

CANON D1 DISCIPLINE

1. The following definitions apply to Canons D1, D2, and D3:
 - (a) *Complaint*: Any allegation of an ecclesiastical offence that, in the Bishop's opinion, may result in the imposition of discipline.
 - (b) *Enquiry*: The process for dealing with any allegation that the Bishop decides should be dealt with pursuant to Canon D2 and not referred to the Diocesan Court pursuant to this Canon D1.
 - (c) *Informant*: The person making an allegation.
 - (d) *Respondent*: The person against whom an allegation is made.

Episcopal Jurisdiction

2. The Bishop of the Diocese of Ontario has, by virtue of the office of bishop, ecclesiastical jurisdiction, authority and power of discipline over bishops, priests, deacons, and lay members of the Anglican Church of Canada in this diocese, and over clergy and lay members from other dioceses where provided for in Section 10 of this Canon.

Initial Disciplinary Jurisdiction

3. (a) Where it has been alleged that a bishop, priest, deacon, or lay person (as described in Section 9(c) of this Canon) has committed an ecclesiastical offence (hereinafter offence), the Diocesan Bishop shall have initial jurisdiction with respect to the determination of whether an offence has been committed and the penalty for the commission of the offence.
- (b) Where it has been alleged that the Diocesan Bishop has committed an offence, the procedures set out in Canon V of the Canons of the Ecclesiastical Province of Ontario and Canon XVIII of the Canons of General Synod shall apply.
- (c) The Bishop may at any time refer the determination of whether an offence has been committed or the determination of the penalty to the Diocesan Court without exercising the initial jurisdiction.

- (d) The procedures to be used in the exercise by the Bishop of the initial jurisdiction shall be as set out in Canon D2.
- (e) (i) A respondent convicted of an offence by the Bishop may require the determination of the Bishop that an offence was committed by the respondent or the penalty imposed by the Bishop to be reviewed by the Diocesan Court, which court may either confirm or overturn the determination of the Bishop.

(ii) Synod Council, on its own motion or on the petition of the informant may require the determination of the Bishop that an offence was committed or the penalty imposed by the Bishop to be reviewed by the Diocesan Court, which court may either confirm or overturn the determination of the Bishop.

Ecclesiastical Offences

- 4. All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offences:
 - (a) conviction for an indictable offence,
 - (b) immorality, including sexual misconduct as defined in Canon D3 on Sexual Misconduct,
 - (c) disobedience to the Bishop to whom such person has sworn obedience,
 - (d) violation of any lawful Constitution or Canon of the Church, whether of the diocese, province, or General Synod by which the person is bound,
 - (e) wilful or habitual neglect of the exercise of ministry of the person without cause,
 - (f) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected,
 - (g) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada, or
 - (h) contemptuous or disrespectful conduct towards the Bishop of the diocese in matters pertaining to the administration of the affairs of the diocese or a parish.

The Diocesan Court

Composition

5. The Diocesan Court shall consist of a judge or barrister of at least ten years standing, a member of the diocesan clergy, and a member of the diocesan laity

appointed by the Synod. If, for any reason, any member of the Court is unable to fulfil the office, the Synod Council shall appoint a substitute or substitutes.

6. The Court may consult
 - (a) the Chancellor and Vice Chancellor or, if both are disqualified (see Section 7), another Chancellor in the Anglican Church of Canada on matters related to the law of the Church; and
 - (b) one or more theologians on questions of doctrine.
7. No person who has taken part in the investigation of an alleged offence or the preparation for trial shall act as a member of the Court or as a consultant.
8. The members of the Court shall receive remuneration and shall recover expenses for their services according to agreements made with the Synod Council.

Jurisdiction

9. The Diocesan Court shall have ecclesiastical jurisdiction with respect to the discipline of the following persons:
 - (a) priests and deacons who carry out their ministry in the Diocese of Ontario and who are registered on the Register of the Diocese, for any offence, wherever committed;
 - (b) subject to Section 10, priests and deacons of the Anglican Church of Canada not registered on the Register of the Diocese, for any offence committed in the Diocese of Ontario;
 - (c) lay persons who have been appointed, elected, or commissioned to an office, appointment, or responsibility with
 - a parish of the Diocese,
 - the Diocesan Synod or its boards and committees,
 - Provincial Synod, or
 - the General Synod

for any offence committed in the Diocese of Ontario or elsewhere while on Diocesan business; and

- (d) priests, deacons, and lay persons when a direction is made pursuant to section 11 of Canon.

