

STANDING COMMISSION ON CONSTITUTION AND CANONS

Membership

Mr. William Cathcart, Esq., *Chair*, 2015
Mr. James Simon, Esq., *Vice Chair*, 2018
Mr. Marcellus Smith, *Secretary*, 2015
The Rt. Rev. Laura Ahrens, 2018
The Very Rev. Walter Brownridge, 2015
Mr. Henry Burt, Esq., 2018
The Rev. Megan Castellan, 2018
Ms. Pauline Getz, Esq., 2018
The Rt. Rev. Dorsey Henderson, Jr., 2015
The Rt. Rev. Herman Hollerith, 2018
Ms. Kathleen Wells, Esq., 2015
The Rev. Canon Bradley Wirth, 2018
The Most Rev. Katharine Jefferts Schori, *Ex Officio*
The Rev. Gay Clark Jennings, *Ex Officio*
The Rev. Stan Runnels, *Executive Council Liaison*
Ms. Dorothy-Jane Porpeggia, Esq.,
President of the House of Deputies Liaison
Ms. Mary Kostel, Esq., *Staff*

Representation at General Convention

Bishop Dorsey Henderson, Jr. and The Rev. Canon Bradley Wirth are authorized to receive non-substantive amendments to this report at General Convention.

Summary of Work

Mandate: The canonical mandate of the Commission is as follows:

CANON 1.1.2(n)

- (3) A Standing Commission on Constitution and Canons. It shall be the duty of the Commission to:
 - (i) Review such proposed amendments to the Constitution and Canons as may be submitted to the Commission, placing each such proposed amendment in proper Constitutional or Canonical form including all amendments necessary to effect the proposed change. The Commission shall express its views with respect to the substance of any such proposal only to the proponent thereof; Provided, however, that no member of the Commission shall, by reason of membership, be deemed to be disabled from expressing, before a Legislative Committee or on the floor of the House of membership, personal views with respect to the substance of any such proposed amendment.
 - (ii) Conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity, and on the basis of such a review propose to the General Convention such technical amendments to the Constitution and Canons as in the opinion of the Commission are necessary or desirable in order to achieve such consistency and clarity without altering the substance of any Constitutional and Canonical provisions; *Provided, however,* that the Commission shall propose, for the consideration of the appropriate Legislative Committees of the two Houses, such amendments to the Constitution and Canons as in the opinion of the Commission are technically desirable but involve a substantive alteration of a Constitutional or Canonical provision.

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

(iv) 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 for 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.

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

Meetings

The Standing Commission on Constitution and Canons met in St. Louis, Missouri in November 2012; in Baltimore, Maryland in February 2014; and in Salt Lake City, Utah in October 2014.

In addition, the Commission met via telephone conference call 17 times: in April 2013, May 2013, July 2013, August 2013, October 2013, April 2014, May 2014, June 2014, July 2014, August 2014, September 2014, twice in October 2014, twice in November 2014, and once in December 2014.

At its organizational meeting, the Commission elected William Cathcart as its Chair; James Simon as its Vice Chair; and Marcellus Smith as its Secretary. At its initial meeting and in subsequent meetings, the Commission received comments and took action as reflected in this report. For detailed accounts of the Commission’s proceedings, readers are referred to the minutes of the Commission’s meetings, available at the Commission’s web page on the General Convention website.

Specific Areas of Work

1. Review of Canon I.1 and Other Relevant Canons and Rules of Order Regarding the Secretary of Convention and the Secretary of the House of Deputies

As part of its canonical mandate to “conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity,” the Commission concluded that the canonically assigned roles and responsibilities of the Secretary of the House of Deputies and the Secretary of the General Convention required clarification.

By way of background, as the 2012-14 Triennium was beginning, one of the tasks that needed to be undertaken was the hiring of a new Secretary of the General Convention. A small subcommittee of the Executive Council was appointed to assist the presiding officers in interviewing the pool of applicants for this position. As the subcommittee was doing its work, it became evident that some of the practices of the General Convention regarding the positions of the Secretary of the House of Deputies and the Secretary of the General Convention were inconsistent with the language of the Canons.

Moreover, some of the canonically assigned duties and responsibilities for each position seemed to be impractically assigned to the opposite office. The canonical amendments recommended below are

intended to clarify and consistently realign each office and to ensure that the roles and responsibilities of each are properly assigned to each Secretary.

2. Revision of Title III: Return to Ordained Ministry of Deacons, Priests, and Bishops Previously Removed and Released

As part of the Commission's mandate to "conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity," the Commission concluded that although Canons III.7, III.9, and III.12 provide for the release and removal of Deacons, Priests, and Bishops from the ordained Ministry of this Church, there is no consistent canonical process by which those persons can return to that Ministry. Many dioceses have created their own *ad hoc* processes to address this issue. However, these processes have lacked canonical consistency and have given rise to confusion within dioceses faced with members of the clergy seeking to return to ordained Ministry in this Church.

Accordingly, the Commission sought input from diocesan chancellors, from the House of Bishops, and from clergy and laity; and also reviewed *ad hoc* procedures created by dioceses to address this issue. Through our research, it became clear that any canon by which Deacons, Priests, and Bishops who have been released and removed from ordained Ministry in the Church and might return to that Ministry would need to balance a desire to reconcile those seeking to return to the ordained Ministry in this Church with the gravity of the decisions both to leave the ordained Ministry in this Church and to seek to return to it.

Thus, three elements emerged as central for any canon by which Bishops, Priests or Deacons could return to ordained Ministry within the Church:

- (1) A proven call from the community, as evidenced by support from members of the candidate's own order of ministry;
- (2) The consent of the Bishop of the diocese in which the candidate was last canonically resident; and
- (3) An agreement to undergo such testing or other examination as the consenting Bishop would deem appropriate.

The Commission has drafted proposed canons that aim to incorporate each of these elements. These draft canons, which appear later in this report, would provide a "return process" that essentially reverses the existing release and removal process. Accordingly, we recommend that notice of return to ordained Ministry be provided in the same manner as notice of release and removal. Further, we recommend placement of each applicable canon after the canon relating to release and removal for each particular order of Ministry.

3. Review of Canon III.11.3(a): Election of Bishops

As part of its canonical mandate to "conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity," the Commission discovered that Canon III. 11.3(a), addressing the transmission of required information upon election of a Bishop, contains a referencing error as the result of a recent amendment. The Canon was amended in 2012, and sections were renumbered.

Before it was amended, the documents required to be sent to the Presiding Bishop had been described in Section 3(b) of the Canon. In the amended Canon, they are described in Section 3(a). However, later in Section 3(a), the current Canon incorrectly refers to documents described in Section 3(b) (when in fact they are now described in 3(a)). The suggested revision is included at the end of this Blue Book report.

4. Work on Preparation and Supplement to White & Dykman

The 75th General Convention adopted Resolution A023, adding to the Commission's mandate the "continuing and comprehensive review and update" of the Annotated Constitution and Canons (popularly known as "White & Dykman"). Pursuant to A023, and continuing its work from the last triennium, the 2009-2012 Commission continued to consider new ways to approach updates of Titles III and IV, as wholesale changes (2003 and 1994, respectively) are not conducive to the conventional White & Dykman serial, section-by-section revision commentary method.

In the 2012 *Blue Book*, the Commission committed to hosting a meeting in January or February 2012 with key individuals who were involved in drafting the 1994 and 2009 revisions to Title IV along with several proficient and talented drafters who would be charged with making headway in following a prescribed methodology for beginning the new Title IV Supplement. This meeting was held as planned on June 11-13, 2012, and a subcommittee was formed, composed of the following: Diane E. Sammons, Esq., Chair; Joan Geiszler-Ludlum, Esq., Vice Chair; The Rt. Rev. Dorsey Henderson, Jr.; Lawrence Hitt, II, Esq.; William Cathcart, Esq.; Stephen Hutchinson, Esq.; Sally Johnson, Esq.; Thomas Little, Esq.; and Mark Duffy.

The Subcommittee has held 10 Adobe Connect Conference calls thus far during the triennium as follows: April 3, 2012; June 25, 2013; September 17, 2013; November 10, 2013; December 4, 2013; January 21, 2014; March 25, 2014; April 21, 2014; October 15, 2014; and November 12, 2014.

During this triennium, the Subcommittee has formed four separate groups: a) the 1994-2000 Title IV Revision; b) the 2001-2012 Title IV Revision; c) the Case Law Group; and d) Process for Future Annotations. Each of the Title IV Groups has completed its outline for the completion of the supplement, and work is well underway for completion. An editorial process has been agreed to for comment and revision. The Case Law Group is well-engaged in the process of collecting a record of each and every trial under Title IV since 1994. The work will continue with a summary of key legal issues for each case.

Finally, the Process for Future Annotations Group has come up with a draft plan for continuing the annotation process on a triennium basis moving forward. The White & Dykman Subcommittee proposes that the Commission allow it to complete its work as part of the formation of the next Commission.

5. Resolutions Referred to the Commission by General Convention and Others

A. Resolution 2012-A066: Impairment of a Member of the Clergy

This resolution proposed adding a new Canon III.9.14 that would require and authorize Bishops to take certain actions, in some instances with the participation of the Standing Committee, with regard to a clergy person who is considered to be "severely impaired."

After consideration of the proposal and consultation with its proponents, the Commission reached three conclusions. First, while it understood the grave situation that exists when an impaired clergy person continues to function as rector of a congregation, and the harm that can result, the Commission determined that the canonical change proposed by A066 contained problematic ambiguity in its terms as well as possible contradictions with other canons, raising questions about whether the proposal protected the due process of clergy persons thought to be impaired.

Second, costs to the diocese and to clergy persons thought to be impaired were not addressed by A066. Finally, it is the Commission's view that current Canon IV.7 providing for Pastoral Direction to a Member of the Clergy can be used to address the situation of an impaired clergy person sufficiently. To that end, the Commission chose not to present A066 or an amended variation of it to the 78th General Convention.

B. Resolution 2012-A142: Study Expansion of Canonical Residency

This Resolution was referred to Executive Council, the Standing Commission on Constitution and Canons, the Standing Commission on Ministry Development, and the Office of Transition Ministry to study the needs and merits of expanding Canonical Residency to Clergy not in charge of congregations and to report to the 78th General Convention.

The process for becoming canonically resident in a diocese is set forth in Canon III.7.6(b) for Deacons and Canon III.9.4 for Priests. The parallel Canons call for “Letters Dimissory” to be issued by the Ecclesiastical Authority of the Diocese of current canonical residence. Canon III.9.4(d) requires the Ecclesiastical Authority of the Diocese to which the transfer is proposed to accept the Letters Dimissory within three months, unless credible information is received concerning the character or behavior of the Priest. There is no time requirement for the acceptance of Letters Dimissory for clergy who are not called to a cure.

The Commission was prepared to propose canonical changes relating to the acceptance of Letters Dimissory after receiving guidance from Executive Council, the Standing Commission on Ministry Development, and the Office of Transition Ministry. As the Commission did not receive information from any other body, it determined that it would take no action on this Resolution.

C. Resolution 2012-Co49: Study and Revise Title IV**1. Title IV Review**

In 2013 the Commission conducted a church-wide survey seeking feedback on how the 2009 Title IV amendments are working in actual disciplinary proceedings. This survey was transmitted to the Bishops and Chancellors of the Church, who were asked both to submit their own comments and to relay the Commission’s request for comments to anyone who might be interested in providing comment about Title IV. The Commission is very grateful to all who responded; we received more than 100 thoughtful and well-documented suggestions and insights.

The general complaints from those who have worked in the system were that the Title IV process often takes too long and costs too much money; that church officials are often uncertain of their authority and duties; and that Respondents are often permitted to disrupt and delay the process, causing significant additional pastoral harm to Complainants, Injured Parties, and entire congregations that are held in limbo without effective resolution and closure.

After a careful review of each issue raised, The Commission determined that in most cases, the problems described were the result of inadequate training in the Title IV process, not in the canonical process itself. As a result, for 2015-2018, the Commission seeks funding and proposes a plan to develop and implement a church-wide training program composed of online modules and offline written materials for all members of the clergy and for all persons holding Title IV offices, as well as for all others in the Church community who have Title IV questions.

The Commission also proposes and is establishing a panel of experts (to be referred to as the Title IV Resource Team) who can answer technical questions about the Title IV process. It is our hope that with better training and more resources, the system will work more efficiently and pastorally, as it was designed to do.

The Commission also identified areas in which the canons would benefit from fine-tuning. In response to the many helpful suggestions received from across the Church, the Commission proposes amendment to, or addition of, 25 canons, with changes focused on clarifying the duties of Title IV officials and

promoting a more efficient, pastoral, and accountable process for all parties affected by Title IV. Suggested changes include:

- Adding more definite timelines to most processes;
- Adding sanctions for disruption of the process;
- Clarifying the boundaries of authority related to key participants;
- Streamlining the discovery process and clarifying the types and amount of discovery required and permitted by each side; and
- Clarifying who has responsibility for monitoring various aspects of the Title IV process.

