

STANDING COMMISSION ON STRUCTURE, GOVERNANCE, CONSTITUTION AND CANONS

Members

Mr. Christopher Hayes, Chair	California, VIII	2024
The Rt. Rev. Frank Logue, Vice-Chair	Georgia, IV	2027
The Rev. Dr. Adam Trambley, Secretary	Northwestern Pennsylvania, III	2024
The Hon. A. Joseph Alarid	Rio Grande, VII	2027
The Rev. Canon Valerie Balling	New Jersey, II	2024
The Rt. Rev. Jennifer Baskerville-Burrows	Indianapolis, V	2024
Ms. Jane Cislucyis	Northern Michigan, V	2027
Ms. Nancy Mahoney Cohen	El Camino Real, VIII	2027
The Rt. Rev. Mark Edington	Convocation of Episcopal Churches in Europe, II	2027
Sra. Carmen Figueroa	Puerto Rico, II	2024
Mr. Ryan Kusumoto	Hawaii, VIII	2024
Mr. Thomas Little	Vermont, I	2024
The Rt. Rev. Craig Loya	Minnesota, VI	2027
The Rev. Dr. Steve Pankey	Kentucky, IV	2027
Mr. William Powel	Ohio, V	2024
Mr. Russell Randle	Virginia, III	2027
The Rt. Rev. Sean Rowe	Northwestern Pennsylvania, III	2024
Ms. Diane Sammons	Newark, II	2027
The Rev. Rachel Taber-Hamilton	Olympia, VIII	2027
The Rev. Dr. Marisa Tabizon Thompson	Nebraska, VI	2024
Ms. Mary Kostel, Representative of the Presiding Bishop	Washington, III	2024
Ms. Julia Ayala Harris, Ex Officio	Oklahoma, VII	2024
The Most Rev. Michael Curry, Ex Officio	North Carolina, IV	2024
Mr. Michael Glass, Representative of the President of the House of Deputies	San Joaquin, VIII	2024
The Ven. Aaron Perkins, Liaison of Executive Council	Maine, I	2024

Changes in Membership

Jane Cislucyis resigned from the Standing Commission on February 12, 2023.

Bishop Phoebe Roaf resigned from the Standing Commission on January 6, 2023. Bishop Mark Ediginton was appointed to fill the vacancy.

Representation at General Convention

Deputies Christopher Hayes and Adam Trambley, and Bishops Frank Logue and Craig Loya are authorized to receive non-substantive amendments to this Report at the General Convention

Acknowledgements

The Standing Commission would like to thank all who have submitted information to us, whether in person, via Zoom, in writing, or otherwise. We could not do this work without the many generous people who care deeply about our church and share their expertise and perspectives with us.

We would like to thank the Rev. Dr. Molly James for all that she does, often thanklessly and behind the scenes, to facilitate the work of this Standing Commission and the wider Church.

Finally, we thank Jesus for creating a universe with a certain governance and structure that we hope our feeble efforts reflect, even if through a glass darkly.

Mandate

2022 - Canon I.1.2.n.1

1. A Standing Commission on Structure, Governance, 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. For amendments not in proper form, the Standing Commission on Constitution and Canons may direct the submitting Commission to the canonical and Rules of Order requirements for amendments to the Constitution and Canons so the submitting Commission may revise its amendment to proper form. 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 General Convention, 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 General Convention, 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 Domestic and Foreign Missionary Society and to the Executive Council of the General Convention 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. Conduct a continuing and comprehensive review and update of the authorized “Annotated Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church” to reflect actions of General Convention which amend the Constitution and Canons and, in the discretion of the Commission, develop other materials which are appropriate to the purpose of the “Annotated Constitution and Canons,” and facilitate the publication of this document and related materials. The Commission

may provide or support forums to promote commentary, discussion, and understanding of the Constitution and Canons.

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

vi. Study and make recommendations concerning the structure of the General Convention and of The Episcopal Church. It shall, from time to time, review the operation of the several Committees, Commissions, and Boards to determine the necessity for their continuance and the effectiveness of their functions and to bring about a coordination of their efforts. Whenever a proposal is made for the creation of a new Committee, Commission, Board or Agency, it shall, wherever feasible, be referred to this Standing Commission for its consideration and advice.

vii. Conduct a continuing and comprehensive review and update of the Title IV training materials, including drafting such changes as are necessitated by changes to these Constitution and Canons, or as may be deemed appropriate to maintain such training materials in a current and effective status.

Summary of Work

Title IV

One of the primary concerns of the Standing Commission every triennium is updating Title IV canons based on the needs of the Church. During the first year of this Biennium, the Commission considered a number of issues that were referred to it by the 80th General Convention or had been received by other sources. Events during the summer of 2023, including public requests for a review of Title IV by the Presiding Bishop and President of the House of Deputies, broadened the scope and urgency of this work.

In this Blue Book Report, the Commission is proposing the resolutions listed below to the 81st General Convention for adoption. Additionally, in October 2023, the Commission created a mechanism for additional Churchwide feedback on Title IV issues. Our hope is to have an initial compilation of this feedback available with further resolution recommendations in a forthcoming Supplemental Blue Book. We also know that many of the issues we address, including Title IV, take more time and energy to solve than is available between General Conventions, so we will continue working on these matters in preparation for further consideration at the 82nd General Convention.

Title IV Database

The Standing Commission again emphasizes the importance of a Title IV database to accurately track Title IV usage across the Church and provide the information needed for on-going changes to Title IV to meet the needs of the Church. This database is in our Canons (IV.19.30.d) and is therefore required to be funded. The Standing Commission urges all parties involved in budgeting and allocation to assure that funding is available for this important work.

Report on 2022-B005: Restorative Covenant

Canon I of Title IV sets ambitious and worthy aspirations for the Church's process for Ecclesiastical Discipline. Experience has demonstrated that appointment of a Conciliator – defined in Canon IV.10.4 as “a person skilled in dispute resolution techniques and without conflict of interest in the matter” – can be an effective avenue for reaching the aspirations of the Title, particularly if utilized early in the discipline process. The current text of Canon IV.10, Of Conciliation, suggests that a conciliation is successful only if an Accord is reached. This amendment expands the understanding of a successful conciliation to include one that results in resolution of all or some of the issues in a matter by way of a “Restorative Covenant” between the Complainant(s) and the Respondent, to which the Reference Panel must consent, and the later violation of which would constitute an Offense. Hopefully, this amendment would expand the opportunity for resolutions that promote “healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation.” The Commission proposes

Resolution A052 Amend Canon IV.2, Canon IV.4.1.d, and Canon IV.10.3 to add Restorative Covenant as a possible outcome of Conciliation.

Intake Officers Limitations and Pastoral Care Provisions

The Commission looked at the role of Intake Officers, and issues that have arisen in the Church. Due to their potential roles later in Title IV proceedings, various persons should not serve as a Title IV Intake Officer. The role of pastoral care in Title IV is also important, and pastoral care providers are one of the roles that should not serve as an Intake Officer. Additionally, bishops should ensure appropriate pastoral care to all affected persons and communities. The Commission proposes Resolution A053 Amend Canons IV.2, IV.8.1, and IV.8.5 Regarding the Role of Intake Officers.

Church Attorneys

Three important changes are proposed here in relation to the Church Attorney. First, currently most of the Church Attorney's functions are described in Canon IV.2, the definitional canon, rather than being included in the canons addressing specific steps in the disciplinary process where the Church Attorney has a role. This amendment moves the descriptions of the Church Attorney's functions into the canons describing those steps (Investigation, Conference Panel, and Hearing Panel). Second, the Investigation canon lacks clarity on when the Church Attorney supervises the Investigator. This amendment clarifies that when the Reference Panel calls for an Investigation, then it supervises the Investigation at that stage, and when the Church Attorney calls for investigation, then the Church Attorney supervises the Investigation. Third, currently the canons give the Church Attorney sole discretion to decline to advance a disciplinary matter. Concerns have been raised about such discretion residing in only one person, particularly in a disciplinary system that is structured generally to include multiple voices in decision-making. This amendment would require a Church Attorney who declines to advance a matter to set out reasons for that decision and requires others in the Title IV process to accept or reject that decision. The Commission proposes Resolution A054 Amend Canons IV.2, IV.11, IV.12, and IV.13 regarding the Church Attorney.

Investigators

The Commission is proposing changes to the canons to clean up inconsistencies in Canon IV.2 regarding the appointment and role of Investigators. These changes also remove a few portions of the definition of Investigators in Canon IV.2 and place them in the procedural portion of the canons and bring the canons in line with current practice in the case of a Title IV process involving a bishop. The Commission proposes Resolution A055 Amend Canons IV.2, IV.11.1, and IV.17.2.e regarding Investigators.

Report on 2022-A118: Election of Members of the Court of Review

In its current form, subsections i, ii, and iii apply only to section d. This was not the intention of the Standing Commission on Structure, Governance, Constitution, and Canons when it presented this to the 80th General Convention. Rather, these three sections were meant to apply to all of Canon IV.5. By renumbering these as e, f, and g, it now applies broadly to Bishops, Presbyters, Deacons, and Lay members of the Court of Review. The Commission proposes [Resolution A056 Amend Canon IV.5.4 on the Election of Members of the Court of Review](#).

Suspension of a Bishop

These proposed changes offer greater parity between an order or accord involving a suspension of priests and deacons, described in Canon IV.19.7, and that of a bishop. During suspensions of a bishop longer than six months, the default is now the termination of the pastoral relationship. This change would also mean a Bishop Provisional, serving under Canon III.13, who is suspended could then be removed without a vote of convention. The Commission proposes [Resolution A057 Amend Canon IV.17.6 regarding Suspension of a Bishop](#).

Pastoral Response Without Disciplinary Action

The Commission believed that the current term “take no action” in the canons did not accurately describe a pastoral response. This proposed resolution adds language to clarify this distinction. The Commission proposes [Resolution A058 Amend Canons IV.6.8, IV.6.10, and IV.11.3 on Pastoral Response Without Disciplinary Action](#).