Priests, Deacons and Lay Persons from Other Dioceses

- 10. (a) In the event of an alleged offence committed in the Diocese of Ontario by a bishop, priest, or deacon, from another diocese, the Diocesan Executive Officer shall give notice of the allegation to the bishop of the other diocese. In the case of a bishop, notice shall be given to the Metropolitan of the Ecclesiastical Province in which the bishop's diocese is located.
- (b) As required by Section 16 of Canon XVIII of the General Synod of the Anglican Church of Canada, the bishop receiving such notice shall forthwith respond either by consenting or refusing consent to the institution of disciplinary proceedings by the Bishop in this diocese.
- (c) Where the bishop receiving such notice consents, proceedings shall be taken in this diocese.
- (d) If the bishop receiving such notice refuses consent, that bishop shall, also as required by Section 16 of Canon XVIII, within six months of receiving such notice, institute proceedings with respect to the alleged offence in accordance with the canons of the other diocese.

Transfer of Jurisdiction

- 11. (a) On application of a respondent to the Diocesan Court, jurisdiction may be transferred to another Diocesan Court in the Ecclesiastical Province of Ontario where it appears to the court that such transfer is necessary to ensure that the fundamental principles of natural justice are respected and where the court to which the transfer is made consents to the transfer.
- (b) On application to the president of the Court of Appeal of the Ecclesiastical Province of Ontario, an appeal may be transferred to a Court of Appeal of another Ecclesiastical Province. On application to the Supreme Court of Appeal of the Anglican Church of Canada, an appeal to it may be transferred to a provincial court of appeal. In all cases, the court to which application is made must be satisfied that a transfer is necessary to ensure the fundamental principles of natural justice are respected and the court to which the transfer is to be made consents to the transfer.

Procedure of the Diocesan Court

12. The procedure of the Court shall be prescribed by Synod Council.
13. Witnesses at trial shall be examined and cross-examined under oath or solemn affirmation.
14. No person tried for an offence under this Canon is required to give evidence in the proceedings.

Fundamental Principles of Natural Justice

15. All trials of respondents under this Canon shall be conducted according to the principles of natural justice.
16. These principles include, but are not limited to, the following. All respondents are entitled to be:
 - (a) given full and complete written notice of the complaint against them and its particulars,
 - (b) presumed innocent until the offence allegedly committed by them is proved beyond a reasonable doubt,
 - (c) heard in their own defence,
 - (d) represented in their defence by counsel of their own choice,
 - (e) present, and accompanied by their counsel, when any evidence or argument concerning the allegations against them is received by the bishop, metropolitan, or court inquiring into the complaints,
 - (f) given opportunity to cross-examine, or have their counsel cross-examine, witnesses who have given evidence against them,
 - (g) tried by persons who are not biased against them, and
 - (h) tried within a reasonable time.
17. No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
18. No person who has been found guilty of and punished for an offence under this Canon may be tried or punished for the same offence again.

19. Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced within
- (a) twelve months of the date of the alleged offence in the case of offences under Sections 4(a), (c), (d), (e), and (h);
 - (b) twelve months from the time when the facts giving rise to the complaint became publicly known in the case of an offence under Section 4(b); and
 - (c) twelve months from the date of the notice of intent to take proceedings under Section 20 has been given to a priest, deacon, or lay person concerning an alleged offence under Sections 4(f) and (g).
20. No proceedings shall be commenced in respect of an alleged offence under Sections 4(f) or (g) unless six months' notice of intent to take proceedings has been given to the person against whom the allegation is made.
21. When a person is found to have committed an offence under this Canon, the Diocesan Court or the Bishop where exercising initial jurisdiction shall impose the penalty within thirty days of the decision except that imposition of the penalty shall be stayed in the event of an appeal.

Disciplinary Actions

Inhibition

22. If it appears to the Bishop that the person's ministry, or responses to that ministry, will be negatively affected while the complaint is under investigation or trial, the Bishop may inhibit the person from performing any of the duties of his or her office, either in the diocese or elsewhere, until the inhibition is withdrawn.
23. Persons inhibited shall not be deprived of the stipend, income, or emoluments associated with their office.
24. Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed:
- (a) admonition,
 - (b) suspension from the exercise of ministry or office,
 - (c) deprivation of ministry or office, or
 - (d) deposition from the exercise of ministry if the person is ordained.

Admonition

25. Admonition may take the form of a caution, warning, reprimand, or censure delivered in the case of initial jurisdiction by the Bishop and in the case of Diocesan Court proceedings by the President of the Court.

- (a) *Caution*: Where conduct has been unwise, but not necessarily unethical, the person shall be cautioned orally.
- (b) *Warning*: In the case of clearly inappropriate and possibly unethical behaviour, the person shall be warned in writing.
- (c) *Reprimand*: Where conduct has been unethical, the person shall be given a reprimand in writing.

