

STANDING COMMISSION ON STRUCTURE, GOVERNANCE, CONSTITUTION & CANONS

Supplemental Report to General Convention

Navajoland:

This Subcommittee continued to work with the people of Navajoland through the fall and in January 2024. In September 2023 three members of the Subcommittee visited all three areas of Navajoland and in each explained the canonical differences between an Area Mission and a Missionary Diocese. The key difference for their needs is that a Missionary Diocese may elect its own Bishop. The Subcommittee learned that the Episcopal Church in Navajoland (ECN) is already operating very much like a Missionary Diocese. Conversations continued by Zoom. Important in their considerations and their concern on continued funding by The Episcopal Church were the words in the canons for both an Area Mission and a Missionary Diocese, "... shall constitute jurisdictions for which this Church as a whole assumes a special responsibility."

On January 4, 2024, the ECN Standing Committee met and resolved to hold an ECN Special Convocation to consider filing a petition with General Convention to become a Missionary Diocese. The Special Convocation met on January 20, 2024, and resolved to file the petition to become a Missionary Diocese.

The Subcommittee and the Standing Commission as a whole fully support this petition that will allow ECN to further their own spiritual growth in a way consonant with their own culture which has long been ignored by those outside Navajoland.

Resolutions Amending Title IV

A139 Amend Canon IV.6.4 -Intake Timeline

Resolved, That the 81st General Convention amend Canon IV.6.4 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.>**

Sec. 4. Upon receipt of such information, the Intake Officer may undertake such initial inquiry as he or she deems necessary, and shall incorporate the information into a written intake report, including as much specificity as possible. Within 45 days after receiving information concerning an Offense, the Intake Officer must provide copies of the intake report to the other members of the Reference Panel and to the Church Attorney.

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

Sec. 4. Upon receipt of such information, the Intake Officer may undertake such initial inquiry as he or she deems necessary, and shall incorporate the information into a written intake report, including as much specificity as possible. *Within 45 days after receiving information concerning an Offense, the* ~~The~~ Intake Officer ~~shall~~ must provide copies of the intake report to the other members of the Reference Panel and to the Church Attorney.

EXPLANATION

It takes a lot of bravery for an Injured Person or Complainant to make a report against a member of the clergy. The silence that follows that report can be deafening. Currently, there is no time limit on the initial intake, which means that silence can last indefinitely and cause undue hardship on the brave soul that made the complaint. This amendment requires a) that initial intake be completed within 45 days.

A140 Amend Canon IV.6.8 - Reference Panel

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.>**

Sec. 8. The Reference Panel must meet with 30 days 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; (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~~ must meet within 30 days 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; (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.

EXPLANATION

“As soon as possible” can mean different things to different people.

A141 Amend Canon IV.6.9 - Monthly Reports

Resolved, That the 81st General Convention amend Canon IV.6.9 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. 9. The Reference Panel must monitor the progress of each referral on a monthly basis to ensure that the matter is progressing in a timely fashion. Until such time as the matter is referred to a Hearing Panel, if the Reference Panel determines that the matter has reached an impasse or is not progressing in a timely fashion, it may re-refer the matter. Once a matter is referred to a Hearing Panel, Canon IV.15.1 will govern any issue regarding the progress of the matter. The Intake Officer shall report at least monthly to the Respondent, the Respondent’s Advisor, the Respondent’s Counsel, if any, the Complainant, the Complainant’s Advisor and the Complainant’s Counsel, if any, on the progress in the matter. Should the Intake Officer not report at least monthly, the Respondent or the Complainant may petition the President of the Disciplinary Board who shall provide a report not later than 15 days from the date of the petition.

