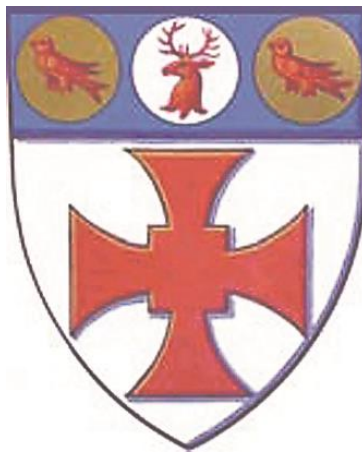


# The Anglican Synod of the Diocese of British Columbia



**Constitution, Canons and Regulations of the  
Anglican Synod of the Diocese of British Columbia  
June 2020**

## **DECLARATION OF PRINCIPLES**

First Made December 16, 1875

We, the Bishop, Clergy and Laity of the Diocese of British Columbia, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire in the first place to make a Declaration of Principles upon which we propose to proceed.

1. We desire that the Church in this Diocese shall continue as heretofore in full communion with the Church of England.
2. We recognize and accept the Canon of Holy Scripture as received by the Church of England as the Rule and Standard of our Christian Faith. We acknowledge "The Book of Common Prayer and Administration of the Sacraments" together with the Thirty-nine Articles of Religion of the Church of England to be a true and faithful declaration of the doctrines contained in the Holy Scripture. We maintain the three-fold order of the Christian Ministry, as set forth in the "Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons", to be Scriptural and Apostolical, and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of Church Order, and to transmit them unimpaired to our posterity.
3. Provided that nothing herein contained shall prevent the Synod, so far as the Synod may see fit, from accepting any alteration in "The Book of Common Prayer and Administration of the Sacraments", or of the Thirty-nine Articles of Religion, or in the Authorized Version of the Bible, that may from time to time be adopted by the Church of England in Canada, or any prayer or Thanksgiving to be prepared by the Bishop, which any special purposes may render desirable.

## **THE ANGLICAN BISHOPS' CORPORATION ACT**

(44 Viced.)

(Cap. 2)

A.D.1881

### **An Act to constitute the Bishops of British Columbia, Caledonia, and New Westminster Corporations Sole (25th March, 1881)**

Whereas, the Bishop of British Columbia has been constituted a Corporation sole by Royal Letters Patent, and has in that capacity received, held and conveyed real estate.

And whereas, the Diocese of British Columbia has been divided into three Sees, the Bishopric of British Columbia, the Bishopric of Caledonia, and the Bishopric of New Westminster:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. The present Bishop of British Columbia is, and he and his successors in office duly elected or acknowledged by the Synod of his Diocese, or otherwise duly appointed and consecrated, by lawful authority Bishops of British Columbia, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of British Columbia as heretofore used, with the power to acquire and hold lands, and all real estate conveyed to or vested in the Bishops of British Columbia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
2. The present Bishop of Caledonia and his successors in office, duly elected or acknowledged by the Synod of the Diocese of Caledonia, or otherwise duly appointed and consecrated by lawful authority Bishops of Caledonia, shall be a Corporation sole with perpetual succession retaining the name of the Lord Bishop of Caledonia as heretofore used, with power to acquire and hold lands, and all real estate conveyed to or vested in the Bishop of Caledonia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
3. The present Bishop of New Westminster and his successors in office, duly elected or acknowledged by the Synod of the Diocese of New Westminster, or otherwise duly appointed and consecrated by lawful authority Bishop of New Westminster, shall be a corporation sole with perpetual succession, retaining the name of the Lord Bishop of New Westminster as heretofore used, with power to acquire and hold lands, and all real estate conveyed to or vested in the Bishop of New Westminster, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.
4. The extent of real estate held by the said Bishops in their corporate capacity respectively within the Province of British Columbia, shall not exceed 5,000 acres at any time.
5. Nothing in this Act contained shall, or shall be deemed to confer any spiritual or ecclesiastical rights whatsoever upon the said Episcopal corporations hereby continued or created.
6. The Short title of this Act shall be "Anglican Bishops' Corporation Act."

**THE SYNOD INCORPORATION ACT**  
(52 Viced.) (Cap. 30) A.D. 1889  
**An Act to incorporate the Anglican Synod of the Diocese of  
British Columbia**

Whereas a petition has been presented from the Bishop and the Synod of the Diocese of British Columbia, such Diocese consisting of Vancouver Island and other islands adjacent, praying that the Synod should be incorporated, and it is expedient to grant the prayer of the said petition.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enact as follows:

1. The Synod of the Diocese of British Columbia shall be, and the same is hereby, made and constituted a body politic and corporate, under the name of "The Anglican Synod of the Diocese of British Columbia", hereinafter called the Corporation.
2. The said Corporation shall consist of the Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, or the Provincial Synod of the Ecclesiastical Province hereinafter to be formed, and of such other persons as are or may become members thereof, according to the constitution of the said Diocesan Synod, as the same exists at the time of the passing of this Act (which constitution is set forth in Schedule A of this Act) or as the said constitution may from time to time, be altered by the said Provincial Synod, or by the said Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid.
3. Such Corporation shall have perpetual succession and a common seal, with power to change, alter, break, and renew the same when and so often as they shall think proper, and the said Corporation may, under the same name, contract and be contracted with, sue and be sued, employed and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Corporation shall be able and capable in law, respectively, to purchase, take hold, give, receive, enjoy, possess and retain all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property which have been or hereafter shall be paid, given, granted, appropriated, devised, or bequeathed to it, or purchased by it, in any manner or way whatsoever, to, for, or in favor of the eleemosynary, ecclesiastical, and educational use and purposes, within the Province of British Columbia, of the Church of England, including thereby the uses and purposes of any parish, mission, institution, school, or hospital, connected with the Church of England in British Columbia.
4. The Corporation shall, in addition to the powers conferred upon it by the next preceding section of this Act, and subject to the provisions thereof, have the power to sell, convey, exchange, alienate, mortgage, lease or demise any lands, tenements and hereditaments held by the said Corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not; and the Corporation may also, from time to time, invest all or any of its funds and monies, and all or any funds and personal property which may be vested in, or acquired by the Corporation for eleemosynary, ecclesiastical, or educational purposes aforesaid, in and upon any mortgage security or lands, tenements and hereditaments, and in other securities in any part or parts of British Columbia; securities authorized by the Trustee and in any Act and amendments thereto; and in any securities authorized by the laws of the Dominion of Canada, for the investment or lending by Canadian Life insurance companies of their funds; and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof, whether such mortgage or assignment be made and executed directly to it in its own corporate name, or to some other corporation, or body politic and corporate, or to some company or person or persons in trust for it, and shall have and enjoy the same, and as large, full and ample powers and rights of sale and foreclosure, action and suit upon and for the purpose of enforcing the covenants, stipulations, conditions, and agreements, and all matters and things contained in such mortgages, or any of them, and in as ample a manner, as if it were a private person able and capable in the law; and furthermore may sell, grant, assign and transfer such mortgages or any of them, either wholly or partly. All investments heretofore made by the Anglican Synod of the Diocese of British Columbia are validated and confirmed.

5. The said Corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital, or other necessary public object.
6. It shall be lawful for the Corporation of the Bishop of British Columbia, or any other person or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Corporation, to be held in trust for the same purposes.
7. The said Corporation may exercise all its power by and through the Executive Council as established by the constitution aforesaid, or such other boards or committees as the said Corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said Corporation, but in accordance only with the trusts relating to any property to which special trust is attached; the said Synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The Corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.
8. The terms "Church of England", or "the Church of England in British Columbia", in all deeds, instruments and documents that have been heretofore, or that may hereafter be, executed, dealing with real or personal property within the province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments or documents, that portion of the Church of England within the Province of British Columbia.
9. Any conveyance of real estate, or any interest therein vested in the Corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the Corporation, verified by the signatures of the Bishop for the time being the Diocese of British Columbia, or his commissary duly appointed, and the secretary of the aforesaid Executive Council, and a discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectively executed.
10. In all Acts of the Legislature of this Province heretofore passed relating in any way to the Church of England, or to any of the ecclesiastical or educational institutions in any way connected herewith, and in all deeds, documents, and other writings heretofore executed where reference is made to the Diocesan Synod of British Columbia, either in direct terms or by implication, or to any officers or committees thereof, the same shall hereafter be construed as if the Corporation hereby incorporated, and the committees and officers thereof, were
  - a. the body and the committee and officers referred to in such an Act, deed, document or writings, instead of such Synod, committees and officers.
11. Any conveyance of real estate, or any interest therein, vested in the Corporation of the Bishop of British Columbia, shall hereafter be deemed to be duly executed for that purpose, if the same has affixed thereto the seal of the Corporation of the Bishop of British Columbia, verified by the signature of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectually executed.
12. All Acts and parts of Acts inconsistent with this Act are hereby repealed.
13. Nothing in this or any other Act contained shall be construed as implying that the Imperial Statute 9 George the Second, Cap. 36, has any force or effect in British Columbia.
14. This Act may be cited as the "Anglican Synod of British Columbia Incorporation Act, 1889".

## SOLEMN DECLARATION

1893

In the name of the Father, and of the Son, and of the Holy Ghost. Amen

We, the Bishops, together with the Delegates from the Clergy and Laity of the Church of England in the Dominion of Canada, now assembled in the first General Synod, hereby make the following Solemn Declaration:

We declare this Church to be, and desire that it shall continue, in full communion with the Church of England throughout the world, as an integral portion of the One Body of Christ composed of Churches which, united under the One Divine Head and in the fellowship of the One Holy Catholic and Apostolic Church, hold the One Faith revealed in Holy Writ, and defined in the Creeds as maintained by the undivided primitive Church in the undisputed Ecumenical Councils; receive the same Canonical Scriptures of the Old and New Testaments, as containing all things necessary to salvation; teach the same Word of God; partake of the same Divinely ordained Sacraments, through the ministry of the same Apostolic Orders; and worship One God and Father through the same Lord Jesus Christ, by the same Holy and Divine Spirit who is given to them that believe to guide them into all truth.

And we are determined by the help of God to hold and maintain the Doctrine, Sacraments, and Discipline of Christ as the Lord hath commanded in His Holy Word, and as the Church of England hath received and set forth the same in "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, according to the use of the Church of England; together with the Psalter or Psalms of David, appointed as they are to be sung or said in Churches; and the Form and Manner of Making, Ordaining, and Consecrating of Bishops, Priests and Deacons"; and in the Thirty-nine Articles of Religion; and to transmit the same unimpaired to our posterity.

...Page VIII - The Book of Common Prayer, Canada

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## THE CONSTITUTION OF THE SYNOD

### ARTICLE I - DEFINITIONS AND INTERPRETATIONS

- (a) This constitution and the canons of the Synod and all regulations made thereunder shall be interpreted in their plain and literal sense provided that words of an ecclesiastical meaning and words of a financial meaning shall be construed in their specific context as shall other words having technical meaning.

- (b) Without restricting the generality of the foregoing in this constitution, in the canons and in all regulations made thereunder the following definitions shall apply unless the context otherwise requires:

“Act of Synod” is a direction given by the Synod to one or more of its officers or other persons or body to perform some special act(s). It remains in force until it has been complied with or until the next session of Synod.

“Assisted parish” is a parish which, after completion of a full parish review, is found to be unable to finance its own operations and pay its assessment.

“Administrator” is the person appointed or elected as provided in the canon in the vacancy of the See or the incapacity of the bishop.

“Bishop” is the bishop of the Diocese of British Columbia, or any bishop coadjutor, bishop suffragan, bishop assistant, administrator or commissary acting for the time being in the bishop’s place and stead upon the bishop’s authority or the authority of the metropolitan.

“Bishop assistant” is a bishop appointed by the diocesan.

“Bishop coadjutor” is a duly elected and employed bishop with right of succession.

“Bishop suffragan” is a duly elected and employed bishop who may have territorial jurisdiction as ordered by the bishop of the Diocese.

“Canon” is an enactment of the Synod declared so to be upon its adoption.

“Church” is the Anglican Church of Canada.

“Clergy/cleric” unless otherwise qualified is every person in holy orders from the Anglican Church of Canada and the ELCiC and those churches in full communion with the Anglican Church of Canada, whose name is on the clerical register of the Diocese of British Columbia.

“Commissary” is a cleric of the Diocese of not less than ten years’ standing appointed under the hand and seal of the bishop, for such duties as the bishop may define.

“Communicant” is any parishioner who has communicated, where having an opportunity of so doing, at least three times in the preceding year.

“Congregation” is the ecclesiastical division recognized by the bishop.

“Council” is the diocesan council.

“Dean” is appointed by the bishop, and is the senior cleric of the Diocese, regardless of years of service.

“Delegate”

- (a) (i) the clergy under provision of Article III (b)  
(ii) a lay representative under the provision of Article V

(iii) a youth lay delegate under the provisions of Article III (g).

(b) is a clerical or lay representative to the General and/or Provincial Synod duly elected by the Diocesan Synod.

“Diocesan” is the bishop of the Diocese.

“Diocese” is the Diocese of British Columbia, unless otherwise qualified.

“Elector” is a parishioner not less than 16 years of age.

“Incumbent” is the cleric who has the cure of souls in a parish and who is licensed and appointed by the bishop to perform ecclesiastical duties therein.

“Memorial” is an address containing an exposition of facts and circumstances and soliciting attention thereto.

“Memorials in churches” include metal, stone or wooden plaques, ornaments, fixtures, articles of furniture, furnishings, lights, windows, or anything of a like description.

“Minister” is synonymous with incumbent (q.v.).

“Motion” is a form of words by which it is sought to elicit an expression of opinion, regarding some proposal contained therein.

“Order - rules of” are the rules adopted for the governing of the proceedings of the sessions of Synod, namely the rules set out in canon 2 and regulation 2.1.02.

“Parish” is an organized congregation or group of congregations within the Diocese of British Columbia.

“Parishioner” is any baptized person who shall have been in regular attendance at a church of the Diocese for a period of not less than three months.

Note 1 - No parishioner may vote in more than one parish in a 12-month period.

Note 2 - The “church” in question will be the parish where a vote is to take place and the “three months” will be the 3 months immediately prior to the calling of a meeting where a vote is to take place.

Note 3 - A communicant who for health reasons or other reasonable cause cannot attend the church shall be considered a parishioner for voting purposes.

“Petition” is a written or printed request addressed to a person or body of persons for the redress of some wrong or for the granting of some favour.

“Rector” is the incumbent of a self-supporting parish.

“Region” is a group of parishes within the Diocese linked together for the purposes of administration and mutual assistance save where the context directs otherwise as in the case of Christ Church Cathedral.

“Regional dean” is the cleric appointed by the bishop as the head of the region.

“Regional chapter” is composed of the licensed clergy within the region.

“Regional conference” is a meeting of appointed and elected clerical and lay members of a region.

“Regulation” is an instruction or order specifying the manner in which certain duties of officers and members of the Synod shall be performed, and in which the powers, authorities and duties specified in certain articles of the constitution and canons of the Synod may be carried out.

“Rule” prescribes some mode of procedure under a canon.

“Seniority of clergy” shall be determined by the length of continuous service as a licensed cleric of the Diocese.

“Session” is the annual and/or special meeting of the Synod, and covers the period from opening to final adjournment.

Note: A “special session” called for any purpose, is a continuation of the regular session, e.g. “second session of (say) 63rd Synod.

“Sittings” are the daily periods of the sessions of Synod.

For example:

1st day: morning sitting	2nd day: morning sitting
afternoon sitting	afternoon sitting
evening sitting	evening sitting
and so on.	

“Synod” is the Diocesan Synod of the Diocese of British Columbia.

“Vestry” is the annual or special meeting of parishioners duly convened and constituted for the transaction of business in accordance with the canons on that behalf.

“Year - financial” is from January 1st to December 31st each year.

## **ARTICLE II - JURISDICTION OF THE SYNOD**

The Diocesan Synod may deliberate and decide on all matters affecting the interests of the church in the Diocese, but shall have no competence to change doctrine or worship as set forth in the official formularies of the Anglican Church of Canada, except as delegated by General Synod.

Upon a vote of two-thirds in each order, the Diocesan Synod may send a memorial to the General Synod concerning doctrine or worship. The memorial must be put forward for discussion by delegates to the General Synod.

## **ARTICLE III - THE COMPOSITION OF SYNOD**

The Synod shall consist of:

- (a) The bishop of the Diocese and any duly elected bishop coadjutor, bishop suffragan or bishop assistant.
- (b) The clergy, who are for the time being, subject to the episcopal jurisdiction of the bishop according to canon XVIII of the General Synod of the Anglican Church of Canada and are licensed to a definite sphere of work within or without the Diocese, and are not members of another Anglican Diocese. Clergy who are under suspension or who are awaiting trial under canon shall not be eligible to sit in Synod until the suspension has been lifted, or the trial and any subsequent appeal has been disposed of. Retired clergy of the Diocese who are serving as interim priest-in-charge may attend Synod and vote. Clergy who have retired from active work in the Diocese may retain membership in the Synod for not longer than six months after the date of such retirement.
- (c) Ministers of other denominations who are licensed by the bishop for special work in ministering to congregations in partnership with the Anglican Church of Canada. Such ministers, unless members of denominations which are in full communion with the Anglican Church of Canada, shall not have a vote in a Synod called to elect a bishop; and provided also that such a minister may not be a delegate from this Diocese to Provincial or General Synods nor participate in the election of delegates from the Diocese to Provincial and General Synods.
- (d) The chancellor, the vice-chancellor, the registrar, the lay secretary and the treasurer.

(e) The diocesan president of Anglican Church Women.

(f) Lay delegates elected by parishes or congregations as specified hereunder:

(1) Every parish shall be entitled to elect delegates on the following scale:

Up to 100 electors	1 delegate
From 101 to 200 electors	2 delegates
From 201 to 300 electors	3 delegates
From 301 to 400 electors	4 delegates
From 401 to 500 electors	5 delegates
Over 500 electors	6 delegates

(2) Any congregation which is not a parish or part of a parish, but is recognized by the bishop, and having not less than ten registered electors (of whom six shall be communicants) shall be entitled to elect one delegate at the annual meeting called for that purpose by the minister in charge of the congregation.

(3) With the consent of the bishop, any parish or congregation providing just cause may elect as a lay delegate one who is a non-resident but who is otherwise qualified within the Diocese.

(g) Youth lay delegates elected by the regions as follows:

Each region at a regional conference shall elect from the persons nominated by its constituent parishes at their annual general meeting, two delegates as youth lay delegates, between 16 and 25 years of age inclusive, and that they be that age on the date of their nomination at the annual general meeting of the parishes, and who shall have been communicants of at least one year's standing, the provisions of articles IV, V, VI, and VII with respect to residency, substitutes, filling of vacancies, and certificates of election respectively, shall apply mutatis mutandis.

#### **ARTICLE IV - QUALIFICATION OF LAY DELEGATES**

The lay delegates and youth lay delegates shall be communicants of at least one year's standing, and of the age of sixteen years and upwards, and resident within the Diocese for three months immediately preceding the election.

#### **ARTICLE V - ELECTION OF LAY DELEGATES**

The lay delegates should be elected at the annual meeting of the parishioners and they shall continue in office until others are elected. If no election is held at the annual meeting, then the minister shall call a meeting for such purpose at such time and place as he/she thinks proper. If no such meeting is held the lay delegates shall continue in office. At the same time and in the same manner an equal number of substitutes, having the same qualifications as lay delegates, may also be elected. The certification of election of lay delegates shall also contain the names of such substitute or substitutes. In case a lay delegate is unable to attend a session of the Synod, a substitute may take his/her place, and sit and vote in Synod as a lay delegate of the parish.

#### **ARTICLE VI - FILLING LAY DELEGATE VACANCIES**

If any lay delegate or substitute shall be unable to attend, the minister shall proceed to call a new election, or in an emergency, the minister and wardens shall appoint a substitute, subject to the ratification of parish council before the beginning of Synod.

## **ARTICLE VII- CERTIFICATE OF ELECTION OF LAY DELEGATES**

The chair of the meeting at which lay delegates are elected shall send a certificate of election to the Synod office, on the form issued by the Synod office.

## **ARTICLE VIII - REGULAR SESSIONS**

The Synod shall meet on a summons from the bishop and at such a time and place within the Diocese as the council shall direct. The Synod shall meet at least once every two years.

## **ARTICLE IX - SPECIAL SESSION**

- (a) The bishop, or, in the case of the bishop's absence, the commissary or the administrator have power to call a special session of Synod on any occasion when he/she may deem it necessary for the welfare of the Diocese, at such time and place as he/she, in consultation with the council, shall direct; or
- (b) A special session of Synod shall be called upon a written requisition signed by ten of the clergy and ten of the lay members of Synod, specifying the object of the session, provided that no such session shall be held until at least six months after the last preceding session of Synod, except in the case of the election of a bishop.

## **ARTICLE X - NOTICE OF SYNOD**

Notice of every session of Synod shall be signed by the executive officer, clerical and lay secretaries, or by one of them if only one shall be available, and shall be sent to all entitled to attend Synod. This shall be sufficient notice to each member of Synod. The notice (convening circular) may contain a list of all members of Synod by parishes, and may be accompanied by copies of all notices of motion which have been received and approved by council for the consideration of Synod. The notice shall be in possession of all members of Synod at least four weeks previous to the date of the session of Synod.

## **ARTICLE XI - PRESIDING OFFICER**

The bishop shall preside at every session of the Synod. When the bishop is not present, the bishop coadjutor or the bishop suffragan, or the bishop assistant, or the commissary in that order of precedence shall preside; failing any of these the Synod shall elect its own presiding officer. The presiding officer, during a sitting of Synod, may, when he/she desires to leave the chair temporarily, appoint any member of Synod to preside during such absence.

## **ARTICLE XII - QUORUM OF SYNOD**

- (a) The quorum for the transaction of any business in the Synod (except for the election of a bishop) shall consist of not less than one-fourth of the whole number of qualified clergy and one-fourth of qualified lay delegates; but any less number shall have power to adjourn until a quorum can be obtained.
- (b) When a quorum has been declared to be present, it shall be considered that such a quorum is always present throughout the sittings of Synod. Any member of Synod may, before any question is put, ask for a count of the clerical and lay members present to determine whether or not a quorum exists.

## **ARTICLE XIII - MAJORITY AND VOTE BY ORDERS**

- (a) No act or resolution of the Synod shall become valid without the concurrence of the bishop (except when the election of a bishop coadjutor, bishop suffragan, or bishop assistant is involved) and a majority of the clerical and lay members present.
- (b) Ordinarily the votes of the whole Synod shall be taken collectively but previous to any vote being taken, at the desire of the bishop or at the request of any two members of Synod, the votes of each order (clergy and lay) shall be taken separately, and, a majority of each order shall be necessary.
- (c) In the case of dissent by the bishop when presiding, the matter shall stand over to the next regular session of the Synod, when, if the act or resolution is concurred in by two-thirds majority of each order voting separately, it shall become effective.

## **ARTICLE XIV - APPOINTMENT, ELECTION AND DUTIES OF THE SECRETARIES**

- (a) An executive secretary to Synod shall be appointed by diocesan council with the concurrence of the bishop. The secretary shall remain in office until she or he resigns, dies, is removed, or is incapable of performing the duties of the office.
- (b) The duties of the executive secretary shall be determined by diocesan council by regulation.
- (c) The Synod shall elect clerical and lay secretaries. Their duties shall be determined by diocesan council by regulation.

## **ARTICLE XV - DIOCESAN COUNCIL**

There shall be a diocesan council of the Synod (as successor to, and known in the Synod Incorporation Act as, the executive committee), which shall have the powers and functions where appropriate of the Synod between regular sessions thereof, except those acts which are reserved to be performed by the Synod itself. The composition of its membership and other matters relating to the conduct of its business shall be defined by canon and such regulations as may be passed from time to time thereunder.

## **ARTICLE XVI - AMENDMENTS TO THE CONSTITUTION AND CANONS**

- (a) All suggested alterations to the constitution or any new article thereof must be approved by the council and then laid before the Synod at the next regular session. If approved by the majority of the members of Synod present and voting by order and concurred in by the bishop such changes and additions shall lie over until the next regular session of the Synod, when, if again approved by a majority of each order and concurred in by the bishop, they shall be confirmed and take effect at once.

- (b) A motion to amend the constitution standing for confirmation as provided in the next preceding section cannot be altered except by consent of the Synod, and, in the absence of such consent must be accepted or rejected as a whole. Should any such amendment alter the principle of the main motion it must lie over until the next regular session of the Synod for confirmation.
- (c) All suggested alterations to the canons approved by the council shall be laid before the Synod at its next regular session and, if approved by the majority of the members of Synod, voting by order, and concurred in by the bishop, shall be forthwith enacted and be in full force and effect from the date of such approval.



## CANONS AND REGULATIONS OF THE DIOCESE OF BRITISH COLUMBIA

### CANON 1 - THE BISHOP

#### CANON 1.1 - DUTIES AND RESPONSIBILITIES

Duties and responsibilities will be as set out in ordinals.

#### REGULATION 1.01 - STIPEND

The diocesan bishop's stipend shall be set at 20% above the average of the stipends of the five highest-paid clergy of the Diocese in the previous year, with the proviso that the bishop's stipend not be reduced in any year.

#### REGULATION 1.02 - BENEFITS

For entitlement to other benefits see regulation 5.6.01.

#### CANON 1.2 - ELECTION OF A BISHOP

- a. Upon the vacancy of the See, or upon the resignation, retirement or ceasing office of the bishop of the Diocese of British Columbia, the secretaries of the Synod and the executive secretary shall, within ten days, send a certificate of such vacancy to the metropolitan of the province.
- b. On the instructions of the metropolitan, a committee shall be formed of people from the Diocese of British Columbia, and with substantial representation, outside of the Diocese of British Columbia, from the Ecclesiastical Province of British Columbia and Yukon, to evaluate the viability of the Diocese and make recommendations either to proceed with an episcopal election or recommend an alternate method of episcopal oversight, and such committee shall within forty-five days report its recommendations to the metropolitan.
- c. Upon the decision of the metropolitan to proceed with an episcopal election, the diocesan council shall, within thirty days thereafter, summon an extraordinary session of the Synod, to meet at the cathedral city of the Diocese in no less than forty-five days, nor more than sixty days from the date of such summons, for the purpose of electing a successor to the See, and during the vacancy of the See there shall be no session of the Synod for any other purpose.
- d. It shall be in the power of the Synod to elect to the vacancy any bishop or priest of the canonical age of this or any other Diocese of the Anglican Church of Canada, or licensed to any church in communion with the same and expressing willingness to swear allegiance to the Crown.
- e. Any member of the Synod may send in a nomination, provided that it is accompanied by the written consent of the nominee, to the Synod office no later than twenty days from the date of the summons referred to in clause c. above.
- f. The diocesan council shall be the nominating committee, and it shall meet after the said period of twenty days has elapsed for the purpose of:
  - (1) Receiving nominations;
  - (2) Making further nominations; and
  - (3) Examining nominations and submitting the names of at least three nominees for the consideration of Synod.
- g. The absence of any member of the nominating committee who has been unable to attend all the meetings, will not invalidate its report; but the committee shall not sit unless there is a quorum of two-thirds of its membership.
- h. The metropolitan shall preside at the electoral Synod unless the metropolitan asks to be excused, in which case the diocesan council shall request a bishop of the ecclesiastical province to preside over the electoral Synod. The chair of the electoral Synod shall be without a vote.

- i. No election shall be vitiated by the absence of any of the parties summoned, or by the failure of any parish to elect a lay delegate.
- j. The list of nominees contained in the report of the committee, with relevant information, shall be forwarded without delay by the lay secretary to all members not less than ten days prior to the date set for the extraordinary session of the Synod. Every nominee whose name has been included in the report must have given written consent.
- k. On the day and at the place appointed, the Holy Communion having been first celebrated, the lay secretary shall organize the meeting for business in accordance with regulation 1.2.01.
- l. Members may place upon the first ballot names other than those in the report of the nominating committee but no new names may be included in subsequent ballots without the consent of a majority of both orders present when the question is put. Each nomination from the floor must have the consent of the nominee.
- m. In the election of a bishop voting shall be by the orders. The members of the clergy and lay members entitled to vote at meetings of Synod shall vote separately by ballot. A majority of the votes in each order in any one ballot shall determine the choice provided that at least two-thirds of the members of the clergy and at least two-thirds of the lay members of the Synod entitled to vote are present and vote.
- n. After any ballot a candidate may withdraw by so signifying in writing to the chair. The chair shall announce the withdrawal before the preparation of the next ballot.
- o. If there has been no election after the third ballot and there are more than five nominees, the number of names appearing on the fourth ballot shall be reduced to those five nominees who on the preceding ballot received the largest vote, estimated on the basis of the percentage of the members of the clergy added to the percentage of the lay members who voted for each nominee. For each succeeding ballot after the fourth and until a nominee has been elected or until two names remain, the nominee who received the least number of votes on the immediately preceding ballot counted on the said percentage basis shall not appear. Immediately prior to any ballot on which there remain the names of two nominees, the presiding officer may prescribe that if an election shall not have occurred after a number of ballots then specified by the presiding officer, being not less than two, then the election shall be adjourned for not less than seven nor more than thirty days, the date of reconvening to be decided by the diocesan council. On the first ballot of the next sitting of the electoral Synod members may place new names in nomination, providing the consent of the nominee has been secured. Such new names shall not include those dropped from any previous ballot.
- p. Whenever the bishop of the Diocese shall, in writing, signify to the Synod of the Diocese, through the diocesan council, that the bishop is desirous of having a bishop coadjutor or bishop suffragan elected by the clerical and lay members of the Synod, the matter shall be first presented to the Synod and its concurrence obtained. This having been done, the election shall be held. Procedures shall be identical to those provided for in the election of a bishop as outlined above, except that the bishop of the Diocese, if present, shall preside.
- q. Nothing in this section shall be construed as denying to the diocesan the right to appoint a retired bishop to the office of honorary bishop assistant.

#### **REGULATION 1.2.01 - ELECTION OF BISHOP, BISHOP COADJUTOR OR BISHOP SUFFRAGAN**

- a. Rules of procedure:
  - (1) Personal registration of delegates will normally commence before the celebration of Holy Communion and be completed prior to the convening of the first session of Synod.
  - (2) Upon registration, those entitled to vote should be given an identification badge which they must wear during the entire period of the election.
  - (3) As soon as the names of the members of the clergy and lay representatives entitled to vote shall be ascertained, the list shall be signed by the chair of the Synod.
  - (4) The delegates shall then be seated by orders in the cathedral.

- (5) Following the celebration of holy communion all persons who are not duly registered delegates shall withdraw from the election floor of the cathedral and may observe the proceedings from designated areas.
  - (6) The chair shall appoint scrutineers to take the ballot, as follows:  
     For the clergy vote, two clerical members and one lay member.  
     For the lay vote, two lay members and one clerical member.
  - (7) The list of those entitled to vote shall be handed to the chair and scrutineers, and anyone not on that list shall not be entitled to vote.
  - (8) The report of the nominating committee shall be received.
  - (9) After time for prayer, voting will then commence, and be conducted by ballot as detailed in the schedule of guidelines, designated as Appendix "C" to canons and regulations.
- b. If the required number of members of the clergy and lay representatives should not assemble at the extraordinary session called for the election of a bishop, the members present shall adjourn to any day within one week, and so on from time to time, until the required number of members of the clergy and lay representatives shall assemble, at which time the election shall proceed.

#### **REGULATION 1.2.01A – ELECTION OF BISHOP BY ELECTRONIC MEANS**

- a. Where an election of a bishop, bishop coadjutor or bishop suffragan is to take place entirely by electronic means as permitted by Regulation 2.1.05, the provisions of all other regulations to the canons, including Regulation 2.1.05, shall apply except where they conflict with a provision of this regulation, in which case the applicable provision of this regulation shall govern.
  - b. The members of the clergy and lay representatives entitled to vote shall register electronically in advance of the commencement of the Synod as instructed by the returning officer.
  - c. At or immediately preceding the commencement of the electoral synod, a list of those members entitled to vote shall be compiled by way of an electronic quorum vote, and signed by the presiding officer.
  - d. After time for prayer, voting shall commence as directed by the presiding officer.
  - e. The returning officer shall advise the presiding officer, chancellor and registrar of the total number of ballots cast and the number of ballots cast for each candidate.
  - f. The presiding officer shall instruct the returning officer to display the results of each ballot.
- [Regulation 1.2.01A adopted by Diocesan Council June 25, 2020]

#### **CANON 1.3 - RESIGNATION OF A BISHOP**

- a. On attaining the full age of sixty-nine years, the bishop may notify the diocesan council of an intention to submit a resignation to the metropolitan.

#### **CANON 1.4 - ADMINISTRATION DURING VACANCY**

- a. The bishop coadjutor, if there is one, shall become the bishop of the Diocese whenever a vacancy occurs in the See without further election or action. In the event of the mental or physical incapacity of the bishop to perform the required duties of the office, whether temporary or permanent, as certified by two qualified medical practitioners and confirmed by the diocesan council, the administration of the Diocese shall devolve upon the bishop coadjutor until, in the opinion of the diocesan council, the bishop is capable of performing those duties.
- b. If there is no bishop coadjutor and a vacancy occurs in the See or the bishop is unable to perform the required duties by reason of mental or physical incapacity, temporary or permanent, certified and confirmed as above, the administration of the Diocese shall devolve upon, in the order named:
  - (1) The bishop suffragan

- (2) The bishop assistant
- (3) The dean
- (4) The archdeacon of Columbia
- (5) The next senior archdeacon
- (6) The senior member of the clergy on the diocesan council,

who shall be the administrator until the installation of a bishop or until the bishop, in the opinion of the diocesan council, is capable of performing those duties.

#### **CANON 1.5 - POWERS OF THE ADMINISTRATOR**

The powers of the administrator shall be the same as those of the bishop, except, if the administrator is not a bishop, those sacramental acts, which pertain to the office of bishop, namely: ordination, confirmation,

consecration and de-consecration of buildings and other sacred items.

The administrator shall account and report fully to the bishop, following upon the bishop's installation.

#### **CANON 1.6 - BISHOP'S COMMISSARY**

- a. The bishop or the administrator may at any time appoint a commissary to act in the absence or incapacity of the bishop or the administrator, for such duties as the bishop or the administrator may define.
- b. Any commissary appointed by the former bishop shall be deemed to have resigned upon the resignation or death of the former bishop.
- c. Any commissary appointed by the administrator shall be deemed to have resigned upon the installation of the new bishop.
- d. The bishop or the administrator may at any time terminate the appointment of a commissary.

#### **CANON 1.7 - REGIONS, ARCHDEACONS AND REGIONAL DEANS**

- a. Regions

The parishes of the Diocese shall be grouped in regions for the purpose of

- promoting the spiritual life within each region,
- supporting common ministries within the region, and
- considering matters affecting the Diocese as a whole.

- 1) The regions shall be defined by the bishop.
- 2) Primary funding for regional ministries shall be from the parishes of the region, and some funds may be made available from the diocesan budget.
- 3) Priorities for regional ministry shall be established at the annual conference of clergy and laity within the region.

- b. Authority and Governance

Each region accedes to the authority of the bishop of British Columbia, the actions of the Diocesan Synod, the constitution and canons of the Diocese of British Columbia and the Anglican Church of Canada.

Each region shall be governed by an executive committee comprising: the regional archdeacon, regional dean, the regional lay vice-chair, a second lay person, and another cleric chosen by regional clergy. The regional lay vice-chair and second lay person will be elected at the first meeting of the regional conference following a regular Synod.

c. Regional Conference

- 1) In each region there shall be a conference which shall meet at least once during the calendar year, on a date to be set by the regional dean after consulting with the regional chapter and the lay vice-chair. The conference shall comprise:
  - All active clergy in the region holding the licence of the bishop;
  - The churchwardens, treasurer, and the lay delegates and alternates to Diocesan Synod from each parish within the region.
  - Up to four additional lay delegates from each parish within the region.
- 2) The regional dean shall convene and preside at all meetings of the conference, except that at the request, or in the absence of the regional dean, the vice-chair may convene and preside at meetings of the conference.
- 3) The regional conference
  - shall elect from the persons nominated by its constituent parishes at their annual general meeting a youth lay delegate or delegates to Synod as set out in article III (g) and shall notify the diocesan office of such election;
  - shall prior to a Diocesan Synod nominate one clerical and one lay person from among its members who are members of Synod to serve on the diocesan council as set out in canon 3 a. 2 a.;
  - may consider any matters of common concern relating to the parishes within the region, and make pertinent recommendations to diocesan committees;
  - may allocate funds to support regional ministries and projects;
  - shall send copies of its minutes, and notices of forthcoming meetings, to the bishop.
- 4) If necessary, the region shall have a special conference to nominate a person to fill any vacancy of a representative to the diocesan council.

d. Archdeacons & Regional Deans

- 1) The bishop shall appoint territorial archdeacons and regional deans. Archdeacons shall hold office at the pleasure of the bishop. The regional deans shall hold office for two years (and may be re-appointed for one further term of two years). However, all appointments shall terminate upon the accession of a new diocesan. Territorial archdeacons shall be assigned to one or more regions (which may then be called an archdeaconry), and each region shall have its own regional dean.
- 2) The bishop may appoint a diocesan archdeacon, who will assist the bishop directly in the oversight of the Diocese.
- 3) Archdeacons shall be installed by the bishop, or by the dean under the mandate of the bishop.
- 4) Duties of archdeacons are listed in regulation 1.7.01.

e. Regional Chapter (Clericus)

The regional dean shall convene and chair the regional chapter, which consists of all of the active clergy within the region holding the licence of the bishop, as well as the territorial archdeacon. The regional chapter will meet not less than four times a year.

**REGULATION 1.7.01 - ARCHDEACONS**

a. The duties of a territorial archdeacon may include:

- 1) Welcoming and orienting new incumbents and other clergy to the archdeaconry.

- 2) Installing a new incumbent in “The Celebration of a New Ministry,” and, in the absence of the bishop, preside at the service.
  - 3) In general, providing pastoral support to clergy in their work, and especially in times of crisis.
  - 4) Providing pastoral support to parishes in a time of crisis, especially when clergy are suspended, removed, or die.
  - 5) When an incumbency comes to an end, meeting with the cleric for an “end of ministry” interview.
  - 6) Within their archdeaconries, the archdeacons, after consulting with the appropriate regional dean and parish wardens, shall ensure that the ministrations of the church are carried out regularly in parishes where there is no incumbent.
  - 7) Inspect rectories during vacancies.
  - 8) Conduct “transition days” in parishes.
  - 9) As members of the cathedral chapter, archdeacons shall assist, as best they may, in the worship and work of the cathedral.
  - 10) Serve on committees as the bishop’s appointee.
  - 11) Meet with the bishop, the dean, and the other archdeacons on a regular basis.
  - 12) Support the regional dean.
- b. Where a territorial archdeacon is unable to carry out a duty for any reason, the bishop shall ask the diocesan archdeacon or another archdeacon to act for them.
  - c. The bishop may assign the title of archdeacon emeritus to an archdeacon who has ceased to hold office.

#### **REGULATION 1.7.02 - REGIONAL DEANS**

- a. Purpose: The regional dean works in partnership with the lay vice chair, regional chapter, and the regional archdeacon in the planning of regional mission and ministries, regional conference, and regional programs.
- b. The regional dean is appointed by the bishop; the term of office is normally two years, and may be renewed once, but this may be extended at the discretion of the bishop.
- c. The duties and responsibilities include:
  - chairing the regional executive committee,
  - convening and presiding at the regional conference,
  - convening and chairing regional chapter,
  - promoting cultural change in the region as per the diocesan transformation team report accepted at Synod 2012,
  - identifying priorities for regional ministry,
  - finding ways that parishes in a region might work collaboratively,
  - encouraging and educating the people and clergy of the region,
  - building community and connection within the region among clergy and (with the support of the lay vice-chair) among laity.
- d. The qualification shall include:
  - service as an ordained minister in the region at least twelve months
  - strong listening and communicational skills

- strong conflict resolution skills.

#### **REGULATION 1.7.03 - REGIONAL LAY VICE-CHAIR**

- Purpose: The regional lay vice-chair works in partnership with regional dean and regional archdeacon in the planning of regional mission and ministries, regional conference, and regional programs.
- Time and term:
  - volunteer ministry
  - elected by regional conference after each synod
  - low to medium risk for safe church purposes
  - the term of office is normally from Synod to Synod, and may be renewed once.
- The duties and responsibilities include:
  - working with regional chapter for setting of agenda and discussion of regional mission
  - responsible to the bishop and regional dean
  - chairs regional conference in absence of regional dean
  - empowering greater communication between the parishes of the region, and from the regional executive committee and the regional conference to parishes and parish councils.
- Travel costs will be paid in accordance with the diocesan standard from the diocesan travel budget.
- The qualifications for the lay vice-chair shall be the same as for delegates to Synod. As well, they should have listening, communication, and leadership skills.

#### **REGULATION 1.7.04 - FINANCES FOR REGIONAL MINISTRY**

Funding regional ministry:

Regional ministry will normally be funded by the parishes of the region who are proposing the work, project, program or outreach. A cost sharing formula should be established between the parishes and each parish council should formally agree to its portion. Some funding may be made available from the diocesan budget but only when the majority of the cost is committed to by the participating parishes or other funding sources.

Applications should be made to the program sub-committee of diocesan council through the diocesan office and must indicate a breakdown of the total cost of the planned ministry, the amount of funding already agreed to by each parish and other funding sources and the amount expected from the Diocese. Diocesan financial support should not be assumed and approval may not be a commitment longer than the current year.

#### **REGULATION 1.7.05 – CONDUCT OF REGIONAL CONFERENCES BY ELECTRONIC MEANS**

- The regional archdeacon may direct that at any regional conference a member may participate by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting. A member so participating in a meeting is deemed for the purposes of the Canons to be present at the meeting.
- The regional archdeacon may direct that any regional conference shall be held entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- In any regional conference where members participate by electronic means, those provisions of Regulation 2.1.05 that are not in conflict with this Regulation shall apply, with the necessary grammatical and contextual changes.

[Regulation 1.7.05 adopted by Diocesan Council June 25, 2020]

## **CANON 2 - SYNOD**

### **CANON 2.1 - PROCEEDINGS OF SYNOD**

- a. Each session shall begin with a public celebration of the Holy Communion.
- b. The business of each day of the session shall be preceded by prayer for divine guidance and blessing according to a form authorized by the bishop.
- c. After Holy Communion on the first day of the session, the presiding officer shall take the chair and may deliver the bishop's charge or part thereof.
- d. The order of business shall be determined by the regulations to this canon in effect for the time being.
- e. The rules of order governing the conduct of business of the Synod shall be those contained in the regulations to this canon but in the absence of such rules or where such rules are silent regarding any matter of dispute or doubt, the rules governing the parliament of Canada shall apply.
- f. Delegates to the Synod shall register at a time and place designated in the notice calling the Synod. A credentials committee may be appointed by the presiding officer to examine and verify the certificates of delegates and thereafter report its findings to the Synod. There shall be a registration committee which will report to the registrar. Upon a quorum being reported as being present, the presiding officer shall declare the Synod organized for business.

### **REGULATION 2.1.01 - ORDER OF BUSINESS**

- a. When the presiding officer has declared the Synod organized for business the business shall include:
  - 1. Registrar's report.
  - 2. Election of honorary clerical and lay secretaries if desired.
  - 3. Appointments by the presiding officer, which may include:
    - Registration committee
    - Credentials committee
    - Agenda committee
    - Expenditures committee
    - Media committee
    - Resolutions committee
    - Scrutineers. (It is not essential that the scrutineers be members of Synod).
  - 4. Tribute to former Synod members now deceased.
  - 5. Notices of motion (if any).
  - 6. Report of the nominating committee (previously distributed) is received and the presiding officer shall call for further nominations from the floor of the Synod. When all persons entitled to vote have been given the opportunity to make further nominations, the presiding officer shall declare that nominations are closed and the ballot shall be prepared. Names of candidates shall be shown in alphabetical order on the ballot papers.
  - 7. Report of the diocesan council.
  - 8. Financial report with balance sheet and auditor's report.
  - 9. Election of the treasurer.
  - 10. Unfinished business from the last Synod.
  - 11. Reports of committees, councils, boards and other organizations.
  - 12. Consideration of correspondence:
    - Notices of motion
    - Memorials
    - Petitions.
  - 13. Other reports.
- b. An address by the presiding officer shall be in order at any time.



- c. The minutes of the Synod shall be confirmed by a committee appointed by the bishop.
- d. The complete proceedings of Synod shall be published as soon as possible and a copy sent to all members of Synod.

#### **REGULATION 2.1.02 - RULES OF ORDER AT SYNOD**

- a. When the presiding officer stands, all members shall sit and be silent.
- b. When any member is about to speak for the information of the Synod, they shall rise and address the presiding officer.
- c. (1) All motions and amendments to be considered by the Synod shall be in writing and (excepting such as may be proposed by the bishop or diocesan council) with the names of mover and seconder. No motion shall be considered until the next sitting of the Synod after notice thereof has been given, unless by consent of the Synod.  
  
(2) All motions and notices of motion dealing with business having financial implications, presented during Synod, must be referred to the expenditures committee, who shall be responsible to ensure that before any such motion is adopted at Synod, all relevant information, financial and otherwise, is made available to Synod.
- d. No member, save the mover of the motion, who is entitled to reply, shall speak more than once on the same question without the leave of the Synod, except in explanation of a material part of the speech which may have been misunderstood, and then the member is not to introduce fresh matter.
- e. When a question is under consideration, no other motion shall be received, unless:
  - (1) To adjourn
  - (2) To lay it on the table
  - (3) To postpone it to a certain time
  - (4) To postpone it indefinitely
  - (5) To refer it to a committee of the whole Synod, or to a select committee
  - (6) To amend it, or
  - (7) To divide on itand motions for any of these purposes shall have precedence in the order here named.
- f. Motions to adjourn or to lay on the table shall be decided without debate.
- g. When a notice of motion is given, it shall be read to the Synod by one of the secretaries, after which it cannot be withdrawn by the mover without the consent of the Synod.
- h. Each member shall have the right to require, at any period of the debate, that a question in discussion be read for the member's information.
- i. A member called to order while speaking shall sit down unless permitted to explain.
- j. All questions of order shall be decided by the presiding officer.
- k. An amendment to an original motion shall, in discussion, take precedence of such motion; an amendment shall be first considered, then the amendment to the motion, and lastly the motion itself.
- l. When a proposed amendment is under consideration, not more than one amendment to such amendment shall be in order, yet a substitute for the whole matter may be proposed and received, providing it deals with the matter in hand.
- m. Except with the consent of the Synod, the mover of a motion may not speak for more than five (5) minutes and the seconder for three (3) minutes, and each speaker thereafter for three (3) minutes. The mover may speak for three (3) minutes in closing the debate.

