

Standing Commission on Constitution and Canons

Membership

Membership List

Diane E. Sammons, Esq., <i>Chair</i>	Newark, II	2012
Ms. Joan Geiszler-Ludlum, <i>Vice-Chair</i>	East Carolina, IV	2012
Mr. Marcellus L. Smith, Jr., <i>Secretary</i>	Alabama, IV	2015
Mr. Kevin J. Babb	Springfield, V	2012
The Very Rev. Carol Barron	Southeast Florida, IV	2012
The Very Rev. Walter B.A. Brownridge	Hawaii, VIII	2015
William R. Cathcart, Esq.	Oklahoma, IV	2015
The Rt. Rev. Robert L. Fitzpatrick	Hawaii, VIII	2012
The Rt. Rev. Dorsey F. Henderson, Jr.	Upper South Carolina, IV	2015
The Rt. Rev. Samuel Johnson Howard*	Florida, IV	2012
The Rt. Rev. Brian N. Prior*	Minnesota, VI	2015
The Rev. Juan Antonio Rosario de la Cruz	Dominican Republic, IX	2012
Ms. Kathleen Wells	Fort Worth, VII	2015
Stephen F. Hutchinson, Esq., <i>EC Liaison</i>	Utah, VIII	
Ms. Mary Kostel, <i>Staff</i>		

Changes in Membership

There was one change in membership during the course of the triennium: Bishop Brian Prior was appointed as a replacement for Bishop Samuel Johnson Howard.

Representatives of the Commission at General Convention

Bishop Dorsey Henderson and Deputy Joan Geiszler-Ludlum are authorized to receive non-substantive amendments to this Report at General Convention.

Summary of Work

Meetings

The Standing Commission on Constitution and Canons met in Chicago, Illinois, in November 2009; Salt Lake City, Utah in October 2010; and Minneapolis/St. Paul, Minnesota in September 2011. In addition, the Commission met via telephone conference call six times: May 2010, August 2010, March 2011, October 2011, and twice during November 2011. At its organizational meeting, the Commission elected Diane Sammons as its Chair; Joan Geiszler-Ludlum as its Vice-Chair; and Marcellus Smith as its Secretary. At its initial meeting and in subsequent meetings the Commission received comments and took action as reflected in this report. For detailed accounts of the Commission's proceedings, readers are referred to the minutes of the Commission's meetings, available at the Commission's web page on the General Convention website.

Review of Canonical Mandate

The canonical mandate of the Commission is as follows:

CANON I.1.2(n)

(3) A Standing Commission on Constitution and Canons. It shall be the duty of the Commission to:

(i) Review such proposed amendments to the Constitution and Canons as may be submitted to the Commission, placing each such proposed amendment in proper Constitutional or Canonical form including all amendments necessary to effect

the proposed change. The Commission shall express its views with respect to the substance of any such proposal only to the proponent thereof; Provided, however, that no member of the Commission shall, by reason of membership, be deemed to be disabled from expressing, before a Legislative Committee or on the floor of the House of membership, personal views with respect to the substance of any such proposed amendment.

(ii) Conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity, and on the basis of such a review propose to the General Convention such technical amendments to the Constitution and Canons as in the opinion of the Commission are necessary or desirable in order to achieve such consistency and clarity without altering the substance of any Constitutional and Canonical provisions; *Provided, however*, that the Commission shall propose, for the consideration of the appropriate Legislative Committees of the two Houses, such amendments to the Constitution and Canons as in the opinion of the Commission are technically desirable but involve a substantive alteration of a Constitutional or Canonical provision.

(iii) On the basis of such review suggest to the Executive Council and the Domestic and Foreign Missionary Society such amendments to their respective By-laws as in the opinion of the Commission are necessary or desirable in order to conform the same to the Constitution and Canons.

(iv) Discharge such other duties as shall from time to time be assigned by the General Convention.

(v) Discharge such other duties as shall from time to time be assigned by the General Convention.

In undertaking its work, the Commission strove to keep its study and deliberations within the bounds of its canonical mandate and to refrain from judicial interpretation of the Constitution and Canons, in accordance with the limitations expressed in its authority and duties assigned by Canon I.1.2(n)(3).

Review of Title III, Canon 12: Of the Life and Work of A Bishop

Pursuant to the Commission's mandate of continuous review of the Constitution and Canons for consistency and clarity, the Commission proposes a canonical change to Canon III.12.5, Assistant Bishops, to correct an error that entered the Canon with 2006 adoption of revised Title III. The 2006 Title III rewrite produced awkward and disconnected wording regarding the necessary fitness examination and certification necessary before assuming the role of Assistant Bishop. The identical requirements contained in Canon III.11.3(b) apply to the election of any Bishop of this Church. The revision seeks to correct the awkward wording and make the language consistent with the language used for all other bishops. The suggested revision is contained at the end of this Blue Book Report.

Revision of the Title IV Disciplinary Canons

The 76th General Convention adopted a comprehensive revision of Title IV. As the revision has been studied and dioceses have engaged in the process of implementation, the Commission has received suggestions relative to certain technical inconsistencies and suggestions as to clarifications of certain provisions. At its October 28, 2011 meeting, the Commission voted to offer amendments to Title IV that are contained elsewhere in this Report. Additionally, in or about September 2010, the Commission became aware of a paper that was being circulated by two commentators, Runyon and McCall, raising concerns regarding the constitutionality of the 2009 revisions. The Commission became aware of a second group of scholars who responded to the McCall-Runyon paper. The responsive document was prepared by Bayne, Delafield and Hutchinson. The Commission kept itself apprised of the developments regarding these reports, but viewed it as outside of the scope of its mandate to initiate its own review. On August 6, 2011, the Commission received a letter from the Secretary of Convention of the Diocese of Albany, attaching a resolution passed at its recent diocesan convention imploring the Commission, in advance of the 77th General Convention, to study and begin the preparation of edits to the revisions that might be necessitated by constitutional concerns raised by canonical experts. The Commission considered this request in its October 28, 2011 and November 9, 2011 conference calls and voted that such an inquiry requested by the diocese was beyond the scope of the Commission's mandate, which only allows the Commission to initiate nonsubstantive changes for clarity and consistency. The Commission has no authority to issue

opinions on its own as to the constitutionality of a wholesale revision to Title IV that was voted on and passed by the General Convention in 2009.

