

Canon 2
Of Charges against Presbyters or Deacons

Section 1. Concerning Godly Admonitions

A Godly Admonition is a written directive from the Bishop with jurisdiction to a member of the Clergy under his jurisdiction. A Godly Admonition shall not affect any temporary suspension from the exercise of ministry. No Admonition shall be issued until the Bishop (or such person to whom authority has been validly delegated under these canons) shall have met personally with the one receiving the Admonition and the issues have been clearly and fairly discussed. The written Admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, shall include appropriate pastoral action for addressing the issues, and shall provide a reasonable time for any required action to be taken.

A Godly Admonition may be used alone or in conjunction with an Inhibition where appropriate.

Section 2. Concerning Charges for Presentment

The following are the charges or accusations on which a Presbyter or a Deacon in this Church may be presented:

1. Apostasy from the Christian Faith;
2. Heresy, false doctrine, or schism;
3. Violation of ordination vows;
4. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power or financial malfeasance not otherwise actionable;
5. A conviction by a court of competent jurisdiction for felony or other serious offenses;
6. Sexual immorality (including, but not limited to, sexual immorality of a consensual, voyeuristic/pornographic, or non-consensual or otherwise abusive nature);
7. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;
8. Violation of any provision of the Constitution of this Church;
9. Disobedience, or willful contravention of the Canons of the Province or of the constitution or canons of the Diocese;
10. Habitual neglect of the duties of such clergy's office;
11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
12. Willful refusal to follow a lawful Godly Admonition.

Section: 3: Concerning Inhibitions

An Inhibition is a temporary suspension of a Presbyter or a Deacon from the exercise of ministry, in whole or in part, when one having authority under these canons believes, upon reasonable grounds, that the accused has engaged in conduct upon which the accused may be presented and that it is in the best interests of the Church to do so, pending an accusation, canonical investigation, presentment, trial or voluntary submission to discipline under these canons. An Inhibition may be used alone or in conjunction with a Godly Admonition. An Inhibition shall be in writing, signed by one having authority under this canon or one to whom authority has been validly delegated under these canons.

A Bishop may inhibit a Presbyter or Deacon under this canon. Such Inhibition shall last no longer than sixty (60) days. With the advice and consent of the Diocesan Council, any Inhibition of a Presbyter or a Deacon may be extended until such charge is dropped, action is taken by the Ecclesiastical Trial Court, or the accused voluntarily submits to the discipline of the Church.

Upon application by a Presbyter or a Deacon who has been inhibited under this Canon and upon a showing of good cause, the Bishop may modify or revoke the Inhibition. Such decision shall be rendered within thirty (30) days of the application.

Canon 3 Of Presentments of Presbyters or Deacons

Section 1. Concerning Accusations

1. An accusation or accusations of conduct believed by the accuser(s) to be in violation of Title IV, Canon 2 may be brought against a Presbyterian or Deacon. Whenever possible, the Bishop shall meet with the accuser(s) in person to assess their credibility and the credibility of the accusation(s).
2. The accusation(s) shall be in a writing that contains the facts supporting the allegations of wrongdoing and shall be signed and sworn to by the accuser(s) and delivered to the Bishop.
3. If the Bishop deems the accusers(s) or the accusation(s) to be credible, he shall cause an investigation to be made by a canonical investigator. If the Bishop deems the accuser(s) not to be credible or the accusation(s) to be without any merit, or both, he shall inform the accuser(s) of his determination in writing and the accuser(s) shall have the right, within 30 days of such determination by the Bishop to appeal his decision to the Diocesan Council. The Diocesan Council shall then have 30 days to determine whether the accuser(s) and the accusation(s) are credible, or to affirm the Bishop's decision. If the Diocesan Council reverses the Bishop's determination, in whole or in part, the Bishop shall cause an investigation to be made by a canonical investigator.
4. Whenever the Bishop believes he cannot fairly assess the credibility of the accuser(s), the accusation(s), or the accused, or fairly impose sentence, he shall recuse himself and delegate the investigation, presentment, and/or sentencing to another bishop having jurisdiction.
5. During the pendency of the investigation, the details of the accusation(s) and the investigation shall be maintained in appropriate confidence.

Section 2. Concerning Voluntary Submission to Discipline

At any time after the receipt of an accusation(s), the accused may confess to the truth of the allegation(s) and submit to the discipline of the Church.

Section 3. Concerning Canonical Investigation

1. The Ecclesiastical Authority shall appoint a canonical investigator to ascertain the merit of the accusations and make a recommendation to the Ecclesiastical Authority as to whether further juridical process should be pursued.
2. (a) No presentment shall be made or conviction had for any offense under Title IV, Canon 2 unless the offense shall have been committed within ten years immediately preceding the time of the presentment. Such time may be extended by written permission of the Archbishop of the Anglican Church in North America.
(b) For any offense covered by Title IV, Canon 2.5, a presentment may also be made at any time within one year after such conviction.
3. The accused shall be entitled to notice of an ongoing investigation. The accused has the right to retain legal counsel or another representative and may submit his or her defense in writing. The presenters also have the right to retain legal counsel or another representative.
4. The canonical investigator shall report the findings and make a recommendation to the Ecclesiastical Authority within a reasonable time.