- n. When a division takes place, the votes of the members of the clergy and of the laity shall be taken in accordance with article XIII of the constitution.
- o. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative.
- p. A question being once determined, shall not again be brought into discussion in the same sitting, except with the consent of the Synod.
- q. No protest or dissent shall be entered on the minutes of the proceedings, but when required by any two members the number of the affirmative and negative votes and the names shall be recorded.
- r. When the Synod is about to rise, every member shall remain seated until the presiding officer has left the chair.
- s. Any of the orders of routine business or of the rules for the preservation of order may be suspended by unanimous vote on the motion without notice.
- t. All committees, other than standing committees, unless named by the Synod, shall be appointed by the presiding officer, and the names shall be publicly announced while the Synod is in session, together with the name of the convenor, who shall be chair of such committee.
- u. Every report of a committee shall be in writing, and shall be signed by the chair.
- v. The chair of the committee or some member on the chair's behalf shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.
- w. Abstentions:
  - (1) When the question is put, every member present, except the presiding officer, shall be required to vote on the same, provided that any member who wishes to abstain from voting for reasons of conflict of interest shall be entitled to abstain on notifying the chair of his or her intention.
  - (2) The orders of clergy and laity shall vote together unless a vote by orders is called for. In order to be passed the motion shall require a majority of votes of the orders of clergy and laity voting together, and abstentions shall not be counted in determining the majority.

#### **REGULATION 2.1.03 - NOMINATIONS, ELECTIONS AND DUTIES OF SCRUTINEERS**

- a. A nominations committee, as constituted in regulation 3.07 b., shall receive nominations and report them to Synod. When the report is received, the presiding officer shall call for further nominations from the floor of Synod. When all persons entitled to vote have been given the opportunity to make further nominations, the presiding officer shall declare that nominations are closed.
- b. After nominations have been declared closed, ballot papers containing the names (in alphabetical order) of all nominees for the diocesan council and the several committees, etc. shall be prepared. The ballot papers shall also show the number of persons to be elected.
- c. The ballot papers, together with a list of all persons entitled to vote, shall be handed to the convener of scrutineers immediately prior to the second sitting. During the adjournment the ballot papers are issued, marked and deposited in the ballot boxes.
- d. Immediately after the resumption of the second sitting, the presiding officer shall ask if every member of Synod has received and cast their ballot. After a satisfactory reply the presiding officer shall declare the ballot closed.
- e. The ballots shall then be delivered to the convener of scrutineers, and the counting of the ballots proceeds. On completion of the counting, the convener of scrutineers shall report the results to the presiding officer, who shall

thereupon announce such results. The presiding officer shall then ask if any voter wishes to challenge the ballot, and, if no challenge is made, shall order the ballots destroyed.

- f. In the case of a tie, a casting vote shall be given by the presiding officer.
- g. Every voter shall mark a cross (X) against the name of the candidate for whom they are voting. Ballots shall be considered void and not counted for any of the following reasons:
  - (1) Any markings other than the "X";
  - (2) Inclusion of the name of any person not shown on the ballot paper;
  - (3) Crosses against the names of more candidates than the number shown as required to be elected.
- h. Except in cases of acclamation ballot papers are required for:
  - Members of the diocesan council
  - (At the session immediately preceding meetings of the General and/or Provincial Synods)
  - Delegates to General Synod.
  - Delegates to Provincial Synod.
- i. Election to a membership of the General or Provincial Synod shall be for the Synod next following the Diocesan Synod at which the election is held. No delegate may attend more than three consecutive sessions of the same General or Provincial Synod.

#### **REGULATION 2.1.04 - COMMITTEE OF THE WHOLE SYNOD**

- a. In forming a committee of the whole Synod, the presiding officer before leaving the chair, shall appoint a replacement, who shall maintain order in committee, and the rules of the Synod shall be observed in a committee of the whole Synod, except the rule limiting the number of times of speaking.
- b. Questions of order in committee shall be decided by the chair, subject to appeal to the Synod.
- c. A motion that the replacement leave the chair is always in order, and takes precedence over any other motion, and is decided without amendment or debate; all unprovided cases shall be governed by the rules governing the parliament of Canada.

#### **REGULATION 2.1.05 – MEETINGS OF SYNOD BY ELECTRONIC MEANS**

- a. Diocesan Council may, with the concurrence of the Bishop, resolve that a meeting of Synod shall be held entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- b. In extraordinary circumstances, the Bishop may direct that a member of Synod may participate in a meeting of Synod by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting. A member of Synod so participating in a meeting is deemed for the purposes of the Canons to be present at the meeting.
- c. In any meeting of Synod where members participate by electronic means, the provisions of Regulations 2.1.01, 2.1.02, 2.1.03 and 2.1.04 continue to apply, unless any provision is in conflict with a provision of this Regulation 2.1.05, in which case the provision of this Regulation shall govern.

#### **Rules of order applying to members participating by electronic means**

- d. Unless the presiding officer dispenses with this rule, members shall keep their microphones muted at all times except when called upon by the presiding officer to speak.

- e. Members may indicate to the presiding officer their desire to speak through such electronic means as are made available by the software or other technology in use. Members claiming the right to raise a point of order or privilege may do so.
- f. A member called to order may have his or her connection muted if the presiding officer so directs.
- g. Votes on all motions shall be cast in the manner enabled by the electronic technology in use.

**Nominations, Elections and Duties of Scrutineers in Cases of Electronic Voting**

- h. Any contractor or volunteer, including but not limited to a software provider and its employees supplying the necessary technology to facilitate electronic voting shall, before commencing to provide services, provide a written undertaking in a form acceptable to the chancellor to abide by the provisions of these regulations that have as their object the preservation of confidentiality and the secrecy of any ballot.
- i. The presiding officer shall appoint a returning officer and a deputy returning officer, who shall not be voting members of Synod, and who shall have the duties and responsibilities set out in this regulation. The returning officer may delegate some or all functions to the provider of software or other electronic technology. The presiding officer may dispense with the appointment of scrutineers other than the returning officer and deputy returning officer.
- j. The software provider and all of its employees (collectively called the “Election Manager”) shall give the returning officer and deputy the ability to audit and observe all aspects of the voting software in use, including but not limited to the “back end” tools used by the Election Manager to run the election, prepare ballots, call for votes, and tabulate results.
- k. After nominations shall have been declared closed, the returning officer shall cause electronic ballots to be made available using electronic technology engaged for the purpose. The ballot for each position shall show the number of persons to be elected, and shall list the candidates in alphabetical order by surname.
- l. The returning officer and deputy shall take all possible steps to ensure that they have received the electronic votes of all members who had registered to vote, and shall take all reasonable steps to be assured that all members who wish to vote electronically have done so.
- m. The results of each election shall be tabulated by the returning officer and deputy, under supervision of the scrutineers, if any. On completion of the counting, the returning officer shall report the results to the presiding officer, who shall thereupon instruct the returning officer to announce such results.
- n. The returning officer shall maintain an electronic archive of all ballots cast until instructed by the presiding officer to destroy them.
- o. The Election Manager, returning officer and deputy shall take all possible steps to ensure that no person other than themselves know for which candidate each member has voted, such steps to include:
  - (i) causing all electronic ballots to be received by the returning officer and deputy and by no other persons; and
  - (ii) ensuring that the Election Manager, returning officer and deputy, and no other persons, see the electronic ballots, whether in electronic or in any other form.
- p. The Election Manager, returning officer and deputy shall for all time keep confidential the name of each candidate for whom any member has cast his or her ballot, other than information the presiding officer, chancellor or registrar has provided to the voting members of Synod.
- q. At the close of the meeting, the presiding officer shall ask if any voter wishes to challenge the ballot, and, if no challenge is made, shall order the ballots destroyed.

- r. So soon as is possible after the order for the destruction of ballots, the Election Manager, the returning officer, deputy returning officer, chancellor and registrar shall delete and destroy any and all documents in their control or possession, whether in electronic form or in paper form, which indicate the identity of the candidate in whose favour any member has cast his or her ballot, other than information the presiding officer, chancellor or registrar has provided to the voting members of Synod.

#### **Special Provisions in the event of technical difficulties**

- s. In the event the returning officer decides at any time during the voting process that technical difficulties have arisen which interfere with the ability of a member to vote electronically, the returning officer, in consultation with the deputy returning officer, and with the consent of the member in respect of whom technical difficulties have arisen, may designate such means of electronic communication as the returning officer deems appropriate to receive the vote of the member.
- t. In the event technical difficulties arise which in the opinion of the returning officer prevent altogether a member from voting electronically, the returning officer may nevertheless receive the votes of those members who are able to vote electronically.
- u. Technical difficulties with electronic voting on the part of one or more members shall not be grounds for impeaching the validity of any election, provided that valid votes have been received from a number of members comprising a quorum of both orders.
- v. In the event the returning officer determines that technical difficulties prevent an election by electronic means in which the Synod can have confidence, the presiding officer may, with or without consulting with others, adjourn the meeting of the Synod until a date not later than fourteen (14) days thereafter, such date to be fixed by the presiding officer, with all members of Synod to be notified of the date.

[Regulation 2.1.05 adopted by Diocesan Council June 25, 2020]

#### **CANON 2.2 - DIOCESAN CHANCELLOR**

- a. There shall be a chancellor of the Diocese who shall be appointed by the bishop and who shall hold office during the pleasure of the bishop. The chancellor shall be a member of the bar of the Province of British Columbia of at least 10 years' standing and shall be a communicant of the church. The chancellor shall advise and assist, and act with the bishop, or in the bishop's absence, with the commissary, in all matters of discipline or cases of difficulty or doubt when requested by the bishop or the commissary. All deeds and documents to be signed on behalf of the Synod shall first be submitted to the chancellor for approval, and the chancellor shall perform such duties as are required by the bishop and the various canons of the Diocese.
- b. The bishop may appoint a vice-chancellor, to hold office during the bishop's pleasure. The vice-chancellor shall be a member of the bar of the Province of British Columbia of at least 10 years' standing and shall be a communicant of the church. The vice-chancellor shall assist the chancellor and shall act for, and on the chancellor's behalf, during the absence or inability of the chancellor to attend to the chancellor's duties.
- c. On the retirement of any chancellor, the bishop may appoint the retiring chancellor a chancellor emeritus.

#### **CANON 2.3 - DIOCESAN REGISTRAR**

- a. There shall be a registrar of the Diocese, who shall be appointed by the bishop and remain in office during the pleasure of the bishop.
- b. The Synod shall provide, for the use of the registrar, a seal and such books, registers and paper forms as shall be required for the proper performance of the registrar's duties, and a safe place of deposit for such records.

- c. The registrar shall prepare and forward all letters of orders, all licences, letters of institution, mandates of induction and other official documents, as directed by the bishop or the commissary, and shall keep a correct record of the same.
- d. The registrar shall enter in a book, to be provided by the Synod, all such official acts of the Synod as Synod may direct the registrar to enter therein. The registrar shall keep such records as are specified by regulations.
- e. When the office of the registrar falls vacant the registrar, or the representative of the registrar, shall immediately deliver to the successor or to the executive secretary all books, records, documents, papers and property that had been in the possession or control of the registrar as an officer of Synod.

#### **CANON 2.4 - DIOCESAN ARCHIVES AND ARCHIVIST**

- a. In accordance with the BC Personal Information Protection Act and other administrative laws, the Synod owns and is responsible for all official records of the Diocese, its officers, parishes and organizations; and it shall provide a secure archival repository for its permanent documents in all formats.
- b. The expenses necessary for the purposes of this canon shall be provided for by the vote of Synod or diocesan council.
- c. There shall be an archives advisory committee whose members shall include, but not be limited to the bishop, the executive officer, the archivist (as appointed below), the registrar, one or more professional archivists, one member of the clergy, one lay person and the Provincial Synod archivist. With the exception of ex-officio members, members shall be appointed by the bishop and shall serve for terms of three (3) years with provision for re-appointment. The operational functions of the committee and the archivist shall be in accordance with all regulations related to this canon.
- d. The archivist of the Diocese shall be appointed by the bishop, taking into account the recommendations of the archives advisory committee.
- e. In accordance with a collections policy to be established by regulation, taking into account the recommendation of the archives advisory committee, all records of permanent value created by the diocesan office, parishes and organizations shall be transferred regularly to the archives.
- f. The archivist shall create policies and procedures relating to all appraisal, acquisition, arrangement, description, preservation, reference and access functions, in keeping with archival principles, for approval by the archives advisory committee.
- g. The archivist shall provide a report to diocesan council annually, along with a report to regular sessions of Synod.

#### **REGULATION 2.4.01 - MEETINGS**

The committee shall meet at least once a year in the first quarter. Additional meetings may be called by the chair or the archivist.

#### **REGULATION 2.4.02 - DISPOSITION OF ARCHIVAL MATERIAL**

In the event of the closure of the Diocese, the records shall become the property of the Ecclesiastical Province of British Columbia & Yukon and will be housed and administered by the Provincial Synod archivist.

#### **REGULATION 2.4.03 - ACQUISITION OF PARISH RECORDS UPON DISESTABLISHMENT OR CLOSURE**

At the time of the disestablishment or closure of any parish or parishes, it shall be the duty of the diocesan archivist, in consultation with the Registrar, in accordance with canon 6.2.04:

- a) to acquire all completed as well as current parish records and historical documents of the parish (registers, minute books, records of parish clergy, parish officers and committees, organizations and all financial records).
- b) to preserve, arrange and describe these deposited records according to archival principles.
- c) to advise the affected parish or parishes of the need for the transfer of these materials to the diocesan archives to be undertaken in a timely manner.

#### **CANON 2.5 - THE SEAL OF THE SYNOD**

- a. The bishop shall have care and custody of the seal of the Synod.
- b. The seal of the Synod shall be affixed in the presence of the bishop or other diocesan officer as requested by the bishop.

#### **CANON 2.6 - PROTECTION OF OFFICERS OF SYNOD**

- a. Officers of Synod:
  - The bishop
  - The bishop coadjutor, bishop suffragan and bishop assistant
  - The administrator
  - The commissary
  - The dean
  - The archdeacon of Columbia
  - The archdeacons appointed to active duty
  - The chancellor
  - The vice-chancellor
  - The registrar
  - The clerical secretary
  - The lay secretary
  - The treasurer
  - The diocesan executive officer
  - The diocesan finance officer
  - Other officers of Synod appointed by diocesan council.
- b. Appointment or election as officers of Synod does not imply the assumption by the person so appointed or elected of any personal liability in the due performance of their duties as such.

#### **CANON 3 - DIOCESAN COUNCIL**

- a. The council shall consist of:
  - 1. Ex-officio:
    - The bishop (chair)
    - Bishop coadjutor, bishop suffragan and bishop assistant
    - The dean
    - The chancellor (or registrar in absence of chancellor)
    - The clerical secretary
    - The treasurer
    - The Camp Columbia management team chair
  - 2. Elected:
    - a. One clerical and one lay, being members of the Synod, nominated from each region, who shall be elected by Synod for a term;
    - b. Two clerical and four lay persons, being members of the Synod other than those elected under canon 3 a. 2.a. hereof, who shall be elected by the Synod for a term;
    - c. Two youth representatives elected by the Synod for a term.

3. Appointed:

- a. The council may appoint one additional clerical delegate and one additional lay delegate and the bishop may appoint one additional clerical delegate at any time between regular sessions of the Synod, who shall serve until the next Synod.
- b. Up to two archdeacons appointed by the bishop.

4. Non-Voting: Executive staff members.

- b. In the event of a vacancy occurring between regular sessions of the Synod, the council may elect a replacement to fill such vacancy for the remainder of the term of the person vacating office.
- c. In the event that any member of the diocesan council shall fail to attend two consecutive meetings of the council save by reason of sickness or other reasonable or unavoidable cause, the council may declare the office vacant, and the member shall be replaced as provided in canon 3 b.
- d. The council shall meet at least nine times per year for the transaction of the ordinary business of Synod and, in particular, take necessary action upon the reports of the committees of Synod.
- e. The council shall submit to each regular session of the Synod an annual report, and ensure the presentation of such financial reports as are required by the constitutions and canons.
- f. The council may make such regulations for the conduct of its business and amend the same as circumstances may require from time to time.
- g. The bishop shall make nominations for the diocesan executive officer and the diocesan finance officer respectively to the council, and upon its approval thereof, the bishop may appoint the persons so nominated. They shall serve at the pleasure of both the bishop and the diocesan council.
- h. The council shall by regulation define the duties of the diocesan executive officer and the diocesan finance officer respectively and of such other officers as it shall see fit to appoint to implement the work of the Synod from time to time.
- i. The council may appoint such other officers to implement the work of the Synod as may be required from time to time.
- j. A majority of the voting members shall form a quorum.
- k. In the case of a tie-vote, the chair, even if not a voting member of council, shall cast the deciding vote.

**REGULATION 3.01 - CHAIR**

The chair of the meetings of the council shall be the bishop. Should the bishop not be present or not wish to serve, the duties shall be taken by (in the following order):

The bishop coadjutor;  
The bishop suffragan;  
The bishop's commissary;  
The dean;  
The archdeacon of Columbia;  
The next senior archdeacon who is a member of council;

Failing any of the above, the council shall elect its own chair who may be either a clerical or a lay member of council.



### **REGULATION 3.02 - MEETINGS**

- a. The diocesan council shall normally meet at such place as the secretaries shall direct in each month, with the exception of July and August. Any meeting may be cancelled at the discretion of the chair.

Where the council requests a report from a committee, or in the case of the canons committee, the drafting or consideration of legislation, that committee shall, unless otherwise directed by the council, send a copy of its report or draft legislation to the agenda committee not less than 21 days before the next session but one for inclusion on the agenda.

- b. The agenda shall be issued 14 days before the session to which it relates.
- c. Other business may be included in the agenda with the approval of the chair and council.

### **REGULATION 3.02A – MEETINGS OF DIOCESAN COUNCIL BY ELECTRONIC MEANS**

- a. The clerical and lay secretaries may, with the concurrence of the Bishop, direct that any member of the diocesan council may participate in a meeting of the diocesan council by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting. A member of the diocesan council so participating in a meeting is deemed for the purposes of the Canons to be present at the meeting.
- b. The clerical and lay secretaries may, with the concurrence of the Bishop, direct that a meeting of the diocesan council shall be held entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- c. The chair of any committee of the diocesan council may direct that any member of that committee may participate in a meeting by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting. A member of the committee so participating in a meeting is deemed for the purposes of the Canons to be present at the meeting.
- d. The chair of any committee of the diocesan council may direct that a meeting of that committee shall be held entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- e. In any meeting of the diocesan council or of a committee where members participate by electronic means, those provisions of Regulation 2.1.05 that are not in conflict with this Regulation shall apply, with the necessary grammatical and contextual changes.

[Regulation 3.02A adopted by Diocesan Council June 25, 2020]

### **REGULATION 3.03 - SPECIAL MEETINGS**

- a. Special meetings may be called at the discretion of the bishop, the bishop's commissary, or the administrator of the Diocese.
- b. Ballot by E-Mail
  - (1) Where the bishop (or commissary or administrator) considers it necessary, an item may be presented for decision by diocesan council by e-mail ballot. Provided that at least two-thirds of the members of diocesan council cast ballots, a measure supported by the majority of positive ballots shall be considered adopted by diocesan council.
  - (2) In presenting an item for ballot by e-mail, the bishop (or executive office or diocesan finance officer) shall provide a rationale for the adoption of the item. Any member of diocesan council may submit comments on the item and ask that those comments be circulated to the other members of diocesan council.

- (3) Members of diocesan council shall normally have no less than forty-eight hours to consider the item and the rationale presented, and to cast their ballots.
- (4) Any member of diocesan council may make a request to the bishop, commissary or administrator that a tele-conference or in-person meeting of diocesan council be convened to consider the item. The bishop, commissary, or administrator in his or her discretion may decide that such a meeting will be called at the earliest reasonable time.
- (5) Where the chair of any committee of the diocesan council considers it necessary, an item may be presented for decision by that committee by e-mail ballot, following the procedures set out in paragraphs (1) to (4) above, with the necessary grammatical and contextual changes.

[Subparagraph (5) added by Diocesan Council June 25, 2020]

#### **REGULATION 3.04 - DELEGATION OF POWERS**

The council may delegate any of its powers to sub-committees of such members of its body as it thinks fit, with the power to act; any sub-committees so formed shall, in the exercise of the powers delegated, conform to any regulations imposed on them by the diocesan council.

#### **REGULATION 3.05 - DUTIES OF DIOCESAN FINANCE OFFICER**

It shall be the duty of the diocesan finance officer to give advice and assistance to the diocesan council and the finance committee and:

- a. To be responsible to the diocesan executive officer, the finance committee and the diocesan council for the administration of the financial and other business affairs of the Synod, including:
  - banking,
  - oversight of the diocesan investments and trust funds,
  - insurance of diocesan properties,
  - preparation of diocesan financial statements and budget,
  - provision of supplies, equipment, maintenance and utilities for the office;
- b. To carry out those policies and decisions formulated by the finance committee and the diocesan council which relate to the financial affairs of its parishes;
- c. To monitor and assist in the development of the financial activities of the parishes and, where appropriate, to interpret decisions of the finance committee and the diocesan council to parishes, regions and the Diocese;
- d. To attend the meetings of any committee or sub-committee concerned with finances and the meeting of any other committee or sub-committees if so invited.

#### **REGULATION 3.06 - DUTIES OF DIOCESAN EXECUTIVE OFFICER**

The diocesan executive officer serves in the Diocese by supporting and implementing the ministry and mission of both the bishop and the Synod, and any commissions and committees established by them. Without infringing on the rights and duties of the bishop, licensed clergy, parish leadership, and officers of the Synod, the diocesan executive officer:

- a. Is responsible for the implementation of requests from the bishop, and
  - i. acts as executive secretary to the bishop; and
  - ii. if appointed, acts as a commissary to the bishop.
- b. Is responsible for ensuring that the decisions of Synod and diocesan council are acted upon, and
  - i. acts as executive secretary of Synod, with responsibility for ensuring that a record of proceedings is made at Synod and diocesan council; and

[Regulation 3.06.a amended by Diocesan Council April 27, 2019]

- ii. ensures that the acts of Synod and diocesan council are implemented or tracked.

[Regulation 3.06.b amended by Diocesan Council April 27, 2019]

- c. Is responsible for the management of the diocesan office and office staff.

### **REGULATION 3.07 - COMMITTEES**

The council at its first regular meeting shall elect the following:

a. **The canons committee** (see article XVI of the constitution)

- (1) Membership shall consist of:

- The chancellor

- The vice-chancellor

- The registrar

- The diocesan finance officer

- The diocesan executive officer

- Five members of the Anglican Church of Canada residing in the Diocese, of whom two need not be members of the Synod.

- (2) The committee shall have the power to nominate additional members whose election must be confirmed at the next meeting of the diocesan council.

b. **The nominations committee**

- (1) The membership shall consist of a convener (who shall be an archdeacon chosen by the bishop), the regional deans, and the deanery vice-chairs.

- (2) The committee shall prepare, and present to the diocesan council for presentation to Synod, a report of nominations for the treasurer, secretaries, the diocesan council and, as needed, delegates to General and Provincial Synods.

- (3) In preparation for the first meeting of the committee, the convener shall communicate with all the delegates for the forthcoming Synod and with the secretaries and treasurer, asking them:

- (a) To signify in which, if any, of the above capacities they would be willing to serve, if nominated; and

- (b) If they are so willing, to provide a short statement of their present parochial, regional or diocesan positions.

- (4) The committee shall meet at least once prior to the diocesan council meeting next before Synod, and subsequently as its business may require.

- (5) Immediately following Synod, the committee shall reconvene and prepare a slate of candidates for the various sub-committees of diocesan council, for presentation to the first meeting of diocesan council subsequent to Synod.

c. **The stewardship committee**

- (1) Membership shall consist of:

- (a) Ex-officio: The bishop.

- (b) Six members elected by the diocesan council as follows: Two (2) clergy and four (4) lay persons.

- (c) Other members who may from time to time be co-opted as follows:

- (i) At any meeting the stewardship committee may co-opt members to serve until the next regular session of Synod, with full power to vote, provided that the total number so co-opted between regular sessions of Synod shall not exceed four.

- (ii) Election of the co-opted member must be confirmed at the next meeting of the diocesan council.

- (2) At its first meeting the members shall appoint one of its members as chair and may choose another as vice-chair.

- (3) Vacancies of elected members shall be filled only by election of the diocesan council.

- (4) A majority of the members shall form a quorum.
- (5) The duties of the committee (which may be exercised notwithstanding any vacancy in its membership) shall be:
  - (a) To support Christians in this Diocese to reach their fullest potential as stewards.
  - (b) To provide a program of stewardship education to both members of the clergy and laity.
  - (c) To assist parishes to meet their financial requirements within and outside the parish.
  - (d) To assist clergy and laity to incorporate stewardship into the worship and life of their parish.
  - (e) To meet at least once in each quarter of the calendar year.
  - (f) To take such measures as may be necessary or convenient to give effect to the provisions of this regulation.
  - (g) To file minutes of each meeting with the diocesan council.
  - (h) To report regularly to each session of the Synod.

**d. The finance committee** - see Canon 4

**e. The supplementary pension committee**

- (1) Membership shall consist of:
  - The bishop as chair
  - The lay secretary
  - The treasurer
  - An archdeacon (or a member of the clergy appointed by the bishop)
  - The diocesan finance officer.
- (2) Duties of this committee shall be:
  - (a) To determine the appropriate amount of pension under the Garrod and Stoneham Bequests, which should be awarded to each retiring member of the clergy;
  - (b) To make appropriate awards to clergy widows and orphans on an annual basis;
  - (c) To make appropriate awards under the terms of the Incapacitated Clergy Fund;
  - (d) To report all decisions to the finance committee.

**f. Diocesan mission fund committee** (see Appendix "D")

- (1) Membership shall consist of:
  - The diocesan executive officer
  - The diocesan finance officer
  - Not less than three (3) and no more than six (6) others to be elected by diocesan council.
- (2) Duties of this committee shall be as outlined in Appendix "D".

~~**g. The buildings and plans committee**~~ -- **Discontinued & Dissolved. See Regulation 3.08, Asset Management**

**g. The personnel and compensation committee**

- (1) Membership shall consist of:
  - The diocesan executive officer
  - One regional dean
  - The diocesan finance officer
  - Three or more lay people, at least two of whom shall be members of Synod
  - One additional priest of the Diocese.
- (2) This committee shall, in addition to any other duties with which it may be charged:
  - (a) Develop and recommend policies with regard to personnel and compensation;
  - (b) Recommend to the diocesan council by October 31 of each year appropriate remuneration ranges based on the minimum stipend to be paid to the members of the clergy of the Diocese as established by regulation 5.6.01 (a) and (b);
    - a scale of reimbursement for automobile travel on diocesan business, based on kilometers traveled; and
    - a scale of honoraria for members of the clergy officiating as locum tenens.
  - (c) When requested by the diocesan council or by a parish, assist in the development of position descriptions for employees and recommend appropriate scales of remuneration; and

(d) Generally to promote the equitable treatment of all parish and diocesan employees.

**h. The program review sub-committee**

The diocesan council is the program committee for the Diocese of British Columbia and the mandate of the sub-committee is to review programs.

- (1) Membership shall consist of:
  - (a) Three members of diocesan council, one of whom must be chosen as chair by the sub-committee,
  - (b) Up to two members may be added by the sub-committee.
- (2) The duties of the committee shall be:
  - (a) To review applications for eligibility and support,
  - (b) To recommend to diocesan council allocation of money from the program budget for on-going programs, regional ministry, and new initiatives.

**i. Camp Columbia management team (CCMT)**

- (a) Membership shall consist of the family ministry facilitator, diocesan executive officer, Camp director, diocesan finance officer, and chairperson of the Camp Columbia Planning and Fundraising Advisory Team.
- (b) Responsibilities of the Camp Columbia Management Team shall be in accordance with policy established from time to time by diocesan council.
- (c) There shall be a Camp Columbia Planning and Fundraising Advisory Team, a sub-committee of the CCMT with the duties of assisting the CCMT in sanctioned fund-raising efforts, future planning and practical support for the camp operation. The family ministry facilitator and diocesan finance officer shall be ex-officio members, with full voting rights.
- (d) The family ministry facilitator is chair and serves as a member of the diocesan council.

**REGULATION 3.08 - ASSET MANAGEMENT**

1. All buildings and lands of the Diocese shall be registered in the name of The Anglican Synod of the Diocese of British Columbia (Canon 6.3).
2. Diocesan council shall establish and continue an asset management office and shall appoint a continuing asset management advisory team of not less than three persons with professional experience in various aspects of real estate including development, project management, facility management and property management. The diocesan executive officer and diocesan finance officer are ex-officio members with vote.
  - a. This team shall select a chair from among its members.
  - b. It will report at least quarterly to the diocesan council to give an assessment of the work of the asset management office.
  - c. The asset management advisory team, subject to the approval of diocesan council, will develop the mandate and measurable goals and objectives for the asset management office.
  - d. The team will advertise for contractors to create and run the asset management office, and recommend to diocesan council who the successful candidate should be.
3. The asset management office will:
  - a. Establish a data base of all diocesan property.
  - b. Recommend to diocesan council, as approved by the asset management advisory team the sale, long-term lease, rezoning, or development of any property it manages, with recommendations it makes supported by full business case studies where deemed necessary.
  - c. Examine plans and the subsequent construction in conformity with those plans, for
    - (i) proposed new churches, parsonages and parish halls;
    - (ii) additions and/or major extensions to existing buildings;
    - (iii) major structural alterations;
    - (iv) removal of buildings to new sites;
    - (v) demolition of buildings;
    - (vi) rezoning of property.
  - d. Carry out such site inspections as may be required from time to time in the completion and approval of any project.

- e. Manage the properties of any disestablished parishes, as well as any other properties entrusted to it by diocesan council.
  - f. Formulate a comprehensive capital plan for diocesan real estate consistent with the vision and program requirements of the Diocese and parishes.
  - g. Make recommendations to the diocesan council in connection with the above.
4. No work as described above shall be undertaken unless and until the plans have been examined by the asset management advisory team and approved by the diocesan council.
5. The roles and responsibilities of the buildings and plans committee will be taken over by the asset management office and the asset management advisory team.

#### **REGULATION 3.09 - COMMITTEE REPORTS**

- a. All committees and programs in the Diocese shall report in writing to regular sessions of Synod.
- b. Committees named in Regulation 3.07 shall report regularly in writing to diocesan council and such reports shall include minutes, and may follow the following format:
  - Title of report and originating committee
  - Background (including relevant motions passed)
  - Operations of committee
  - Analysis
  - Conclusion
  - Recommendation
  - Officers signing report
  - Date

### **CANON 4 - FINANCE COMMITTEE**

#### **CANON 4.1 - ORGANIZATION**

- a. The finance committee shall consist of the following members:
  - (1) Ex-officio:
    - The bishop
    - The chancellor (or registrar in absence of the chancellor)
    - The dean
    - The clerical secretary
    - The lay secretary
    - The treasurer, who shall be chair.
  - (2) Elected: Two members elected from each order by the diocesan council, at least one half to be from its elected membership.
  - (3) Appointed: Up to two clergy and two lay people appointed by the bishop.
  - (4) Non-voting: The diocesan executive officer and the diocesan finance officer.
  - (5) The treasurer is required to be an accountant with current designation (i.e. chartered accountant, certified general accountant, or certified management accountant, or equivalent), and at least one member other than the diocesan finance officer must be an accountant.
- b. The chair shall convene its first meeting following a regular session of Synod, at which meeting the members shall choose one of its members as vice-chair.
- c. Vacancies of elected members, occurring between regular sessions of the Synod, may be filled only by appointment of the diocesan council.
- d. One third of the voting members shall form a quorum.

- e. Meetings will normally be held ten (10) times yearly with at least seven (7) days' notice of meetings. Teleconference and email meetings may take place between meetings as required.

## **CANON 4.2 - PURPOSE**

The purpose of the finance committee is to assist the diocesan council of the Diocese of British Columbia in fulfilling its oversight responsibilities by monitoring, reviewing and advising regarding:

- a. All financial matters;
- b. Strategic financial plans including the development and revisions of the annual operating budget;
- c. System of internal controls;
- d. Annual review/audit processes;
- e. Investment management activities;
- f. Review of all trusts, whether held directly by the Diocese or in the parishes; and
- g. All property, security and monies now held by, or to become vested in, or entrusted to Synod.

## **REGULATION 4.2.01 - FUNCTIONS**

The finance committee is established as a committee of the diocesan council and its purpose is to assist the council in fulfilling its oversight responsibilities. To accomplish that the committee will:

### **1. Finances**

- a. Monitor, review and advise the council on all financial matters affecting the Diocese, its parishes, regions and related organizations;
- b. Review monthly financial statements produced by staff including the status of assessments and loans;
- c. Advise the council on specific matters related to financial exigencies;
- d. Review all contracts, agreements or other instruments involving the financial affairs of the Synod and make recommendations to the council on appropriate action;
- e. Ensure that the Synod has an effective process in place that provides appropriate alignment of financial resources with strategic directions;
- f. Promote transparency and accountability of all financial and planning activities of the Synod.

### **2. Investment**

- a. Develop and review a policy on investment in accordance with Anglican policy and values;
- b. Review internally designated trusts to ensure that their purposes are current;
- c. Review externally designated trusts to ensure compliance with donors' intentions, and where not possible, to advise action;
- d. Review diocesan investment portfolio on a regular basis to ensure policy compliance and performance;
- e. Review, advise and recommend changes regarding external investment accounts and managers to ensure policy compliance;
- f. Respond in a timely manner to members of Synod and parishes for information around investment policy.

### **3. Budget**

- a. Solicit and receive input from committees, parishes and individuals during budget preparation during September and October of each year;
- b. Prepare, review and recommend the annual operating budget to the council no later than its December meeting;
- c. Determine whether budget revisions are needed and make recommendations to council.

### **4. Audit/Review**

- a. Recommend auditors/accountants for appointment, agree on the scope of their work and recommend approval of their fees;
- b. Receive and review the financial statements of the Synod as to reasonableness of presentation, appropriateness of accounting principles and adequacy of disclosure, prior to submission to council;
- c. Receive and review the draft written annual report of the external accountant no later than March 31, and the final statements for presentation to the June Diocesan Council meeting;
- d. Review the objectives and effectiveness of any internal audit functions, including working relationships with the auditors and the administration.

### **5. General**

- a. Assume other responsibilities that may be delegated by the council.

## **REGULATION 4.2.02 - FINANCIAL YEAR OF THE SYNOD**

The financial year of the Synod shall begin on the first day of January and end on the thirty-first day of December in each calendar year.

## **CANON 4.3 - DIOCESAN ASSESSMENT**

### **REGULATION 4.3.01 - DIOCESAN PLAN OF ASSESSMENT**

- a. The primary source of funding for diocesan, provincial and national Synod ministry shall be raised by assessments on all parishes in the Diocese, and shall be the responsibility of the diocesan council.
- b. The amount to be assessed shall be based on a percentage of the total parish income, using the most current reported financial information in the parish annual return as the basis for determining income. The following exemptions or deductions are applied in determining total parish income:
  - (1) Money donated or raised for appeals beyond the parish, such as Anglican Appeal or PWRDF. The parish gains no benefit from the funds, but simply provides an easy method of contributing and receiving an income tax receipt.
  - (2) All bequests which are not used for parish operations. Once the principal or interest is taken into general income or used for any assessable purpose, the funds become assessable.
  - (3) Large capital projects that require major fund raising within parishes. The total cost of the project must exceed 20% of the normal parish income and should be clearly accounted for apart from the normal parish funding.
  - (4) Grants of financial assistance from the Diocese.
- c. Diocesan council will review the existing work of the Synod and propose a level of spending. Synod will then determine an actual rate for the assessment for the coming year or years. Once all parish financial statements have been received the next year's assessments will be calculated and total income for diocesan, provincial and national purposes can be determined.
- d. Parishes will submit in each year a parish annual return to the diocesan office which shall include all financial aspects of their prior year's operation. The return shall include a calculation of their assessment for the year following the year of reporting. The diocesan finance officer shall confirm the calculation by September of the assessment of the following year. The total amount of the calculated parish assessments, other sources of diocesan income and its reserves will form the basis of the diocesan budget for the coming year.

### **REGULATION 4.3.02 - PARISH MONTHLY REMITTANCES**

To assist the Diocese, provincial and national churches in meeting their cash flow needs, diocesan assessments and funds for stipends and benefits shall be remitted to the Diocese monthly so that they are received by the Diocese within the same calendar month (i.e. January in January). A direct debit system is available.

- a. If the wardens are aware that the parish will not be paying its assessment within the month it is due, they shall notify the diocesan finance officer. If the situation is likely to persist beyond the current month, the wardens shall advise the anticipated duration of payment interruption and what they are doing to remedy the situation.
- b. If the assessment delinquency continues beyond three months the rector and wardens, or their designates, shall attend the next diocesan finance committee meeting and present a written plan that would see the parish recover financially. When a plan is approved by the diocesan finance committee the parish shall submit monthly reports to the diocesan finance officer to enable progress reporting to the diocesan finance committee.
- c. If the assessment delinquency continues beyond six months and the parish is not following an approved plan, the bishop may give notice of termination of employment or change in conditions of employment to all lay and ordained staff, and a review of the viability of the parish is required.
- d. When a parish is disestablished or merged with another parish, unless otherwise agreed, assessment arrears continue as an obligation and may be paid out of the disposal of assets or rental income.



- e. If a parish experiences a sudden loss in the number of parishioners or in income, as a result of actions beyond its control, then the Bishop may direct such Parish be assisted following the steps to parish revitalization (Appendix "I").
- f. Parishes have the right to appeal any of the foregoing directly to the diocesan council.

#### **REGULATION 4.3.03 - ASSISTED PARISHES**

- a. Parishes that are unable to finance their own operations and pay their assessment shall be considered assisted parishes.
- b. Upon approval, they may receive a flat cash grant that year.
- c. Except with the express permission of the diocesan council, no assisted parish shall establish a building fund or any reserve fund, any part of the capital of which is taken from ordinary parish revenue.
- d. Assisted parishes shall pay assessments on the basis of the diocesan plan of assessment, but the annual flat cash grant shall reduce the actual net assessment.
- e. For information on trusts designated for the benefit of assisted parishes see regulation 4.4.01 b.

#### **REGULATION 4.3.04 - PARISH CAPITAL EXPENDITURES**

Parishes which are in arrears on their monthly church sites and parsonages fund loan repayments or their diocesan assessment must obtain clearance from the diocesan council before undertaking any capital expenditures over \$1000. Approval will not normally be given unless cogent reasons are offered.

#### **REGULATION 4.3.05 - EXPENDITURES OF FUNDS**

- a. Before any motion involving the spending of money, not already provided for, is put to the Synod or diocesan council for vote, it shall be referred to the finance committee, or other appropriate or special committee, for report as to whether the money proposed to be spent is presently available and, if not, what steps can be taken to provide such money, should such a motion be adopted by the Synod.
- b. Every report, motion or resolution presented at Synod, or to the diocesan council, dealing with the expenditure of Synod funds, shall contain a specific provision designating the proposed source of such funds, and if carried shall be referred to the finance committee who shall be empowered to implement such recommendation, provided the diocesan council is of the opinion that adequate funds are available.

#### **REGULATION 4.3.06 - TRANSPORTATION ALLOWANCE**

- a. Approved transportation costs will be paid to those out-of-town delegates who claim it for the Synod or diocesan conferences, to those members of committees who claim it and who travel more than 25 kilometers one way, and to those members of the clergy who travel to post ordination training group meetings.
- b. Any further approved transportation costs incurred by members of the clergy in isolated parishes may be paid after negotiation with the diocesan finance officer.
- c. The rate of reimbursement will be established from time to time by the diocesan council, on the recommendation of the personnel and compensation committee.

#### **REGULATION 4.3.07 - FINANCIAL REPORTING**

- a. Parishes will submit in each year a parish annual return to the diocesan office which shall include all financial aspects of their prior year's operation. The return shall include a calculation of their assessment for the following year.
- b. Parishes will also submit to the diocesan office the parish annual reports prepared for the annual meetings of parishioners, including financial reports.

- c. Organizations which are supported by the Diocese directly (through the provision of space, the holding of mortgages, payroll services, etc.), or which have members of boards appointed by parishes or diocesan committees, shall submit their annual reports to the diocesan office.

#### **CANON 4.4 - TRUST FUNDS**

##### **REGULATION 4.4.01 - CONSOLIDATED TRUST FUND**

- a. There is a fund known as the consolidated trust fund (referred to hereinafter as “the fund”) which shall consist of all negotiable property, other than real property, entrusted to Synod, and comprising all specific funds held in trust and administered by the Synod, excepting only those funds which by resolution of the diocesan council may be excluded therefrom.
- b. Subject to any provisions to the contrary in the instrument creating the trust, all such property received in trust by a congregation or parish, by way of a gift, bequest or in any other way, shall be remitted to the Synod for administration as part of the consolidated trust fund; provided that the diocesan council may exempt any congregation or parish or any portion of the property referred to herein from the provisions of this section.
- c. The fund shall be under the control and management of the diocesan council, which may make such lawful investment of the same, as one consolidated trust fund, and in such sums and at such rates of interest as it may from time to time determine. Unless otherwise ordered by the diocesan council, monies comprising the fund shall be divided into units for administrative purposes; at times of sale and purchase the units shall be valued at their current market value.
- d. Separate accounts shall be maintained for each trust comprising the fund, which shall show the principal amount of the same, in units if appropriate, and shall record the receipt and distribution of income.
- e. Income and gains realized by the fund may be distributed to those parishes or organizations who have invested in the fund at a rate determined by diocesan council on the recommendation of the finance committee.

##### **REGULATION 4.4.02 - TRANSPORTATION LOAN FUND**

- a. There shall be a transportation loan fund under the management of the diocesan finance officer, for the purpose of providing loans to clergy and lay workers of the Diocese to assist them in the purchase of a vehicle or, where required, power boats.
- b. A person requesting a loan from the fund shall make application therefor on a form to be supplied by the diocesan finance officer on which shall be stated:
  - (1) The make, description, serial number and engine number of the vehicle to be acquired;
  - (2) Date of manufacture of the vehicle (if secondhand);
  - (3) Full cost of the vehicle;
  - (4) Amount of loan requested;
  - (5) Term of payment of loan; and
  - (6) Full particulars of insurance carried on the vehicle.
- c. The applicant shall also sign a demand note, payable to Synod, in the total amount of the loan.
- d. The diocesan finance officer, in consultation with the bishop, may approve ordinary loan applications, subject to availability of funds, to a maximum of \$15,000.00 for a new vehicle or \$10,000.00 for a used vehicle. Any applications so approved shall be reported to the next meeting of the diocesan council.
- e. All loans will be ordinarily amortized over a term of five years at an interest rate set for the term by the diocesan council. The term may be extended at the discretion of the diocesan council should circumstances warrant. The interest rate shall be reviewed and set annually by the diocesan council for new loans.
- f. Repayment shall be made in monthly instalments. Prepayment may be made without penalty at any time.
- g. A person leaving the Diocese before the loan is fully liquidated shall make arrangements to the satisfaction of the diocesan finance officer for the payment of the amount of the loan outstanding prior to leaving the Diocese.

#### **REGULATION 4.4.03 - CHURCH SITES AND PARSONAGES**

- a. There shall be a fund which shall be known as the church sites and parsonages revolving loan fund (referred to hereinafter as “the fund”).
- b. The capital of the fund shall be under the control of the diocesan council and shall be used to advance money from time to time by way of loans to parishes or clergy upon such security, at such rate of interest, and upon such terms and conditions as the council shall approve, for the following purposes:
  - (1) The purchase of sites for churches, chapels, church halls, parsonages, other clergy housing and other buildings;
  - (2) Major repairs and renovations of such buildings;
  - (3) For furniture and furnishings; and
  - (4) For other ecclesiastical and parochial purposes within the Diocese.

- c. Applications for loans shall be submitted to the diocesan finance officer, giving full details of:

- (1) The total cost of the project;
- (2) The amount available or potentially available within the parish;
- (3) The proposed terms of repayment,

and signed by the incumbent and the churchwardens. All projects are to be undertaken as a collaboration between the diocese and the parish with involvement and responsibilities determined before the commencement of the project and may be subject to change as required through the duration of the project.

- d. The project and the amount of the loan requested by a parish must be approved at an annual or special meeting of the parishioners, and a certified copy of the approved resolution shall accompany the application.
- e. Repayments shall commence with the month following receipt by the borrower of the final advance of the approved loan, and may be spread over a period not exceeding ten (10) years unless an exception is granted by diocesan council. Such repayments shall be made in monthly instalments or, in special cases approved by the diocesan council, in quarterly instalments. The rate of interest will be set from time to time by the diocesan council.
- f. Where a borrower has not made a payment for three consecutive months, or one quarter where quarterly payments are made, or where payments are constantly delinquent for no apparent reason, the interest rate will be raised to the prime lending rate of the banker to the diocese as of the date of the first missing payment, and interest will be added monthly to the principal balance owing subject to appeal to the diocesan council. It is the obligation of the borrower to notify the diocesan finance officer as soon as the borrower is aware of any potential problems in making payments. This notice shall be the appeal to the diocesan council.
- g. In the normal course of events, loans shall be granted to parishes and clergy in accordance with the dates on which the official application has been approved by the diocesan council, but the diocesan council shall have the power to amend the order of priority in order to meet unforeseen or more important requirements. In no case may funds be hypothecated for projects which the parish or member of the clergy applying for the loan does not propose to carry out within the next twelve months.
- h. Approved loans shall be issued at such times and in such amounts as are required as the erection or repairs of buildings progress.

#### **REGULATION 4.4.04 - ORDINATION CANDIDATES' FUND**

- a. There shall be a fund known as the ordination candidates' fund, hereinafter known as the fund, consisting of:
  - (1) The open collections at services of confirmation and ordination in all parishes of the Diocese;
  - (2) Special collections, subscriptions, donations and legacies received for the purposes of the fund;
  - (3) Such amounts as by order of the Synod or diocesan council shall be included in the parish assessment from time to time.
- b. The final choice of a recipient shall lie with the bishop in consultation with his examining chaplains.

#### **REGULATION 4.4.05 - DEWDNEY-SCHOFIELD FUND**

Income from the Dewdney-Schofield fund is to be divided annually into shares to be used for the following:

- A share each for each retired bishop of the Diocese of British Columbia,
- A share each for the spouse of each retired bishop,
- A share each for each widow of each deceased bishop of the Diocese of British Columbia,
- One-half share for the provision of holiday money for needy clergy of the Diocese. This share to be disbursed by the Garrod trust committee, to which application may be made,
- One-half share to be used for the holding of retreats.

#### **REGULATION 4.4.06 - EDITH TURNER TRUST FUND**

- a. There shall be a fund consisting of units in the consolidated trust fund designated as the Edith Turner trust. The capital is to be held in trust and the income is to be used for special needs in particular cases of people who come within the definition of the trust (indigent, aged Anglicans, living in the County of Victoria), and who are unable to afford such items as hearing aids, wheelchairs, etc.
- b. Parish clergy resident in the County of Victoria will be advised annually through the diocesan finance officer that the fund is available.
- c. In order to apply for funds, clergy must apply to a territorial archdeacon within the County of Victoria. If the application is worthy, the archdeacon will advise the diocesan finance officer who will normally approve the application. In the event of dispute, the matter will go to the bishop for decision. All expenditures from the fund shall be reported to the diocesan council.

