

repay the moneys, and a specific repayment schedule showing amounts due by date.

Section 120.3. The Diocesan Department of Finance shall prepare and make available application forms and a list of supporting documentation needed to facilitate such requests.

PART IV
ECCLESIASTICAL DISCIPLINE

CANON 130
THE ECCLESIASTICAL TRIAL COURT

Section 130.1. There shall be an Ecclesiastical Trial Court in this Diocese, consistent with the provisions of the Provincial canons, which shall have primary jurisdiction to try a Priest or Deacon for any offense set forth in the Provincial Canons. A Bishop shall not be liable to presentment and trial within the Diocese.

Section 130.2. The Court shall also have appellate jurisdiction over all matters concerning Holy Matrimony which may be referred to it.

Section 130.3. The Court shall consist of three members of the Clergy canonically resident in this Diocese, and two Laypersons, who shall be qualified electors as defined in Article V, Section 2 of the Constitution, who shall be elected for two-year terms by the Synod at its annual session. The Court shall annually elect one of its members as presiding judge.

Section 130.4. A vacancy among the elected members of the Court may be filled, until the next annual session of the Synod, by appointment made by the Bishop subject to the approval of the remaining members of the Court.

Section 130.5. If the term for which a member of the Court was elected or appointed expires during the course of a trial, such member shall continue to act

in the cause until the termination thereof, and the composition of the Court shall not be altered during the course of any trial for that trial.

Section 130.6. The Presiding Judge and two other members of the Court shall constitute a quorum for the transaction of business, but no judgment shall be made or sentence pronounced unless concurred in by at least three members of the Court who have been present during all the trial.

Section 130.7. The Chancellor of the Diocese or, in case of his or her inability or declining to act, a person of like qualifications appointed by the Bishop, shall attend the sessions of the Court and act as its legal adviser.

Section 130.8. The Court shall transact its business in compliance with the Provincial Canons and of this Diocese and with such rules of procedure as it may prescribe for its own guidance.

CANON 131

ECCLESIASTICAL PRESENTMENT

Section 131.1. A priest or deacon may be presented for trial for one or more of the offences set forth in the Provincial Canons.

Section 131.2. A Presentment of a Priest or Deacon may be initiated in any of the following ways:

(a) If the Bishop determines that there is cause to believe that a Priest or Deacon may be liable for presentment and trial, and that the interests of the Church require an investigation, he shall request the Standing Committee to make such investigation.

(b) If any credible victim or witness lays evidence before the Bishop that the Priest or Deacon has committed an offense outlined in the Provincial Canons, the Bishop shall likewise request the Standing Committee to make an investigation.

(c) If a majority of the Vestry of a Parish, a majority of the Bishop's Committee of a Mission, or any three members of this Diocese, clergy or lay, address a charge in writing to the Bishop, setting forth with a reasonable certainty the offense or offenses the accused is alleged to have committed, they shall lay those facts before the Bishop in an affidavit supporting the charge. An affidavit shall include a statement, signed by all complainants,

that the allegations are from personal knowledge or from credible information, and shall include a pledge that the complainants will make every reasonable effort to prove such charges if the accused be presented for trial. The affidavit and charge will be presented without delay to the Standing Committee for transmission to the Church Attorney.

Section 131.3. The Presentment shall be served upon the accused member of the Clergy either by personal service, or in such written manner as shall be prescribed by the Court, at least 30 days prior to the beginning of any actual proceeding of the trial court in order to allow the accused sufficient time to prepare a defense of any complaint made.

Section 131.4. If a member of the Clergy of this Diocese has reason to believe that there are allegations in circulation affecting his or her moral or religious character, he or she may, with the written recommendation of any two members of the Clergy of this Diocese, present to the Bishop his or her written request that the Bishop cause such allegations to be investigated. The Bishop shall, without delay, request the Standing Committee to make such investigation.

Section 131. 5. If a priest or deacon is charged with disobedience to, or disregard of, a Godly Admonition given by the Bishop, any presentment brought must show Godly Admonition was not arbitrary or capricious, and was not in any way contrary to the Constitution and Canons of the Diocese or Province. If the Bishop giving the Godly Admonition has retired, or is for any reason unable to act, the Godly Admonition may remain in force under the subsequent ecclesiastical authority.

as if filed prior to Synod.

Section 141.5. Whenever a resolution is properly before the Synod, it may be amended at that Synod. In the event of a dispute, the Chair shall determine whether the proposed amendment constitutes an amendment or is the introduction of a new resolution not previously submitted.

Section 141.6. All amendments to these Canons shall take effect with the adjournment of the Synod at which they are adopted, or at such later date as is designated by a two-thirds vote of the Synod.

Section 141.7. The Committee on Constitution and Canons is authorized to make non-substantive changes in spelling, punctuation, grammar, or numbering of Canons of the Diocese and subdivisions thereof in preparation for publication either in the Synod Journal or separately. The Committee shall notify the Diocesan Council at its next regularly scheduled meeting of any changes made.