The Commission considered eliminating the Conference Panel altogether from the Title IV process, on the ground that that phase of the process seems prone to consuming valuable time with little productive result. After consultation with the Episcopal Chancellors Network, however, we concluded that it is too soon after the adoption of the new Title IV to assess the effectiveness of the Conference Panel process at expanding the resolution of disciplinary matters through non-litigious means.

In the meantime, the Commission proposes more strict timelines and monitoring mechanisms in the Conference Panel process in order to help focus its important work. It is hoped that we can monitor and better measure the success of this process in the next triennium.

The Commission remains grateful to the hard work of those who served on the Title IV Task Force(s) and who offered to the Church a workable vision of a more pastoral, restorative model for ecclesiastical discipline. Our efforts during this triennium to evaluate or tweak their hard work is not a criticism of their work product, but instead an effort to honor that work by offering fixes for the small problems that real-life implementation has revealed.

2. Title IV Training Project

Project Scope:

At present, the Commission envisions training to be divided into three components: (1) a Title IV Resource Team; (2) written training materials to include but not necessarily be limited to narratives, PowerPoint presentations, and FAQs; and (3) online training modules. We hope to have the Title IV Resource Team in place by the end of 2014, and the written and online materials by the end of 2015. The Commission envisions utilizing press releases, email distribution lists, and two or three Provincial events (potentially at seminaries) to announce and kick off the launch of the training materials and modules.

A. Resource Team:

The Title IV Resource Team will help guide individuals throughout the Church in navigating Title IV. This team will NOT be an extension of the Chancellors Network and will NOT provide legal advice. Instead, it will be composed of non-lawyers (Bishops, Canons to the Ordinary, etc.) and lawyers alike who are familiar with the new Title IV.

The group will respond to inquiries, but will not answer substantive questions (i.e., “Is this an offense?” would be answered in the manner of, “You should consult the following canons ... Additionally, you may wish to contact John Smith in the Diocese of ABC as they have previously handled a similar Title IV matter” — the latter part only being appropriate if it is already public knowledge).

Questions would be sent to a publicized email address and then would be picked up by the team member designated to handle the email for the particular day (we envision each person on the team monitoring the email a few days per month). The person picking up the email could then either

prepare a reply or refer it to another team member whom he or she believes may be better equipped to handle the response. All responses would be signed, “Title IV Resource Team” so that people sending inquiries could not be guaranteed a response from a particular team member. We are looking into setting up a confidential Listserv for the team members to use to communicate with each other.

B. Written Materials & Online Materials:

At present, the Commission proposes that the written and online materials will cover as many as 23 topics, with subtopics included (see Subsection H below). The training would focus on discipline related to priests and deacons only, and would not specifically address the Title IV provisions uniquely applicable to the discipline of Bishops, although in many respects the information provided would apply equally in that scenario. These topics are pared down from an initial possible list of 38 topics, with numerous subtopics that, in a list, covered 10 pages (see Subsection G below). Additional topics could be covered as budget and other resources allow. The list may grow in response to inquiries received from the church-wide community or as written materials developed in connection with the project demonstrate a need for greater training in a particular area.

The Commission has identified that certain topics would be best presented in a question-and-answer format through use of Frequently Asked Questions. Many of the FAQs are already in the process of development through the work the Commission has completed during the triennium. Members of the Commission’s Subcommittee on Title IV training are continuing to develop the FAQs for use as part of the training materials.

The Commission envisions that online modules will be supplemented by PowerPoint presentations and additional written materials relevant to the topics addressed in the module.

The Title IV training Subcommittee of the Commission will reach out to members of the Resource Team as well as to others throughout the Church to obtain written materials that will be helpful for use in developing consistent written materials for distribution and use throughout the Church.

Once those materials have been compiled, the Subcommittee will seek volunteers to assist in writing the materials. Consistency and clarity will be key in preparing the written materials across the different topics. The Commission will also seek assistance from individuals with and without legal backgrounds to ensure both canonical compliance as well as readability and simplicity of language. We fully recognize the importance of ensuring that all those involved in Title IV matters be able to understand their obligations under the Canon.

The Commission has considered a variety of options at all different budget levels for the creation of training materials. At present, it appears a reasonable estimate for quality production would be through the Diocese of Utah at a rate of \$7,500 per hour of video (including up and online) in present-day dollars. As production will not occur until at least late 2015, this number will need to be adjusted upwards for inflation. This would include the costs of production, shooting, and helping to clean up the written materials for the video; plus hosting the website, presentation, and video. The Commission also would have to factor in additional costs for translation (approximately 18 cents per word per language in present-day value) and travel costs for presenters. There may be additional costs.

Less costly options are available but, in the Commission’s view, they would compromise quality, would decrease consistency across the project — thereby possibly even increasing confusion about Title IV — would delay the project, and would require significant additional volunteer personnel.

C. Method of Training:

The Commission proposes the creation of training modules to be presented in an online format that is available for viewing by anyone who wishes to view them. Each module will be designed to cover a discrete topic or related topics, and to be of a reasonable length so as to make the training sessions manageable for those who need questions answered in a timely manner. This project design was selected for both ease of use and cost-effective modification purposes.

The Commission firmly believes that, as revisions to Title IV arise, this method will allow for quick, useful, and cost-effective updated training to be provided church-wide. Furthermore, the modules will be easily translated into other languages. Finally, the Commission envisions using trainers and professional presenters, as well as written materials, which are able to engage a diverse online audience through various learning styles and needs (i.e., auditory and visual).

D. Justifications:

1. There is an immediate need for training under the new Title IV.
2. For years, the entire church-wide community has been asking General Convention, Executive Council, and other church officers for training, guidance, and assistance in navigating Title IV.
3. Diocese and Provinces lack the resources and, in some cases, the knowledge and experience to provide consistent and immediate training to all involved in the Title IV processes.
4. Seminarians are not receiving adequate — or in some cases, any — education in Title IV. As a result, many priests are wholly unaware of the standards to which they are being held and the disciplinary process that governs them. Once created, the training modules could provide seminarians with reliable teaching tools that could easily be incorporated into existing curricula at little or no cost to the institutions.
5. Once created, the online modules will be easier and more cost-effective to update than traditional training, thereby allowing for more immediate training updates following changes to Title IV.
6. The better the information that can be provided to all involved in the Title IV process, the more cost-effective the process can be for all involved. A single Title IV matter can cost dioceses and clergy tens, if not hundreds, of thousands of dollars in litigation costs. Chancellors estimate that lack of training significantly increases the cost of litigation, by estimates as high as 30-50 percent. Further, a poorly handled Title IV matter can cause unnecessary — and often irreparable — harm to both relationships and reputations of all parties involved. The Church has a responsibility to remediate any unnecessary costs, both relational and financial. Consistent and quality upfront training can greatly assist in this regard.
7. By adding the Resource Team in addition to the written materials and online training modules, the Commission will provide a reliable source of knowledgeable people to whom those with Title IV questions may go, thereby increasing consistency in the application of Title IV across the Church, and decreasing the pressure and reliance on those few chancellors upon whom to date many have come to rely.
8. More harm to the Church can flow from the mismanagement of a claim than from the misconduct itself. The training should be viewed as an investment in a savings plan rather than as an unnecessary and unwanted cost.

E. Calculations Used in Arriving at Budget Requests:

1. Online Training Modules:

Present-Day Cost per Module: \$7,500

Number of Modules: 23

$$\$7,500 \times 23 = \$172,500$$

Adjusted upward to \$8,500 per module for inflation, as production will not occur until at least late 2015

$$\$8,500 \times 23 = \$195,000$$

Estimate for 10 additional topics/“overage” to need to be covered based upon issues identified as “need for training”

$$\$8,500 \times 10 = \$85,000$$

195,000

+85,000

\$280,500

2. Translation of Speaking Portion of Online Training Module:

The Commission estimates that translation of the “speaking part” of each module into one language will cost \$29,700. For translation into more than one language, that number will need to be multiplied by the number of languages into which the script will be translated.

Given the policy of the Church, the Commission’s proposed budget encompasses an allocation for translation into both Spanish and Creole. Of course, these are preliminary estimates only, as no written materials have yet been prepared. The numbers are based on the following assumptions:

9,000 words per hour module (150 words spoken per minute) x

\$0.18 per word = \$1,620

\$1,620 x 23 original modules = \$37,260

\$1,620 x 10 overage modules = \$16,200

37,260

+ 16,200

\$ 53,460

x 2 (Spanish and Creole)

\$106,920

3. Translation of Written Materials:

The Commission estimates that the written materials in support of each online video module would be 15 pages. At an estimate of 500 words per page, this yields an estimate of 7,500 words per module of written materials to be translated.

7,500 x \$0.18 = \$1350 per module
 \$1350 x 23 (original) = \$31,050
 \$1350 x 10 (overage) = \$13,500

31,050
+13,500
 x 2 (Spanish and Creole)
 \$89,100

4. Translation of Written Materials Not Part of Modules (e.g., FAQs):

Estimate of 10 pages of FAQs at 500 words per page
 5,000 words x \$0.18 = \$900
 \$ 900
 x 2 (Spanish and Creole)
 \$1,800

Miscellaneous Translation Costs (e.g., announcements about project, introductory materials, additional written materials)

Estimate of 150 pages at 500 words per page:
 75,000 words x \$0.18 = \$13,500
 \$13,500
 x 2 (Spanish and Creole)
 \$27,000

5. Travel Costs for Presenters Associated with Salt Lake Filming:

Estimate of 5 presenters (no one speaker presenting more than 5 topics)
 \$500/module stipend + travel

23 original modules x 500 = \$11,500	\$11,500
10 overage modules x 500 = \$5,000	5,000
Travel (air + hotel + food):	
Hotel \$100/night (4 nights per person)	
\$400 x 5 = \$2,000	2,000
Airfare \$800 / flight =	
\$800 x 5 = \$4,000	4,000
Meals etc. \$61/day (based on GSA website per extranet travel guidance for Salt Lake City)	
\$61 x 4 x 5 = \$1,220	1,220
Total	<u>\$23,720</u>

6. Budget for Resource Team:

At this time, the Commission is exploring “no-cost” options for hosting the communications mechanism for the Team. The Commission is hopeful that one of these options will come to fruition. Recognizing, however, both the value the Resource Team brings to the training component of Title IV and the sensitivity of Title IV matters, it will be essential that members of the Resource Team be able to communicate with each other in a timely and discreet manner.

Furthermore, a need has been expressed for their work to be memorialized for use by future Resource Team members. This will aid in the consistent application of Title IV. Toward that end, in the event that a cost-free alternative is not soon made available, to ensure no further delays in the launch of this already identified group of volunteers, the Commission requests that a budget of up to \$10,000 be immediately allocated for their work.

7. Miscellaneous:

Although the Commission has in good faith tried to anticipate all expenses reasonably anticipated to arise in connection with the launch of the training materials, as with any project, it is likely there will be some unanticipated costs. Toward that end, the Commission is requesting an allocation for miscellaneous expenses for \$25,000.

To the extent that these funds are not otherwise utilized in the primary launch of the project during the triennium, the Commission would use them to host training launch events in strategically identified locations throughout the country, likely at seminaries in different Provinces. To the extent that the Church wishes additional presentations to occur (i.e., guaranteed Provincial events in each of the 9 Provinces), additional funds would need to be allocated for such purposes.

F. SUMMARY OF BUDGET REQUEST

BASIC BUDGET REQUEST

Online Training Modules (para. 1)	\$280,500
Travel for Presenters (para. 5)	\$23,700
Resource Team Budget (para. 6)	\$10,000
Miscellaneous (para. 7)	<u>\$25,000</u>
SUBTOTAL	\$339,200

TRANSLATION BUDGET REQUEST

Translation of Modules Referenced in para. 1 (para. 2)	\$106,920
Translation of Written Materials	
Part of Video Modules (para. 3)	\$89,100
Translation of Written Materials Not Part of	
Video Modules (para. 4)	\$1,800
	<u>\$27,000</u>
SUBTOTAL	\$224,820

TOTAL: \$339,200 + \$224,820 = \$564,020

The Commission has already reached out to various Title IV experts throughout the Church to ascertain interest in serving an inaugural Title IV Resource Team. The Commission is pleased to report that, at present, more than one dozen such individuals have agreed to serve. At capacity, the group will be composed of approximately 12 to 20 volunteers. Already, these individuals include Bishops, Canons to the Ordinary, Chancellors, Priests, and others. As is the Church itself, this body is geographically diverse and includes a representative from Province IX fluent in both Spanish and English.