Report on 2022-D035: Amend Canon IV.19.23: Of General Provisions [Expenses]

The Commission rejected the proposal to require dioceses to pay fees for respondents in certain Title IV cases.

Report on 2022-D036: Intake Officers’ Initial Intake

The Commission is considering the proposals in this resolution as it continues looking at best practices for and appropriate canons about Intake Officers.

Report on 2022-D037: Amend Canon IV.11.2 Of Investigations

The Commission rejected this proposal as it would place our necessary work at the mercy of the vagaries of the wide variety of civil jurisdictions in which our church finds itself.

Report on 2022-D040: Amend Canons IV.13.4, IV.13.11.e, IV.13.13, IV.14.6

This proposed resolution would require certain media reports to be made when a Title IV matter is dismissed. Given the complicated issues involved, the Commission will look at these issues more comprehensively in future meetings.

Report on 2022-D053 Amend various Canons in Titles IV and V to provide for Notices of Sentences

The Commission expresses its gratitude to Deputy Paul Ambos (New Jersey) and other interested parties whose close reading of the canons helps us maintain consistency and accuracy throughout our governing documents. Given the abbreviated two-year timeframe between General Conventions and our other work, the Commission has not been able to thoroughly review and make proposals based on this referred resolution.

Office of Pastoral Development

A Subcommittee met with The Rt. Rev. Todd Ousley, Bishop of Pastoral Development for the Office of Pastoral Development (OPD) and a member of the Presiding Bishop's Staff, at an in-person meeting in Cleveland, OH, in March 2023. He spoke to us about the various aspects of his work in the OPD, including intake of Title IV offenses, oversight and support of Bishops and Dioceses in transition, and the pastoral support for all these situations and people. It is a considerable amount of work for one individual and a part-time support staff person. It has also put Bishop Ousley in a position where his different roles were, from time to time, in conflict.

Bishop Ousley informed the Subcommittee about Resolution 2022-A143, that directed Program, Budget and Finance to fund a "senior staff position" for the Office of Pastoral Development. While the Resolution was Concurred, the initiative was not funded. At a recent Executive Council meeting, Executive Council allocated \$125,000 to fund the Intake Officer as referenced in Canon IV.17.2.b, and another \$125,000 was allocated from the Presiding Bishop's Office line item, for a total of \$250,000. The decision was to fund the Intake Officer as a full-time position in order to increase the pool of candidates with the necessary skills. The Intake Officer will be another member of the Presiding Bishop's Staff and report directly to the Presiding Bishop, as well as be in consultation with Bishop Ousley and the OPD to coordinate efforts, especially for pastoral care.

Because the position of Intake Officer is already defined in the Canons, there was a question of whether the funding of this position fulfilled the request of 2022-A143, or if another senior staff position could also be requested. The Subcommittee encouraged Bishop Ousley to make the budgetary request for both the Intake Officer and a Canon for Pastoral Development for the 2025-2028 TEC Budget. A Canon for Pastoral Development would allow for a more coordinated and thorough response in all aspects of the OPD's work.

The Reverend Barbara Kempf was hired as the Title IV Intake Officer for bishops and began work in August of 2023. The Intake Officer reports directly to the Presiding Bishop to separate that work from the OPD.

Also at the March meeting, the Subcommittee and Bishop Ousley discussed Resolution 2022-D095 and its directive to review the mandate of the OPD. Some of our previous discussion of 2022-A143 and resulting actions by Executive Council and the Presiding Bishop's Office intertwined with the expressed need for process change and funding. Additionally, the Resolution requests review of consistency in Title IV processes for all ordained persons, the process for Bishops and Dioceses in transition, and other pastoral care oversight.

The Subcommittee requested that Bishop Ousley prepare a presentation on the process of Bishop transitions, in all the various ways that occurs. He was invited to the SCGSCC's May Zoom meeting, which he did attend and during which he made such a presentation. As much of the process for election of a bishop is directed by diocesan canons, the most important resource the OPD needs is time. Bishop Ousley encouraged dioceses entering a transition to give themselves three years for that process, which requires bishops considering retirement or completing their ministry to inform their Standing Committees as early as possible.

One suggestion for a change to TEC canons was to have all episcopal nominees be required to complete the medical and psychological examinations prior to the election rather than after [III.11.3.a.2]. Such a change could ensure the health and stability of the candidates and may have significant financial ramifications. The Subcommittee did not pursue making such changes during this biennium and recommends that the SCGSCC consider such a change in the future.

At the SCGSCC in-person meeting in October of 2023, several subcommittees on Title IV Commission continued working on canonical changes that addressed concerns from Resolution 2022-D095, including parity of the disciplinary process for bishops, priests and deacons, the process for episcopal transition, the placement of Interim or Bishops Provisional, and clarity of roles within the process.

Report on Navajoland

A Subcommittee of the Standing Commission worked with Navajoland on issues, procedures, and canons for the facilitation of an election of a new bishop. This work so far has involved significant listening to the needs, hopes, and dreams of this area mission's elders and people, and the often painful history between this area mission and the wider church. In order to ensure the full consideration of their perspectives, we are delaying our report until it can be reflected upon, edited, and approved by the leaders of the area mission as well as the Standing Commission.

Other Issues Taken Up By The Standing Commission

Create an Official List of Recognized Religious Orders and Christian Communities

Members of Executive Council asked the Standing Commission to look at the issue of which Religious Orders should be listed on episcopalchurch.org. While the Standing Commission does not deal with the management issue of what is and is not on the website, this query raised a number of questions.

First, there is no official list that is canonically required to be kept of religious orders and Christian communities. Canon III.14.1 and III.14.2 give the Standing Committee on Religious Communities of the House of Bishops the duty to approve religious orders and Christian communities, so we are proposing to amend those canons to give that Standing Committee the obligation to maintain an official list, as well.

Second, the Standing Commission had a number of other questions which are taking on greater importance as the number of these communities has been increasing in recent years. We requested that the Executive Council follow up with the Standing Committee on Religious Orders to take the next steps in this work and bring back to this Standing Commission any requests for canonical or constitutional changes.

The Commission proposed the following resolution to ensure an official list of recognized religious orders: Resolution A059 Create an Official List of Recognized Religious Orders and Christian Communities.

Report on 2022-A034: Mandate of the Standing Commission on Structure, Governance, Constitution, and Canons

Resolution 2022-A034 was referred to the Commission. The referred resolution would have added language to Canon I.1.2.n.1.vi that would authorize review of “Agencies and other governing bodies.” The Commission decided not to add the term “Agencies” as that term is not defined in the canons and not to add the term “other governing bodies” as broader than likely intended. The Commission instead recommends adding the language “and bodies for which The Episcopal Church may be legally responsible.” The objective is to encourage responsible oversight of all bodies within The Episcopal Church. The Commission also recommends changing “shall” to “will” in connection with referrals to this Standing Commission. These changes are in proposed resolution: A060 Amend Canon I.1.2.n.1.vi: Standing Commission on Structure, Governance, Constitution and Canons.

Report on 2022-A039: Testimonials

Resolution 2022-A039 was referred to the Commission. The resolution would have amended Canon III.11.3.c to change the requirement for signatures required for Standing Committee testimonials to

give consent to a Bishop's election, limiting the requirement to testimonials required by this canon, as opposed to "this Title," which would have also applied to testimonials to ordinations of deacons and priests. The Standing Commission decided instead to standardize the requirements for Standing Committee testimonials for ordinations, and to place that language into the Standing Committee Canon, I.12.3, rather than scattered in the ordination canons so that Standing Committee members can more easily find the rule. The language essentially moves the language about a majority signing Testimonials and signatures in the counterparts found in the current Canon III.11.3.c. into the canon governing Standing Committees. The Standing Commission also recommends placing cross-references to Canon I.12.3 in each of the ordination canons requiring testimonials. The Commission proposes A061 Amend the following Canons I.12.3, III.6.6.c, III.8.6.d., III.8.6.7.c., III.10.d, 3, III.11.3.b., and III.11.3.c. based on 2022-A039.

Report on 2022-A046: Not adding by Action of the Anglican Consultative Council

Resolution 2022-A046 was referred to the Commission. The Commission recommended to reject the proposed resolution and to keep the Canon as is without the recommended change of "by action of the Anglican Consultative Council". The Commission recommends rejection because it is unclear how the meaning would change by adding the phrase "by action of the Anglican Consultative Council," given that most of the inhabited world is included in some Province of the Anglican Communion. Additionally, the Commission believes that this canon is not an appropriate vehicle to address the larger questions of the ACC's authority and its role in the Anglican Communion.

Report on 2022-A047: Mutual Ministry Reviews

Resolution 2022-A047 was referred to the Commission. The Commission recommended specifying the completion date for the mutual ministry review. By adding the deadline as "not later than twelve months before the next scheduled General Convention" it provides the specificity for the reviews that are not impacted by changes in dates to General Convention. The Commission proposes A062 Amend Canon I.4.2.j Mutual Ministry Review.

Report on 2022-A112 Term of Office of the Presiding Bishop

The Standing Commission looked the issues of electing a Presiding Bishop who may not be able to serve a nine-year term before reaching the mandatory retirement age and the added wrinkle of a delayed General Convention resulting in a Presiding Bishop reaching mandatory retirement age. The Commission proposes Resolution A063 Amend Canons I.2.2: Term of Office of Presiding Bishop.

Report on 2022-A162, 2022-A163, and 2022-A164: Resolutions on Pension and Medical Costs

Resolutions 2022-A162, 2022-A163, 2022-A164 were referred to the 81st General Convention. Each of these resolutions proposed in one way or another that the non-white and small congregations referenced in this resolution be relieved of some of their clergy pension and medical costs. The

Commission feels that such changes would not solve the underlying problem of the viability of these congregations.

Report on 2022-C002: Annual Diocesan Audits

The Commission considered 2022-C002, referred to it by General Convention for review. This proposed resolution would have amended Title I, Canon 7.1.f., which requires annual audits of dioceses, to instead require an annual review and an audit every three years. The Commission understood that the rationale for the proposed change was to reduce the financial burden on smaller dioceses with lower income and fewer assets.