#### **CANON 4.5 – TREASURER**

- a. The treasurer of the Diocese of British Columbia shall be elected at diocesan synod. If a vacancy occurs between meetings of synod, then diocesan council shall elect a replacement. The treasurer is normally a volunteer.
- b. The treasurer is required to be an accountant with current designation (i.e. chartered accountant, certified general accountant, or certified management accountant, or equivalent).
- c. Duties include:
  - (1) chairing meetings of the finance committee;
  - (2) presenting financial statements to synod;
  - (3) advising the bishop's office on the supervision of financial and accounting staff in the diocesan office;
  - (4) ensuring that the synod is in compliance with Canada Revenue Agency requirements;
  - (5) presenting the annual budget to diocesan council.

### **CANON 5 - THE CLERGY**

#### **CANON 5.1 - APPOINTMENTS AND RETIREMENTS**

- a. The appointment of an incumbent of a self-supporting parish shall be with the bishop, but only after full consultation with the churchwardens and parish council of the parish.
- b. The appointment of an incumbent to an assisted parish shall be with the bishop, who may consult with the churchwardens and parish council of the parish.
- c. The appointment of a cleric shall be deemed to be accomplished only upon the signing by such cleric of a letter of appointment from the bishop.
- d. If a member of the clergy desires to resign a post that person shall give at least three months' notice, in writing to the bishop.

#### **CANON 5.2 - ASSISTANT CLERGY**

- a. (1) Any incumbent may, with the consent of the bishop and of the churchwardens and parish council of the parish, appoint an assistant or assistants to the incumbent, who shall be under the control and direction of the incumbent.
- (2) Notwithstanding any other provisions, the employment of an assistant cleric may be terminated at any time by three months' notice in writing by the incumbent, or, if the incumbency be vacant, by the churchwardens, in consultation with the bishop.
- b. If any assistant cleric desires to resign, the assistant cleric shall give at least three months' notice to the incumbent or, if the incumbency be vacant, to the churchwardens and to the bishop.
- c. An assistant cleric shall be deemed to have submitted a resignation as such assistant cleric to the bishop upon the incumbency becoming vacant.

### **CANON 5.3 - LICENSING OF CLERGY**

- a. All clergy exercising ministry within the Diocese shall have either a written licence or permission to officiate from the bishop.
- b. In the event of a vacancy in the incumbency or if the incumbent cannot exercise ordained ministry, the bishop may appoint a priest in charge with all powers and duties of the incumbent, unless such powers are limited by the bishop.
- c. Where clergy are absent from the parish for more than five (5) successive weeks, the bishop shall, in consultation with the church wardens, appoint a substitute.
- d. A member of the clergy so licensed shall be deemed to have surrendered the licence to the bishop for cancellation on vacating the incumbency or appointment to which the licence applied.

### **REGULATION 5.3.01 - TRANSFERS**

Any priest or deacon under the jurisdiction of the bishop of the Diocese, who desires to move to the jurisdiction of another bishop, shall apply to the bishop for letters of transfer; and any member of the clergy who is licensed by another bishop shall present letters of transfer from the former bishop before being licensed in this Diocese (see General Synod canon #18).

### **CANON 5.4 - OATHS AND SUBSCRIPTIONS**

- a. Every candidate before ordination, and every member of the clergy before being licensed shall, in the presence of a witness, take or make and subscribe the following oaths and declarations in the book kept in the Synod office for such purposes:
  - (1) The oath of allegiance to the Sovereign, provided that the bishop may in the discretion of the bishop, permit a person being a citizen of any country outside the British Commonwealth to dispense with the oath.
  - (2) A declaration of profession of faith as required by the bishop.
  - (3) The oath of canonical obedience.
  - (4) The declaration of submission to the constitution and canons of the General Synod, the Provincial Synod and the Synod of British Columbia.
- b. Every member of the clergy, on appointment to the Diocese, either by ordination or transfer, shall report to the bishop at the earliest possible date after such appointment or entry to sign the oaths and subscriptions in the book referred to in paragraph (a) above, and shall file with the bishop a "personal record" on the form supplied for that purpose.

### **CANON 5.5 - POWERS AND DUTIES**

- a. An incumbent is vested with the following powers and duties:

- (1) The spiritual concerns of the parish in subordination to ecclesiastical authority and to the constitution and canons of the Diocese of British Columbia, and the constitution and canons of the General Synod and the Provincial Synod of British Columbia.
  - (2) Subject to the direction of the Book of Common Prayer and other authorized liturgies and the bishop, exclusive control of divine service, including the times of service and the musical portions thereof.
  - (3) The right of possession of the keys of the church or churches within the parish, together with the right to open the church at any time for the celebration of divine service, rites and ceremonies.
  - (4) The control and direction of Christian education and programming connected with the church or churches within the parish.
  - (5) No guild, society, auxiliary, club or other organization shall be formed in any parish without the approval of the incumbent.
  - (6) All such organizations in any parish shall be at all times subject to the direction and control of the incumbent who shall have power to suspend or disband any organization which neglects or refuses to conform to the directions of the incumbent.
  - (7) All incumbents shall be responsible for the keeping of such records and the making of such reports as may be prescribed by regulation.
- b. The incumbent and the churchwardens shall act jointly in matters concerning the use of buildings, other than the church building, and grounds and neither shall act with respect to them without the approval of the other.
  - c. In the case of difference of opinion between the incumbent and the churchwardens regarding their respective duties and powers, the matter shall be referred to the bishop for adjustment, and the decision of the bishop in such cases shall be final.

#### **REGULATION 5.5.01 - REGISTRATION OF MINISTRATIONS**

- a. Every incumbent shall keep a record in books provided by the churchwardens of:
  - (1) All services conducted in the churches within the parish;
  - (2) Baptisms performed by or under the direction of the incumbent;
  - (3) Confirmation of persons prepared and presented by or under the direction of the incumbent;
  - (4) Marriages performed by or under the direction of the incumbent;
  - (5) Funerals performed by or under the direction of the incumbent in churches within the parish or funerals conducted outside the parish in funeral homes.
- b. In the case of baptisms and marriages, the officiant shall give a certificate to the parties concerned.
- c. In case a second certificate is required, or a copy of the record of any baptism, marriage or burial applied for, a fee may be charged for the copy.
- d. In cases where an incumbent is required to search his parish register, a fee may be charged.

#### **CANON 5.6 - STIPEND, SALARY, AND ALLOWANCES**

- a. (1) Except as specified in paragraph (2) hereof, no incumbent of a parish and no paid assistant curate shall receive a stipend less than the minimum stipend which shall be determined from time to time by the Synod on the recommendation of the diocesan council.
- (2) The above paragraph (1) does not apply to members of the clergy who are superannuated, or in part-time ministry, or serving an initial curacy.
- b. (1) In the case of self-supporting parishes, the stipend shall be determined by mutual agreement between the member of the clergy and the churchwardens, and ratified by the parish council and shall in no case be less than

the minimum stipend established by the Synod. Any variations in the stipend shall likewise be determined by the parties concerned and ratified by the parish council.

- (2) No assisted parish shall pay more than the minimum stipend.
  - (3) Active clergy who are in part-time ministry, shall be remunerated at the same percentage rate specified in the letter of appointment, multiplied by the minimum stipend for their years of service.
- c. All payments for stipends and allowances shall be made at least semi-monthly, in arrears, on or before the mid-month and the last day of each month.
  - d. Should the stipend, for any cause, be not paid on the due date, the member of the clergy shall immediately notify the diocesan finance officer in order that appropriate action may be taken by the diocesan council.
  - e. Every member of the clergy shall, on or before February 15th in each year, make an official return on the form sent out by the Synod office of the total amount of salary within the meaning of the General Synod pension canon received for the previous year. Should there have been no salary for the previous year, the estimated salary for the current year may be shown.
  - f. (1) In the case of a self-supporting parish, on the appointment of a new incumbent, the cost of the moving company for moving that incumbent shall be borne by the parish, with the right of appeal to the bishop.  
(2) In the case of an assisted parish, the cost of the moving company shall be at the discretion of the bishop.

#### **REGULATION 5.6.01 - BASIC MINIMUM STIPEND AND ALLOWANCES**

- a. The basic minimum stipend for members of the clergy, as required by canon 5.6, herein called the stipend, shall be increased on January 1 each year by an amount equal to the increase in the cost of living in Victoria for the year ended the previous June 30, as determined by Statistics Canada.
- b. The basic minimum stipend as determined by paragraph (a) above, shall also be increased, for each member of the clergy, by an amount equal to 1 per cent (not compounded) of the said basic minimum stipend, for each year of service, in the Diocese or otherwise, since the ordination of the said member of the clergy as deacon, up to a maximum of 30 years. The said increase shall take effect upon the January 1st or July 1st next following the anniversary date of the said ordination. (See Appendix "H")
- c. (1) It shall be the duty of every parish to make provision for a suitable residence or a housing allowance for the incumbent.  
(2) The parish shall be responsible for payment of regular monthly telephone costs (not personal long-distance calls and similar extra charges).  
(3) In a parsonage provided by the parish, the parish shall be responsible for:
  - Seeing that a suitable stove and refrigerator and a washer and dryer are provided and that they are maintained at parish expense;
  - The payment of the taxes, insurance and other maintenance on any parsonage.  
(4) Housing Allowance: In those instances where an incumbent rents or purchases his own home, payment of an allowance based upon a qualified appraisal of what would constitute rent in the community concerned.  
(5) Health, Dental and Medical Benefits: The parish shall pay B.C. Medical Services Plan premiums, extended health and dental premiums on behalf of the member of the clergy and family.  
(6) Annual Holiday: Normal annual holidays for members of the clergy shall be four (4) weeks in any calendar year, unless with prior approval of the bishop. The bishop may grant a special leave of absence upon application. (See Appendix "G" Employment Standards)
- d. General Synod Pension Fund:
  - (1) Every bishop and member of the clergy on the register of the Diocese, in active service, who has been found medically fit qualifies for admission to the General Synod pension fund and are subject to the provisions of General Synod canon VIII.

- (2) The dues payable by individual members of the clergy and by the salary paying source as laid down in the General Synod canon VIII shall be remitted to the Synod office monthly.
  - (3) The diocesan council shall act as the diocesan authority referred to in regulation II, section 3, of General Synod canon VIII.
- e. General Synod Group Insurance Plan: The General Synod group insurance plan is applicable to every member of the clergy who is licensed to a sphere of work in the Diocese; sums deducted each month from the participants' stipends shall be remitted monthly together with the pension assessment payments to the Synod office.
- f. Educational Leave:
- (1) Members of the clergy who are contemplating leave for educational purposes shall consult the bishop in the early stages of planning.
  - (2) All members of the clergy licensed to a full-time ministry by the bishop and who are not in receipt of the General Synod pension are entitled to one week's professional educational leave each year in addition to their annual vacation and the study leave referred to in paragraph (3). This leave is non-cumulative and does not include participation in mandatory educational events.
  - (3) By virtue of diocesan participation in the General Synod continuing education plan, all members of the clergy as defined in paragraph (2) hereof, are entitled to six weeks' study leave every five years (eight days per year). This leave is cumulative, but must be taken in a way that is mutually satisfactory to the bishop, the salary paying source and the person seeking leave. It is in addition to any annual vacation and to any professional educational leave referred to in paragraph (2).
  - (4) With the approval of the bishop and the salary paying source and after completion of six years' satisfactory full-time service in the Diocese since
    - a) ordination,
    - b) becoming canonically resident, or
    - c) completing a previous sabbatical,
 whichever event shall last occur, members of the clergy shall be granted sabbatical leave of from three to ten months (exclusive of any annual vacation or leave referred to in paragraphs (2) and (3) hereof) on condition that there is an agreement to return to the Diocese for a further two full years' service at least.
  - (5) If members of the clergy are granted leave of absence of not more than one year's duration for educational purposes, the amount of any stipend received during the absence shall be determined by agreement with the salary paying source. The 12.4% and 4.4% pension contributions shall be paid out of diocesan funds direct to the General Synod pension fund, and shall be based on an artificial stipend calculated as 50% of the sum of the following:
    - The current diocesan minimum base stipend (not including the 1% experience increments), plus
    - The housing provision currently in effect as established by the General Synod for pension purposes.
- g. The rates of pay for clergy holding letters of appointment to an interim ministry, which involves full Sunday duty (including regular services) and a specified number of weekdays, shall be as determined from time to time by diocesan council. Travelling costs shall be paid according to the current diocesan scale. (See Appendix "H")

#### **REGULATION 5.6.02 - CLERGY HOUSING**

- a. No incumbent shall be permitted to reside at a location which, in the opinion of the bishop, is more than a reasonable distance from the parish, without the agreement of the parish council and the permission, in writing, of the bishop.
- b. Where a member of the clergy is the incumbent of more than one parish, the responsibility and expenses connected with such a residence shall be apportioned and set by the diocesan council after due consultation.
- c. The payment of the taxes, insurance and other maintenance on any parsonage, as well as basic telephone costs (not personal long distance calls and similar extra charges) shall be the responsibility of the parish concerned.
- d. With the exception of a residence purchased by a member of the clergy, no additions or structural alterations shall be made to any parsonage except with the written permission of the diocesan council.



- e. With the exception of a residence purchased by a member of the clergy, no parsonage shall be erected on leased land, or upon any land the title to which is not fully vested in the Synod.

## **CANON 6 - PARISH**

### **CANON 6.1 - PARISH ORGANIZATION**

The diocesan council shall have the power to make such regulations to this canon from time to time as it may deem necessary for the procedures to be adopted in relation to the conduct of the business of parishes generally and to repeal and amend the same as the circumstances may require. As no parish has existence except as part of the Diocese of British Columbia, no parish has the competence to separate itself from the Diocese of British Columbia.

### **CANON 6.2 - ESTABLISHMENT, SUBDIVISION, GROUPING, AMALGAMATION, DISESTABLISHMENT OF PARISHES**

The bishop and diocesan council may, subject to the regulations hereto, establish, subdivide, group, amalgamate or disestablish parishes.

#### **REGULATION 6.2.01 - COMMISSION OF INVESTIGATION**

Whenever the word “commission” is used herein, it shall denote a commission appointed by the bishop and approved by diocesan council, consisting of an archdeacon, two clerical or two lay members, who shall report to the bishop in writing. Such report, after approval by diocesan council by resolution, and concurrence by the bishop, shall be deemed to be confirmed and final.

#### **REGULATION 6.2.02 - ESTABLISHMENT AND/OR SUBDIVISION OF PARISHES**

1. Whenever a group of persons, who are communicants of the Anglican church, of the full age of sixteen years, residing in the Diocese, desire the establishment of a parish where they reside, they shall present a memorial to the bishop to that effect, stating their reasons.
2. On receipt of this memorial the bishop shall:
  - (a) Refer the matter to the diocesan council for study and report and notify, in writing, the incumbent or incumbents and the churchwardens of any neighbouring parishes that may be affected;
  - (b) If no objection to the proposal is raised within one month from the date of such notice, and if the report of diocesan council is in favour of the establishment of a parish, and if the bishop is satisfied that all applicable provisions of statutory legislation have been complied with, and that proper and sufficient means have been or will be provided for the maintenance of work in such parish, the bishop and diocesan council may proceed with the establishment of the parish;
  - (c) If any of the parties notified above objects to the proposed parish, the party or parties shall, within the required time, state to the bishop, in writing, the grounds of objection. The bishop may either refuse the objections or appoint a commission which shall confer with the incumbent or incumbents of the parish or parishes affected, and consider the objections made. The commission shall then report its findings to the bishop through diocesan council, and if such report is favourable to the establishment of the parish and is confirmed by diocesan council, the bishop and diocesan council may proceed to the establishment of such a parish.

#### **REGULATION 6.2.03 GROUPING OF PARISHES**

1. Whenever the bishop shall consider it advisable to amalgamate or merge two or more existing parishes, the bishop shall seek voluntary consent to such amalgamation or merger by a conference of the incumbent, churchwardens of such parishes, and shall then seek diocesan council approval by resolution.
2. Parishes may be grouped as follows:
  - a. Clustered parishes. These parishes would retain their parochial independence within the diocesan structure but would share a priest between them on an agreed percentage basis. This could vary from an equal share

(50%/50%) to any combination dependent upon the particular circumstances of the parishes involved. Each parish would be responsible for paying the stipend, allowances and benefits in accordance with the agreed percentage share. As independent parishes, they would retain their own financial responsibilities, councils, Synod delegates etc.;

- b. Team ministries. These parishes would retain both their parochial independence within the diocesan structure and their clergy but would work and be organized as a team in order to provide a ministry within a particular area by sharing and exchanging resources with each other to achieve a greater synergy of outward witness and mission. As independent parishes, they would retain their own financial responsibilities, councils, Synod delegates, etc.
3. In any one of the following cases, namely:
- a. Where a diversity of opinion may prevent the action set forth above;
  - b. Where the bishop shall consider that the interest of the Diocese requires it;
  - c. Where representation shall have been made to the bishop by sixty-six percent of the members of the vestry or vestries of a parish or of contiguous parishes; or
  - d. Where a memorial shall have been presented to the bishop by the clergy of the region in which the parishes are situated;
- (i) The bishop may give three months' notice to the incumbents and churchwardens that the bishop will at the end of that time proceed to make arrangements to group the parishes. If within three months no objection be offered by the incumbents and churchwardens, then the bishop shall proceed to establish a new parish. If within the said three months a written objection to the proposed action of the bishop be made, then diocesan council shall, at its next session, consider the said objection and give its opinion on it by vote, and, if the appeal be rejected, the bishop may proceed to effect the grouping of the parishes.
- (ii) Alternatively, at the sole discretion of the bishop, if a voluntary agreement cannot be reached, a commission may be appointed to consider the objections of those opposed to group the parishes, or any other pertinent matters, and to report to the bishop. If such report is in favour of the proposed grouping and has been confirmed by diocesan council, the bishop may proceed to carry the proposed parish grouping into effect. If the report of the commission is unfavourable, further action shall be deferred for a period of not less than one year, from the date of such report.

#### **REGULATION 6.2.04 - DISESTABLISHMENT OF A PARISH OR CONGREGATION**

1. The vestry of any parish may resolve by a resolution adopted by at least a sixty percent majority of those present at a special vestry meeting called for the purpose of considering the matter to disestablish the parish (notice being duly given by the incumbent or churchwardens during divine service on the two Sundays next preceding such vestry meeting) that it is expedient, for reason to be stated in the resolution, that the parish should be disestablished. The resolution, having been reviewed and supported by diocesan council, shall be submitted to the bishop for her/his approval who may then proceed with a declaration to disestablish the parish.
2. If the bishop deems it advisable that any parish in the Diocese should be disestablished and if voluntary disestablishment cannot be arranged, the bishop may give three months' notice to the incumbent and churchwardens that the bishop will, at the end of that time, proceed to make arrangements for disestablishment. If within three months no objection is offered by the incumbent and the churchwardens, then the bishop shall proceed. If within the said three months a written objection to the proposed action of the bishop be made, then diocesan council shall, at its next session, consider the said objection and give opinion on it by vote, and, if the appeal be rejected, the bishop shall proceed to effect a disestablishment of the parish.
3. Before disestablishing a parish the bishop shall require a financial statement of the assets and liabilities of such parish to be submitted to the bishop for review. If the liabilities are found to be greater than the assets, the bishop shall submit a statement to diocesan council which shall take such action as seems necessary under the circumstances.
4. On disestablishment, the registers and other books, records and documents of the parish shall be surrendered forthwith to the diocesan archivist, who will report receipt of these documents to the registrar of the Diocese.
5. On disestablishment, the parish capital assets of every kind, the place or places of worship and any other real parish properties shall be immediately transferred to and be in control of the Synod as trustee. The said assets shall be dealt with and disposed of by and under a commission comprised of the officers of synod, and the awards of the commission, when approved by the bishop and the diocesan council, shall be binding on all parties.

6. The churchwardens of such a disestablished parish shall continue in office for the purpose of winding-up only and shall, within a period of not more than three months after the declaration of disestablishment has been issued, discharge all current financial liabilities so far as the current assets at their disposal will allow,  
  
and shall then hand over to the Synod any balance remaining in their possession, together with an audited statement of receipts and disbursements of the parish since the end of the last financial year.
7. Notwithstanding Section 5 above, on disestablishment, where there is a successor parish, endowments, parish funds and other net current assets vest in the successor parish.
8. That from the disposition by sale or lease of buildings and lands of parishes that were disestablished after the 93<sup>rd</sup> Synod of the year 2010, the net proceeds shall be put into a diocesan fund or funds for financing new initiatives, plant maintenance and upgrading. From such net proceeds a minimum of 15% shall be put into the New Wine Endowment Fund for the purpose of enabling and funding initiatives dedicated to new non-parochial models of ministry in the Diocese.

### **CANON - 6.3 - BUILDINGS AND LANDS**

All buildings and lands of the Diocese shall be registered in the name of The Anglican Synod of the Diocese of British Columbia.

#### **REGULATION 6.3.01 - PARISH LANDS AND BUILDINGS**

- a. All lands and buildings are held in the name of the Anglican Synod of the Diocese of British Columbia.
  - (1) All major construction, purchase and sale, leasing or mortgaging relating to buildings or lands, including churches that have been closed or disestablished, shall be recommended by the asset management advisory team, for approval by the diocesan council.
  - (2) Any major changes during any of the above processes must be referred by the asset management advisory team for approval by the diocesan council.
- b. In order to begin the approval process the following information shall be forwarded to the diocesan finance officer, who shall forward the same to the asset management advisory team, namely:

##### Respecting purchases

- (a) A general description of property (with sketch of location),
- (b) Purchase price,
- (c) Method of financing purchase,
- (d) Evidence as to value supplied by an independent qualified evaluator,
- (e) Copy of offer (if available),
- (f) Statement giving details of why the property is required.

##### Respecting sales

- (a) A general description of property (with sketch of location),
- (b) Copy of the offer to purchase,
- (c) Proposed disposition of proceeds,
- (d) Evidence as to value supplied by an independent qualified evaluator,
- (e) Statement giving details of why the property is to be sold,
- (f) Statement as to whether or not the property is consecrated,

##### Respecting building or structural alterations:

First step: (for approval in principle)

- (a) Preliminary plans,
- (b) Estimated cost,
- (c) Method of financing,

(d) Statement of why the building or alteration is required.

Second step: (for final approval)

- (a) Final plans,
- (b) Actual cost as established by tender or conditional contract,
- (c) Method of financing,
- (d) Particulars of any performance bond furnished by the contractor.

Respecting mortgages or loans:

- (a) A general description of property (with sketch of location),
- (b) Amount, terms, and interest rate,
- (c) Name and address of the mortgagee or lender,
- (d) Statement of the intention of the use of the funds,
- (e) Statement outlining method of payment,
- (f) Statement as to whether or not the property is consecrated.

Respecting leases:

- (a) The terms of the lease,
- (b) Proposed disposition of proceeds where the parish is landlord,
- (c) Proposed method of financing where the parish is the tenant,
- (d) Statement giving details of why the lease is required,
- (e) Statement as to whether or not the property is consecrated.

- c. If a parish desires to initiate a purchase, sale, lease, mortgage or other dealing respecting lands and/or buildings, it shall follow the steps set out below, namely:
  - 1. The incumbent and wardens shall first consult with the bishop.
  - 2. They shall forward a certified copy of the vestry resolution to the diocesan finance officer, who shall forward the same to the asset management advisory team.
  - 3. The asset management advisory team shall deal with the request of the parish, following the procedure stated above respecting the matter.
  - 4. No lease of diocesan property shall be written for a period longer than 1 year (renewable) without the approval of diocesan council.
  - 5. All leases shall be in writing and signed by the appropriate diocesan officials.

#### **REGULATION 6.3.02 - HERITAGE DESIGNATION**

Heritage designation of any diocesan property is discouraged. Any heritage designation must be approved by diocesan council.

#### **REGULATION 6.3.03 - MEMORIALS, CHURCH FIXTURES, ORNAMENTS AND FURNISHINGS IN CHURCHES**

- a. Any person or persons desiring to place a memorial of a permanent character in or on a church building shall make application for permission to the incumbent of the parish, who shall call a meeting of the parish council, and if necessary, of the parishioners for their consideration of such application. If it be received favorably the application shall be forwarded to the bishop and the decision of the bishop shall be final.
- b. The property in all such memorials, and all purchased and donated fixtures, ornaments and furnishings in church buildings and their disposal shall be vested in the synod of the Diocese. The bishop and diocesan council shall, on behalf of the synod, decide matters relative to their disposal.
- c. When parishes are disestablished the bishop and diocesan council may appoint a furnishings committee which shall act on their behalf. In general, furnishings shall be distributed, in order of preference, to
  - i) parishes of the Diocese,
  - ii) parishes of other dioceses, and churches with whom we are in communion,
  - iii) other Anglican institutions or associated bodies,
  - iv) museums, and
  - v) private individuals (sale or gift).

Furnishings will be exchanged with a written, signed receipt from the recipient. Records of disposal will be deposited in the diocesan archives. If a private individual receives a furnishing without payment which was previously donated by that person or a relative, a charitable tax receipt for \$0.00, stating the particulars of the donation, will be issued by the Diocese, and the recipient advised to re-file their income tax return for the year in which the object was donated.

- d. If a building is to be sold by the Diocese, and a furnishing is not easily removed (eg. a stained-glass window), a clause shall be inserted into any contract of purchase wherein the Diocese reserves the right, at its expense, to remove the furnishing.
- e. Memorial brasses may be removed from the walls of buildings in disestablished churches, and if not associated with another furnishing, may be erected at a place designated by the diocesan council.
- f. All fixtures, ornaments and furnishings of any church building or other building in which divine service is held, shall be included in the inventory of all church goods, as provided for in regulation 6.8.01 (10).

#### **REGULATION 6.3.04 - INSPECTION AND REPAIRS OF PAROCHIAL BUILDINGS**

- a. The diocesan council shall, as occasion shall require, arrange for an inspection of the church, parsonage and other church buildings in each parish.
- b. With the exception of a residence purchased by a member of the clergy, an inspection of the parsonage shall always take place on the termination of an incumbency. Upon the inspector's report being received, the diocesan council shall take the necessary steps to see that the parsonage be in fit and proper condition of repair before the new incumbent shall enter into residence. The cost of such inspection is to be borne by the Synod.
- c. Upon receiving the report of the inspector, the diocesan finance officer shall give notice to the wardens of the repairs required.

#### **REGULATION 6.3.05 - ERECTION AND ALTERATION OF BUILDINGS**

- a. (1) In the case of a self-supporting parish, no new structure of a permanent nature shall be erected on any church property, or any alterations or additions above the cost of twenty thousand dollars made to any existing structure, until the plans and specifications, and the methods proposed for meeting the costs, shall have been submitted to and approved by the bishop and the diocesan council.
- (2) In the case of an assisted parish, no construction shall be undertaken, nor any capital expenditures made or budgeted for, without the express permission of the bishop and the diocesan council.
- b. (1) Any capital project with a construction cost in excess of \$250,000 must be managed by an independent owner's representative who must not be a paid professional consultant such as an architect, construction manager or parish manager, but will be either the asset manager or an independent professional advisor approved by the asset manager (developer or project manager, for example).
- (2) Any capital project of \$250,000 or less shall have an independent owner's representative if the diocesan council so directs, and
- (3) The independent owner's representative shall be a paid owner's representative under contract for the project and shall be paid with project funds, as part of the project costs.

[Regulation 6.3.05 amended by Diocesan Council April 27, 2019]

- c. No building to be used for church purposes shall be purchased or otherwise acquired until such building has been inspected by the duly authorized agent of the bishop and approved by the diocesan council.

#### **CANON 6.4 - CLERGY HOUSING**

It shall be the duty of every parish to make provision for a suitable residence for the incumbent. (See regulation 5.6.02.)

#### **CANON 6.5 - MANAGEMENT OF CEMETERIES**

- a. The incumbent and churchwardens shall have the responsibility for the management and control of the cemetery, subject to provincial legislation and regulation. This cemetery committee may add to its number not more than four parishioners for the purpose of administration.

- b. Cemetery committees may establish regulations for the management and control of the cemeteries in their care.
- c. Every cemetery shall be accurately surveyed and mapped into burial spaces.
- d. The incumbent and churchwardens shall petition the bishop of the Diocese for the consecration of the ground of a new cemetery, and such petition shall be accompanied by a certified copy of the survey.
- e. Burial spaces may be sold in perpetuity for a sum to be fixed by the cemetery committee. Funds raised from the sale of burial spaces must be managed in accordance with provincial laws and regulations.
- f. On purchase of burial spaces the purchaser shall receive the following document, signed by the incumbent and one of the churchwardens:

" Received this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ from A.B., of \_\_\_\_\_ the sum of \_\_\_\_\_ for the right to be interred in that piece of ground, part of the cemetery of the Anglican Church of Canada at \_\_\_\_\_ numbered \_\_\_\_\_ on the map of the cemetery, in the custody of the incumbent and churchwardens of \_\_\_\_\_. The right to the above piece of ground to be held by the said A.B., subject to the canons, regulations and rules for the time being in force, for the management of the cemetery."

- g. For the burial of ashes after cremation, a section of the cemetery may be divided into small plots.
- h. Ashes may be buried in the grave of a previous interment, subject to the regulations of the cemetery committee.
- i. No appropriated burial space shall be opened without the written authority of the owner of such space, or the legal representative, unless for the burial of one of the immediate family of such owner; provided always, that it shall in no case be opened contrary to the expressed wish of the owner.
- j. Applications for the purchase of burial spaces, or for burial, shall be made to the cemetery committee or its appointed designate and the incumbent shall have the final decision on any application.
- k. The cemetery committee shall have the right to regulate the placement of monuments, memorials, gravestones, and displays. In the absence of such regulation, no monument, gravestones or erection of any kind, shall be placed in any cemetery without the consent, in writing, of the incumbent, nor shall any inscription on any work, monument, gravestones or railing be made without the consent, in writing, of the incumbent, subject to an appeal to the bishop. The incumbent and churchwardens may remove, at their discretion, any memorial decoration.
- l. The position of the graves and vaults, and the general arrangement and laying out of the grounds shall be determined by the cemetery committee.
- m. In case of any dispute arising between the incumbent and churchwardens, an appeal may be made to the archdeacon, and an appeal from any decision of the archdeacon may be made to the bishop, whose decision shall be final.
- n. Exhumation may only be carried out by legal warrant.
- o. No burial service, interment, or scattering of ashes shall be held in the cemetery, except by the incumbent or with the consent of the incumbent.
- p. Many church properties have areas where cremated remains are scattered which are not within legal cemeteries. If there is such a place on church property, and this property, place, or area is proposed to be sold or built upon, the issue shall be referred to the bishop and diocesan council for decision.

#### **REGULATION 6.5.01 - MANAGEMENT OF CEMETERIES**

- a. At the time of sale of a burial plot and at the time of an interment within the cemetery of a body or ashes, or a scattering of ashes within the cemetery, a copy of this canon and regulation, as well as the cemetery committee's regulations, shall be given to the family.

- b. The interment or scattering of ashes within a cemetery, or the scattering of ashes by a cleric outside of a legal cemetery, shall be recorded in the burial register of the parish, indicating the general location of the interment or scattering.
- c. Burial plots which are not to be used by the purchaser or the purchaser's heirs may be sold only to the parish at the original price.
- d. If a family decides not to erect a permanent memorial, the cemetery committee may place a permanent identification marker on the burial plot.
- e. The removal of cremated remains that are in containers shall only be done with the permission of the cemetery committee and the family.
- f. The territorial archdeacon shall examine the records of the cemetery on a semi-annual basis. Copies of the records shall periodically be sent to the diocesan archives.

#### **REGULATION 6.5.02 - DISESTABLISHED PARISHES WITH CEMETERIES**

Where parishes recommended for disestablishment include cemeteries:

- a. The Executive Archdeacon will ensure that a local administrator is appointed.
- b. Existing bank accounts will be transferred to the Diocese retaining the local administrator as principle signatory.
- c. Ongoing plot sales, opening/closing for interments, and record keeping, will be overseen by the Diocesan Office in collaboration with the local administrator.
- d. Maintenance will be accomplished on a contract basis, administered by the Diocesan Office in collaboration with the local administrator.
- e. The Executive Archdeacon will explore possible local private sector or municipal government agencies to assume the operation of the cemetery.
- f. The Diocesan Council is empowered to alter any way necessary to
  - a) revise cemetery bylaws
  - b) appoint offices to various cemetery organizations in accordance with current provincial legislation.

#### **CANON 6.6 - INSURANCE**

- a. Insurance is normally provided through a national group insurance program arranged with the diocesan office. If a parish participates in this program it is the wardens' responsibility to ensure that property values are maintained at current replacement cost and that any claims are reported to the diocesan office.
- b. The churchwardens shall also take out and currently see to the maintenance of insurance policies to cover damage or accidents which may occur on or in church property to third parties. If a parish does not participate in the national group insurance program it shall be the duty of the churchwardens to arrange and maintain equivalent or better coverage than would be obtained through the group insurance program, showing the insured as the Anglican Synod of the Diocese of British Columbia.

#### **CANON 6.7 - ANNUAL MEETING OF PARISHIONERS**

- a. There shall be, in every parish, an annual meeting of the parishioners within sixty days after the end of the fiscal year, for the purpose of receiving and passing the previous year's accounts and for electing officers.
- b. The incumbent shall be the convener of the meeting; if there is no incumbent, then the meeting shall be convened by the churchwardens.
- c. The incumbent or nominee shall be the chair of the meeting. If the incumbency is vacant, or if the incumbent is absent for any cause, the meeting shall elect one of the churchwardens as chair.

- d. Every elector present shall be entitled to vote.
- e. The names and addresses of churchwardens, treasurer, lay delegates to Synod and lay delegates to the regional conference shall be sent to the diocesan office within ten days of the holding of the annual meeting.

#### **REGULATION 6.7.01 - ANNUAL OR SPECIAL MEETINGS OF PARISHIONERS**

- a. The parish council may appoint a nominating committee, which shall submit its report to the meeting. Other nominations may be made from the floor.
- b. The order of proceedings at the annual meeting shall include:
  - Prayer;
  - Reading, correcting and approving minutes of the previous meeting;
  - Receiving report of churchwardens and other reports;
  - Appointment of churchwarden by incumbent;
  - Election by parishioners of:
    - Churchwarden(s)
    - Lay delegates to Synod and alternates
    - One youth lay representative nominee for election to Synod by a regional conference
    - Parish council
    - An examiner to review the financial statements;
  - Adjournment with prayer.
- c. The incumbent shall call a meeting on receiving a written request, signed by the churchwardens and by a majority of the parish council, or on a written request by any ten parishioners.
- d. Notice of every such meeting must be given in writing or printing, signed by the convener, and posted up conspicuously at or near the church door, at least ten days before the day on which the meeting is to be held. The notice must state the time and place at which, and the purpose for which, the meeting is to be held; and shall be in the following form:

"Notice is hereby given that a meeting of the parishioners of this parish will be held on the \_\_\_\_ day of \_\_\_\_ at \_\_\_\_ o'clock, in the \_\_\_\_\_ for the purpose of \_\_\_\_\_. "

Similar notice shall also be given during divine service in the church on the two Sundays preceding the meeting.

- e. An elector who is unable to attend a meeting in person may appoint, in writing, another elector to attend and vote on his or her behalf by proxy, provided that no elector may hold more than one proxy at any meeting. A proxy is valid only for the one meeting to which it refers.

[subsections e. to k. added Dec 18/Diocesan Council]

- f. In parishes with 200 or fewer electors, the quorum for transacting any business at an annual or special meeting of parishioners shall be:
  - i. the incumbent, or, if the incumbency is vacant or the incumbent is absent for any cause, the priest or deacon in charge, if any,
  - ii. at least one churchwarden or deputy warden, and
  - iii. not fewer than ten of the electors of the parish, present in person or by proxy.
- g. In parishes with over 200 electors, the quorum for transacting any business at an annual or special meeting of parishioners shall be:
  - i. the incumbent, or, if the incumbency is vacant or the incumbent is absent for any cause, the priest or deacon in charge, if any,
  - ii. at least one churchwarden or deputy warden, and
  - iii. not less than ten per cent of the electors of the parish, present in person [or by proxy].
- h. If a quorum is present at the start of the transaction of business at the meeting, the meeting is validly constituted and remains so, notwithstanding any reduction in the number of attendees during the course of the meeting.
- i. If a quorum is not present within 30 minutes of the time set for the commencement of the meeting, the meeting shall stand adjourned to be resumed at the same time and place seven days following the date originally set. No further notice of the adjournment of the meeting need be given under subsection d.



- j. The electors present at the meeting at which no quorum was present may by simple majority vote to choose a different time and place for the adjournment of the meeting, in which case the notice provisions of subsection d. apply.
- k. The incumbent, or, if the incumbency is vacant or the incumbent is absent for any cause, the priest or deacon in charge, if any, at least one churchwarden or deputy warden, and the electors in attendance at the time and place fixed for a meeting adjourned under subsection i. or j. shall constitute a quorum.
- l. At a meeting duly convened and held, the result of the votes shall be recorded and shall bind those who are absent. Voting shall be by show of hands or standing vote unless a vote by ballot is requested. A parishioner shall vote at the meeting of only one parish of which the parishioner is a member.
- m. (1) The chair shall have the usual powers of a chair at any other public meeting. It shall be that person's duty to remain in the chair until the business is concluded, or the meeting adjourned, to keep the meeting, when necessary, to the specified purpose of its assembling, and to decide all questions of order. In addition to the chair's own vote, the chair shall have a casting vote in the case of a tie.
- (2) The right of adjournment shall be in the whole assembly, and the question of adjournment shall be decided only by the majority of votes.
- (3) Minutes of the proceedings and resolutions of every meeting shall be correctly recorded and signed by the chair.

#### **REGULATION 6.7.02 – PARISH MEETINGS BY ELECTRONIC MEANS**

- a. The incumbent of a parish, or, if there is no incumbent, the churchwardens, may direct that at any annual or special meeting of parishioners, or any meeting of the parish council or a committee thereof, a member may participate by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting. A member so participating in a meeting is deemed for the purposes of the Canons to be present at the meeting.
- b. The incumbent of a parish, or, if there is no incumbent, the churchwardens, may direct that any annual or special meeting of parishioners, or any meeting of the parish council or a committee thereof, shall be held entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- c. In any meeting of parishioners, the parish council or a committee thereof where members participate by electronic means, those provisions of Regulation 2.1.05 that are not in conflict with this Regulation shall apply, with the necessary grammatical and contextual changes.

[Regulation 6.7.02 adopted by Diocesan Council June 25, 2020]

#### **CANON 6.8 - APPOINTMENT AND ELECTION OF CHURCHWARDENS**

- a. In every parish there shall be two churchwardens selected from the communicants, one to be appointed by the incumbent and one to be elected by the electors; provided that, if the incumbent declares a desire to waive the incumbent's right of appointment, both the churchwardens shall be elected by the electors.
- b. If any incumbency be vacant at the time fixed for the election and appointment of churchwardens, one shall be elected by the parishioners duly assembled (normally at the annual general meeting) and the other shall be appointed by the bishop or the commissary. The churchwarden appointed by the bishop or the commissary shall remain in office until the incumbent shall have been duly appointed.
- c. No person shall be appointed or elected as churchwarden who has held the office for the previous six years.
- d. No churchwarden may be removed from office except by direction of the bishop.

#### **REGULATION 6.8.01 - CHURCHWARDENS**

- a. The churchwardens, upon appointment to their office, shall sign the following declaration to be kept in the parish office:

"I, \_\_\_\_\_, churchwarden of the parish of \_\_\_\_\_, declare that I consent to be bound by the constitution, canons and regulations which are now in force, and which may from time to time be made or amended by the Anglican Synod of the Diocese of British Columbia, and that I will faithfully perform the duties of my office."

- b. Appointment or election as churchwarden does not imply the assumption of any personal liability in the due performance of the duties of churchwardens as such.

- c. The duties of the churchwardens, whether chosen by the incumbent or the parishioners, shall be the same:

- (1) To see that the divine service is regularly and decently performed by the persons licensed by the bishop or holding the bishop's permission to officiate, and to ensure that all things requisite for divine service are provided.
  - (2) To set an example of regular attendance and hearty response on the part of the congregation, and generally to assist and support the incumbent by zeal and moral support in all matters affecting the welfare and advancement of the parish; to take care that order is preserved in the church, and to see that the parishioners are sufficiently accommodated in the church.
  - (3) To have supervision of all financial matters of the parish, and to ensure that a financial statement is drawn up each month for presentation to the parish council.
  - (4) To ensure that the incumbent's stipend is paid in full regularly each month.
  - (5) To ensure that the yearly accounts, duly examined and reviewed, are laid before the parishioners at the annual meeting; and that a copy of such accounts is sent to the diocesan finance officer, as well as the parish annual return form sent from the Synod office.
  - (6) To hand over to their successors in office any cash balance in hand after the approval of the accounts, together with the church goods and inventory.
  - (7) To ensure that all properties belonging to the parish are in repair and insured; and all premiums and taxes are paid (See Canon 6.6 – Insurance).
  - (8) To execute contracts normally entered into on behalf of the parish, having obtained the previous consent or subsequent ratification of the parish council.
  - (9) To undertake, with the incumbent, the management and control of the church cemetery or cemeteries within the parish, subject to the terms of any trust affecting the same, and subject to the regulations on cemeteries.
  - (10) The following books or records are to be kept by the parochial authorities:
    - Register book or books of baptisms, confirmations, banns, marriages and burials;
    - A register of all services that take place in the church, with the names of the officiating ministers;
    - A register of Sunday attendance and attendance at festivals;
    - The minutes and resolutions of the vestry meetings and parish council;
    - The parish accounts;
    - The constitution, canons, and regulations of the Diocese, to be retained permanently in the parish, in addition to any other copies required by the incumbent and other officers;
    - An inventory of all church goods and lands.
- [amended Dec 18/Diocesan Council]
- (11) At the beginning of the year to assist the incumbent in preparing and promptly submitting a table of statistics on a form provided by the diocesan office.
  - (12) To provide for the care of the parish during the annual holiday of the incumbent.
  - (13) To report to the bishop the death of the incumbent, or the inability from any cause to fulfill the duties of the incumbent.

- (14) To take care of the rectory during the vacancy of the incumbency.
  - (15) To assist the incumbent in the appointment of all lay employees.
  - (16) To assist in the completing, signing and remitting of all necessary filings under the Income Tax Act, in a timely manner, so that the parish's standing as a registered charity be maintained.
- d. Churchwardens shall normally continue in office until their successors are appointed or elected.
  - e. If a churchwarden wishes to resign the office, notice in writing shall be given to the incumbent or if there is no incumbent, to the bishop or the commissary.
  - f. (1) If the office of churchwarden chosen by the parishioners shall become vacant, a meeting of the parishioners shall be called as soon as conveniently may be, to elect some other qualified person to the vacant office. If the office of churchwarden chosen by the parishioners shall become vacant during the year, with less than six months of the normal term remaining, a churchwarden may be elected by the parish council without the necessity of calling a meeting of the parishioners.
  - (2) If the office of the churchwarden appointed by the incumbent shall become vacant the incumbent shall appoint without delay some other qualified person to the vacant office.
  - (3) Immediately after the appointment of a churchwarden to fill a vacancy the incumbent shall publicly announce to the congregation during the time of divine service, the name of such person, and shall have such person sign the declaration required in paragraph a. above and advise the diocesan office of the name of such person.

#### **CANON 6.9 - THE PARISH COUNCIL**

- a. In every parish there shall be a parish council elected from and by the parishioners of not less than three nor more than twelve in number in addition to the ex-officio members. This council shall meet at least quarterly.
- b. The council may, at a meeting subsequent to the parishioners' meeting, add to its membership a number not more than one-third of those elected at the vestry meeting, with the unanimous consent of its members to each appointment.
- c. The incumbent shall be entitled to appoint a number equal to those added under paragraph b. above.
- d. Unless elected or appointed to parish council, the treasurer and secretary do not have a vote.
- e. Members added under the provisions of paragraphs b. and c. above shall have the same powers and privileges as those members elected by the vestry.
- f. Alternate lay delegates to Synod not elected or appointed to parish council are not ex-officio members of parish council, unless the elected lay delegate states that he/she cannot attend Synod.
- g. The incumbent, any other clergy licensed to the parish, the churchwardens and lay delegates to Synod shall be ex-officio members of the parish council and all have the right to vote.
- h. No paid lay employee of the parish shall be a member of the parish council without the unanimous consent of the council.
- i. The duty of the parish council shall be to assist and support the incumbent and the churchwardens in the general business and the programs of the parish.
- j. The incumbent shall be the convener of the parish council; if there be no incumbent, then the meetings shall be convened by the churchwardens.
- k. The incumbent, the incumbent's nominee, or a person elected by the council, in that sequence, shall be the chair of the parish council. If the parish be vacant, or if the absence of the incumbent is approved by the archdeacon or the bishop, the council shall elect as chair one of the churchwardens.

- l. The incumbent shall call a special meeting of the parishioners or parish council on receiving a written requisition to that effect, signed by the churchwardens and by a majority of the parish council or on such requisition signed by any ten parishioners.
- m. A quorum of the parish council shall be the chair and one of the churchwardens and one-third of the membership of the council.
- n. Between annual and special meetings of the parishioners, their powers shall be vested in the parish council.

#### **REGULATION 6.9.01 - PARISH EMPLOYEES**

- a. All lay employees of the parish shall be appointed by the rector and churchwardens, the position and terms of employment having been authorized by the parish council.
- b. All regular staff and volunteers who work with children or vulnerable adults shall, before commencing work, provide a criminal record check to the diocesan office.
- c. All full-time employees of the Diocese, parishes, or church related institutions in the Diocese shall be offered the opportunity of becoming members either of the General Synod pension plan or the lay retirement pension plan of The Anglican Church of Canada.
- d. See Appendix "G" for diocesan employment standards.

#### **CANON 6.10 - PARISH FINANCES**

- a. All monies received by the parish from any source or for any purpose shall be promptly deposited in a chartered bank, credit union, or trust company authorized to do business in the Province of British Columbia, and cheques drawn on the account or accounts shall be signed by any two of the following:
  - (1) The incumbent,
  - (2) The rector's warden,
  - (3) The people's warden,
  - (4) The treasurer or assistant treasurer, if any,
  - (5) Any others authorized by parish council.
- b. All the monies received from any source and for any purpose by the parish shall be brought to account in the churchwardens' accounts, and shall be included in their annual statement to be submitted to the annual meeting of parishioners.
- c. The churchwardens' accounts shall be examined each year by a qualified person or persons, other than a member of the parish council, elected at the previous annual vestry meeting, and the examiner's report on the accounts shall be presented to the annual meeting of parishioners.

#### **REGULATION 6.10.01 - LINKED BANKING SYSTEM**

Parishes participating in the diocesan linked banking system may:

- (a) Submit loan applications approved by resolution of the parish council to the diocesan council for approval.
- (b) Apply for emergency funding if they have no outstanding loans. Such funding may be granted by any two of the authorized signatories of the Synod bank account, up to \$10,000 in a line of credit to individual parishes. All such applications shall be forwarded to the diocesan finance officer for consideration, and the bishop and finance committee shall be advised.

#### **REGULATION 6.10.02- PARISH FUND DRIVES**

The soliciting of funds from any other parish by a parish or individual, or organization may be carried out only with the permission of the diocesan council.

