



**DIOCESE of
CHRIST our HOPE**

Canonical Investigative Process for Christ Our Hope

November 1, 2024

General Principles

In all the various aspects of conducting inquiries and investigations into accusations of misconduct, making presentments, and conducting ecclesiastical trials, the Diocese of Christ our Hope operates under the following General Principles.

1. Any report received regarding the sexual or physical abuse of a minor or vulnerable adult shall be reported to the appropriate civil authorities consistent with applicable laws and subject to constitutional and statutory exemptions and protections.
 - a. An inquiry and investigatory process RE: the clergy of the DCOH is internal to the DCOH and its disciplinary responsibilities, and it can happen alongside any legal action, investigation, etc., under the authority of the state.
 - b. *NOTE: While there are elements of the Canonical Investigative Process described in this document that apply in the case of allegations of egregious abuse or misconduct (as identified in the Canons), there are also more stringent responses including canonical Inhibitions, public declarations of the allegations, solicitation for additional complaints, etc. The following process applies to allegations that do NOT fall into these egregious areas. A separate process guide will be developed for those cases in the near future.*
2. We are governed by the Title IV [Canons of the Anglican Church in North America](#) and the [Diocese of Christ our Hope](#). All that we do must conform to and seek to apply those canons.
3. These principles and processes are influenced, and therefore adjusted, by the constantly developing “best practices” for addressing accusations of misconduct within the ACNA, the broader professional world, and the growing body of knowledge for understanding and caring for all parties involved in a crisis of potential misconduct, abuse, etc.
4. Every event that might fall into misconduct or abuse, and therefore every response to allegation(s) of misconduct, is distinct. These principles and basic processes will be adapted to specific situations that arise, as needed.
5. In all that follows, it is possible that more than one complaint alleging misconduct by a leader may be filed within a short time period. The same processing is followed for each complaint, but it may be necessary to consider all complaints that allege similar behavior together by the Canonical Investigative Team and other leaders noted in this process.
6. The use of Godly Admonitions from the Bishop to clergy under his care as a tool to offer protection for all parties and direction for clergy during the pendency of an investigation is normative and appropriate.

Canonical Investigation Overview:

Per Title IV, Canon 3 Section 3 of the Canons, the Bishop may appoint a canonical investigator to conduct a canonical investigation *“to ascertain the merit of the accusations and make a recommendation ... as to whether further juridical process should be pursued.”* The canonical investigation conducted by an investigator does not act as judge or jury but rather acts to gather factual information.

Diocesan Roles

- The Bishop Ordinary oversees the canonical investigation process as the ecclesiastical authority
 - For reasons of objectivity and/or capacity, he may recuse himself and assign the oversight of a canonical investigation to another ACNA bishop with jurisdiction or a retired bishop who has had jurisdiction. If recusal is deemed best, it occurs at or about the beginning of a specific Canonical Investigation.
- The Canon for Safeguarding (Canon) is the chief liaison between the Bishop, the process, and the Canonical Investigative Team
- The Canonical Investigation Team (i.e., Diocesan Investigative Team, or DIT) acts as canonical investigator and includes at least:
 - One DCOH clergy and lay person
 - Two canonical investigation experts from other dioceses
 - One legally qualified person (per ACNA Title I, Canon 5.9.6)
 - This will be in place by December 31, 2025, to meet the ACNA requirement)
 - An available statement of the qualifications of each member

Canonical Investigation (CI) Key Steps and Timeline:

- Notification of the Start of the Canonical Investigation (CI) on an identified date
 - Cover Letter
 - General statement of allegation(s) and specific canon(s) that are being investigated
 - Confidentiality documents
 - Overview, steps, timelines, key people in process
 - Overall safeguards and protections
 - NOTE: Notification sent to respondent, wardens, and complainants
- Request to provide contact information for supporting individuals (advocate, spouse, legal counsel, spiritual director, professional counselor, etc) by an identified date
- Confidentiality agreement(s) for participants are received by an identified date
- In-person (Zoom, phone, etc) meetings to clarify questions or concerns about the CI within an identified range of dates
- DIT is alerted, receives all completed documentation, and meets to plan the CI within an identified range of dates
 - Any changes to timelines or steps are communicated to all parties.
 - Requests for more details regarding the complaint may be sent.
 - Proposed interview dates are sent as necessary.
 - Written complaints are sent to the Respondent and the Wardens.
 - The process of the CI begins.
- Respondent may submit a written response(s) to the complaints by an identified date.
- Interviews take place in person within an identified range of dates.
- DIT reviews the investigative data within an identified range of dates.
- DIT presents recommendations to the Bishop Ordinary by an identified range of dates.

- Bishop Ordinary determines if the complaints will proceed to ecclesiastical trial, be dismissed, or be the subject of episcopal disciplinary action. He communicates his decision to all parties within an identified range of dates.

Preparing for the Canonical Investigation process: See below for *requests* from the Diocese for information that will allow the Canonical Investigation to proceed as effectively as possible.

- We realize that a Title IV Disciplinary process can be difficult and you may wish to have support from your spouse, advocate, counselor, spiritual advisor or legal counsel.
 - ***Please submit the names and contact information of these “supportive” persons. The office of the Bishop will review their participation and, unless there is an objective reason to question the involvement of a proposed supporting party, they will be approved and added to communications you receive by (date).***
 - *Additional supporting parties can be added during the process by notifying the Canon for Safeguarding.*
- The Diocese is committed to ensuring that Complainants and Respondents receive pastoral care. The Canon will work with the Complainants and Respondents, the local church, and the Bishops of the Diocese to put care in place.
 - ***Please notify us of any pastoral care needs or the specific provisions for your pastoral care that are already in place by (date).***
- The canons of the ACNA and Diocese call for appropriate confidentiality during the pendency of the investigation (Title IV Canon 3.1.5). This confidentiality is intended to protect the integrity of the process without isolating parties involved.
 - All parties (Complainant, Respondent, Vestries, Canonical Investigation Team, supporting persons) will receive the appropriate confidentiality agreements.
 - An explanation of the values and importance of following proper channels of communication will be supplied.
 - Future communications will be limited to parties who have finalized the confidentiality process.
 - ***Please read the confidentiality agreement and confirm your understanding of the need for this agreement, or, if clergy, sign the agreement, by (date).***

This document is an overview of the CI process and it is anticipated that there will be questions or concerns. Upon request, the Bishop Ordinary and Canon for Safeguarding are available to meet on a video call with any participant to clarify any questions.

- ***As soon as possible, please request a meeting and submit several times of availability the week of (date).***

Canonical Investigation Safeguards and Protections

- According to the conduct of justice described in Scripture, an accused is innocent until proven guilty. Unless misconduct that requires mandatory reporting to legal authorities or that involves demonstrably heretical teaching is alleged, or unless the bishop deems that a fair and just process requires issuing an Inhibition (a temporary canonical restriction from some or all aspects of ministry service), the clergy remains in good standing and maintains his/her position of service.
- Accordingly, it is expected that clergy under investigation will be able to continue to conduct the business of church ministry effectively, with the respect and fulfillment of ministry expectations from vestry, clergy, and ministry staff as normal.
- Any lay or clerical ministry staff who files a complaint or participates in the investigative process is protected from any alteration of their employment duties, ministries, positions, salary, or

benefits unless the combined decision of the rector, wardens, and Bishop Ordinary is unanimous in agreeing that the employee's terms of employment must be altered for the good of the church and its ministry.

- Any lay or clerical staff member of the church who files a complaint or participates in the investigative process is protected from intimidation, retribution, or any other form of harmful behavior by church clergy, vestry, or staff.
- Any lay member of the church who files a complaint or participates in the investigative process is protected from intimidation, retribution, or any other form of harmful behavior by church clergy, vestry, or staff.

