

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2009
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2009-A123
TITLE: Amend Canon 1.15.10 Discipline Process Clarification
PROPOSER: Standing Commission on the Structure of the Church
COMMITTEE: Structure

Directly Related: (attached)

2006-B020 On the Topic of Amending Canon I.15 [Of Congregations in Foreign Lands] (Rejected)
2006-C047 Refer a Resolution on Amendment of Canon I.15 [Of Congregations in Foreign Lands] (Referred)

Indirectly Related:

2006-A153 Create a New Title IV Task Force

In preparing this report, the Archives researched the resolutions of General Convention for the period 1976 through 2006, selecting "direct" resolutions that have a substantive bearing on the proposed legislation. Committee members who are interested in obtaining copies of "indirectly related" resolutions, legislative history before 1976, or who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.



Resolution Number: 2006-B020
Title: On the Topic of Amending Canon I.15 [Of Congregations in Foreign Lands]
Legislative Action Taken: Rejected

Text of the Resolution:

[*Resolved*, That Canon I.15.10 is amended to read as follows.]:

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

Sec. 10. The Convocation shall elect an Ecclesiastical Trial Court following the provisions of Title IV.4. In case a Member of the Clergy in charge of a Congregation in a foreign country shall be accused of any offense under the Canons of this Church, it shall be the duty of the Bishop in charge of such Congregation to follow the procedures set forth under Title IV of these Canons.



Resolution Number: 2006-C047
Title: Refer a Resolution on Amendment of Canon I.15 [Of Congregations in Foreign Lands]
Legislative Action Taken: Referred
Text of the Resolution:

[*Resolved*, That the text of Canon I.15.10 be amended as follows:]

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

Citation: Canon I.15.10 is excerpted from the Final Text of the revision to Canon I.15. General Convention, *Journal of the General Convention of...The Episcopal Church, Columbus, 2006* (New York: General Convention, 2007), pp. 303-306.

TOPIC/TITLE: Budget: Amend Canon 1.15.10: Discipline Process Clarification
 PROPOSER: Standing Commission on the Structure of the Church
 C&C PAGE: 52
 BB PAGE: 625

1 *Resolved*, the House of _____ concurring, That Canon 1.15.10 is hereby amended to read
 2 as follows:

3 **Sec. 10** In case a Member of the Clergy ~~officiating in charge of a Congregation~~ in a foreign
 4 land shall be accused of any offense under the Canons of this Church, it shall be the duty of
 5 the Bishop in charge of ~~such~~ *the Congregations in that land, or if there be none, the*
 6 *Presiding Bishop, to fulfill the role of the Bishop under Title IV. The Bishop so acting shall*
 7 *summon the Council of Advice, or the Standing Committee of the Bishop's diocese, as the*
 8 *case may be, and cause an inquiry to be instituted as to the truth of such accusation; and*
 9 ~~should there be reasonable grounds for believing the same to be true, the said Bishop and~~
 10 ~~the Council of Advice shall appoint a Commission, consisting of three Clergy and two Lay~~
 11 ~~Persons, whose duty it shall be to meet in the place where the accused resides, and to~~
 12 ~~obtain all the evidence in the case from the parties interested; which shall perform the~~
 13 ~~functions of a Diocesan Review Committee as provided in Title IV. they~~ *The Bishop,*
 14 *Council of Advice or Standing Committee, and Ecclesiastical Trial Court shall give to the*
 15 *accused all rights under the Canons of this Church which can be exercised in a foreign*
 16 *land. The judgment of the said Commission, solemnly made, shall then be sent to the*
 17 *Bishop in charge, and to the Presiding Bishop, and, if approved by them, shall be carried*
 18 *into effect; Provided, that no such Commission shall recommend any other discipline than*
 19 *admonition or removal of the Member of the Clergy from charge of said Congregation.*
 20 *Should the result of the inquiry of the aforesaid Commission reveal evidence tending, in*
 21 *their judgment, to show that said Member of the Clergy deserves a more severe discipline,*
 22 *all the documents in the case shall be placed in the hands of the Presiding Bishop, who may*
 23 *proceed against the Member of the Clergy, as far as possible, according to the Canons of*
 24 *the General Convention.*
 25 *The judgment of the Ecclesiastical Trial Court may be appealed by the Respondent to the*
 26 *Court of Review of the Province of which the Bishop in Charge is a member of the*
 27 *Provincial House of Bishops, or in the case of the Presiding Bishop, the Province most*
 28 *convenient to the Respondent.*
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EXPLANATION:

Resolution B020 was referred to the Commission. It concerned inconsistencies between the existing canonical provisions for clergy discipline in "foreign lands" and the revisions to the discipline process represented in the current Title IV. The amendments proposed in this Resolution will bring the discipline

Review Status: Not Yet Reviewed for Canonical Form

section of Canon I.15 into harmony with the existing Title IV, without creating further problems if Title IV is revised again at the 76th General Convention. Not making these corrections to Canon I.15.10 at this time will leave the Convocation of Churches in Europe and other congregations in foreign lands without an acceptable method of clergy discipline.