The Commission does not recommend changing the canon, because the proposed language would have applied to all dioceses, including those whose income and resources make annual audits a much more modest burden, and because the actual expense savings from this change would reportedly be minimal since all three years would need to be examined by an audit.

The Commission, however, has recommended to Executive Council that some financial relief be provided to Dioceses with annual income of less than an amount to be determined by Executive Council, and that such relief be provided in the form of an increased exemption of Diocesan income from the mandatory 15% assessment, and that the increase correspond to the estimated cost of the annual audit, as determined by Executive Council.

Report on 2022-A154: Budget of the Archives

Resolution 2022-A154 was referred to the Commission. The Commission took no further action on this resolution. The language in 2022-A154 indicated that the expenses of the Archives shall be shared by the General Convention and the Executive Council. The Commission took no further action as this matter was clarified with the passing of 2022-A048 which indicates that the expenses of the Archives of The Episcopal Church shall be included in the budget for The Episcopal Church.

Report on 2022-C008: Changing Mandatory Retirement Age

Resolution 2022-C008 was referred to the Commission. The Commission recommends rejecting this resolution. The Commission agreed that there does not appear to be a need to change the current mandatory retirement age of 72.

Data Collection

During our November 2022 meeting at the Maritime Center, the Standing Commission was invited to join with the House of Deputies Committee on the State of the Church to discuss issues of research and data analysis in the Church. We listened to the desires of the State of the Church Committee, which included a canonical requirement to report, the appointment of a new staff member to conduct

research, and various canonical changes. A subcommittee worked with various others to discern how The Episcopal Church might expand on the data analysis work already ongoing. After nearly a year of conversations and back and forth with State of the Church, the Standing Commission determined that an annual report from the Presiding Bishop coupled with strong encouragement from General Convention to make data informed decisions at all levels of the Church was the best approach. In cooperation with the Committee on the State of the Church, the Commission proposes Resolution [A051 Amend Canons I.2.4 Data Collection for the Church](#).

Capturing Clergy Records

The Commission looked at two issues regarding clergy records: terminology and the capturing of all clergy on record in The Episcopal Church. Regarding terminology, the consecration is a part of the larger ordination service for Bishops, not a service on its own, so the language of consecration has been removed from canons related to Bishops. The change to this canon is in line with a move in the canons to refer to ordained bishops. Under the current system for reporting on clergy, there are cracks into which people fall if they are outside of a small handful of categories. This language expands the areas of status that must be kept on record and reported while also applying it to all three orders of ordination. The Commission proposes Resolution [A064 Amend Canon I.1.6.d Capturing Clergy Records](#).

Accuracy in Gender Language in Canon III

As TEC recognizes a diversity of gender expressions and understandings, the binary language of “men and women” in Title III is not inclusive and does not accurately reflect our understanding of gender. The Commission proposes Resolution [A065 Amend Canon III.1.3](#).

Creation of a Custodian for the Constitution and Canons of The Episcopal Church

Given changes in technology, the Constitution and Canons of The Episcopal Church are no longer published in only one form. Creating a Custodian would designate an individual to ensure that physical, PDF, and other publications are all accurate. Having a Custodian also designates one person to be responsible compiling changes made after each General Convention. The Standing Commission proposes [A066 – Amend Canon V.1 to create a Custodian for the Constitution and Canons of the Episcopal Church](#).

Anti-racism Terminology

The Commission reviewed a proposed resolution to Amend Canons III.6.5.g.4, III.7.11.a.2, III.8.5.h.4, III.9.13.a.2, III.10.1.c.4, and III.12.8.a.2 to Use Approved Common Terminology to Describe Anti-Racism Work. As in other instances of Canonical review, the Commission is assisting the proposers to submit their resolution in proper canonical form without making recommendations on content.

Proposed Resolutions

Title IV Resolutions

A052 – Amend Canon IV.2, Canon IV.4.1.d, and Canon IV.10.3 to add Restorative Covenant as a possible outcome of Conciliation

Resolved, That the 81st General Convention amend Canon IV.2 to read as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.2 (following definition of **Respondent**):

Restorative Covenant shall mean an agreement between one or more Complainants and a Respondent that results from a Conciliation under Canon IV.10.3, that resolves some or all of the issues in a matter pending under this Title, and to which the Reference Panel has consented.

<Proposed amended resolution text showing exact changes being made:>

Canon IV.2 be amended to add the following, in appropriate alphabetical order:

Restorative Covenant shall mean an agreement between one or more Complainants and a Respondent that results from a Conciliation under Canon IV.10.3, that resolves some or all of the issues in a matter pending under this Title, and to which the Reference Panel has consented.

And be it further

Resolved, That the 81st General Convention amend Canon IV.4.1.d to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.4.1.d:

d. abide by the requirements of any applicable Accord or Order; any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7; or Restorative Covenant entered into under Canon IV.10.3;

<Proposed amended resolution text showing exact changes being made:>

- d. abide by the requirements of any applicable Accord or Order; ~~or~~ any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7; or Restorative Covenant entered into under Canon IV.10.3;

And be it further.

Resolved, That the 81st General Convention amend Canon IV.10.3 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (*****) to see the version showing all deleted and added text.>

Canon IV.10.3 be amended as follows:

Sec. 3. A conciliation may result in an Accord as provided in Canon IV.14 or a Restorative Covenant as defined in Canon II.2. Within a reasonable time after commencement of a conciliation, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter under Canon IV.6.8 as appropriate. If the conciliation results in a Restorative Covenant that, in the Reference Panel's judgment, resolves all of the issues in a pending matter, the Reference Panel shall dismiss the matter.

<Proposed amended resolution text showing exact changes being made:>

Canon IV.10.3 be amended as follows:

~~If the A conciliation may result in is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord will be prepared as provided in Canon IV.14 or a Restorative Covenant as defined in Canon II.2. If conciliation cannot be achieved within~~ Within a reasonable time after commencement of a conciliation, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter under Canon IV.6.8 as appropriate. ~~, the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel.~~ If the conciliation results in a Restorative Covenant that, in the Reference Panel's judgment, resolves all of the issues in a pending matter, the Reference Panel shall dismiss the matter.

EXPLANATION

Canon I of Title IV sets ambitious and worthy aspirations for the Church's process for Ecclesiastical Discipline. Experience has demonstrated that appointment of a Conciliator – defined in Canon IV.10.4 as “a person skilled in dispute resolution techniques and without conflict of interest in the matter” – can be an effective avenue for reaching the aspirations of the Title, particularly if utilized early in the discipline process. The current text of Canon IV.10, Of Conciliation, suggests that a conciliation is successful only if an Accord is reached. This amendment expands the understanding of a successful conciliation to include one that results in resolution of all or some of the issues in a matter by way of a “Restorative Covenant” between the Complainant(s) and the Respondent, to which the Reference Panel must consent, and the later violation of which would constitute an Offense. Hopefully, this amendment would expand the opportunity for resolutions that promote “healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation.”

A053 Amend Canons IV.2, IV.8.1, and IV.8.5 regarding the Role of Intake officers

Resolved, That the 81st General Convention amend Canons IV.2 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.2

Intake Officer means one or more persons designated by the Bishop Diocesan after consultation with the Disciplinary Board, unless otherwise selected pursuant to diocesan canons, to whom information regarding Offenses is reported. The following individuals may not serve as an Intake Officer: (a) any Bishop; (b) any member of the Standing Committee of the Diocese where the matter is pending; or (c) any person that holds an office, is employed by, or maintains a compensation relationship with the Diocese where the matter is pending in which such employment, office, or other compensation relationship includes responsibility for the deployment of Clergy or pastoral care of members of the Clergy.

<Proposed amended resolution text showing exact changes being made:>

Canon IV.2

Intake Officer ~~shall mean~~ *means* one or more persons designated by the Bishop Diocesan after consultation with the Disciplinary Board, unless otherwise selected pursuant to diocesan canons, to whom information regarding Offenses is reported. *The following individuals may not serve as an Intake*

Officer: (a) any Bishop; (b) any member of the Standing Committee of the Diocese where the matter is pending; or (c) any person that holds an office, is employed by, or maintains a compensation relationship with the Diocese where the matter is pending in which such employment, office, or other compensation relationship includes responsibility for the deployment of Clergy or pastoral care of members of the Clergy.

And be it further.

That the 81st General Convention amend Canon IV.8.1 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon 8: Of Pastoral Response

Sec. 1. The Bishop Diocesan shall provide for appropriate pastoral response whenever any report is made to the Intake Officer. Such pastoral response shall embody respect, care, and concern for affected persons and Communities. The response shall be designed so as to promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. If the report involves an allegation of Sexual Misconduct, the Bishop Diocesan shall provide for a professional pastoral care assessment in order to provide an appropriate pastoral response. The pastoral response will include all affected persons and communities. The pastoral care response will be based on the professional pastoral care assessment.

<Proposed amended resolution text showing exact changes being made:>

Canon 8: Of Pastoral Response

Sec. 1. The Bishop Diocesan shall provide for appropriate pastoral response whenever any report is made to the Intake Officer. Such pastoral response shall embody respect, care, and concern for affected persons and Communities. The response shall be designed so as to promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. If the report involves an allegation of Sexual Misconduct, the Bishop Diocesan *shall* ~~is encouraged to~~ provide for a professional pastoral care assessment in order to provide an appropriate pastoral response. The pastoral response will include all affected persons and communities. The pastoral care response will be based on the professional pastoral care assessment ~~pastoral response that will include the provision of assistance by a mental health professional with appropriate skills for meaningful response to affected persons.~~

And be it further.

Resolved, that the 81st General Convention amend Canon IV.8.5 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.8.5

Sec. 5. The Bishop Diocesan may designate one or more persons to be responsible for the implementation of the pastoral response. Such person must not be the Intake Officer. The duties of such person may include coordination of pastoral care and coordination of communications between the Bishop Diocesan and Advisors.