Diocesan Investigation Team: Initial Meetings and Activities: The Canonical Investigation Team will meet initially on this *(date)*. The following items will be sent following that meeting.

- Confirmation of the proposed steps and timeline sent to all parties
- Communication to the complainant(s) asking for any of the following that are lacking from the complaint:
 - Key factual details (who, when, where....)
 - Contact information for possible witnesses
 - Basic reasoning regarding the canonical charges put forth
- Proposed timeline for interviews with requests for available times
 - Requested times for interviews must be given no later than 14 days before the proposed interviews. At least 2 separate interview times will be proposed to all parties
 - The Canonical Investigation Team may contract the services of an Investigative expert or firm to conduct interviews.
- Document outlining the scope of the interview portion of the investigative process will be provided to all parties (Complainant, Respondent, Vestry).
- The actual written complaint(s) will be provided to the senior and junior wardens of the church and the Respondent (see details below).
 - The wardens will receive the full complaints.
 - A summarized complaint without identification may be made available to the full vestry at the discretion of the wardens.
 - The Respondent will receive the full complaint(s) unless, in exceptional situations, the Diocesan Investigation Team deems that, while the substance of a complaint must be made known to the respondent, portions (or details) of a complaint should be withheld for the safety of a complainant. Such a decision would be communicated to both the respondent and the complainant.

Response of the Respondent to Written Complaints: Per the canons, the respondent “*shall be entitled to notice of an ongoing investigation. The accused has the right to retain legal counsel or another representative and may submit his or her defense in writing.*” (ACNA Title IV Canon 3 Section 3.3)

- The respondent has until *(identified date)* to respond in writing to the complaints.
- At any time after receipt of the complaint(s), the respondent may also *confess to the truth of the allegation(s) and submit to the discipline of the Church.* (Title IV Canon 3 Section 2)

Investigation Interviews: The following best practices will be used in the interview process for all parties:

- Semi-structured interview where each person is provided a standard introduction with a statement of the investigation goals.
- Questions will be aimed at fact-finding and clarifying behavior and incidents in question. They look for proof (or rebuttal) of the complaint.
- Interviews will be orderly, probing, methodical, focused, and not veer off into general stories, opinion, or analytical diagnosis.
- Two people present as part of the interview team, one as the interviewer and the other as a documenting witness.
- There will be a careful “double-bind” process of confirming that everyone has heard, and agreed upon, the substance and content of every interview, led by the interviewer.
 - Detailed notes will be taken from each interview and submitted to the interviewee for confirmation or correction, and the final results confirmed by written signature of all parties involved in that interview session.
- Designated supportive persons may attend interviews but not participate in the interview. They confer with the interview subject, offer moral support, and only respond to direct questions from the interviewer.

Conclusion of the Canonical Investigation

Once all interviews are complete, the Diocesan Investigation Team will meet to assess the complaints, respondent’s responses, and findings of investigative interviews. They will put one of three recommendations before the Bishop Ordinary:

- There are grounds for Presentment and an Ecclesiastical Trial should be pursued.
- There are no grounds of canonical violation and the case should be dismissed.
- There are no grounds for an Ecclesiastical Trial but there is a recommendation for further Pastoral Discipline or Episcopal Disciplinary Directives by the Bishop.

The decision of the Bishop Ordinary regarding the result of the canonical investigation will be communicated to all parties, according to the canons if applicable.

If the result of the Canonical Investigation is an Ecclesiastical Trial, it will be pursued per Title IV, Canon 3 and 5. Additional specific details and processes for the Ecclesiastical Trial can be found in the Canons.

If the complaint is dismissed, or Episcopal Discipline is applied, or at the conclusion of an Ecclesiastical Trial, a Final Report will be prepared and will be shared with the Complainant(s), Respondent, legal representatives, Vestry, and Diocesan Council, with appropriate redactions and de-identifications for safety and confidentiality.