G. Preliminary List of Topics That Could Have Been Included in Title IV Training (before cut down)

1. General Definitions/Glossary
 - a) Accord
 - b) Administrative Leave

- c) Advisor
- d) Bishop Diocesan
- e) Chancellor
- f) Church Attorney
- g) Clear and Convincing
- h) Community
- i) Complainant
- j) Conciliator
- k) Conduct Unbecoming a Member of the Clergy
- l) Conference Panel
- m) Disciplinary Board
- n) Discipline of the Church
- o) Doctrine
- p) General Convention
- q) Hearing Panel
- r) House of Bishops
- s) Injured Person
- t) Intake Officer
- u) Investigator
- v) Member of the Clergy
- w) Offense
- x) Order
- y) Pastoral Directions
- z) Pastoral Relationship
- aa) Presiding Bishop
- bb) Privileged Communication
- cc) Promptly (IV.19.8)
- dd) Provincial Court of Review
- ee) Quorum (IV.19.9)
- ff) Reference Panel
- gg) Respondent
- hh) Sentence
- ii) Sexual Abuse
- jj) Sexual Behavior
- kk) Sexual Misconduct
- ll) Standing Committee
- mm) Without Delay (IV.19.8)

2. Identification of Players Involved in Title IV Process

- a) Advisor
- b) Church Attorney
- c) Complainant
- d) Conciliator
- e) Conference Panel
- f) Disciplinary Panel
- g) Disciplinary Board
- h) Hearing Panel
- i) Injured Person
- j) Intake Officer

- k) Investigator
- l) Member of the Clergy
- m) Provincial Court of Review
- n) Reference Panel
- o) Respondent
- p) Bishop Diocesan
- q) Chancellor
- r) Presiding Bishop
- s) Standing Committee
- t) House of Bishops
- u) General Convention
- v) Confidential Communication (and exception(s))

3. Rights of Each Player

- a) Advisor
- b) Church Attorney
- c) Complainant
- d) Conciliator
- e) Conference Panel
- f) Disciplinary Panel
- g) Disciplinary Board
- h) Hearing Panel
- i) Injured Person
- j) Intake Officer
- k) Investigator
- l) Member of the Clergy
- m) Provincial Court of Review
- n) Reference Panel
- o) Respondent
- p) Bishop Diocesan
- q) Chancellor
- r) Presiding Bishop
- s) Standing Committee
- t) House of Bishops
- u) General Convention

4. Responsibilities of Each Player

- a) Advisor
- b) Church Attorney
- c) Complainant
- d) Conciliator
- e) Conference Panel
- f) Disciplinary Panel
- g) Disciplinary Board
- h) Hearing Panel
- i) Injured Person
- j) Intake Officer
- k) Investigator
- l) Member of the Clergy

- m) Provincial Court of Review
- n) Reference Panel
- o) Respondent
- p) Bishop Diocesan
- q) Chancellor
- r) Presiding Bishop
- s) Standing Committee
- t) House of Bishops
- u) General Convention

5. Qualifications of Each Player/Eligibility to Serve

- a) Advisor
- b) Church Attorney
- c) Conciliator
- d) Conference Panel
- e) Disciplinary Panel
- f) Disciplinary Board
- g) Hearing Panel
- h) Intake Officer
- i) Investigator
- j) Provincial Court of Review
- k) Reference Panel
- l) Disciplinary Board for Title IV Matters Involving Bishops
- m) Court of Review for Title IV Matters Involving Bishops

6. Outline of Process / Flow Chart Form

7. Summary of All Time Periods Applicable Throughout Process

8. Summary of Requirements for Objections at All Steps Throughout Process

9. Summary of Requirements for Notice at All Steps Throughout Process

10. Summary of What is Kept Private vs. What is Kept Public Throughout Process

11. Who Must Receive Which Documents Throughout Process

12. Who Must Sign Which Documents Throughout Process

13. Evidentiary Standards & Which Party Has Burden

14. Costs/Allocation of Costs at Each Step of Process

15. Resources Available for Assistance

- a) From Diocese
- b) From Province
- c) From 815
- d) From Archives
- e) From Chancellors Network
- f) From Other Sources

16. Diocesan Responsibilities

- a) Creation of Disciplinary Board
 - i. Members of Disciplinary Board
 - ii. Rules Applicable to Disciplinary Board
 - 1. How to Handle Vacancies
 - 2. Providing Notice of Resignation/Declination to Serve

- 3. Persons Ineligible to Serve Due to Other Positions/Titles
- iii. Provide for and Publicize Methods & Means of Reporting Information Regarding Offenses
- iv. Provide Advisors (IV.19.10)
- v. Provide by Canon System of Challenge as to Membership of Any Panel of Board Appointed for Proceeding (IV.19.15)

17. Provincial Responsibilities

- a) Creation of Court of Review
 - i. Members of Court of Review
 - ii. Rules Applicable to Court of Review
 - iii. Vacancies
 - iv. Clerk
 - v. Rules of Procedure Governing Appeals

18. Offenses/Causes for Proceedings/What is Meant by “Of Accountability”

19. Consequences

20. Who Can Bring Charges

21. Different Types of Charges

22. Differences Between Priests and Bishops Processes

23. Similarities Between Priests and Bishops Processes

24. Standards of Conduct (with examples)

- a) Confidences
- b) Rubrics
- c) Vows
- d) Accords or Orders
- e) Property
- f) Reporting Offenses
- g) Faithful Exercise of Ministry
- h) Restraint in Conduct

25. Intake and Referral of Information

- a) Reporting Offenses
- b) Method of Submission
- c) Role of Intake Officer
- d) Investigation
- e) Dismissal
- f) Appeal of Dismissal
- g) Empanelment
- h) Reference Panel
- i) Determinations
- j) Confidentiality
 - i. Exceptions to Confidentiality

26. Pastoral Direction, Restricted Ministry & Administrative Leave

- a) When a Pastoral Direction Can be Issued
- b) Requirements/Conditions for Pastoral Direction

- c) When Can Place Restrictions or Place on Administrative Leave Without Prior Notice or Hearing
- d) Notice & Requirements for Notice of Restrictions & Leaves
- e) Duration
- f) When May Be Modified
- g) When Become Effective
- h) Disclosure of Information Regarding Pastoral Information
- i) Clergy Request for Review
 - i. Who Conducts Review
 - 1. When Conducted by Conference Panel
 - 2. When Conducted by Hearing Panel
 - ii. Question Before Panel
 - iii. How Conducted
 - iv. Who Has Opportunity to Be Heard
 - v. Panel to Make Determination

27. Pastoral Responses

- a) Standards/Requirements for Pastoral Responses
- b) Who is Eligible for Pastoral Care (with examples)
 - i. Complainant
 - ii. Complainant's Family
 - iii. Respondent
 - iv. Respondent's Family
 - v. Injured Persons
 - vi. Injured Persons' Families
 - vii. Affected Community
 - viii. Witnesses
 - xi. Disciplinary Board
- c) Disclosure/When Appropriate
- d) Privacy Interests
- e) Designation of Person Responsible for Implementation of Pastoral Response

28. Agreements Between Bishops Diocesan and Respondents for Discipline

- a) Respondent/Clergy to Proposed Terms of Discipline
- b) When Accord May Be Entered Into
 - i. When Accord May Be Withdrawn
 - ii. What Canons Accords Are Subject To

29. Conciliation

- a) Goal of Conciliation
- b) How Conciliator Appointed
- c) If Conciliation Successful
- d) If Conciliation Cannot Be Achieved
- e) Qualifications for Conciliator

30. Investigations

- a) How Many Investigators

- b) Responsibilities/Goals
- c) Report to Reference Panel
- d) Confidentiality

31. Conference Panels

- a) Reference to Conference Panels
- b) Who Will Participate in Proceedings
- c) Notices of Proceedings
- d) Required and Permitted Attendees
- e) Tone, Nature, and Conduct of Conference Panel Proceedings
- f) No Record of Proceedings/Closed Proceedings
- g) Conference Panel Determination
- h) Order of Dismissal
- i) Accord or Other Order
- j) Objections to Notice of Conference Panel

32. Hearing Panels

- a) Reference to Hearing Panel
- b) Statement of Offense and Notice
- c) Respondent's Response
- d) Attendance at Hearings
- e) Public Proceedings
 - i. Exceptions/When Kept Private
- f) Evidence and Discovery
- g) Testimony
- h) Determination
- i) Order of Dismissal

33. Accords and Orders

- a) Distinguish When Results from Conciliation vs. When from Proceedings Before a Conference Panel
- b) Complainant Has Opportunity to Be Heard
- c) Who Signs Accord
- d) Distribution of Accord
- e) Pronounce Sentence or Terms of Accord
- f) What May be Included in Order Issued by Conference or Hearing Panel
- g) Other Required Provisions in Accords and Orders
- h) Objections to Order
- i) Notice of Accords and Orders Which Have Become Effective
- j) Disclosure

34. Review by Provincial Court of Review

- a) Unreasonable Delay of Proceedings/Requests Filed with Provincial Court of Review for Hearing Panel to Resume Proceedings
 - i. Who Files
 - ii. Requirements for Filing
 - iii. Hearing Panel's Required Response

- iv. Provincial Court of Review's Consideration of Request
- v. When Transfer of Matter May be Appropriate
- b) Appeal of Orders
- c) Appeal by Bishop Diocesan
- d) Non-Provincial Appeals
- e) Record on Appeal
- f) Standards for Appeal
- g) Appeal Record
- h) Attendance for Oral Proceedings
- i) Record of Proceedings, Opportunity to Be Heard, Overturning Order
- j) Decisions by Court

35. Abandonment of The Episcopal Church

- a) By a Bishop
 - i. Certification of Abandonment
 - ii. Notice by Presiding Bishop or Presiding Officer of Certification and Restriction on Ministry
 - 1. Opportunity to Say Facts False
 - 2. Liable to Deposition
 - iii. By a Priest or Deacon
 - 1. Report to Standing Committee
 - 2. Standing Committee's Determination and Communication to Bishop Diocesan
 - 3. Bishop Diocesan's Restriction on Ministry
 - 4. Time Period to Retract Declaration and Acts Relied Upon

36. Proceedings Applicable to Bishops

- a) Disciplinary Board for Bishops
 - i. Composition
 - ii. Method of Appointment
 - iii. Eligibility to Serve
 - iv. President of Disciplinary Board
- b) Conference Panel Composition
- c) Hearing Panel Composition
- d) Sentencing of a Bishop
 - i. Certain Provisions Not Applicable
 - ii. Time Frames Applicable
 - iii. Limitations on When Can Be Pronounced
- e) Statement of Disassociation
 - i. When Can Be Brought
 - ii. Who Can Bring/How Many Bishops Diocesan
 - iii. What Must be Included
 - iv. Procedure and Time Frames
 - v. Consideration by House of Bishops
 - vi. Request by House of Bishops to Presiding Bishop to Initiate Proceedings for Disassociation
- f) Court of Review for Bishops
 - i. Composition of Court & Election of President
 - ii. Expenses

iii. Agreement for Discipline by a Bishop & When Becomes Effective

37. Modification & Remission of Orders

- a) Who Can Apply
- b) To Whom Application for Modification or Remission May Be Made
- c) Standard for Granting Modification and/or Remission
- d) In Priest/Deacon Cases, How to Modify/Remit in Cases Other Than Deposition
- e) In Priest/Deacon Cases, How to Modify/Remit in Cases of Deposition
- f) When Member of Clergy Has been Deposed for Abandoning Church
- g) In Bishop Cases
- h) Opportunity to Be Heard

38. General Provisions

- a) Clarification of Nature of Proceedings as Ecclesiastical, Neither Civil Nor Criminal
- b) Resort to Secular Courts Not Permitted
- c) Time Limitation on Proceedings
 - i. General Rule of 10-Year Limitations Period
 - ii. Exceptions to General Rule
 - 1. 3-Year Extension After Civil Court Judgment or Criminal Court Conviction of Matter Involving Immorality
 - 2. Extension to When Injured Person Attains Age 25 When Injured Person Was Under Age 21 at Time Of Alleged Act
 - 3. 2-Year Extension After Injured Person's Disability Ceases When Injured Person Was Under Disability At Time of Alleged Acts
 - 4. No Time Limit for Physical Violence, Sexual Abuse, Sexual Exploitation When Alleged Injured Person Was Under Age of 21
 - 5. When Must Be Initiated Within 2 Years (IV.3.1(a), IV.4.1(b), (c), (e), (h)(2))
 - iii. Note 1/1/96 Retroactivity Period except for physical violence, sexual abuse, sexual exploitation when alleged person under age 21
 - iv. What Constitutes Initiation of Proceedings for Limitations Purposes
- d) Jurisdiction and Venue (a.k.a., "Where")
 - i. Clergy
 - 1. In General
 - a) Where Canonically Resident
 - b) Where Alleged Offense Alleged to Have Occurred
 - 2. Special Rules When Referral Made to Intake Officer In Diocese Where Clergy Not Canonically Resident
 - a) Procedure When Objection Made by Bishop Diocesan of Diocese of Canonical Residence
- e) Effect of Respondent's Failure to Appear in Any Proceeding Under Title IV
- f) Sentence of Suspension or Restriction on Ministry
 - i. Effect in General
 - ii. Effect of Suspension of Rector Upon Pastoral Relationship
 - 1. Exceptions
- g) How to Compute Time Periods
 - i. Which Days Are Included for Purposes of Calculation
 - ii. Which Days are Excluded for Purposes of Calculation
 - iii. Effects of Saturday, Sunday, Legal Holiday
 - iv. Service by Mail Extends 5 Days