Update Concerning Preparation of Supplement to White & Dykman

The 75th General Convention adopted Resolution 2006-A023, adding to the Commission's mandate the "continuing and comprehensive review and update" of the Annotated Constitution and Canons (popularly known as "White & Dykman"). Pursuant to A023, and continuing its work from the last triennium, the Commission continued to consider new ways to approach updates of Titles III and IV as wholesale changes (2003 and 1994, respectively) are not conducive to the conventional White & Dykman serial, section-by-section revision commentary method. The Commission has committed to hosting a meeting in January or February 2012 with key individuals who were involved in drafting the 1994 and 2009 revisions along with several proficient and talented drafters who will attempt to make headway in following a prescribed methodology for beginning the new Title IV Supplement.

Resolutions Referred to the Commission by General Convention and Others

Resolution 2009-A052

This was first presented at the 76th General Convention to allow voice and seat to resigned bishops but deny them voting privileges. The resolution was rejected by the House of Bishops, who had been the proponent of it. The resolution in various forms has had a lengthy history with the House of Deputies and House of Bishops changing their position multiple times. After historical exploration of the various proposals and after reviewing results of an informal questionnaire provided to the House of Bishops, the Commission recommends a middle approach which would allow resigned bishops to vote on all matters except those which would require an appropriation of funds, retaining such matters for bishops with jurisdiction.

Resolution 2009-D081

This resolution requested review of all provisions of the Constitution, Canons, and the Rules of Order of the House of Bishops, in which voting by Bishops or in the House of Bishops is set forth, for clarity and consistency. This question is closely related to that of A052 regarding the voting rights of Bishops in the House of Bishops. The question raised in D081 has two further components: what constitutes a quorum and what constitutes a majority competent to act.

Canon V.3.1 sets forth the general rule: "Except where the Constitution or Canons of the General Convention provide to the contrary, a quorum of any body of the General Convention consisting of several members, the whole having been duly cited to meet, shall be a majority of said members and a majority of the quorum so convened shall be competent to act." Nonetheless, there are at least three provisions of the Constitution (Art. I.2, Art.I.3), nine provisions of the Canons (Canons I.2.1(b), I.10.6(a), IV.3.21(a), IV.17.7, IV.5.30(e), IV.17.7, IV.9.2, IV.16.2), and twelve places in the Rules of Order (General Rules V, VII, IX, XV, XVII, XVIII, IX, XXIII, XXIV, XXV, XXIX; Missionary Bishops Rule II) of the House of Bishops where either a quorum is set, a majority is defined, or both. Wording varies sufficiently that it takes some work to determine what might be intended and how that might vary from the general rule of Canon V.3.1. Use of such terms as "the whole number of Bishops," "all the Bishops," "all Bishops having jurisdiction", among others, create at least the appearance of inconsistency and lend a lack of clarity.

However, the mandate of the Standing Commission on Constitution and Canons limits the Commission to expressing its views only to the proponent of a proposed amendment to the Constitution and Canons; proposing technical amendments deemed necessary or desirable to achieve consistency and clarity without altering the substance of any Constitutional and Canonical provision; and discharging such other duties as shall from time to time be assigned by the General Convention. Nowhere in the mandate of the Commission is any provision authorizing the Commission to conduct a review of the Rules of Order of the House of Bishops or to make recommendations regarding their Rules of Order. D081 only directs such a review. Voting procedures of the House of Bishops, as set out in the Constitution and Canons, are a matter of interest to the Church. The Rules of Order of the House of Bishops are a matter of the operation of the House itself, in which the wider Church also has an interest, but are left to the House of Bishops (and likewise the House of Deputies) to determine itself. Consequently, the Commission recommends that the House of Bishops undertake a comprehensive review of the Constitution and Canons and their Rules of Order to seek clarity and consistency in their voting procedures as it may desire, with which the Commission stands ready to provide such consultation, technical, drafting or other assistance as the House of Bishops might request.

Resolution 2009-A056

This resolution sought to amend Canon III.11.4(a) to seek consistency in the certification and election process for bishops. The Title III revision did not include a reference to certification although it was intended. The resolution was defeated. Upon further study it was believed that the resolution was defeated as there was a lack of clarity that the resolution did not seek to change the process for certification of a bishop-elect, but merely sought to achieve consistent language as to the certification process for those who were elected 120 days or more prior to the General Convention and those who were elected less than 120 days from General Convention.

Resolution 2009-A100

This resolution provided for joint action by the Standing Commission on Liturgy and Music (SCLM) to organize a meeting of Liturgists and Canonists to consider the language and intent of Canon II.3.5 (dealing with copies of translations and editions of the Book of Common Prayer which must be authorized by the Custodian of the Book of Common Prayer) and report back to the General Convention. After multiple discussions with members of SCLM and with the Custodian Greg Howe, it was determined to support an amendment to the Canons which would allow for dynamic and living translations of the BCP which would seek to capture the spirit of different cultures when translating rather than adopting a strict, literal word for word translation. The precise language of this suggested resolution is contained in the Report of the Standing Commission on Liturgy and Music. Likewise, the two Commissions also jointly considered a further amendment to Canon II.3.2 which would have allowed for variations in pagination as to electronic versions of the BCP. It was determined, however, prior to a vote on the resolution, that it was unnecessary as electronic mirror pagination is now achievable.

Resolution 2009-B008

This resolution was referred from the House of Deputies. It sought to change Canon 1.7.3(b) to include permanent and restricted endowment funds as an item that would require Standing Committee and Bishop approval prior to allowing the encumbrance or spending down by parishes. The purpose of the proposed resolution is that the existence of an endowment fund could be as crucial to the life of the church as the existence of real properties. While the Commission sought to draft a canon to embody the protections sought, after further discussion and study, the Commission concludes substantial authority already exists for the monitoring by a diocese of parish endowments. For example, the canons already allow for:

- (a) parochial reports and audits that could reflect significant changes and dangerous trends if analyzed from year to year, (Canons I.6.1. and I.7.1(f));
- (b) detailed records be maintained of trust funds (Canon I.7.1(c));
- (c) authority to the Diocesan Financial Committee to require additional reporting (Canon I.7.1(i));
- (d) mandatory reporting by the diocesan financial committee to the diocesan Convention regarding its monitoring of parish trust funds; and
- (e) authority to the Bishop to inspect the books and records of a congregation. (Canons II.9.5(b)(5); III.12.3(a)(1).
In addition, the Commission recommends that the annual parochial report format be revised to better report trends of misuse of permanent and restricted funds.