5. If it is determined by the Ecclesiastical Authority that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law. Such procedures shall acknowledge the presumption of innocence of the accused, the right to representation by counsel, the right to confront and examine witnesses and shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that would be affected by that rule.
6. The Presbyter or Deacon accused in the presentment has the right to a trial within a reasonable time, unless personally waived.

Section 4. Concerning Requirements for Presentment

1. When, after investigation of an accusation, the Ecclesiastical Authority has determined that the matter should proceed forward, Articles of Presentment shall be prepared and personally served within a reasonable time upon the Presbyter or Deacon against whom the accusation has been made.
2. The Diocese shall have a person (lay or ordained) appointed by the Bishop for the drafting of presentments and the presentation of the same before the Ecclesiastical Trial Court.
3. The Articles of Presentment shall be made in a writing signed by a representative of the Bishop, wherein shall be specified all particulars of time, place, and circumstances alleged.

Canon 4

[Removed 2022]

Canon 5

The Ecclesiastical Trial Court of the Diocese

Section 1. Ecclesiastical Trial Court Established, Composition, Number of Members, Mode of Election and Term of Office

There shall be an Ecclesiastical Trial Court (“Court”) of the Diocese consisting of nine members elected by the Synod of the Diocese upon the nomination of the Diocesan Council for a term of three years. Four members shall be chosen from the laity and five from the clergy. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods.

Section 2. Court Advisor

The Bishop may appoint an attorney at law to advise the Court as to its procedures.

Section 3. Court Officers and Recorder of Proceedings

The Court shall elect its President and Secretary from its members, and shall appoint a recorder of proceedings, which recorder may be a court reporting agency not affiliated with the Diocese.

Section 4. Quorum and Composition of Court

A panel of no fewer than seven members of the Court shall be necessary for the conduct of a trial or

for a judgment. Any panel of the Court shall comprise an odd number of members with one more clergy than laity.

Section 5. Judgment of the Court

An affirmative vote of 75 percent of the members of a panel of the Court shall be required for any judgment.

Section 6. Effect of Judicial Decisions of the Trial Court

The Court shall sit as an arbitral panel and its judgments shall have the legal effect of an arbitral award under federal and applicable state law. The Court may order such interim relief as it may deem fit in any particular case. Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The decisions of the Court shall be subject to review only in accordance with the Constitution and Canons of the Anglican Church in North America and only by the reviewing bodies of the Anglican Church in North America. The decisions of the Court or any reviewing body of the Anglican Church in North America shall not be subject to review in any federal or state court. The law that shall govern any dispute brought before the Court shall be the Constitution and Canons of this Diocese and the Constitution and Canons of the Anglican Church in North America. The Court may consider, in its sole discretion, any other law or authorities it determines should be applied to the particular case before it, including the arbitration rules of any other body. This Title IV shall be the sole remedy with regard to any controversy or claim arising out of the Articles of Incorporation and the Constitution and Canons of the Diocese of Christ our Hope. Any person subject to this Title shall have no right to file a lawsuit in any civil court with regard to such disputes, except to enforce an arbitration decision.

Section 7. Disqualification of Members of the Trial Court

On motion of any party, any individual having been asked to serve on an arbitration panel in an active case should disqualify himself or herself in a proceeding in which their impartiality may reasonably be questioned, including but not limited to instances where:

1. The panel member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings;
2. The panel member has an interest that could be substantially affected by the outcome of the proceeding;
3. The panel member is likely to be a material witness in the proceeding.

Nothing in this Canon shall preclude a panel member from disqualifying him or herself from participating in any proceeding upon their own initiative. Also, a panel member potentially disqualified by the terms of this Canon may, instead of withdrawing from the proceeding, disclose on the record the basis of his or her potential disqualification. If, based on such disclosure, the parties and lawyers, on behalf of their clients and independently of the panel member's participation, all agree in writing that the panel member's basis for potential disqualification is immaterial or insubstantial, the panel member is no longer disqualified, and may participate in the proceeding. The

agreement, signed by all lawyers, shall be incorporated in the record of the proceeding. For purposes of this section, pro se parties shall be considered lawyers.

Canon 6
The Trial Attorney

The Bishop shall appoint a Trial Attorney who shall have the responsibility of preparing call presentments and presenting the evidence to the Court.

Canon 7
Attorney for the Respondent

The Respondent shall have the right to an attorney. The Diocesan Council, in its discretion, may authorize the payment in whole or in part of the legal fees incurred by a Respondent.

Canon 8
Court Rules and Procedures

The rules governing proceedings in the Court are set forth in Appendix A of these Diocesan Canons.

Canon 9
Concerning the Court of Extraordinary Jurisdiction

There shall be a Court of Extraordinary Jurisdiction, whose jurisdiction shall be limited to proceedings either:

1. referred by Bishops of this Church who have oversight of Clergy canonically attached to other Anglican Provinces or Dioceses in those cases where such Provinces or Dioceses have waived their jurisdiction in favor of the Court of Extraordinary Jurisdiction; or
2. in which a member of the Clergy who is amenable to presentment under these canons is attached to a Diocese not possessed of a trial court. Cases may be referred to the Court of Extraordinary Jurisdiction by the Bishop under whose authority the accused serves.