<Proposed amended resolution text showing exact changes being made:>

Canon IV.8.5

Sec. 5. The Bishop Diocesan may designate ~~a person~~ *one or more persons* to be responsible for the implementation of the pastoral response. Such person ~~may~~ *must not* be the Intake Officer. The duties of such person may include coordination of pastoral care and coordination of communications between the Bishop Diocesan and Advisors.

EXPLANATION

Due to their potential roles later in Title IV proceedings, various persons should not serve as a Title IV Intake Officer. The role of pastoral care in Title IV is important, and pastoral care providers are one of the roles that should not serve as an Intake Officer. Additionally, bishops should ensure appropriate pastoral care to all affected persons and communities.

A054 Amend Canons IV.2, IV.11, IV.12, and IV.13 regarding the Church Attorney

Resolved, That Canon IV.2 shall be amended as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Church Attorney shall mean one or more attorneys selected pursuant to Diocesan Canons to represent the Church in proceedings as provided in this Title. The Diocesan Canons may provide a process for the

removal of a Church Attorney for cause. A Church Attorney shall perform all functions on behalf of the Church necessary to advance proceedings under this Title. In representing the Church, a Church Attorney may consult with the president of the Disciplinary Board at any time after the matter has been referred out of the Reference Panel, and, when the prosecution of the case may impact the mission, life, or ministry of the Church, with the Bishop Diocesan.

<Proposed amended resolution text showing exact changes being made:>

Church Attorney shall mean one or more attorneys selected pursuant to Diocesan Canons to represent the Church in proceedings as provided in this Title. The Diocesan Canons may provide a process for the removal of a Church Attorney for cause. A Church Attorney shall perform all functions on behalf of the Church necessary to advance proceedings under this Title ~~and shall have the following powers, in addition to the powers and duties otherwise provided in this Title: (a) to receive and review the Intake Officer's report; (b) to conduct investigations and oversee the Investigator and, in connection with such investigations, to have access to the personnel, books and records of the Diocese and its constituent parts; and to receive and review the reports of the Investigator; (c) to determine, in the exercise of the Church Attorney's discretion, whether the reported information, if true, would be grounds for discipline; and (d) to exercise discretion consistent with this Title and the interests of the Church by declining to advance proceedings or by referring any matter back to the Intake Officer or the Bishop Diocesan for pastoral response in lieu of disciplinary action.~~ In representing the Church, a Church Attorney may consult with the president of the Disciplinary Board at any time after the matter has been referred out of the Reference Panel, and, when the prosecution of the case may impact the mission, life, or ministry of the Church, with the Bishop Diocesan.

And be it further.

Resolved, That Canon IV.11 shall be amended as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (*****) to see the version showing all deleted and added text.>

Canon 11: Of Investigations

Sec. 1. In each Diocese there shall be one or more Investigators.

Sec. 2. The Reference Panel or the Church Attorney may request the Investigator to investigate all facts pertinent to the factual claims of the intake report. The Investigator shall use appropriate investigative means, with due consideration to pastoral sensitivities, and shall complete the investigation as expeditiously as possible.

Sec. 3. An Investigator engaged by the Reference Panel shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) take no action other than appropriate pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

Sec. 4. If the Reference Panel's determination is to refer for further investigation, the Investigator shall make such further investigation as the Reference Panel directs and shall submit a supplemental report of findings to the Reference Panel. The Reference Panel shall then reconvene and proceed as provided in Canon IV.11.3.

Sec. 5. An Investigator engaged by the Church Attorney shall be overseen by the Church Attorney and shall present the findings of the investigation to the Church Attorney in a format(s) required by the Church Attorney. In connection with such investigations, the Church Attorney and, at the discretion of the Church Attorney, the Investigator shall have access to the personnel, books and records of the Diocese and its constituent parts.

Sec. 6. All investigations shall be confidential until such time as information obtained may be utilized by the Church Attorney, the Bishop Diocesan or the Panels. All persons, prior to being interviewed by the investigator, shall be advised of the confidential nature of the investigation and when such information may be shared during the course of the proceedings.

<Proposed amended resolution text showing exact changes being made:>

Canon 11: Of Investigations

Sec. 1. In each Diocese there shall be one or more Investigators.

Sec. 2. *The Reference Panel or the Church Attorney may request* ~~Upon referral of an intake report~~ the Investigator shall to investigate all facts pertinent to the factual claims of the intake report. The Investigator shall use appropriate investigative means, with due consideration to pastoral sensitivities, and shall complete the investigation as expeditiously as possible.

Sec. 3. ~~The~~ *An Investigator engaged by the Reference Panel* shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) take no action other than appropriate

pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

Sec. 4. If the *Reference Panel's* determination is to refer for further investigation, the Investigator shall make such further investigation as the Reference Panel directs and shall submit a supplemental report of findings to the Reference Panel. The Reference Panel shall then reconvene and proceed as provided in Canon IV.11.3.

Sec. 5. *An Investigator engaged by the Church Attorney shall be overseen by the Church Attorney and shall present the findings of the investigation to the Church Attorney in a format(s) required by the Church Attorney. In connection with such investigations, the Church Attorney and, at the discretion of the Church Attorney, the Investigator shall have access to the personnel, books and records of the Diocese and its constituent parts.*

Sec. 5-6. All investigations shall be confidential until such time as information obtained may be utilized by the Church Attorney, the Bishop Diocesan or the Panels. All persons, prior to being interviewed by the investigator, shall be advised of the confidential nature of the investigation and when such information may be shared during the course of the proceedings.

And be it further.

Resolved, That Canon IV.12.1 shall be amended as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon 12: Of Conference Panels

Sec. 1. Upon referral of a matter to a Conference Panel, the president of the Disciplinary Board shall forward to the Church Attorney the intake report, all of the Investigator's reports and any other writings or other file materials created or collected by the Disciplinary Board or any panel thereof during the intake, investigative or referral process. After reviewing this material, the Church Attorney shall determine whether to proceed with the matter or decline to advance proceedings in the matter.

If proceeding with the matter, the Church Attorney shall prepare a written statement, describing each alleged Offense separately, with reasonable particularity sufficient to apprise the Respondent of the acts, omissions or conditions which are the subject of the proceedings. The Church Attorney shall then

forward the materials received from the president of the Disciplinary Board, together with the written statement, to the Conference Panel.

If declining to advance proceedings in the matter, the Church Attorney shall refer the matter back to the Reference Panel in a written decision stating the reasons therefor. This document and any related conversation between the Church Attorney and the Reference Panel shall remain confidential between the Church Attorney and the Reference Panel. The Reference Panel shall then consider the options for action set out in Canon IV.6.8 and Canon IV.11.3.

<Proposed amended resolution text showing exact changes being made:>

Canon 12: Of Conference Panels

Sec. 1. Upon referral of a matter to a Conference Panel, the president of the Disciplinary Board shall forward to the Church Attorney the intake report, all of the Investigator's reports and any other writings or other file materials created or collected by the Disciplinary Board or any panel thereof during the intake, investigative or referral process. *After reviewing ~~From~~ this material, the Church Attorney shall determine whether to proceed with the matter or decline to advance proceedings in the matter.*

If proceeding with the matter, the Church Attorney shall prepare a written statement, describing each alleged Offense separately, with reasonable particularity sufficient to apprise the Respondent of the acts, omissions or conditions which are the subject of the proceedings. The Church Attorney shall then forward the materials received from the president of the Disciplinary Board, together with the written statement, to the Conference Panel.

If declining to advance proceedings in the matter, the Church Attorney shall refer the matter back to the Reference Panel in a written decision stating the reasons therefor. This document and any related conversation between the Church Attorney and the Reference Panel shall remain confidential between the Church Attorney and the Reference Panel. The Reference Panel shall then consider the options for action set out in Canon IV.6.8 and Canon IV.11.3.

And be it further.

Resolved, That Canon IV.13.1 shall be amended as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (*****) to see the version showing all deleted and added text.>

Canon 13: Of Hearing Panels

Sec. 1. When the Reference Panel decides pursuant to Canon IV.11.3 to refer a matter to the Hearing Panel, the President of the Disciplinary Board shall within three days of the decision notify the Disciplinary Board and the Church Attorney. When the Conference Panel decides to refer a matter to the Hearing Panel, the president of the Conference Panel shall within three days of that decision notify the president of the Disciplinary Board and the Church Attorney.

Sec. 2. Within 10 days of receipt of a referral from the Conference Panel, or 30 days when from the Reference Panel, to the Hearing Panel for proceedings, the Church Attorney shall determine whether to proceed with the matter or decline to advance proceedings in the matter.

a. If proceeding with the matter, the Church Attorney shall provide to the Hearing Panel the statement of the alleged Offense(s), updated as needed. No other material from any prior proceedings under Title IV shall be provided to the Hearing Panel. Upon receipt of the Church Attorney's communication, the Hearing Panel shall within seven days issue a notice to the Respondent, to the Respondent's Advisor, to Respondent's counsel, if any, and to the Church Attorney.

i. The notice shall describe the nature and purpose of the proceeding, contain a copy of the written statement prepared by the Church Attorney, disclose the names of all persons to whom the notice is sent, advise the Respondent that a written response to the notice must be filed by the Respondent with the Hearing Panel within thirty days of the mailing date of the notice and advise the Respondent of the provisions of Canon IV.19.6.

ii. A copy of the notice shall be sent to the Complainant and to the Complainant's Advisor.

iii. Unless additional time is approved for good cause by the Hearing Panel, the Respondent shall within 30 days of the mailing date of the notice file with the Hearing Panel and deliver to the Church Attorney a written response signed by the Respondent.

b. If declining to advance proceedings in the matter, the Church Attorney shall submit to the members of the Conference Panel and the Bishop Diocesan a written decision stating the reasons therefor, which may include (1) the unavailability of clear and convincing evidence sufficient to overcome the presumption of innocence set out in Canon IV.19.16, or (2) the Church Attorney's opinion that resolution of the matter through the mechanism of a Hearing Panel would not be the

most effective means for achieving the goals of Title IV. If the Church Attorney's stated reason for declining to advance proceedings is the latter reason, the Church Attorney shall also propose with reasonable specificity alternate mechanisms for resolving the matter and justification therefor. In evaluating the Church Attorney's submission, the Conference Panel shall provide the Intake Officer, the Complainant, the Complainant's Advisor, the Complainant's counsel, if any, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Bishop Diocesan, the Chancellor, and the Church Attorney an opportunity to be heard on the matter. After its review and in consultation with the Bishop Diocesan, the Conference Panel shall issue a decision (a) dismissing all or some of the issues in the matter, potentially with conditions such as compliance with a Pastoral Direction issued by the Bishop Diocesan, or (b) rejecting the Church Attorney's declination and ordering the matter to proceed. If dismissing all or some of the issues of the matter, the Conference Panel, with the assistance of legal counsel pursuant to IV.19.22, shall issue an Order explaining the decision and stating that the dismissal is with or without prejudice.