- v. What Is Meant by “promptly” or “Without Delay”
- h) What is Meant by Quorum
- i) Advisors
 - i. Purpose of Advisors/Advisors’ Role
 - ii. When Bishop Diocesan Must Make Advisor Available to Respondent
 - iii. When Bishop Diocesan Must Make Advisor Available to Complainant
 - iv. Who is Disqualified from Serving as Advisor
 - v. No Requirement that Services Be Accepted
 - vi. Nature of Communications as Privileged
 - vii. Who Bears Costs and Expenses
 - viii. Rights of Advisors
- j) Prohibition Against Improper Influence
- k) Right to Counsel
- l) Liability for Retrial Barred
- m) Impartiality & Disqualifications (with examples)
 - i. Bishops Diocesan
 - 1. Impartiality May Reasonably Be Questioned
 - 2. Self, Spouse, or Person within 3rd Degree of Relationship is Respondent, Complainant or Inured Person
 - ii. Panel Member
 - 1. Impartiality May Reasonably Be Questioned
 - 2. Member, Member’s Spouse, Person Within 3rd Degree of Relationship to Either, or Spouse of Such Person
 - a) Is Respondent, Complainant, or Injured Person
 - b) Likely to Be Witness
 - c) Has Personal Bias or Prejudice Concerning Respondent, Complainant, or Injured Person (with examples)
 - d) Has Personal Knowledge of Disputed Evidentiary Facts Concerning Proceeding (with examples)
 - e) Has a Personal Financial Interest in Outcome of Proceeding or in the Respondent, Complainant, any Injured Person, or Any Other Interest That Could be Substantially Affected By Outcome (with examples)
 - f) Is Member of Same Congregation or Otherwise Has Close Personal or Professional Relationship with the Respondent, the Complainant, any Injured Person or Any Witness in the Matter (with guidance)
 - 3. If Panel Member Has Not Disqualified Himself/Herself as Provided Above:
 - a) Who Can Challenge
 - b) Who Investigates
 - 4. Waivers of Grounds for Disqualification & Requirement of Full Disclosure on Record of Ground for Basis of Disqualification
 - iii. System of Challenge to Membership of Panel of Board Appointed for Any Proceeding
- n) Presumption of Innocence
- o) Burden of Proof
- p) Duty of All Church Members to Appear and Testify
- q) Church Attorney/Disqualifications of Certain Chancellors from Serving
- r) Notices Duly Served/Method of Serving
- s) When References to Bishop Diocesan May Include Bishop Coadjutor, Bishop Suffragan, or Assistant Bishop
- t) Disciplinary Board or Court of Review May Obtain Legal Counsel
 - i. If Retained, Role of Legal Counsel

- u) Expenses
 - i. General Rule
 - ii. Expenses of Diocese
 - iii. Expenses of Province
 - iv. Expenses of General Convention
 - v. Nothing Precludes Voluntary Payment of Respondent's Costs
- v) Who Acts in Presiding Bishop's Place if Presiding Bishop Unavailable by Virtue of Absence, Disability, or Other Disqualification
- w) When No Bishop Diocesan, Bishop Coadjutor, Bishop Suffragan or Assistant Bishop
- x) Confidential Communication
 - i. Exceptions to General Rule
- y) Privileged Communication
 - i. Exceptions to General Rule
- z) Non-Compliance with Procedural Requirements as General Rule Not Grounds for Dismissal of Proceedings
 - i. Exception When Causes Material & Substantial Injustice to Be Done or Seriously Prejudices Rights Of Respondent
 - 1. Who Determines
- aa) Former Sentence of Removal Deemed Sentence of Deposition
- bb) Preservation of Records
 - i. Keeping complete and accurate records by Hearing Panel & Provincial Court of Review
 - 1. Record to be Certified
 - 2. Copy to Be Kept in Diocese in Which Proceeding Originated
 - 3. Original Delivered to Archives
 - ii. Bishop Diocesan to Deliver to Archive Accords & Orders that Have Become Effective & Record of Action of Remission or Modification of Any Order and Preserve and Keep Copies as Well
- cc) Imputation — Clergy Who Deems Self Under Imputation (by rumor, etc.) Can Request Bishop Diocesan to Conduct Inquiry
- dd) When Act/Omission Occurred Prior to Effective Date of New Title IV

H. List of Topics for Title IV Training Materials

1. Overview
2. Offenses/Causes for Proceedings/What is Meant by "Of Accountability"
3. Different Types of Charges
4. Standards of Conduct
5. Rights and Responsibilities of Each Player
6. Private Information, Public Information, Confidentiality and Privilege
7. Evidentiary Standards, Burdens of Proof, Related Hearing-Panel Issues
8. Resources Available for Assistance
9. Diocesan Responsibilities
10. Provincial Responsibilities
11. Intake and Referral of Information
12. Things Clergy Need to Know, Including Agreements between Bishops Diocesan and Respondents for Discipline, Requests for Review, and Conciliation
13. Matters Chancellor Advises Bishop On, Including Confidentiality and Exceptions Thereto, Pastoral Direction, Restricted Ministry & Administrative Leave, Pastoral Responses, and Agreements Between Bishops Diocesan and Respondents for Discipline
14. Investigations

15. Conference Panels
16. Hearing Panels
17. Accords and Orders
18. Review by Provincial Court of Review
19. Abandonment of the Episcopal Church by Priest or Deacon
20. Modification & Remission of Orders
21. Impartiality & Disqualifications
22. Presumption of Innocence and Burden of Proof
23. Preservation of Records

D. Resolution 2012-C116: Constitutionality of Certain Provisions of Title IV

This Resolution directed the Commission to consider whether Title IV violates the Church’s Constitution by (1) authorizing the Presiding Bishop, without seeking the consent of certain others, to restrict the ministry of a Diocesan Bishop who may have committed an Offense, and (2) requiring each Diocese to create a court system prescribed by the Title for the discipline of Priests and Deacons. The resolution also directed the Commission to provide a process by which all interested persons could be heard on the issue, and to report its findings to the 78th General Convention.

As noted above, in 2013 the Commission solicited comments from the church community about Title IV. Only one commenter directed the Commission to C116. There were no other comments concerning the constitutionality of the Title.

During the previous triennium, in 2011, the Diocese of Albany adopted a resolution asking the Commission to review concerns that had been raised over the constitutionality of certain provisions of Title IV. The Commission concluded that such an inquiry was beyond the scope of the Commission’s mandate, which is defined in Canon I.2.2(n)(3) and does not include a review of canons adopted by the General Convention to consider their validity under the Church’s constitution.

In this instance, because Resolution 2012-C116 was adopted by the General Convention, its direction to this Commission stands in a different posture. Accordingly, the Commission has considered the constitutionality questions raised by C116, and has concluded that the provisions are constitutional for the following reasons. Unlike our secular federal government, there is no separate body in the Church, akin to a “Supreme Court,” with authority to declare an act of the General Convention unconstitutional. Rather, in the Church, the General Convention is the final arbiter of the meaning of the Constitution and Canons. Accordingly, when the General Convention adopts a canon, it is by definition constitutional, and the General Convention is presumed to have ensured that it is so.

E. Resolution 2012-D047: Prohibiting Certain Blanket Non-Disclosure Agreements

This Resolution proposed prohibiting every Diocese, Parish, Mission, or other entity associated with the Church from entering into any non-disclosure agreement during the dissolution of a pastoral or employment relationship, and declaring that any such agreement be void and unenforceable. The Commission considered the Resolution. While “non-disclosure agreements” during the dissolution of a pastoral or employment relationship are not provisions in a termination agreement that should be used either routinely or regularly, especially in matters related to Title IV, the Commission recognizes that there could be circumstances under which a non-disclosure agreement would be appropriate and in the best interest for all concerned. The Commission recommends that no action be taken on this Resolution.

F. Resolution 2012-Do83: Amend Canons III.9 and III.12 — Substitution for Presentment and Trial

This Resolution called for the amendment of two Canons that included terms related to procedures under the prior Title IV and that are not found in the current Title. As reflected later in this Report, the Commission proposes that the term “presentment” found in Canon III.9.4(d) be replaced with “potential disciplinary action,” and that the term “trial” found in Canon III.12.3(a)(2) be replaced with “disciplinary proceedings.”

G. Resolution 2012-Do13: Amend Canon III.5.2(b) — Testimonial Requirements

This Resolution called for the amendment of Canon III.5.2(b) to permit Diocesan Standing Committee members to give a power of attorney to another member to sign testimonials for him or her to expedite the signature process when a meeting is held telephonically or through other electronic means. The Commission considered the Resolution. It recognized the need to facilitate the execution of testimonials, while recognizing issues that could arise from the appointment of a power of attorney. Later in this Report, the Commission offers a substitute resolution which would provide that a signature to a testimonial that may be executed in counterparts may be delivered electronically and deemed to be an original.

H. Resolution 2012-A076: Strengthen Small Communities

This resolution requires that each interim body and program of The Episcopal Church take into account the impact of its activities on small congregations and small dioceses and make a priority of facilitating the Five Marks of Mission in this area.

The Commission has reflected on how its work strengthens small congregational and other communities. It is our considered opinion that expecting the Church’s smaller parishes and other smaller bodies to have an understanding of the canons is a critical component of their inclusion in the common life of the whole Episcopal Church. All Episcopal Church bodies, institutions, and Members of the Clergy are bound by the same canon law, regardless of size or wealth.

We believe that the canons provide thoughtful guidance for good governance for any parish, mission, or other smaller faith community. Finally, the Commission hopes that by clarifying the Church’s governing law, it enhances the ability of smaller communities to embrace the Five Marks of Mission; and, notes, moreover, that, in living out the Five Marks of Mission, the leadership of such communities will need to give thoughtful consideration to the canons and seek constructive guidance from diocesan canon lawyers to ensure compliance with the canons as plans and goals are developed.

6. Goals and Objectives for 2016-2018 Triennium

1. Develop and implement Title IV Training Program.
2. Address the need for further definition of the term “Conduct Unbecoming of a Member of the Clergy” in Title IV.
3. Identify and address conflicts between the Church Canons and legal systems in foreign countries.
4. Provide “whistle-blower” protection under Title IV.
5. Continue Title IV review.
6. Continue with update of White & Dykman.
7. Continue to review the full body of the Constitution and Canons, and 2015 resolution referrals, consistent with its Canon I.1.2(n) Mandate.
8. Continued review of statutes of limitation for proceedings under Title IV.

7. Budget Report

The Commission met 20 times during the triennium — three times in person and 17 times by Adobe Connect videoconference. The Commission expended \$20,373.74, leaving \$10,697.26 unexpended from its budget. The remaining funds will assist in financing the next in-person meeting of the White & Dykman Subcommittee to continue its work on the updates for White & Dykman.

The Commission expects to meet a similar number of times in the 2016-2018 triennium. This will require a budget of \$13,000 for 2016; \$13,000 for 2017; \$13,000 for 2018; \$564,020 for the development and implementation of Title IV Training Program, of which \$339,200 is attributable to the development of online training modules, travel for presenters, resource team budget, and miscellaneous items, and the \$224,820 balance of which is attributable to the translation of materials into Spanish and Creole; for a total of \$603,020 for the triennium.

8. Acknowledgments

The Commission wishes to express its gratitude to its members for their many contributions during the triennium; to the Commission's liaisons (Stan Runnels, liaison to Executive Council; Mary Kostel, liaison to the Presiding Bishop; and Dorothy Jane Porpeggia, liaison to the President of the House of Deputies) for their hard work and thoughtful counseling; to all of the staff members of the General Convention Office, especially Brian Murray, Iris Martinez, and Patrick Haizel, whose steady and patient work made the Commission's meetings, travel, and deliberations not only possible but enjoyable.

9. PROPOSED CANONICAL AMENDMENTS

A. A117: AMEND CANON I.1.2(N)(3)

Resolved, the House of _____ concurring, That Canon I.1.2(n)(3)(i) be amended as follows:

(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 their 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 House of membership, personal views with respect to the substance of any such proposed amendment.

EXPLANATION

Currently, Commissions or other authorized bodies may submit resolutions involving amendments to the Constitution or Canons in any form and depend upon the Standing Commission on Constitution and Canons (SCCC) to put resolutions in proper form. As the rules as to form for such amendments are printed in the Joint Rules of Order and in the Canons, the SCCC believes that the proposing Commission or other body submitting such a constitutional or canonical amendment should be responsible for ensuring the proper form of such submissions.

B. A118: AMEND CANONS I.1, I.6.5, I.9.11, AND V.1; AND JOINT RULE OF ORDER V.15

Resolved, the House of _____ concurring, That Canon I.1.1 be amended to read as follows:

(a) At the time and place appointed for the meeting of the General Convention, the President of the House of Deputies, or, if absent, the Vice President of the House, or, if there be neither, a presiding officer pro tempore appointed by the members of the House of Deputies on the Joint Committee of Arrangements for the General Convention, shall call to order the members present. The Secretary of the House of Deputies, or, if absent, a Secretary pro tempore appointed by the presiding officer, shall record the names of those whose testimonials, in due form, shall have been presented, which record shall be prima facie evidence that the persons whose names are therein recorded are entitled to seats. In the event that testimonials are presented by or on behalf of persons from jurisdictions which have not previously been represented in a General Convention, then the Secretary, or one appointed instead as provided herein, shall proceed as provided in Clause (c). If there be a quorum present, the Secretary of the House of Deputies shall so certify, and the House shall proceed to organize by the election, by ballot, of a Secretary of the House of Deputies, and a majority of the votes cast shall be necessary to such election. *Nominees for Secretary of the House of Deputies must be confirmed communicants in good standing or clergy of The Episcopal Church.* Upon such election, the presiding officer shall declare the House organized. If there be a vacancy in the office of President or Vice President, the vacancy or vacancies shall then be filled by election, by ballot, the term of any officer so elected to continue until the adjournment of the General Convention. As soon as such vacancies are filled, the President shall appoint a committee to wait upon the House of Bishops and inform it of the organization of the House of Deputies, and of its readiness to proceed to business.