The members of this Court shall be four Presbyters and three adult, confirmed lay persons in good standing, elected by the Synod of the Diocese upon nomination of the Diocesan Council. The President of the Court shall be elected by the members of the Court. The Bishop shall also appoint a legal advisor to the Court who shall be trained in canon law, and a prosecutor, also trained in canon law, to bring and prosecute presentments when necessary. The term of each member of the Court shall be three years or until a successor is elected and qualified. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods.

All Clergy who wish to remain domiciled in another Diocese or Province while being licensed in this Diocese shall submit a waiver of ecclesiastical discipline to the Bishop of this Diocese, signed and approved by the Bishop of the other Diocese, transferring ecclesiastical disciplinary authority to the Bishop of this Diocese and all such officers and courts of this Diocese as prescribed in this Canon, and granting permission to this Diocese to conduct presentments, if there be any, for the clergy person in question within this Diocese and according to these Canons. The Bishop may, at his discretion, and upon written request, grant special permission to clergy that are domiciled elsewhere to remain under the ecclesiastical disciplinary authority of the jurisdiction to which they belong.

Canon 10

Of a Member of the Clergy in Another Diocese Chargeable with Offense in this Diocese

If a member of the Clergy belonging to any Diocese shall have conducted himself in this Diocese in such a manner as to be liable to presentment under the provisions of Title IV, Canon 2, the Diocesan Council shall give notice of the same to the Ecclesiastical Authority where the member of the Clergy is canonically domiciled, exhibiting, with the information given, reasonable ground for proceeding. If the Ecclesiastical Authority of the alleged offender, after due notice given, shall omit, for the space of three months, to proceed against the offending member of the Clergy, or shall request the Diocesan Council to proceed against him, it shall be within the power of the Diocesan Council to institute proceedings as provided by the canons of this Diocese.

Canon 11

Of Renunciation of Ministry

If a member of the Clergy making a declaration of resignation or renunciation of the ministry under Title III, Canon 5.9, be under accusation or presentment for any canonical offense, or if they shall have been placed on trial for the same, the Diocesan Council shall not consider or act upon such declaration until after the accusation or presentment shall have been dismissed, or the trial shall have been concluded and sentence, if any, pronounced. If the Diocesan Council shall have ground to suppose that the member of the Clergy making the same is liable to presentment for any canonical offense, such member of the Clergy may, in the discretion of the Diocesan Council, be placed on trial for such offense, notwithstanding such declaration of resignation or renunciation of the ministry.

Canon 12

Of Sentences

Section 1. Concerning the Role of the Bishop in Sentencing

The Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted, whether by trial or voluntary submission to the discipline of the Church, as indicated in these canons. The Bishop may, upon recusing himself, delegate the sentencing to another Bishop having

jurisdiction. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

In case of conviction by the Trial Court, the Bishop shall not proceed to sentence the accused before the expiration of 30 days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination thereof.

Appeals of the Diocesan Trial Court's decision may be made to the Provincial Tribunal, in accord with the Canons of the Province.

Section 2. Concerning Range of Sentencing

Sentence shall be:

1. Censure and/or admonishment;
2. Suspension, for a definite period, not to exceed five years;
3. Suspension for life; or
4. Deposition from the sacred ministry.

In addition, other measures for restoration of the accused may be required.

Section 3. Concerning Length of Sentences

Upon a showing of good cause, a sentence of suspension of a Presbyter or Deacon may be terminated or shortened by the Bishop with the advice and consent of the Archbishop, in consultation with the Diocesan Council.

Canon 13

Of Inhibitions (moved to IV.2.3 in 2022)

Canon 14

Of Notification of Disciplinary Action Taken

The Bishop pronouncing sentence shall within thirty (30) days after the sentence becomes final and not subject to appeal, notify the Office of the Archbishop, who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. The sentencing Bishop shall also notify all the clergy in the Diocese. Such required notice shall be limited to the offence under Title IV, Canon 2 for which the member of the clergy has been presented, tried, and convicted, or voluntarily submitted to the discipline of the Church, and the sentence imposed under Title IV, Canon 12. Should a sentence be amended or terminated, notification of such amendment or termination shall also be reported to the Office of the Archbishop who shall promptly give notice to all Bishops with jurisdiction of and record the amendment or termination in the permanent record.

Rationale

ACNA Provincial canons have updated their language, and we need to come into conformity with it. In the process, we found a number of areas where clarity was needed. As far as possible, the Committee determined these not to be substantive changes beyond what was required by conformity with ACNA canons.

Sections with substantial change in language above are in red, and may be compared with the current language below.

Current (old) Language

TITLE IV Ecclesiastical Discipline

Canon 1 Of the Nature of Discipline in the Church

All clergy under the authority of the Bishop who exercise ministry in the Diocese shall be subject to the disciplinary provisions of Title IV of the Provincial Canons and to the provisions of these Diocesan Canons.