Resolution 2009-D066

This amendment sought to amend Article I.4 of the Constitution to add eighteen (18) youth deputies with voting authority to General Convention. The Commission sought to examine the impact of a new category of representation for a constituency not tied to geographical representation. After study and discussion, the Commission recommends no further action at this time. Resolution 1982-B045 called for creating a youth presence as a permanent part of future General Conventions. By special action, subsequent General Conventions allowed seat and voice for 18 youth, two selected from each Province. The 73rd General Convention amended House of Deputies Rule of Order XV.60(a) (now codified as HDRO XV.60(b)) to grant seat and voice to the Official Youth Presence (2000-D027). The members of the Official Youth Presence undergo selection and intensive training to prepare them for General Convention. By their initiative, 2009-D066 came before the 76th General Convention to add voting to seat and voice.

The Official Youth Presence (OYP) is the result of a Province-based nomination and selection process administered through the Office of Youth Ministries and funded by General Convention through the Office of Youth Ministries until 2009 when funding was eliminated. The Official Youth Presence will again take their seats in the 77th General Convention, thanks to a grant from the DFMS Constable Fund. As the selection process has evolved, careful attention is given to balancing cultures, ethnicities, socio-economic backgrounds, church sizes and philosophical views in addition to leadership. Among the concerns raised by this proposal, the Commission considered:

- That the OYP representatives are selected, not elected;
- That their representation is tied to Provinces, not to Dioceses, as are Deputies;
- That only lay persons qualify to serve in the OYP, without the balance with clergy members present in other deputations;
- That youth and young adult lay persons are beginning to make in-roads into election as deputies;
- That the OYP is limited to youth between the ages of 16 and 18;
- That questions arise as to who should fund OYP's participation;
- That partial voting privileges, such as one vote for the entire group, or voting except in a vote by orders, are inconsistent with the values of our polity; and
- That the OYP continues to provide a valuable leadership learning experience for the participating youth and for the House of Deputies that shows in the ministry pursuits of its members, including election of alumni/alumnae as deputies.

The intended role of the Official Youth Presence seems better served by not making this change. The Commission recommends no further action at this time.

Resolution 2009-A121

This resolution was provided jointly to the Commission and to the Standing Commission on Structure for further review from the Convention. The resolution sought to amend Canon I.2.1 to provide for more clarity in the election process for a Presiding Bishop, specifically as it relates to the role of the Joint Nominating Committee, as well as providing for more pastoral care to the candidates in the process. The resolution did not pass as the 2009 General Convention in that it appeared as if there was some confusion as to its purpose when it was introduced in the House of Bishops. The Commission commenced study on this matter. However, before the Commission reached its findings concerning Resolution A121, it was advised that this matter is being addressed by the Standing Commission on the Structure of the Church. Accordingly, the Commission suspended its work, pending further advice from the General Convention. The Commission did offer edits and comments to the draft proposed by Structure, presented as a resolution in their Blue Book Report.

Resolution 2009-A123

This resolution sought to correct inconsistencies between the existing canonical provisions for clergy discipline in "foreign Lands" and revisions to the discipline process represented in the current Title IV. This resolution as previously provided raised concerns relative to the creation of additional authority in the Bishop in charge of Congregations to assume authority akin to Bishop Diocesan relative to Title IV when the role of a Bishop in charge is more circumscribed. The Commission recommends a new resolution that will accomplish the purpose by allowing each Convocation to organize itself to best meet local needs while still maintaining the more circumscribed role of the Bishop in charge. Provision is also made for action if the Convocation is unable to self-organize.

Resolution 2009-A127

This resolution charged the Commission to "examine appropriate means and changes to the rules of order to prioritize and consolidate the work of legislation at General Convention and make recommendations to the Executive Council, President of the House of Deputies, Council of Advice, Presiding Bishop and the House of Bishops for future action..." and report same to the General Convention. The Commission had numerous conversations with various stakeholders including the Chair of the Standing Commission on Structure, the General Convention Office, the Presiding Bishop's Office, and representatives of the House of Bishops. The President of the House of Deputies generated a detailed survey circulated to the deputy listserv and provided the Commission with an extensive report summarizing the results. After many months of discussion, the Commission concluded its work; its recommendations are attached in a report appendix.

Resolution 2009-B014

At the request of the pastoral subcommittee of the Standing Commission on Ministry Development (SCMD), four members of the Commission participated in what became known as the B014 Task Force, providing consultation on both form and substance of a proposed new Canon III.12.9. The Task Force met on February 10, 2011 in Dallas, Texas and continued its work via conference call and web-based conference. The Task Force developed a draft with goals to: 1) create an external process that may be either a first place to start or a way to end an Episcopal relationship, but assumes that within the Diocese there have been some efforts to reconcile the relationship; 2) build in flexibility for the process and allow ample opportunity for the parties to resolve the matter by mutual agreement; 3) allow an outside

body, the Reconciliation Council, to make and enforce a resolution where mutual agreement is not possible; and 4) set deadlines to keep the process moving toward a conclusion. Once a draft was agreed upon, the Task Force referred its work back to the SCMD for its review. SCMD and its Pastoral Subcommittee have submitted proposed legislation as part of its Blue Book Report.

Resolution 2009-D020

In or about May 2010, the Commission received a request from Rosalie Simmonds Ballentine, Chair of the Executive Council D020 Task Force on the Response to the Anglican Covenant, to study and provide a report to the Executive Council relative to potential changes that would be necessary to the Constitution and Canons of the Episcopal Church if the Anglican Covenant draft was passed. The Commission provided such a report to the Committee which report was made public on June 24, 2011.

Resolution 2009-C056

The Standing Commission on Liturgy and Music requested the Commission participate in the work of the Standing Commission on Ministry Development pursuant to this resolution, for the development of liturgical resources for same sex blessings. The Commission, after reviewing its mandate, agreed that it could only provide technical assistance once there were proposed resolutions in place. SCLM did request and secure the attendance of several members of the Commission at one of its general meetings that was designed to engage many invitees from multiple boards and commissions and committees to engage in an active listening process relative to the resolution. Additionally, during the triennium, several members of the Commission assisted a subcommittee of SCLM in the technical drafting of resolutions relative to C056.

Renunciation and Abandonment Canons

The Commission was asked to review a resolution that would (1) amend the language of the current “renunciation” canons for deacons (III.7.8-III.7.10), priests (III.9.8-III.9.11), and bishops (III.12.7(a)-(c)) to make clear that actions taken under those canons carry no negative connotation for the ordained persons availing themselves of those canons; and (2) amend the language of the current “abandonment” canon (IV.16) to provide the option of “removal” (in addition to “deposition”) of a bishop who has been found under that canon to have abandoned The Episcopal Church, which option already exists in the abandonment canon for priests and deacons. Such proposals are contained in this Blue Book report.