A copy of a caution, warning, or reprimand shall be placed in the person's confidential personnel file or other record, but shall not be noted on the Register of the Registrar. If any other written record of the incident is added to the person's confidential personnel file or other record, he or she shall be notified and shall be able to review it. If there are no further discipline entries on the person's confidential personnel file or other record for one year after issuance of the reprimand, then it shall not be used to justify a more serious form of discipline should a new incident subsequently occur. In addition, if after one year the bishop deems that no beneficial purpose would be served by maintaining the record, the caution, warning, or reprimand and any associated record shall be removed from the person's confidential personnel file or other record and destroyed.

- (d) *Censure*: Where conduct has been unethical and considered more serious than can be appropriately dealt with by a reprimand, the person shall be given a censure in writing. A copy of the censure shall be placed in the person's confidential personnel file or other record but shall not be noted on the Register of the Registrar. If any other written record of the incident is added to the person's confidential personnel file or other record, he or she shall be notified and shall be able to review it. If, after an adequate period of time, given the reason for the censure, there are no further discipline entries on the person's confidential personnel file or other record, then the censure shall not be used to justify a more serious form of discipline should a new incident subsequently occur. If there are no further related incidents resulting in discipline for five years after issuance of the censure, and if the Bishop deems that no beneficial purpose would be served by maintaining the record, the censure and any associated record shall be removed from the person's confidential personnel file or other record and destroyed.

26. Admonition may be in public or in private, as determined by the Bishop or the President delivering it.

Suspension

27. The Bishop or Court imposing a penalty of suspension shall fix the duration and may impose other conditions on the suspension as considered appropriate.
28. During the term of a suspension,
 - (a) the suspended person shall not exercise his or her ministry or office anywhere in Canada; and
 - (b) the Bishop may deprive the suspended person of all or part of any stipend, income, or emoluments associated with the ministry or office from which the person stands suspended, and may authorize the payment of all or part of these revenues to a substitute.
29. During the term of a suspension of a diocesan bishop, the Metropolitan or the Synod Council of the diocese may deprive the bishop of all or part of any stipend, income, or emoluments associated with the office of bishop, and may authorize the payment of all or part of these revenues to the person performing the duties of the bishop.
30. If a person suspended from the exercise of ministry or office violates the conditions of the suspension, the Bishop or Court that imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.

Deprivation

31. When the penalty of deprivation of ministry or office is pronounced, the connection between the person deprived and his or her parish, mission, congregation, diocese, or office is severed. All revenues to which the person was entitled by virtue of that office or ministry shall wholly cease.
32. A person who has been deprived of office or ministry may be ineligible to hold any office or to perform any function in any diocese in the Anglican Church of Canada until restored pursuant to Sections 33 or 34.
33. A person may remain deprived until restored by the bishop of the diocese in which the office or ministry from which the person was deprived is located.
34. Restoration may be to any office or ministry in the diocese, whether or not it is the specific office from which the person was deprived.

Deposition

35. The penalty of deposition shall include all of the consequences of deprivation and, at the same time, will have the same effect as if the person had relinquished the exercise of the ordained ministry pursuant to Canon XIX of the General Synod.

Notices

36. Where the penalty of suspension is imposed, the Bishop shall give notice to all clergy of the diocese and to all bishops of the Anglican Church of Canada.
37. Where a penalty of deprivation or deposition is imposed, the Bishop shall give notice to all clergy of the diocese, all bishops of the Anglican Church of Canada, and all metropolitans of the Anglican Communion.

Rights of Appeal

38. An appeal may be taken thirty days from the date of a judgment or order of the Diocesan Court to the Court of Appeal for the Ecclesiastical Province of Ontario (also referred to as the Ecclesiastical Court of Appeal).
39. An appeal shall not be considered filed until a Notice of Appeal has been completed and delivered to the Registrar of the Court of Appeal of the Ecclesiastical Province Ontario.
40. A copy of the Notice of Appeal shall be delivered to the Registrar of the Diocesan Court for the Diocese of Ontario and to the Bishop within five working days of its delivery to the Ecclesiastical Court of Appeal.
41. An appeal to the Supreme Court of Appeal of the Anglican Church of Canada may be filed within thirty days of the pronouncement of any decision of the Diocesan Court where permitted by Canon XX of the General Synod.