The Church has its own inherent right to discipline the faithful who commit offenses. Penalties are established only insofar as they are essential for repentance, reformation, and ecclesiastical discipline and order.

Canon 2 Of Charges against Presbyters, or Deacons

The following are the charges or accusations on which a Presbyter or a Deacon in this Church may be presented:

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3. Violation of ordination vows;
4. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power or financial malfeasance not otherwise actionable;
5. A conviction by a court of competent jurisdiction for felony or other serious offenses;
6. Sexual immorality (including, but not limited to, sexual immorality of a consensual, voyeuristic/pornographic, or non-consensual or otherwise abusive nature);
7. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;

8. Violation of any provision of the Constitution of this Church;
9. Disobedience, or willful contravention of the Canons of the Province or of the constitution or canons of the Diocese;
10. Habitual neglect of the duties of his Office;
11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
12. Willful refusal to follow a lawful Godly Admonition.

A Godly Admonition is a written directive from the Bishop to a member of the Clergy under his jurisdiction. Such admonition shall not be issued until the Bishop shall have met personally with the member of the Clergy – unless for valid reason the Bishop shall have delegated such meeting to another Bishop – and the issues have been clearly and fairly discussed. The written admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for the required action to be taken.

Canon 3
Of Presentments of Presbyters and Deacons

Section 1. Concerning Accusations

An accusation of conduct believed by the accuser(s) to be in violation of Title IV, Canon 2 may be brought against a Presbyter or Deacon. The accusation(s) shall be in a writing that contains the facts supporting the allegations of wrongdoing and shall be signed and sworn to by the accuser(s) and delivered to the Bishop. If the Bishop deems the accusation(s) not to be frivolous, he shall cause an investigation to be made by a canonical investigator. During the pendency of the investigation, the details of the accusation(s) and the investigation shall be maintained in appropriate confidence.

Section 2. Concerning Voluntary Submission to Discipline

At any time after the receipt of an accusation(s), the accused may confess to the truth of the allegation(s) and submit to the discipline of the Church.

Section 3. Concerning Canonical Investigation

The Diocesan Council shall appoint a canonical investigator to ascertain the merit of the accusations and make a recommendation to the Diocesan Council as to whether further juridical process should be pursued.

No presentment shall be made or conviction had for any offense under Title IV, Canon 2 unless the offense shall have been committed within five years immediately preceding the time of the presentment. Such time may be extended by written permission of the Archbishop of the Anglican Church in North America.

For any offense covered by Title IV, Canon 2.5, a presentment may also be made at any time within one year after such conviction.

The accused shall be entitled to notice of an ongoing investigation and to have the aid of counsel or an agent and may submit his defense in writing. The presenters also may be aided by counsel, and be represented by any agent they may appoint.

If it is determined by the Diocesan Council that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law.

The Bishop shall appoint a person (lay or ordained) for the drafting of presentments and the presentation of the same before the ecclesiastical trial court of the Diocese.

The Bishop shall appoint an advisor to assist the Presbyter or Deacon who is the subject of an accusation and his or her counsel or agent. The advisor shall be knowledgeable in canon law and shall be available to advise the Presbyter or Deacon and his or her counsel or agent on issues relating thereto. All such advice as shall be given shall be confidential to the accused and his or her counsel or agent.

Section 4. Concerning Requirements for Presentment

When, after investigation of an accusation, the Bishop has determined that the matter should proceed forward, Articles of Presentment shall be prepared and personally served upon the Presbyter or Deacon against whom the accusation has been made.

The Articles of Presentment shall be made in a writing signed by a representative of the Bishop, wherein shall be specified all particulars of time, place, and circumstances alleged.

Canon 4

The Rights of the Respondent

Any member of the clergy against whom disciplinary measures are initiated shall be presumed innocent until he or she has been determined guilty according to the provisions and procedures described herein. All disciplinary procedures shall be undertaken speedily in a manner consistent with principles of fairness, due process, and natural justice.

Canon 5

The Ecclesiastical Trial Court of the Diocese

Section 1. Ecclesiastical Trial Court Established, Composition, Number of Members, Mode of Election and Term of Office

There shall be an Ecclesiastical Trial Court (“Court”) of the Diocese consisting of nine members elected by the Synod of the Diocese upon the nomination of the Diocesan Council for a term of

three years. Four members shall be chosen from the laity and five from the clergy. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods.

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The Bishop may appoint an attorney at law to advise the Court as to its procedures.

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The Court shall elect its President and Secretary from its members, and shall appoint a recorder of proceedings, which recorder may be a court reporting agency not affiliated with the Diocese.

Section 4. Quorum and Composition of Court

A panel of no fewer than seven members of the Court shall be necessary for the conduct of a trial or for a judgment. Any panel of the Court shall comprise an odd number of members with one more clergy than laity.

Section 5. Judgment of the Court

An affirmative vote of 75 percent of the members of a panel of the Court shall be required for any judgment.