Goals and Objectives for the 2013–2015 Triennium

The Commission sees the following as its key goals and objectives for the next triennium:

- Review any Title IV revision for technical corrections and canonical consistency.
- Review the abandonment canon for bishops (IV.16) to clarify who originates such an action: the Disciplinary Board for Bishops, those outside of the Disciplinary Board (Intake Officer), or either the Board or Intake Officer.
- Clarify whether accords pursuant to Agreements for Discipline (IV.9.1) are subject to the notice requirements of IV.14.4.
- Revise Canon IV.12(a) and (b) to replace the name “Church Deployment Office” with “Office for Transition Ministry” consistent with the 2009 amendment to Canon III.16.
- Provide resources and direction for a Title IV Supplement to White & Dykman.
- Continue to review the full body of the Constitution and Canons, and 2009 Resolution referrals, consistent with its Canon I.1.2 (n) mandate.

Budget Report

The Commission met nine times during the triennium—three times in person and six times by teleconference—and expended \$30,199.35, leaving \$12,155.00 unexpended from its budget. These remaining funds will assist in financing a proposed meeting to develop a methodology for addressing Title IV updates for White & Dykman.

The Commission expects to meet a similar number of times in the 2013–2015 triennium. This will require a budget of \$10,000 for 2011; \$35,000 for 2013; and \$20,000 for 2014; for a total of \$65,000 for the triennium.

Acknowledgements

The Commission wishes to express its gratitude to its members for their many contributions during the Triennium; to the Commission’s liaisons (Stephen Hutchinson, liaison to Executive Council; Mary Kostel, liaison to the Presiding

Bishop; and Bradford Foster, liaison to the President of the House of Deputies) for their thoughtful counsel; to the Secretary of the General Convention, Gregory Straub, for his guidance and encouragement; and to all of the staff members of the General Convention and The Episcopal Church whose steady and patient work made the Commission's meetings, travel and deliberations not only possible, but enjoyable.

Constitutional Amendments Proposed for First Reading

Resolution A028 Amend Constitution Article I, Section 2

Resolved, the House of _____ concurring, That Article I, Section 2 of the Constitution be amended as follows:

Sec. 2. Each Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, every Assistant Bishop, and every Bishop who by reason of advanced age or bodily infirmity, or who, under an election to an office created by General Convention, or for reasons of mission strategy determined by action of General Convention or the House of Bishops, has resigned jurisdiction, shall have a seat and a vote in the House of Bishops. *Only Bishops having jurisdiction shall have a vote on matters which, if adopted, would require a specific appropriation of funds.* A majority of all Bishops entitled to vote, exclusive of Bishops who have resigned their jurisdiction or positions, shall be necessary to constitute a quorum for the transaction of business.

Explanation

Resolution 2009-A052 sought to take away the vote of resigned/retired Bishops. The House of Deputies adopted. The House of Bishops amended. The resolution was referred to the Standing Commission on Constitution and Canons for study and review before the next General Convention. The House of Deputies concurred with the referral. The voting right of resigned/retired Bishops has been debated in numerous General Conventions. There has been a reluctance to take the right to vote away from resigned/retired Bishops, but also a desire to limit voting on matters which impact the budget to Bishops who actively bear responsibility for the people of a diocese or of the whole Church. The Commission proposes a revised A052 for adoption on first reading.

Proposed Canonical Amendments

Resolution A029 Amend Canon I.15.10

Resolved, the House of _____ concurring, That Canon I.15.10 is hereby amended to read as follows:

Sec. 10. ~~In case a Member of the Clergy in charge of a Congregation in a foreign land shall be accused of any offense under the Canons of this Church, it shall be the duty of the Bishop in charge of such Congregations to summon the Council of Advice, and cause an inquiry to be instituted as to the truth of such accusation; and should there be reasonable grounds for believing the same to be true, the said Bishop and the Council of Advice shall appoint a Commission, consisting of three Clergy and two Lay Persons, whose duty it shall be to meet in the place where the accused resides, and to obtain all the evidence in the case from the parties interested; they shall give to the accused all rights under the Canons of this Church which can be exercised in a foreign land. The judgment of the said Commission, solemnly made, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect; Provided, that no such Commission shall recommend any other discipline than admonition or removal of the Member of the Clergy from charge of said Congregation. Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in their judgment, to show that said Member of the Clergy deserves a more severe~~

discipline, all the documents in the case shall be placed in the hands of the Presiding Bishop, who may proceed against the Member of the Clergy, as far as possible, according to the Canons of the General Convention.

In the case a Member of the Clergy in charge of a Congregation or otherwise authorized to serve the Church in a foreign land shall be accused of any offense under the Canons of this Church:

(a) With the permission of the Presiding Bishop, the Bishop in Charge and the Council of Advice may (i) engage a Diocese of this Church to provide the needed Disciplinary Structures to fulfill the requirements of the Canons of this Church, or (ii) establish among the Congregations of the Convocation the needed Disciplinary Structures to fulfill the requirements of the Canons of this Church. In either case, the Provincial Court of Review shall either be that of the Diocese providing the needed Disciplinary Structures or that of the Province of the Convocation; and, for the purposes of implementing the provisions for Ecclesiastical Discipline (Title IV) of a member of the Clergy, the Bishop in Charge shall serve the function reserved for the Bishop Diocesan, except that the Presiding Bishop must approve any Accord, any Agreement for Discipline and the terms of any Order, and pronounce the Sentence.

(b) If no other provision has been made to organize or provide the Disciplinary Structures in fulfillment of the Canons on Ecclesiastical Discipline for a Congregation in a foreign land, it shall be the duty of the Bishop in charge of such Congregations to summon the Council of Advice, and cause an inquiry to be instituted as to the truth of such accusation; and should there be reasonable grounds for believing the same to be true, the said Bishop and the Council of Advice shall appoint a Commission, consisting of three Clergy and two Lay Persons, whose duty it shall be to meet in the place where the accused resides, and to obtain all the evidence in the case from the parties interested; they shall give to the accused all rights under the Canons of this Church which can be exercised in a foreign land. The judgment of the said Commission, solemnly made, shall then be sent to the Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried into effect; Provided, that no such Commission shall recommend any other discipline than admonition or removal of the Member of the Clergy from charge of said Congregation. Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in their judgment, to show that said Member of the Clergy deserves a more severe discipline, all the documents in the case shall be placed in the hands of the Presiding Bishop, who may proceed against the Member of the Clergy, as far as possible, according to the Canons of the General Convention.

Explanation

Resolution 2009-A123 sought to allow Convocations of this Church (Congregation in a foreign land) to organize the needed disciplinary structures to fulfill the intent of Title IV. Because Convocations are organized in several national and cultural contexts and may be of very different sizes, the revised Canon allows each Convocation to organize itself to best meet local needs while seeking to follow the requirements of this Church. Provision is also provided for action if the Convocation is unable to self-organize.