### **REGULATION 6.10.03 - PARISH TREASURER**

1. ACCOUNTABILITY: The parish treasurer is appointed by the rector and wardens with the consent of the parish council and reports to the wardens of the parish, who are ultimately responsible for all financial aspects of the parish.
2. QUALIFICATIONS: A good working knowledge of basic bookkeeping or accounting and the time and commitment to complete all of the work necessary.
3. DUTIES AND RESPONSIBILITIES:
  - a. Ensure that all monies received by the parish are accounted for, recorded and deposited into a recognized financial institution in a safe and timely manner.
  - b. Ensure that all parish financial obligations (clergy stipend and housing, staff salaries, benefits, bills, taxes, insurance, assessment, etc.) are paid in a timely manner.
  - c. Control or prepare and maintain accounting records of the financial activities of the parish.
  - d. Ensure that the rector, wardens and parish council are kept aware of the parish's financial condition and present accurate, comparative financial statements to them monthly.
  - e. Assist in the development of an annual budget for the parish.
  - f. Attend all council, regional and other meetings as required.
  - g. Ensure that all of the parish financial information is available for audit, review or examination and be prepared to answer any questions relating to it.
  - h. Pass all records on to your successor in a neat and tidy condition and timely manner.

### **REGULATION 6.10.04 - POSTING OF FINANCIAL STATEMENTS**

All church wardens and treasurers of each parish church of the Anglican Synod of the Diocese of British Columbia are required to produce and post in a visible location in the Church, easily understood monthly financial statements. These financial statements are also to be made available in a timely manner to the Clergy, wardens, parish council members, and members of the parish upon request. The financial statements are to include the status of the diocesan assessment.

### **CANON 6.11 - GENERAL**

- a. All questions of dispute between the incumbent and the churchwardens, or between the churchwardens and the meeting of parishioners, shall be reported to the bishop for decision, or for such enquiry as the bishop may consider necessary and the decision of the bishop in each case shall be final.
- b. Proceeds of the sale of property are to be invested, and the capital is not to be used for current purposes, unless express permission is given by the diocesan council.

#### **CANON 6.11.01 - EXCEPTION TO CANON 6.11 b.**

An exception to Canon 6.11.b may be granted by diocesan council when a parish can demonstrate:

- (1) It is on sound financial footing with respect to its annual operating revenue and expenses (revenues not less than 98% of expenses);
- (2) That meeting its prior obligations (outstanding assessments, insurance or other debts) was problematic; and
- (3) In the case of the sale of rectory property, Appendix "L" applies.

[amended 98<sup>th</sup> Synod, 2018]

## **CANON 7 - EDUCATIONAL TRUSTS**

### **CANON 7.1 - BOARD**

Pursuant to Section 7 of the Synod Incorporation Act, there shall be appointed the Diocese of British Columbia educational trusts board (hereinafter in this canon called "the board").

### **CANON 7.1 - ORGANIZATION**

- a. Membership
  - (1) Ex-officio:
    - (a) The members of the board of the trust constituted by the will of John Albert Hall, deceased, dated 10th January 1932, (hereinafter called "the Hall board"), namely: the bishop, the dean, the two senior canons of the Cathedral Chapter, the chancellor, the treasurer.
    - (b) The member or members of the selection board of the Stanley Flitcroft Trust Deed dated 7th December 1977, (hereinafter called "the Flitcroft board").
  - (2) Appointed:  
Six (6) members appointed by the diocesan council of whom at least three shall be lay persons, such members need not be members of Synod, but must have the qualifications required of lay delegates of Synod by article IV of the constitution of the Synod.
- b. The term of the appointed members shall be established by regulation.
- c. A majority of the members shall form a quorum provided that it shall include a majority of the members of the Hall board, and a member of the Flitcroft board if the Flitcroft board consists of 3 or more members.

### **REGULATION 7.2.01 - BOARD MEMBERS**

- a. The term of appointed members shall be for three years.
- b. No appointed member shall serve more than two consecutive terms.
- c. Vacancies of appointed members on the board shall be filled by appointment of the diocesan council.

### **CANON 7.3 - DUTIES**

The board shall meet at least once in each quarter of the calendar year. Minutes of each meeting shall be filed in the Synod office for circulation to the diocesan council. The board shall receive and consider any recommendations from Synod or from the diocesan council. The board shall report to each regular session of Synod.

### **CANON 7.4 - POWERS**

- a. To receive and consider all applications for grants under the C.H.G. Mann trust and under the Stanley Flitcroft trust respectively.
- b. To award, in accordance only with the trusts relating thereto, grants under the C.H.G. Mann trust.
- c. To recommend to the Flitcroft board, in accordance only with the trusts relating thereto, the granting of bursaries.
- d. To recommend to the Hall board such measures as the board considers necessary or desirable for the carrying out of the power and authority granted to the Hall board in accordance with the trusts relating thereto, or as the terms and scope of the trusts may, from time to time, be modified, altered, or extended.
- e. To recommend and/or award the recipients and amounts of grants from such trusts as may at any time be deemed appropriate by Synod for the board to administer.

## **CANON 8 - REGULATIONS**

- a. Regulations may be drafted from time to time to facilitate the implementation of a canon by the body or bodies affected, provided they are not inconsistent with the spirit of the canon.
- b. Regulations made as described above become operative upon approval of the diocesan council.
- c. The diocesan council shall submit all regulations approved by it to the next ensuing Synod for ratification. If ratification is denied, the regulation may not be re-introduced at any level until after the next ensuing Synod, when the above provisions pertain.

## **CANON 9 - COURT OF THE DIOCESE OF BRITISH COLUMBIA**

### **1. Interpretation**

In this canon:

- (1) **“accused”** shall refer to any person charged with an offence under any canon on church discipline;
- (2) **“applicant”** shall refer to any party in the position of plaintiff with respect to any matter referred to the court;
- (3) **“bishop”** shall refer to the bishop of the Diocese and shall include an administrator of the Diocese or bishop’s commissary;
- (4) **“canons”** shall include the canons of the Diocese as well as canons of Provincial Synod and General Synod;
- (5) **“cause”** includes any matter referred to the court;
- (6) **“charge”** is an accusation of any breach of discipline under the canons;
- (7) **“commission”** shall refer to the commission of the bishop requiring the court to deal with a cause;
- (8) **“complainant”** shall include any person who instigates a charge or complaint;
- (9) **“complaint”** shall refer to the document upon which a charge is based;
- (10) **“court”** shall mean the Court of the Diocese of British Columbia;
- (11) **“party”** shall include any party to the proceedings;
- (12) **“president”** shall mean the person elected by section 2, clause 4;
- (13) **“proceeding”** shall include any cause or matter referred to the court;
- (14) **“provincial court of appeal”** shall mean the provincial court of appeal of the Ecclesiastical Province of British Columbia and Yukon;
- (15) **“registrar”** shall mean the registrar of the court;
- (16) **“respondent”** shall include any party responding to any matter referred to the court;
- (17) **“rules”** shall mean the rules passed from time to time by the court;
- (18) **“supreme court of appeal”** is the supreme court of appeal for the Anglican Church of Canada;
- (19) **“supreme court”** is the Supreme Court of the Province of British Columbia.

### **2. Court**

- (1) There shall be a court to be known as the “Court of the Diocese of British Columbia”, which shall be composed of five persons, being:
  - Two clergy: one to be appointed by the bishop, and one to be elected at Synod neither of whom need be members of Synod.
  - Three lay: one to be appointed by the bishop, and two to be elected at Synod, one at least of whom shall be a lawyer of five (5) years’ standing or more, none of whom need be members of Synod.
- (2) No member of the court shall be disqualified by reason of that member dealing in any way with a charge or preliminary investigation, but no member of the court may sit on any charge or complaint preferred by such member, or on any charge or complaint in which such member may have an interest and in such case the bishop on the recommendation of the diocesan council shall appoint pro tem a replacement to sit on the court for that charge or complaint until it is concluded.
- (3) Any vacancy which may occur in the membership of the bishop’s appointees to the court by death, resignation or otherwise shall be filled by a replacement appointed by the bishop, and any new member shall be announced by the bishop at the next ensuing meeting of the diocesan council, which shall report the

appointment to the Synod at its next session. Any vacancy which may occur in the membership of the elected members of the court by death, resignation or otherwise shall be filled by a replacement appointed by the diocesan council on the recommendation of the court, to stand until the next session of Synod.

- (4) The court shall be presided over by a member thereof elected by the court.
- (5) The court shall from time to time appoint a registrar or acting registrar, and such other officers as may be found necessary.
- (6) The court may sit in any place in the Diocese and at such time as the president of the court may order and direct.
- (7) No objection shall be effective as to the constitution, or appointment of any members of the court or any other officers appointed to assist or advise the bishop in the exercise of the bishop's power, authority and jurisdiction.
- (8) No objection shall be effective in any proceedings under this canon that the offence, cause, breach or charge arose outside of the Diocese in which proceedings are taken or arose outside Canada.

### **3. Jurisdiction**

- (1) The said court shall have the jurisdiction within the Diocese conferred on a diocesan court by canon XVIII of the canons of the General Synod of the Anglican Church of Canada.
- (2) Without limiting the generality of the foregoing:
  - (a) The said court shall have cognizance and may try any member of the church within the Diocese, clerical or lay, for offences against the provisions of the constitution or canons of the Diocese, or of the Provincial Synod of British Columbia and Yukon, or of the General Synod of the Anglican Church of Canada.
  - (b) The court shall also determine any question which may be referred to it by the bishop as to the sufficiency of the bishop's reasons for refusing a Bene Decessit or Letters Testimonial to a cleric on removal from the Diocese.
  - (c) The court shall also have jurisdiction to determine any other question which may be referred to it by the bishop.
- (3) Nothing in this canon infringes on the authority of the bishop as set out in canon XVIII of the canons of the General Synod.

### **4. Procedure**

- (1) Notwithstanding anything in this canon and unless the court otherwise directs, any proceedings may be disposed of by:
  - (a) agreement;
  - (b) consent order; or
  - (c) where the parties have waived such hearing or compliance, by a decision of the court given,
    - (i) without a hearing, or
    - (ii) without compliance with any other requirement of this canon.
- (2) It shall be the duty of the president of the court to see that all of the proceedings of the court as well as any sentence, or any action of the bishop thereon, are duly recorded by the registrar and retained with all proceedings in the matter, and the decision of the court and any sentence of the bishop shall be in writing.
- (3) All decrees, citations, orders and other instruments under seal, shall be issued by the registrar of the court and shall bear date on the day on which they are respectively issued.
- (4) The seal of the court shall bear the device of the seal of the Synod.
- (5) No member of the court shall divulge the sentence recommended by it until such time as the sentence has been approved and confirmed by the bishop, and further, no member of the court will disclose the vote of any particular member of the court.



## **5. Appeals Regarding Hearings**

- (1) Every person whose case may have been disposed of and decided adversely to such person, who shall make it appear that new evidence having an important bearing on the case has been discovered since the hearing, the existence of which was unknown by such person at the time of the hearing  
  
may, within six months of discovery of such new evidence, petition the bishop for a rehearing of the case, and such person may apply by petition to the bishop for an arrest of sentence or judgment, upon causes to be shown; and the bishop shall, upon receiving such petition, refer the same with or without comment to the court and the court's decision on the above questions, shall be final insofar as this Diocese is concerned.
- (2) The decision of the court and any sentence imposed in accordance with the provisions of this canon shall be subject to appeal to the Provincial Court of appeal of the Ecclesiastical Province of British Columbia and Yukon, or to the supreme court of appeal of the Anglican Church of Canada in accordance with the canons of the provincial and General Synods constituting the said courts.
- (3) On notice of appeal by an accused person being given and served as provided in the previous section from any conviction or sentence, the bishop from whose conviction or sentence the appeal is asserted shall not proceed to enforce such sentence against the accused until further order of the court appealed to.

## **6. Rules**

The court may from time to time make such rules and regulations as to the court may seem expedient for regulating the practice and procedure of the court, and every matter deemed expedient for carrying out the objects of this canon; and the court may, from time to time, suspend, repeal, vary, or revive any such rules and regulations, but no order made by the court shall have the effect of altering any matter defined by this canon. Matters not provided for by the rules of the court shall be regulated by analogy to the rules of the Supreme Court of British Columbia.

## **SCHEDULE TO CANON 9 - RULES OF THE COURT OF THE DIOCESE OF BRITISH COLUMBIA**

### **1. Style and Commencement of Proceedings**

- (1) Any proceedings in the court shall be styled in the Court of the Diocese of British Columbia with the name(s) of the applicant(s) or the complainant(s) and the name(s) of the accused or the respondent(s).
- (2) Any new matter or proceeding within the jurisdiction of the court may be referred to the court for determination by written notice delivered to the registrar of the court at the diocesan office at 900 Vancouver Street, Victoria, British Columbia, setting out the following:
  - (a) The name(s) of the applicant(s) or the complainant(s) and the name(s) of the respondent(s);
  - (b) A short description of the cause or matter;
  - (c) The relief sought; and
  - (d) An address within the Diocese at which further notices may be delivered.
- (3) In the event of a vacancy in the position of registrar of the court, a notice may be delivered to the president of the court.

### **2. Preliminary Investigation**

Where the court has been requested by the bishop to conduct a preliminary investigation, the investigation may be conducted by two or more members of the court as determined by the court or by the bishop.

### **3. Form of Charge and Hearing by Court**

The court may appoint two of its members to determine the sufficiency or insufficiency of the form in which the charge is presented, and of the answer thereto, and of any matter connected with the practice or procedure of the court, subject to an appeal to the court in all matters in which either party may be dissatisfied; provided however, that the evidence to be taken on which the court is to act, and the hearing and adjudication of the subject matter of the complaint, must be given, heard and made before and by the court.

### **4. Notice of Hearing**

A notice of hearing by the court shall include a statement of the time, place and purpose of the hearing and a reference to the authority under which the hearing will be held, and shall also include a statement that if any party notified does not attend at the hearing, the court may proceed in the absence of such party who will not be entitled to any further notice in the proceedings.

### **5. Service of Notice of Hearing**

Fourteen (14) clear days before the hearing, a notice of hearing shall be served upon the respondent and other parties, or such service may be accepted by any party, and a party shall be given reasonable notice of the hearing, the question of reasonableness in any case to be solely determined by the court. Clear days shall exclude Saturdays, Sundays and statutory holidays.

**6. Procedure on Failure to Attend After Notice**

Where notice of hearing has been given to a party and the party does not attend, the court may proceed in the absence of the party, who will not be entitled to any further notice in the proceedings.

**7. Furnishing Information to Party Where Character or Conduct in Issue**

Where the good character, propriety of conduct or competence of a party is an issue in any proceedings, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

**8. Representation by Counsel**

A party to the proceedings may be represented by counsel or an agent; may call and examine witnesses and present arguments and submissions, and may conduct cross-examinations of witnesses, at a hearing reasonably required for full and fair disclosure of the facts, and where any person is not so represented the court may appoint a representative when the court determines that such representation may be required in the interest of justice, and where any party is charged with any offence the court may appoint counsel to prosecute the charge.

**9. Witness' Rights**

A witness at a hearing is entitled to be advised by counsel or agent as to such witness' rights, but such counsel or agent may take no other part in the hearing without leave of the court, and where a hearing is in camera, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

**10. Open Hearings**

A hearing shall be open to the public except where the court is of the opinion that matters involving intimate, financial or personal matters may be disclosed at any hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure in any interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case the court may hold the hearing in camera.

**11. Oaths**

Any member of the court has power to administer oaths and affirmations with respect to any of its proceedings, and the court may require evidence before it to be given under oath or affirmation.

**12. Power to Summon Witnesses**

The court may summon and orally examine witnesses, including any party, in open court, to give evidence under oath or by affirmation and to produce in evidence documents and things so specified by the court, and may for sufficient reason order any particular fact or facts to be proved by statutory declaration or allow the affidavit or statutory declaration of any witness to be read in evidence at the hearing, or may direct any witness to be examined before an examiner or commissioner or the registrar of the court or other person authorized by the civil law of the Province to examine witnesses or take statutory declarations.

**13. Service of Summons**

The summons herein referred to shall be served personally in accordance with the rules of the Supreme Court of British Columbia. If personal service cannot be reasonably effected the court may make such order for substituted or other service as it deems fit.

**14. Inferences**

The court shall be entitled to draw inferences from evidence accepted by it whether of fact or law which might have been drawn therefrom if proved at a trial.

**15. Canada Evidence Act**

A witness at a hearing shall be deemed to have objected to answer any question that may be asked of such witness on the grounds that it may tend to incriminate or be deemed to establish liability to civil

proceedings, and no answer given by a witness shall be used or be receivable in evidence against that witness at any hearing or trial or other proceedings against such witness thereafter taking place other than a prosecution for perjury, and a witness shall be informed by the court of the provisions of the Canada Evidence Act.

**16. Affidavit Evidence**

A witness at a hearing shall be orally examined but the court may at any time by sufficient reason order particular evidence or facts to be proved by affidavit, or that the affidavit of a witness may be read at the hearing.

**17. Depositions and Commission Evidence**

The court may, whenever it appears necessary, make an order for the examination before a member of the court or any other person at any place and permit such deposition to be given in evidence, or the court may order the issue of a commission to take such testimony as approved in the form of the Supreme Court of British Columbia, and such testimony may be given in evidence.

**18. Admission of Evidence**

The court may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in court, any oral testimony or document or other thing relevant to the subject matter of the proceedings, but nothing is admissible in evidence that may be inadmissible in the Supreme Court of British Columbia by reason of any privilege under the law of evidence, or which would be inadmissible by statute.

**19. Copies of Document**

A copy of a document may be admitted as evidence where the court is satisfied as to its being a true copy, and where the document may be filed as evidence the court may authorize a copy to be filed in evidence when accepted to be a true copy by a member of the court.

**20. Judicial Notice**

The court may take notice of facts that may be judicially noticed, and take notice of any generally recognized scientific or technical facts, information, or opinions within scientific or specialized knowledge.

**21. Decision in Writing**

The court shall give its final decision or order, if any, in writing, and shall give reasons in writing therefor if requested by any party.

**22. Service of Decision**

The court shall send by regular mail addressed to the parties to any proceeding at their last known address a copy of the final decision or order, together with reasons where reasons have been given, and each party shall be deemed to have received a copy of the decision on the fifth day after the day of mailing unless a party acting in good faith did not receive the decision or order through absence, accident, illness, or other cause beyond the control of such party.

**23. Record**

The court shall compile a record of any proceeding before it which shall include the complaint, notice of hearing, the answer if any, any intermediate or interlocutory orders, all documentary evidence, transcripts if any of oral evidence, the decision of the court and reasons, where reasons have been given.

**24. Maintenance of Order**

The court may make such orders or take such proceedings as it considers necessary for the maintenance of order at the hearing.

**25. Abuse of Process**

The court may make such orders or give such direction in proceedings before it as it considers proper to prevent abuse of its processes.

**26. Exclusion of Agents**

The court may exclude any person acting as agent from the hearing other than a barrister and solicitor qualified to practice in the Supreme Court of British Columbia, if it finds that such person is not competent to properly advise or represent a witness or a party.

**27. Limitation of Cross Examination**

The court may reasonably limit further cross-examination of a witness where it is satisfied that the cross-examination of a witness has been sufficient to disclose the facts.

**28. Adjournment**

Any hearing may be adjourned from time to time by the court to a fixed date.

**29. Notice of Order by Publication**

Where the court is of the opinion that because the parties to any proceedings are so numerous, or for any other reason it is impractical to send its decision and the material to all or any of the parties individually the court may cause reasonable notice of the decision or order to be given to the parties in such manner as the court may direct.

**30. Amendments**

Amendments to any proceeding or document may be made by order of the court at any time.

**31. Adding or Deleting Parties**

The court may at any stage of the proceedings order that the name of any complainant or respondent improperly added be struck out and may also order that any person(s) who ought to have been joined, or whose presence is necessary, be added.

**32. Costs and Expenses**

- (1) All expenses necessarily incurred by the court or by anyone acting under its direction in any investigation or hearing pursuant to this canon shall be paid by the Synod.
- (2) The costs including counsel fees of and incidental to any proceedings authorized to be dealt with by the court are in the discretion of the court. The court has full power to determine by whom, or to what extent, costs shall be paid including the legitimate costs of any party out of the Synod, and in any proceeding the court may fix the amount of costs awarded or may in its discretion deal with the question of costs separately.

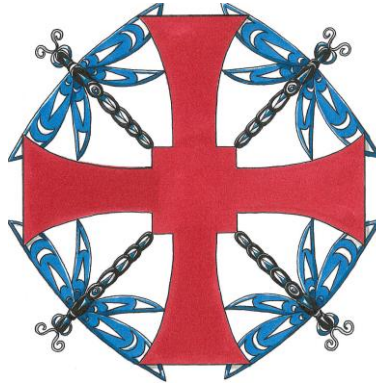
**33. Application to Supreme Court of British Columbia for Directions**

The court may apply to the Supreme or Superior Court for such directions as it deems necessary or to enforce its orders with respect to evidence or for any other purpose, and the court may state a case to the Supreme Court of the Province of British Columbia, where permitted by law.

**34. Matters Not Provided For**

As to all matters not provided for in these rules the practice shall be regulated by analogy thereto and to the rules of practice of the Supreme Court of the Province of British Columbia.

## CANON 10 - ORDER OF THE DIOCESE OF BRITISH COLUMBIA



### CONSTITUTION

#### 1. PURPOSE

The purpose of the Order is to honour and give special recognition to members of the Diocese (and in the case of Honorary Awards, those not part of the Diocese) who have given outstanding service over a significant period of time in their baptismal ministry.

#### 2. INTERPRETATION

The definitions in this section apply in this Constitution.

"Bishop" means the Bishop of the Diocese of British Columbia

"Council" means the advisory council established by section 3.

"Member" means a member of the Order.

"Officer" means an officer of the Order.

"Order" means the order of the Diocese of British Columbia

"Order Cycle" means a period of two years from one installation to another.

"Rector" means and includes the incumbent priest or the priest-in-charge of a parish;

"Registrar" means the registrar of the Diocese of British Columbia

"Secretary" means the secretary of the order.

#### 3. COMPOSITION

The Order shall consist of the incumbent bishop of the Diocese, former bishops of the Diocese, officers, members, honorary officers and honorary members.

#### 4. ADMINISTRATION

A) The incumbent bishop of the diocese is the head of the Order and is an officer in the Order. At the end of the episcopate the bishop ceases to be the head of the Order but continues as an officer within the Order.

B) The bishop is responsible for the administration of the Order.

C) The secretary of the Order is responsible for

(i) maintaining the records of the Order and of the council;

(ii) arranging for investitures; and

(iii) performing such other functions in respect of the Order as the Bishop may request.

D) The bishop may appoint such officials for the administration of the Order as the bishop considers necessary.

## **5. COUNCIL**

- A) The advisory council for the Order shall consist of the following members:
  - (i) The chair of the council, which shall be the bishop unless the bishop appoints another;
  - (ii) an archdeacon of the Diocese;
  - (iii) another member of the clergy of the Diocese;
  - (iv) no more than three (3) lay members of the Diocese.
- B) Members of the council serve at the pleasure of the bishop but for no longer than three (3) Order cycles.
- C) The bishop may, extend the term of one or more members of the council appointed by one more Order cycle.
- D) The council shall:
  - (i) Consider all those nominations submitted to the bishop for officer and member;
  - (ii) Compile and submit to the bishop a list of those recommendations from the nominees in the divisions of officer and member; and
  - (iii) Advise the bishop on such matters as the bishop may refer to the council.

## **6. ELIGIBILITY**

- A) Officer: Any lay member of the Diocese, or retired clergy of the Diocese, may be appointed as an officer of the Order.
- B) Member: Any lay member of the Diocese may be appointed as a member of the Order.
- C) Honorary Officer: A lay person who is not a member of the Diocese; or clergy who is not a member of the Diocese; may be appointed as an honorary officer.
- D) Honorary Member: A lay person who is not a member of the Diocese may be appointed as an honorary member.
- E) A person is not a member of the Order by reason only of being appointed a member of the council or an official of the Order.

## **7. NOMINATIONS AND APPOINTMENTS**

- A) Nominations for officer and member, as noted below, may be submitted to the bishop for consideration by the council and in turn confirmed by the bishop, at any time during the nomination period. Nominations must be made on the rank specific nomination form designated for that Order cycle.
- B) The bishop may personally appoint in each Order cycle a maximum of two (2) officers and five (5) members.
- C) The awarding of honorary awards is within the purview of the bishop and shall be no greater than one (1) honorary officer and three (3) honorary members in any Order cycle.
- D) Officer
  - (i) Appointment of persons as officers shall be made for extraordinary voluntary commitment and exemplary voluntary service to the Diocese of British Columbia and/or the Anglican Church of Canada.
  - (ii) Nominations may be submitted by any member of the Diocese and supported by four (4) other members of the Diocese, each one from a different parish. At least two (2) of the five (5) nominators must be active clergy of the Diocese.
  - (iii) The number of officers appointed in any Order cycle, other than those in the bishop's personal gift noted in 7.B and 7.C shall not exceed five (5) persons.
- E) Member
  - (i) Appointment of persons as members shall be made in recognition of their outstanding voluntary commitment and the voluntary service of their parish for an extended period; and/or voluntary work on behalf of the Diocese.
  - (ii) Nominations shall be submitted by the rector of a parish on behalf of the parish with respect to one of their parish members.

- (iii) The number of Members, appointed in any Order cycle, other than those in the bishop's personal gift noted in 7.B and 7.C shall not exceed one person per parish.

## **8. INSTRUMENT OF APPOINTMENT**

- A) Appointments to the Order shall be made by instrument signed by the bishop and sealed with the seal of the Order.  
B) Unless otherwise provided in the instrument of appointment, an appointment shall take effect on the date on which the instrument of appointment is sealed.

## **9. RANKS**

The bishop may elevate any member to the rank of officer, such elevations falling within the maximum allowed under 7.B and 7.C

- A) A person elevated to a higher rank is entitled to wear the insignia of the higher rank only.  
B) No person shall hold more than one appointment to the Order at any time.

## **10. INSIGNIA**

The insignia of the Order shall be drawn from the badge of the Diocese as the bishop prescribed, with a differentiation between officer and member. The insignia shall be suspended by the designated ribbon.  
officers, members, honorary officers and honorary members may wear such appropriate insignia as the bBishop may prescribe.

## **11. MOTTO**

The motto of the Order shall be:

**Faithfulness** - This single word has been used to honour the faithful service over a considerable time by the members of the Order to their parish family, The Diocese of British Columbia and the wider church and community. It also acknowledges that our service is rooted in faithful service to the teachings of Christ.

## **12. INVESTITURE SERVICE**

There shall be an investiture service at the conclusion of each Order cycle at which the bishop shall invest the new members of the Order or elevate a member to the rank of officer. At the bishop's discretion there may be two (2) investiture services; one in Victoria and the other in a more northern location.

## **13. TERMINATION OF MEMBERSHIP IN THE ORDER**

A person's membership in the Order ceases:

- A) upon the death of the person;  
B) when the bishop accepts the person's resignation from the Order, which resignation shall have been made in writing;  
or  
C) when the bishop makes an ordinance terminating the person's appointment to the Order.

## **14. ORDINANCES**

The bishop may make ordinances respecting the governance and insignia of the Order and the termination of a person's appointment to the Order.

## **15. SEAL**

- A) The seal of the Order, which is set out in the schedule, shall be committed to the custody of the bishop.  
B) No appointment, termination of appointment, award or ordinance shall have effect unless it has been sealed with the seal of the Order.

## 15. BOOKS AND RECORDS

- A) A record of all awards of the Order made shall be kept in a register (the “register”) into which all pertinent details of each award of the Order is subscribed, including but not limited to the recipient’s name, the date of the presentation of the awards, the recipient’s parish and the reason the award was made.
- B) Each record in the register, which is signed by the registrar, shall be prima facie proof of the fact set forth therein.
- C) The register shall be kept at the diocesan synod office unless the bishop directs the Secretary otherwise.
- D) The register shall be maintained in accordance with the directions of the registrar.

### REGULATION 10.1 - GUIDELINES

#### a. Composition

The Order is composed of the incumbent bishop of the Diocese as the head of the Order, former bishops of the Diocese, officers of the Order, honorary officers, members of the Order, and honorary members.

#### b. Eligibility

##### Officer

1. A member of the laity of the Diocese or a retired member of the clergy of the Diocese who has served in an exemplary volunteer capacity for the Diocese and/or Anglican Church of Canada for a significant period of time. In the case of clergy such time having been in retirement not active service.
2. They must be nominated by a member of the Diocese and supported by four (4) other members of the Diocese. All five (5) being from different parishes and at least 2 of whom are active clergy of the Diocese.
3. Nominees must accept their nomination, be willing to have their names recorded in the register of the Order, and consent to publicity of their investiture including publication of their photograph.
4. Posthumous nominations are not accepted.
5. Besides the two (2) within the bishop’s gift, there can be no more than five (5) appointments in an Order cycle.

##### Member

1. A member of the laity of the Diocese who has served in a volunteer capacity in the parish, and/or a number of parishes (on committees, parish councils, in special outreach, parish activities), and/or at diocesan level for a significant period of time.
2. Only one person may be nominated by each parish in an Order cycle. The candidate’s name is to be submitted to the bishop office by the rector of that parish on behalf of the parish.
3. Nominees must accept their nomination, be willing to have their names recorded in the register of the Order, and consent to publicity of their investiture including publication of their photograph.
4. Posthumous nominations are not accepted.
5. Besides the five (5) within the bishop’s gift, there can be no more than one appointment per parish in any Order cycle.

##### Honorary Officer

1. A person who is not a member of the Diocese, they may not even be a Christian, but who has served, in an exemplary capacity, the church or wider community, provincial, national or international in accordance with the ideals of this Diocese and for a considerable time
2. The award is within the gift of the bishop and only one (1) is permitted in any Order cycle.



### Honorary Member

1. A lay person who is not a member of the Diocese, they may not even be a Christian, but who has served, in an exemplary capacity, their local or regional community in accordance with the ideals of this Diocese for a considerable time
2. The award is within the gift of the bishop and only three (3) are permitted in any Order cycle.

### Clergy & Paid Staff

The premise of the whole Order is primarily to recognize lay people who give their time and talents to the ministry and ideals of the Diocese without monetary compensation. It honours volunteers.

Parish or diocesan staff that are paid are also not eligible for nomination resulting from their paid position. However, if they attend another church and volunteer at that church sufficient for them to be nominated, that will be considered.

We also recognize that in smaller communities paid staff does not have that option. Therefore, if they only work a few hours a week AND their nomination is in consideration of the volunteer work they have done and is NOT connected with their paid work, then a nomination will be considered. This exception must be noted in the nomination.

There is also one exception for clergy. Retired clergy who are members of the Diocese (whilst active they may or may not have been licensed in this Diocese) and have been engaged in significant volunteer endeavours for the wider church or society, are eligible for nomination to the rank of officer. This must have been for a significant time post retirement.

### c. Nomination Process & General Timing

1. It is expected that there will be an investiture every second year. The time from one investiture to another is referred to as "the Order cycle"
2. Once the window of time for nominations is open (expect it to be within the first two (2) months of a year in which an investiture is to occur) the appropriate nomination form is completed and signed then forwarded to the bishop's office by the date published for that current "Order cycle". (usually around April 30<sup>th</sup>)  
Note: Please ensure that the correct form is used for either officer or member. The form may be modified from Order cycle to Order cycle so make sure the current one is used.
3. Nominations for officer and member (but not honorary) are passed to the Order's advisory council to review and make recommendations to the bishop.
4. No later than four (4) months before the Investiture service, (usually by June 30<sup>th</sup>) the secretary of the Order will communicate with the recipients about the bishop's wish to bestow an award on them; in the case of officer, to obtain their consent; and to advise all of the investiture arrangements.
5. The recipient will then confirm their acceptance no later than three (3) months prior to the investiture. (usually by the end of July)

### d. Time and Place of the Investiture Service

1. The bishop invests new members of the Order at an investiture service approximately once every two (2) years.
2. Initially it is expected that there will be two investitures, usually on a Saturday in the fall, close to All Saints. One will be at Christ Church Cathedral for the lower Island and another in the northern half of Vancouver Island. However, the rules of the Order do allow for the bishop to have just one investiture at Christ Church Cathedral.
3. In the event that any new officer or member is unable to attend their prescribed region's investiture, it is permissible, with prior approval, for them to be invested at the alternate location.

### e. The Insignia

The insignia of the Order is based on the badge of the Diocese of British Columbia. The badge was granted by the Chief Herald of Canada in 2017 and is a combination of both original and new symbols of the Diocese. The original part is the cross at its centre, which was part of the seal of the first bishop of the Diocese, George Hills, and became part of the diocesan coat of arms granted in 1859. The new part is the dragonfly a symbol that was adopted by the Diocese in 2016. First Nations in the Pacific Northwest consider the dragonfly to be a symbol of change, transformation and swiftness, traits the Diocese strives towards. It is also respectful of the journey of reconciliation the Diocese is on with its First Nations neighbours. This dragonfly was designed for the chief herald by Doug LaFortune of the Tsawout First Nation on the Saanich Peninsular.

f. The Motto

**Faithfulness** - This single word has been used to honour the faithful service over a considerable time by the members of the Order to their parish family, The Diocese of British Columbia and the wider church and community. It also acknowledges that our service is rooted in faithful service to the teachings of Christ.

g. Wearing of the Medal

The medallion is to be worn around the neck on the special ribbon it comes with. It is appropriate to wear the medallion at special occasions, in parishes, or at the diocesan level. Examples of this would be a worship service or event where the bishop of the Diocese of British Columbia is present, at synod or diocesan services and events and at the investiture of new officers and members to the Order.

In addition to the medallion the members of the Order are given a small lapel pin that can be worn with everyday dress

h. Termination of Membership in the Order

A person's membership in the Order ends:

- A) upon the death of the person;
- B) when the bishop accepts the person's resignation from the Order, which resignation shall have been made in writing; or
- C) when the bishop finds it necessary to terminate the person's appointment to the Order.

[enacted 98 Synod, 2018)

## APPENDICES

APPENDIX "A" -	Royal Letters Patent Creating the See of British Columbia 12 <sup>th</sup> January 1859
APPENDIX "B" -	Concerning Shared Ministry
APPENDIX "C" -	Guidelines for Nominations & Balloting re Election of Bishop
APPENDIX "D" -	Diocesan Mission Fund Guidelines
APPENDIX "E" -	Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct
APPENDIX "F" -	Resolutions Committee Guidelines
APPENDIX "G" -	Diocesan Employment Standards
APPENDIX "H" -	Remuneration Rates for Supply & Interim Clergy
APPENDIX "I" -	Steps to Parish Revitalization
APPENDIX "J" -	Regional Ministry Project
APPENDIX "K" -	Privacy Policy
APPENDIX "L" -	Guidelines: The Sale of Rectories and The Use of Funds
APPENDIX "Z" -	Canons of the General Synod Binding Upon the Diocese

## APPENDIX "A"

A copy of the Letters Patent, dated January 12, 1859 can be obtained from the  
Diocesan Office

*(Added to Canons June 2009)*

Diocese of British Columbia and Comox Nanaimo Presbytery Agreement  
CONCERNING SHARED MINISTRY

"SHARED MINISTRY" is understood to mean a sharing by the Anglican Diocese of British Columbia and the Comox-Nanaimo Presbytery to provide ordained ministry within a pastoral charge/parish whose members may include other than Anglicans and United Church members. Each of these shared ministries has circumstances and history which are unique. The regulations in this document (approved in 1991, revised at least twice since, and substantially revised in 2005) form the basis of the cooperative work of the Diocese of British Columbia and the Comox-Nanaimo Presbytery of the United Church of Canada.

1. PROVIDING FOR BOTH TRADITIONS

The United Church of Canada and the Anglican Church of Canada, while sharing a common faith and many common practices, nevertheless have distinctive ways in which that faith is lived out and distinctive understandings of those practices. In particular, this difference is pronounced in our forms of governance, the United Church of Canada following a presbyterial system and the Anglican being episcopal. Further, we recognize that there is a diversity of faith and practice within our traditions as well as between them.

Despite these differences, there are a number of places on Vancouver Island where Anglicans and United have shared in ministry and worship for years. In these places, the faith and practice of both traditions has been and continues to be acknowledged, but there should also be as high a degree of integration as possible. Individuals should be nurtured in their own tradition, while having the opportunity to appreciate a wider ecumenical experience.

In order to provide support, each shared ministry will be officially linked to both the Diocese of British Columbia and the appropriate presbytery through existing denominational structures. The responsibility for maintaining this linkage will be shared between the incumbent, the bishop (or his representative) and the presbytery (through its representative), and will be assisted by the clergy and laity in other shared ministries.

2. APPOINTMENTS

- a. When it appears that there will be a vacancy in a shared ministry, the incumbent and/or the lay leadership will notify the bishop and presbytery.
- b. Presbytery, in conjunction with the Diocese, will convene a joint needs assessment committee. This group will begin the work on a profile of the shared ministry to be given to potential applicants, along with a copy of this agreement concerning shared ministry. By mutual agreement, the joint needs assessment may be replaced by another process.
- c. Following the declaration of a vacancy, a selection committee will be established and the vacancy advertised in both denominations.
- d. The selection committee should seek the best possible person regardless of denomination. In exceptional circumstances ordained candidates of other denominations acceptable to both the bishop and presbytery may be considered. No appointment to a shared ministry will be made without the consent of both the bishop and presbytery.
- e. The process of appointment will be that of the denomination of the ordained candidate chosen and will be done in consultation with the other denomination.
- f. The term of appointment may or may not be fixed. Length of ministries will follow the usual process of a parish or pastoral charge. Due to the differences in methods of appointments, notice of a vacancy or proposed vacancy must be given very early. Ideally, this should be by the end of January in the year in which a vacancy is contemplated.
- g. Those appointed to shared ministries must be open to and in sympathy with the basic concept of that ministry as briefly outlined in this document.
- h. Those eligible for appointment to a shared ministry should normally have had a minimum of two years' experience of pastoral responsibility in their own denomination. If it is decided to appoint someone with less than two years' experience, then that person should be under appropriate supervision.
- i. Remuneration and benefits for the incumbent will be paid according to his/her denominational standards.
- j. All incumbents will be licensed and given permission to officiate according to the rites of the other denomination.
- k. Copies of this document will be given to each new appointee, and each shall be signed, and kept and filed in the appropriate denominational personnel file.

### 3. TRAINING

- a. The bishop and presbytery will appoint a person to orient the new incumbent to shared ministry on Vancouver Island. This person should be someone already in a shared ministry, from the other denomination. If the person coming into the shared ministry is new to the Diocese or presbytery, the bishop and chair of presbytery should ensure that there is orientation to the person's own denominational structure.
- b. It is recommended that those entering a shared ministry for the first time should have an internship of at least one month in a congregation of the other denomination prior to their appointment.
- c. Ongoing educational programs will be encouraged by the Diocese and presbytery to assist clergy and laity involved in shared ministries.
- d. An annual shared ministry consultation/conference for clergy and laity will be organized and supported by the Diocese and presbytery in consultation with the shared ministry parishes/pastoral charges. In addition to lay and clergy representatives from the shared ministries, military chaplains involved in shared ministry will be invited. Those in other expressions of shared ministry (such as Anglican-Lutheran) will also be invited to attend. From the Diocese, the bishop, diocesan finance officer, the diocesan executive Officer, and the local territorial archdeacon will be invited. From presbytery will be invited the chair and the members of the shared ministry committee. This will be convened by the chair of the shared ministry committee and the diocesan executive officer or diocesan finance officer.

### 4. SUPERVISION

Each denomination will ensure through their respective channels of authority the effective exercise of responsibility for the oversight of shared ministries. This will provide for the direction, support, guidance, and nurture of shared ministries and their incumbents by:

- a. the provision of persons to liaise between the Diocese and congregation, and presbytery and congregation.
- b. being a resource in the appointment of clergy.
- c. seeing that adequate training opportunities are available for both clergy and laity in shared ministry.
- d. arranging for evaluation as provided under section 11.
- e. simplifying denominational requirements in order that one joint annual report be prepared for presentation to presbytery and Diocese.
- f. being available for consultation on liturgical practice, mission/outreach, and other denominational matters.

### 5. RECORDS AND REPORTING

The following records are to be maintained according to denominational requirements:

- a. Minutes of all committee and congregational meetings.
- b. Audited or reviewed financial records.
- c. United Church membership roll.
- d. Roll of Anglican communicants and current list of electors.
- e. Current list of households indicating their denominational affiliation.
- f. Joint baptismal, confirmation, marriage and burial records.
- g. Vestry book in which all services will be recorded.

If financial records are kept jointly, year-end reports to each denomination will report congregational totals with a note that it is a shared ministry.

Please note that Anglican archives are kept in the archives building adjacent to the diocesan office in Victoria, while UCC archives are at the Vancouver School of Theology. Archival material need only be deposited, as appropriate, at one location, but a note of their deposit should be filed at the other archive.

### 6. LOCAL ORGANIZATION

- a. The offices of trustees, wardens, presbytery representatives and Synod delegates will be maintained in accordance with denominational requirements.
- b. Where there is one parish/pastoral charge committee the responsibilities of finance, stewardship, buildings, membership, worship, the duties of elders and ministry and personnel committee will be maintained.
- c. Descriptions of local arrangements should be approved by the Diocese and presbytery and kept on file at the local church and denominational offices. They should be reviewed as clergy change, and at three-year intervals after new appointments.

### 7. WORSHIP AND DOCTRINE

- a. Congregations are encouraged to worship as one body. In planning worship one service monthly should follow the tradition of each denomination.

- b. Baptism and confirmation must be administered according to the rites and traditions of the member's denomination.
- c. The Lord's supper, also called Holy Communion, or Eucharist, will be the principal Sunday service at least once a month.
- d. The church committee, in consultation with the incumbent, may establish a liturgical or worship committee for the planning and evaluation of worship. It will include representatives from each denomination.
- e. Recognizing the tradition of elders (U.C.) and licensed Eucharistic assistants (A.C.), any member of the congregation of suitable Christian maturity may serve in the capacity of Eucharistic assistant and/or service elder under the supervision of the incumbent and the church committee after suitable instruction. There will be an annual liturgy of commissioning for these positions during a regular worship service.

#### 8. MARRIAGE

- a. Anglican and United Church clergy will respect their own consciences and the requirements of their denominations with regard to conducting marriage.
- b. United Church clergy will be supportive of the marriage canon of the Anglican Church of Canada and diocesan policies relating to it. There is no longer a diocesan matrimonial commission, but clergy are still required to use the forms created for the application of divorced persons seeking re-marriage by the rites of the Anglican Church.
- c. As this is a sensitive matter local congregations will be encouraged to negotiate a local statement of policy regarding marriages accepted by and deposited with both Diocese and presbytery, that will support clergy of both denominations.
- d. Where there is conflict concerning conscience or denominational requirements, the local incumbent will invite a licensed minister of the other denomination to conduct the marriage.

#### 9. PROPERTY

- a. Where property is owned by individual denominations, it will continue to be held according to the policy of that denomination.
- b. Where property is jointly owned, the terms of agreement to hold such property will be drawn up to cover the specific situation. All such agreements shall be submitted to the presbytery and Diocese for approval. Existing arrangements shall serve as models.
- c. Provision shall be made at the local level to supervise and maintain all property and buildings and to consult about property and buildings with the denominational authority concerning denominational policy.

#### 10. FINANCE

- a. Provision of, or changes in financial support or grants will be made only with consultation with, and the approval of, the other denomination. Consultation is therefore required between the Diocese and both presbytery and conference.
- b. In order to ensure equal participation, funding will normally be provided in equal amounts from Anglican and United Church sources, independent of the denomination of the incumbent. Information on the yearly applications will show the total amount of mission support, if any, and the portion being applied for from the respective denomination.
- c. The diocesan and presbytery assessment will be equal and of a fixed amount, agreed on by all involved, and forwarded regularly.

#### 11. EVALUATION

- a. All shared ministries will be visited by representatives of Diocese and presbytery after the first year, at times of change of clergy, and at such other times as are mutually desirable, especially when establishing, modifying substantially, or terminating any shared ministry.
- b. Where an official evaluation is being made to a shared ministry both presbytery and Diocese shall be represented and a full report of the findings made to each body.
- c. The organizational structure of each shared ministry will be reviewed jointly by Diocese and presbytery by the shared ministry committee.

This Agreement was reviewed and endorsed unanimously by the Shared Ministry Consultation on April 28, 2005.

Agreed, on behalf of Comox Nanaimo Presbytery:

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Rev. Phil Spencer, Chair of Comox Nanaimo Presbytery

Agreed on behalf of The Anglican Synod of the Diocese of BC.:

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Rt. Rev. James A. J. Cowan, Bishop of British Columbia



## APPENDIX “C”

### SCHEDULE OF GUIDELINES FOR NOMINATING & BALLOTING PROCEDURES FOR ELECTION OF A BISHOP

#### a. Nomination from the Floor:

In the case of nominations from the floor presented to Synod on the morning of the election:

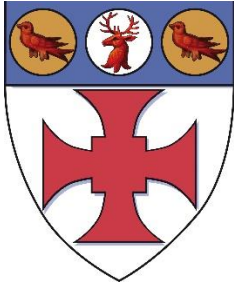
1. The nominator may place only the name in nomination, with no background or other information about the candidate or any other subject:
2. The nominator must first obtain the written consent of the candidate, lay it on the chair's table at the time of the nomination: and
3. No nominee, whether nominated from the floor or otherwise, may stand up to identify himself or herself at any time, unless requested to do so by the Chair.

#### b. Ballots:

Ballots will be provided.

#### c. Balloting Procedure:

1. At the head of the centre aisle in the cathedral, one table on each side of the aisle, one for clergy, one for laity.
2. At the clergy table, the chancellor and one lay scrutineer, and at the lay table, the registrar and one clerical scrutineer.
3. The chancellor or registrar calls out the names of the delegates, using the delegate checkoff sheets as reference; the names can be called out more or less simultaneously with just enough staggering to avoid actual auditory interference.
4. The delegate comes forward. The chancellor or registrar checks off the name, and the other scrutineer gives one ballot to the delegate.
5. There are three tables on each side for marking ballots; the delegate goes to one of them and marks the ballot, folds it, takes it to a fourth table (one on each side) on which is the ballot box, places the ballot therein and returns up the side aisle to their seat.
6. There is a scrutineer on each side, who monitors the three balloting tables and the ballot box on that side as well.
7. When the process is complete, the scrutineers take the ballots into the Cathedral library for counting.
8. This procedure calls for the chancellor and registrar and two lay and two clerical scrutineers, who are all Synod delegates, appointed by the chair.



THE ANGLICAN SYNOD OF THE  
DIOCESE OF BRITISH COLUMBIA  
Anglican Church of Canada

## **Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct (the “Sexual Misconduct Policy”):**

sexual harassment, exploitation and assault

## **Section 1: Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct**

### **1.1 Theological Foundation**

The Holy Scriptures speak of the Church as the Body of Christ<sup>1</sup>, and call its members to live lives that are rooted in Christ<sup>2</sup> and to grow together in love, thanksgiving and service to God and neighbour<sup>3</sup>. To be a Christian is to be part of a new creation, a new humanity guided and empowered by the Holy Spirit<sup>4</sup>. The Church is to work for – and, as a sign to the world, to exemplify in its own life and relationships – a community of truth, justice and mercy, compassion and reconciliation, mutual service and steadfast faithfulness<sup>5</sup>. This vocation is identified in the Baptismal Covenant by which we are united with Christ in his death and resurrection and become members of the family of faith, the Church<sup>6</sup>. We confess that we have not always lived up to this high calling<sup>7</sup>.