Records

42. The Bishop shall maintain a central confidential record of
 - (a) written complaints made or referred to the Bishop,
 - (b) withdrawals of formal complaints,
 - (c) informal procedures under Canon D2,
 - (d) referrals and appeals to the Diocesan Court, and
 - (e) disciplinary actions.
43. (a) Except as provided in Section 25, the Bishop shall retain the records of an informal procedure under Canon D2 for a period of
 - (i) seven years for volunteers,

- (ii) seven years or until retirement from active ministry for clergy, whichever is greater, and
 - (iii) seven years or until cessation of employment with the diocese for employees, whichever is greater.
 - (b) After this period, the records shall be destroyed, provided that no further complaints of any kind are received under this Canon during this time.
44. (a) The Bishop shall retain the records of referrals and appeals to the Diocesan Court for a period of
- (i) twenty-five years for volunteers,
 - (ii) twenty-five years or until retirement from active ministry for clergy, whichever is greater; and
 - (iii) twenty-five years or until cessation of employment with the diocese for employees, whichever is greater.
- (b) After this period, the records shall be destroyed, provided that no further complaints of any kind have been made under this Canon or Canon D3 during this time.
45. The Bishop shall retain the records of any complaint referred to any lawful authority for a period of twenty-five years or as required by statute, at which time they shall be destroyed.
46. Anyone who is or has been an employee, volunteer, or clergy within the diocese may make application for access to any records of allegations or complaints made against him or her. Access to these records shall be granted where the Bishop is satisfied that release is warranted having regard to the effect release would have on identifiable individuals.

Regulations

47. Synod Council may make regulations on procedures to be followed under this Canon and under Canons D2 and D3.

CANON D2

PROCEEDINGS OF A DISCIPLINARY NATURE BEFORE THE BISHOP

1. This Canon contains the procedures that shall apply where the Bishop exercises the initial jurisdiction provided for in Canon D1, Section 3.
2. The following procedures apply to a complaint that is
 - (a) made against a person who is subject to episcopal jurisdiction as set out in Canon D1, Section 9 and
 - (b) submitted in writing to the Bishop.
3. The following procedures may also be used in considering the fulfilment of the terms of appointment of diocesan clergy.

Reference to Diocesan Court

4. If, at any time, the Bishop decides that a complaint should be referred to the Diocesan Court under Canon D1, the Bishop shall immediately
 - (a) advise both the informant and the respondent, and
 - (b) refer the complaint to the Diocesan Court.
5. After the Bishop has referred the complaint to the Diocesan Court, the Bishop shall have no further part in the proceeding.

Principles of Natural Justice

6. All enquiries under this Canon shall be conducted according to the principles of natural justice.
7. Respondents are entitled to be presumed innocent until the allegations are proven beyond a reasonable doubt.
8. Enquiries shall be conducted and resolved within a reasonable time. Reasonable time for the commencement of enquiries for offences listed in Section 4 of Canon D1 shall be as set out in Sections 19 and 20 of Canon D1.

9. Once an allegation has been resolved under this Canon, the respondent cannot be subject to another enquiry or proceeding before the Diocesan Court based on the same facts.

Procedure

10. If the Bishop decides to exercise initial jurisdiction over the complaint, the following procedures shall apply.
11. The respondent shall be given written notice of any and all allegations, including the name of the informant and the details of the enquiry.
12. (a) A meeting shall be held, at the Bishop's invitation, with
 - (i) the Respondent,
 - (ii) the Bishop,
 - (iii) the Archdeacon responsible for the respondent's parish, and
 - (iv) the Diocesan Executive Officer.
- (b) At this meeting, the Bishop shall
 - (i) discuss the enquiry with the respondent,
 - (ii) invite the respondent to reply to the complaint in writing, and
 - (iii) advise the respondent of his or her rights during the enquiry as set out in this Canon.
13. The Bishop shall apprise the informant of the meeting and the respondent's reply, if any.
14. If the Bishop or the informant is dissatisfied with the respondent's reply, the Bishop shall invite
 - (a) the Informant,
 - (b) the Respondent,
 - (c) the Archdeacon responsible for the respondent's parish, and
 - (d) the Diocesan Executive Officerto meet with the Bishop in order to discuss and to resolve the enquiry.

Right to Independent Advice

15. (a) Both the informant and the respondent may seek independent advice, and each may have an independent advisor present during all meetings with respect to the enquiry.
- (b) An independent advisor may speak on behalf of his or her advisee at any time during the enquiry.
- (c) Anything said by, or on behalf of, either the informant or the respondent during the course of the enquiry may be used in evidence in later proceedings, including proceedings pursuant to Canon D1.

Inhibition

16. If it appears to the Bishop that the person's ministry, or responses to that ministry, will be negatively affected while the allegation is subject to an enquiry, the Bishop may inhibit the person from performing any of the duties of his or her office, either in the diocese or elsewhere, until the inhibition is withdrawn or the enquiry has ended.
17. Persons inhibited from ministry shall not be deprived of the stipend, income, or emoluments associated with their office.

Penalties

18. (a) Any penalty imposed under this Canon shall be for the sole purpose of permitting the Bishop to administer the Diocese of Ontario in the best interests of the Church and the Diocese.
- (b) Any penalty shall be imposed within thirty days of the decision except that imposition of the penalty shall be stayed in the event of an appeal.
- (c) In addition to, or in lieu of, any penalty provided for in Canon D1, Sections 25 to 35, the Bishop may deliver advice, instruction, requests, directions, and demands.