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

Sec. 9. The Reference Panel ~~shall~~ must monitor the progress of each referral on a monthly basis to ensure that the matter is progressing in a timely fashion. Until such time as the matter is referred to a Hearing Panel, if the Reference Panel determines that the matter has reached an impasse or is not progressing in a timely fashion, it may re-refer the matter. Once a matter is referred to a Hearing Panel, Canon IV.15.1 ~~shall~~ will govern any issue regarding the progress of the matter. The Intake Officer shall report at least monthly to the Respondent, the Respondent’s Advisor, the Respondent’s Counsel, if any, the Complainant, the Complainant’s Advisor and the Complainant’s Counsel, if any, on the progress in the matter. *Should the Intake Officer not report at least monthly, the Respondent or the Complainant may petition the President of the Disciplinary Board who must provide a report not later than 15 days from the date of the petition.*

EXPLANATION

A hallmark of the Title IV process is an appropriate pastoral response for all involved, and the key to good pastoral care is clear communication. When communication breaks down, it is often the case that both the Complainant and the Respondent feel isolated and become fearful to follow up. This amendment makes clear the remedy both parties have should communication breakdown. The appeal is lodged with the President of the Disciplinary Board to allow for cases in which the Bishop is the Complainant.

A142 Amend Canon IV.6.7 – copy of notice

Resolved, That the 81st General Convention amend Canon IV.6.7 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. 7. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. At the same time as forwarding the intake report to the Reference Panel, the Intake Officer shall send a notice to the subject Member of the Clergy informing him or her of the nature of the alleged Offense(s), the identity of any persons who have been designated as Complainants, and describing the next procedural steps that the Member of the Clergy can anticipate. The notice shall also remind the Member of the Clergy of his or her duty under Canon IV.3.1.b to cooperate in the subsequent proceedings. The Intake Officer shall at the same time provide a copy of the notice to the Complainant and to any other person from whom the Intake Officer has received information concerning the alleged Offence.

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

Sec. 7. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. At the same time as forwarding the intake report to the Reference Panel, the Intake Officer shall send a notice to the subject Member of the Clergy informing him or her of the nature of the alleged Offense(s), the identity of any persons who have been designated as Complainants, and describing the next procedural steps that the Member of the Clergy can anticipate. The notice shall also remind the Member of the Clergy of his or her duty under Canon IV.3.1.b to cooperate in the subsequent proceedings. *The Intake Officer shall at the same time provide a copy of the notice to the Complainant and to any other person from whom the Intake Officer has received information concerning the alleged Offence.*

EXPLANATION

It takes a lot of bravery for an Injured person or Complainant to make a report against a member of the clergy. The silence that follows that report can be deafening. This amendment requires that the Complainant or others who have provided information to the Intake Officer be informed of the Intake Officer's decision to send a matter to the Reference Panel at the same time that the Subject Member of the Clergy is informed.

A143 Amend IV.17.3.b and IV.17.5 - Disciplinary Board for Bishops

Resolved, That the 81st General Convention amend Canon IV.17.3.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.>**

b. The Disciplinary Board for Bishops consists of six Bishops elected by the House of Bishops at a regular meeting of the General Convention, six other Clergy (including at least one Deacon), and six Lay Persons elected by the House of Deputies at a regular meeting of the General Convention. All Lay Persons elected or appointed to serve must be confirmed adult communicants in good standing.

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

b. The Disciplinary Board for Bishops consists of ~~ten~~ six Bishops elected by the House of Bishops at a regular meeting of the General Convention, ~~and four Priests or Deacons~~ six other Clergy (including at least one Deacon), and ~~four~~ six Lay Persons elected by the House of Deputies at a regular meeting of the General Convention. All Lay Persons elected or appointed to serve must be confirmed adult communicants in good standing.

And be it further

Resolved, That the 81st General Convention amend Canon IV.17.5 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.>**

The Conference Panel shall consist of two Bishops, two other clergy and two lay persons. The Hearing Panel shall consist of two Bishops, two Priests or Deacons and two lay persons, except that the Hearing Panel for the Offense specified in Canon IV.14.1.h.2 pertaining to Doctrine Offenses shall consist of five Bishops only.

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

The Conference Panel shall consist of ~~three~~ two Bishops, ~~one Priest or Deacon~~ two other clergy and ~~one lay person~~ two lay persons. The Hearing Panel shall consist of ~~three~~ two Bishops, ~~one Priest or Deacon~~ two Priests or Deacons and ~~one lay person~~ two lay persons, except that the Hearing Panel for the Offense specified in Canon IV.14.1.h.2 pertaining to Doctrine Offenses shall consist of five Bishops only.