Section 6. Effect of Judicial Decisions of the Trial Court

The Court shall sit as an arbitral panel and its judgments shall have the legal effect of an arbitral award under federal and applicable state law. The Court may order such interim relief as it may deem fit in any particular case. Judgment upon an arbitration decision may be entered in any court otherwise having jurisdiction. The decisions of the Court shall be subject to review only in accordance with the Constitution and Canons of the Anglican Church in North America and only by the reviewing bodies of the Anglican Church in North America. The decisions of the Court or any reviewing body of the Anglican Church in North America shall not be subject to review in any federal or state court. The law that shall govern any dispute brought before the Court shall be the Constitution and Canons of this Diocese and the Constitution and Canons of the Anglican Church in North America. The Court may consider, in its sole discretion, any other law or authorities it determines should be applied to the particular case before it, including the arbitration rules of any other body. This Title IV shall be the sole remedy with regard to any controversy or claim arising out of the Articles of Incorporation and the Constitution and Canons of the Diocese of Christ our Hope. Any person subject to this Title shall have no right to file a lawsuit in any civil court with regard to such disputes, except to enforce an arbitration decision.

Section 7. Disqualification of Members of the Trial Court

On motion of any party, any individual having been asked to serve on an arbitration panel in an active case should disqualify himself or herself in a proceeding in which their impartiality may reasonably be questioned, including but not limited to instances where:

1. The panel member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceedings;
2. The panel member has an interest that could be substantially affected by the outcome of the proceeding;
3. The panel member is likely to be a material witness in the proceeding.

Nothing in this Canon shall preclude a panel member from disqualifying him or herself from participating in any proceeding upon their own initiative. Also, a panel member potentially disqualified by the terms of this Canon may, instead of withdrawing from the proceeding, disclose on the record the basis of his or her potential disqualification. If, based on such disclosure, the parties and lawyers, on behalf of their clients and independently of the panel member's participation, all agree in writing that the panel member's basis for potential disqualification is immaterial or insubstantial, the panel member is no longer disqualified, and may participate in the proceeding. The agreement, signed by all lawyers, shall be incorporated in the record of the proceeding. For purposes of this section, pro se parties shall be considered lawyers.

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The Respondent shall have the right to an attorney. The Diocesan Council, in its discretion, may authorize the payment in whole or in part of the legal fees incurred by a Respondent.

Canon 8
Court Rules and Procedures

The rules governing proceedings in the Court are set forth in Appendix A of these Diocesan Canons.

Canon 9
Concerning the Court of Extraordinary Jurisdiction

There shall be a Court of Extraordinary Jurisdiction, whose jurisdiction shall be limited to proceedings either:

1. referred by Bishops of this Church who have oversight of Clergy canonically attached to other Anglican Provinces or Dioceses in those cases where such Provinces or Dioceses have waived their jurisdiction in favor of the Court of Extraordinary Jurisdiction; or
2. in which a member of the Clergy who is amenable to presentment under these canons is attached to a Diocese not possessed of a trial court. Cases may be referred to the Court of Extraordinary Jurisdiction by the Bishop under whose authority the accused serves.

The members of this Court shall be four Presbyters and three adult, confirmed lay persons in good standing, elected by the Synod of the Diocese upon nomination of the Diocesan Council. The President of the Court shall be elected by the members of the Court. The Bishop shall also appoint a legal advisor to the Court who shall be trained in canon law, and a prosecutor, also trained in canon law, to bring and prosecute presentments when necessary. The term of each member of the Court shall be three years or until a successor is elected and qualified. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods.

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Canon 10

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If a member of the Clergy belonging to any Diocese shall have conducted himself in this Diocese in such a manner as to be liable to presentment under the provisions of Title IV, Canon 2, the Diocesan Council shall give notice of the same to the Ecclesiastical Authority where the member of the Clergy is canonically domiciled, exhibiting, with the information given, reasonable ground for proceeding. If the Ecclesiastical Authority of the alleged offender, after due notice given, shall omit, for the space of three months, to proceed against the offending member of the Clergy, or shall request the Diocesan Council to proceed against him, it shall be within the power of the Diocesan Council to institute proceedings as provided by the canons of this Diocese.

Canon 11

Of Renunciation of Ministry

If a member of the Clergy making a declaration of resignation or renunciation of the ministry under Title III, Canon 5.9, be under accusation or presentment for any canonical offense, or if they shall have been placed on trial for the same, the Diocesan Council shall not consider or act upon such declaration until after the accusation or presentment shall have been dismissed, or the trial shall have been concluded and sentence, if any, pronounced. If the Diocesan Council shall have ground to suppose that the member of the Clergy making the same is liable to presentment for any canonical offense, such member of the Clergy may, in the discretion of the Diocesan Council, be placed on trial for such offense, notwithstanding such declaration of resignation or renunciation of the ministry.

Canon 12 Of Sentences

Section 1. Concerning the Role of the Bishop in Sentencing

The Bishop alone has the authority to pronounce sentence on a Presbyterian or Deacon convicted as indicated in these canons. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

In case of conviction by the Trial Court, the Bishop shall not proceed to sentence the accused before the expiration of 30 days after he shall have been served with notice of the decision of the court, nor in case an appeal is taken shall sentence be pronounced pending the hearing and determination thereof.