(b) There shall be a President and a Vice-President of the House of Deputies, who shall perform the duties normally appropriate to their respective offices or specified in these Canons. They shall be elected not later than the seventh day of each regular meeting of the General Convention in the manner herein set forth. The House of Deputies shall elect from its membership, by a majority of separate ballots, a President and a Vice-President, who shall be of different orders. Such officers shall take office at the adjournment of the regular meeting at which they are elected, and shall continue in office until the adjournment of the following regular meeting of the General Convention. They shall be and remain *ex officio* members of the House during their term of office. No person elected President or Vice-President shall be eligible for more than three consecutive full terms in each respective office. In case of resignation, death, absence, or inability, of the President, the Vice-President shall perform the duties of the office until the adjournment of the next meeting of the General Convention. In case of resignation, death, absence, or inability of the Vice-President, the President shall appoint a Deputy of the opposite order, upon the advice and consent of the lay persons, presbyters and deacons of the Executive Council, who shall serve until the adjournment of the next meeting of the General Convention. The President shall be authorized to appoint an Advisory Council for consultation and advice in the performance of the duties of the office. The President may also appoint a Chancellor to the President, a confirmed adult communicant of the Church in good standing who is learned in both ecclesiastical and secular law, to serve so long as the President may desire, as counselor in matters relating to the discharge of the responsibilities of that office.

(c) In order to aid the Secretary of the House of Deputies in preparing the record specified in Clause (a), it shall be the duty of the Secretary of the Convention of every Diocese to forward to the Secretary of the House of Deputies, as soon as may be practicable, a copy of the latest Journal of the Diocesan Convention, together with a certified copy of the testimonials of members aforesaid, and a duplicate copy of such testimonials. Where testimonials are received for persons from jurisdictions which have not previously been

represented in General Convention, the Secretary shall ascertain that the applicable provisions of Article V, Section 1, of the Constitution have been complied with prior to such persons being permitted to take their seats in the House.

(d) The Secretary of the House of Deputies shall keep full minutes of the proceedings of the House; record them, with all reports, in a book provided for that purpose; preserve the Journals and Records of the House; deliver them to the Registrar, as hereinafter provided; and perform such other duties as may be directed by the House. The Secretary shall appoint a First Assistant Secretary of the House of Deputies and may, with the approval of the House, appoint other Assistant Secretaries, and the Secretary of the House of Deputies and the First Assistant Secretary, ~~and Assistant Secretaries~~ shall continue in office until the organization of the next General Convention, and until their successors be chosen.

(e) It shall be the duty of the Secretary of the ~~House of Deputies~~ General Convention, whenever any alteration of the Book of Common Prayer or of the Constitution is proposed, or any other subject submitted to the consideration of the several Diocesan Conventions, to give notice thereof to the Ecclesiastical Authority of the Church in every Diocese, as well as to the Secretary of the Convention of every Diocese, and written evidence that the foregoing requirement has been complied with shall be presented by the Secretary of the General Convention to the General Convention at its next session. All such notices shall be sent by certified or registered mail, with the local Secretary's certificates to be returned. The Secretary of the General Convention shall notify all diocesan Secretaries that it is their duty to make known such proposed alterations of the Book of Common Prayer, and of the Constitution, and such other subjects, to the Conventions of their respective Dioceses at their next meeting, and to certify to the Secretary of the ~~House of Deputies~~ of the General Convention that such action has been taken.

(f) The Secretary of the House of Deputies and the Treasurer of the General Convention shall be entitled to seats upon the floor of the House of Deputies, and, with the consent of the President, they may speak on the subjects of their respective offices.

(g) At the meetings of the House of Deputies the Rules of Order of the previous meeting shall be in force until they are amended or repealed by the House.

(h) In case of the resignation, death or total disability of the President and Vice-President during the recess of the General Convention, the Secretary of the House of Deputies shall perform such *ad interim* duties as may appertain to the office of President until the next meeting of the General Convention or until such disability is removed.

(i) If, during recess, a vacancy shall occur in the office of Secretary of the House of Deputies, the duties thereof shall devolve upon the First Assistant Secretary, or, if there be none such, upon a Secretary pro tempore appointed by the President of the House of Deputies, or if the office of President be also vacant, then by the Vice-President, and if both offices be vacant, then by the members from the House of Deputies of the Joint Committee on Planning and Arrangements for the next General Convention, appointed by the preceding General Convention.

(j) At every regular meeting of the General Convention, the Secretary of the House of Deputies elected by the House of Deputies shall, by concurrent action of the two Houses of the General Convention, also be made the Secretary of the General Convention, who shall have responsibility for assembling and printing of the Journal of the General Convention, and for other matters specifically referred by *General Convention or its officers to the Secretary of the General Convention. If a vacancy shall occur in the office of Secretary of the General Convention, the duties thereof shall devolve upon a Secretary pro tempore jointly appointed by the President of the House Deputies, or if the office of President be vacant, then by the Vice President, and the Presiding Bishop. The term of the Secretary pro tempore shall extend until the election of a Secretary of the General Convention at the next regular General Convention.*; and be it further

Resolved, That Canon I.6.5 be amended as follows:

(a) It shall be the duty of the Secretary of the Convention of every jurisdiction to forward to the Secretary of the *General Convention of the House of Deputies*, immediately upon publication, two copies of the Journals of the Convention of the jurisdiction, together with Episcopal charges, statements, and such other records in paper or electronic format as may show the state of the Church in that jurisdiction, and two copies to the Archives of the Church in a common format as prescribed by the Archivist of the Church.; and be it further

Resolved, That Canon I.9.11 be amended as follows:

Sec. 11. Each Provincial Synod shall keep minutes, journals or other records of its meetings, and shall transmit one copy of the records to the Secretary of the *General Convention House of Deputies*, and one copy to the Archives of The Episcopal Church. The Synod shall also transmit copies of any unpublished inactive records to the Archives.; and be it further

Resolved, That Canons V.1.2 and V.1.5 be amended as follows:

Sec. 2. Whenever a Canon is amended, enacted, or repealed in different respects by two or more independent enactments at the same General Convention, including the enactment of an entire Title, the separate enactments shall be considered as one enactment containing all of the amendments or enactments, whether or not repealed, to the extent that the change made in separate amendments or enactments, are not in conflict with each other. The two members of the Committee on Canons from each House of General Convention appointed pursuant to Canon V.1.5(a) shall make the determination whether or not there is a conflict and certify the text of the single enactment to the Secretary of *the General Convention*.

Sec. 5 (a) The Committee on 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 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*, who shall publish them in the Journal.

(b) The Committee on Constitution of each House of the General Convention shall, at the close of each regular meeting of the General Convention, appoint a similar committee of two of its members 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. The committee 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 in the foregoing Sections 4 and 5(a) of this Canon.; and be it further

Resolved, That Joint Rule of Order V.15, be amended to read as follows:

15. The Secretary of the ~~House of Deputies—General Convention, being the Secretary of the General Convention,~~ shall, with the cooperation of the Secretary of the House of Bishops, ~~and of such Bishops as may be appointed by the Presiding Officer of the House of Bishops~~ prepare a summary of the actions of the General Convention of particular interest to the Congregations of the Church, and make the same available to the Congregations, through the Ministers-in-charge thereof, and to the Lay Deputies; such summary to be sent to the Clergy along with the Pastoral Letter put forth by the House of Bishops, and to be made available to all Deputies on the last day of the Convention, along with such Pastoral Letter, if feasible to do so, or within thirty days thereafter.

EXPLANATION

These amendments are all related to the role and function of the Secretary of General Convention and the Secretary of the House of Deputies. The intent of these amendments is to clarify the roles and functions of each of these offices and to ensure that there is clarity of the duties and responsibilities of each office.

C. A119: AMEND CANON III.5.2(B)

Resolved, the House of _____ concurring, That Canon III.5.2(b) is hereby amended to read as follows:

(b) 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, each of which shall be deemed an original. *If executed and delivered by facsimile or other electronic transmission, each shall also be deemed to be an original.*

EXPLANATION

This resolution provides that a signature to a testimonial that may be executed in counterparts may be delivered electronically and be deemed to be an original in order to expedite the processing of testimonials.

D. A120: AMEND CANON III.7 TO ADD 7.11; AMEND CANON III.9, TO ADD 9.12, AND RENUMBER 9.12 AND 9.13; AND AMEND CANON III.12, TO ADD 12.8 AND RENUMBER 12.8, 12.9, AND 12.10

Resolved, the House of _____ concurring, That Canon III.7 be amended to add a new Canon III.7.11 to read as follows:

Sec. 11. *Return to the Ordained Ministry of this Church after Release and Removal.*

(a) *When a Deacon who has been released and removed from the ordained Ministry of this Church under Canon III.7.8 desires to return to that Ministry, the person shall apply in writing to the Bishop of the Diocese in which the Deacon was last canonically resident, attaching the following:*

- (1) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church;
- (2) Evidence of previous ordained Ministry in this Church, and other Churches as applicable.
- (3) Evidence of moral and godly character;
- (4) Evidence that the person is free from any vows or other engagements inconsistent with the exercise of ordained Ministry in this Church;
- (5) A certificate from at least two Clergy in this Church stating that, from personal examination or from satisfactory evidence presented to them, they believe that the departure of the person from the ordained Ministry of this Church and from the ordained Ministry of any other Church to which the person has belonged since his or her departure from the ordained Ministry of this Church has not arisen from any circumstance reflecting unfavorably on his or her moral or religious character, or on account of which it may not be expedient to permit the person to return to the ordained Ministry of this Church;
- (6) A letter of support in the form provided in Canon III.6.6(b)(2) from the Rector or Member of the Clergy in charge and Vestry of a Parish of this Church; and
- (7) A statement of the reasons for seeking to return to the ordained Ministry of this Church.

(b) The provisions of Canon III.6.5(a) shall be applicable.

(c) The Commission on Ministry may, with the consent of the Bishop, and with notice to the applicant, examine the applicant in any subject described in Canons III.6.5(f) and (g).

(d) Before the person may be permitted to return to the ordained Ministry of this Church, the Bishop shall require a promise in writing to submit in all things to the Discipline of this Church without recourse to any other ecclesiastical jurisdiction, and shall further require the person to subscribe and make in the presence of the Bishop and two or more members of the Clergy of this Church the declaration required in Article VIII of the Constitution.

(e) Thereafter the Bishop, being satisfied of the person's theological qualifications and soundness in the faith, taking into account the facts and circumstances surrounding the person's removal and release, may permit, with the advice and consent of the Standing Committee, the return of the person into the ordained Ministry of this Church.

(f) No one shall be permitted to return to the ordained Ministry of this Church under this Canon less than twelve months from the date of having most recently become a communicant of this Church unless the Bishop Diocesan and a majority of the members of the Standing Committee conclude that special circumstances exist to merit such return which will benefit the needs of this Church.

(g) Notice of the person's return to the ordained Ministry of this Church shall be provided in writing to the same persons and entities receiving notice under Canon III.7.10.; and be it further

Resolved, That Canon III.9 be amended to add a new Canon III.9.12 to read as follows, and renumbering the two subsequent sections to be Canon III.9.13 and III.9.14.

Sec. 12. Return to the Ordained Ministry of this Church after Release and Removal.

(a) When a Priest who has been released and removed from the ordained Ministry of this Church under Canon III. 9.8 desires to return to that Ministry, the person shall apply in writing to the Bishop of the Diocese in which the Priest was last canonically resident, attaching the following:

- (1) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church;
- (2) Evidence of previous ordained Ministry in this Church and other Churches as applicable;
- (3) Evidence of moral and godly character;
- (4) Evidence that the person is free from any vows or other engagements inconsistent with the exercise of ordained Ministry in this Church;
- (5) A certificate from at least two Priests in this Church stating that, from personal examination or from satisfactory evidence presented to them, they believe that the departure of the person from the ordained Ministry of this Church and from the ordained Ministry of any other Church to which the person has belonged since his or her departure from the ordained Ministry of this Church has not arisen from any circumstance reflecting unfavorably on his or her moral or religious character, or on account of which it may not be expedient to permit the person to return to the ordained Ministry of this Church;
- (6) A letter of support in the form provided in Canon III.8.7(b)(2) from the Rector or Member of the Clergy in charge and Vestry of a Parish of this Church; and
- (7) A statement of the reasons for seeking to return to the ordained Ministry of this Church.

(b) The provisions of Canon III.8.5(a) shall be applicable.