Resolution A030 Amend Canons: Canon III.7.8–10; Canon III.9.8–11; Canon III.12.7(a)–(c); Canon IV.16

Resolved, the House of _____ concurring, that Canon III.7.8, Canon III.7.9, Canon III.7.10, Canon III.9.8, Canon III.9.9, Canon III.9.10, Canon III.9.11,

Canon III.12.7(a), Canon III.12.7(b), Canon III.12.7(c), and Canon IV.16 be amended to read as follows:

Canons III.7.8–10 (for deacons)

Sec. 8. *Release and Removal from the Ordained Ministry of this Church*

If any Deacon of ~~this~~ *The Episcopal Church* shall ~~declare~~ *express*, in writing, to the Bishop of the Diocese in which such Deacon is canonically resident, ~~an intention to be released and removed from a renunciation of the ordained Ministry of this Church; and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention and a desire to be removed therefrom,~~ it shall be the duty of the Bishop to record the ~~declaration and request so made~~ *matter*. The Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, ~~assigned or known,~~ which do not affect the ~~Deacon's~~ *person's* moral character, ~~and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons,~~ shall lay the matter before the ~~clerical members of the~~ Standing Committee, and with the advice and consent of a majority of ~~such members~~ *the Standing Committee* the Bishop may pronounce that ~~such renunciation is accepted, and that the Deacon~~ *the person* is released ~~and removed from the ordained Ministry of this Church and from the obligations of the Ministerial office attendant thereto,~~ and is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, ~~at the person's request, if desired,~~ give a certificate to this effect to the person so ~~released and removed from the ordained Ministry.~~

Sec. 9. If a Deacon ~~making~~ submitting the aforesaid ~~declaration~~ writing described in Section 8 of this Canon be ~~of renunciation of the ordained Ministry~~ the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, ~~be under Presentment for any Offense, or shall have been placed on Trial for the same,~~ the Ecclesiastical Authority to whom such ~~declaration is made~~ writing is submitted shall not ~~consider or act upon~~ consider or act upon the written request unless and ~~such declaration until after the said Presentment~~ disciplinary matter shall have been resolved by a dismissedal, Accord or Order and the time for appeal or rescission of such has expired ~~or the said Trial shall have been concluded and the Deacon judged not to have committed an Offense.~~

Sec. 10. In the case of the ~~renunciation~~ *release and removal of a Deacon of from the ordained Ministry by of a Deacon this Church* as provided in this Canon, a declaration of *release and removal* shall be pronounced by the Bishop in the presence of two or more Members of the Clergy, and shall be entered in the official records of the Diocese in which the Deacon being *released and removed* is canonically resident. The Bishop who pronounces the declaration of *release and removal* as provided in this Canon shall give

notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Deacon was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, The Church Pension Fund, and the Board for ~~Church Deployment~~ *Transition Ministry*.

Canons III.9.8–11 (for priests)

Sec. 8. Renunciation of Release and Removal from the Ordained Ministry of this Church

If any Priest of ~~this~~ *The Episcopal Church* shall ~~declare~~*express*, in writing, to the Bishop of the Diocese in which such Priest is canonically resident, *an intention to be released and removed from a renunciation of the ordained Ministry of this this Church and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention, and a desire to be removed therefrom*; it shall be the duty of the Bishop to record the ~~declaration and request so made~~*matter*. The Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, ~~assigned or known~~, which do not affect the ~~Priest's~~ *person's* moral character, *and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons*, shall lay the matter before ~~the clerical members~~ of the Standing Committee, and with the advice and consent of a majority of ~~such members~~ *the Standing Committee* the Bishop may pronounce that ~~such renunciation is accepted, and that the Priest~~*the person* is released *and removed from the ordained Ministry of this Church and from the obligations of the Ministerial office attendant thereto*, and is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, ~~if desired~~*at the person's request*, give a certificate to this effect to the person so removed *and released* from the ordained Ministry.

Sec. 9. A Priest who ~~would be permitted~~*could* under this Canon *be released and removed to renounce the exercise from the of ordained Ministry of this Church* ~~office~~, and who desires to enter into other than ecclesiastical employment, may *declare express* in writing to the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident a desire to be released *and removed* from the obligations of the office and a desire to be released *and removed* from the exercise of the office of Priest. Upon receipt of such ~~declaration~~*writing*, the Ecclesiastical Authority shall proceed in the same manner as if ~~the declaration was one of renunciation of the ordained Priesthood~~*underprescribed in Section 8 of this Canon*.

Sec. 10. If a Priest ~~making the aforesaid declaration of renunciation of the ordained Ministry be under Presentment for any Offense, or shall have been placed on Trial for the same~~*submitting the writing described in Section 8 or*

9 of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Ecclesiastical Authority to whom such declaration is made writing is submitted shall not consider or act upon such declaration the written request unless and until after the said Presentment the disciplinary matter shall have been resolved by a dismissal, Accord or Order and the time for appeal or rescission of such has expired. ed or the said Trial shall have been concluded and the Priest judged not to have committed an Offense.

Sec. 11. In the case of the ~~renunciation of~~ *release and removal of a Priest from the ordained Ministry of this Church by a Priest* as provided in this Canon, a declaration of *release and removal* shall be pronounced by the Bishop in the presence of two or more Priests, and shall be entered in the official records of the Diocese in which the Priest being *released and removed* is canonically resident. The Bishop who pronounces the declaration of *release and removal* as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Priest was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, the Church Pension Fund, and the Board for ~~Church Deployment~~ *Transition Ministry*.

Canon III.12.7(a)-(c) (for bishops)

Sec. 7. Renunciation Release and Removal from of the Ordained Ministry of this Church

(a) If any Bishop of ~~this~~ *The Episcopal Church* shall ~~declare~~ *express*, in writing, to the Presiding Bishop, a ~~renunciation of~~ *an intention to be released and removed from the ordained Ministry of this this Church and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention, and a desire to be removed therefrom;* it shall be the duty of the Presiding Bishop to record the ~~declaration and request so made~~ *matter*. The Presiding Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, ~~assigned or known;~~ which do not affect the person's moral character, *and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons,* shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council the Presiding Bishop may pronounce that ~~such renunciation is accepted, and that the Bishop~~ *person is released and removed from the ordained Ministry of this Church and from the obligations attendant thereto, of all Ministerial offices,* and is deprived of the right to exercise in *The Episcopal Church* the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's

moral character, and shall, ~~if desired at the person's request,~~ give a certificate to this effect to the person so *released and removed from the ordained Ministry*.