<Proposed amended resolution text showing exact changes being made:>

Canon 13: Of Hearing Panels

Sec. 1. *When the Reference Panel decides pursuant to Canon IV.11.3 to refer a matter to the Hearing Panel, the President of the Disciplinary Board shall within three days of the decision notify the Disciplinary Board and the Church Attorney. When the Conference Panel decides to refer a matter to the Hearing Panel, the president of the Conference Panel shall within three days of that decision notify the president of the Disciplinary Board and the Church Attorney.*

Sec. 2. *Within 10 days of receipt of a referral from the Conference Panel, or 30 days when from the Reference Panel, to the ~~for~~ Hearing Panel for proceedings, the Church Attorney shall determine whether to proceed with the matter or decline to advance proceedings in the matter.*

a. *If proceeding with the matter, the Church Attorney shall provide to the Hearing Panel the statement of the alleged Offense(s), updated as needed. No other material from any prior proceedings under Title IV shall be provided to the Hearing Panel. Upon receipt of the Church Attorney's communication, the Hearing Panel shall within seven days issue a notice to the Respondent, to the Respondent's Advisor, to Respondent's counsel, if any, and to the Church Attorney.*

a i. *The notice shall describe the nature and purpose of the proceeding, contain a copy of the written statement prepared by the Church Attorney, disclose the names of all persons to whom the notice is sent, advise the Respondent that a written response to the notice must be*

filed by the Respondent with the Hearing Panel within thirty days of the mailing date of the notice and advise the Respondent of the provisions of Canon IV.19.6.

b ii. A copy of the notice shall be sent to the Complainant and to the Complainant's Advisor.

c iii. Unless additional time is approved for good cause by the Hearing Panel, the Respondent shall within 30 days of the mailing date of the notice file with the Hearing Panel and deliver to the Church Attorney a written response signed by the Respondent.

b. *If declining to advance proceedings in the matter, the Church Attorney shall submit to the members of the Conference Panel and the Bishop Diocesan a written decision stating the reasons therefor, which may include (1) the unavailability of clear and convincing evidence sufficient to overcome the presumption of innocence set out in Canon IV.19.16, or (2) the Church Attorney's opinion that resolution of the matter through the mechanism of a Hearing Panel would not be the most effective means for achieving the goals of Title IV. If the Church Attorney's stated reason for declining to advance proceedings is the latter reason, the Church Attorney shall also propose with reasonable specificity alternate mechanisms for resolving the matter and justification therefor. In evaluating the Church Attorney's submission, the Conference Panel shall provide the Intake Officer, the Complainant, the Complainant's Advisor, the Complainant's counsel, if any, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Bishop Diocesan, the Chancellor, and the Church Attorney an opportunity to be heard on the matter. After its review and in consultation with the Bishop Diocesan, the Conference Panel shall issue a decision (a) dismissing all or some of the issues in the matter, potentially with conditions such as compliance with a Pastoral Direction issued by the Bishop Diocesan, or (b) rejecting the Church Attorney's declination and ordering the matter to proceed. If dismissing all or some of the issues of the matter, the Conference Panel, with the assistance of legal counsel pursuant to IV.19.22, shall issue an Order explaining the decision and stating that the dismissal is with or without prejudice.*

EXPLANATION

Three important changes were accomplished. First, currently most of the Church Attorney's functions are described in Canon IV.2, the definitional canon, rather than being included in the canons addressing specific steps in the disciplinary process where the Church Attorney has a role. This amendment moves the descriptions of the Church Attorney's functions into the canons describing those steps (Investigation, Conference Panel, and Hearing Panel). Second, the Investigation canon lacks clarity on when the Church Attorney supervises the Investigator. This amendment clarifies that when the Reference Panel calls for an Investigation, then it supervises the Investigation at that stage, and when the Church Attorney calls for investigation, then the Church Attorney supervises the Investigation. Third, currently the canons give the Church Attorney sole discretion to decline to advance a disciplinary matter. Concerns have been raised about such discretion residing in only one person, particularly in a

disciplinary system that is structured generally to include multiple voices in decision-making. This amendment would require a Church Attorney who declines to advance a matter to set out reasons for that decision and requires others in the Title IV process to accept or reject that decision.

A055 Amend Canons IV.2, IV.11.1, and IV.17.2.e regarding Investigators

Resolved, That the 81st General Convention amend Canons IV.2 as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.2

Investigator shall mean a person having (a) sufficient knowledge, skill, experience and training to conduct investigations under this Title and (b) familiarity with the provisions and objectives of this Title.

<Proposed amended resolution text showing exact changes being made:>

Investigator shall mean a person having (a) sufficient knowledge, skill, experience and training to conduct investigations under this Title and (b) familiarity with the provisions and objectives of this Title. ~~Investigators shall be appointed by the Bishop Diocesan in consultation with the president of the Disciplinary Board. The Investigator acts under the direction of the Reference Panel until a referral is made pursuant to Canon IV.11.3; after such referral, the Investigator shall be overseen by and report to the Church Attorney.~~

And be it further.

Resolved, That the 81st General Convention amend Canon IV.11.1 as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.11.1

Sec. 1. In each Diocese there shall be one or more Investigators. An Investigator is appointed by and acts under the direction of the Reference Panel until a referral is made pursuant to Canon IV.11.3; after

such referral, an Investigator may be appointed by and shall be overseen by and report to the Church Attorney.

<Proposed amended resolution text showing exact changes being made:>

Sec. 1. In each Diocese there shall be one or more Investigators. *An Investigator is appointed by and acts under the direction of the Reference Panel until a referral is made pursuant to Canon IV.11.3; after such referral, an Investigator may be appointed by and shall be overseen by and report to the Church Attorney.*

And be it further.

Resolved, That the 81st General Convention amend Canon IV.17.2.e as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon IV.17.2.e

e. Investigator shall mean any person who is qualified to serve as an Investigator under this Title, selected by the Reference Panel or Church Attorney.

<Proposed amended resolution text showing exact changes being made:>

e. Investigator shall mean any person who is qualified to serve as an Investigator under this Title, selected by ~~the Disciplinary Board for Bishops~~ *the Reference Panel or Church Attorney.*

EXPLANATION

This change cleans up inconsistencies in Canon IV.2 regarding the appointment and role of Investigators. It removes a few portions of the definition of Investigators in Canon IV.2 and places them in the procedural portion of the canons and brings the canons in line with current practice in the case of a Title IV process involving a bishop.

A056 – Amend Canon IV.5.4 on the Election of Members of the Court of Review

Resolved, That the 81st General Convention amend Canon IV.5.4 to read as follows.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

IV.5.4

d. The Clergy and lay members and alternates on the Court of Review shall be elected by the House of Deputies at a regular meeting of the General Convention.

e. Except for a member filling a vacancy, the term of office of a member of the Court of Review shall begin at the adjournment of the regular meeting of the General Convention at which the member was elected and expire upon the adjournment of the second regular meeting of the General Convention following.

f. Members of the Court of Review shall serve staggered terms of office such that the terms of one-half of the members expire at each regular meeting of the General Convention. The Joint Standing Committee on Nominations shall make its nominations in a manner that supports this staggering of terms.

g. Any member who has served 12 or more consecutive years shall not be eligible for reelection to the Court of Review until the next regular meeting of the General Convention following the one at which the member was not eligible for reelection to the Court of Review. A person's service as an alternate shall not count against these term limitations.

And renumbering all that follows.

<Proposed amended resolution text showing exact changes being made:>

d. The Clergy and lay members and alternates on the Court of Review shall be elected by the House of Deputies at a regular meeting of the General Convention.

~~4.~~ **e.** Except for a member filling a vacancy, the term of office of a member of the Court of Review shall begin at the adjournment of the regular meeting of the General Convention at which the member was elected and expire upon the adjournment of the second regular meeting of the General Convention following.

~~2.~~ **f.** Members of the Court of Review shall serve staggered terms of office such that the terms of one-half of the members expire at each regular meeting of the General Convention. The

Joint Standing Committee on Nominations shall make its nominations in a manner that supports this staggering of terms.

~~3~~ g. Any member who has served 12 or more consecutive years shall not be eligible for reelection to the Court of Review until the next regular meeting of the General Convention following the one at which the member was not eligible for reelection to the Court of Review. A person's service as an alternate shall not count against these term limitations.

EXPLANATION

In its current form, subsections 1, 2, and 3 apply only to section d. This was not the intention of the Standing Commission on Structure, Governance, Constitution, and Canons when it presented this to the 80th General Convention. Rather, these three sections were meant to apply to all of Canon IV.5. By renumbering these as e, f, and g, it now applies broadly to Bishops, Presbyters, Deacons, and Lay members of the Court of Review.