(c) The Commission on Ministry may, with the consent of the Bishop, and with notice to the applicant, examine the applicant in any ~~other~~ subject required described in ~~by~~ Canons III.8.5(g) and (h).

(d) Before the person may be permitted to return to the ordained Ministry of this Church, the Bishop shall require a promise in writing to submit in all things to the Discipline of this Church without recourse to any other ecclesiastical jurisdiction or foreign civil jurisdiction, and shall further require the person to subscribe and make in the presence of the Bishop and two or more Presbyters the declaration required in Article VIII of the Constitution.

(e) Thereafter the Bishop, being satisfied of the person's theological qualifications and soundness in the faith, taking into account the facts and circumstances surrounding the person's removal and release, may permit, with the advice and consent of the Standing Committee, the return of the person into the ordained Ministry of this Church.

(f) No one shall be permitted to return to the ordained Ministry of this Church under this Canon less than 12 months from the date of having most recently become a communicant of this Church unless the Bishop Diocesan and a majority of the members of the Standing Committee conclude that special circumstances exist to merit such return which will benefit the needs of this Church.

(g) Notice of the person's return to the ordained Ministry of this Church shall be provided in writing to the same persons and entities receiving notice under Canon III.9.11.; and be it further

Resolved, That Canon III.12 be amended to add a new Canon III.12.8, to read as follows, and renumbering the three subsequent sections to be Canon III.12.9, III.12.10, and III.12.11.

Sec. 8. Return to the Ordained Ministry of this Church after Release and Removal

(a) When a Bishop who has been released and removed from the ordained Ministry of this Church under Canon III.12.7 desires to return to that Ministry, the person shall apply in writing to the Presiding Bishop, attaching the following:

- (1) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church;*
- (2) Evidence of previous ordained Ministry in this Church, and other Churches as applicable;*
- (3) Evidence of a moral and godly character;*
- (4) Evidence that the person is free from any vows or other engagements inconsistent with the exercise of ordained Ministry in this Church;*
- (5) A certificate from at least two Bishops in this Church stating that, from personal examination or from satisfactory evidence presented to them, they believe that the departure of the person from the ordained Ministry of this Church and from ordained Ministry of any other Church to which the person has belonged since his or her departure from the ordained Ministry of this Church has not arisen from any circumstance reflecting unfavorably on his or her moral or religious character, or on account of which it may not be expedient to permit the person to return to the ordained Ministry of this Church;*
- (6) A letter of support from the Bishop of the Diocese in which the person was last canonically resident; and*
- (7) A statement of the reasons for seeking to return to the ordained Ministry of this Church.*

(b) The Presiding Bishop shall examine the person regarding his or her reasons for departure from the ordained Ministry of this Church, reasons for seeking to return to that Ministry, and any other subject reflecting on that person's fitness to return to the ordained Ministry of this Church. The Presiding Bishop may, at his or her discretion, invite others to participate in the examination.

(c) Before the person may be permitted to return to the ordained Ministry of this Church, the Bishop shall require a promise in writing to all things to the Discipline of this Church without recourse to any other ecclesiastical jurisdiction or foreign civil jurisdiction, and shall further require the person to subscribe and make in the present of the Presiding Bishop and two or more Bishops the declaration required in Article VIII of the Constitution.

(d) Thereafter the Presiding Bishop, being satisfied of the person's theological qualifications and soundness in the faith, taking into account the facts and circumstances surrounding the person's removal and release, may permit, with the advice and consent of the Advisory Council to the Presiding Bishop, the return of the person into the ordained Ministry of this Church.

(e) No one shall be permitted to return to the ordained Ministry of this Church under this Canon less than 12 months from the date of having most recently become a communicant of this Church unless the Presiding Bishop and a majority of the members of the Advisory Council to the Presiding Bishop conclude that special circumstances exist to merit such return which will benefit the needs of this Church.

(f) Notice of the person's return to the ordained Ministry of this Church shall be provided in writing to the same persons and entities receiving notice under Canon III.12.7(c).

EXPLANATION

These amendments provide a consistent canonical process by which Bishops, Priests, and Deacons who have been released and removed from the ordained ministry of this Church can resume the ordained ministry of this Church. Presently there is no consistent canonical process by which those persons can return to that Ministry. Many dioceses have created their own *ad hoc* processes to address this issue. However, these processes have lacked canonical consistency and have given rise to confusion within dioceses faced with members of the clergy seeking to return to ordained Ministry in this Church.

The proposed amendments incorporate three elements into the process of reentering the Church: (1) A proven call from the community, as evidenced by support from members of the candidate's own order of ministry; (2) The consent of the Bishop of the diocese in which the candidate was last canonically resident; and (3) An agreement to undergo such testing or other examination as the consenting Bishop would deem appropriate. The "return process" provided for in these proposed amendments essentially reverses the existing release and removal process.

E. A121: AMEND CANON III.9.4(D)

Resolved, the House of _____ concurring, That Canon III.9.4(d) is hereby amended to read as follows:

Sec. 9.4(d) If a Priest has been called to a Cure in a congregation in another Diocese, the Priest shall present Letters Dimissory. The Ecclesiastical Authority of the Diocese shall accept Letters Dimissory within three months of their receipt unless the Bishop or Standing Committee has received credible information concerning the character or behavior of the Priest concerned which would form grounds for canonical inquiry and ~~presentment-proceedings~~ under Title IV. In such a case, the Ecclesiastical Authority shall notify the Ecclesiastical Authority of the Diocese in which the Priest is canonically resident and need not accept the Letters Dimissory unless and until the Priest shall be exculpated. The Ecclesiastical Authority shall not refuse to accept Letters Dimissory based on the applicant's race, color, ethnic origin, sex, national origin, marital status sexual orientation, disabilities, or age.

EXPLANATION

This amendment removes the pre-2009 reference to Title IV "Presentment" and substitutes updated language.

F. A122: AMEND CANON III.12.3(A)(2)

Resolved, the House of _____ concurring, That Canon III.12.3(a)(2) is hereby amended to read as follows:

(2) If no visitation has occurred in a congregation for three years, the Bishop Diocesan or the Member of the Clergy in charge and Vestry or comparable body may apply to the Presiding Bishop to appoint five Bishops Diocesan who live nearest to the Diocese in which such Congregation is situated as a Council of Conciliation. The Council shall determine all matters of difference between the parties, and each party shall conform to

the decision of the Council; *provided*, that, in case of any subsequent ~~trial-disciplinary proceedings~~ of either party for failure to conform to the decision, any right of the Respondent under the Constitutions and Canons of this Church or the Diocese holding the ~~trial-disciplinary proceedings~~ may be pleaded and established as a sufficient defense, notwithstanding the former decision; and *provided*, further, that, in any case, the Bishop may at any time apply for such Council of Conciliation.

EXPLANATION

This amendment removes the pre-2009 reference to Title IV “trial” and substitutes updated language.

G. A123: AMEND CANON III.11.3(A)

Resolved, the House of _____ concurring, That the paragraph following the testimonial in Canon III.11.3(a) be amended as follows:

Sec. 3(a) The Standing Committee of the Diocese for which the Bishop has been elected shall by its President, or by some person or persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committees of the several Dioceses a certificate of the election by the Secretary of convention of the Diocese, bearing a statement of receipt of:

- (1) evidence of the Bishop-elect’s having been duly ordered Deacon and Priest;
- (2) certificates from a licensed medical doctor and licensed psychiatrist, authorized by the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to that person’s medical, psychological and psychiatric condition and have not discovered any reason why the person would not be fit to undertake the work for which the person has been chosen. Forms and procedures agreed to by the Presiding Bishop and The Church Pension Fund shall be used for this purpose; and
- (3) evidence that a testimonial in the following form was signed by a constitutional majority of the Convention:

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

(Date) _____ (Signed) _____

The Presiding Bishop, without delay, shall notify every Bishop of this church exercising jurisdiction of the Presiding Bishop’s receipt of the certificates mentioned in this Section and request a statement of consent or withholding of consent. Each Standing Committee, in not more than one hundred twenty days after the sending by the electing body of the certificate of election, shall respond by sending the Standing committee of the Diocese for which the Bishop is elected either the testimonial of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent. If a majority of the Standing

Committees of all the Dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the Diocese for which the Bishop is elected shall then forward the evidence of the consent, with the other necessary certificates required in this Section (documents described in ~~Sec 3(b)~~ Sec. 3(a)(2) of this Canon), to the Presiding Bishop. If the Presiding Bishop receives sufficient statements to indicate a majority of those Bishops consent to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese for which the Bishop is elected and the Bishop-elect of the consent.

EXPLANATION

This amendment corrects a referencing error that was created when the Canon was amended in 2012.

H. A124: AMEND TITLE IV

1. Amend Canon IV.2: Definitions: Advisor, Agreements, Church Attorney, Investigator, Procedural Officer, and Respondent

Resolved, the House of _____ concurring, That Canon IV.2, definitions of “Advisor,” “Agreements,” “Church Attorney,” “Investigator,” “Procedural Officer,” and “Respondent” are hereby amended to read as follows:

Accord shall mean a written resolution, which is negotiated and agreed among the parties resulting from an agreement for discipline under Canon IV.9, conciliation under Canon IV.10 or a Conference Panel proceeding under Canon IV.12. All Accords shall meet the requirements of Canon IV.14.

Administrative Leave shall mean a restriction on ministry in which the exercise of the Respondent’s ministry is suspended in its entirety during the period of the Administrative Leave and may include suspension from any ecclesiastical and related secular office.

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

Agreements *regarding terms of discipline shall in all cases be incorporated into an Accord and shall not constitute a separate instrument under this Title IV, but shall be and become an Accord and reported accordingly under Canon IV.14.12.*

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 Conference Panel~~ *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.

Clear and Convincing shall mean proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened. More than a preponderance of the evidence is required but not proof beyond a reasonable doubt.

Community shall mean that part of the Church in which a Member of the Clergy performs his or her ministry, such as a Diocese, Parish, Mission, school, seminary, hospital, camp or any similar institution.

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

Conciliator shall mean a person appointed to seek the resolution of a matter under Canon IV.10.

Conduct Unbecoming a Member of the Clergy shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

Conference Panel shall mean a panel of one or more members of the Disciplinary Board selected by the president of the board, unless some other manner of selection is provided by Diocesan Canon, to serve as the body before which an informal conference is held as provided in Canon IV.12, provided, however that no such member of the Conference Panel may serve as a member of the Hearing Panel in the same case. The president of the Disciplinary Board shall be ineligible to serve on the Conference Panel. If the Conference Panel consists of more than one member, it shall include both clergy and lay members.

Disciplinary Board shall mean the body provided for in Canon IV.5.1.

Discipline of the Church shall be found in the Constitution, the Canons and the Rubrics and the Ordinal of the Book of Common Prayer.

Doctrine shall mean the basic and essential teachings of the Church and is to be found in the Canon of Holy Scripture as understood in the Apostles and Nicene Creeds and in the sacramental rites, the Ordinal and Catechism of the Book of Common Prayer.

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

Panel in the same case. The president of the Disciplinary Board shall be ineligible to serve on the Hearing Panel.

Injured Person shall mean a person, group or Community who has been, is or may be affected by an Offense.

Intake Officer shall mean 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.

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.*

Member of the Clergy shall mean Bishops, Priests and Deacons of the Church.

Offense shall mean any act or omission for which a Member of the Clergy may be held accountable under Canons IV.3 or IV.4.

Order shall mean a written decision of a Conference Panel or a Hearing panel which is issued with or without the Respondent's consent. All orders shall meet the requirements of Canon IV.14.

Pastoral Direction shall mean a written direction given by a Bishop to a Member of the Clergy which meets the requirements of Canon IV.7.

Pastoral Relationship shall mean any relationship between a Member of the Clergy and any lay person to whom the Member of the Clergy provides or has provided counseling, pastoral care, spiritual direction or spiritual guidance, or from whom such member of the Clergy has received information within the Rite of a Penitent.

Privileged Communication shall mean any communication or disclosure made in confidence and with an expectation of privacy (a) within the Rite of Reconciliation of a Penitent; (b) between a client and the client's attorney; (c) between a Respondent and an Advisor or a Complainant and an Advisor; (d) between persons in a relationship in which communications are protected by secular law or Diocesan Canons; or (e) between and among a Conciliator and participants in a conciliation under Canon IV.10.

Procedural Officer shall mean a person learned in the law, experienced in litigation and having familiarity with the provisions and objectives of this Title. *The Procedural Officer shall be appointed annually by the Bishop Diocesan in consultation with the President of the Disciplinary Board.*

Provincial Court of Review shall mean a court organized and existing as provided in Canon IV.5.4 to serve as the body which performs the duties prescribed in Canon IV.15.

Reference Panel shall mean a panel composed of the Intake Officer, the Bishop diocesan and the president of the disciplinary Board to serve as the body which performs the duties prescribed in Canons IV.6 and IV.11.

Respondent shall mean any Member of the Clergy (a) who is the subject or a matter referred for conciliation or to the Conference Panel or to the Hearing Panel; (b) whose ministry has been restricted; (c) who has been placed on Administrative Leave; (d) who is the subject of an investigation and is asked by an investigator or by the Bishop Diocesan to provide information or to make a statement; (e) who agreed with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9; or (f) *any Member of the Clergy who requests a review pursuant to Canon IV.7.10.*

Sexual Abuse shall mean any Sexual Behavior at the request of, acquiesced to or by a person eighteen years of age or older and a person under eighteen years of age, in high school or legally incompetent.