Right to Appeal

19. (a) Upon communication by double registered mail of a decision by the Bishop imposing a penalty under this Canon, the respondent shall have thirty days from the date of receipt to file an appeal with the Diocesan Court.
- (b) An appeal shall not be considered filed until Notice of Appeal has been delivered to the Registrar of the Diocesan Court.

- (c) A copy of the completed Notice of Appeal shall be delivered to the Bishop within five business days of the Notice being filed with the Diocesan Court.
- (d) An appeal of the decision of the Diocesan Court may be made pursuant to Sections 38 to 41 of Canon D1. Further rights of appeal as laid out in those sections also apply.

Records

- 20. Records of proceedings under this Canon shall be kept as provided for in Canon D1, Sections 42 to 45.

CANON D3 SEXUAL MISCONDUCT

Part I Introduction

1. In 2001 the General Synod of the Anglican Church of Canada adopted *A Call to Human Dignity: A Statement of Principles for the Anglican Church of Canada on Dignity, Inclusion and Fair Treatment*. The *Statement* includes this paragraph:

All persons seeking spiritual care and nurture, as well as those pursuing employment and those people employed by our Church shall be treated with courtesy, compassion, fairness and integrity by our Church and its representatives or officials, without discrimination on the basis of age, sex, sexual orientation, family or marital status, race, colour, ethnic (or place of) origin, ancestry, disability, creed, or socioeconomic status.

2. In keeping with *A Call to Human Dignity*, the Synod of the Diocese of Ontario adopts this Canon as part of its commitment to ensure that
 - (a) all workplaces and endeavours are free from violence, coercion, discrimination, and sexual misconduct;
 - (b) no one is subjected to sexual misconduct of any kind;
 - (c) all complaints or allegations of sexual misconduct are dealt with promptly, seriously, fairly, and systematically;
 - (d) those who hold positions of trust or power in the church do not take advantage of, or abuse, that trust or power;
 - (e) an ethic of mutual respect, responsibility, and caring is practised; and
 - (f) wholeness and healthy sexuality are modelled.

Sexual Misconduct: Definitions

3. For purposes of this Canon, sexual misconduct is defined as an action directed toward a person or persons of the same or opposite sex that includes sexual harassment, sexual exploitation, or sexual assault. Any such misconduct constitutes the ecclesiastical offence of immorality.

4. *Sexual harassment* is behaviour of a sexual nature, intentional or unintentional, that is unwanted or ought reasonably to be known to be unwanted, including, but not limited to the following:
 - (a) innuendo,
 - (b) telling or circulating jokes or stories that are offensive or could be perceived to be offensive,
 - (c) displaying or circulating offensive material such as pictures or cartoons,
 - (d) stereotyping individuals or groups on the basis of gender or sexual orientation,
 - (e) stalking, and
 - (f) voyeurism.
5. *Sexual exploitation* may consist of
 - (a) conduct that places or that may reasonably be perceived as placing, or attempting to place, a condition of a sexual nature on employment, the opportunity for training or promotion, or on any opportunity to participate in any church activity;
 - (b) making an express or implied promise of reward for complying with a sexually oriented suggestion;
 - (c) a reprisal or denial of opportunity, or an express or implied threat of reprisal or denial of opportunity, for refusal to comply with a sexually oriented suggestion;
 - (d) taking or attempting to take sexual advantage of the vulnerability of a person under one's guidance, leadership, or pastoral care; and
 - (e) taking or attempting to take sexual advantage of the vulnerable party in a power relationship for pleasure or gain.
6. *Sexual assault* is the intentional threat or application of force of a sexual nature on another person without that person's consent.

Part II Prevention

1. Prevention of sexual misconduct is a mandatory and vital component of the life and work of all clergy, employees, and volunteers within the episcopal jurisdiction of the Diocese of Ontario.
2. The Synod Council shall actively attempt to ensure that the workplaces of clergy, employees, and volunteers within the ecclesiastical jurisdiction of the diocese are free from sexual misconduct.
3. All diocesan clergy must, as a condition of being licensed, agree in writing to comply with this Canon.
4. All employees, both diocesan and parochial must, as a condition of employment, agree in writing to comply with this Canon.
5. All volunteers, both diocesan and parochial must, as a condition of voluntary service in any capacity, agree to comply with this Canon.

Responsibilities

6. The Bishop, in consultation with the Bishop's Advisory Committee, shall oversee the administration of this Canon.
7. The Bishop shall acquaint the clergy of the diocese with this Canon.
8. The Synod Council shall ensure that a training program on issues of sexual misconduct is available to clergy, staff, and volunteers within the diocese at least once every three years.
9. The Diocesan Executive Officer shall acquaint diocesan staff and volunteers with this Canon.
10. Churchwardens shall acquaint parish staff and volunteers with this Canon.
11. Should an allegation or complaint be made against the Bishop,
 - (a) the Diocesan Executive Officer shall inform immediately the Metropolitan of the Ecclesiastical Province of Ontario and
 - (b) the Bishop's Commissary, or, if none, the Dean of Ontario, or, if none, the Archdeacon senior by appointment shall assume jurisdiction for the responsibilities assigned to the Bishop under this Canon.