A057 Amend Canon IV.17.6 regarding Suspension of a Bishop

Resolved, That the 81st General Convention amend Canons IV.17.6 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

IV.17.6

Sec. 6. Where the Respondent is a Bishop, an Accord or Order may provide for the suspension or deposition of the Respondent. In such event, the Sentence of suspension or deposition shall be pronounced by the president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence within thirty days after the date on which the Conciliator or the president signs the Accord. Where an Order provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence not sooner than forty days following the issuance of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. Unless otherwise expressly provided in writing in the restriction on ministry or Sentence of suspension, a

Bishop under a restriction of Ministry or Sentence of suspension shall not exercise any authority of his or her office and the Standing Committee will serve as the Ecclesiastical Authority. A Sentence of suspension of a Bishop lasting longer than six months shall terminate the pastoral relation between the Bishop and the Diocese unless (i) the Standing Committee by two-thirds vote requests of the Disciplinary Board for Bishops within thirty days that the relation continue and (ii) the Disciplinary Board for Bishops approves such request, except in the case of a Sentence of suspension for a Bishop Provisional serving as provided by Canon III.13 which shall result in the termination of the agreement with the Diocese. If the pastoral relation has not been terminated, religious services and sacramental ministrations shall be provided for that Diocese as though a vacancy exists. This Section shall not prohibit the application of Canon III.12.11.

<Proposed amended resolution text showing exact changes being made:>

Sec. 6. ~~The provisions of Canons IV.14.1.d and IV.14.6.c pertaining to recommendations that a Respondent be suspended or deposed from ministry shall not apply where the Respondent is a Bishop.~~ Where the Respondent is a Bishop, an Accord or Order may provide for the suspension or deposition of the Respondent. In such event, the Sentence of suspension or deposition shall be pronounced by the president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence within thirty days after the date on which the Conciliator or the president signs the Accord. Where an Order provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence not sooner than forty days following the issuance of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. *Unless otherwise expressly provided in writing in the restriction on ministry or Sentence of suspension, a Bishop under a restriction of Ministry or Sentence of suspension shall not exercise any authority of his or her office and the Standing Committee will serve as the Ecclesiastical Authority. A Sentence of suspension of a Bishop lasting longer than six months shall terminate the pastoral relation between the Bishop and the Diocese unless (i) the Standing Committee by two-thirds vote requests of the Disciplinary Board for Bishops within thirty days that the relation continue and (ii) the Disciplinary Board for Bishops approves such request, except in the case of a Sentence of suspension for a Bishop Provisional serving as provided by Canon III.13 which shall result in the termination of the agreement with the Diocese. If the pastoral relation has not been terminated, religious services and sacramental ministrations shall be provided for that Diocese as though a vacancy exists. This Section shall not prohibit the application of Canon III.12.11.*

EXPLANATION

These proposed changes offer greater parity between an order or accord involving a suspension of priests and deacons, described in Canon IV.19.7, and that of a bishop, making termination of the pastoral relationship the default in both cases. This change would also mean a Bishop Provisional, serving under Canon III.13, who is suspended could then be removed without a vote of convention.

A058 Amend Canons IV.6.8, IV.6.10, and IV.11.3 on Pastoral Response Without Disciplinary Action

Resolved, That the 81st General Convention amend Canon IV.6.8 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (*****) to see the version showing all deleted and added text.>

IV.6.8

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) to conclude the matter with an appropriate pastoral response pursuant to Canon IV.8; (b) Conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall establish a schedule for each approved option and the President of the Disciplinary Board shall be responsible for monitoring each such schedule.

<Proposed amended resolution text showing exact changes being made:>

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) ~~no action required other than appropriate pastoral response pursuant to Canon IV.8;~~ *to conclude the matter with an appropriate pastoral response pursuant to Canon IV.8;* (b) Conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall establish a schedule for each approved option and the President of the Disciplinary Board shall be responsible for monitoring each such schedule.

And be it further.

Resolved, That the 81st General Convention amend Canon IV.6.10 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

IV.6.10

Sec. 10. If the determination of the Reference Panel is to conclude the matter with an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.9.

<Proposed amended resolution text showing exact changes being made:>

Sec. 10. If the determination of the Reference Panel is to ~~take no action other than provide~~ an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination ~~to take no action other than an appropriate pastoral response~~. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.9.

And be it further.

Resolved, That the 81st General Convention amend Canon IV.11.3 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

IV.11.3

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) conclude the matter with an appropriate pastoral response pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer

the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

<Proposed amended resolution text showing exact changes being made:>

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) ~~take no action other than appropriate pastoral responses pursuant to Canon IV.8; conclude the matter with an appropriate pastoral response pursuant to Canon IV.8;~~ (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

EXPLANATION

The Commission believed that the current term “take no action” in the canons did not accurately describe a pastoral response. This proposed resolution adds language to clarify this distinction.

Other Resolutions

A059 Create an Official List of Recognized Religious Orders and Christian Communities

Resolved, That the 81st General Convention amend Canon III.14.1.b to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Title III.14.1

b. To be officially recognized, a Religious Order must have at least six professed members, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee. The Standing Committee on Religious Communities will keep the official list of recognized Religious Orders.

<Proposed amended resolution text showing exact changes being made:>

Title III.14.1

b. To be officially recognized, a Religious Order must have at least six professed members, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee. *The Standing Committee on Religious Communities will maintain the official list of recognized Religious Orders.*

And be it further.

That the 81st General Convention amend Canon III.14.2.b to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Title III.14.2

b. To be officially recognized such a Christian Community must have at least six full members in accordance with their Rule and Constitution, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee. The Standing Committee on Religious Communities will keep the official list of recognized Christian Communities.

<Proposed amended resolution text showing exact changes being made:>

Title III.14.2

b. To be officially recognized such a Christian Community must have at least six full members in accordance with their Rule and Constitution, and must be approved by the Standing Committee on Religious Communities of the House of Bishops and be registered with the Committee. *The Standing Committee on Religious Communities will keep the official list of recognized Christian Communities.*

EXPLANATION

The Canons do not currently require the maintenance of a list of officially recognized Religious Orders and Christian Communities. Canon III.14.1 and III.14.2 give the Standing Committee on Religious Communities of the House of Bishops the duty to approve religious orders and Christian communities, so we are proposing to amend those canons to give that Standing Committee the obligation to maintain an official list, as well.

Ao6o Amend Canon I.1.2.n.1.vi: Standing Commission on Structure, Governance, Constitution and Canons

Resolved, That the 81st General Convention amend Canon I.1.2.n.1.vi.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

I.1.2.n.1.vi

vi. Study and make recommendations concerning the structure of the General Convention and of The Episcopal Church. It shall, from time to time, review the operation of the several Committees, Commissions, and Boards, and other governing bodies for which The Episcopal Church may be legally responsible to determine the necessity for their continuance and the effectiveness of their functions and, where appropriate, to bring about a coordination of their efforts. Whenever a proposal is made for the creation of a new, or changing of the affiliation of a, Committee, Commission, Board, or body for which The Episcopal Church may be legally responsible, it will, wherever feasible, be referred to this Standing Commission for its consideration and advice.

<Proposed amended resolution text showing exact changes being made:>

vi. Study and make recommendations concerning the structure of the General Convention and of The Episcopal Church. It shall, from time to time, review the operation of the several Committees, Commissions, and Boards, *and other governing bodies for which The Episcopal Church may be legally responsible* to determine the necessity for their continuance and the effectiveness of their functions and, *where appropriate*, to bring about a coordination of their efforts. Whenever a proposal is made for the creation of a new, *or changing of the affiliation of a*, Committee, Commission, Board, or ~~Agency~~ *body for which The Episcopal Church may be legally responsible*, it ~~it shall~~ *will*, wherever feasible, be referred to this Standing Commission for its consideration and advice.

EXPLANATION

Resolution 2022-A034 was referred to the Commission. The referred resolution would have added language to Canon I.1.2.n.1.vi that would authorize review of “Agencies and other governing bodies.” The Commission decided not to add the term “Agencies” as that term is not defined in the canons and not to add the term “other governing bodies” as broader than likely intended. The Commission instead recommends adding the language “and bodies for which The Episcopal Church may be legally responsible.” The objective is to encourage responsible oversight of all bodies within The Episcopal Church. The Commission also recommends changing “shall” to “will” in connection with referrals to this Standing Commission.

A061 Amend the following Canons I.12.3, III.6.6.c, III.8.6.d., III.8.6.7.c., III.10.d, 3, III.11.3.b., and III.11.3.c. based on 2022-A039

Resolved, That the 81st General Convention amend Canon I.12.3.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

I.12.3

Sec. 3. Any document required to be signed by members of the Standing Committee or by the Clerical members thereof, or by any other body consisting of several members may be signed in counterparts each of which shall be deemed an original. Testimonials required for ordination and required to be given by a Standing Committee under any of these Canons must be signed by a majority of the whole Committee and may be signed-electronically and signed in counterparts.

<Proposed amended resolution text showing exact changes being made:>

Sec. 3. Any document required to be signed by members of the Standing Committee or by the Clerical members thereof, or by any other body consisting of several members may be signed in counterparts each of which shall be deemed an original. *Testimonials required for ordination and required to be given by a Standing Committee under any of these Canons must be signed by a majority of the whole Committee and may be signed-electronically and signed in counterparts.*

And be it further.

Resolved, That the 81st General Convention amend Canon III.6.6.c .

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

III.6.6.c

c. On the receipt of such certificates, the Standing Committee, if a majority of all members consent, shall certify that the Canonical requirements for ordination to the Diaconate under this Canon have been met, that there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination. The Standing Committee shall evidence such certification, by a testimonial, addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee in conformity with Canon I.12.3.

<Proposed amended resolution text showing exact changes being made:>

c. On the receipt of such certificates, the Standing Committee, if a majority of all members consent, shall certify that the Canonical requirements for ordination to the Diaconate under this Canon have been met, that there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination. The Standing Committee shall evidence such certification, by a testimonial, addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee *in conformity with Canon I.12.3.*

And be it further.

Resolved, That the 81st General Convention amend Canon III.8.6.d.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

III.8.6.d

d. On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Diaconate under this Canon have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee in conformity with Canon I.12.3.