In company with the Bishops of the Anglican Communion, The Anglican Synod of the Diocese of British Columbia (commonly known as the Diocese of British Columbia)

“affirms that every human being is created in the image of God who has made us for loving, covenantal relationships with our Creator, others and the world. We believe that our peace arises out of right relationships. Our personal dignity, freedom and bodily integrity are ensured by faithfulness to just covenants of mutual trust, care and respect. Such covenants undergird the moral framework of our communal life, responsibilities and entitlements.

“[and] further acknowledges that children, adolescents, the infirm and elderly are particularly vulnerable to the tragic consequences of broken covenants and abusive treatment. Special care must be taken to protect their individual rights and personal integrity.

“There is universal agreement that respect, reverence and mutuality are necessary in all human relationships. This agreement about the fundamentals of human relations, including sexual relations, leads to a firm judgement and condemnation of sexual abuse and exploitation.

“Sexual abuse is self-gratification by exploitation. It makes an impersonal object of the other person, abusing both the person and sexuality itself. Abuse occurs in a wide range of sexual activities: always in rape and child molestation, usually in adultery and prostitution, and sometimes even in marriage. Sexual abuse also occurs in the socially subtle aspects of sexism and in sexual harassment of employees in the workplace. The Church must be clear about these violations of sexual intimacy. It must be explicit in its teaching about these particular aberrations of sexual relations, aggressively proactive about its social policy and action touching on these areas, and forthright in dealing with violations in its own community.”

(Lambeth Conference Report, 1988)

Sexual misconduct as defined by this Policy will not be treated by the Church as a private matter. There can be no “consent”, meaningful or otherwise, in a fiduciary relationship.

### **1.2 Principles**

1. The Diocese of British Columbia undertakes to ensure that all activities and work in which it is engaged uphold the values of love, truth and justice proclaimed in the Gospel of Jesus Christ.

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<sup>1</sup> Romans 12:5; I Corinthians 12:12-27; Ephesians 1:22-23 [citations refer to the New Revised Standard Version]

<sup>2</sup> Ephesians 3:17; Colossians 2:7

<sup>3</sup> Colossians 1:6; John 13: 12-17; John 15:12; Matthew 7:12; Luke 10:25-28

<sup>4</sup> Romans 8:18-27; II Corinthians 5:17; Galatians 6:14-15; John 1:12-14, 16

<sup>5</sup> Matthew 28:18-20; Acts 1:8; II Corinthians 5:18-21; Colossians 1:18-23; I Timothy 5:11-16; Hebrews 13:1-8

<sup>6</sup> Ephesians 4:1-6; Book of Common Prayer, p. 529; Book of Alternative Services, pp. 158-160\

<sup>7</sup> I John 1:8-10

2. This policy applies to every bishop, priest, deacon, or lay person under the jurisdiction of the Bishop of the Diocese of British Columbia. The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the discharge of this Policy.
3. All employees and volunteers have the right to a work environment that is free of sexual misconduct.
4. Clergy and those responsible for liturgical, pastoral, educational or recreational activities in the Diocese of British Columbia are expected to maintain the highest ethical standards of mutual respect, responsibility and caring, as well as modelling wholeness and healthy sexuality in all their relationships with those for whom they have responsibility.
5. Sexual misconduct as defined in this policy will not be tolerated and all reasonable complaints will be investigated.
6. Professional counsellor/client relationships are to be respected and maintained by all clergy and other professionals in the service of the diocese or parish in every pastoral or counselling situation. Exploitation of this trust through sexual activity, touching for sexual purposes, or the suggestion or depiction of any such activity, is not to be tolerated.
7. An accused person is presumed innocent until proven guilty. The fact that either formal or informal procedures have been initiated does not create an inference of guilt.
8. As a first principle, every effort will be made on the part of all parties concerned to hold in confidence information obtained in the process of a complaint made under this policy. See Appendix E.
9. Preserving the safety and well-being of a complainant, or others who might be affected, is a priority.
10. Pastoral care is available to any complainants, respondents, their families, or others affected within the diocesan community.
11. Anonymous complaints will generally not be investigated or acted upon. The Bishop, however, may initiate an investigation under the procedures of this policy into any situation where there is reasonable suspicion of sexual misconduct as defined in this policy, whether or not a complaint has been made.
12. The Diocese of British Columbia actively tries to prevent sexual misconduct and deal with every accusation promptly, seriously and systematically, in cooperation with the proper authorities, where appropriate. We co-operate with investigations being undertaken under the Criminal Code, B.C. Human Rights Code, or the Child, Family and Community Service Act. Nothing is done to interfere with a criminal investigation.

### **1.3 Definitions**

#### **Sexual Misconduct**

Sexual misconduct for the purposes of this Policy is sexual exploitation, sexual harassment, or sexual assault (commonly called sexual abuse).

#### **Pastoral Relationship**

A pastoral relationship is a relationship carried out in the name of or on behalf of the Diocese, parish, or place of ministry, as the case may be, between a cleric, employee or volunteer and any person to whom such cleric, employee or volunteer provides pastoral counselling, pastoral care, instruction in sacred music, spiritual direction, spiritual guidance or from whom the cleric, employee or volunteer has received confession or confidential or privileged information. In assuming responsibility for such a relationship, the cleric, employee

or volunteer acknowledges responsibility for the well-being of the other person, intends to respect that individual's personal integrity and determines not to abuse the power inherent in the relationship. Any sexual activity or conduct in which a person in a pastoral relationship with another takes advantage of the vulnerability of the person under his/her pastoral care or other guidance or leadership, regardless of who appears to have initiated it, shall be deemed to be sexual misconduct.

## Sexual Harassment

Sexual harassment is a specific form of harassment defined in the Human Rights Code of B.C. and may be a criminal offence. It is engaging in a course of vexatious comment or conduct that is known, or ought reasonably to be known, to be unwelcome. Sexual harassment is behaviour that has the effect of undermining, coercing, intimidating, humiliating or demeaning an individual on the basis of gender. It may have the effect of creating a place of ministry or workplace which is hostile or offensive. Such behaviour may consist of a single incident or several incidents over a period of time. The harasser could be of the same or opposite sex as the person harassed and may be a supervisor, co-worker/minister, client, parishioner, volunteer or an external person providing service. Sexual harassment can occur in or outside the office or church building but is not limited to a work-related activity.

Examples:

- threats or verbal abuse,
- unwelcome sexual remarks, jokes, innuendo or taunting about a person's body or sexual orientation,
- distribution by mail, fax or other electronic means of material of a sexual nature which potentially could be offensive,
- displaying sexist, pornographic or derogatory pictures,
- unwelcome invitations or requests or sexually suggestive remarks,
- leering or other sexual gestures,
- unnecessary physical contact, such as patting or pinching.

## Sexual Exploitation

Sexual exploitation is any form of sexual contact or invitation to sexual contact, with an adult by a professional person, cleric or anyone in a position of authority, trust or power over that adult whether or not there is consent from the individual (please see **Consent**). It may be a criminal offence. Sexual exploitation refers to the act of taking advantage of the vulnerability of an adult, with whom there is a fiduciary and/or pastoral relationship (please see **Pastoral Relationship**), for one's own pleasure/gain.

## Sexual Assault

Sexual assault, commonly known as sexual abuse, is any intentional use of force or threat of use of force and involving some form of sexual activity, including, but not limited to, the examples listed below, against another person without his/her consent. Sexual assault is an activity that may be criminal in nature as defined either as child abuse under the Child, Family and Community Service Act or as criminal under the Criminal Code of Canada.

Examples:

- kissing, sexual contact, fondling or sexual intercourse,
- bodily harm or threats to harm, assault with a weapon,
- incest, bestiality and gross indecency,
- sexual offences against children such as sexual interference, invitation to touching, sexual exploitation of a young person, parent or guardian procuring sexual activity of a child, exposing genitals to a child, juvenile prostitution, corrupting children, indecent acts.

## Consent

Consent is understood as non-coercive. Consent has not been given if an individual agrees to any sexual activity under threat, or if consent is obtained by fraud or through the influence of a person in authority over that person. Children under the age of 12 cannot give consent. Under specific circumstances between peers, for children age 12-14, and with young persons aged 14 - 18, consent is not valid if the accused was in a position of authority over them. There are further provisions for mentally or otherwise incapacitated or vulnerable children, adolescents and adults. (Criminal Code of Canada, Bill C - 127, 1983 and Bill C - 15, 1988). Consent for sexual activity is not possible in a fiduciary relationship.

## Complainant and Respondent

"Complainant" and "respondent" are terms which describe the person bringing the complaint and the person who is accused of sexual misconduct.

**Canon Pastor** - See Appendix C.

## 1.4 Prevention

The Diocese of British Columbia is committed to the prevention of sexual misconduct through a continuing programme of education of clergy and laity.

1. The bishop and the diocesan council take responsibility both for education about sexual exploitation, harassment and assault, and for the general implementation of this policy.
2. The bishop, diocesan executive officer, and the diocesan director of administration and finance strive to make their places of work for diocesan volunteers and employees free from sexual exploitation, harassment and assault.
3. The incumbents and churchwardens of each parish strive to ensure that their congregations are free from sexual exploitation, harassment and assault.
4. This sexual misconduct policy is explained to existing clergy, staff and diocesan volunteers and their written agreement to comply with this policy is required.
5. When new clergy are appointed or diocesan and parish staff are hired, agreement to comply with all personnel policies of the church including this sexual misconduct policy is required in writing as a condition of employment or appointment.
6. When volunteers for diocesan boards or committees or other councils are chosen, agreement to comply with this sexual misconduct policy is required as a condition of volunteering.
7. Part of the orientation for all new clergy, staff or for volunteers of diocesan boards or committees, as well as other key volunteers, includes a review of this policy and the procedure for making complaints.
8. Training for clergy, diocesan and parish employees and volunteers normally takes place at the beginning of their term in office or at least within the first six months of their appointment, and every three years thereafter.
9. The diocesan executive officer oversees the orientation and ongoing training of clergy and diocesan employees concerning the workplace issues of harassment, discrimination, sexual misconduct and ethical behaviour. Churchwardens and incumbents of parishes and those in charge of other diocesan ministries are responsible for ensuring that employees and key volunteers are oriented and consent to adhere to this policy.

## **Section 2: Procedures**

### **1. Purpose**

This Sexual Misconduct Policy is intended to fulfill at least the following purposes:

- a) to help prevent sexual misconduct from occurring;
- b) to provide workable and fair procedures for responding to complaints of sexual misconduct;
- c) to provide a basis and framework for ongoing training and education on issues of sexual misconduct and the implementation of the policy.

### **2. Application**

The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix

Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the discharge of this Policy.

All clergy, employees and volunteers are expected to be familiar with this policy, consent to it and adhere to it. Other organizations functioning in the name of the Church or on its property are required to adhere to this policy or an equivalent one.

### **3. Initiation of Complaint**

A person wishing to take action under this policy notifies the canon pastor or diocesan executive officer, who may assist the complainant in determining which of the procedures under this policy (that is, sexual harassment or exploitation or sexual assault) most fittingly applies. As facts emerge, a complaint may be reclassified as harassment or exploitation or assault and the canon pastor has the right to redirect the management of the response accordingly.

Persons trained in dealing with sexual misconduct assist in dealing with complaints under this policy.

Any person with a complaint, as defined by this Policy, is encouraged to come forward or seek advice, without fear of retaliation or reprisals by the Diocese of British Columbia.

The bishop may initiate an investigation under the relevant procedures of this policy where there is reasonable suspicion of sexual misconduct as defined in this policy, whether or not a complaint has been made.

#### **4. Timely Procedures**

Complainants and respondents are expected to proceed in a timely way to address issues of sexual misconduct under this policy. Fairness to the complainant and the respondent requires that the complaint be initiated and processed expeditiously. The time lines are generally followed but extensions for significant cause are allowed. The canon pastor, after consultation with the appropriate resource people, may decline to deal with a complaint at any stage if, in his or her opinion, the initiation or processing of the complaint has been unreasonably delayed and substantial prejudice will result to the complainant or respondent.

#### **5. Confidentiality**

All complaints under this policy are dealt with confidentially, within the stated guidelines [outlined in Appendix E.] However, confidentiality may be limited as necessary for the administration of this policy, or as required by law, or where anyone is at risk, or if confidentiality is waived by the parties.

#### **6. Legal Counsel and Civil Proceedings**

This policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy. However, if there is notice that civil proceedings have commenced or may be commenced, any procedures under this policy will normally be suspended, except for the provision of emotional support and pastoral care as outlined in the policy.

#### **7. Complaints against the Bishop**

In the event that a complaint is made against the bishop, the provincial metropolitan (or if the bishop is the provincial metropolitan, the bishop of the province who is senior in years of consecration) performs all functions under this policy that would otherwise be undertaken by the bishop.

#### **8. Vexatious Complaints**

No person or persons are knowingly to make a false or vexatious complaint. If it is determined that there was no sexual misconduct and that the complaint was initiated maliciously, then appropriate disciplinary action is to be taken against the person making the malicious complaint. The canon pastor, after consultation with the appropriate resource people, may decline to deal with a complaint at any stage if, in his or her opinion, the complaint is trivial, frivolous, vexatious or made in bad faith.

#### **9. Interference with Process**

Interference with the process of the investigation of possible sexual misconduct will not be tolerated. Any such action will be reported to the Bishop.

#### **10. Policy Revisions**

A committee appointed by the bishop reviews and proposes revisions to this policy as necessary every three years. (The policy may be revised sooner to bring it into conformity with new legislation or canonical change through the action of the Diocese, the Province, or the General Synod.)

#### **11. Communications**

All communications in connection with this Policy shall be in compliance with the diocesan Crisis communications Policy.

### **2.1 Sexual Harassment: Procedures**

#### **A. Introduction**

1. When a person believes that he/she has experienced sexual harassment, that person may choose to proceed by an informal process rather than a formal process. Failing resolution, or if a person is reluctant to confront the respondent, the person may proceed by a formal process and/or professional mediation. A decision by a complainant to choose not to attempt an informal process is not to be construed adversely in a formal process under this policy.

2. If an individual feels he/she has been sexually harassed, that individual may attempt, where possible, clearly to advise the person who is the source of the unacceptable behaviour, either verbally or in writing, that the conduct is unwelcome, that it is understood as sexual misconduct and that it must stop.
3. The complainant may find it helpful to keep detailed written notes recording the unwelcome behaviour, with date(s), time(s), location(s) and witness(es).
4. All complaints related to children under the age of sixteen are treated as child abuse and reported to a Child Protection Social Worker in the Ministry of Children and Families Development Office or in a First Nations Child Welfare Agency (see 2.3 A.).

## **B. Informal process**

1. A person complaining of harassment, and/or the respondent, may request the canon pastor or the diocesan executive officer to assist with communications between the parties in an effort to reach a mutually satisfactory resolution. The canon pastor or the diocesan executive officer determines whether an informal process is appropriate in the circumstances and may in their discretion appoint a person to facilitate this.
2. The informal process may include:
  - a. separate meetings with each of the parties;
  - b. a confidential meeting between the two parties for the purpose of discussion;
  - c. an educational session on harassment for the individual or work group, if appropriate;
  - d. referral to other resources as appropriate.
3. The informal process ends with a resolution agreement signed by both the complainant and the respondent and ratified by the canon pastor or the diocesan executive officer, and with a copy given to each party. A memo summarizing the process will be placed on the file of the canon pastor. No record is placed in the individual's personnel files.
4. In the event that an informal process is unsuccessful, the canon pastor or the diocesan executive officer may commence an investigation into the complaint, normally within thirty (30) days.

*Note: Statements made by either the complainant or the respondent in the course of an informal process are considered to be without prejudice under this policy and are not to be produced in an investigation under this policy if a formal process occurs. However, anyone may be required by law to give statements or produce documents.*

## **C. Formal Process**

### **General Information**

1. If a formal process is initiated, it may be diverted to mediation at any point upon mutual agreement of the complainant and respondent.
2. A written complaint can be made to either the canon pastor or the diocesan executive officer who informs the other of the complaint and determines who takes the lead role in the process. The person taking the lead role continues to inform the other of the progress of the complaint.
3. The diocesan resource persons appointed in the formal process to provide support and pastoral care, or to investigate, cannot have acted in the informal process.
4. The diocesan executive officer or canon pastor may refer the complaint, at any time, to a professional mediator if both the complainant and respondent agree to do so. The fee of the mediator is paid by the diocese. The parties are responsible for their own legal expenses, if incurred.
5. Upon mutual agreement of the parties a resolution may be agreed upon at any point in the process.

### **The Complaint**

6. The complainant notifies the canon pastor or diocesan executive officer in writing that he/she wishes to make a formal complaint under this policy.



7. The complainant is provided with a copy of this policy and is required to put the complaint in writing.
  - The written complaint includes an account of the incident(s), date(s), time(s), name(s) of the respondent(s), name(s) of witness(es), if any, and is signed and dated by the complainant.
  - The complainant is asked to sign a consent to release of information (Form J6). This is normally accomplished within two (2) weeks of notification of formalizing the complaint.
  - The complainant is offered the support of a diocesan resource person. (The complaint can normally not proceed further if the consent to release of information form is not signed.)
8. The canon pastor or diocesan executive officer advises the senior person responsible for the place where the harassment allegedly occurred as to whether there are to be changes in location, reporting responsibilities, etc., of the complainant or the respondent, during the investigation. The final decision regarding such changes is to be that of the senior person responsible (unless he/she is the respondent.)
9. The canon pastor or diocesan executive officer notifies the bishop and the director of administration and finance of the complaint. The director of administration and finance, as required by the diocesan insurers, notifies same of a potential claim.
10. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
11. If the misconduct allegedly occurred in a place of ministry of the diocese, the bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the canon pastor to appoint a crisis response team to provide pastoral care appropriate for the duration of the investigation, including for the complainant(s).

### **Mediation**

12. If both parties and the canon pastor or diocesan executive officer agree to mediation, the canon pastor or the diocesan executive officer makes the arrangements for the mediation. If any of the parties do not agree to participate in mediation, the complaint proceeds directly to investigation.
13. If mediation is initiated during the formal investigation, the mediation process shall take no longer than thirty (30) days from the time the investigating team interviewed the complainant and respondent.
14. The results of the mediation are reported by the mediator to the canon pastor or diocesan executive officer who informs the bishop. The bishop refers the mediation agreement to the bishop's assessment panel for review.
15. If mediation fails, the investigation continues and the bishop's assessment panel recommends a final decision to the bishop.

### **The Investigation**

The canon pastor appoints an investigating team. In certain circumstances, the diocesan executive officer may fulfill any or all of the roles assigned to the canon pastor.

16. Canon pastor informs the complainant of the names of the investigating team.
17. Investigating team meets with the complainant within two weeks of receipt of the signed complaint and interviews the complainant. The investigating team documents the complaint in writing ("complaint report").
18. Investigating team reviews the complaint report with the complainant who signs it to indicate agreement with its accuracy. Investigating team gives this to the canon pastor.

19. After receipt of the complaint report, canon pastor contacts the respondent and informs him or her that he or she is the subject of a formal investigation under the Sexual Misconduct Policy. This contact is normally made in person. (In some circumstances the canon pastor may notify the respondent of the complaint prior to receipt of the complaint report. For example, such situations might include an awareness that rumours are spreading about the complaint; the canon pastor may be aware that the respondent is already informally aware of the complaint; or some interim action in light of the allegations needs to be taken.)
20. The canon pastor gives the respondent a copy of this policy and the complaint report. The canon pastor describes the complaint process, explains limitations on confidentiality and advises the respondent of his/her right to seek independent legal counsel.
21. The canon pastor advises the respondent of the names of the investigating team and informs him/her that there are two weeks in which to respond to the complaint report allegations in writing.
22. Canon pastor offers the respondent the assistance of a support person. (Support person cannot be the same person as a member of the investigating team on this case.)
23. Investigating team interviews the respondent after receiving the respondent's written reply to the complaint.
24. If the respondent declines to reply to the complaint, the investigating team completes the investigation without the respondent's response.
25. The investigating team interviews any other person or reviews any other documentation that may be relevant to the complaint.
26. Canon pastor monitors work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.
27. The complainant and respondent each have the right to request a separate meeting with the bishop during the period of investigation.
28. The complex nature of such investigations often requires exploration of further information disclosed in the process of the investigation. The investigation is likely to take 90 days, in some cases longer.
29. Canon pastor receives the report of the findings of the investigating team. Canon pastor may obtain outside professional consultation. Canon pastor may direct the investigating team to conduct further enquiries such as interviewing of witnesses or reviewing corroborating or exculpatory information.
30. Following completion of investigation, the canon pastor provides the bishop with the written report and findings.
31. The bishop provides confidential copies of the investigation report to the members of the bishop's assessment panel. The bishop's assessment panel may consult with whomever it deems appropriate including the canon pastor and the investigating team.

#### **Decision-Making Process**

32. The bishop convenes the bishop's assessment panel within two weeks of receiving the investigation report.
33. The bishop meets with the respondent within one week of receiving the bishop's assessment panel report to inform him/her of the final decision of the bishop. The decision is in writing. The complainant is also informed of the decision by the bishop in writing, and where possible, in person.
34. Where a complaint is sustained, a copy of the bishop's decision is maintained in the canon pastor's file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the individual's personnel file. However, summary documentation of the case is maintained in the confidential file of the canon pastor.

#### **Discipline**

35. The nature and type of discipline are determined by the bishop on the advice of the bishop's assessment panel. If a complaint is sustained the discipline will bear relationship to the severity and frequency of the incident(s).

Disciplinary measures may include risk assessment, counselling by a professional person designated by the diocese, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline. The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the discharge of this Policy.

36. If it is determined there was no sexual harassment and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop, or action may be taken against the complainant(s) in the civil courts.

### Appeal

37. An appeal of the bishop's decision may be made to the metropolitan bishop within thirty (30) days of the receipt of the bishop's decision by filing a written request with the reasons for the appeal and using one of the following options:
- a) requesting the metropolitan bishop to review the bishop's decision,
  - b) requesting a provincial ecclesiastical court be convened.

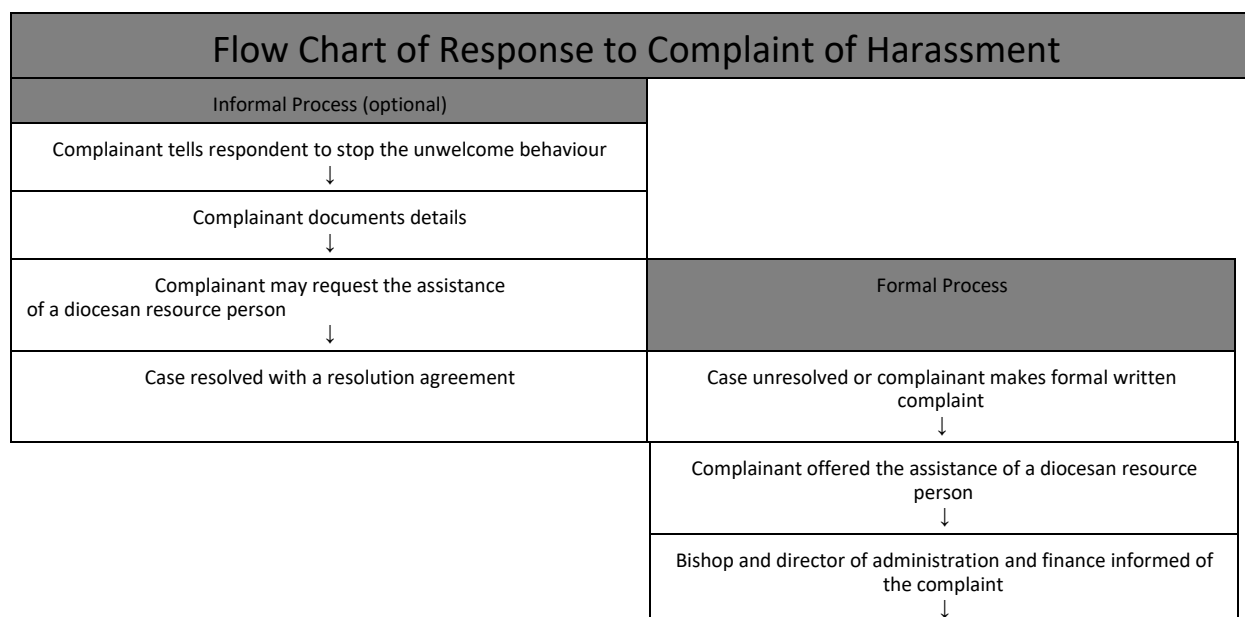
### Review

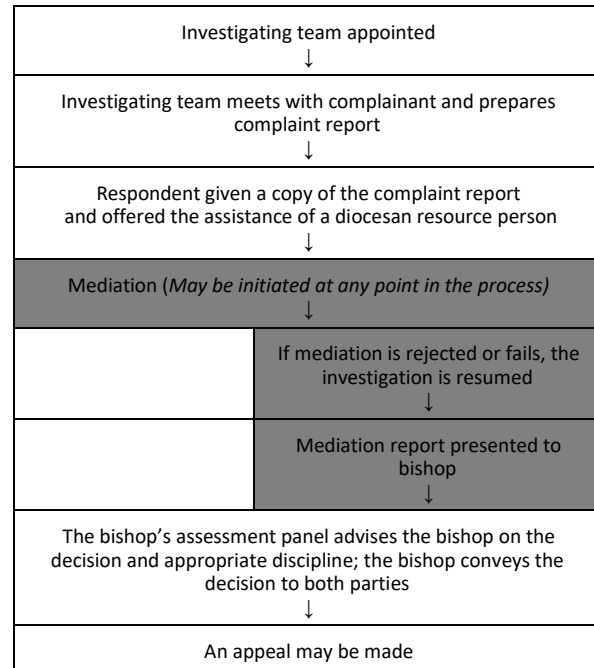
38. Where an employee, volunteer or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than one year as a result of sexual harassment, his/her status may be reviewed and changed after a period of one year from the decision. The review is conducted by the bishop's assessment panel.

### Civil Proceedings

This policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy either through the courts or under the B.C. Human Rights Code. However, if there is notice that civil proceedings have been commenced or may be commenced, or that a complaint has been filed with the

B.C. Human Rights Commission, any procedures under this policy are normally to be suspended, except for the provision of pastoral care as outlined in the policy.





## 2.2 Sexual Exploitation: Procedures

### The Complaint

1. The complainant notifies either the canon pastor or the diocesan executive officer in writing that he/she wishes to make a formal complaint under this policy.
2. The complainant is provided with a copy of this policy and is required to put the complaint in writing. The written complaint includes an account of the incident(s), date(s), time(s), name(s) of the respondent(s), name(s) of witness(es), if any, and is signed and dated by the complainant. The complainant is asked to sign a consent to release of information. This is normally accomplished within two (2) weeks of notification of formalising the complaint. The complainant is offered the support of a diocesan resource person. (The complaint can normally not proceed further if the consent to release of information form is not signed.)
3. The canon pastor or diocesan executive officer notifies the bishop and the director of administration and finance of the complaint. The director of administration and finance notifies the diocesan insurers of a potential claim.
4. The person who is the alleged cause of the sexual exploitation, the respondent, is normally removed immediately from his/her role or office within the church for the period of the investigation, and will be presumed innocent unless proved otherwise. This step is undertaken to limit the risks to the respondent, to the alleged victims, and to ensure that the church remains a safe place for everyone during the period of the investigation.
5. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
6. If the misconduct allegedly occurred in a place of ministry of the diocese, the bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the canon pastor to appoint a crisis response team to provide pastoral care appropriate for the duration of the investigation, including for the complainant(s).

### The Investigation

The canon pastor appoints an investigating team. In certain circumstances, the diocesan executive officer may fulfill any or all of the roles assigned to the canon pastor.

7. Canon pastor informs the complainant of the names of the investigating team.
8. Investigating team meets with the complainant within two weeks of receipt of the signed complaint and interviews the complainant. The investigating team documents the complaint in writing ("complaint report").
9. Investigating team reviews the complaint report with the complainant who signs it to indicate agreement with its accuracy. Investigating team gives this to the canon pastor.
10. After receipt of the complaint report, canon pastor contacts the respondent and informs him or her that he or she is the subject of a formal investigation under the Sexual Misconduct Policy ("this policy"). (In some circumstances the canon pastor may notify the respondent of the complaint prior to receipt of the complaint report. For example, such situations might include an awareness that rumours are spreading about the complaint; the canon pastor may be aware that the respondent is already informally aware of the complaint; or some interim action in light of the allegations needs to be taken.)
11. The canon pastor gives the respondent a copy of this policy and the complaint report in person. The canon pastor describes the complaint process, explains limitations on confidentiality and advises the respondent of his/her right to seek independent legal counsel.
12. The canon pastor advises the respondent of the names of the investigating team and informs him/her that there are two weeks in which to respond to the complaint report allegations in writing.
13. Canon pastor offers the respondent the assistance of a support person. (Support person cannot be the same person as a member of the investigating team on this case.)
14. Investigating team interviews the respondent after receiving the respondent's written reply to the complaint report.
15. If the respondent declines to reply to the complaint, the investigating team completes the investigation without the respondent's response.
16. The investigating team interviews any other person or reviews any other documentation that may be relevant to the complaint.
17. Canon pastor monitors work of the investigating team and support persons, ensuring required deadlines and other procedural requirements are met.
18. The complainant and respondent each have the right to request a separate meeting with the bishop during the period of investigation.
19. The complex nature of such investigations often requires exploration of further information disclosed in the process of the investigation. The investigation is likely to take 90 days, in some cases longer.
20. Canon pastor receives the report of the investigating team. Canon pastor may obtain outside professional consultation. Canon pastor may direct the investigating team to conduct further enquiries such as interviewing of witnesses or reviewing corroborating or exculpatory information.
21. Following completion of investigation, the canon pastor provides the bishop with the written report and findings.
22. The bishop provides confidential copies of the investigation report to the members of the bishop's assessment panel. The bishop's assessment panel may consult with whomever it deems appropriate including the canon pastor and the investigating team.

### **Decision-Making Process**

23. The bishop convenes the bishop's assessment panel within two weeks of receiving the investigation report.
24. The bishop meets with the respondent within one week of receiving the bishop's assessment panel report to inform him/her of the final decision of the bishop. The decision is in writing. The complainant is also informed of the decision by the bishop in writing, and where possible, in person.

25. Where a complaint is sustained, a copy of the bishop's decision is maintained in the canon pastor's file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the individual's personnel file. However, summary documentation of the case is maintained in the confidential file of the canon pastor.

### **Discipline**

26. The nature and type of discipline is determined by the bishop on the advice of the bishop's assessment panel. If the complaint is sustained the discipline will bear relationship to the severity and frequency of the incident(s). Disciplinary measures may include risk assessment, counselling by a professional person designated by the diocese, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, inhibition, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline. The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the interpretation of discipline in this Policy.
27. If it is determined there was no sexual exploitation and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop or action may be taken against the complainant(s) in the civil courts.

### **Appeal**

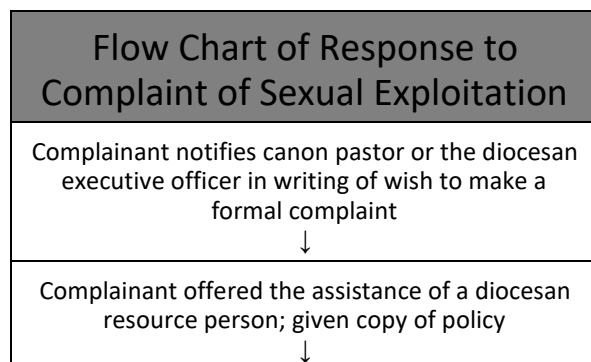
28. An appeal of the bishop's decision may be initiated within thirty (30) days of the bishop's decision by filing a written request with the reasons for the appeal and using one of the following two options:
- a) requesting the metropolitan bishop to review the bishop's decision
  - b) requesting a provincial ecclesiastical court be convened.

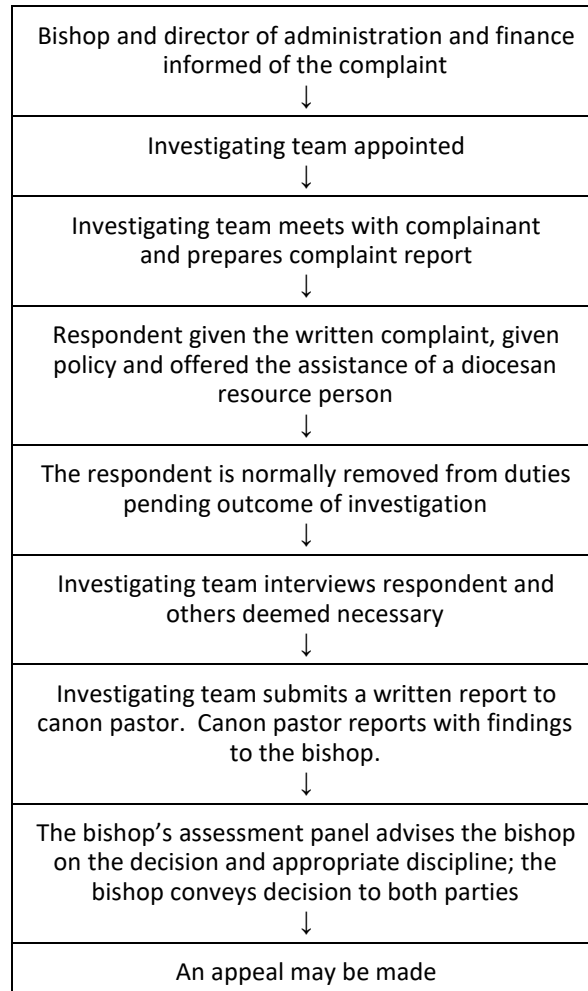
### **Review**

29. Where an employee, volunteer or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than one year as a result of sexual exploitation, his/her status may be reviewed and changed after a period of one year from the decision. The review is conducted by the bishop's assessment panel which reports its recommendations to the bishop.
30. Those seeking reinstatement following systematic predatory behaviour against people in vulnerable circumstances may not seek reinstatement in fewer than three years from the date of the bishop's original discipline decision.

### **Civil Proceedings**

31. This policy is not intended to preclude a complainant from seeking legal counsel or seeking a civil remedy either through the courts or under the B.C. Human Rights Code. However, if there is notice that civil proceedings have been commenced or may be commenced, or that a complaint has been filed with the B.C. Human Rights Commission, any procedures under this policy are normally suspended, except for the provision of pastoral care as outlined in the policy.





## 2.3 Sexual Assault: Procedures

- Sexual assault is sexual activity which may be criminal in nature, and is dealt with seriously.
- There are different procedures outlined in this policy depending on whether the complaint involves a child (or a vulnerable adult) or an adult.

### 2.3 A. The Process when the Complaint Involves a Child (or Vulnerable Adult)

Note: All references below to "child" are also applicable to "vulnerable adult."

#### 1. Obligation and Reasonable Grounds for Reporting

Where a person suspects on reasonable grounds that a child is or may be in need of protection, this suspicion must be reported to child protection authorities. (In B.C. a report must be made to a Child Protection Social Worker in a Ministry of Children and Families Development office or in a First Nations Child Welfare Agency). After business hours the report should be made to the Helpline: 310-1234 from anywhere in the Province. If a child is in immediate danger, police should be called to intervene and a Child Protection Social Worker should be contacted to determine whether the child is in need of long-term protection. This provision specifically includes an obligation on members of clergy. For professionals and clergy, failure to report is a provincial offence.

For the purposes of this policy, a suspicion is defined as:

- a complaint from the child
- circumstantial evidence, such as cries for help, unexplained physical injury, etc.
- a statement of a credible eye witness to a recent complaint
- a statement of another that is buttressed with detail from the surrounding circumstances

- a credible witness who corroborates the statement of another (gossip and unsubstantiated conclusion are excluded.)

Anyone who is unsure as to whether she or he should report that abuse might have occurred is encouraged to seek the advice of colleagues, superiors, or child protection professionals. If there is doubt, it is preferable to err on the side of protecting the child.

Under the provisions of the Child, Family and Community Service Act, a special obligation to report child abuse is placed on any person who in the course of his/her professional duties believes on reasonable grounds that a child is being abused or has been abused. This provision specifically includes an obligation on members of clergy. For professionals and clergy, failure to report is a provincial offence.

It is noted that in British Columbia the duty to report suspected child abuse overrides the privilege of confidentiality (including that of doctors and clergy). This law indicates that the positive requirements of the obligation to report supersede the confessional seal.

2. The person who suspects abuse is obligated in law to report personally the suspicion to child protection authorities. No action is taken by the diocese against a person who institutes his or her own report.
3. Any member of staff or of the clergy of the diocese who is aware of a report indicating that a child is being or may have been abused by a member of the staff or the clergy, or by a volunteer of the diocese, informs the canon pastor who notifies the bishop.
4. The canon pastor immediately confirms with the child protection authorities that a report of the suspicion of abuse has been made.
5. The canon pastor documents the report on the form, "Record of Report of Child Abuse."
6. The diocese co-operates fully with child protection and/or police authorities who are investigating reports of child abuse.
7. The bishop contacts in person the child's family (and follows up with a letter), following consultation with either the Ministry of Children and Family Development or the First Nations Child Welfare Agency, and/or the investigating police force.
8. The respondent is notified of the report by the canon pastor, in consultation with the bishop responsible for the respondent, unless there are concerns that such notification will impede the progress of the investigation.
9. The canon pastor, in consultation with the bishop, offers the support of a diocesan resource person to the respondent (and his/her family as appropriate.)
10. Financial support and considerations related to the housing of families of respondents who are clergy are dealt with in accordance with diocesan canons, policies and guidelines.
11. The canon pastor notifies the director of administration and finance. He/she notifies the diocesan insurers of a potential claim.
12. Where a member of staff or clergy, or a volunteer is accused of child abuse, that person is normally removed from church related duties until all investigations and legal proceedings are completed and the bishop is satisfied that the person poses no risk to children. This removal implies no inference of guilt and may be reviewed periodically. The bishop may at his or her discretion inhibit the accused person.
13. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
14. If the assault allegedly occurred in a place of ministry of the diocese, the bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the canon pastor to appoint a crisis response team to provide appropriate short-term support. (See Appendix A.)



15. Following the completion of all criminal and/or civil proceedings, the diocese has the right and obligation to conduct an internal investigation to determine whether the accused person poses a hazard to children or vulnerable persons. The bishop directs the bishop's assessment panel to conduct an internal enquiry and advise the bishop as to whether the respondent is to be reinstated in any duties having to do with children or vulnerable persons. The status of the respondent is determined according to the canons of the diocese. **Persons who have been found in a criminal proceeding to have committed sexual assault of a child shall under no circumstances be given duties where they may be in contact with children.** In the case of acquittal of a person charged with sexual assault of a child (or where charges have not been proceeded with), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a standard of the balance of probabilities, and erring on the side of protection of children and vulnerable persons.
16. Where a respondent is fully exonerated of the accusation, this determination is announced publicly.
17. Where a complaint is sustained, a copy of the bishop's decision is maintained in the canon pastor's file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the respondent's or complainant's personnel file. However, summary documentation of the case is maintained in the confidential file of the canon pastor.

### Discipline

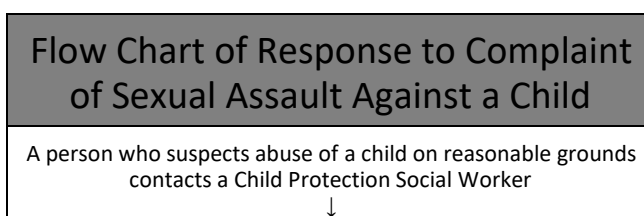
18. Individuals found guilty of sexual assault are disciplined. The nature and type of discipline are determined by the bishop on the advice of the bishop's assessment panel and depend on the severity and frequency of the incident(s). Disciplinary measures may include risk assessment, counselling by a professional person designated by the diocese, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, inhibition, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline. The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the discharge of this Policy.
19. If it is determined there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action is taken by the bishop and/or action in the civil courts may be undertaken by the diocese.

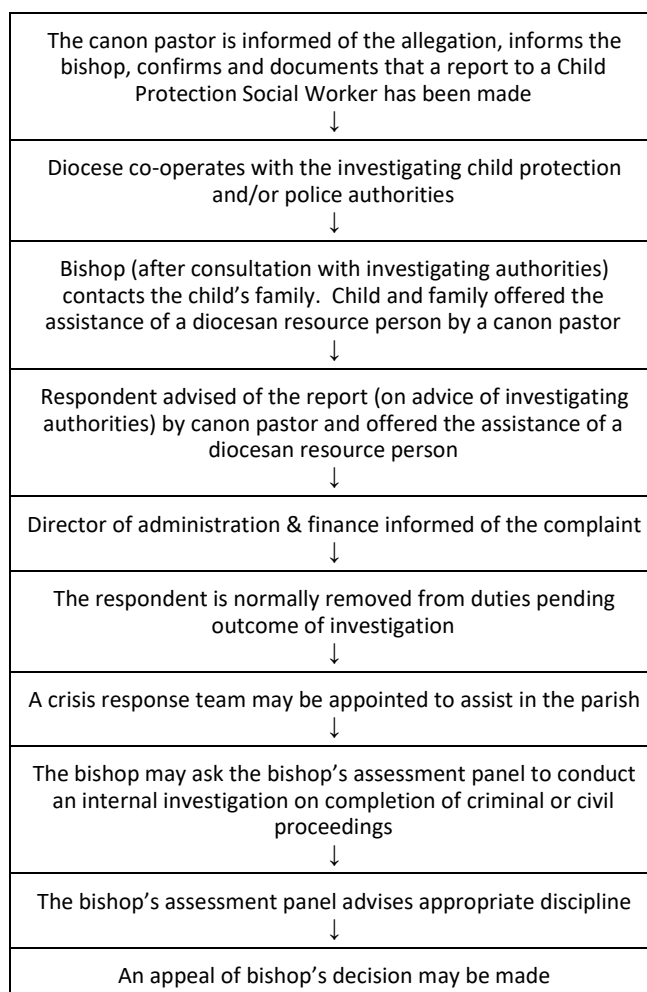
### Appeal

20. An appeal of the bishop's decision may be made to the metropolitan bishop within thirty (30) days of the bishop's decision by filing a written request with the reasons for the appeal and using one of the following two options:
  - a) requesting the metropolitan bishop to review the bishop's decision
  - b) requesting a provincial ecclesiastical court be convened.

### Review

21. Where an employee or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than a year as a result of sexual assault, his/her status may be reviewed and changed after a suitable period of time, not less than one year. The review is conducted by the bishop's assessment panel.
22. Those seeking reinstatement following systematic predatory behaviour against people in vulnerable circumstances may not seek reinstatement in fewer than three years from the date of the bishop's original discipline decision.





## 2.3 B. The Process when the Complainant Is an Adult

### The Complaint

1. When a person notifies the canon pastor that he/she wishes to make a formal complaint of sexual misconduct, the canon pastor assists the complainant in determining which of the procedures under this policy (that is, sexual harassment or exploitation or sexual assault) most fittingly apply. If the sexual activity forming the basis of the complaint may be defined as criminal under the Criminal Code of Canada, the

canon pastor (or other person hearing the complaint) encourages the complainant to report this matter to the police. The canon pastor may assist the complainant to do so. No report is to be made to the police without the consent of the adult complainant unless there is a grave concern that others may be at similar risk of assault. If the complainant chooses not to report the matter to the police, the complaint may be investigated according to "Sexual Exploitation Procedures" in this policy.

### If the Complainant was a Minor at the Time

2. Where the complaint involves abuse that allegedly occurred when the adult complainant was a child, no report will be made without the consent of the complainant *unless* either there is suspicion that other children are currently being abused *or* the person receiving the report has grave concerns for the safety of other persons. If it appears that other children may currently be abused, the person hearing the complaint will follow the procedures in section 2.3 A above, "The Process when the Complaint Involves a Child."

### Reporting and Co-operation with Authorities:

3. Where a member of staff or clergy becomes aware that a complaint of sexual assault may be made or has been made to the police against a diocesan employee, cleric or volunteer, the person who is aware of the complaint reports this immediately to the canon pastor who informs the bishop.
4. The diocese offers to co-operate fully with authorities who are investigating reports of sexual assault.
5. The respondent is notified of the report by the canon pastor, in consultation with the bishop responsible for the respondent, unless there are concerns that such notification will impede the progress of the investigation.
6. The canon pastor, in consultation with the bishop, contacts the complainant and the respondent (and their families if appropriate), to offer the support of diocesan resource persons, but only after investigating authorities indicate that it is acceptable to do so, in order not to interfere with the progress of the investigation.
7. Financial support and considerations related to the housing of families of respondents who are clergy are dealt with in accordance with diocesan canons, policies and guidelines.
8. The canon pastor notifies the director of administration and finance of the complaint. He/she notifies the diocesan insurers of a potential claim.
9. Where a member of staff or clergy, or a volunteer is accused of sexual assault that person is normally removed from church related duties until all investigations and legal proceedings are completed and the bishop is satisfied that the respondent poses no risk to vulnerable persons. This removal implies no inference of guilt and may be reviewed periodically. The bishop may at his or her discretion inhibit the accused person.
10. All public communications, including parish and media contacts, are made only by the bishop or his or her designate. All public statements are to have due regard to confidentiality of the affected parties and the principle of innocence until guilt is proven.
11. If the assault allegedly occurred in a place of ministry of the diocese, the bishop, having regard for the pastoral needs of that place of ministry during and following the investigation, may request the canon pastor to appoint a crisis response team to provide appropriate short-term support. (See Appendix A.)
12. Following the completion of all criminal and/or civil proceedings, the diocese has the right and obligation to conduct an internal investigation to determine whether the accused person poses a hazard to vulnerable persons. The bishop directs the bishop's assessment panel to conduct an internal enquiry and advise the bishop as to whether the respondent is to be reinstated in any duties having to do with vulnerable persons. The status of the respondent is determined according to the canons of the diocese. **Persons who have been found in a criminal proceeding to have committed a sexual offence against a child under no circumstances are to be given duties where they may be in contact with children or vulnerable persons.** In the case of acquittal of a person charged with criminal sexual activity (or where charges have not been proceeded with), the Diocese reserves the right to make an independent determination of the facts and the potential risks posed by the respondent based on a standard of the balance of probabilities, and erring on the side of protection of vulnerable persons.
13. Where a respondent is fully exonerated of the accusation, this determination is announced publicly.
14. Where a complaint is sustained, a copy of the bishop's decision is maintained in the canon pastor's file and the respondent's personnel file. When a complaint is not sustained, there is no record of it in the personnel file. However, summary documentation of the case is maintained in the confidential file of the canon pastor.