(b) If a Bishop submitting the writing described in Section 7(a) of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons ~~making the aforesaid declaration of the renunciation of the ordained Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for the same,~~ the Presiding Bishop shall not consider or act upon the written request unless and until the disciplinary matter shall have been resolved by a dismissal, Accord or Order and the time for appeal or rescission of such has expired ~~shall not consider or act upon such declaration until after the Presentment shall have been dismissed or the said Trial shall have been concluded and the Bishop judged not to have committed an Offense.~~

(c) In the case of ~~such renunciation by the release and removal of~~ a Bishop *from the ordained Ministry of this Church* as provided in this Canon, a declaration of removal *and release* shall be pronounced by the Presiding Bishop in the presence of two or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed *and released* is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of the Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, The Church Pension Fund, and the ~~Church Deployment Board for Transition Ministry~~.

Canon IV.16

CANON 16: Of Abandonment of The Episcopal Church

(A) By a Bishop

Sec. 1. If a Bishop abandons The Episcopal Church (i) by an open renunciation of the Doctrine, Discipline or Worship of the Church; or (ii) by formal admission into any religious body not in communion with the same; or (iii) by exercising Episcopal acts in and for a religious body other than the Church or another church in communion with the Church, so as to extend to such body Holy Orders as the Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in the Church, it shall be the duty of the Disciplinary Board for Bishops, by a majority vote of all of its members, to certify the fact to the Presiding Bishop and with the certificate to send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop shall then place a restriction on the exercise of ministry of said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of such restriction, the Bishop shall not perform any Episcopal, ministerial or canonical acts.

Sec. 2. The Presiding Bishop, or the presiding officer, shall forthwith give notice to the Bishop of the certification and restriction on ministry. Unless the restricted Bishop, within sixty days, makes declaration by a verified written statement to the Presiding Bishop, that the facts alleged in the certificate are false or utilizes the provisions of Canon III.12.7, the Bishop will be liable to Deposition *or Release and Removal*. If the Presiding Bishop is reasonably satisfied that the statement constitutes (i) a good faith retraction of the declarations or acts relied upon in the certification to the Presiding Bishop or (ii) a good faith denial that the Bishop made the declarations or committed the acts relied upon in the certificate, the Presiding Bishop, with the advice and consent of the Disciplinary Board for Bishops, shall terminate the restriction. Otherwise, it shall be the duty of the Presiding Bishop to present the matter to the House of Bishops at the next regular or special meeting of the House. ~~If the~~*The House may*, by a majority of the whole number of Bishops entitled to vote, (1) *consent to the deposition of the subject Bishop, in which case*; the Presiding Bishop shall depose the Bishop from the ~~ordained m~~*Ministry of The Episcopal Church*, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed, or (2) *consent to the release and removal of the subject Bishop from the ordained Ministry of The Episcopal Church, in which case the Presiding Bishop shall declare such release and removal in the presence of two or more Bishops.*

(B) By a Priest or Deacon

Sec. 3. If it is reported to the Standing Committee of the Diocese in which a Priest or Deacon is canonically resident that the Priest or Deacon, without using the provisions of Canon III.7.8-10 or III.9.8-11, has abandoned The Episcopal Church, then the Standing Committee shall ascertain and consider the facts, and if it shall determine by a vote of three-fourths of all the members that the Priest or Deacon has abandoned The Episcopal Church by an open renunciation of the Doctrine, Discipline or worship of the Church, or by the formal admission into any religious body not in communion with the Church, or in any other way, it shall be the duty of the Standing Committee of the Diocese to transmit in writing to the Bishop Diocesan, or if there be no such Bishop, to the Bishop Diocesan of an adjacent Diocese, its determination, together with a statement setting out in a reasonable detail the acts or declarations relied upon in making its determination. If the Bishop Diocesan affirms the determination, the Bishop Diocesan shall place a restriction on the exercise of ministry by that Priest or Deacon for sixty days and shall send to the Priest or Deacon a copy of the determination and statement, together with a notice that the Priest or Deacon has the rights specified in Section 2 *of this Canon* and at the end of the sixty day period the Bishop Diocesan will consider deposing the Priest or Deacon in accordance with the provisions of Section 4.

Sec. 4. Prior to the expiration of the sixty day period of restriction, the ~~Bishop Diocesan may permit~~ the Priest or Deacon ~~to~~ *may* utilize the provisions of Canon III.7.8-10 or III.9.8-11, as applicable. If within such sixty day period the Priest or Deacon shall transmit to the Bishop Diocesan a statement in writing signed by the Priest or Deacon, which the Bishop Diocesan is

reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or a good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop Diocesan shall withdraw the notice and the restriction on ministry shall expire. If, however, within the sixty day period, the Bishop Diocesan does not ~~declare pronounce acceptance of the renunciation~~ *the release and removal* of the Priest or Deacon in accordance with Canon III.7.8-10 ~~and or~~ III.9.8-11, as applicable, or the Priest or Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop Diocesan either (i) to depose the Priest or Deacon or (ii) if the Bishop Diocesan is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee, to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released *and removed from the ordained Ministry of this Church and from the obligations attendant thereto, of Priest or Deacon* and (for causes which do not affect the person's moral character) is deprived of the right to exercise *in The Episcopal Church* the gifts and spiritual authority conferred in Ordination.

Explanation

The Presiding Bishop's office communicated to the Commission the following insights gleaned in recent years regarding the existing "renunciation" and "abandonment" canons: First, the renunciation canons were being regarded by some as carrying a negative mark against those ordained persons who "renounced" their ordained ministry according to those canons. The proposed amendments attempt to clarify that there is no negative connotation associated with that process, in large part by recasting the process in terms of "release" from the obligations of Ordained Ministry in The Episcopal Church and "removal" from the privileges that flow therefrom. Second, the current abandonment canon for bishops provides only one outcome in the instance of a bishop who has been found to have abandoned The Episcopal Church, which is deposition; by contrast, the abandonment canon for priests and deacons provides the option of removal in addition to deposition. The failure of the abandonment canon for bishops to provide the option of removal forecloses the possibility of a more pastoral response that might be appropriate in some instances. The proposed amendments make removal an option in the abandonment canon for bishops.

Resolution A031 Amend Canon III.11.4(a)

Resolved, the House of _____ concurring, that the following section of Title III, 11.4(a) be amended to read as follows:

Sec. 4.