Section 2. Concerning Range of Sentencing

Sentence shall be:

1. Censure or admonishment;
2. Suspension, for a definite period, not to exceed five years;
3. Suspension for life; or
4. Deposition from the sacred ministry.

In addition, other measures for restoration of the accused may be required.

Section 3. Concerning Length of Sentences

Upon a showing of good cause, a sentence of suspension of a Presbyterian or Deacon may be terminated or shortened by the Bishop with the advice and consent of the Archbishop, in consultation with the Executive Committee;

Canon 13 Of Inhibitions

A Bishop may temporarily inhibit a Presbyterian or Deacon from the exercise of ministry when the Bishop believes, upon reasonable grounds, that the Presbyterian or Deacon has engaged in conduct upon which a Presbyterian or Deacon in this Church may be presented. With the advice and consent

of the Diocesan Council, such inhibition may be extended until such charge is dropped or action taken by a Trial Court. Upon application by a Presbyter or a Deacon who has been temporarily inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the temporary inhibition. Such decision shall be rendered within thirty (30) days.

Canon 14
Of Notification of Disciplinary Action Taken

The Bishop shall, within 30 days after the sentence becomes final and not subject to appeal, notify the Office of the Archbishop, who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. Such notice shall be limited to the sentence pronounced. Should a sentence be amended or terminated, notification of such amendment or termination shall also be reported to the Office of the Archbishop who shall promptly give notice to all Bishops with jurisdiction and record the amendment or termination in the permanent record.

2022.2 Add processes for Dissolution and Disaffiliation
Re: Title I. Canon 6, Section 5

Proposed by the Rev. Bryan Wandel

Proposed Language

[Add to Title I, Canon 6:]

Section 5 Dissolution and Disaffiliation of Congregations and Missions

1. Dissolution of Congregations and Missions

When the Rector or Vicar of a congregation or mission believes that it may come to an end and be legally dissolved, he shall notify the Bishop as soon as possible. In the absence of a Rector or Vicar, the Vestry shall notify the Bishop. If, in consultation and agreement with the Bishop, the Rector or Vicar along with the Vestry determine that the congregation or mission shall close, then the following procedures must take place:

- The Bishop shall be notified in writing, by the Rector or Vicar, or Vestry in his absence.
- A plan for the redistribution of Congregational assets shall be established in consultation with the Bishop.
- Records shall be handed over to the Diocese, as the Bishop requests, such as finances, baptisms, weddings, funerals, etc.
- All applicable state laws concerning the dissolution of legal corporations shall be followed.

2. Disaffiliation of Congregations

a. Request from the Congregation

If a Congregation wishes to disaffiliate from the Diocese, the Rector and Vestry shall inform the Bishop, in writing, of their wish to disaffiliate. If the Bishop, Rector, Vestry, and 2/3 of the congregation's members agree that the disaffiliation is the best course for the Congregation, then the Bishop shall recommend such action to the Diocesan Council, who may give provision approval, to be ratified by a majority vote of the Synod.

b. Request from the Bishop

If the Bishop believes that a Congregation should no longer be part of the Diocese, he shall notify the Rector and Vestry of his concern. The Bishop shall deliberate upon disaffiliation with the advice of the Rector, the Vestry, and the Diocesan Council. If further deliberation leads the Bishop to decide that the Congregation should be disaffiliated from the Diocese, then he may recommend such action to the Synod, who may approve it by a two-thirds majority. This action is reserved for Synod and may not be taken by Diocesan Council.

Rationale

- DCH canons address new church starts, but not church closures. Recent DCH church closures testify that legally closing a religious corporation can be aided by having documented procedures from the diocese. The language here is general enough, so as not be onerous in various circumstances, and to make room for the different legal situations of churches in different states.

- The canons of certain other ACNA dioceses make explicit allowance also for what to do when a church disaffiliates from the diocese. This seems particularly relevant for dioceses that cover a wide geographic area.

This language respects the fact that a church may find itself no longer in accord with ACNA doctrine or practice, and empowers the Bishop to take action with the Synod, even if the church does not request such action. If the church does request disaffiliation, the Council can provisionally approve and then Synod affirms with majority approval, in agreement with the affiliation process. If the Bishop requests disaffiliation, it requires 2/3 majority of Synod to approve (not the Diocesan Council), as this is more of a grave issue.

- Congregations transferring from one diocese to another are covered by procedures in the ACNA Canons.