<Proposed amended resolution text showing exact changes being made:>

d. On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Diaconate under this Canon have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee *in conformity with Canon I.12.3.*

And be it further.

Resolved, That the 81st General Convention amend Canon III.8.7.c.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

III.8.7.c

c. On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Priesthood have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee in conformity with Canon I.12.3.

<Proposed amended resolution text showing exact changes being made:>

c. On the receipt of such certificates, the Standing Committee, a majority of all the members consenting, shall certify that the canonical requirements for ordination to the Priesthood have been met and there is no sufficient objection on medical, psychological, moral, or spiritual grounds and that they recommend ordination, by a testimonial addressed to the Bishop in the form specified below and signed by the consenting members of the Standing Committee *in conformity with Canon I.12.3.*

And be it further.

Resolved, That the 81st General Convention amend Canon III.10.5.d.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

III.10.5.d

d. Upon receipt of the items set out in subsection .c of this Canon to the satisfaction of the Presiding Bishop, the Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction and every Standing Committee of this Church of the Presiding Bishop's receipt of those items, and request from each a statement of consent, or withholding of consent, to the reception of the Bishop into The Episcopal Church. Each Bishop with jurisdiction and each Standing Committee shall within 90 days of the sending of the notification respond to the Presiding Bishop or the Presiding Bishop's designee indicating their consent or their withholding of consent. The Standing Committee's Testimonial shall conform to Canon I.12.3.

<Proposed amended resolution text showing exact changes being made:>

d. Upon receipt of the items set out in subsection .c of this Canon to the satisfaction of the Presiding Bishop, the Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction and every Standing Committee of this Church of the Presiding Bishop's receipt of those items, and request from each a statement of consent, or withholding of consent, to the reception of the Bishop into The Episcopal Church. Each Bishop with jurisdiction and each Standing Committee shall within 90 days of the sending of the notification respond to the Presiding Bishop or the Presiding Bishop's designee indicating their consent or their withholding of consent. *The Standing Committee's Testimonial shall conform to Canon I.12.3.*

And be it further.

Resolved, That the 81st General Convention amend Canon III.11.3.b.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

III.11.3.b

b. Evidence of the consent of each Standing Committee shall be a testimonial in the following words, signed by a majority of all the members of the Committee, in conformity with Canon I.12.3:

<Proposed amended resolution text showing exact changes being made:>

b. Evidence of the consent of each Standing Committee shall be a testimonial in the following words, signed by a majority of all the members of the Committee, *in conformity with Canon I.12.3:*

And be it further.

Resolved, That the 81st General Convention amend Canon III.11.3.c by striking the following:

~~c. Testimonials required of the Standing Committee by this Title must be signed by a majority of the whole Committee, at a meeting duly convened, except that testimonials may be executed in counterparts, any of which may be delivered by facsimile or other electronic transmission, each of which shall be deemed an original.~~

EXPLANATION

Resolution 2022-A039 was referred to the Commission. The resolution would have amended Canon III.11.3.c to change the requirement for signatures required for Standing Committee testimonials to give consent to a Bishop's election, limiting the requirement to testimonials required by this canon, as opposed to "this Title," which would have also applied to testimonials to ordinations of deacons and priests. The Standing Commission decided instead to standardize the requirements for Standing Committee testimonials for ordinations, and to place that language into the Standing Committee Canon, I.12.3, rather than scattered in the ordination canons so that Standing Committee members can more easily find the rule. The language essentially moves the language about a majority signing Testimonials and signatures in the counterparts found in the current Canon III.11.3.c. into the canon governing Standing Committees. The Standing Commission also recommends placing cross-references to Canon I.12.3 in each of the ordination canons requiring testimonials.

A062 Amend Canon I.4.2.j Mutual Ministry Review

Resolved, That the 81st General Convention amend Canon I.4.2.j by amending the following.

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

j. The Officers of the Domestic and Foreign Missionary Society and the Officers of the Executive Council, and a committee of six members of Executive Council who are not officers, shall engage in a mutual ministry review to be completed not later than twelve months before the next scheduled General Convention. The mutual ministry review shall be facilitated by a consultant selected by the Chair and the Vice-Chair.

<Proposed amended resolution text showing exact changes being made:>

j. The Officers of the Domestic and Foreign Missionary Society and the Officers of the Executive Council, and a committee of six members of Executive Council who are not officers, shall engage in a mutual ministry review ~~every eighteen months~~, to be completed not later than twelve months before the next scheduled General Convention. The mutual ministry review shall be facilitated by a consultant selected by the Chair and the Vice-Chair.

EXPLANATION

Resolution 2022-A047 was referred to the Commission. The Commission recommended specifying the completion date for the mutual ministry review. By adding the deadline as “not later than twelve months before the next scheduled General Convention” it provides the specificity for the reviews that are not impacted by changes in dates to General Convention.

A063 Amend Canons I.2.2 : Term of Office of the Presiding Bishop

Resolved, That the 81st General Convention amend Canon I.2.2 to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Sec. 2.

a. The term of office of the Presiding Bishop, when elected under the first paragraph of Article I, Section 3 of the Constitution, will begin on the 91st day after the adjournment of the Convention at which the Presiding Bishop is elected and will end on the 91st day after the adjournment of the third successive regular meeting of the General Convention. But if the Presiding Bishop attains the age of seventy-two years before completing that term, the Presiding Bishop must resign the office to the regular meeting of the General Convention which occurs nearest before the date of attaining such age, with the resignation taking effect when a successor assumes office. At that Convention a successor will be elected, and will assume office on the 91st day after the adjournment of that General Convention. If the regular meeting of the General Convention at which the Presiding Bishop’s successor is expected to be elected is postponed beyond the date originally set in accordance with Canon I.1.14.c, and if as a result of that postponement the Presiding Bishop attains the age of 72 years before a successor can be elected and assume office, then the Presiding Bishop may serve until the successor assumes office, regardless of having attained the age of 72 years, but no later than 90 days after the adjournment of the next meeting of the General Convention.

b. When the House of Bishops elects a Presiding Bishop under the second paragraph of Article I, Section 3 of the Constitution to fill a vacancy, the Presiding Bishop so elected will take office immediately.

<Proposed amended resolution text showing exact changes being made:>

a. The term of office of the Presiding Bishop, when elected ~~according to the provisions of~~ under the first paragraph of Article I, Section 3 of the Constitution, will begin on the 91st day after the adjournment shall be nine years, beginning the first day of the month of November following the close of the Convention at which the Presiding Bishop is elected and will end on the 91st day after the adjournment of the third successive regular meeting of the General Convention. But if the Presiding Bishop attains ~~unless attaining~~ the age of seventy-two years before completing that term, ~~the term shall have been completed; in that case the Presiding Bishop shall~~ must resign the office to the regular meeting of the General Convention which occurs nearest ~~to~~ before the date of attaining such age, with the resignation taking effect when a successor assumes office. At that Convention a successor ~~shall~~ will be elected, and ~~shall~~ will assume office on the first day of the month of November following the close of that 91st day after the adjournment of that General Convention ~~or immediately upon the death, retirement, or disability of the Presiding Bishop; except that when.~~ If the regular meeting of the General Convention at which the Presiding Bishop's successor is expected to be elected is postponed beyond the date originally set in accordance with Canon I.1.14.c, and if as a result of that postponement the Presiding Bishop attains the age of 72 years before a successor can be elected and assume office, then the Presiding Bishop may serve until the successor assumes office, regardless of having attained the age of 72 years, but no later than 90 days after the adjournment of the next meeting of the General Convention.

b. ~~When a Presiding Bishop has been elected by the House of Bishops~~ elects a Presiding Bishop ~~to fill a vacancy, as provided for in~~ under the second paragraph of Article I, Section 3 of the Constitution to fill a vacancy, the Presiding Bishop so elected ~~shall~~ will take office immediately.

EXPLANATION

The Standing Commission considered issues of electing a Presiding Bishop who may not be able to serve a nine-year term before reaching the mandatory retirement age and the added wrinkle of a delayed General Convention resulting in a Presiding Bishop reaching mandatory retirement age.

Ao64 Amend Canon I.1.6.d Capturing Clergy Records

Resolved, That the 81st General Convention amend Canon I.1.6.d to read as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

d. The Recorder shall prepare and present to each session of the General Convention a list of all Priests and Deacons ordained, received, transferred out, released and removed, returned, suspended, deposed, or restored; of all Bishops ordained, received, released and removed, returned, suspended, deposed, or restored; and of all Bishops, Priests, and Deacons who have died; such list to cover the period from the last preceding similar report of the Recorder through the thirty-first day of December immediately preceding each session of the General Convention.

<Proposed amended resolution text showing exact changes being made:>

d. The Recorder shall prepare and present to each session of the General Convention a list of all ~~Clergy~~ *Priests and Deacons* ordained, received, ~~suspended~~, *transferred out, released and removed, returned, suspended,* deposed, or restored; ~~and~~ of all Bishops ~~consecrated~~, *ordained, received, released and removed, returned, suspended, deposed, or restored;* and of all Bishops, Priests, and Deacons ~~and other Clergy~~ who have died; such list to cover the period from the last preceding similar report of the Recorder through the thirty-first day of December immediately preceding each session of the General Convention.

EXPLANATION

This proposal is addressing two issues: terminology and the capturing of all clergy on record in The Episcopal Church.

Terminology: This proposal changes all references of consecration of a bishop when used in place of or with ordination in the canons of the church to provide consistency with Canon III.11 and 1979 Book of Common Prayer, which address the ordination of bishops, in which the consecration is a part of the larger ordination service, not a service on its own. Further, a consecration cannot stand alone as a complete ordination.

Comprehensive reporting: Under the current system for reporting on clergy, there are cracks into which people fall if they are outside of a small handful of categories. This language expands the areas of status that must be kept on record and reported while also applying it to all three orders of ordination.

As TEC recognizes a diversity of gender expressions and understandings, the binary language of “men and women” is not inclusive and does not accurately reflect our understanding of gender.