Sexual Behavior shall mean any physical contact, bodily movement, speech, communication or other activity sexual in nature or that is intended to arouse or gratify erotic interest or sexual desires.

Sexual Misconduct shall mean (a) Sexual Abuse or (b) Sexual behavior at the request of, acquiesced to or by a Member of the Clergy with an employee, volunteer, student or counselee of that Member of the Clergy or in the same congregation as the Member of the Clergy, or a person with whom the Member of the Clergy has a Pastoral Relationship.

EXPLANATION

These amendments (i) impose a minimum qualification for training to ensure that an Advisor has a basic understanding of the Title IV process, to prevent an unqualified Advisor from misleading his or her charge or to disrupt the Title IV process and allows each diocese can determine how to ensure that each Advisor obtains and maintains as least that basic level of competency; (ii) add a new definition to clarify that an Agreement is the predecessor step to and is incorporated into a formal Accord, as an Agreement is not a distinct remedy or instrument but is part of the process of reaching an Accord; (iii) clarify under what circumstances the Church Attorney may consult with the President of the Disciplinary Board and the Bishop Diocesan, because in developing strategy for a matter, the Church Attorney may need the insights and special knowledge of the Board President or Bishop Diocesan, particularly as it may affect others in the Church; (iv) assign appropriate oversight of the Investigator's work which oversight is particularly critical if outside vendors are used and thus for officials in the Title IV process to determine and monitor the appropriate scope, timeliness, and cost of the investigator's work in each matter; (v) provide for the establishment of a procedural officer, which aids in the prompt and proper disposition of procedural motions and challenges which is essential in the administration of Title IV Proceedings, which Procedural Officer will serve as a consultant or resource to the Hearing Panel in providing a prompt disposition of such motions and moving the matter forward as Hearing Panels often do not have a member(s) who is experienced in the disposition of procedural motions; and (vi) expressly include in the definition of Respondent a Member of the Clergy who requests a review of a Pastoral Direction that includes a Restriction on Ministry or Administrative Leave, which thus makes this definition consistent with Canon IV.7.10, which specifically identifies as a Respondent the Clergy Member who requests the review and also triggers various due process procedures such as the right to have an Advisor appointed.

2. A125: AMEND CANON IV.5.3(G) QUALIFICATION OF CLERK

Resolved, the House of _____ concurring, That Canon IV.5.3(g) is hereby amended to read as follows:

(g) The Disciplinary Board shall appoint a clerk who may be a member of the Board, who shall be custodian of all records and files of the Disciplinary Board and who shall provide administrative services as needed for the functioning of the Board. *The clerk, or an assistant clerk who may be appointed at the discretion of the Board, may be any person otherwise qualified who has no conflict of interest in the matter before the Board and who is not barred from serving on the Disciplinary Board under the provisions of IV.5.3(c) or serving on the staff of persons so barred.*

EXPLANATION

This resolution provides clarity as to the qualifications of the person to be appointed clerk by the Disciplinary Board.

3. A126: AMEND CANON IV.5.3(J) RESIDENCE OF CHURCH ATTORNEYS, INTAKE OFFICERS, ADVISORS, INVESTIGATORS, CONCILIATORS

Resolved, the House of _____ concurring, That Canon IV.5.3(j) is hereby amended to read as follows:

(j) Church attorneys, Intake Officers, Advisors, Investigators ~~and~~, Conciliators, *and Procedural Officers* need not reside in or be members of the Diocese proceeding under this Title. Members of the Disciplinary Board shall be members of the Diocese in which they serve unless such Diocese has entered into an agreement for the sharing of resources as provided in Canon 4.5.3(i).

EXPLANATION

This amendment clarifies that the Procedural Officer can be from any diocese of the Church to enlarge the potential pool of qualified individuals.

4. A127: AMEND CANON IV.5 — ADD CANON IV.5.4 AND RENUMBER CURRENT (FORMER) CANON IV.5.4 AS IV.5.5

Resolved, the House of _____ concurring, That Canon IV.5 is hereby amended by adding Canon IV.5.4 to read as follows:

Sec. 4(a) *The President of the Hearing Panel shall have the authority, upon reasonable notice, to impose sanctions on the Respondent, the Respondent’s counsel, or the Church Attorney, for conduct that the President deems to be disruptive, dilatory, or otherwise contrary to the integrity of the proceedings. If the conduct in question is that of the Respondent’s counsel, notice shall be given to the following: the Respondent, Respondent’s counsel, and Respondent’s Advisor. If the conduct in question is that of the Church Attorney, notice shall be given to each of the Church Attorney, the Bishop Diocesan, and the person or Diocesan body with authority to remove or replace the Church Attorney.*

Sec. 4(b) *Sanctions which may be imposed pursuant to Section 5(a) above include but may not be limited to*

- (i) refusing to allow the disobedient party to support or oppose claims or defenses;*
- (iii) striking claims or defenses or responses; or*
- (iv) disqualification of counsel.*

Sec. 4(c) *Within 10 days of the imposition of sanctions under this section, the sanctioned party may appeal the sanction to the Disciplinary Board (excluding the members of the Hearing Panel). The President of the Disciplinary Board shall establish a hearing date and convene the Disciplinary Board members, within 20 days,*

either personally or telephonically, to consider the appeal. The Disciplinary Board shall issue its ruling within three days of conclusion of the hearing. The ruling of the Disciplinary Board cannot be the subject of an interlocutory appeal.

EXPLANATION

This amendment adds a new section to provide express authority for imposition of sanctions upon a party for disruption to the Title IV process. Those surveyed expressed the need for some type of negative consequences to stop demonstrated misuse and disruption of the Title IV process, and thus to reduce the consequent increase in time and cost to all the parties to a proceeding.

5. A128: AMEND CANON IV.6.3 MANDATORY REPORTING BY BISHOP

Resolved, the House of _____ concurring, That Canon IV.6.3 be amended to read as follows:

Sec. 3. Any person other than the Intake Officer who receives information regarding an Offense shall promptly forward the information to the Intake Officer. A Bishop Diocesan ~~may~~ shall forward information to the Intake Officer whenever the Bishop diocesan believes that the information may indicate conduct constituting one or more Offenses.

EXPLANATION

This amendment clarifies that the Bishop Diocesan has an affirmative duty to forward information to the Intake Office. The canon would substitute the discretionary “may” to “shall” to address complaints that Bishops could bypass or misuse the Title IV process by selectively withholding information that should reasonably be the subject of the more objective evaluation of the complaint in the Title IV process.

6. A129: AMEND CANONS IV.6.5, IV.6.6 AND IV.19.10(B) NOTICE OF DISMISSAL AND APPEAL MATTERS

Resolved, the House of _____ concurring, That Canons IV.6.5 and IV.6.6 be amended to read as follows:

Sec. 5. If the Intake Officer determines that the information, if true, would not constitute an Offense, the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide written notice to the Complainant, *the subject Member of the Clergy*, and the Bishop Diocesan of the decision of dismissal, the reasons therefor, and the Complainant’s right to appeal the decision within thirty days of the date of the notice and shall send a copy of that notice and the written intake report to the president of the Disciplinary Board. ~~If the Complainant wishes to appeal the dismissal, the intake Officer shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent by the Intake Officer to the president of the Disciplinary Board, along with a statement that the Complainant appeals the dismissal.~~ *the Bishop shall appoint an Advisor for the Complainant within 15 days of the date of the notice of dismissal. The Advisor shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent by the Advisor to the president of the Disciplinary Board, along with a statement that the Complainant appeals the dismissal.* The intake report and any related information, in the case of a dismissal, shall be retained by the Intake Officer and may be considered in connection with any additional information that may come to the Intake Officer thereafter concerning the subject Member of the Clergy.

Sec. 6. In the event of an appeal of a dismissal, the president of the Disciplinary Board shall, within thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the dismissal. The president shall promptly notify the Complainant, *the subject Member of the Clergy*, the Intake Officer, and the

Bishop Diocesan of the decision. If the decision is to overrule the dismissal, the president shall refer the intake report to the Reference Panel *within 15 days*; and be it further

Resolved, That Canon IV.19.10(b) be amended to read as follows:

(b) The Bishop Diocesan shall make an Advisor available to the Complainant not later than the earliest of (1) the forwarding of the intake report to the Reference Panel, (2) ~~the Complainant's appeal of 15 days after the Complainant receiving word of a dismissal under Canon IV.6.5,~~ (3) the Respondent or Bishop Diocesan proposing terms of discipline to the other under Canon IV.9, or (4) the Bishop's designation of an Injured Person as a Complainant.

EXPLANATION

This amendment removes from the Intake Officer the duty to assist the Complainant in drafting an appeal from the Intake Officer's own dismissal of the Complaint and substitutes an Advisor to assist the Complainant in perfecting the appeal process.

The change also ensures that the Member of the Clergy (who is not yet a Respondent) gets notice of the dismissal and the decision on any appeal of the dismissal. The change also adds appropriate deadlines and procedures to ensure prompt implementation of the dismissal and appeal process.

7. A130: AMEND CANON IV.6.7 NOTICE OF COMPLAINT TO CLERGY

Resolved, the House of _____ concurring, That Canon IV.6.7 is amended to read in full as follows:

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 the Complainant, and describing the next procedural steps that the Member of the Clergy can anticipate.*

EXPLANATION

This amendment clarifies that the subject Member of the Clergy (who is not yet a Respondent) gets prompt notice of basic information about the Complaint and the Title IV process. The change seeks to address due process and pastoral concerns about withholding or delaying such information from the subject of the Complaint.

8. A131: AMEND CANON IV.6.8 PROGRESS AND ACCOUNTABILITY

Resolved, the House of _____ concurring, That Canon IV.6.8 be amended to read in full as follows:

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; (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 monitor the progress of each referral on a*

monthly basis to ensure that the matter is progressing in a timely fashion. 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.

EXPLANATION

This amendment imposes timelines and oversight details to ensure that referrals by the Reference Panel are monitored and promptly acted upon. The change addresses concerns about undue delay and the need to identify who is responsible to ensure that a matter is not languishing, and for the Reference Panel to act make an alternative referral if needed.

9. A132: AMEND CANON IV.6.9 TIME TO REACH AN AGREEMENT

Resolved, the House of _____ concurring, That Canon IV.6.9 be amended to read in full as follows:

Sec. 9. If the determination of the Reference Panel is to take no action other than 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.6.8.*

EXPLANATION

This amendment imposes a 90-day deadline for action in a referral to the Bishop Diocesan for an Agreement. The change will ensure that the Complaint does not languish and that the Title IV process stays on track for a prompt resolution.

10. A133: AMEND CANON IV.7.4 CLARIFICATION OF COMPENSATION UNDER RESTRICTION

Resolved, the House of _____ concurring, That Canon IV.7.4 be amended to read as follows:

Sec. 4. Any restriction on ministry imposed pursuant to Canon IV.7.3(a) or placement on Administrative Leave pursuant to Canon IV.7.3(b) must (a) be made in writing; (b) set forth clearly the reasons for which it is issued; (c) set forth clearly the limitations and conditions imposed and the duration thereof; (d) *set forth clearly terms of compensation, if any*; (e) be neither capricious nor arbitrary in nature nor in any way contrary to the Constitution and Canons of the General Convention or the Diocese; (f) be promptly served upon the Member of the Clergy; and (g) advise the Member of the Clergy of his or her right to be heard in the matter as provided in this Canon. A copy of such writing shall be promptly provided to the Church Attorney.

EXPLANATION

This amendment requires that the issue of compensation, if any, for the subject Member of the Clergy be addressed in a Pastoral Direction that contains a restriction on ministry or Administrative Leave. Failure to address this critical issue causes undue hardship on the congregations and Members of the Clergy involved in the process.

11. A134: AMEND CANON IV.12.12 MOVE TO 14.8

Resolved, the House of _____ concurring, That Canon IV.12.12 be amended to read as follows:

Sec. 12. The Respondent or the Church Attorney may object to an Order issued by the Conference Panel by giving written notice of the objection to the president of the Conference Panel, ~~within fifteen days following~~

~~the effective date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of objection, the president of the Conference Panel shall notify the president of the Disciplinary Board of the objection and the matter will proceed as provided in Canon IV.14.11. and the other party(ies) in accordance with Canon IV. 14.8.~~

EXPLANATION

This amendment clarifies which parties must get notice of an objection to a Conference Panel Order. The change is consistent with the list in Canon IV.14.8 of parties entitled to notice of the Bishop's decision to adopt or modify the Sentence in the Order.

