



Explanatory Background Note for Proposed Canonical Amendments Concerning the Diocesan Ecclesiastical Trial Court

Earlier this year, as a result in part of certain issues concerning ACNA clergy discipline arising particularly in regard to the Diocese of the Upper Midwest, all ACNA Diocesan Bishops were asked to ensure that each of their dioceses were fully equipped canonically and procedurally to be able to act expeditiously in order to deal with any issues of clergy discipline that might unfortunately arise within their Diocese to the level of requiring a formal Ecclesiastical Trial.

Accordingly our Diocesan Bishop Charlie Masters tasked the Diocesan Chancellor to examine this issue. The Chancellor referred this matter to our Diocesan Canons Committee consisting of the Chair, Victoria Huyer, along with members, Tom Carman, Evan Baker and the Chancellor, himself, along with the assistance and advice of Joel Reinhardt (the “Committee”).

In order to deal with any issues of clergy discipline that might unfortunately arise within their Diocese to the level of requiring a formal Ecclesiastical Trial, the ACNA Canons in Title IV, Canon 5, Section 1 require that all Dioceses have two separate items dealt with in their respective Canons:

- (1)The mode of conducting trials and
- (2)The establishment of the court.

The Committee spent time in detailed study of the matter and reflection of our own Canons, specifically Canon 3.4.4 and the Canons of other Dioceses in ACNA. After this process, the Committee determined that the current Canons adequately provide for the mode of conducting trials through Diocesan policy, which is consistent with Anglican practice and general Canon law. However, with respect to the establishment of the Court, they provide for the existence of a court but do not adequately provide for its composition. Furthermore, the composition of the Court could not be done by the Diocesan Council acting alone under Canon 3.4.4(b), but would require actual amendment of the Canons which, of course, could only be done by the Synod.

The Committee has determined that the essential aspects of the composition of the Court which are not adequately dealt with in the current Canons relate to the express process of the actual appointment, the makeup, the term, and the eligibility requirements for the members of the Court as well as provision for any vacancies on the Court. In addition, there needs to be express provision for the assignment from the members of the Court as to who amongst them were to constitute the member of any Panel to conduct any particular trial, if it became necessary, as well as the required size and makeup of any such Panels.

From our study of the composition of courts in other Dioceses, we determined that the generally common approach of other dioceses was to provide for these essential elements in the Canons.

Accordingly, the Committee recommended to the Diocesan Council the attached proposed amendments to the current Canon 3.4.4 and the addition of new Canons 3.4.5 to 3.4.9 to deal with these essential aspects of the composition of the Court not adequately dealt with in the current Canons. Diocesan Council accepted the recommendations of the Committee as to the proposed amendments and now have placed them before Synod for the necessary approval and adoption by the Synod as amendments to the Canons.