Diocesan Resource Persons

12. Two Diocesan Resource Persons, one of each gender, shall be appointed by the Bishop and shall be available to clergy, employees, volunteers, and all other persons in the diocese directly or indirectly affected by sexual misconduct.
13. The Bishop shall ensure that those who are appointed to act as Diocesan Resource Persons have appropriate training, and continuing education, on issues of sexual misconduct within the Church.
14. The Diocesan Resource Persons shall be available to
 - (a) provide information and support to those who have concerns or questions about suspected cases or issues related to sexual misconduct;
 - (b) participate in procedures concerning allegations of sexual misconduct as below;
 - (c) advise the Bishop on actions taken or to be taken in regard to an allegation of sexual misconduct;
 - (d) ensure continuing communication on the progress of the investigation of an allegation to both the person alleging sexual misconduct and the person against whom an allegation is made;
 - (e) assist in the planning and implementation of diocesan, regional, and parochial training programs on sexual misconduct; and
 - (f) assist both those making an allegation and those receiving the information.

Part III Principles Applicable to Allegations

1. An allegation of sexual misconduct against a clergy person, employee, or volunteer may be made by anyone with respect to any incident that occurs in the course of work or any church-related activity.
2. A person against whom an allegation is made (the respondent) shall be presumed innocent until the alleged misconduct is admitted or proved beyond a reasonable doubt.
3. Every allegation shall be taken seriously and shall be processed as quickly as possible.

4. All persons involved with an allegation are expected to maintain confidentiality unless
 - (a) the law requires otherwise,
 - (b) there are safety issues, or
 - (c) the parties waive confidentiality.
5. Subject to the requirements of s.4 and s.6 of this Part, employees or volunteers who learn of allegations, complaints, or investigations shall keep the information confidential.
6. Notwithstanding the provisions of Part III, S.4 and S.5 of this Canon, all allegations of sexual assault, sexual misconduct or abuse of persons, including abuse of children or vulnerable persons, shall be reported immediately to the appropriate authorities as required by law and to the incumbent and churchwardens of the parish and to a Diocesan Resource Person or the Diocesan Executive Officer who shall forthwith report such allegation or allegations to the Bishop.
7. All persons involved in or affected by any sexual misconduct are entitled to pastoral care to promote healing, repentance, forgiveness, justice, amendment of life, and reconciliation.
8. No one shall knowingly make a false or vexatious allegation of sexual misconduct. Making false or vexatious allegations shall constitute an ecclesiastical offence of immorality and shall be disciplined accordingly.
9. No action shall be taken against any person for making a reasonable allegation of sexual misconduct.

Part IV Complaint Procedures

Initiating a Complaint

1. Anyone who believes that he or she has been a victim of sexual misconduct (the informant) by a member of the clergy, an employee, or a volunteer within the diocese may
 - (a) request assistance
 - (i) in communicating with the respondent,
 - (ii) in resolving the matter informally, or

- (iii) in preparing a formal complaint; or may
 - (b) make a formal complaint and request a formal investigation.
- 2. A request for assistance may be made to the Diocesan Resource Persons or, where appropriate, by employees to their immediate supervisor, by volunteers to the person overseeing their work, by clergy to the Bishop, and by members of the laity to their parish priest or churchwardens.

Third Parties

- 3. Notwithstanding the provisions of Part III, S.4 and S.5 of this Canon, all clergy, employees and volunteers in the Diocese of Ontario have a responsibility to assist in keeping workplaces, church facilities and activities free from sexual misconduct and any such persons who become aware of an incident of sexual misconduct have a duty to report the incident immediately, either verbally or in writing, to the incumbent and churchwardens of the parish and to a Diocesan Resource Person or the Diocesan Executive Officer who shall forthwith report such incident to the Bishop and such persons may encourage an alleged victim of sexual misconduct to make a complaint.

Informal Procedure

- 4. The person who receives a request for assistance shall, in consultation with a Diocesan Resource Person,
 - (a) promptly provide it and, if no formal complaint is made, endeavour to resolve the matter between the person alleging sexual misconduct and the person against whom the allegation is made; and
 - (b) report in writing to the Diocesan Resource Persons on the factual circumstances of the allegation, the action taken, and the result.