A065 Amend Canon III.1.3

Resolved, That Canon III.1.3 be amended as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Sec. 3. The provisions of these Canons for the admission of Candidates for the ordination to the three Orders: Bishops, Priests and Deacons shall be equally applicable to all persons in the process.

<Proposed amended resolution text showing exact changes being made:>

Sec. 3. The provisions of these Canons for the admission of Candidates for the ordination to the three Orders: Bishops, Priests and Deacons shall be equally applicable ~~to men and women~~ *to all persons in the process.*

EXPLANATION

As TEC recognizes a diversity of gender expressions and understandings, the binary language of “men and women” is not inclusive and does not accurately reflect our understanding of gender.

A066 – Amend Canon V.1 to create a Custodian for the Constitution and Canons of the Episcopal Church

Resolved, That Canon V.1 is amended as follows

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

Canon V.1

Sec. 5. There will be a Custodian of the Constitution and Canons of The Episcopal Church, nominated by the Presiding Officers of the two Houses of the General Convention and confirmed by the Executive Council. A vacancy in the office shall be filled in the same way. The Custodian will hold office for a term beginning twelve months after the adjournment of the previous regular meeting of the General

Convention and will remain in office until twelve months after the subsequent regular meeting of the General Convention, or until a successor is confirmed. The first Custodian of the Constitution and Canons of the Episcopal Church will be nominated by the Presiding Officers to be confirmed at the first Executive Council meeting following the adoption of this Canon. It will be the duty of the Custodian to certify that all digital and printed versions of the Constitution and Canons, including any amendment or amendments adopted at the most recent General Convention, conform to the Constitution and Canons as duly authorized by the General Convention.

Sec. 6 At the close of each regular meeting of the General Convention, the Custodian of the Constitution and Canons, in consultation with the chancellor to the Presiding Bishop, the chancellor to the President of the House of Deputies, and the Chair and Vice-Chair of the Standing Commission on Governance, Structure, Constitution, and Canons, will (a) certify the changes, if any, made in the Canons, including a correction of the references made in any Canon to another, and to report the same, with the proper arrangement thereof, to the Secretary of the General Convention; (b) certify in like manner the changes, if any, made in the Constitution, or proposed to be made therein under the provisions of Article XII of the Constitution, and to report the same to the Secretary of the General Convention, who shall publish them in the Journal, and (c) certify in like manner the changes, if any, made to the Joint Rules. The Custodian shall also have and exercise the power of renumbering of, and correction of references to, Articles, Sections and Clauses of the Constitution required by the adoption of amendments to the Constitution at a meeting of the General Convention in the same manner as provided with respect to the Canons and the Joint Rules.

Sec. 7 All Canons enacted by the General Convention, and all amendments and repeals of Canons, unless otherwise expressly ordered by act of the General Convention, shall take effect on the first day of January following the adjournment of the General Convention at which they were enacted or made.

And be it further

Resolved, that this change will take effect immediately upon adoption.

<Proposed amended resolution text showing exact changes being made:>

Sec. 5. *There will be a Custodian of the Constitution and Canons of The Episcopal Church, nominated by the Presiding Officers of the two Houses of the General Convention and confirmed by the Executive Council. A vacancy in the office shall be filled in the same way. The Custodian will hold office for a term beginning twelve months after the adjournment of the previous regular meeting of the General Convention and will remain in office until twelve months after the subsequent regular meeting of the General Convention, or until a successor is confirmed. The first Custodian of the Constitution and Canons of the Episcopal Church will be nominated by the Presiding Officers to be confirmed at the first Executive*

Council meeting following the adoption of this Canon. It will be the duty of the Custodian to certify that all digital and printed versions of the Constitution and Canons, including any amendment or amendments adopted at the most recent General Convention, conform to the Constitution and Canons as duly authorized by the General Convention.

Sec. 5. 6 ~~The Committee on Constitution and Canons of each House of the General Convention shall, at the close of each regular meeting of the General Convention, appoint two of its members~~ At the close of each regular meeting of the General Convention, the Custodian of the Constitution and Canons, in consultation with the chancellor to the Presiding Bishop, the chancellor to the President of the House of Deputies, and the Chair and Vice-Chair of the Standing Commission on Governance, Structure, Constitution, and Canons, will (a) ~~to~~ certify the changes, if any, made in the Canons, including a correction of the references made in any Canon to another, and to report the same, with the proper arrangement thereof, to the Secretary of the General Convention; ~~and~~ (b) ~~to~~ certify in like manner the changes, if any, made in the Constitution, or proposed to be made therein under the provisions of Article XII of the Constitution, and to report the same to the Secretary of the General Convention, who shall publish them in the Journal, and (c) *certify in like manner the changes, if any, made to the Joint Rules.* The ~~committee~~ Custodian shall also have and exercise the power of renumbering of, and correction of references to, Articles, Sections and Clauses of the Constitution required by the adoption of amendments to the Constitution at a meeting of the General Convention in the same manner as provided with respect to the Canons *and the Joint Rules.*

Sec. 6. 7. All Canons enacted ~~during the General Convention of 1943, and thereafter, by the General Convention, and all amendments and repeals of Canons then or thereafter made,~~ unless otherwise expressly ordered by *act of the General Convention,* shall take effect on the first day of January following the adjournment of the General Convention at which they were enacted or made.

EXPLANATION

Given changes in technology, the Constitution and Canons of The Episcopal Church are no longer published in only one form. Creating a Custodian would designate an individual to ensure that physical, PDF, and other publications are all accurate. Having a Custodian also designates one person to be responsible compiling changes made after each General Convention.

A051 Amend Canons I.2.4.a Data Collection for the Church (co-sponsored with House of Deputies Committee on the State of the Church)

Resolved, That the 81st General Convention amend Canon I.2.4.a to add item a.7 as follows:

<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (***) to see the version showing all deleted and added text.>**

7. Make provision for the analysis of appropriate data about this Church's mission, its opportunities, and challenges. An annual report, published freely to the Church, will include such data as to allow for data-informed decisions by the Domestic and Foreign Missionary Society, the General Convention, the Executive Council, dioceses, congregations, and local leaders.

<Proposed amended resolution text showing exact changes being made:>

7. Make provision for the analysis of appropriate data about this Church's mission, its opportunities, and challenges. An annual report, published freely to the Church, will include such data as to allow for data-informed decisions by the Domestic and Foreign Missionary Society, the General Convention, the Executive Council, dioceses, congregations, and local leaders.

And be it further

Resolved, That all dioceses, congregations, and other church institutions are urged to cooperate with all research endeavors sponsored by the Domestic and Foreign Missionary Society by responding to requests for data; and be it further

Resolved, That the General Convention will provide a budget allocation of \$75,000 to carry out this work in the first triennium.

EXPLANATION

This resolution was co-sponsored by the House of Deputies Committee on the State of the Church and the Standing Commission on Structure, Governance, Constitution and Canons.

When is the best time to plant a tree?

Twenty years ago.

When is the second-best time to plant a tree?

Now.

The Episcopal Church is woefully behind our sister denominations in the collection, study, and use of data for decision making at every level of the Church, and in a perfect world, this resolution would be designed to create a high level staff position for such work. Given the realities of a new Presiding Bishop who will want to organize their own staff, this stop-gap measure is presented to a) require the next Presiding Bishop to offer a full data analysis and b) urge the Church-wide structure, dioceses, congregations, committees, commissions, agencies, and boards to make use of data in their decision making. Outsourcing this work in the first triennium will allow the Presiding Bishop, the House of Deputies Committee on the State of the Church, and the Standing Commission on Structure, Governance, Constitutions, and Canons to take an iterative approach in understanding what data is helpful, how it is best collected, and in what form the report should be produced.

Supplementary Materials

Statement from the Standing Commission on October 10, 2023:

Statement from the Standing Commission on Structure, Governance, Constitution, and Canons: An invitation for input

The Standing Commission met in person at the Maritime Training Center in Linthicum Heights, Maryland, from 9 am, Monday, October 9, through noon, Wednesday, October 11.

As the Commission continues its work of review and revision of the Title IV disciplinary canons, we welcome additional input and legislative proposals via an online form by November 15, 2023 at <https://bit.ly/46K8Wzj>.

The Commission's work and discussions focused primarily on invitations from the Presiding Bishop and the President of the House of Deputies to address significant concerns across The Episcopal Church (TEC) about reported problems with disciplinary proceedings in which a Bishop is the respondent, as well as additional issues with clergy disciplinary proceedings.

The issues we face arise in part because of the language and structure of Title IV. They arise as well from the manner in which the church implements these canons, the tension between transparency to build trust and confidentiality to protect participants, and the culture of the wider church.

As a Standing Commission, our role is to recommend appropriate changes to our structures and procedures so that our disciplinary rules work well in practice to protect people from misconduct; resolve complaints fairly, promptly, and efficiently; and screen out meritless claims.

Our review of and action on specific suggested changes has been assisted by input received from many voices across the wider church. In view of the substance of these comments and the significance of the issues before us, we know that our work will require multiple meetings, given the rigorous review we accord to suggested canonical changes. Our work must assure that changes made are consistent with the rest of Title IV.

The issues now being considered as areas of revisions to the canons include but are not limited to:

- The role, qualifications, and accountability of Church Attorneys;
- The degree of discretion vested in various individuals and bodies involved in the pretrial resolution of misconduct complaints;

- Better ways of assuring church-wide consistency in the understanding and application of disciplinary processes. This may include, for example, improved training and/or the consolidation of disciplinary structures;
- The overwhelming number of people needed to make effective the disciplinary structures presently envisaged by the canons; and
- Similarities and differences between the disciplinary processes for bishops and other clergy, and steps toward consistent application of disciplinary standards across all orders of ordained ministry.

There is more work to be done to propose detailed canonical changes for consideration by the General Convention. The Commission is grateful for the many thoughtful comments and detailed suggestions it has received for changes to the Title IV disciplinary canons, in addition to many proposed amendments from last year's General Convention.