### Discipline

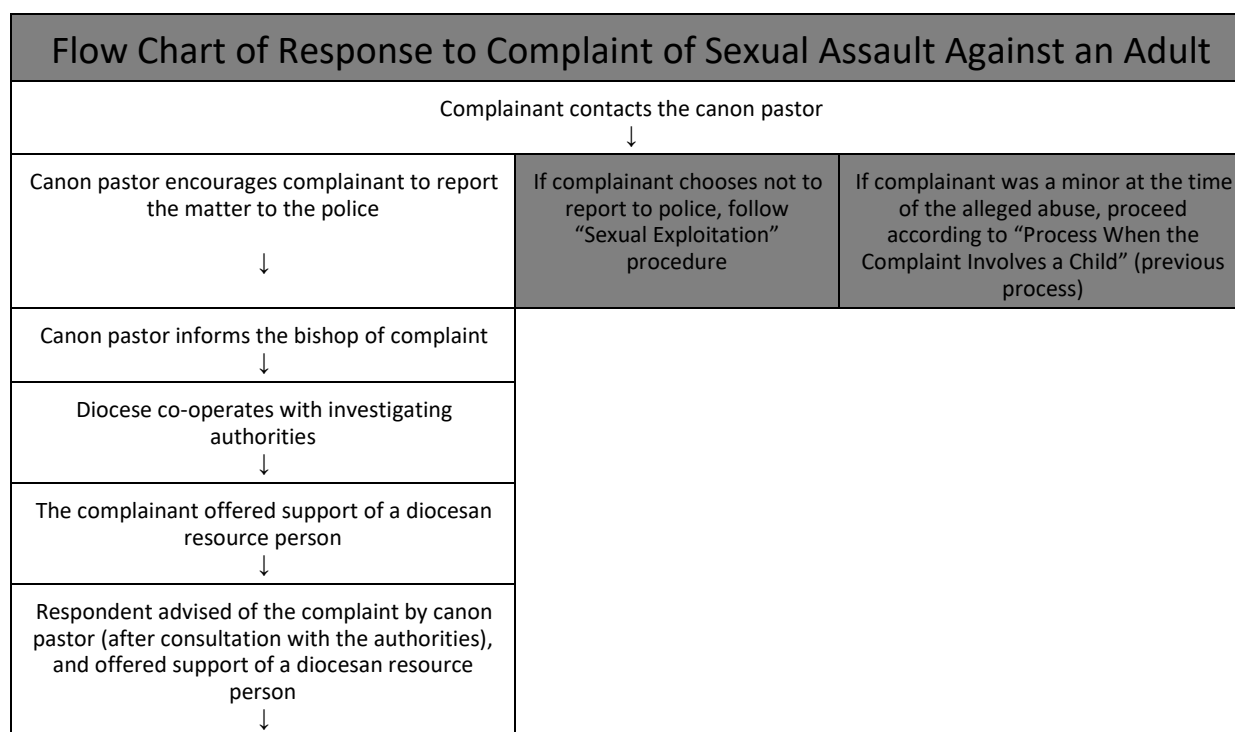
15. Individuals found guilty of sexual assault are disciplined. The nature and type of discipline are determined by the bishop on the advice of the bishop's assessment panel and depend on the severity and frequency of the incident(s). Disciplinary measures may include risk assessment, counselling by a professional person designated by the diocese, sensitivity training, a written warning or reprimand, an assigned on-site supervisor, transfer or limitations placed on function, inhibition, suspension without pay, termination or relinquishment of exercise of ministry, or other discipline. The Canons of the Diocese of British Columbia, the Province of British Columbia and Yukon, and of the General Synod of the Anglican Church of Canada which have been, or shall be from time to time, passed, as these bear on Oaths, Licensing, Discipline, and the Exercise of Ministry, along with Appendix G and Appendix Z of the Canons of the Diocese of British Columbia, and the Bishop's Letter of Appointment and License govern the discharge of this Policy.
16. If it is determined there was no sexual assault and that the complaint was initiated maliciously, appropriate disciplinary action will be taken by the bishop and/or action in the civil courts may be undertaken by the diocese.

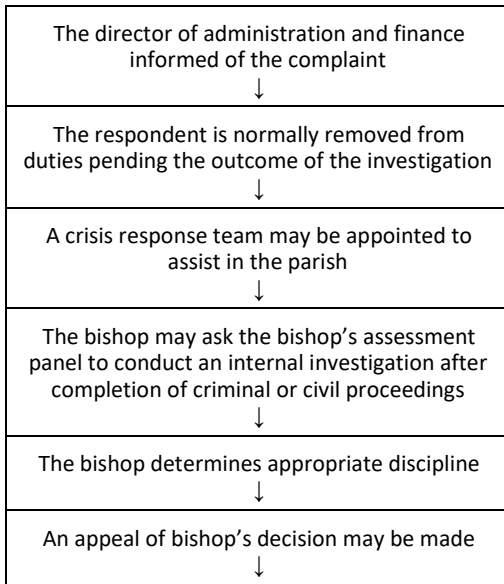
### Appeal

17. An appeal of the bishop's decision may be made to the metropolitan bishop within thirty (30) days of the bishop's decision by filing a written request with the reasons for the appeal and using one of the following two options:
- requesting the metropolitan bishop to review the bishop's decision
  - requesting a provincial ecclesiastical court be convened.

### Review

18. Where an employee or cleric is suspended or relinquishes his/her licence or has limitations placed on his/her functioning for longer than a year as a result of sexual exploitation, his/her status may be reviewed and changed after a suitable period of time, not less than one year. The review is conducted by the bishop's assessment panel.
19. Those seeking reinstatement following systematic predatory behaviour against people in vulnerable circumstances may not seek reinstatement in fewer than three years from the date of the bishop's original discipline decision.





### **Section 3. Appendices**

#### **Appendix A: CRISIS RESPONSE**

Whenever an allegation of sexual misconduct made against a member of the clergy, a member of staff or a volunteer threatens the integrity of the parish or place of ministry, the canon pastor may, at the request of the bishop, send a crisis response team (CRT) made up of diocesan resource persons to the parish or place of ministry.

When in the parish or place of ministry, the CRT will contact the key person as appropriate, consult with the church wardens or board of directors and employees, maintain clear communication with the bishop, the canon pastor, the incumbent or interim priest, and make recommendations to the bishop about what is needed in the parish or place of ministry to reduce the risk of trauma. The CRT in consultation with the bishop may hold a public meeting or meetings within the parish or place of ministry. The work of the CRT shall be short-term.

#### **Appendix B: BISHOP**

The bishop has primary responsibility for the pastoral needs of the parish or place of ministry. The bishop maintains regular contact with appropriate church leadership to monitor the situation. The bishop shall be regularly briefed by the canon pastor regarding the processing of the complaint and will be consulted and make the decisions regarding the pastoral, educational and communication needs of the parish. The bishop, in consultation with the canon pastor, may contact the complainant, respondent, and/or their families as appropriate, to assure them of the Church's care but not to provide primary pastoral care.

#### **Appendix C: CANON PASTOR AND DIOCESAN RESOURCE TEAM**

The diocesan resource team (DRT) is established to be composed of the canon pastor and a number of diocesan resource persons.

The DRT are trained volunteers appointed by the bishop for a specific term and are available to:

- (a) provide assistance to all the members of the diocesan community in sexual misconduct matters;
- (b) assist in the resolution of complaints as set out in the policy;
- (c) provide education, training and information to the diocese and parishes in all aspects of sexual misconduct and on the policy.

DRT is responsible to and supervised by the canon pastor.

The canon pastor, "pastor of the canon", is appointed by the bishop for a term of three (3) years. The canon pastor is responsible for:

- (a) the administration of the sexual misconduct policy;
- (b) recruitment, selection and training of DRT in consultation with the bishop;
- (c) assignment of diocesan resource persons to individual complaints under the policy;
- (d) providing advice and guidance to DRT and to the diocesan community;
- (e) submitting an annual report to the bishop on the operation of the policy;
- (f) advising the director of administration and finance of a complaint so that the diocesan insurers may be advised;
- (g) consulting with the diocesan executive officer in the implementation of the policy;
- (h) consulting with the bishop in respect to complaints arising under the policy;
- (i) assignment of a crisis response team under the policy at the request of the bishop.

## **Appendix D: THE BISHOP'S ASSESSMENT PANEL**

### **1. PURPOSE**

The bishop's assessment panel will receive the final report of the investigation, recommend the appropriate discipline for the offender, appropriate care and counselling for the victims, and the 'after-care' of the parish impacted by incidents of sexual misconduct.

The panel shall advise the bishop on all matters relating to the possible reinstatement of offenders who have been suspended from functioning as volunteers or employees of the diocese or its parishes on account of sexual misconduct.

In the event of allegations which are determined to be malicious in intent, the panel shall recommend the appropriate response whether through diocesan discipline or action in the civil courts.

### **2. APPOINTMENT**

The bishop's assessment panel shall consist of six members including the bishop. The bishop acts as both chair and sole spokesperson for the panel. Gender balance shall be ensured by appointment of at least two persons of each gender. The panel shall be appointed by the diocesan council for a four-year term. Nominations will be presented by the nominating committee following consultation with bishop and canon pastor.

The five members of the panel, exclusive of the bishop, shall be made up of: an archdeacon of the diocese, the canon pastor, a psychiatrist with experience in dealing with sexual offenders, a lawyer experienced in dealing with cases of sexual abuse, and an ecumenical partner.

## **Appendix E: CONFIDENTIALITY**

As a first principle, every effort will be made on the part of all parties concerned to hold in confidence information obtained in the process of a complaint made under the Sexual Misconduct Policy. There will be times when this information is required to be disclosed by law, for the administration of the sexual misconduct policy, where safety issues exist, or where confidentiality is waived by the parties. It may be necessary to indicate that an investigation has been initiated, such as when a person is placed on leave or inhibited during the investigation.

Matters of confidentiality may bear directly not only upon the proper process of investigation, but on the well-being and recovery of victims and individuals involved. When an offence has been alleged and an investigation is in process, immediate colleagues may become privy to confidential information. To promote collegial support, thereby empowering one another with confidence and hope, those aware of allegations are admonished against gossip and rumour, and are required to hold such information as confidential.

## **Appendix F: THEOLOGICAL BASIS**

"Despite its mission to be the body of Christ, the church is no stranger to sexual abuse, even in its own midst. Our thinking about that abuse must be set in the framework of what it means to be a Christian, to be a sexual person of Christian faith, and to be a servant in the church.

"Christians have a high calling. Christ invites and empowers us to live out our lives in the love he shows us. Our identity as Christians is both gift and demand. Promised fullness of life, we are called to the self-giving of the cross, to faithfulness, compassion, and justice. Our faith is framed between acknowledgement of our arrogance, sinfulness, and brokenness, and commitment to the renewal of human life through dying to self.

---

<sup>1</sup> Mary D. Pellauer, Barbara Chester, and Jane Boyajean, editors, *Sexual Assault and Abuse: A Handbook for Clergy and Religious Professionals* (San Francisco: Harper and Row, Publishers, 1987).

That renewal encompasses "the healing, wholeness, and liberation promised by God's grace to every facet of human life" which is the task of ministry.<sup>1</sup>

"What does it mean to be a sexual person with such a faith? Sexuality is central to our being; we are body-selves. It is basic to our fulfilment, and our vulnerability. It carries our need to reach out to and embrace others, our longing for relatedness. Sexuality is the power to be in communion with another, to be caught up in the wonder of mutuality. Our sexuality, as a dimension of our whole selves, is to be offered to God; in the expression of sexual desires we are called to holiness.

"The ethic that must go with such an understanding of sexuality entails equal respect for children, women, and men, as persons made in God's image, and for everyone's right to sexual and bodily integrity.

"Those who undertake as priests or laity to serve the church (whether salaried or volunteer) must, in living out their faith, adhere to Christian ethical principles in their sexual conduct, and also in their exercise of authority and power. In sharing in the gospel mission to bring reconciliation, healing, and wholeness, they will draw close to those they minister to. They need to recognize the dynamics of trust in these relationships and the consequent potential for harm and abuse. The authority conferred by the church on those who work in Christ's name must be rooted in the love of Christ (Eph. 3:17). In their ministry they must model God's trustworthiness.

"For any Christian, to betray trust by the grave ethical transgression of sexually abusing another, whether child or adult, is to deny Christian identity. Such a betrayal cannot be other than a gross injury to the one abused, and a violation of faithfulness to Christ."

From the first **DIOCESAN SEXUAL ABUSE POLICY, ANGLICAN DIOCESE OF TORONTO** and adopted by their Executive Committee, April 1992.

## **Appendix G: OUT-OF-DIOCESE COMPLAINTS**

Every effort will be made to meet the complainant at his/her location. This may be limited, however, because of the rules governing clergy living or functioning outside of their home diocese.

See: Canons of the General Synod, Canon XVIII, s. 26.

## **Appendix H: RE-INSTATEMENT**

### ***REINTEGRATION POLICY AFTER CONVICTION INVOLVING SEXUAL ABUSE OF A CHILD***

#### **1. ISSUE**

This policy concerns the possible reintegration of clergy, staff and volunteers into a parish following a criminal conviction involving child sexual abuse.

#### **2. AFFECTED PERSONS**

This policy applies to any clergy, staff or parishioners who would have responsibility for children.

#### **3. POLICY**

As a general rule, persons who have been convicted of criminal offences against children will not knowingly be permitted to maintain or assume positions of responsibility within a parish or other areas of ministry. There may be exceptions to this policy, but the exceptions should be narrowly circumscribed (as described below.)

#### **4. RATIONALE**



The church has a responsibility for the welfare and safety of children in a parish who are subject to the exercise of power and authority of adults. The relationship between adults and children within a parish must be based on trust. Sexual abuse of children by adults is a gross abuse of that trust. The reintegration of an offender into the community in a position of authority with respect to children is fraught with problems, including potential legal liability by the church in the event of further abuse, and the difficulty in obtaining an unqualified medical opinion that there would be minimal risk involved in reintegration.

This approach does not deny the importance of the acceptance of responsibility by the abuser and of forgiveness. It does, however, recognize the church's overriding responsibility to those in its midst who are most vulnerable and the difficulties in predicting further behaviour in these circumstances.

## **5. CONDITIONS**

All applicants must be able to satisfy the following conditions:

- a) A report from a qualified licensed professional skilled in psycho-sexual assessment designated by the diocese who is familiar with the nature of the sexual abuse and the nature of the proposed role of the applicant, that the employment/function within the church precludes risk to children in the parish;
- b) In addition to the approval of the bishop in the case of a cleric, the appointment of a cleric, staff member, or volunteer under this policy also requires the prior approval of the parish given at a special meeting of vestry called for the purpose. An applicant who is a cleric must also be able to satisfy the following;
  - b. 1) The reintegration of a cleric into a parish or to another area of ministry requires the specific prior approval of the bishop's assessment panel;
  - b. 2) If such approval is given, it carries with it a clear understanding that the appointment is reviewed by the bishop's assessment panel every six months for a period of two (2) years and then annually for a further period of three (3) years, and that the panel makes recommendations to the bishop on the continuation, or not, of the appointment;
  - b. 3) If the bishop considers, in his/her discretion, that the continuation of the appointment is not in the best interests of the parish or another area of ministry, the bishop may terminate the appointment at any time;
  - b. 4) The cleric will be required to agree to these terms of reintegration and any other conditions which the bishop considers appropriate.

## ***REINTEGRATION POLICY AFTER SUBSTANTIATED COMPLAINT OF SEXUAL ASSAULT/EXPLOITATION/HARASSMENT OF AN ADULT***

### **1. ISSUE**

This policy concerns the possible reintegration of clergy, staff and volunteers into a parish following a conviction or substantiated complaint of sexual harassment, exploitation or assault of an adult.

### **2. AFFECTED PERSONS**

This policy applies to any clergy, staff or parishioners who have responsibilities within the parish or other areas of ministry.

### **3. POLICY**

Where an adult has been convicted of a criminal offence involving sexual assault or misconduct, or where there has been a substantiated case of sexual harassment or exploitation, his/her continued role in the parish is reviewed by the bishop's assessment panel which advises whether it is appropriate for the person to continue in, or return to, a position of responsibility within the parish or other areas of ministry, and especially as this is governed by the appropriate canons of the General, Provincial or Diocesan Synods.

#### **4. RATIONALE**

Problems of sexual misconduct against adults in a parish can arise in a number of contexts including those of priest/curate, employer/employee, pastoral counsellor/client, music director/choir, warden/parishioner, priest/parishioner and parishioner/parishioner.

There are distinctions which are noted where the misconduct involves an adult and not a child. A child is always in a position of dependency in a relationship of trust. All acts of abuse of children are treated as of the utmost seriousness and may involve criminal sanctions. Where sexual misconduct occurs against an adult, the conduct may involve a spectrum of circumstances from sustained sexual assault of an adult in a position of dependency to an isolated act of sexual harassment. Similarly an adult may be in a position of considerable dependency with no responsibility for the actions of the abuser or may be a mature functioning adult who may bear some responsibility for the conduct in issue.

The wide range of possible circumstances suggests that there must similarly be a wide range of possible responses. Some situations will suggest profound dysfunctional conduct. Others may suggest isolated acts of impropriety.

Common to all situations is the need for the abuser to provide unequivocal written acknowledgement of responsibility for the harm done, to demonstrate genuine remorse and repentance, a written apology to all complainants and restitution where appropriate.

In cases of sexual exploitation or assault, those seeking reinstatement following systematic predatory behaviour against people in vulnerable circumstances may not do so in fewer than three years from the date of the original discipline decision.

#### **5. CONDITIONS**

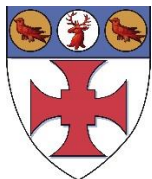
All applicants must be able to satisfy the following conditions:

- a) A report from a qualified licensed professional person skilled in psycho-sexual assessment, designated by the diocese, who is familiar with the nature of the sexual abuse and the nature of the proposed role of the applicant, that the proposed employment/function within the church precludes risk to children in the parish;
- b) In addition to the approval of the bishop in the case of a cleric, the appointment of a cleric, staff member, or volunteer under this policy also requires the prior approval of the parish given at a special meeting of vestry called for the purpose.

An applicant who is a cleric must also be able to satisfy the following:

- b. 1) The reintegration of a cleric into a parish or to another area of ministry requires the specific prior approval of the bishop's assessment panel;
- b. 2) If such approval is given, it carries with it a clear understanding that the appointment is reviewed by the bishop's assessment panel every six months for a period of two (2) years and then annually for a further period of three (3) years, and that the panel makes recommendations to the bishop on the continuation, or not, of the appointment;
- b. 3) If the bishop considers, in his/her discretion, that the continuation of the appointment is not in the best interests of the parish or another area of ministry, the bishop may terminate the appointment at any time;
- b. 4) The cleric will be required to agree to these terms of reintegration and any other conditions which the bishop considers appropriate.

Appendix J: **Various Report Forms and Consent Forms**  
Form J1



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE  
TO ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to Enter into an Informal, Facilitated Process  
to Attempt to Resolve a Complaint of Sexual Harassment.**

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual harassment against  
\_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of British  
Columbia.

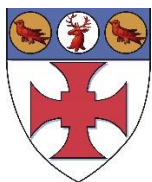
1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into an informal, facilitated process to attempt to resolve this complaint.
3. The facilitator appointed by the Diocese of British Columbia is \_\_\_\_\_ (*Name*). I agree to this facilitator.
4. If the facilitation arrives at a resolution to the complaint, the resolution will be in writing. The resolution will be signed by the respondent, the facilitator, and myself, and will be referred to the canon pastor or the diocesan executive officer for approval and ratification. The Facilitation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the facilitated process are without prejudice and may not be disclosed in an investigation if the facilitated process fails.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the canon pastor or the diocesan executive officer.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts under the BC Human Rights Code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to Enter into an Informal, Facilitated Process  
to Attempt to Resolve a Complaint of Sexual Harassment.**

I, \_\_\_\_\_ (*Name of Respondent*) am the subject of a complaint of sexual harassment brought against me by \_\_\_\_\_ (*Name of Complainant*) under the Sexual Misconduct Policy of the Diocese of British Columbia.

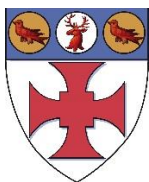
1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into an informal, facilitated process to attempt to resolve this complaint.
3. The facilitator appointed by the Diocese of British Columbia is \_\_\_\_\_ (*Name*). I agree to this facilitator.
4. If the facilitation arrives at a resolution to the complaint, the resolution will be in writing. The resolution will be signed by the complainant, the facilitator, and myself, and will be referred to the canon pastor or the diocesan executive officer for approval and ratification. The Facilitation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the facilitated process are without prejudice and may not be disclosed in an investigation if the facilitated process fails.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the canon pastor or the diocesan executive officer.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts under the BC Human Rights Code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to Enter into a Mediation of Complaint of Sexual Harassment**

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual harassment against  
\_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of British  
Columbia.

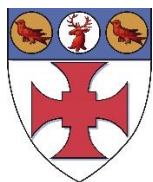
1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into a mediation to resolve this complaint.
3. The mediator appointed by the Diocese of British Columbia is \_\_\_\_\_  
(*Name*). I agree to this mediator.
4. If the mediation arrives at a resolution to the complaint, the resolution will be in writing. The Resolution Agreement will be signed by the respondent, the mediator and myself and will be referred by the canon pastor to the bishop for approval and ratification. The Mediation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the mediation process are without prejudice and may not be disclosed in an investigation under this Policy.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the canon pastor or the diocesan executive officer.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the B.C. Human Rights code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to Enter into a Mediation of Complaint of Sexual Harassment**

I, \_\_\_\_\_ (*Name of Respondent*) have had a complaint of sexual harassment brought against me by \_\_\_\_\_ (*Name of Complainant*) under the Sexual Misconduct Policy of the Diocese of British Columbia.

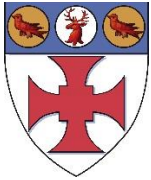
1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I agree to enter into a mediation to resolve this complaint.
3. The mediator appointed by the Diocese of British Columbia is \_\_\_\_\_ (*Name*). I agree to this mediator.
4. If the mediation arrives at a resolution to the complaint, the resolution will be in writing. The Resolution Agreement will be signed by the complainant, the mediator and myself and will be referred by the canon pastor to the bishop for approval and ratification. The Mediation Resolution Agreement will be final and binding.
5. I understand that any statements or admissions made in the mediation process are without prejudice and may not be disclosed in an investigation under this Policy.
6. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the canon pastor or the diocesan executive officer.
7. I understand that under the Policy I have the right to seek independent legal advice and to seek a remedy through the courts or under the B.C. Human Rights code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to Begin an Investigation into a Complaint of Sexual Misconduct**

I, \_\_\_\_\_ (*Name of Complainant*) have brought a complaint of sexual harassment against  
\_\_\_\_\_ (*Name of Respondent*) under the Sexual Misconduct Policy of the Diocese of British  
Columbia.

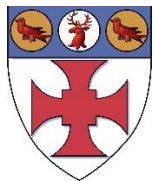
1. I have received a copy of the Sexual Misconduct Policy and I have read it and understand it.
2. I understand that my complaint as well as any related documents I may provide to the canon pastor or diocesan executive officer or an investigator appointed by the Diocese under the Sexual Misconduct Policy, will be given to the respondent or any persons necessary for the administration of the policy.
3. I understand that if I have any questions about the operation of this Policy and my rights and responsibilities under it, I may speak with the canon pastor or the diocesan executive officer.
4. I understand that under the Policy I have the right to seek independent legal advice or to seek a remedy through the courts or under the B.C. Human Rights code.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Consent to the Release of Information**

Concerning the Complaint of \_\_\_\_\_ against \_\_\_\_\_ commencing  
\_\_\_\_\_ (date Diocese notified of complaint).

1. Complainants, respondents, witnesses and those giving additional information are advised to read the Sexual Misconduct Policy of the Diocese of British Columbia so that they are familiar with the procedures involved.
2. Every effort will be made by those who are responsible for the administration of the Policy to maintain the confidentiality of the process, subject to the exceptions noted below.
3. Complainants are advised that in the event of a formal complaint under the Policy, a copy of the written complaint, as well as related documents originating from the complainant, will be given to the respondent, or any persons necessary for the administration of the Policy.
4. Respondents are advised that a copy of the written response to the complaint, as well as related documents originating from the respondent, will be given to the complainant, or any persons necessary for the administration of the Policy.
5. Witnesses and those giving additional information are advised that any information they provide, either verbally or in writing, to a person appointed to conduct an investigation under the Policy, may be disclosed to the complainant and respondent as well as to persons necessary for the administration of the Policy.
6. If a respondent does not sign this Consent to the release of information, the investigation will proceed in the absence of information originating from the respondent. In such an event, the investigating team may make their report to the bishop in the absence of such information which may otherwise be of assistance to the respondent.
7. In addition, anyone may be required by law to give evidence and document in the courts and other agencies involved in the administration of justice.
8. If you have any questions about the operation of this Policy and your rights and responsibilities under it, please speak with the canon pastor or the diocesan executive officer.
9. The Policy is not intended to preclude anyone from seeking legal counsel or seeking a remedy through the courts or under the BC Human Rights Code.

I acknowledge receipt of a copy of the Policy. I have read, understand, and agree with the Consent to the Release of Information as provided above.

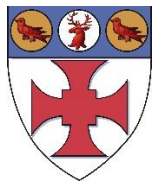
Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_





THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION OF AND RESPONSE TO  
ALLEGATIONS OF SEXUAL MISCONDUCT (the "Sexual Misconduct Policy")**

**Acknowledgement Form**

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
(clergy/employee/volunteer)

\_\_\_\_\_ I hereby acknowledge receipt of a copy of the Diocese of British Columbia's Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct.

\_\_\_\_\_ I understand the content of the Diocese of British Columbia's Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct.

\_\_\_\_\_ I understand that to function as an ordained or lay person in ministry implies that the Church has entrusted me with responsibility to act for the well-being of others.

\_\_\_\_\_ I understand that my continued employment in the Diocese of British Columbia depends upon compliance with this Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct.

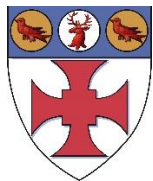
If you cannot check off any of the above statements or if you have questions about this, please contact the diocesan canon pastor prior to signing off on this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please type or print name

\_\_\_\_\_  
Date

*Instructions: All ordained and lay staff are expected to comply with the Diocese of British Columbia Sexual Misconduct Policy. This signed form will be placed in the named person's personnel file or other suitable confidential file if there is no personnel file. It will remain in the file for an indefinite period of time. Access to clergy personnel files is restricted to the person named on the file, the bishop, the director of administration and finance (for diocesan staff members), the diocesan executive officer and archivist.*



THE DIOCESE OF BRITISH COLUMBIA  
ANGLICAN CHURCH OF CANADA

**POLICY REGARDING THE INVESTIGATION AND RESPONSE  
TO ALLEGATIONS OF SEXUAL MISCONDUCT (the “Sexual  
Misconduct Policy”)**

**Acknowledgement Form for Outside Groups Using Anglican Church Facilities**

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
(Individual(s), society, club, contractor or other)

\_\_\_\_\_ I/we hereby acknowledge receipt of a copy of the Diocese of British Columbia’s Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct.

\_\_\_\_\_ I/we understand the content of the Diocese of British Columbia’s Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct.

\_\_\_\_\_ I/we understand that in our use, occupation, benefit or service of the premises, buildings and grounds of \_\_\_\_\_ Church at \_\_\_\_\_, \_\_\_\_\_, British Columbia, I/we must comply with this Policy Regarding the Investigation of and Response to Allegations of Sexual Misconduct, and that I/we are thereby entrusted with the responsibility to act for the well-being of others, to ensure that the Church, its buildings and property are a safe place.

If you cannot check off any of the above statements or if you have questions about this, please contact the rector of this Church who will contact the diocesan canon pastor, prior to signing this document.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please type or print name

\_\_\_\_\_  
Office held (of club or organization)

*Instructions: All persons or organizations or others using the Church, its building(s) and property are expected to comply with the Diocese of British Columbia Sexual Misconduct Policy. This Form is signed in duplicate, one copy to be kept by the Church, and one copy to be kept by the individual(s), club, organization, contractor, or other group, that is a party hereto.*

RESOLUTIONS COMMITTEE GUIDELINES1. Task

It is the responsibility of the committee:

- a. to receive, and prepare for debate, resolutions proposed for the consideration of the Synod;
- b. to ensure that proposed resolutions contain clear and concise statements of what is intended by the sponsors;
- c. to consolidate, and, if necessary, reword resolutions which deal with the same subject, after consultation with the sponsors; and
- d. generally to ensure that the resolutions do not contradict the resolutions procedures which form part of these guidelines.

2. Resolutions Procedures

- a. All resolutions not already printed in the convening circular except those of a procedural or a courtesy nature, or that arise in the course of debate, shall be written on the prescribed form and submitted to the Resolutions Committee for consideration before being put to the Synod.
- b. Where in the opinion of the Committee, there is no need for a resolution to be debated, the resolution shall be placed on a list to be known as a No Debate List. The No Debate List shall be circulated on the floor of Synod not less than 2 hours before consideration.
- c. The committee shall not debate the merits of any proposed resolutions, but will ensure that it contains a clear and concise statement of what is proposed.
- d. Any resolution presented to the committee may be accompanied by an explanatory note setting forth the considerations leading to the proposal. This note will not form part of the resolution.
- e. No resolutions shall include any preambles (i.e. "Whereas, etc. etc.").
- f. The committee is authorized to consolidate, and, if necessary, re-word resolutions which deal with the same subject, with the understanding that in doing so the committee will consult with the sponsors of the resolutions.
- g. The sponsors of any resolution which is recommended for change by the committee must be consulted and asked for their agreement to the change(s) proposed. If agreement cannot be reached the committee has authority to present its version, and the sponsors will have the opportunity to propose any amendments they believe desirable.
- h. The committee may reject, or return for amendment, any resolution it considers to be:
  - i. outside the jurisdiction of the Diocesan Synod;
  - ii. unclear or ambiguous;
  - iii. inaccurate;
  - iv. of a strictly local rather than a diocesan character;
  - v. impossible of performance; or
  - vi. calculated to be a source of embarrassment to the Church.
- i. No notice of motion, except one of a procedural or a courtesy nature, will be received beyond the time stated on the agenda for the reception of notices of motion except with the consent of a two-thirds majority of the Synod.

- j. Any resolution which requires the expenditure of funds, the source of which have not been identified prior to the Synod session must be referred by the sponsors to the Expenditures Committee.
- k. Normally resolutions will be dealt with in an order which is appropriate to the elements of the agenda or in the order in which they are received. However, if time for debate is limited, the Agenda Committee will decide which resolutions will go forward for debate and which should be recommended for reference to appropriate bodies other than the Synod. Motions with reference to reports from committees or commissions shall take precedence over other motions on the agenda.
- l. Resolutions on a No Debate List may be removed from the No Debate List by a member of Synod, prior to the No Debate List being brought forward for consideration, by either:
  - i. giving a written objection to the Resolutions Committee stating that objecting member will speak against the resolution; or
  - ii. providing a notice of motion in writing, duly moved and seconded, to amend the resolution; or,
  - iii. giving a written objection to the Resolutions Committee stating that objecting member requires clarification of the resolution;
- m. When a No Debate List is brought before Synod no debate shall take place on any resolution on the list and no motion to amend a resolution on the list shall be entertained. The whole list shall be put to Synod in one question. If that question shall be defeated, then each resolution shall be reconsidered individually, provided that no debate or motion to amend shall be permitted on any of those resolutions.

# DIOCESE OF BRITISH COLUMBIA

## CLERGY AND LAY EMPLOYMENT STANDARDS AND CONDITIONS

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## DIOCESE OF BRITISH COLUMBIA EMPLOYMENT STANDARDS

### I INTRODUCTION

1. These employment standards outline the regular conditions and terms of employment for employees in the Diocese of British Columbia, hereafter called the Diocese. These terms and conditions apply, as written, to all employees in the Diocese except as may be specifically altered by the employer in the written offer of employment to an employee. All laws of Canada and of British Columbia and Canons and Regulations of the General. Provincial and Diocesan Synods which define standards, wages and procedures of employment, and which apply to the Diocese, are binding on the Diocese even though they may not be stated in these Personnel Policies.
2. Any of the employment standards may be changed by the employer at any time, saving~ only that any new terms which would decrease the current salary, benefits and entitlements of existing employees shall not apply, unless the employee was advised in the offer of employment that a specific salary, benefit or entitlement might be reduced.
3. Every employee shall be given a copy of these employment standards at the time an offer of employment is made or at the time a contract is executed (as the case may be) and shall sign a form acknowledging acceptance of these policies as terms and conditions of employment.

### II DEFINITIONS

"CLERGY"	shall mean all persons ordained to religious service who hold the licence of the Bishop of British Columbia.
"DIOCESE"	shall mean the Diocese of British Columbia.
"EMPLOYER"	includes a person, parish or organization in the Diocese who (a) has, or had control of an employee or (b) is, or was responsible directly or indirectly for the employment of an employee.
"LAY EMPLOYEE"	includes a lay person occupying a position established in the Diocese who is fulfilling the duties of the position and who has accepted a written offer of employment from an employer which forms a contract of employment and is receiving remuneration for services rendered.
"ORDAINED EMPLOYEE"	includes a member of the clergy who is occupying a position established in the Diocese.
"REGULAR EMPLOYEE"	shall mean a person who has satisfactorily completed the requisite period of probation.
"TEMPORARY EMPLOYEE"	shall mean a person hired on an intermittent basis.
"PART-TIME EMPLOYEE"	shall mean a person who is employed for less than thirty (30) hours per week.
"VOLUNTEER"	includes a person filling a position for which no remuneration is offered or received.
"WAGES"	shall mean money payable by the employer to an employee for services rendered as ..... outlined in the offer of employment and shall include:

- (a) salaries, stipends, commissions or money paid or payable by the employer for the employee's work
- (b) money required to be paid by an employer to an employee under the British Columbia Employment Standards Act, but does not include
  - (i) gratuities
  - (ii) travelling expenses
  - (iii) other expenses

"STATUTORY HOLIDAYS"

means New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day

### III GENERAL PROVISIONS

With exception of assistant curates and temporary employees, all positions for regular employees, clerical and lay, shall be advertised. A person shall be appointed to a position by the appointing person or body after an interview with a selection committee, and after consultation by the appointing person or body with that committee.

#### 1. OFFER OF EMPLOYMENT

An offer of employment shall include details of specific work conditions, expectations, hours of work, starting remuneration and probationary period, if any. The normal probationary period is 3 months, but may be extended, at the option of the employer, for a further 3 months.

#### 2. PAYMENT

Rates of remuneration shall be specified in the offer of employment and reviewed annually by employer and employee. An employer shall, at least semi-monthly, pay by cheque within 8 days after each pay period to each employee all wages earned by the employee for the pay period less appropriate deductions, other than wages for annual vacation or accrued statutory holidays. Salaries will normally be paid by cheque directly from the parish treasurer or salary paying source. An optional centralized, semi-monthly, direct deposit system is available through the Diocese to parishes wishing to participate.

#### 3. CANADA PENSION PLAN. EMPLOYMENT INSURANCE. WORKERS COMPENSATION

Employee and/or employer shall contribute Income Tax and CPP, EIC and WCB premiums at the rates prescribed. The employer will automatically deduct the employee's portion of all benefit contributions from the employee's wages and shall remit those contributions, along with those of the employer, within the required time period.

#### 4. BENEFITS

Regular full-time employees are entitled to the following benefits:

##### (a) **B.C. Medical**

B.C. Medical premiums will be paid monthly by the employer and is a taxable benefit. Completion of an application for the parish/diocesan group plan is required in order to receive a "British Columbia Care Card".

##### (b) **Extended Health Care**

As part of the diocesan benefit package, semi-private hospital room, prescription drug coverage, ambulance service, professional medical care services, and out of province coverage are provided. The cost of this is paid by the employer.

(c) **Dental Coverage**

Employees will be covered up to the limits provided by the current carrier with premium shared equally between employee and employer.

(d) **Vision Care**

This benefit provides assistance towards the cost of glasses or lenses every two years. The premium cost is paid entirely by the employer.

(e) **Group Life Insurance**

Group life insurance is provided with the premium shared equally between the Diocese and the employee and the amount paid by the Diocese is taxable. Optional additional life insurance is available with premiums to be paid entirely by the employee.

(f) **Transportation Loan Fund**

Application may be made through the Administration and Finance Committee of the Diocese for a loan for either a new or used automobile.

5. General Synod PENSION PLAN

In the case of ordained employees, membership in the General Synod Pension Plan of the Anglican Church is compulsory. The Diocesan policy is that the employee and employer contribute a percentage of pensionable earnings as set by the Diocese from time to time. Optionally, a certain portion of these contributions may be directed to the Retirement Benefit Fund (which works exactly the same as an RRSP). This will have the effect of reducing the amount of a future pension and providing a capital sum on retirement instead. Election of this option must be indicated to the diocesan office before the December 31st following the day of a appointment

Regular full-time lay employees who meet the minimum requirements set by General Synod shall be offered the choice of membership in the General Synod Pension Plan or the Lay Retirement Plan, but acceptance is optional. If membership in either Plan is declined, the employee will be required to sign a waiver to that effect. Participation in the pension plan covers an employee for disability payments, after 119 days of disability, for 60% of pensionable earnings on a tax-free basis as the premiums (1% of pensionable earnings) are paid by the employee.

6. STATUTORY HOLIDAYS

Regular full-time employees and all other employees according to terms in the Offer of Employment are entitled to Statutory Holidays. Statutory Holidays shall be taken so as not to interfere with Divine Worship for major occasions. An employee who is required to work on Statutory Holidays and is employed in a position that their work is not normally carried on every day, s/he is entitled to be paid time and a half and have a compensatory day off. Compensatory time off shall be given to an employee when a Statutory Holiday occurs during a scheduled annual vacation and must be mutually agreeable to employer and employee.

7. SPECIAL LEAVE

Employees shall be entitled to a maximum of three days special leave with pay in case of bereavement in the immediate family which includes the grandparents, parents, spouse, children, brother, sister and parents-in-law of the employee. Additional special leave will be granted to meet the requirements of the Employment Standards Act of British Columbia.

Any employee called for jury duty will be allowed time off with pay during the period of such duty. Any remuneration received by the employee for such duty shall be remitted to the salary paying source.

8. PROFESSIONAL CONDUCT



- 1) All employees are expected to behave and present themselves in a professional manner. This includes, but is not restricted to, appropriate dress and language, courtesy, and the normally accepted principles of honest and ethical behaviour.
- 2) It is the policy of the Diocese of British Columbia that sexual assault, sexual harassment, or sexual abuse of any kind, whether to adult, adolescent or child, male or female, by or to any clergy, church employee or volunteer, will not be tolerated. All Employees should make themselves aware of the Policy and Procedures as laid out in Appendix E of the Diocesan Canons.
- 3) All employees shall exercise all reasonable care to ensure files and other documents or information within their control are secure.
- 4) All employees are required to exercise the utmost discretion with regard to matters which are properly confidential.
- 5) Any employee who violates confidentiality shall be subject to immediate dismissal and possible prosecution.

#### 9. PERFORMANCE REVIEW\V

A performance review shall be formally initiated by the employee at least on a biennial basis, according to the standard appropriate to the responsibilities of the position held and the offer of employment. The review will be based on the standardized form approved by Executive Council of the Diocese of British Columbia. The review shall be discussed by a committee which shall consist of the employee, the employer's nominee, the employee's nominee and others as these three agree upon.

For a person holding an Episcopal licence, the Bishop is deemed to be the employer. The employer of others shall be specified in the offer of employment.

A written record signed by all committee members shall be placed in the employee's personnel file.

#### 10. GRIEVANCE PROCEDURE

The first step for any employee who has a concern or complaint is to discuss it with his/her immediate supervisor. If this does not resolve the issue to the employee's satisfaction, the matter should then be discussed with the next senior appropriate official. If the employee still believes that the matter is unresolved, a formal letter noting the details of the complaint and specific resolution requested should be sent to the Personnel and Compensation Committee. The Committee shall produce a written response outlining its decision which is subject to review only by the Bishop.

#### 11. DISCIPLINARY ACTION

An employee may be disciplined, suspended or dismissed for cause.

Lay and clerical employees are governed by the laws of British Columbia and the Canons of the General Synod of the Anglican Church of Canada, including but not limited to the following:

Canon XVIII	The Issue of Licences, Registers, Inhibitions, and Transfers;
Canon XVIII	Discipline;
Canon XIX	Relinquishment or Abandonment of Ministry;

The Canons of the Anglican Provincial Synod of British Columbia, including but not limited to the following:

Canon 6 - The Licensing of Clergy;  
 Canon 8 - The Discipline of Bishops and Clergy; and

The Canons of the Anglican Synod of the Diocese of British Columbia, including but not limited to the following:

Canon 10 - Diocesan Court, and the Sexual Misconduct Policy

Disciplinary action may be taken by the employer against an employee who has not fulfilled his/her employment and professional obligations as defined in any documents outlining the policies, duties and procedures which apply to the employee. This also includes standards and behaviours normally accepted as appropriate and applicable in working situations.

Where an employee has, in the opinion of the employer, acted unacceptably, that employee should be advised verbally and a note placed in the supervisor's personal calendar. If this reoccurs the employee should be given a formal letter of reprimand. The letter of reprimand will summarize the details of the incident(s), noting the reasons why the employer is concerned. It will also specify any corrective action required by the employee and possible future consequences if such action is not taken. A copy of this letter will be placed in the employee's personnel file.

If the offence continues the employee may be suspended without pay for a period not to exceed 20 working days with a letter stating that dismissal will be inevitable if this reoccurs.

If a decision is made to suspend without pay, the employee will be given a letter by the employer detailing the incident and the reasons for suspension. A copy of this letter will be placed in the employee's personnel file. The employee shall then write out a list of any outstanding work matters which need to be addressed in his/her absence (under supervision if that is deemed to be appropriate).

Suspension without pay is grievable but will not delay the commencement of the suspension as outlined above. Should the employee's grievance be upheld, full pay and benefits shall be provided for the time the employee would normally have been working. Any reference to the suspension shall be removed from the employee's personnel file and there shall be no prejudicial effect upon the employee except as noted in the following paragraph.

If a grievance against a suspension without pay is upheld, but the employer still considers the employee to have performed or behaved in an inappropriate manner, the employer may place the letter of reprimand on the employee's personnel file.

No employee will be permitted more than one suspension without pay within a consecutive three-year period. If a second incident occurs which would normally warrant suspension, within three years of a previous suspension without pay, the employee may be dismissed.

When an employee has, in the opinion of the employer, acted unacceptably in a repeated or serious manner, the employee may be dismissed without further notice.

An employee who has been dismissed shall be advised in writing of the reason for termination. The employee shall then gather up all personal effects, surrender any keys or other property of the employer and leave the premises immediately.

An employee who has been dismissed shall be sent, within 24 hours of dismissal, a cheque for any monies due the employee for salary, overtime, compensatory time off and holiday leave.

An employee who returns to the workplace without approval from the employer commits trespass, and shall be subject to the legal remedies available to the employer.

Any decision to dismiss an employee is grievable under the normal grievance procedures.

#### IV A) ORDAINED EMPLOYEES

##### 1. RECRUITMENT

Clergy are recruited according to criteria established by the Bishop.

## 2. HOURS OF WORK

It is the responsibility of the Bishop and Churchwardens to ensure that clergy are not worked in excess of what is considered reasonable. Forty hours is considered a normal work week.

## 3 VACATION LEAVE

The period of vacation leave, at full compensation, shall be four weeks in any calendar year unless prior approval of an extension is given by the Bishop. The vacation period shall include four Sundays. No more than one week including one Sunday, may be accrued from one year to the next but this accrual may not be carried over to succeeding years. An offer of employment should specify an adjustment of vacation leave between appointments. In the first year of entitlement, vacation leave accumulates in proportion to the number of months employed.

If, during a period of annual vacation, an employee becomes ill, annual vacations shall be able to be converted to sick leave on presentation of a doctor's certificate.

Employees arranging vacations should take into consideration the responsibilities of their position and consult with their supervisor before confirming plans.

## 4. SICK LEAVE

Ordained employees shall accumulate sick leave with pay at a rate of one week per quarter year of employment to a maximum accumulation of one month. A doctor's certificate may be required. If it appears that an illness will be disabling for over 30 days, the employee must take steps to apply for Short Term Disability benefits.

## 5. PROFESSIONAL DEVELOPMENT LEAVE

Ordained, employees are entitled to one week's professional leave each year in addition to annual vacations. Professional development 'leave is non-cumulative and does not include participation in mandatory diocesan educational events. Ordained employees are also entitled to six weeks study leave every five years. This must be taken in a way that is mutually satisfactory to the Bishop, the salary paying source and the person seeking leave. It is in addition to any annual vacation and to any educational leave.

## 6. CONTINUING EDUCATION PLAN

All permanent full-time ordained employees participate in the General Synod Continuing Education Plan which provides funding for continuing education. Contributions are made as required by the Plan administrator.

## 7. MATERNITY/PATERNITY LEAVE

Leave must be taken in ways acceptable to the Bishop and within the requirements of the Employment Standards Act of British Columbia.

## 8. TRAVEL

The stipend of an ordained employee contains a component which represents the cost of normal parish-related travel. The cost of operating a motor vehicle on parish business may be deducted for income tax purposes as described in the Income Tax Act. An ordained employee who is required to travel above normal parish business as part of assigned responsibilities shall be on travel status and be entitled to reimbursement for use of a personal vehicle at the rate set by the Administration and Finance Committee of the Diocese and for all other expenses incurred during the course of travel, providing they are deemed reasonable.

Travelling time shall be considered as working hours and shall be compensated on an hour for hour basis providing that the employee worked during the day in which the travel occurred or on the day before or after.

## 9. LAYOFF AND TERMINATION

Ordained employees are subject to lay off according to the terms of the Offer of Employment and the licence they hold. Assistant clergy and clergy directly employed by the Diocese are liable to be laid off upon 90 days' notice in the following circumstances:

- a) funds for remuneration are inadequate;
- b) there is insufficient work in the opinion of the employer to justify the current number of staff;
- c) there is structural reorganization.

Employees laid off shall be advised within 20 working days following the first effective day of layoff whether they are likely to be recalled. If there is no identifiable day for recall, the employee shall be deemed to have been terminated.

Severance pay will be in lieu of notice according to the Employment Standards Act of British Columbia.

#### 10. RETIREMENT

The retirement of clergy is governed by General Synod and Diocesan Canons. Normal retirement date is the first of the month after the employee's 65th birthday or when s/he has completed 40 years of contributory membership in the pension plan, whichever is earlier.

### IV B) LAY EMPLOYEES

#### 1. RECRUITMENT

Lay employees shall be recruited according to criteria of the potential employer.

The authenticity and accuracy of the information provided in a job application, attached resumes, letters of reference, degrees, diplomas or certificates, or any other document which is submitted by the employee as part of the recruitment process, is deemed to be a condition of employment. Subsequent discover or disclosure that the information supplied is false or deliberately misleading shall constitute grounds for immediate dismissal.

An employee who has, as part of the recruitment process, withheld any information which would otherwise have rendered that employee ineligible or unsuitable for hiring, will be deemed to have provided a false and misleading application and is subject to immediate dismissal.

#### 2. PROBATION

At the end of three months probationary period, the employee shall receive a written evaluation and notice of having:

- (a) satisfactorily passed the probationary period and has the status of a regular employee,
- (b) has had their employment terminated,
- (c) been placed on extended probation for a specified period not to exceed a further three months.

The above paragraph notwithstanding, an employee on probation may be terminated at any time, without cause and without notice. The decision to terminate employment while on probation shall be communicated in writing with an explanation as to why this action was taken. Such termination is not grievable.