(a) If the date of the election of a Bishop occurs more than one hundred and twenty days before the meeting of the General Convention, The Standing Committee of the Diocese for which the Bishop has been elected shall by its President, or by some person or persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committees of the several Dioceses a certificate of the election by the Secretary of Convention of the Diocese, bearing a statement *of receipt of (that)*

(1) evidence of the Bishop-elect's having been duly ordered Deacon and Priest,

(2) *certificates from a licensed medical doctor and licensed psychiatrist, appointed by the Ecclesiastical Authority with the approval of the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to that person's medical, psychological and psychiatric condition and have not discovered any reason why the person would not be fit to undertake the work for which the person has been chosen. Forms and procedures agreed to by the Presiding Bishop and The Church Pension Fund shall be used for this purpose; and*

(3) evidence that a testimonial in the following form was signed by a constitutional majority of the Convention ~~must also be delivered in the following form:~~

We, whose names are hereunder written, fully sensible of how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which they Reverend A.B. ought not to be ordained to that Holy Office. We do, moreover, jointly and severally declare that we believe the Reverend A.B. to have been duly and lawfully elected and to be of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to be able to exercise the Office of a Bishop to the honor of God and the edifying of the Church, and to be a wholesome example to the flock of Christ.

(Date)_____ (Signed)_____

The Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction of the Presiding Bishop's receipt of the certificates mentioned in this Section and request a statement of consent or withholding of consent. Each Standing Committee, in not more than one hundred and twenty days after the sending by the electing body of the certificate of the election, shall respond by sending the Standing Committee of the Diocese for which the Bishop is elected either the testimonial of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent. If a majority of the Standing Committees of all the Dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the Diocese for which the Bishop is elected shall then forward the evidence of the consent, with the other necessary *certificates mentioned in this Section* (documents described in Sec. 3(a) of this Canon), to the Presiding Bishop. If the Presiding Bishop receives sufficient statements to indicate a majority of those Bishops consents to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese for which the Bishop is elected and the Bishop-elect of the consent.

Explanation

This amendment adds parallel language to Canon III.11.4(b). During review of other proposed amendments to the procedures for the Ordination of Bishops, SCCC noted that the reference to a certificate evidencing the Bishop-elect's medical, psychological and psychiatric examination was missing from the provision. Research found that Title III rewrite contained in 2006-A082, adopted by the 75th General Convention, did not including the referenced to such a certificate but that it was inference from the rest of the provision.

Resolution A032 Amend Canon 12.5(b)(3)

Resolved, the House of _____, concurring, the 77th General Convention amend Canon III.12.5(b)(3) as follows:

(3) Bishops of a Church in communion with this Church, in good standing therein, if they:

- (i) have previously resigned their former responsibilities;
- (ii) have received approval, by a competent authority within the Church of their ordination of their appointment to the position of Assistant Bishop;

(iii) have exhibited satisfactory evidence of moral and godly character and having met theological requirements;

(iv) have promised in a writing submitted to the Bishop making the appointment to submit in all things to the Doctrine, Discipline and Worship of this Church; ~~and thorough examination covering their medical;~~

(v) have submitted to and satisfactorily passed a *thorough examination covering their medical*, psychological and psychiatric condition by recognized and licensed professionals appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop. The forms for medical, psychological and psychiatric reports prepared by The Church Pension Fund shall be used for these purposes.

Explanation

Prior to 2006, the predecessor provisions of Canon III.27.2(c)(5) (2000) and Canon 21.3(c)(5) (2003), Of Assistant Bishops, read: “(5) have submitted to and satisfactorily passed a thorough examination covering their medical, psychological and psychiatric condition by recognized and licensed professionals appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop. The forms for medical, psychological and psychiatric reports prepared by The Church Pension Fund shall be used for these purposes.”

The Title III rewrite adopted in 2006 produced the disconnected wording currently found in Canon III.12.5 (b) regarding Assistant Bishops. The proposed amendment restores the previous wording and retains the requirement for certification of medical, psychological and psychiatric condition before assuming the role of Assistant Bishop. Identical requirements, contained in Canon III.11.3 (b) (2009), apply to the election of any Bishop of this Church.

Resolution A033 Amend Canons: Canon IV.2; Canon IV.5.3(i); Canon IV.6.7; Canon IV.11.5

Resolved, the House of _____ concurring, that the following sections of Canons IV.2, IV.5 (3), IV.6.7, and IV. 11.5 be amended to read as follows:

Canon IV.2

Advisor shall mean a person designated to support, assist, consult with ~~and~~, advise *and, where expressly so authorized under this Title, speak for* a Complainant or Respondent in any matter of discipline under this Title, as provided in Canon IV.19.10.

Complainant shall mean (a) ~~the~~ *any* person or persons from whom the Intake Officer receives information concerning an Offense *and who, upon consent of that person(s), is designated a Complainant by the Intake Officer* or (b) any Injured Person designated by the Bishop Diocesan who in the Bishop Diocesan’s discretion, should be afforded the status of a Complainant, provided, however, that any Injured Person so designated may decline such designation.

Hearing Panel shall mean a panel of three *or more* members of the Disciplinary Board selected by the president of the Board, unless some other manner of selection is provided by Diocesan Canon, to serve as the body before which a hearing is held as provided in Canon IV.13, provided, however, that no such member may serve as a member of the Conference Panel in the same case.

Canon IV.5.3(i)

(i) Any Diocese may agree *in writing* with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.

Canon IV.6.7

Sec. 7. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, ~~by lot or by other random means~~, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel, *unless some other means of selecting the Panels or designating the president of a Panel is provided by Diocesan Canon*. A Conference Panel may consist of one or more person. A Hearing Panel shall consist of not less than three persons and shall include both clergy and lay members. The president *of the Disciplinary Board* shall be ineligible to serve on either Panel.

Canon IV.11.5

Sec. 5. All investigations shall be confidential until such time information obtained therefrom may be utilized by the Church Attorney, the Bishop Diocesan or the Panels ~~upon the consent of the person interviewed or as the Bishop Diocesan deems pastorally necessary~~, and. All Persons, prior to being interviewed shall be advised of the confidential nature of the investigation and when such information may be shared during the course of the proceedings.

Explanation

Canon IV.2 revisions: The first addition contemplates that Respondents and Complainants may not wish to speak for themselves at various stages of the discipline process and may have elected not to secure counsel. The Advisor could thus speak for the Complainant or Respondent without taking on the formal burden of an advocate or attorney. The second amendment describes how a person with information about an offense becomes a Complainant. The current definition does not contain any such instruction. First, the informant must agree to the designation as it requires participation in the disciplinary process. Moreover, as the provision currently reads, it does not describe the actor who so designates the complainant. The Intake Officer is the first person who officially accepts the information and thus, is in the best position to make the designation. The third amendment, as currently written, conflicts with Canon IV.6.7 in providing that a Hearing Panel shall be composed of “not less than three members”. This seeks to bring the two provisions into conformity.