2022.5 Clarify Processes for Imperiled Pastoral Relationships

Re: Title I, Canon 7, Section 4 — Procedure When Pastoral Relationship Imperiled or Hindered

Proposed by the Rt. Rev. Dr. Steven Breedlove

Proposed Language

Section 4. Procedure When Pastoral Relationship Imperiled or Hindered

1. Whenever a Rector or a majority of the Vestry believe the pastoral relationship between the Rector and the Congregation to be imperiled or hindered for any reason, either or both shall present the matter to the Bishop.
2. Upon notification of such imperilment or hindrance, the Bishop shall promptly seek reconciliation by whatever means he believes appropriate that is not inconsistent with Holy Scripture. Both the Rector and the Vestry shall participate cooperatively in the process. The Bishop may issue such interim directives appropriate to the cause (~~to either the Rector, the Vestry, or both~~) before issuing a final judgment. Prior to issuing a final judgment, the Bishop shall consult with the Diocesan Council and the Chancellor of the Diocese. The Diocesan Council may schedule a conference with the Vestry and the Rector before rendering its advice to the Bishop. At such conference, the parties may be heard and be represented by a person or persons of their choice.
3. The judgment of the Bishop may include terms and conditions for compliance by both parties and must include a financial settlement to be determined at the discretion of the Bishop. The Bishop shall in all cases render pastoral support to the Rector. Upon issuing such judgment, the Bishop shall direct the Registrar of the Diocese to record the Dissolution.
5. If at the time of a need for episcopal intervention in the relationship between a Rector and a Congregation there be no Bishop, or the Bishop refuses to act within a reasonable time period, the Diocesan Council, Vestry, or Rector may appeal to the Archbishop for action.
6. If for any reason ~~either the Vestry or~~ the Rector shall refuse to comply with the judgment of the Bishop, the Bishop may ~~suspend~~ ~~inhibit~~ the Rector from the exercise of the ministry of a Presbyter until the Rector complies with the judgment. If there is no positive resolution of the issue, the Bishop may find it necessary to establish a process of formal Ecclesiastical Discipline as outlined in Title IV.
7. If for any reason the Vestry shall refuse to comply with the judgment of the Bishop, the Bishop may call a congregational meeting for the purpose of

notifying the Congregation of the Vestry's noncompliance with the judgment. At the congregational meeting, the Congregation may consider any removal of the Vestry, election of a new Vestry, disaffiliation, or appropriate resolutions within the authority of the Congregation.

8. If there is no satisfactory resolution of this matter, the Bishop may call for the Diocesan Council to attempt an amicable resolution. If progress is still not made through the Diocesan Council, the Bishop may request the Synod of the Diocese to remove the Congregation from the Diocese in the event of continued noncompliance by the Vestry. This action is reserved for Synod, who may approve it by a two-thirds majority, and may not be taken by Diocesan Council.

Rationale

These are largely clarifications. The canon envisions a dispute between the Rector and the Vestry (representing the church). It enables corrective action on either or both.

2022.6 Ministers Ordained in Succession But Not in Communion with this Province
 Re: Title III, Canon 5, Section 2 — Concerning Ministers Ordained in Jurisdictions in
 the Historic Succession

Proposed by the Rt. Rev. Dr. Steven Breedlove

Proposed Language

Section 2. Concerning Ministers Ordained in Jurisdictions in the Historic Succession

Prior to receiving a clergy person from another jurisdiction purported to be in the Historic Succession, if there be any question of the claim, the Bishop, or those whom he appoints to this task, shall consult with the Admissions Committee of the Province in order to confirm the reliability of the claim to ordination within Historic Succession. Those who have been ordained in Historic Succession will be considered for transfer into the Diocese and the transferring bishop will be engaged in the transfer process.

Having satisfied that the clergy person has been ordained in the Historic Succession **in a Church that is in Communion with the Province**, the following process is established: Subject to the examinations prescribed by Title III, Canons 3 and 4 of these Canons, and other means by which to satisfy himself concerning the soundness of faith of the clergy, the Bishop may accept by letter of transfer a deacon or presbyter who is in good standing in any other jurisdiction of the Church. The Bishop shall inquire of the transferring bishop concerning any past or existing disciplinary matter or other impediment affecting the ministry of the transferring clergy person. The letter of transfer which must be presented within six months from its date of issue shall be to the following effect:

“We hereby certify that the Reverend A.B. who has signified desire to be transferred to the ecclesiastical authority of the Diocese of Christ our Hope of the Anglican Church in North America is a Presbyter (or Deacon) of (Name of Jurisdiction) in good standing.” (Signed by the transferring bishop.)

A Minister received into this Diocese shall not function or be recognized by the Bishop until he or she has been canonically transferred to this Diocese, nor may such person perform any of the rites or ceremonies of the church, except with the special permission of the Bishop, until he or she has been canonically transferred.

When a Minister ordained in a Jurisdiction by a Bishop of the Historic Succession but not in communion with this Church desires to be received as a member of the Clergy of this Church, the person may be received in accord with the canons of the Province.

Rationale

This is a category in the ACNA canons, but it is not addressed in DCH’s canons. Some churches have the historic episcopate, but are not in communion with the ACNA.