A probationary employee whose employment is terminated without cause, shall receive one week's pay in lieu of notice and shall cease work immediately upon such notice being given and leave the employer's premises. The terminated employee shall receive a cheque within 10 working days for all outstanding wages, compensatory time off, overtime and holiday time. Any keys issued to the terminated employee must be surrendered.

#### 3. HOURS OF WORK

The regular number of working hours shall be detailed in the offer of employment.

The employer reserves the right to require any employee to adjust hours of employment on certain occasions or to work additional hours to deal with emergencies or peak workloads and will provide as much prior notice as is possible in the circumstances.

The above paragraphs of this Section notwithstanding, the employer may establish flexible work schedules with employees or adjust the regular hours of employment to better suit the work to be performed. If this is done, notification of the new hours of work will be set in consultation with employees and discussed with them prior to implementation.

#### 4. COMPENSATORY TIME OFF

Where an employee is required to work at his/her regular place of employment more than the number of hours specified in the offer of employment, s/he shall be entitled to compensatory time off in lieu of overtime pay based on the formula in the Employment Standards Act of British Columbia:

- (i) Equal time to 8 hours per day and 40 hours per week;
- (ii) 1 ½ time from 5 to 11 hours per day and 40 to 48 hours per week;
- (iii) double time for over 11 hours worked in a day and from 48 to 56 hours per week.

No employee shall work more than 56 hours a week.

#### 5. VACATION LEAVE

An employer shall give to each employee, after the completion of each year of employment, an annual vacation of at least

- a) three weeks, and
- b) one additional week where the employee has completed 5 continuous years of employment with the employer.

Employees arranging vacations should take into consideration the responsibilities of the position s/he has and consult with their supervisor prior to confirming plans.

A permanent part-time employee shall be granted vacation pay on the basis of pro-rata full-time employees. Payment for vacation leave shall be made 7 days prior to the commencement of vacation or on a scheduled pay day if agreed to by the employee.

If, during a period of annual vacation, an employee becomes ill, annual vacation shall be converted to sick leave, on presentation of a doctor's certificate.

#### 6. SICK LEAVE

Regular full-time employees shall be granted sick leave with pay on the basis of one and one-half days per month of employment to a maximum of eighteen days per year. Unused sick days shall accumulate to a maximum of ten days the first year and a maximum of thirty days after three years.

A permanent part-time employee shall have sick days prorated according to hours worked. A doctor's certificate may be required of an employee absent from work due to illness.

#### 7. PROFESSIONAL DEVELOPMENT LEAVE

Lay employees are entitled to up to one week of paid job-related professional leave annually. Such leave may be accumulated only up to the length of six weeks, after which point accumulated leave must either be used or be deemed lost. Education leave may, with the agreement of the employer, be combined with annual vacation leave. Employees taking professional leave must provide a written description of the course of study/workshop/project intended to be undertaken during the leave prior to the leave being granted. Proof of completion may be required.

#### 8. MATERNITY/PATERNITY LEAVE

The provisions stated in the Employment Standards Act of British Columbia apply.

#### 9. TRAVEL

Employees who are required to travel as part of their assigned responsibilities shall be on travel status and shall be entitled to reimbursement for use of a personal vehicle at the rate set by the Administration and Finance Committee of the Diocese and for all other expenses incurred during the course of travel, providing they are deemed reasonable.

Travelling time shall be considered as working hours and shall be compensated on an hour for hour basis providing that the employee worked during the day in which the travel occurred or on the day previous.

10. LAY OFF AND TERMINATION

Employers shall have the right to lay off any employee upon ten working days warning in the following circumstances:

- a) funds for remuneration are inadequate,
- b) there is insufficient work in the opinion of the employer to justify the current number of staff,
- c) there is structural reorganization.

Employees shall be laid off with consideration of the following factors: work performance, value to the organization, length of service. Lay off decisions are grievable.

Employees laid off shall receive no later than their last working day prior to lay off:

- a) all salary due up to and including their last day,
- b) pay out of any compensatory time off, overtime and holiday leave.
- c) any other payment required under the Employment Standards Act of British Columbia.

If a layoff exceeds 13 weeks in any period of twenty consecutive weeks, the employee shall be deemed to have had his/her employment terminated.

Severance pay will be in lieu of notice according to the Employment Standards Act of British Columbia.

11. RETIREMENT

Unless determined otherwise in law, or by agreement with the employer, retirement as an employee of the employer is mandatory at the end of the month in which the employee reaches his/her sixty-fifth year.

V. ACKNOWLEDGMENT

All sections of these Employment Standards apply to and are binding on all employees, except as may be noted in the offer of employment, and will be duly acknowledged and returned by the individual to whom the offer was made.

DATE \_\_\_\_\_ I acknowledge receipt of the Diocese of British Columbia Employment Standards and Conditions and accept it as binding except as it is duly noted on this agreement.

SIGNED \_\_\_\_\_ WITNESS \_\_\_\_\_

APPENDIX "H"

**REMUNERATION RATES FOR SUPPLY & INTERIM CLERGY**

1. The following suggested rates of remuneration for clergy providing "supply" for services shall be in effect until amended by diocesan council:

Single service	\$ 75.00
Main service with sermon	\$ 150.00

Two services on the same day	\$ 225.00
Three or more services on one day	\$ 300.00

2. For clergy holding Letters of Appointment to an interim ministry which involves full Sunday duty (including regular services) and a specified number of weekdays, the rate of pay shall be \$300.00 (***which includes all benefits***) for each full day and travelling costs according to current diocesan scale.

**THE ANGLICAN SYNOD OF THE DIOCESE OF BRITISH COLUMBIA**  
**DIOCESAN STIPEND RANGE**

Obtain current stipend range from the Diocesan Finance Officer



## Steps to Parish Revitalization - Supporting our Parishes

The Diocese of British Columbia is a family of parishes and congregations who love, support, encourage and affirm one another in our common commitment to the mission of God in the world. Each parish and congregation is a missionary outpost called to be an active, vibrant and thriving community of faith that advances the gospel of God's love for all people and witnesses both the Christian faith and our Anglican heritage to the people of the Province of British Columbia.

On occasion individual parishes and congregations may require special assistance in advancing this mission, particularly in the areas of stewardship and church finances. Therefore, it is not inappropriate for the diocese to reach out and offer parishes a helping hand in becoming faithful stewards of their finances and property.

Of course, all of us in the diocese are stewards of all that God has given us, and this includes parish rectors and wardens who act as trustees of the diocese rather than autonomous entities. So when a parish is in financial difficulty - struggling to pay its bills, to meet its obligations and to engage in meaningful ministry in the community - the diocese may act to renew and restore the parish to new life, if at all possible. If that option does not prove feasible, then the diocese must still protect persons and property, for future ministry opportunities as the need arises.

In the Anglican family of churches, what affects one parish impacts all parishes. Therefore, when a parish is unable to pay its FSA for four months in any twelve-month period, an appropriate diocesan pastoral response is required, and especially so when a parish is no longer able to function in any viable way. Because of the urgency of the matter, the diocesan response should be completed in a maximum of eight weeks. Moreover, a parish that requires diocesan intervention twice within a three-year period should be considered terminal, unless countervailing vital signs are evident.

The pastoral process for assisting parishes in financial difficulty is as follows:

1. Conversation in person by the Executive Officer of the Diocese and the Chair of the Finance Committee with wardens and rector to identify the issues and nature of the crisis. This conversation should seek to affirm and build up the parish, while at the same time reviewing the parish plan and financial capabilities to evaluate viability. A diocesan trustee should be appointed to assist the parish in all aspects of parish ministry, especially in financial priorities and decision-making.

The trustee should be appointed within the first two weeks following the opening conversation. A report would be made to Diocesan Council. The trustee will work collaboratively with the rector and current wardens in consultation with the Bishop.

2. In an attempt at open communication and transparency, a special vestry meeting will be called and facilitated by the trustee of the office of the bishop. The trustee will report findings in writing to the bishop, diocesan council and finance committee within two weeks of completion of step 1.

3. In an attempt at a parish turnaround, the trustee of the diocese in collaboration with the rector and wardens will oversee the management of all parish finances, including income and expenditures for the interim period of a minimum of six months. If deemed necessary by the trustee, an interim management team including a priest or deacon and wardens may be installed for a six-month period.

4. Develop a new plan of future possibilities, such as parish restructuring and revitalization, assuming the ministry of another parish, merging with an adjacent parish and, as a last resort, the termination of the parish as appropriate.

### **Other Considerations:**

- Institute annual mutual ministry reviews of each parish starting in 2009.
- Staff of the diocese should be considered resource personnel rather than interveners.
- Change the remuneration of clergy from solely based on years of service to be based on a new formula that takes into account such factors as:
  1. Average weekly worship attendance,
  2. The requirements of the existing, or new establishing parish plan
  3. The number of identifiable givers (stewardship level),
  4. The complexity and size of the parish,
  5. Budget size.

## APPENDIX "J"

### Regional Ministry Project

1. Each Parish assesses Mission & Ministry needs within the parish and/or the Region, possibly using the Questionnaire found in the "Assessment Kit."
2. A Parish may decide on a mission project for the Region, and write a proposal for presentation to the Parishes of the Region.
3. The Proposal is sent to representatives of every parish in the Region and to the Bishop, inviting attendance at a regional meeting and stating the date, time and place of the meeting.

Representatives include:

- all active clergy within the region.
- Synod Delegates from each parish within the region.
- (other members from each parish may attend the meeting)

4. A Steering Committee (SC) made up of persons with expertise and/or interest in the project is appointed.
5. The SC names a Chairperson, and completes a feasibility study of the project. This feasibility study or "assessment kit" could include some of the following questions:
  - a. What is the area of ministry? (eg. pastoral, youth, education, parish, community...)
  - b. Briefly stated, what is the ministry's goal?
  - c. What need does this ministry fill for whom, what numbers?
  - d. How did this need come about?
  - e. What type of expertise is required & is this available in a parish?
  - f. What type of facility may be required & is it available in a parish?
  - g. What funding is required - what is the proposed budget what is the source of funding?
  - h. How would the project be administered?
  - i. When is the proposed starting date & what is the short-term plan?
  - j. How long will the project run & what is the long-term plan?
  - k. How and when will the project's effectiveness be evaluated?
6. The SC's written feasibility study report is presented to a meeting of the regional group with a copy of the report going to the Bishop.
7. Parish representatives arrange for the proposal & feasibility study to be presented to their own Parish Councils for study and decision.
8. Parish representatives pass on their parish's decision about the project to the Chairperson of the Steering Committee for action in accordance with Section 5, sub-sections g., h., & i.

It is suggested that a Regional Ministry Diocesan Advisory Group be formed. Membership of this group would be two people from Finance Committee and two people from Program Committee. The purpose of the Advisory Group would be to be available to assist parishes and regional groups in working through the process outlined in points 1 - 8 of this document.

## **Diocese of British Columbia PRIVACY POLICY AND PROCEDURES**

### **I. POLICY**

The Diocese, including its offices, agencies, parishes, employees, volunteers and other representatives, will adhere to the provisions of the *Personal Information Protection Act (PIPA)* relating to the collection, accuracy, protection, use, retention, archival transfer and disclosure of personal information.

As defined in the *Act*, personal information consists of all data about an identifiable individual, including employees but excluding their work contact information and work product information. Among other individuals, the Diocese holds personal information of employees, volunteers, other representatives, parishioners and donors.

#### **I. Consent**

In accordance with Part 3 of *P/PA*, the Diocese will collect, use and disclose the personal information of an individual for reasonable, specified purposes if the person has provided consent, has been provided notice and given a reasonable opportunity to decline, or as otherwise authorized under the *Act*. The form of consent will be appropriate for the degree of sensitivity of the personal information. The specific type of collection, use or disclosure will cease on the subsequent withdrawal of consent unless the information is required by the Diocese to meet a legal obligation.

In accordance with section 8 of the *Act*, an individual is deemed to have provided consent if, at the time that the consent is deemed to have been given, the purpose would have been considered obvious to a reasonable person.

#### **ii. Collection**

The Diocese will collect personal information in compliance with Part 4 of *P/PA*, along with the general guidelines under Consent (above). A reasonable amount of personal information will be gathered only for acceptable purposes, and must be gathered directly from the individual concerned after the person has been informed of the purposes of the collection.

#### **iii. Use**

Personal information will be utilized in accordance with Part 5 of *P/PA*, along with the general guidelines under Consent (above). It may be used only for the purposes for which it was collected unless an individual consents to a new use or the *Act* authorizes a new use without consent.

#### **iv. Disclosure**

Personal information will be disclosed in accordance with Part 5 of *PIPA*, along with the general guidelines under Consent (above). It may be disclosed only for the purposes for which it was collected unless an individual consents to a new disclosure or *PIPA* authorizes a new disclosure without consent. In accordance with the *Act*, under prescribed conditions some personal information may be disclosed for research and statistical purposes.

Personal information may be released for archival or historical purposes if its disclosure is not too sensitive, a research agreement meeting prescribed requirements is in place, the information is about someone who has been dead for twenty or more years, or the information is in a record which has been in existence for one hundred or more years.

#### **v. Accuracy**

In accordance with Part 9 of *P/PA*, the Diocese make a reasonable effort to ensure that personal information is accurate and complete if it is likely to be used to make a decision which affects the individual to whom it relates or is likely to be legally disclosed to another organization.

**vi. Protection**

Personal information will be protected in accordance with Part 9 of *P/PA*, through reasonable security arrangements to prevent its unauthorized access, collection, use, disclosure, copying, modification or disposal. With the exception of officially designated archival records, documents containing personal information will be destroyed in a secure manner (including shredding of hard copy records, secure destruction of computer disks, etc.).

**vii. Retention**

In accordance with Part 9 of *P/PA*, the Diocese must destroy or anonymize its documents containing personal information as soon as the purpose for which it was collected is no longer being served, and retention is no longer needed for additional legal or business purposes. However, if the personal information is used to make a decision which directly affects an individual, it must be retained at least one year after its use so that the individual has a reasonable opportunity to gain access to it. Retention of officially designated archival records is considered a business purpose.

**II. REQUEST AND COMPLAINT PROCESS**

In accordance with sections 5,23 and 24 of *P/PA*, individuals may access their own personal information subject to limited exceptions, and may enquire about its use by the Diocese. They may also register a complaint, and request that an error or omission be corrected. All enquiries must be made to the Bishop in writing. A request or complaint must provide sufficient detail to identify all relevant personal information.

Fees may be assigned to recover the administrative cost of responding to a request.

As *PIPA* requires the designation of one or more Privacy Officers, the Bishop has appointed the Executive Officer and the Director of Administration and Finance to provide privacy advice and assistance.

Also as required under the *Act*, the following contact information is provided:

Address: 900 Vancouver Street. Victoria British Columbia V8V 3W, Canada

Office hours: 8:30 a.m. to 4:30 p.m.

Telephone (250) 386-7781

Fax (250) 386-4013

E-mail: Synod@bc.anglican.ca

## APPENDIX “L”

### GUIDELINES: THE SALE OF RECTORIES AND THE USE OF FUNDS

#### Preface

From time to time, the diocese may at the request of a parish sell a rectory for any variety of reasons. The sale proceeds are required to be invested under the parish’s name in the Consolidated Trust Fund as a separate Rectory Trust. These guidelines reflect the current practices and considerations regarding the decision to sell a rectory and the use of funds from the disposition of a rectory.

#### Intent of Owning Rectories

The “housing” component is an important part of the compensation package. This component was originally satisfied through the parish rectory. In recent years, some parishes and their incumbents have chosen to sell the rectory and provide the incumbent with a housing allowance instead.

Rectories are owned by the diocese (Canon 6.3) and monies derived from their sale are invested in the Consolidated Trust Fund. The parish receives quarterly income payments from the Rectory Trust and it is applied towards offsetting the clergy’s housing allowance stipend.

#### Use of Funds from the Sale of a Rectory:

The following practices are followed when selling a rectory:

1. The selling of a rectory, like the selling of any property in the diocese, must be done according to Canon 6.11.
2. The net proceeds are used to purchase units in the Consolidated Trust Fund.
3. Diocesan Council (with guidance from the Investment and Finance Committees) sets a payment rate and any returns generated by the fund in excess of the payout are reflected in an increase in the unit value.
4. The investment payment is distributed quarterly to the parish to use towards the housing allowance of the incumbent.

#### Accessing Rectory Fund Capital

Ongoing proper church maintenance is important in the stewardship of the asset. Capital improvements are required as the original building structure and components approach a stage of replacement due to age, lack of proper maintenance or inefficiency.

Parishes with Rectory Trusts will be permitted to access a cumulative maximum of \$35,000 from their trust to perform approved capital improvements. A capital improvement will meet the definition set out in this policy and will require approval from the Diocesan Asset Manager. A parish should consider the loss of income from funds withdrawn and the reduction of monies available for payment of the incumbent’s housing allowance.

All withdrawals from the Consolidated Trust Fund require approval by the Finance Committee and Diocesan Council. Any request to access the funds should be initiated at least 30 days prior to requiring the monies to allow co-ordination with Committee’s and Council’s monthly meetings.

For amounts in excess of \$20,000, the Diocesan Asset Manager will provide additional details of the proposed capital

improvements to Finance Committee and Diocesan Council for approval as set out in Canons. For other capital improvements made by parishes, the Diocesan Asset Manager will need assurance that work is done by competent construction workers that have evidence of liability insurance and up to date WorkSafe BC filings.

Capital Improvements include:

Mechanical, Electrical and Structural improvements  
Windows and Doors  
Roof Replacement  
Kitchen Upgrades  
Flooring Upgrades and Replacement  
Building Envelope Work of a Capital Nature  
Exterior Painting of Buildings  
Site Work of a Capital Nature

This policy will be in effect until such time as revisions are determined necessary.

## APPENDIX “Z”

### **CANONS OF THE GENERAL SYNOD**

The following Canons of the General Synod of the Anglican Church of Canada are binding upon this Synod. Copies are attached.

Canon XII	Continuing Education Plan Appendix I - Regulations for the Operation of the Continuing Education Plan
Canon XVII	The Issue of Licences; Registers, Inhibitions and Transfers
Canon XVIII	Discipline
Canon XIX	Relinquishment or Abandonment of the Ministry
Canon XXI	On Marriage in the Church



**CANON XII**  
**CONTINUING EDUCATION PLAN**

*[Note - The Regulations are printed as Appendix I]*

**Continuing Education Plan of The Anglican Church of Canada**

- a) There shall be a plan to provide resources for continuing education of the clergy and lay workers who are members of the plan the sole purpose of which is to provide education or training for employees of the Church in order to improve their work or work-related skills and abilities.
- b) The plan shall be called the “Continuing Education Plan of The Anglican Church of Canada” and is hereinafter referred to as the “Continuing Education Plan” or the “Plan”.
- c) The administrator of the Continuing Education Plan shall be the Pensions Office unless the Pension Committee determines otherwise.

**2. Continuing Education Fund of The Anglican Church of Canada**

- a) There shall be a fund designated as the “Continuing Education Fund of The Anglican Church of Canada”, hereinafter referred to as the “Continuing Education Fund” or the “Fund”, for the purpose of providing benefits in accordance with the regulations approved by the Council of General Synod.
- b) The Continuing Education Fund shall be provided by assessment on congregations or other salary paying sources and upon members.

**3. Membership**

- a) Bishops and members of the clergy who are on the register of a participating diocese, organization, or the national office, shall be members of the Continuing Education Plan and shall be subject to the provisions of Canon XII and its regulations.
- b) Lay workers in paid Church employment, upon application by the lay worker and the employer, with the approval of the appropriate diocese or organization or office, may become members of the Continuing Education Plan.
- c) Persons who become eligible for entry to the plan after reaching 60 years of age may choose not to join the Plan.
- d) When a member ceases paid employment in the Church, the membership may be terminated.
- e) Membership originates on the first day of any month. An applicant becomes eligible for membership at the beginning of the first month after the date of the commencement of continuous employment.

**4. Administrative Unit**

- a) There shall be a Continuing Education Plan Administrative Unit responsible for the operation of the Plan, subject to the authority of the Council of General Synod. It shall report to the Council of General Synod through the Pension Committee.
- b) The Continuing Education Plan Administrative Unit shall consist of:
  - i. the Executive Director; and
  - ii. five members of the Plan appointed by the Pension Committee at its first meeting following each regular session of the General Synod and as vacancies occur.
- c) The functions of the Unit shall be: to advise the administrator on matters of policy; to authorize payment of special and sabbatical grants, and expenses incurred in the administration of the Plan; and, from time to time, to propose changes in regulations to the Pension Committee.

**5. Policy and Regulations**

- a) The policy and operation of the Plan shall be governed by the regulations appended to this Canon.
- b) The Council of General Synod may from time to time alter or replace the said regulations or any of them or make new regulations. The regulations or amendments thereto shall become effective from

the date of approval by the Council of General Synod and shall remain in effect until the next session of the General Synod, at which time they will cease to be in effect unless confirmed by General Synod.

**6. Collection and Disbursement of Funds**

- a) Salary paying sources shall collect members' assessments and remit them together with their own assessments to the administrator on behalf of the Trustees.
- b) The Continuing Education Fund shall be held by the Trustees appointed pursuant to Canon VIII.
- c) Payments out of the Fund for ordinary benefits to members shall be authorized by the administrator.
- d) Withdrawals from the fund for special and sabbatical grants and to defray expenses incurred in the administration of the Plan shall be authorized by the Administrative Unit or the administrator if so delegated.
- e) The Pension Committee shall have authority to draw from the fund expenses incurred in the administration and care of the fund.

**7. Cessation of Membership**

- a) Members who transfer to a non-participating Diocese and who do not wish to continue in the plan or who cease to make contributions to the fund because of retirement or employment outside The Anglican Church of Canada may receive their undisbursed personal contributions with interest or retain their credit for continuing education. If no transactions have been made for three years, the member shall be refunded personal contributions with interest.
- b) On the member's death, the personal contributions, with accrued interest, shall be paid to the member's estate.
- c) The remaining accumulated contributions from salary-paying sources shall remain with the fund.

**APPENDIX I - Continuing Education Plan - Can XII**  
**Regulations for the Operation of the Continuing Education Plan**

**1. Assessments**

- a) The assessments to sustain the fund shall be \$400 per year in 1998, \$500 per year in 1999 and \$600 per year in 2000 and thereafter (normally at the rate of 25% a year from each registered member and 75% a year from each salary-paying source).
- b) Assessments shall be paid quarterly and remitted within 30 days of the expiry of such period.

**2. Benefit Credits**

- a) Benefits belong to the individual and are not transferable from one member to another nor from a member to an employer.
- b) The Benefit Credit available to any member shall be the amount accrued at the time of undertaking continuing education.

**3. Use of Benefits**

- a) A member may apply to the administrator to use accumulated benefit for:
  - i. expenses for any continuing education program or course of study,
  - ii. the purchase of books or other study materials,
  - iii. the purchase of computer hardware or software but restricted to \$1,000.00 once every three years commencing January 1, 2004.
- b) An application for use of accumulated benefit must be approved by the member's bishop (or the bishop's deputy), or the director of the organization or department, as the case may be.
- c) The administrator shall establish the form of application to be used under this section.

**4. Bonus for Use**

- a) Where the administrator approves an application under section 3, the payment to the active member will be paid to the extent of 85% from the accumulated benefit and 15% from the accumulated interest income of the Fund.
- b) The Administrative Unit may:
  - i. suspend the operation of subsection a),
  - ii. reduce the percentage of a payment to be paid out of the accumulated interest income of the Fund if it determines that the level of the accumulated interest income will not support the continued application of subsection a), or

- iii. increase the percentage of a payment to be paid out of the accumulated interest income of the Fund if it determines that the level of the accumulated interest income will support the increase.

**5. Special Grants and Sabbatical Grants**

- a) From time to time, as resources permit, special grants may be authorized by the Administrative Unit in addition to payments under section 3.
- b) Special grants of \$300 or less may be authorized by the administrator in consultation with the chair of the Administrative Unit or the designate of the chair.
- c) From time to time, as resources permit, sabbatical grants may be authorized by the Administrative Unit for periods of full-time study of not less than eight weeks duration, after five years of membership in the plan in addition to payments under section 3.
- d) The Administrative Unit may establish:
  - i. guidelines to apply in considering applications for special grants and sabbatical grants, and
  - ii. the methods by which the Administrative Unit will consider and decide upon such applications.
- e) The Administrative Unit may delegate any of its authority under subsections a) or b) or c) to the administrator.
- f) The administrator may establish the form of application to be used for special grants and sabbatical grants.

**6. Education Leave**

Absence for continuing education from a parish or other place of employment shall be procured by the customary diocesan/organizational procedures.

**7. Cessation of Membership**

- a) Members who transfer to a non-participating diocese and who do not wish to continue in the Plan or who cease to make contributions to the Fund because of retirement or employment outside The Anglican Church of Canada may receive their undispersed personal contributions with interest or retain their credit for continuing education. If no transactions have been made for three years, the member shall be refunded personal contributions with interest.
- b) On the member's death, the personal contributions, with accrued interest, shall be paid to the member's estate.
- c) The remaining accumulated contributions from salary-paying sources shall remain with the Fund.

**8. Transitional Rules**

- 1. Notwithstanding any other provision of this Plan, if at any date the General Synod ceases to exist ("the transition date"), the following transition rules apply:
  - a) Any reference to "Pension Committee" shall mean a committee consisting of the persons who, immediately before the transition date, served as members of the Pension Committee of the General Synod. Such committee shall report to the Office of the Primate; who shall have the power and authority to remove and appoint members of such committee from time to time.
  - b) Any reference to the "Administrative Unit" shall mean the persons who, immediately before the transition date, served as the Administrative Unit, or their replacements from time to time appointed pursuant to the Plan. The Administrative Unit shall report to the Office of the Primate through the Pension Committee.
  - c) Any reference in the Plan to the duties or responsibilities of the Council of the General Synod shall be read as a reference to the person holding the Office of the Primate.
- 2. For purposes of determining the "transition date" under Regulation 8.1, the General Synod will be deemed to have ceased to exist upon the occurrence of any of the following events:
  - a) Dissolution - The General Synod is wound up, dissolved or liquidated under any law or otherwise, or becomes subject to any provision of the *Winding-Up and Restructuring Act (Canada)* which has the effect of removing management or control of its functions from the General Synod, or has its existence terminated in any other manner;
  - b) Insolvency - The General Synod makes a general assignment for the benefit of its creditors or is declared or becomes bankrupt under the *Bankruptcy and Insolvency Act (Canada)*;
  - c) Appointment of Trustee or Receiver - Any interim receiver, receiver, receiver and manager, custodian, sequestrator, administrator or liquidator or any other person with similar powers is appointed in respect of the General Synod, or the General Synod's property, assets and undertaking ("Property") which has the effect of removing management or control of its functions from the General Synod;

- d) Enforcement Against General Synod Property - Any holder of any security interest, mortgage, lien, charge, claim, trust or encumbrance enforces against, delivers any notices relating to its rights or its intention to enforce against, or becomes entitled to enforce against, or otherwise takes possession of, the Property or the interest of the General Synod therein, or any part thereof which has the effect of removing management or control of its functions from the General Synod; or
- e) Loss of Control - The General Synod, for any other reason, fails to remain in management and control of its functions.

[Approved by General Synod 2004]

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## CANON XVII

### The Licensing of Clergy

#### I. The Issues of Licences, Registers, Inhibitions and Transfers

##### 1. Definitions

In this Canon:

- a) "chaplain" means a bishop, priest or deacon holding a commission requiring full-time service in the Canadian Forces;
- b) "temporary permission" means written or oral authority to exercise ordained ministry within a diocese for a limited time, granted by a diocesan bishop to a bishop, priest or deacon who is not licensed by that diocesan bishop;
- c) "licence" means written authority from the bishop of a diocese to a bishop, priest or deacon of the diocese to exercise ordained ministry in the diocese, or written authority from the Bishop Ordinary to a chaplain permitting the chaplain to exercise ordained ministry as a chaplain, but does not include "temporary permission";
- d) "receiving bishop" means the bishop of a diocese to which a bishop, priest or deacon licensed in another diocese wishes to be transferred;
- e) "transferring bishop" means the bishop of a diocese from which a bishop, priest or deacon licensed in that diocese wishes to be transferred.

##### 2. Structure of Episcopal Jurisdiction

- a) Subject to paragraphs c), d) and e), every coadjutor, suffragan, assistant and retired bishop and every priest and deacon of the Anglican Church of Canada is subject to the jurisdiction of a diocesan bishop.
- b) Bishops, priests and deacons who are engaged in specialized ministries in Canada outside the Diocese where they are registered, except chaplains, are subject to the general supervision of the bishop of the Diocese in which the specialized ministry is exercised.
- c) Members of the clergy employed in Canada by the General Synod are subject to the episcopal jurisdiction of the Primate without prejudice to their status in the dioceses from which they are on leave.
- d) Bishops, priests and deacons serving outside Canada, under the auspices of The Anglican Church of Canada, are, without prejudice to their status in the dioceses from which they are on leave, subject to the episcopal authority of the diocese in which they serve unless otherwise provided by the canons in that diocese or the terms of the licences granted to them.
- e) Chaplains are deemed to be on leave of absence from the dioceses from which they transferred to the chaplaincy and are subject to the episcopal jurisdiction of the Bishop Ordinary to the Canadian Forces during their terms of service as chaplains.

##### 3. The Registers

Each diocesan bishop shall keep a register of the bishops, priests and deacons ordained within or for the diocese and those received from other jurisdictions. The Bishop Ordinary to the Canadian Forces shall keep a register of chaplains. Such registers shall include the following information for each individual:

- i. dates and places of ordination as deacon, priest or bishop and in each case the name of the ordaining bishop or bishops;

- ii. the date of entering the diocese or the chaplaincy;
- iii. a record of appointments held and of licences issued;
- iv. a record of any leaves of absence granted;
- v. a record of any transfer to another ecclesiastical jurisdiction;
- vi. a notation of any relinquishment or abandonment of ministry pursuant to Canon XIX.

#### 4. **The Primate's List**

- a) The Primate shall maintain a list of bishops, priests and deacons who have relinquished or abandoned the exercise of their ministry or against whom a sentence of deposition has been imposed.
- b) Every diocesan bishop shall forward to the Primate all information required for the maintenance of such list.

#### 5. **Licensing**

- a) No bishop, priest or deacon shall exercise an ordained ministry within a diocese without a license or temporary permission from the diocesan bishop.
- b) A licence shall specify:
  - i. the position to which the licensee has been appointed;
  - ii. the parish or territory or community in which the ministry is to be exercised;
  - iii. the person or persons, if any, under whose supervision the licensed ministry is to be exercised;
  - iv. the party responsible for payment of any stipend or other compensation payable to the licensee in respect of the licensed ministry, and
  - v. any other matter or limitation which the diocesan or provincial canons require, and may specify:
  - vi. a term, at the end of which the licence shall expire;
  - vii. the time after which the licensed ministry may be reviewed or assessed, and
  - viii. any other matter the diocesan bishop deems appropriate.
- c) Unless otherwise provided by diocesan canon or the terms of a licence, a licence shall remain in force according to its terms notwithstanding the resignation, death or removal of the bishop who granted it, and shall be deemed to be a licence granted by the succeeding diocesan bishop until that bishop amends or revokes it, or issues a new licence.

#### 6. **Licensing by Bishop Ordinary**

- a) The Bishop Ordinary, on receipt of *Letters Testimonial* with respect to a chaplain, may issue a licence to that chaplain upon the chaplain taking such oaths and subscriptions as the Bishop Ordinary may require, and in accordance with any other procedures the Bishop Ordinary may require.
- b) A licence issued to a chaplain by the Bishop Ordinary shall permit the chaplain to exercise ordained ministry to members of the Canadian Forces and their families.

#### 7. **Inhibition of the Unlicensed**

- a) When a diocesan bishop has reasonable grounds to believe that a bishop, priest or deacon who does not hold a licence or temporary permission from the diocesan bishop is officiating or is about to officiate in the diocesan bishop's diocese, the diocesan bishop may, by notice in writing to such bishop, priest or deacon, inhibit such person from officiating in the Diocese.
- b) A diocesan bishop who issues a notice pursuant to section 7 a) shall cause the notice to be recorded in the Register and may advise such other persons as the bishop considers appropriate that such notice has been issued.

#### 8. **Transfers**

- a) When a bishop, priest or deacon in good standing, including a bishop, priest or deacon on leave of absence as a chaplain, is to be transferred from the jurisdiction of one bishop to the jurisdiction of another bishop:
  - i. the transferring bishop shall forward *Letters Bene Decessit* to the receiving bishop, and
  - ii. episcopal jurisdiction over the bishop, priest or deacon intended to be transferred shall not be effective until the *Letters Bene Decessit* are accepted and acknowledged by the receiving bishop.
- b) When a bishop, priest or deacon in good standing undertakes service outside of Canada under the auspices of The Anglican Church of Canada, the Primate and the appropriate diocesan bishop may give to any such bishop, priest or deacon *Letters Bene Decessit* or such other form of commendation, as is appropriate and as may be required by the authority in the place where the bishop, priest or deacon is to serve.

**9. Forms**

The forms of *Letters Testimonial*, *Letters Bene Decessit*, and *Acceptance of Episcopal Jurisdiction* set out in the Schedules are prescribed for use.

**II. REVOCATION**

**10. Deemed Revocation or Suspension**

- a) When a penalty of deprivation of ministry or deposition from ministry is imposed against a licensee following a conviction for an ecclesiastical offence under Canon XVIII, the licence of that person is deemed to be revoked.
- b) When a penalty of suspension from the exercise of ministry is imposed against a licensee following a conviction for an ecclesiastical offence under Canon XVIII, the licence of that person is deemed to be suspended for the duration of the penalty of suspension.

**11. Revocation with Notice**

- a) The bishop having jurisdiction may, in accordance with this section, revoke a licence in any circumstances other than those mentioned in section 10.
- b) Although it is not possible to set out all the circumstances in which the bishop might make such a decision, they include financial difficulties in a parish, decline in parish membership, redeployment of human resources, and the licensee's inability to carry out his or her ministry.
- c) Where the bishop is aware of circumstances that may establish that a licensee has committed an ecclesiastical offence under Canon XVIII, the bishop may not revoke a licence instead of making, or referring to the court having jurisdiction, a determination of whether an ecclesiastical offence has been committed.
- d) Before revoking a licence under this section, the bishop shall confer with the licensee
  - i. to review the reasons for the proposed revocation, and
  - ii. to consider possible alternatives to revocation, or
  - iii. to agree on terms, including the length of reasonable notice or the amount of pay and benefits in lieu of notice, upon which the license may be revoked.
- e) Where, as a result of the conference between the bishop and the licensee, terms of revocation are agreed to, paragraphs f) to j) of this section do not apply.
- f) If the bishop, after conferring with the licensee, intends to proceed with the proposed revocation, the bishop shall appoint a Commission of one or more persons to consider the circumstances surrounding the proposed revocation and to advise the bishop. Within 30 days of its appointment the Commission shall confer with the bishop and the licensee and provide both with its advice.
- g) If the bishop is not in a position to provide the licensee with another appointment, the bishop shall offer the licensee reasonable notice of the revocation or reasonable pay and benefits in lieu of notice.
- h) If the licensee is not satisfied with the length of notice or the amount of pay and benefits offered by the bishop, the licensee may notify the bishop in writing of his or her desire to submit the matter to arbitration and the notice shall contain the name of the licensee's appointee to the arbitration board. The bishop shall, within seven days, appoint a person to the arbitration board and inform the licensee of that arbitrator's name. The two arbitrators so selected shall, within seven days after the bishop's appointee has been named, appoint a third person who shall be the chair of the arbitration board. If the bishop fails to appoint an arbitrator, or if the two arbitrators fail to agree upon a chair, the appointment shall be made by the Metropolitan of the ecclesiastical province, or, if the bishop is the Metropolitan, by the diocesan bishop in the province senior by consecration.
- i) The arbitration board shall provide an opportunity to the licensee and the bishop to make submissions in writing and orally and to respond to the submissions of the other party. It shall determine the length of notice or the amount of pay and benefits in lieu of notice to be given to the licensee including, where appropriate, financial and vocational counselling, and shall take into account prevailing practices in the secular community. The decision of the arbitration board shall be in writing and is final and binding on the licensee and the bishop.
- j) The arbitration board has no authority to review or to change the bishop's decision to revoke the licence.

**12. Further Appointments**

When a licence is revoked under section 11, the bishop shall endeavour to assist the licensee to obtain employment.

**SCHEDULE A**  
**Letters Bene Decessit**

I hereby certify that \_\_\_\_\_, who has signified to me a desire to be transferred to the episcopal jurisdiction of the Bishop of the Diocese of \_\_\_\_\_ is a Bishop/Priest/Deacon in good standing in the Diocese of \_\_\_\_\_.

Witness my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

Signed: \_\_\_\_\_ Bishop of \_\_\_\_\_

**SCHEDULE B**  
**Letters Testimonial with respect to a Chaplain in the Canadian Forces**

To: \_\_\_\_\_, the Bishop Ordinary

I hereby certify that the Reverend \_\_\_\_\_, having with my consent accepted a commission as a chaplain in the Canadian Forces, is a priest in good standing on leave from the Diocese of \_\_\_\_\_.

I transfer the Reverend \_\_\_\_\_ to your episcopal jurisdiction during his/her term of service as chaplain.

Witness my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

Signed: \_\_\_\_\_ Bishop of \_\_\_\_\_

**SCHEDULE C**  
**Forms of Acceptance of Episcopal Jurisdiction**

The *Letters Bene Decessit* from the Bishop of \_\_\_\_\_ with respect to the transfer to this Diocese of \_\_\_\_\_ have been presented to me, and have been accepted.

Witness my Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

Signed: \_\_\_\_\_ Bishop of \_\_\_\_\_

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**CANON XVIII**  
**DISCIPLINE**

**I. EPISCOPAL JURISDICTION**

**1. Preservation of Episcopal Jurisdiction Regarding Discipline**

- a) It is hereby acknowledged that the bishop of a diocese of The Anglican Church of Canada 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 within the diocese or otherwise under the jurisdiction of the bishop.
- b) Nothing in this Canon shall be interpreted as impairing, diminishing or affecting in any way the pastoral or disciplinary aspects of the authority and jurisdiction of:
  - i) a metropolitan who has jurisdiction with respect to a bishop
  - ii) a bishop who has jurisdiction with respect to a bishop, priest or deacon, or a lay person who is a member of The Anglican Church of Canada;  
**except only in relation to:**
  - iii) the determination of whether the bishop, priest or deacon has committed an ecclesiastical offence established by this Canon,
  - iv) the determination of whether a lay person who has been appointed, elected or commissioned to an office, appointment or responsibility in a parish, a diocesan synod, a provincial synod, or the General Synod, has committed an ecclesiastical offence established by this Canon, and
  - v) the determination of the penalty appropriate for the commission of an ecclesiastical offence established by this Canon.

**2. Initial Disciplinary Jurisdiction**

- a) Where it has been alleged that a bishop, priest or deacon subject to the jurisdiction of a bishop, or a bishop subject to the jurisdiction of a metropolitan, has committed an ecclesiastical offence established by this Canon, the bishop or metropolitan, as the case may be, shall have initial jurisdiction with respect to the determination of whether an ecclesiastical offence has been committed and the penalty for the commission of the offence.
- b) The bishop or metropolitan may refer the determination of whether an ecclesiastical offence has been committed or the determination of a penalty to the court having jurisdiction with respect to the discipline of the person charged with the commission of an ecclesiastical offence without exercising the initial jurisdiction described in section 2 a).
- c) The procedures to be used in the exercise by the bishop or metropolitan of the initial jurisdiction described in this section shall be those established by the synod of which the bishop or metropolitan is the president; however, such procedures shall be subject to the principles set out in Part V of this Canon.
- d) A diocesan synod may provide for the exercise of the initial jurisdiction of the bishop described in this section in respect of the discipline of such lay persons as are described in section 4 of this Canon.

**3. Review by the Court**

- a) A person convicted of an ecclesiastical offence by a bishop or metropolitan may require the determination of the bishop or metropolitan that an ecclesiastical offence was committed by the person, or the penalty imposed by a bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.
- b) The executive council of the diocese, on its own motion or on the petition of the person or persons who made the allegation of an ecclesiastical offence which was tried by the bishop or metropolitan, may require the determination of the bishop or metropolitan that an ecclesiastical offence was committed, or the penalty imposed by the bishop or metropolitan, to be reviewed by the court having jurisdiction with respect to the



discipline of the accused person, which court may either confirm or overturn the determination of the bishop or metropolitan.

- c) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan that an ecclesiastical offence has been committed, the review shall be conducted as if it were an original trial held in the court.
- d) Where a review by the court pursuant to this section is of a determination by a bishop or metropolitan of the penalty appropriate for the commission of an ecclesiastical offence, only evidence relevant to the question of the appropriate penalty shall be considered by the court.

## **II. COURT JURISDICTION**

### **4. Diocesan Courts**

The diocesan court of a diocese shall have ecclesiastical jurisdiction with respect to the discipline of:

- i) priests and deacons who carry out their ministry in the diocese and who are registered on the register of the diocese, for any ecclesiastical offence, wherever committed,
- ii) subject to section 16, priests and deacons of The Anglican Church of Canada not registered on the register of the diocese, in respect of any ecclesiastical offence committed in the diocese,
- iii) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a parish of the diocese or the diocesan synod, for any ecclesiastical offence which they may commit in the diocese,
- iv) lay persons who have been appointed, elected or commissioned to an office, appointment or responsibility in a provincial synod, or the General Synod, for any ecclesiastical offence which they may commit in the diocese, and
- v) priests, deacons and lay persons of any other diocese when a direction is made pursuant to section 17 of this Canon.

### **5. Provincial Courts of Appeal**

The provincial court of appeal of a province shall have ecclesiastical jurisdiction with respect to the discipline of:

- i) the bishops of the province,
  - ii) the bishops residing in the province, and
  - iii) the bishops of any other province of The Anglican Church of Canada when a direction is made pursuant to section 17 of this Canon,
- for any ecclesiastical offence which they may commit.

### **6. Supreme Court of Appeal of The Anglican Church of Canada**

The Supreme Court of Appeal of The Anglican Church of Canada shall have ecclesiastical jurisdiction with respect to the discipline of:

- i) the Primate, and
  - ii) the Bishop Ordinary,
- for any ecclesiastical offence which they may commit.

## **III. ECCLESIASTICAL OFFENCES**

### **7. Disciplinary Action Regarding Offences**

All persons who are subject to ecclesiastical jurisdiction in the Church shall be liable to discipline for any of the following offences:

- i) conviction of an indictable offence;
- ii) immorality;
- iii) disobedience to the bishop to whom such person has sworn canonical obedience;
- iv) violation of any lawful Constitution or Canon of the Church, whether of a diocese, province or the General Synod by which the person is bound;

- v) wilful or habitual neglect of the exercise of the ministry of the person without cause;
- vi) wilful or habitual neglect of the duties of any office or position of trust to which the person has been appointed or elected;
- vii) teaching or advocating doctrines contrary to those accepted by the Anglican Church of Canada;
- viii) 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.

#### **IV. PENALTIES FOR ECCLESIASTICAL OFFENCES**

##### **8. Penalties Generally**

Where it has been determined that a person has committed an ecclesiastical offence, the following penalties may be imposed against the person:

- i) admonition;
- ii) suspension from the exercise of ministry or office;
- iii) deprivation of office or ministry;
- iv) deposition from the exercise of ministry if the person is ordained.

##### **9. Admonition**

- a) Admonition shall be delivered by the bishop, metropolitan or the president of the Court which shall have determined the penalty, as the case may be.
- b) Admonition may be in public or private as the bishop, metropolitan or president delivering it may determine.

##### **10. Suspension**

- a) When a penalty of suspension is imposed, the bishop, metropolitan or court imposing it shall fix the duration of the suspension and may impose such other conditions on the suspension as are considered appropriate.
- b) During the term of a suspension, the person suspended from the exercise of ministry or office shall not exercise the functions of his or her ministry anywhere in Canada.
- c) If a person suspended from the exercise of ministry exercised his or her ministry contrary to section 10 b) hereof, or otherwise violates the conditions of the suspension, the bishop, metropolitan or court which imposed the penalty may, after a further hearing, impose the penalty of deprivation of office.
- d) During the term of a suspension, the bishop may deprive the suspended person of the whole or part of any stipend, income or emoluments associated with the ministry or office from which the person stands suspended and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of a substitute.
- e) During the term of a suspension of a bishop, the metropolitan, or the executive council of the synod of the diocese in which the bishop serves, may deprive the bishop of the whole or part of any stipend, income or emoluments associated with the office of the bishop and may authorize the application of the whole or part of such stipend, income or emoluments to the payment of the person performing the duties of the bishop during the term of the suspension.

##### **11. Deprivation**

- a) Upon the penalty of deprivation of office or ministry being pronounced, the connection between the person deprived and his or her parish, mission, congregation, diocese or office is severed and all revenues to which the person was entitled by virtue of the office or ministry shall wholly cease and determine.
- b) A person who has been deprived of office or ministry shall be incapable of holding any office or performing any function in any diocese in The Anglican Church of Canada until restored pursuant to subsections c), d) or e) hereof.

- c) Any person so deprived shall be and remain deprived until restored by the bishop of the diocese in which the office from which the person was deprived is located.
- d) Any bishop so deprived shall be and remain deprived until restored by the metropolitan of the province of which the deprived bishop's diocese is part, or by the Primate in the case of the Bishop Ordinary.
- e) Any metropolitan so deprived shall be and remain deprived until restored by the House of Bishops of the Province, in the case of a provincial metropolitan, or by the House of Bishops of The Anglican Church of Canada, in the case of the Primate.
- f) Restoration pursuant to subsections c), d) or e) may be to any office or ministry in the diocese whether or not it be the specific office from which the person was deprived.

## **12. Deposition**

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.

## **13. Notices**

- a) Where the penalty of suspension is imposed, the Court shall cause notice thereof to be given to all the clergy of the diocese and all bishops of The Anglican Church of Canada.
- b) Where a penalty of deprivation of office or ministry or of deposition is imposed, the court shall cause notice thereof to be given to all the clergy of the diocese, all bishops of The Anglican Church of Canada and all metropolitans of the Anglican Communion.

### **V. PRINCIPLES AND GENERAL PROCEDURES TO BE OBSERVED IN DISCIPLINE PROCEEDINGS IN THE ANGLICAN CHURCH OF CANADA**

## **14. Fundamental Principles of Natural Justice**

- a) All trials of persons charged with offences under this Canon shall be conducted according to the principles of natural justice.
- b) Without limiting the generality of the foregoing section, all persons tried for offences under this Canon are entitled to be:
  - i) given full and complete written notice of the charge against them and the particulars of the charge,
  - ii) presumed innocent until the commission of the offence by them is proved beyond a reasonable doubt,
  - iii) heard in their own defence,
  - iv) represented in their defence by counsel of their own choice,
  - v) present, 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 charges,
  - vi) given opportunity to cross-examine, or have their counsel cross-examine under oath, witnesses who have given evidence against them,
  - vii) tried by persons who are not biased against them, and
  - viii) tried within a reasonable time.
- c) No person tried for an offence under this Canon is required to give evidence in the proceedings.
- d) Disciplinary proceedings arising out of the alleged commission of an offence under this Canon shall be commenced within:
  - i) 12 months from date of the alleged offence in the case of offences under section 7 i), iii), vii), and viii), and
  - ii) 12 months from the time when the facts giving rise to the charge became publicly known in the case of an offence under section 7 ii).
- e) No proceedings shall be taken in respect of an alleged offence under section 7 v) or vi) unless 6 months' notice of intent to take proceedings have been given to the bishop, priest or deacon against whom it is intended proceedings will be taken.
- f) Disciplinary proceedings arising out of the alleged commission of an offence under section 7 v) or vi) shall be commenced within 12 months of the date of the notice of intent given, pursuant to section 14 e).
- g) All persons found to have committed an offence under this Canon are entitled to have the penalty imposed against them within 30 days of the determination that they committed an offence, subject to a stay of the imposition of a penalty in the event of an appeal.