Canon IV.5.3 revision: While it is likely that most dioceses that choose to share resources will provide a writing that reflects their agreement, good practice dictates that this should be required under the canons.

Canon IV.6.7 revision: As currently written this provision is inconsistent with IV.2, which does not provide for random selection of members of the Disciplinary Board who will serve on a Conference or Hearing Panels. This will bring the two provisions into conformity with each other. It is recommended that the possibility for random selection of panel members be retained through providing local dioceses with the option to retain this method through local canons.

Canon IV.11.5 revision: There are certain times in the disciplinary process when information obtained from investigations will be shared with others. For instance, if the matter proceeds to the Conference Panel or Hearing Panel, the information obtained from the investigation is utilized. Further, requiring the Intake Officer or Investigator to secure the permission of the witnesses after the investigation is administratively burdensome and can delay the process. The revision clarifies that otherwise confidential information will be shared in the disciplinary process and that witnesses and other persons interviewed must be advised of this fact prior to their interview.

Resolution A034 Amend Canon V.2

Resolved, the House of _____ concurring, that the following section 3 be added to Canon V.2 to read as follows:

Sec. 3. As used in these Canons, the terms “the Church” and “this Church” refer to the Protestant Episcopal Church in the United States in America, also known as The Episcopal Church, unless expressly noted otherwise.

Explanation

In its work with the Canons, the Commission noticed that the terms “the Church” and “this Church” are used interchangeably throughout the Canons to refer to The Episcopal Church. The Commission proposes this definitional amendment to the Canons to clarify this existing usage.

Appendix: Report on Resolution 2009-A127

TO:	The Executive Council of The Episcopal Church, President of the House of Deputies, The Presiding Bishop of The Episcopal Church, The Councils of Advice for the President of the House of Deputies and the Presiding Bishop, The House of Bishops of The Episcopal Church and the 77th General Convention
FROM:	The Standing Commission on Constitution and Canons (“SCCC”)
DATE:	December 2, 2011
RE:	Resolution A127

This constitutes our report pursuant to the mandate of Resolution A127 to (1) examine appropriate means and changes to the Rules of Order to prioritize and consolidate the work of legislation at General Convention; (2) make recommendations to the Executive Council, the President of the House of Deputies, the councils of advice, the Presiding Bishop and the House of Bishops for future action; and (3) report to the next General Convention.

1. The work of the Standing Commissions in the preceding triennium forms the foundation of the work of the Legislative Committees and the General Convention. The Canons, regarding Standing Commissions, and the House of Deputies Rules of Order, regarding General Convention Legislative Committees, are silent as to appointment of non-Deputies. The President of the House of Deputies appoints the lay and clergy Commission and Committee members, and the Presiding Bishop appoints bishop Commission and Committee members. By historical but informal practice, the President of the House of Deputies has appointed Standing Commission members who are also Deputies to the corresponding Legislative Committee where possible by availability and request. SCCC recommends that each Standing Commission become the foundation for the corresponding Legislative Committee for the following General Convention.

SCCC understands that this proposal may have financial impacts that may implicate the willingness of prospective appointees to serve on Standing Commissions. These implications were beyond the scope of the mandate given SCCC in Resolution 2009-A127. If further study shows that these potential obstacles seriously hinder the proposal, SCCC strongly encourages the President of the House of Deputies to continue current practice and to appoint the Deputies from the corresponding Standing Commission to serve as members of the respective Legislative Committees.

2. SCCC recommends that each Standing Commission provide to the Office of General Convention an English and Spanish version of its final report for the General Convention Blue Book. The time necessary for translation can significantly delay the distribution of Blue Books. Distributing the Blue Books earlier will allow for advance work on resolutions and legislative committees to occur well in advance of General Convention. This is done as regular practice by the General Convention Office when the Blue Book report of each Standing Commission and Committee is submitted. This recommendation is not needed.

3. SCCC recommends that significantly in advance of the General Convention to be held in 2012 in Indianapolis, the President of the House of Deputies and the Presiding Bishop and all appropriate officers ask that resolutions be submitted by deputies and bishops not less than sixty (60) days before the beginning of the General Convention. For conventions beginning in 2015, amend the Rules of Order of the House of Deputies and the House of Bishops to require all resolutions be submitted not less than thirty (30) days in advance of the convention, provided that the President of the House of Deputies and the Presiding Bishop shall have authority up to and including each General Convention to allow a resolution to be considered by either House for good cause after the close of the sixty-day period described above. (Rules 21(e) and 24 appear to be the most affected rules in the Rules of Order of the House of Deputies.)

4. There is no need for any change to the Rules of Order of the House of Deputies to request legislative committees consider resolutions in any particular order, since the President of the House of Deputies and the Presiding Bishop can take such action without any legislative change.

5. SCCC recommends that the House of Deputies amend the House of Deputies Rules of Order related to decorum and debate, Rules 32-39, as follows:

- No amendment or procedural motion shall be allowed during the first five minutes of debate if any deputy or any person is waiting to speak to that motion.

- Limit debate to two (2) minutes per person.
- Total substantive time for debate on any resolution, including amendments, for any resolution not on the Consent Calendar, shall be fifteen (15) minutes.

6. SCCC recommends that the House of Deputies amend the House of Deputies Rules of Order, Rules 42 and 43, to have the Secretary read only the outcome of any Vote by Orders, and only read the vote of each deputation if requested by more than twenty-five percent of the deputies.

7. SCCC recommends that the House of Deputies amend the Rules of Order, Rule 44, for the House of Deputies to provide that on any election after the fourth ballot, the number of people remaining on the ballot is no more than twice the number of people to be elected for the particular office.

8. The President of the House of Deputies and the Presiding Bishop for the House of Bishops will initiate the following items to improve the efficiency of General Convention:

- Develop training mechanisms to train legislative chairs on procedures and mechanisms to expedite consideration of legislative action.
- Expand the use of written or videotaped statements to control the number of outside speakers and the length of statements made by those speakers.
- Continue and expand the use of the review of resolutions before and at General Convention for consistency with the Constitution, canons, and other polity issues.

9. SCCC and the House of Deputies have done substantial review of the House of Deputies Rules of Order during the last Triennium and a number of the proposed changes in this Report are the result of those efforts. The Presiding Bishop offered comments regarding how the work of General Convention, in particular the work of legislative committees, might be made more efficient. The House of Bishops proposed no changes to its Rules of Order for review by the Commission.