Formal Procedure

- 5. An informant may make a formal written complaint giving particulars of the alleged sexual misconduct and requesting an investigation. The complaint shall be delivered to the Bishop.
- 6. The Bishop shall provide a copy of the complaint to the respondent and shall direct the Diocesan Resource Persons to investigate the complaint and report within two weeks or such further time as the Bishop allows.
- 7. The Diocesan Resource Persons shall interview the informant, the respondent, and other persons as appropriate, and shall report in writing to the Bishop summarizing the information received and clearly outlining the following:

- (a) the alleged misconduct,
 - (b) the response of the person against whom the complaint was made,
 - (c) admitted and established facts,
 - (d) allegations not established,
 - (e) an opinion as to whether or not the alleged misconduct occurred, and
 - (f) any recommendations the Diocesan Resource Persons consider appropriate together with all other records, written or electronic, relating to the complaint.
8. The Bishop shall provide copies of the report to the informant and the respondent.
 9. If the informant withdraws the complaint at any time, the investigation shall cease.
 10. After receiving the report of an investigation and considering any further submissions from the parties, the Bishop shall promptly determine whether reasonable grounds exist to indicate that, on the balance of probabilities, sexual misconduct has occurred.
 11. If reasonable grounds exist to substantiate a complaint of sexual misconduct, the Bishop may take appropriate disciplinary and remedial action pursuant to Canon D1: Discipline.
 12. The Bishop shall inform the informant and the respondent, in writing, of any determination made or action taken under the preceding Sections 9, 10, and 11.
 13. When a criminal charge has been laid with respect to sexual misconduct about which a complaint has been made under this Canon, no proceedings under this Canon shall be commenced or continued until any criminal charges have been disposed of.
 14. The Bishop, Diocesan Resource Persons, and any other person involved with the processing of a complaint shall inform the informant and the respondent that they are entitled to seek legal or other counsel and that the procedures under this Canon are not a substitute for criminal, civil, human rights, or other administrative remedies available outside this Canon.

Children and Other Vulnerable Persons

15. Anyone who receives a request for assistance or an allegation with respect to the sexual assault or sexual exploitation of a person under the age of majority or other vulnerable person must comply with any law requiring that the assault or exploitation be reported to a child protection agency or other authority.

16. The Bishop shall promptly offer therapeutic or pastoral support to a child or vulnerable person, and to their family, during any investigation by a lawful authority.
17. The Bishop may seek professional advice to ensure protective action, correct legal response, pastoral care, and confidentiality with respect to any misconduct directed toward a child or vulnerable person.
18. Any person who is found guilty of a criminal sexual offence involving a child or vulnerable person shall be dismissed from employment or removed as a volunteer.
19. The Bishop in consultation with the Diocesan Resource Persons and the Bishop's Advisory Committee shall determine whether any action is required when an external investigation of an allegation of misconduct toward a child or vulnerable person is inconclusive, or when a staff member or volunteer is found not guilty of a criminal sexual offence involving a child or vulnerable person.

Lawful Authorities

20. If reasonable grounds exist to substantiate a complaint of sexual misconduct amounting to sexual assault, the matter shall be referred to the appropriate lawful authority for investigation.
21. Diocesan employees shall cooperate in any investigation by any lawful authority.
22. No investigation shall be commenced or continued under this Canon while an investigation is being made by a lawful authority.

Part V Disciplinary Action

1. The Bishop is responsible for determining whether disciplinary action is required when a complaint of sexual misconduct is admitted or substantiated or a member of the clergy, an employee, or volunteer is convicted of a criminal sexual offence.
2. Canon D1: Discipline or D2: Procedures of a Disciplinary Nature Before the Bishop shall apply if the Bishop determines that discipline is required.
3. The Bishop may suspend, with or without pay, a diocesan staff or clergy member whose conduct is being investigated by a lawful authority.
4. The Bishop may suspend, on such terms and conditions as the Bishop deems appropriate, a diocesan volunteer whose conduct is being investigated by a lawful authority.
5. The churchwardens of a parish may suspend, with or without pay, a parish staff member whose conduct is being investigated by a lawful authority.

6. The churchwardens of a parish may suspend, on such terms and conditions as they deem appropriate, a parish volunteer whose conduct is being investigated by a lawful authority.
7. When a member of the clergy or an employee has been disciplined in accordance with Canon D1 or D2, any subsequent letter of reference provided to the employee or clergy member shall include reference to the discipline and the reason for it.
8. When an allegation of sexual misconduct against a member of the clergy is substantiated, admitted, or results in a conviction for a criminal sexual offence, the Bishop shall include reference to that fact in any Letters Bene Decessit issued to another bishop.

Appeals

9. An informant or respondent may appeal the decision resulting from disciplinary action in accordance with the provisions of Canon D1 or D2.