2022.8 Remove Court of Extraordinary Jurisdiction and clarify jurisdictional issues
 Re: Title IV, Canon 5, Sections 8 and 9 (Ecclesiastical Trial Court) and Canon 9
 (Court of Extraordinary Jurisdiction)

Proposed by the Rev. Bryan Wandel

Proposed Language

[Add to Title IV, Canon 5:]

Section 8. Jurisdiction for Clergy Licensed in this Diocese but Domiciled in Another Diocese

All Clergy who wish to remain domiciled in another Diocese or Province while being licensed in this Diocese shall submit a waiver of ecclesiastical discipline to the Bishop of this Diocese, signed and approved by the Bishop of the domiciling Diocese, transferring ecclesiastical disciplinary authority to the Bishop of this Diocese and all such officers and courts of this Diocese as prescribed in this Title, and granting permission to this Diocese to make godly admonition, investigate charges, conduct presentments and trials, and/or make inhibitions, if there be any, for the clergy person in question within this Diocese and according to these Canons. The discipline resulting from trial may include the temporary or permanent revocation of license to serve in this diocese, but it may not include suspension from ministry outside this Diocese or deposition from the sacred ministry, unless the Bishop of the domiciling Diocese shall specifically grant it. The Bishop may, at his discretion, and upon written request, grant special permission to clergy that are domiciled elsewhere to remain under the ecclesiastical disciplinary authority of the jurisdiction to which they belong.

Section 9. Jurisdiction for Clergy Domiciled in this Diocese but Licensed in Another Diocese

Disciplinary authority over clergy domiciled in this diocese but licensed to serve in another diocese, including godly admonition, presentment, inhibition, trial, and/or discipline resulting from trial, is retained by the Bishop of this Diocese, unless waived in writing to the Bishop of the licensing Diocese. This waiver may be made at any time.

Canon 9

Concerning the Court of Extraordinary Jurisdiction [Removed 2022]

~~There shall be a Court of Extraordinary Jurisdiction, whose jurisdiction shall be limited to proceedings either:~~

- ~~1. referred by Bishops of this Church who have oversight of Clergy canonically attached to other Anglican Provinces or Dioceses in those cases where such Provinces or Dioceses have waived their jurisdiction in favor of the Court of Extraordinary Jurisdiction; or~~
- ~~2. in which a member of the Clergy who is amenable to presentment under these canons is attached to a Diocese not possessed of a trial court. Cases may be referred to the Court of Extraordinary Jurisdiction by the Bishop under whose authority the accused serves.~~

~~The members of this Court shall be four Presbyters and three adult, confirmed lay persons in good standing, elected by the Synod of the Diocese upon nomination of the Diocesan Council. The President of the Court shall be elected by the members of the Court. The Bishop shall also appoint a legal advisor to the Court who shall be trained in canon law, and a prosecutor, also trained in canon law, to bring and prosecute presentments when necessary. The term of each member of the Court shall be three years or until a successor is elected and qualified. No member may serve more than two consecutive terms. Staggered terms may be provided. The Diocesan Council shall fill vacancies that arise between Synods.~~

~~All Clergy who wish to remain domiciled in another Diocese or Province while being licensed in this Diocese shall submit a waiver of ecclesiastical discipline to the Bishop of this Diocese, signed and approved by the Bishop of the other Diocese, transferring ecclesiastical disciplinary authority to the Bishop of this Diocese and all such officers and courts of this Diocese as prescribed in this Canon, and granting permission to this Diocese to conduct presentments, if there be any, for the clergy person in question within this Diocese and according to these Canons. The Bishop may, at his discretion, and upon written request, grant special permission to clergy that are domiciled elsewhere to remain under the ecclesiastical disciplinary authority of the jurisdiction to which they belong.~~

Rationale

It is not normal practice in the ACNA to have a Court of Extraordinary Jurisdiction, but DCH Canons have one. Rather, these functions can be taken by the Ecclesiastical Trial Court, as long as jurisdiction is clarified.

Normally, a clergy person is under authority in the Diocese where he or she is domiciled. This diocese requests a waiver of ecclesiastical discipline of licensed clergy from the originating diocese's Bishop. This amendment also clarifies that the waiver covers the entire disciplinary process, from godly admonitions through presentment and inhibitions to trial and discipline. However, authority to suspend service outside this Diocese or to depose from sacred ministry would normally still be the function of the domiciling Bishop, unless he were to specifically waive that.

Clergy domiciled in this Diocese but licensed to serve elsewhere are presumed to stay under the disciplinary authority of the Bishop of this Diocese, unless that authority is waived. Not all dioceses request a waiver of disciplinary authority upon licensing.

College of Presbyters

Proposed by the Rev. Dr. Ben Sharpe

Whereas the Scriptures attest to the presbyters meeting in council with the Apostles (Acts 15:6);

Whereas the early church's near-universal practice was for presbyters to meet collectively as a council of advice with the bishop;

Whereas a college of presbyters is consistent with the conciliar character of the Anglican church, not detracting from the authority of the Bishop but drawing the presbyters into it as a council of advice, so they might better fulfill their role as elders, not just in service to their individual congregations but, with the Bishop as their head, to the Diocese; and

Whereas the Bishop will profit from hearing the sense of the church from the presbyters as a gathered whole, and the college of presbyters will profit from receiving the bishop's teaching and guidance as it relates to the vision, mission, and ministry of the Diocese; now, therefore, be it

Resolved, that the Synod urges the Bishop to appoint a taskforce, geographically representative of the Diocese, to bring a recommendation for the formation of a College of Presbyters, and aiming to propose a canonical amendment in 2023, stipulating the shape and role of such a College in the Canons of the Diocese; and be it further

Resolved, that this taskforce make recommendations regarding the formation of a College of Deacons.