- h) No person who has been acquitted of an offence under this Canon may be tried for the same offence a second time.
- i) 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.

#### **15. Inhibition**

- a) If it appears to the bishop that great scandal is likely to arise if a priest, deacon or lay person continues to perform the duties of his or her office while a charge is under investigation or trial and that the person's ministry will be seriously impaired while a charge is pending, the bishop may inhibit the person charged from performing any of the duties of his or her office, either in the diocese of that bishop or elsewhere, pending such investigation or until the bishop withdraws the inhibition, or until the end of the trial.
- b) During such inhibition the person inhibited shall not be deprived of the stipend, income or emoluments associated with the person's office.
- c) Where it is alleged that a bishop has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the metropolitan in consultation with the executive council of the diocese.
- d) Where it is alleged that the Bishop Ordinary has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the Primate in consultation with the Officers of the General Synod.
- e) Where it is alleged that a metropolitan other than the Primate has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the provincial house of bishops in consultation with the executive council of the metropolitan's diocese.
- f) Where it is alleged that the Primate has committed an ecclesiastical offence, inhibition may be ordered or withdrawn by the provincial metropolitans in consultation with the Officers of the General Synod.

#### **16. Priest or Deacon from another Diocese**

- a) In the event of an offence being alleged against a bishop, priest or deacon who is not on the register of the diocese, but who is on the register of another diocese, for an offence alleged to have been committed in the diocese, proceedings with respect to such an offence shall not be instituted until notice of the allegation has been given to the bishop of the diocese in which the priest or deacon is registered and that bishop has given consent for proceedings to be instituted by the bishop of the diocese in which the offence is alleged to have been committed.
- b) A bishop who receives a notice under subsection a) shall forthwith respond either by consenting or refusing consent to the institution of proceedings in the diocese from which notice was received.
- c) Where a bishop consents, proceedings shall be taken in the diocese where the allegation has been made.
- d) A bishop who refuses consent shall, within six months of receipt of notice pursuant to subsection a) hereof, institute proceedings with respect to the alleged offence in accordance with the canons of the diocese in which the priest or deacon is registered.

#### **17. Transfer of Jurisdiction**

- a) On the application of a person charged with an offence under this Canon to the president of the Court having ecclesiastical jurisdiction over that person, that ecclesiastical jurisdiction may be transferred to another Court, where it appears to the president of the Court to which the application is made, 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 to be made consents to the transfer.
- b) Where an application under subsection a) is made to the president of a diocesan court, the transfer may be made to another diocesan court of the same ecclesiastical province.
- c) Where an application under subsection a) is made to the president of a provincial court of appeal, the transfer may be made to another provincial court of appeal.
- d) Where an application under subsection a) is made to the president of the Supreme Court of Appeal of The Anglican Church of Canada, the transfer may be made to a provincial court of appeal.

### **VI. RIGHTS OF APPEAL IN DISCIPLINARY PROCEEDINGS**

1. An appeal to the provincial court of appeal may be taken from any judgment or order of a diocesan court or the president thereof.
2. An appeal to the Supreme Court of Appeal of The Anglican Church of Canada may be taken from a judgment or order of a diocesan court or the president thereof, or a provincial court of appeal or the president thereof, in the circumstances and pursuant to the procedures established by Canon XX.
3. All appeals shall be commenced according to the procedure of the court to which the appeal is to be made within 30 days of the date of pronouncement of the judgment or order appealed from.
4. No limit or restriction on the rights of appeal granted by this Canon, imposed by a bishop or diocesan or provincial synod shall be of any effect.

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## **CANON XIX**

### **RELINQUISHMENT OR ABANDONMENT OF THE MINISTRY**

#### **1. Relinquishment**

- a) Any priest or deacon wishing to relinquish the exercise of the ordained ministry, may so declare in writing, according to the form prescribed in Schedule A. The form of relinquishment duly signed and witnessed, shall be delivered to the bishop of the diocese in which the said priest or deacon is registered.
- b) The bishop, having consulted personally where possible with the priest or deacon, shall communicate in writing to the person so declaring acceptance of the relinquishment.
- c) The bishop shall give notice of the relinquishment to the Primate and all diocesan bishops of The Anglican Church of Canada according to the form prescribed in Schedule B.
- d) Relinquishment of the exercise of the ordained ministry removes from the priest or deacon the right to exercise that office, including spiritual authority as a minister of Word and Sacraments conferred in ordination. Any licence held for which it is an indispensable qualification for such person to have such ministry shall be null and void.
- e) The bishop or successor in the See may terminate such relinquishment and reinstate the priest or deacon in the exercise of the ordained ministry. Notice thereof shall be communicated to the Primate and all diocesan bishops of The Anglican Church of Canada.
- f) If, following consultation and due enquiry, reinstatement is declined, the priest or deacon may appeal to the metropolitan of the ecclesiastical province. The metropolitan shall attempt to mediate between the parties and, if unsuccessful in resolving the matter, shall refer the request to the provincial court. If the bishop refusing such appeal shall be the metropolitan the appeal shall be made to the other diocesan bishop of the province senior by the rule of the province.

#### **2. Abandonment**

- a) Any priest or deacon, who has not relinquished the exercise of the ordained ministry and has:
  - i) abandoned The Anglican Church of Canada either by public renunciation of its doctrine or discipline, or by formal admission into another religious body, or in any other manner;
  - ii) abandoned the practice of the ordained ministry of word and sacraments for a period of two years, unless prevented from doing so by illness or other reasonable cause (including retirement);
  - iii) engaged in secular employment without the written consent of the bishop of the diocese where registered to the substantial detriment of the ordained ministry;
 shall be presumed to have abandoned the exercise of ordained ministry. Notice to this effect shall be sent to the priest or deacon according to the form of declaration prescribed in Schedule C, along with a copy of this Canon.
- b) It shall be the right of the priest or deacon to submit to the bishop within sixty days either:
  - i. a statutory declaration that the facts alleged in the notice are untrue, or

- ii. a retraction of the acts and declarations which constitute a renunciation of the doctrine and discipline of The Anglican Church of Canada, or which led to admission into another religious body, or other act of abandonment, or
- iii. an undertaking to cease secular employment.
- c) The bishop shall then make due enquiry into the matter. If then of the opinion that the circumstances set forth in the notice are true, or that the retraction or undertaking, if any, is unacceptable, the bishop shall affirm in writing that the priest or deacon has abandoned the exercise of the ministry. If the bishop is of the opinion that the circumstances set forth in the notice are not true, or if the retraction or undertaking is acceptable, then the notice of abandonment shall be revoked in writing.
- d) Should the priest or deacon not oppose the notice in writing within sixty days from the date thereof, the bishop shall then affirm that the priest or deacon has abandoned the exercise of the ordained ministry and shall notify the person in writing of this decision.
- e) The bishop's affirmation of abandonment of the exercise of ordained ministry removes from the priest or deacon the right to exercise the office, including the spiritual authority as a minister of Word and Sacraments conferred in ordination. Any licence held for which it is an indispensable qualification for him or her to have such a ministry shall be null and void.
- f) The bishop shall give notice of the abandonment of the exercise of the ordained ministry to all metropolitans and diocesan bishops of The Anglican Church of Canada according to the form prescribed in Schedule D.
- g) On application of the priest or deacon the bishop or a successor in the See may restore such priest or deacon to the exercise of the ordained ministry. Notice thereof shall be communicated to all metropolitans and diocesan bishops of The Anglican Church of Canada.
- h) A priest or deacon may appeal an affirmation of abandonment of the exercise of the ordained ministry or a refusal of reinstatement to the metropolitan of the ecclesiastical province. The metropolitan shall attempt to mediate between the parties, and, if unsuccessful in resolving the matter, shall refer the request to the provincial court. If the bishop affirming the abandonment of the ordained ministry shall be the metropolitan the appeal shall be made to the diocesan bishop of the province senior by the rule of the province.

### 3. Bishops

- a) The provisions of parts 1 and 2 of this Canon shall also apply to bishops of The Anglican Church of Canada. In such cases the metropolitan of the province in which the bishop resides shall perform the functions assigned by these sections to the bishop in the case of members of the clergy. In the case of a provincial metropolitan, the Primate shall perform the functions assigned by these sections to the bishop in the case of clergy. In the case of the Primate, the metropolitan senior by election shall perform the functions assigned by these sections to the bishop in the case of members of the clergy.
- b) The right of appeal defined in sections 1 f) and 2 h) of this Canon shall lie, in the case of a bishop, with the provincial House of Bishops, and in the case of a metropolitan, to the provincial metropolitans not involved in the case.

## ***SCHEDULE A***

### **Relinquishment of the Exercise of the Ministry**

I, \_\_\_\_\_, having been admitted to the office of bishop/priest/deacon of The Anglican Church of Canada, have voluntarily relinquished the exercise of that ministry according to the terms of Canon XIX of the General Synod of The Anglican Church of Canada.

Witness: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## ***SCHEDULE B***

### **Notice of Relinquishment of the Exercise of the Ministry**

This is a notification that \_\_\_\_\_, having been admitted to the office of bishop/priest/deacon in The Anglican Church of Canada, has voluntarily relinquished the exercise of that ministry according to the terms of Canon XIX of the General Synod of The Anglican Church of Canada.

The date from which this relinquishment is effective is \_\_\_\_\_.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

### ***SCHEDULE C***

### **Notice of Presumption of Abandonment of the Exercise of the Ministry**

To \_\_\_\_\_, this is to advise that under the terms of Canon XIX (enclosed) of the General Synod of The Anglican Church. of Canada you are presumed to have abandoned the exercise of the ministry to which you were ordained.

This notice is based on the following facts:

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_  
Chancellor or Registrar

Bishop of \_\_\_\_\_

### ***SCHEDULE D***

### **Notice of Abandonment of the Exercise of the Ministry**

This is a notification that \_\_\_\_\_ having been admitted to the office of bishop/priest/deacon in The Anglican Church of Canada, has abandoned the exercise of that ministry according to the terms of Canon XIX of the General Synod of The Anglican Church of Canada.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

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## **ON MARRIAGE IN THE CHURCH**

### **Preface**

1. The Anglican Church of Canada affirms, according to our Lord's teaching as found in Holy Scripture and expressed in the Form of Solemnization of Matrimony in the Book of Common Prayer, that marriage is a lifelong union in faithful love, and that marriage vows are a commitment to this union, for better or for worse, to the exclusion of all others on either side. This union is established by God's grace when two duly

qualified persons enter into a covenant of marriage in which they declare their intention of fulfilling its purposes and exchange vows to be faithful to one another until they are separated by death. The purposes of marriage are mutual fellowship, support, and comfort, and the procreation (if it may be) and nurture of children, and the creation of a relationship in which sexuality may serve personal fulfilment in a community of faithful love. This covenant is made in the sight of God and in the presence of witnesses and of an authorized minister.

2. The Church affirms in like manner the goodness of the union of man and woman in marriage, this being of God's creation.<sup>1</sup> Marriage also is exalted as a sign<sup>2</sup> of the redeeming purpose of God to unite all things in Christ,<sup>3</sup> the purpose made known in the reunion of divided humanity in the Church.<sup>4</sup>
  1. Cf. Gen. 1:27—3 1
  2. Eph. 5:3 1f.
  3. Eph. 1:9f.
  4. Eph. 2:11-16.
3. The Church throughout its history has recognized that not all marriages in human society conform, or are intended to conform, to the standard here described. For this reason, in the exercise of pastoral care as evidenced in the earliest documents of the New Testament, the Church has from the beginning made regulations for the support of family life especially among its own members.
4. Aspects of the regulation of marriage in the apostolic Church are recorded in the New Testament. A new standard of reciprocal love between husband and wife was introduced leading towards an understanding of their equality.<sup>1</sup> In preparation for marriage Christians were directed to seek partners from among their fellow believers.<sup>2</sup> In Christ's name separated spouses were encouraged to seek reconciliation.<sup>3</sup> In his name also divorce was forbidden though not without exception.<sup>4</sup> In certain circumstances a believer already married to an unbeliever might be declared free from such a marriage bond;<sup>5</sup> in others, and here in the name of Christ, remarriage during the lifetime of a former spouse was described, with one exception, as an adulterous union.<sup>6</sup>
  1. 1 Cor. 7:3f, 11:11f, Eph. 5:21—33, cf. Gal. 3:28
  2. 1 Cor. 7:39, 2 Cor. 6:14, cf 1 Thess. 4:2—8 (RSV)
  3. 1 Cor. 7:10f
  4. Matt. 5:3 1f, Mark 10:2—9, cf. Mal. 2:13—16
  5. 1 Cor. 7:12—16
  6. Matt. 19:9, Mark 10:11f, Luke 16:18, cf. Ro. 7:3
5. From these principles and precedents the Church, living in many cultures and in contact with many different systems of law, has sought in its rites and canons to uphold and maintain the Christian standard of marriage in the societies in which believers dwell. This standard and these rites and canons pertain to the selection of marriage partners, preparation for marriage, the formation of a true marriage bond, the solemnization of marriage, the duties of family life, the reconciliation of alienated spouses, and to the dissolution of marriage and its consequences.
6. All members of this Church, in fulfilling the obligations of the People of God, share according to their circumstances in the obligation to uphold Christian standards of marriage in human society especially by care for their own families and by neighbourly care for the families of others. Special obligations rest upon certain members of the Church as set forth below.
7. The particular duties of the clergy, described in part elsewhere in this Canon, include the provision of education for marriage and family life, the solemnization of marriage, the pastoral care of families, the encouragement of



reconciliation of estranged spouses, and the pastoral care of those whose family ties have been broken or interrupted by death, sickness, poverty, enforced absence, human weakness, or by wilful act.

8. The duties of the laity, according to their several circumstances, are to share with the clergy the responsibility for upholding family life, in particular:
- a) by their presence with friends and neighbours at weddings to bear witness to their support of those who marry;
  - b) to safeguard the legality of marriages by readiness to allege promptly any cause or just impediment which might make a proposed marriage unlawful;
  - c) to promote and encourage the use of the professional skills that serve family life;
  - d) as spouses, to be faithful to their own marriage vows;
  - e) as parents, guardians, god-parents, teachers, or other fully qualified persons, to guide children and young persons in preparation for family life;
  - f) as neighbours, mutually to promote the welfare of families, and to seek the reconciliation of any whose family life is impaired or broken;
  - g) as communicants, to uphold the Church's discipline, and to seek the restoration to communion of any who have become alienated or are excommunicate; and
  - h) as citizens, to work for the maintenance of just laws for the welfare of family life.

## **Regulations**

### **I. Prerequisites for Marriage**

#### **1. Notice**

It shall be the duty of those who intend to marry to give notice to the minister at least 60 days before the day proposed for the wedding, except that the minister may waive this requirement for sufficient cause in which case the minister shall notify the bishop of the Diocese in writing, stating the reason for the decision.

#### **2. Preparation**

It shall be the duty of the incumbent, when application is made for matrimony to be solemnized, to inquire whether there is any impediment either to the marriage or to the solemnization thereof. It shall also be the duty of the incumbent or designate, to review with the parties to the marriage, the issues outlined in Schedule E annexed hereto and to recommend strongly to the parties that they avail themselves of a marriage preparation course or program so that all who seek marriage in the Church may come to it with a Christian understanding of its purpose and a practical understanding of the realities of marriage, and may be encouraged to give effect with God's help to the vows which they are preparing to make. The parties to the intended marriage, after due consideration, shall be encouraged to sign the Declaration set out in Schedule A.

#### **3. Impediments of Relationship**

- a) Notwithstanding the Table of Kindred and Affinity contained in *The Book of Common Prayer* (1962), when making the inquiries directed in section 2 the minister shall, with respect to impediments of relationship, be guided by the *Marriage (Prohibited Degrees) Act*, as it was in force on June 1, 2004, which prohibits marriages between persons who are related
  - i) lineally by consanguinity or adoption,
  - ii) as brother and sister by consanguinity, whether by the whole blood or the half-blood, or
  - iii) as brother and sister by adoption.
- b) In addition to marriages prohibited by law, no person may marry another person if they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent.

#### **4. Age**

No minister shall solemnize the marriage of persons either of whom is under sixteen years of age.

#### **5. Requirements of Civil Law**

The minister shall ensure that all the requirements of the civil law of the province or other jurisdiction in which the marriage is to be solemnized have been met, in particular that all prerequisite notices, medical certificates, and consents of parents, guardians, or others, have been respectively given, completed, and obtained.

#### *6. Licences and Banns*

The minister shall not solemnize a marriage unless the parties have obtained a licence from the property authority or unless the banns have been published in conformity with the civil law and in the manner required by section 7.

#### *7. Publication of Banns*

When banns are to be published:

- a) They shall be called in the church three several Sundays during Divine Worship after the accustomed manner and in conformity with the requirements of civil law.
- b) Where either or both of the parties are accustomed to worship in a church or churches other than their own parish church, the banns may be called in the church or churches in which they worship, provided that the civil law allows such procedure.
- c) The minister shall say together with such addition as the civil law may require: I publish the Banns of Marriage between N. of and N. of If any of you know cause or just impediment why these two persons should not be joined together in Holy Matrimony, you are to declare it. This is the first (or second or third) time of asking.
- d) After the final calling their publication shall be recorded as required, and if the marriage is to be solemnized elsewhere the appropriate certificate shall be forwarded to the officiating minister.

#### *8. When License to Many is Required*

The calling of banns shall not exempt the parties from obtaining a license to marry where the civil law requires them to do so.

#### *9. Certain Marriage Forbidden*

Except as provided in part III or part IV of this Canon, no minister shall solemnize the marriage of two persons one of whom has been a party to a ceremony of marriage with a third person now living.

#### *10. Baptism*

The Form of Solemnization of Matrimony in the Book of Common Prayer is provided for the marriage of Christians. No minister shall solemnize matrimony between two persons neither of whom has been baptized. If two persons, one of whom has not been baptized, desire to be so married, the minister shall refer the matter to the bishop of the Diocese whose order and direction shall be followed.

#### *11. License and Permission of Minister to Solemnize Marriage*

- a) Every minister who solemnizes a marriage must where the civil authorities make such a requirement, hold a valid licence or permit to officiate at marriages in that place.
- b) The minister must also have the license or authority of the bishop of the Diocese in which the marriage is to be solemnized.
- c) The officiating minister must have obtained the consent of the incumbent of the parish in which the marriage is to be solemnized if the officiating minister is not licensed to that parish.
- d) The discretion of a minister to decline to solemnize any particular marriage shall not be abrogated by this Canon.

## **II. The Solemnization of Matrimony**

#### *12. Place of Marriage*

- a) Marriage is a public act and shall be solemnized in the face of the community and of the friends and neighbours of the couple.
- b) Every marriage shall be solemnized in the presence of at least two witnesses in addition to the officiating minister.
- c) The body of the church is the appropriate place for the solemnization of a marriage but a marriage may be solemnized in another location if the incumbent, after consultation with the bishop, is satisfied that the solemnity and public nature of the occasion will be preserved and that the service will be conducted with dignity in godly and decent order.

#### *13. Incumbent in Charge of Service*

The incumbent shall be responsible for the conduct of the marriage service. Hymns or anthems sung at the service shall be those only which may be found in Holy Scripture, in the books of Common Prayer or Common Praise, or in texts approved by ecclesiastical authority.

#### *14. Marriage to a Non-Christian*

The form of Solemnization of Matrimony is intended to be used in marriages between Christians. For purposes of this Canon, a person is a Christian who has been baptized and who is prepared to reaffirm Baptismal vows. The form may be used with such modifications as may be permitted by the bishop having jurisdiction where the marriage is to be solemnized. In the vow, the non-Christian may omit the words 'holy' and 'according to God's ordinance', but no other change may be made to the vow or to the declaration of intention.

#### *15. Parish and Civil Registers*

It is the duty of the officiating minister to record the information required by the civil authority as well as the information necessary for pastoral care, in the manner following:

- a) At the time of marriage the minister shall enter the several particulars relating thereto in a register to be retained in the parish for this purpose. In this parish register the minister shall record the particulars of baptism, confirmation, and church membership of the respective parties, and the address of their intended residence.
- b) The minister shall also record in such other register or form as may be required by the civil law the particulars prescribed by that law, and shall duly report the same to the appropriate authority.

### **III. Determination of Marital Status Under This Canon**

#### *16. Definitions*

- a) "Marriage" as defined by this Canon means that union described in the Preface of this Canon and further described in section 17 of this part. 'With respect to marriage so defined, a man and a woman may nevertheless, for reasons of age or health or other serious cause agree to marry upon condition that there shall be no sexual intercourse between them permanently or for a limited time or from time to time.
- b) "Chancellor" means the chancellor of a Diocese.

#### *17. Conditions of Valid Marriage under this Canon*

The question whether a purported marriage constituted a marriage as defined by this Canon shall be determined by the Chancellor in accordance with the following principles:

- a) The parties to a marriage are not qualified for the purpose of this Canon to marry each other if:
  - i) either of them is under the age of 16 years;
  - ii) they are related to each other
    - a) lineally by consanguinity or adoption,
    - b) as brother and sister by consanguinity, whether by the whole blood or the half-blood, or
    - c) as brother and sister by adoption;
  - iii) they both live, or have previously lived, in the same household and one of them is or has been treated by the other as a child or parent; or
  - iv) either of them has gone through a ceremony of marriage with a person who is living at the time of the application, unless:
    - a) the previous ceremony of marriage has been found, as provided in this part by the Chancellor not to have been a marriage as defined by this Canon and therefore not to be an impediment to marriage under the Canon Law of this Church; or

- b) the previous marriage has been found [by the Chancellor] to have been dissolved or terminated according to the civil law applicable thereto and permission to marry has been given [by the Chancellor], as provided by part IV of this Canon.<sup>1\*</sup>
- b) The contract of marriage requires the free and voluntary consent of the parties to marry each other upon the terms set out in the Preface of this Canon, based upon adequate understanding by each of them of the nature of the union and of the mutual relations of husband and wife and of parents and children.
- c) Consent to marry is not present where:
  - i) one of the parties is at the time of the contract of marriage incapable by reason of mental defect, mental illness, alcoholic intoxication, or the influence of a drug, of having the necessary understanding or giving the necessary consent;
  - ii) one of the parties has been induced to consent by duress, by coercion, or by fear;
  - iii) one of the parties gives consent after having been abducted and before being set free;
  - iv) one of the parties is at the time of the contract of marriage mistaken with respect to the nature of the contract or of the union, or with respect to the identity of the other party;
  - v) one of the parties at the time of the covenant of marriage was deceived by misrepresentation, concealment or other deception with respect to facts which have threatened life or adversely affected or endangered health or have been seriously detrimental to the establishment of the covenant, including among other things, misrepresentation, concealment or other deception relating to:
    - a) venereal disease, AIDS
    - b) addiction to drugs or alcohol
    - c) pregnancy, except as a result of intercourse with the marriage partner
    - d) homosexual practice
    - e) violence, sadistic conduct, or other abnormal practices;
  - vi) the marriage has been agreed to upon a condition which is illegal, impossible or contrary to the nature of the union, as defined in this Canon;
  - vii) the marriage is intended to be a sham or mere form;
  - viii) either party is incapable of consummating or unreasonably refuses to consummate the marriage by sexual intercourse, subject to subsection 16 a) of this part; or
  - ix) one of the parties is not a Christian and there is a condition taken that the Christian party shall be entitled to adhere to and practice Christianity or to bring up any children of the union as Christians, and the non-Christian party assents to the condition without intending that it shall be satisfied.
- d) In the cases mentioned in subsections ii), iii), iv), v) and ix) hereof, the party coerced, mistaken or deceived or otherwise imposed upon may by an act of will approbate the marriage and continue to cohabit with the other party when free to cease cohabitation after being freed from coercion, fear or abduction or after learning of the mistake, deception, concealment or other circumstance constituting the defect. What constitutes approbation is a question of fact in each case. The effect of approbation for the purpose of this Canon is to validate the marriage.
- e) Nothing contained in this Canon shall authorize the solemnization of a marriage known to the minister or either of the parties to be invalid by civil law.

\*Note: The words "by the Chancellor" were erroneously included in this clause and should be ignored.

#### *18. Conditions Governing Application Regarding Canonical Status*

- a) An application for declaration of marital status under this Canon may be made where the applicant has gone through a ceremony of marriage with a person living at the time of the application and it is alleged that the ceremony did not constitute a marriage as defined by this Canon and where the marriage or purported marriage:
  - i) has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or court, or
  - ii) is alleged to have been dissolved or otherwise terminated according to the civil law properly applicable thereto, by an extra-judicial or non-judicial and non-legislative act or event.
- b) An application under this section may be made by a person who has gone through a ceremony mentioned in subsection a) of this section and who is:
  - i) a member of this Church, or
  - ii) a person who desires to marry according to the rites of this Church.

- c) An application under this section not made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where the applicant resides or is accustomed to worship.
- d) An application under this section made in the course of or with a view to proceedings preliminary to a marriage shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated.
- e) The incumbent receiving the application shall investigate it to the best of his or her ability and forward the application, together with his or her report thereon, through the appropriate channels to the Chancellor having jurisdiction in the Diocese.

#### *19. Form of Application*

- a) An application for declaration of marital status under section 18 shall be made in writing and signed by the applicant and shall contain the information required by Schedule B.
- b) The application shall be accompanied by:
  - i) a certificate of performance or registration of the ceremony issued by a competent authority;
  - ii) the original or a copy of the legislative act or the judgment or decree referred to in Schedule B, paragraphs 9 and 10, and of any other document necessary for proof of any fact, and proof of its authenticity;
  - iii) statements in writing verifying all other relevant facts not within the knowledge of the applicant signed by persons having knowledge of the facts; or
  - iv) where there has been no legislative act and no judgment or decree as above mentioned, a reasoned opinion in writing, signed by a person professionally qualified to give an opinion in respect of the law in question, verifying that the purported marriage has been dissolved or otherwise terminated.

#### *20. Decision of Chancellor*

- a) On an application for declaration of marital status under section 18 of this part, the Chancellor when all relevant facts have been proved to the Chancellor's satisfaction, shall determine whether the ceremony gone through by the applicant resulted in a marriage under this Canon.
- b) If the Chancellor determines that the ceremony did not result in a marriage under this Canon and if the Chancellor is satisfied that the marriage or purported marriage has been annulled or declared null and void or dissolved or otherwise terminated by a legislature or competent court, or has been dissolved or otherwise terminated by another act or event according to the law properly applicable thereto, and that no civil impediment to the marriage of the applicant exists, the Chancellor shall make a declaration that the ceremony in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Church. In all other cases, the Chancellor shall declare that impediment exists.
- c) Where there has been a failure to obtain any consent of a parent, guardian or other person, other than a party to the marriage, whose consent is required by the applicable civil law and where the marriage has been annulled on this ground by a competent court, the Chancellor may make a declaration that the ceremony in question did not result in a marriage under this Canon and therefore does not constitute an impediment to marriage under the Canon Law of this Church.

#### *21. Presumption of Death*

- a) An application for declaration of marital status under this Canon may be made to the Chancellor by a person who desires to be married according to the rites of this Church and who has been a party to a marriage with a person:
  - i) in respect of whom a judicial declaration of presumption of death has been made by a competent court, or
  - ii) who is missing and presumed dead but whose death has not been officially confirmed and in respect of whom no judicial declaration of presumption of death mentioned in subsection I) has been made.
- b) For the purpose of the application a court exercising civil jurisdiction in any part of Canada acting under legislation of Canada or of a province is deemed to be a competent court, whether the declaration is made under legislation related to marriage or under other legislation. The jurisdiction of any other court whose declaration is relied on must be proved to the satisfaction of the Chancellor.
- c) The application shall be made in accordance with the provisions of section 18, subsections c) (ii) and (iii) and Schedule B omitting paragraphs 3 to 8 inclusive.
- d) The application shall be accompanied by a certified copy of the judicial declaration, if any, relied on by the applicant, a statement or statements in writing signed by the person or persons having knowledge of the facts on which the allegation of death is based, and a statement in writing signed by the applicant setting out his or her belief in the death of the other party to the marriage and the reasons for that belief.

- e) If the Chancellor is satisfied that the missing party to the marriage or ceremony of marriage is dead, as far as can be ascertained at the time of the application, the Chancellor may make a finding to that effect and make a declaration that the marriage or ceremony of marriage between the applicant and the missing party does not at the time of the declaration constitute an impediment to the marriage of the applicant under the Canon Law of this Church. Otherwise, the Chancellor shall dismiss the application without prejudice to a later application.
- f) A person who has obtained a declaration under this clause shall at or after the time of publication of banns or on production of the license declare to the intended celebrant that he or she has no reason to believe and does not believe that the other party to the former marriage or ceremony of marriage is alive.

#### *22. Procedure*

The Chancellor shall follow the procedure set out in the provisions of Schedule D.

#### *23. Avoidance of Delay*

The Chancellor shall deal with each application as expeditiously as possible.

#### *24. Limitation of Jurisdiction*

Every finding and determination of the Chancellor shall be and shall be expressly stated to be made solely for the purposes of this Canon and not for the purpose of performing any function of a civil court or other civil authority, and shall otherwise be confined to the findings and declaration necessary for disposing of the application in respect of which it is made.

#### *25. Persons Serving in or Attached to the Canadian Forces*

- a) This section applies to a person who is enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on continuous duty with the regular forces, or a person who in accordance with the *National Defence Act*, accompanies the Canadian Forces, and the dependents of all such persons.
- b) A person described in clause a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.
- c) On receiving an application the chaplain may forward the application to the Chancellor of the Diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces who shall designate a diocesan chancellor to hear the application.
- d) Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

### **IV. The Remarriage of a Divorced Person Whose Former Partner is Still Living**

#### *26. Application for Permission to Remarry According to the Rites of the Church*

- a) An application for permission to marry each other according to the rites of this Church may be made by two persons, one or both of whom has or have gone through a ceremony or ceremonies of marriage with a person or persons now living not a party or parties to the application, if the prior marriage or marriages is or are not questioned under this Canon in the application but has or have been dissolved or terminated by a legislature or legislatures or a court or courts or by another act or acts or event or events according to the law or laws applicable thereto. Where a marriage or purported marriage has been annulled for a defect not mentioned in section 17 of part III of this Canon, and no defect mentioned in that section is alleged in respect thereof, it shall be deemed for the purposes of this Canon to have been dissolved.
- b) The application shall be made to the incumbent of the parish or mission where it is desired that the intended marriage be celebrated. The incumbent shall investigate the application as thoroughly as possible and forward it together with a report thereon to the Ecclesiastical Matrimonial Commission established under Part VI having jurisdiction in the Diocese or, in a Diocese where there is no Ecclesiastical Matrimonial Commission, to the diocesan bishop. The bishop may delegate the authority to the incumbent or some other person.
- c) An exception to this process may be made:

- i) where both parties to the intended marriage normally reside at a significant distance from the proposed place of marriage, or
  - ii) where the parties live at a significant distance from each other, or
  - iii) where other circumstances require special arrangements, in which case the interviews and investigation shall be arranged for by the incumbent through responsible persons who are readily accessible to one or both of the partners to the intended marriage.
- d) The application shall be made in writing and signed by both applicants and shall contain the information required by Schedule C.
- e) The incumbent or the persons responsible for interviews and investigation shall attend to the question of pastoral care of former partners who are not applicants (as required of the Ecclesiastical Matrimonial Commission in Schedule D), and ensure, where needed and possible, that pastoral care is provided from an appropriate source.

#### *27. Permission to Remarry According to the Rites of the Church*

Permission to remarry according to the rites of this Church, notwithstanding the marriage or marriages of either or both applicants to another person or persons now living, should be based on a reasonable belief that the applicants understand the nature of Christian marriage as stated in this Canon and intend to enter into such a marriage, and reasonable hope that they will continue in that relationship during their joint lives. Permission may be granted by the Commission or the diocesan bishop to the applicants if the Commission or the diocesan bishop is satisfied that:

- a) any prior marriage in question has been validly dissolved or terminated in accordance with the law properly applicable thereto;
- b) the applicant concerned tried in good faith before dissolution to effect reconciliation with the other party;
- c) adequate provision has been made for a former spouse of a divorced applicant, according to the means and needs of the applicant and the means and needs of the former spouse;
- d) proper provision has been made for the care, maintenance, education and advancement of minor, disabled or otherwise dependent children of any prior marriage;
- e) if the children of a prior marriage are to live with the applicants, there is a reasonable prospect that the family relationship will be satisfactory;
- f) the applicants understand the Christian Doctrine of marriage as defined in this Canon, and intend to enter into such a marriage, and believe on reasonable grounds that they have the capacity to enter into and sustain the marriage during their joint lives.

#### *28. Refusal of Permission*

- a) If permission is not granted, the Commission or the diocesan bishop shall, subject to subsection 24c) of this Part, dismiss the application, giving reasons in writing which shall be communicated to the applicants through the incumbent.
- b) On being notified of dismissal of the application, the applicants may, within 30 days after receipt of notice, apply in writing to the Commission or the diocesan bishop for reconsideration of the application. On such reconsideration the applicants may appear personally before the Commission or the diocesan bishop and

submit further reasons why the application should be granted or may submit such information and reasons in writing. On such reconsideration the Commission or the diocesan bishop may grant the application or confirm the previous decision. If the Commission or the diocesan bishop confirms the previous decision they shall give reasons in writing which shall be communicated to the applicants through the incumbent.

- c) If the application is dismissed and the decision is confirmed by the Commission or the diocesan bishop, or if the applicants do not exercise their rights under subsection b), the application may not be renewed before any Commission or diocesan bishop unless further information is provided.

#### *29. Special Cases*

- a) If the Commission or the diocesan bishop is satisfied that efforts towards reconciliation between the parties to a former marriage would have been ineffective as a result of the fault of either party or for any other reason, the requirement of subsection 23b) may be dispensed with.
- b) If either applicant has entered into two or more marriages that have been dissolved, the Commission or the diocesan bishop shall not grant permission unless special circumstances justifying permission are proved.

- c) If the Commission or the diocesan bishop is of the opinion that a prior purported marriage of an applicant did not constitute a marriage as defined by this Canon, the Commission or the diocesan bishop may refer the application to the Chancellor who may, if the conditions of Part III, section 20, are satisfied, make a declaration under that section in respect of the marriage in question.
- d) If the incumbent of a parish declines for reasons of conscience to solemnize a marriage pursuant to permission given under this Part, the said incumbent shall refer the applicants to another priest designated by the bishop for investigation and report and permit that priest or another priest to solemnize the marriage in his or her Church.

## **V. Admission To Holy Communion In Special Cases (Deleted in 2004)**

### **VI. Ecclesiastical Matrimonial Commission**

#### **30. Diocesan Commission**

- a) Subject to section 31, there may be in each Diocese an Ecclesiastical Matrimonial Commission to deal with applications under Part IV.
- b) The president of the Commission shall be the diocesan bishop or a bishop or priest appointed by the diocesan bishop. In a Diocese in which no other president has been appointed, in the absence of the diocesan bishop from the Diocese or during a vacancy of the See the administrator of the Diocese shall be the president.
- c) The diocesan bishop shall appoint two or more communicant members of this Church to be members of the Commission, and may appoint other persons to be consultants without vote.
- d) At least one member of the Commission or a consultant should be engaged in or be qualified to engage in the practice or teaching of civil law in the province, territory or other jurisdiction or each of them, in which the Commission acts and at least one member or a consultant should have special skill and knowledge in Canon Law and at least one in pastoral care.
- e) The Commission may delegate to one or more members or consultants the investigation of any application or class of applications and of any matter or matters related thereto and of ascertaining any relevant facts and reporting thereon to the Commission, and may accept and act on any report or may take or require further investigation.
- f) A quorum of a Commission shall be a majority of its members. The decision of a Commission shall be that of a majority of its members present and taking part in determination of its decision.
- g) Before becoming effective, the decision of the Commission shall require confirmation by the diocesan bishop or a bishop appointed for that purpose, or, if the See is vacant or the diocesan bishop and other bishops of the Diocese be absent from the Diocese, by the diocesan bishop's commissary or other administrator of the Diocese.
- h) The diocesan bishop shall appoint an officer of the Commission who shall be known as the registrar and shall act as clerk and secretary of the Commission, to receive applications, conduct correspondence, give notices, attend hearings and deliberations in person or by deputy and keep minutes of proceedings, and engross and promulgate decisions and communicate each decision to the appropriate incumbent and the applicant or applicants and shall keep the records of the Commission in the diocesan offices.

#### **31. Joint Commission**

- a) With the consent of the metropolitan of the ecclesiastical province and of the Diocesan Synods of the Dioceses concerned, the diocesan bishops of two or more Dioceses may establish a Joint Commission to deal with all applications made thereafter within any of the Dioceses concerned. If the Dioceses are in different ecclesiastical provinces, the consent of the metropolitan of each province shall be required.
- b) The diocesan bishops of the Dioceses concerned shall at the time of the meeting of each Provincial Synod involved or otherwise from time to time as required elect a bishop to be president of the joint Commission or confirm the appointment of one already in office. If the jurisdiction of the Joint Commission extends into two ecclesiastical provinces, the bishops of the Dioceses concerned shall arrange the election of a president among themselves.
- c) The president of a Joint Commission shall appoint the registrar from time to time during the president's term of office as president.



- d) While a Joint Commission is in existence, its composition, organization, powers and procedure shall with all necessary changes be the same as those of a diocesan Commission, and no diocesan Commission within its jurisdiction shall act, provided that:
  - i) the diocesan bishops of the Dioceses concerned shall join in the appointment of members of and consultants to the Joint Commission;
  - ii) applications shall be submitted by the appropriate incumbent to the diocesan secretary of each Diocese concerned and forwarded by the secretary to the registrar forthwith; and
  - iii) after a decision in an application has been made and promulgated, the registrar shall forward the decision, together with the application and all related documents, to the diocesan secretary of the Diocese in which it was made, who shall submit the decision for confirmation to the authority mentioned in subsection 30 g) of this part. On obtaining the determination of that authority the secretary shall keep it with the application and accompanying documents in the diocesan records in a confidential manner, and communicate the decision to the appropriate incumbent and the applicant or applicants.
- e) The diocesan bishop of a Diocese under a Joint Commission may with the consent of the Diocesan Synod and of the metropolitan of the province withdraw the Diocese from the jurisdiction of the Joint Commission in respect of applications made after the withdrawal. On so doing the bishop shall forthwith establish a diocesan Commission.

### *32. Procedure*

The procedure followed by a Commission shall be governed by the provisions of Schedule D.

### *33. Avoidance of Delay*

Each application shall be dealt with as expeditiously as possible.

### *34. Limitation of Jurisdiction*

Every finding and determination by a Commission or a diocesan bishop shall be expressly stated to be made solely for the purposes of this Canon and not for the purpose of performing any function of a civil court or other civil authority, and shall be confined to granting or refusing permission to remarry.

### *35. Persons Serving In or Attached To the Canadian Forces*

- a) This section applies to a person who is enrolled in the Canadian Forces who is serving in the regular forces or who is a member of the reserve forces on continuous duty with the regular forces, or a person who in accordance with the *National Defence Act*, accompanies the Canadian Forces, and the dependents of all such persons.
- b) A person described in clause a) may forward an application under this Part to the Anglican chaplain responsible for his or her pastoral care.
- c) On receiving an application the chaplain may forward the application to the Ecclesiastical Matrimonial Commission or to the bishop of the Diocese in which the applicant resides or to the Bishop Ordinary to the Canadian Forces.
- d) Nothing in this section prevents a person from making an application in the manner prescribed by this Part.

## **VII. Forms**

- 36. The Council of the General Synod, a Commission, a diocesan bishop or the Bishop Ordinary to the Canadian Forces may approve forms for use in the administration of this Canon.

### *Schedule A* **Declaration**

*See part I, section 2*

We, \_\_\_\_\_ and \_\_\_\_\_  
hereby declare that we intend to enter into marriage which we acknowledge to be a union in faithful love, to the exclusion of all others on either side, for better or for worse, until we are separated by death.

We undertake to prepare ourselves for the exchange of vows at our wedding, recognizing that by this mutual exchange our union in marriage will be established.

We intend to strive thereafter to fulfill the purposes of marriage: the mutual fellowship, support, and comfort of one another, the procreation (if it may be) and the nurture of children, and the creation of a relationship in which sexuality may serve personal fulfillment in a community of faithful love.

#### *Schedule B*

#### **Application For Declaration of Marital Status**

*See part III, sections 19a) and 21c), and Schedule C, section 1*

The following information, or so much of it as is necessary for a decision by the Chancellor, shall be provided as far as it is known:

1. The full name, and place of residence of the applicant.
2. The date and place of the marriage ceremony in question, its nature and form, by or before whom it was celebrated or solemnized, and the authority or purported authority of the celebrant.
3. The full name, and the place of residence if known, of the other party to the ceremony, at the time of the application.
4. The ages of the parties at the time of the ceremony, their then respective places of residence, domiciles and nationalities, their relationships towards each other by blood or marriage, whether either of them was under any disability or prohibition with respect to marriage generally or with respect to the other party, and the respective marital conditions of the parties immediately before the ceremony.
5. The proper law applicable to the ceremony and to the marriage otherwise than with reference to the ceremony, the relevant provision of the proper law or laws and authorities for such provisions.
6. Whether the requirements of the proper law or laws with respect to banns, license or permit, to consent of parents or others, to examinations and other preliminary matters were duly complied with.
7. The alleged defects in the ceremony or in the marriage or purported marriage.
8. Whether (if relevant) either party has exercised any legal right to avoid the marriage or purported marriage or has approbated the marriage.
9. Full particulars of any proceedings in any court or ecclesiastical tribunal or commission in which the validity of the marriage or purported marriage was questioned directly or indirectly the result of such proceedings.
10. Full particulars of any proceedings in any court or legislature or of any other act or event by which the marriage or purported marriage was or is alleged to have been dissolved or terminated.
11. Whether there have been children of the marriage or purported marriage and, if so, the full name, age, place of residence and present marital status of each child now living.
12. If any child of the marriage or purported marriage is a minor or under any disability or otherwise dependent on one or both of the parties to the marriage or purported marriage a statement showing who has the custody or is directly or indirectly responsible for the care and maintenance of the child and full details of present financial and other arrangements and future plans for the care, maintenance, education, and advancement of the child.
13. A statement showing what provision has been made by the applicant for the present and future maintenance of the former spouse or purported spouse, or an explanation why there is no such provision.
14. If one or both of the applicants do not reside in the parish, the procedures outlined in Section 26(c) may apply.
15. Any other facts that would assist the Chancellor.

#### *Schedule C*

#### **Application for Permission to Remarry According to the Rites of the Church**

*See part IV section 26d)*

The following are required:

1. The full name and place of residence and religious affiliation, if any, of each applicant;

2. The date and place and solemnizing officiant of any former marriages of each applicant with a person now living and the present marital status of the applicant and the ages of the parties immediately before such marriage;
3. The information mentioned in paragraphs 3, 9, 10, 11, 12, 13, 14 and 15 of Schedule B.

*Schedule D*  
**Procedure of the Chancellor**

*See part III, section 22*

1. Unless a marriage or purported marriage in respect of which an application is made has been civilly annulled or declared null and void or dissolved or terminated by a competent legislature or a competent court at the instance of or after due notice to the party thereto other than the applicant herein, the Chancellor shall before making a finding or determination cause the other party to be notified of the application in a manner that satisfies the Chancellor that the notice has been brought to the attention of the other party, if it is feasible to give such notice.
2. In any case the Chancellor may cause the other party to the marriage or purported marriage, or any other person whom the Chancellor believes to be concerned, to be notified of the application, if notification is feasible.
3. The notice shall be accompanied by a copy of the application and shall inform the person notified that he or she may assert or dispute any statement of fact, submit evidence orally or in writing and make any submission or representation he or she sees fit to make in person or by representative.
4. Any statement, dispute, evidence, submission or representation made in response to the notice shall be communicated to the applicant who shall be given an opportunity of making answer or rebuttal.
5. The Chancellor may:
  - a) require proof of any additional fact which appears to be relevant to the matters involved in the application;
  - b) require proof of any fact to be made by statutory declaration or to be made orally by affirmation, and require any document to be satisfactorily authenticated;
  - c) require the applicant, in order to remove doubt, to take such proceedings in a competent civil court as may be necessary to establish or confirm the nullity of any purported marriage not already annulled or declared null and void by a court or legislature or the dissolution or termination of any marriage not dissolved or terminated by a court or legislature, or the competence in the premises of any court or legislature whose act, judgment or decree is relied on in relation to the marital status of the applicant;
  - d) permit an applicant to be represented or assisted by counsel or by a person having special skill and knowledge in Canon Law and pastoral care;
  - e) make findings of fact based on any evidence satisfactory to the Chancellor submitted in a manner satisfactory to the Chancellor, whether written or oral and direct or hearsay and whether or not verified by oath, affirmation or statutory declaration;
  - f) conduct a hearing, if the Chancellor sees fit, in the presence of the applicant and of the other party to a marriage or purported marriage if the other party desires to attend, and of their representatives or assistants, or make a determination without a hearing if the Chancellor does not consider a hearing necessary, and no application for a hearing is made by the applicant;
  - g) permit an application to be reopened or a fresh application to be made if further information is available after the Chancellor has disposed of an application.

*Schedule E*  
**Marriage Preparation**

*See part I, section 2*

It is suggested that the incumbent or designate in discussing marriage preparation with the parties to a marriage, in addition to recommending strongly to the parties that they avail themselves of a marriage preparation course or program, review with the parties the following specific issues:

1. The attitudes and expectations of the parties as to how they will deal with financial planning including budgeting, sharing of incomes and expenses.

2. The attitudes and expectations of the parties as to how they will deal with any potential religious differences.
3. The attitudes and expectations of the parties as to how their families including parents and siblings will react to the marriage and how supportive they will be.
4. The attitudes and expectations of the parties towards lifestyle including interests and friends in which there may be common interests and differences.
5. The attitudes and expectations of the parties towards work sharing in the home relationship and management of the household.
6. The attitudes and expectations of the parties as to their understanding of the importance of communication between partners in a marriage.
7. The attitudes and expectations of the parties in regard to sexual relations.
8. If either party has been previously married or has cohabited in a common law or *de facto* marriage, it is important that there be specific discussions about the past relationships, the reasons for the breakdown of any past relationships, the effect of any continuing obligations, financial or otherwise, to a former partner or children of a previous marriage or relationship, potential problems related to access to or custody of such children, and the potential integration of such children into a new family unit.
9. Their views regarding number of children, rearing and education of same and potential career conflicts.
10. The solemnity of the marriage covenant which the parties are making in the sight of God.

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