Part VI Pastoral Care

For Informants

1. The Bishop shall appoint a pastoral care provider for the informant and his or her family and shall, if necessary, assist them in finding a qualified therapist and financial assistance for therapy.
2. In determining an appropriate pastoral response, consideration should be given to the fact that a person alleging sexual misconduct requires compassion and support. It should be further noted that pastoral care for persons alleging sexual misconduct is a corporate responsibility and care must be taken to ensure they are not further victimized.

For Respondents

3. The Bishop may appoint a pastoral care provider for the respondent and his or her family and shall, if necessary, assist the respondent in finding a qualified therapist and financial assistance for therapy.
4. In determining an appropriate pastoral response, consideration should be given to the fact that engaging a person against whom an allegation or formal complaint has been made is a pastoral act that includes the possibility of restoration and healing. Pastoral care for respondents is a corporate responsibility.

For Congregations and Parishes

5. The Bishop may offer pastoral care to affected congregations and parishes, as well as individuals.
6. The churchwardens and incumbent, if appropriate, shall be involved in consultations regarding the pastoral response to a formal complaint of sexual misconduct or to proceedings commenced by an outside authority within a congregation or parish. They shall be kept aware of the issues involved and advised of all steps taken.
7. The Bishop may direct the Diocesan Resource Persons to go into a parish if the Bishop determines that a formal proceeding under this Canon or by a lawful authority is having a traumatic impact on the parish or congregation.
8. The Bishop may also engage the services of other professionals to assist the Diocesan Resource Persons in the parish or congregation.
9. While in the parish or congregation, the Diocesan Resource Persons shall
 - (a) consult with the churchwardens and incumbent,
 - (b) maintain communication with the Bishop, and
 - (c) make recommendations to the Bishop regarding the pastoral needs of the parish or congregation.
10. The Diocesan Resource Persons may, in consultation with the Bishop, hold a parish or congregational meeting or meetings.
11. The pastoral care providers need to balance the privacy of the informant and the right of the respondent to be presumed innocent against the importance of openness with a parish or congregation. Pastoral care is offered with the understanding that nothing shall be done to interfere with the progress of an investigation by a lawful authority.

Part VII Records

1. The Bishop shall maintain a central confidential record of
 - (a) reports made with respect to requests for assistance,
 - (b) complaints made or referred to the Bishop,
 - (c) withdrawals of formal complaints,

- (d) reports of investigations, and
 - (e) disciplinary actions.
2. (a) The Bishop shall retain the records of an informal procedure under Part IV, Section 4 of this Canon for a period of
- (i) seven years for volunteers,
 - (ii) seven years or until retirement from active ministry for clergy, whichever is greater, and
 - (iii) seven years or until cessation of employment with the diocese for employees, whichever is greater.
- (b) After this period, the records shall be destroyed, provided that no further complaints of any kind are received under this Canon during this time.
3. (a) The Bishop shall retain the records of a formal procedure under Part IV, Sections 5 to 14 this Canon for a period of
- (i) twenty-five years for volunteers,
 - (ii) twenty-five years or until retirement from active ministry for clergy, whichever is greater, and
 - (iii) twenty-five years or until cessation of employment with the diocese for employees, whichever is greater.
- (b) After this period, the records shall be destroyed, provided that no further complaints of any kind have commenced under this Canon during this time.
4. The Bishop shall retain the records of any proceeding referred to any lawful authority for a period of twenty-five years or as required by statute, at which time they shall be destroyed.
5. Anyone who is or has been an employee, volunteer, or clergy within the diocese is entitled to access to any records of allegations or complaints made against them. Access to these records shall be granted where the Bishop is satisfied that release is warranted having regard to the effect release would have on identifiable individuals.

Part VIII Media Relations

1. The Bishop, or a media person designated by the Bishop, shall be the only spokesperson for the church with respect to any incident of sexual misconduct. If any information about an allegation or formal complaint becomes public, the identity of the spokesperson shall be made known in order that inquiries can be directed to the spokesperson.
2. The spokesperson shall be reasonably available to the media.
3. The spokesperson should, so far as possible, communicate with the media in writing.
4. The names of persons involved in any way with an allegation or formal complaint of sexual misconduct will not be revealed to the media unless those persons waive their right to privacy in writing or by their conduct.
5. The following considerations should direct the work of media relations:
 - (a) Allegations of sexual misconduct reflect upon the person alleging sexual misconduct, the alleged offender, and the church as a whole.
 - (b) Public statements about an allegation or formal complaint of sexual misconduct may be a breach of the principle of confidentiality and compromise the process of an investigation.
 - (c) Inconsistent public statements may misrepresent the facts and may be deliberately exploited.
 - (d) It is inappropriate for anyone to make off-the-record statements to the media.
 - (e) Public statements that may be false, exaggerated, or inaccurate can seriously damage the reputations of involved persons and can have serious legal repercussions.