12. A135: AMEND CANON IV.13 PROCEDURAL MATTERS AND DISCOVERY

Resolved, the House of _____ concurring, That Canon IV.13 be amended to read as follows:

Sec. 1. ~~If~~ *When the Conference Panel decides to refer a matter is referred to the Hearing Panel, the president of the Conference Panel shall within three days of that decision promptly notify the president of the Disciplinary Board and the Church Attorney of the referral.*

Sec. 2. ~~Upon~~ *Within 10 days of receipt of a referral for Hearing Panel proceedings, the Church Attorney shall review all information acquired as of the time of such referral and, if necessary, shall revise or update the statement of the alleged Offense and shall provide the same to the Hearing Panel. 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) 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 ~~that failure to attend or participate in a scheduled or noticed hearing may result in a finding of default of the provisions of Canon IV.19.6.~~

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

(c) 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 within thirty days of the mailing date of the notice. The president of the Hearing Panel shall forward a copy of the response to the Church Attorney.*

Sec. 3. ~~In all proceedings before the Hearing Panel, the Church Attorney shall appear on behalf of the Diocese, which shall then be considered the party on one side and the Respondent the party on the other. Each Complainant shall be entitled to be present throughout and observe the Hearing and each may be accompanied by another person of his or her own choosing in addition to his or her Advisor.~~

~~Sec. 4. All proceedings before the Hearing Panel, except its private deliberations, shall be public, provided, however, that the Hearing Panel may close any part of the proceedings at its discretion to protect the privacy of any person. A record of the hearing shall be made by such means as to enable the creation of a written transcript of the hearing.~~

Sec. 53. The Church Attorney and the Respondent shall each be afforded reasonable time and opportunity to ~~prepare evidence~~ *discover evidence in preparation* for the hearing as follows:

~~(a) Within thirty-sixty days after the filing and delivery of the response by the Respondent, the Church Attorney and the Respondent's counsel shall meet and confer regarding the nature and basis of the allegations against the Respondent and the defenses thereto and to make or arrange for initial disclosures as described in Canon IV.13.5(b) and to develop a proposed plan of discovery forms and schedule for approval by the Hearing Panel. A report of the proposed plan shall be filed with the president of the Hearing Panel within fifteen days after the conference.~~

~~(b) Within fifteen days after the conference described in Canon IV.13.5(a), the Church Attorney and the Respondent's counsel shall each provide to the other *initial a mandatory d*Disclosure of all evidence known to them that would tend to prove or disprove the allegations against the Respondent, including but not limited to (1) the name and, if known, the address and telephone number of each individual likely to have direct knowledge of information which may be used to support the allegations against the Respondent or the defenses thereto, together with a detailed summary of the expected testimony of the person, if called to testify; and (2) a copy of, or a description by category and location of, all documents and tangible things that may be used to support the allegations against the Respondent or the defenses thereto, except as such disclosure would involve Privileged Communications. *The parties must supplement mandatory disclosures made under this section as additional information becomes known. Documents and tangible items identified in the mandatory disclosures that are in the possession of a party shall be produced upon request. The Hearing Panel may, upon request of a party or Injured Person, enter an order limiting production of documents or tangible items of a sensitive nature.*~~

~~(b) A party claiming that any communication is privileged must provide a log containing the date of the communication, a list of all persons party to the communication, and a short description of the communication. Disputes over the scope of the privilege may be raised with the Hearing Panel.~~

~~(c) The Church Attorney and Respondent's counsel may each also serve on the other up to 20 Requests for Admission at any time within the 60-day period for mandatory disclosures or within 15 days after that 60-day period. A party upon whom a Request for Admission is served must respond by admitting or denying the Request within 30 days of service, and failure to so respond shall be deemed an admission. Where extraordinary circumstances prevent a party from providing a timely response to a Request for Admission, the party may seek relief from the Hearing Panel, which, at its discretion, may grant such relief. If the discovery plan has been mutually agreed upon by the Church Attorney and counsel for the Respondent, the president of the Hearing Panel may approve the plan and incorporate it in a discovery order and scheduling order governing all discovery procedures and establishing a date for hearing of the matter. If the Church Attorney and Respondent's counsel do not agree on all elements of the discovery plan, the president of the Hearing Panel shall allow each to be heard with respect to the elements in dispute, make a determination of appropriate discovery procedures and issue a discovery order and scheduling order within thirty days of the receipt of the discovery planning report.~~

(d) *The Church Attorney and Respondent's counsel may each take two depositions without prior permission of the Hearing Panel.*

~~(e) No other discovery shall be allowed at any point during the pendency of a matter under this Title except with permission of the Hearing Panel upon a showing of extraordinary circumstances. Discovery procedures as approved in the discovery plan filed pursuant to Canon IV.13.5(a) may include written interrogatories, oral or written deposition testimony of any person having knowledge pertaining to the alleged Offense or any defenses, requests for production of documents or tangible objections, and requests for admissions of fact.~~

~~(e) In addition to the disclosures required by this section and the discovery obtained pursuant to the discovery plan, the Church Attorney and Respondent's counsel shall each provide to the other and to the Hearing Panel at least thirty days before the hearing final pre-hearing disclosures including (1) the name, address and telephone number of each witness expected to be called to testify at the hearing; (2) identification of each document or other tangible object expected to be used as an exhibit in the hearing; and (3) requests, if any, to have all or portions of the hearing closed to the public.~~

~~(f) Notwithstanding any provision of this section, in approving or determining the discovery plan, the president of the Hearing Panel shall take reasonable steps to assure that the discovery process will not unduly burden any person from whom information is sought or unduly adversely affect any pastoral response being offered to any such person. The Hearing Panel may impose, after reasonable notice and opportunity to be heard, reasonable sanctions on any party for failure to comply with any discovery or scheduling order pursuant to the provisions of Canon IV.5.5.~~

Sec. 4. In all proceedings before the Hearing Panel, the Church Attorney shall appear on behalf of the Diocese, which shall then be considered the party on one side and the Respondent the party on the other.

Sec. 5. All pre-hearing motions and challenges shall be timely filed with the Hearing Panel. All responses shall be filed by the non-moving party within 15 days of receipt of the motion or challenge. Upon receipt of a motion or challenge, the Hearing Panel may consult with the Procedural Officer or refer the motion or challenge to the Procedural Officer for determination. Upon receipt of a motion or challenge, the Hearing Panel will promptly set the matter for hearing. The hearing may be conducted by conference call. After consideration of the argument of the parties, the Hearing Panel or the Procedural Officer, whoever conducted the hearing, shall render a decision within three days of the hearing. The decision shall be final as to all procedural matters. Decisions on evidentiary matters are preliminary and may be reconsidered by the Hearing Panel during the course of the hearing if warranted by the evidence. A decision by the Procedural Officer shall be provided to the parties and the President of the Hearing Panel.

Sec. 6. All proceedings before the Hearing Panel except its private deliberations shall be open to the Respondent and to each Complainant, to any Injured Person, and to persons from the public. Each Complainant shall be entitled to be present throughout and observe the Hearing and each may be accompanied at the proceedings by another person of his or her own choosing in addition to his or her Advisor. Notwithstanding the above, the Hearing Panel, at its discretion and for good cause, including to protect the privacy of any person, may close any part of the proceedings to any person or group of persons, after consultation with the Church Attorney, the

Respondent's counsel and, where appropriate, the Bishop Diocesan. A record of the hearing shall be made by such means as to enable the creation of a written transcript of the hearing.

Sec. 7. At least 15 days before the hearing, the Church Attorney and Respondent's counsel shall each provide to the other and to the Hearing Panel final pre-hearing disclosures including (1) the name, address, and telephone number of each witness expected to be called to testify at the hearing; (2) identification of each document or other tangible object expected to be used as an exhibit in the hearing; and (3) requests, if any, to have all or portions of the hearing closed to the public.

Sec. 8. In all proceedings of the Hearing Panel, the testimony of witnesses shall be taken orally and personally or by such other means as provided by order of the Hearing Panel. All testimony shall be given under oath or solemn affirmation and be subject to cross-examination. The Hearing Panel shall determine the credibility, reliability and weight to be given to all testimony and other evidence. The proceedings shall be conducted as follows:

(a) The president shall regulate the course of the hearing so as to promote full disclosure of relevant facts.

(b) The president:

(1) may exclude evidence that is irrelevant, immaterial or unduly repetitious;

(2) shall exclude privileged evidence;

(3) may receive documentary evidence in the form of a copy or excerpt if the copy or excerpt contains all pertinent portions of the original document;

(4) may take official notice of any facts that could be judicially noticed, including records of other proceedings and of technical or scientific facts within the Hearing Panel's specialized knowledge;

(5) may not exclude evidence solely because it is hearsay;

(6) shall afford to the Church Attorney and to the Respondent reasonable opportunity to present evidence, argue and respond to argument, conduct cross-examination and submit rebuttal evidence; and

(7) may, at the discretion of the Hearing Panel, give persons other than the Church Attorney and the Respondent opportunity to present oral or written statements at the hearing.

(c) Nothing in this section shall preclude the exercise of discretion by the president in taking measures appropriate to preserve the integrity of the hearing.

Sec. 7 9. Following the conclusion of the hearing, the Hearing Panel shall confer privately to reach a determination of the matter by (a) dismissal of the matter or (b) issuance of an Order.

Sec. 8 10. If the determination is to dismiss the matter, the Hearing Panel shall issue an Order which shall include the reasons for dismissal and which may contain findings exonerating the Respondent. A copy of the Order shall be provided to the Bishop Diocesan, the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, and the Church Attorney.

Sec. 9 11. If the resolution is the issuance of an Order other than an Order of dismissal, the provisions of Canon IV.14 shall apply.

EXPLANATION

This amendment adds significant detail to guide the members of the Hearing Panels and the parties in evidentiary hearings. The change adds more specific deadlines to critical steps in the process, to prevent the process from languishing.

The change provides for notice to the Church Attorney of a referral to the Hearing Panel. The change clarifies that the Church Attorney initially provides the Hearing Panel only with a summary statement, not all the supporting documentation. The change requires that the Respondent be given notice of the consequences of his or her failure to appear.

The change mandates initial and supplemental disclosure of relevant documents and other evidence to the other party. The change permits the Hearing Panel to limit disclosure of facts of sensitive nature and to protect privacy rights. The change requires a privilege log to document claimed privileged communications. The change permits limited requests for admissions and depositions and that the Hearing Panel may expand discovery upon extraordinary circumstances.

The change provides for the utilization of a Procedural Officer to assist in the prompt disposition of procedural matters. The change provides a process for imposition of sanctions for discovery abuse. The change clarifies that at the Hearing Panel the parties are the Diocese, represented by the Church Attorney, and the Respondent. The change provides generally for open public proceedings in the Hearing Panel stage with a process to close the proceedings as required to protect privacy interests of any persons as appropriate. The change provides for pre-hearing disclosures — e.g., witness lists and exhibits — to be exchanged by the parties.

13. A136: AMEND CANON IV.14.4 DISTRIBUTION OF ACCORD

Resolved, the House of _____ concurring, That Canon IV.14.4 be amended to read as follows:

Sec. 4. A copy of the Accord shall be sent to the Complainant, the Complainant's Advisor, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Church Attorney and the Bishop Diocesan by the Conciliator or the president of the Conference Panel ~~or Hearing Panel~~ (whichever the matter was before when the Accord was reached) on the date that the Conciliator or president of the Panel signs ~~date on which the Accord is signed~~. If the Accord was reached between the Bishop Diocesan and Respondent under Canon IV.9, the Bishop Diocesan shall send a copy of the Accord to the persons listed in this Section on the date the Accord becomes effective and irrevocable.

EXPLANATION

This amendment clarifies when a signed Accord must be sent to the parties.

14. A137: AMEND CANON IV.14.5 MODIFICATION OF TIMES

Resolved, the House of _____ concurring, That Canon IV.14.5 be amended to read as follows:

Sec. 5. The Bishop Diocesan shall have ~~thirty~~ twenty days from the date on which the Accord is ~~sent to the Bishop Diocesan~~ issued in which to advise in writing the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Complainant, the Complainant's Advisor, the Church Attorney and the Conciliator or the president of the Conference Panel or Hearing Panel whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Accord as recommended. The Bishop Diocesan shall advise that he or she will (a) pronounce the Sentence as recommended or (b) pronounce a lesser Sentence than that recommended and/or (c) reduce the burden on the Respondent of any of the other terms of the Accord. The Bishop Diocesan shall pronounce Sentence not sooner than ~~forty~~ twenty days following the date on which the Accord is ~~sent to the Bishop Diocesan~~ issued and not later than ~~sixty~~ forty days following such date. The Bishop Diocesan's pronouncement of a lesser Sentence than that recommended or other modification shall not affect the validity or enforceability of the remainder of the Accord. In the case of an Accord under Canon IV.9, the Bishop Diocesan shall pronounce Sentence not sooner than the day after the date the Accord became effective and irrevocable.

EXPLANATION

This amendment provides deadlines for the Bishop Diocesan to act on Accords.

15. A138: AMEND CANON IV.14.8 SHORTEN TIMES

Resolved, the House of _____ concurring, That Canon IV.14.8 be amended to read as follows:

Sec. 8. (a) The Bishop Diocesan shall have ~~thirty~~ twenty days from the date of the issuance of the Order in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney, and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Order as recommended. The Bishop Diocesan shall advise that he or she will (a) pronounce the Sentence as recommended or (b) pronounce a lesser Sentence than that recommended and/or (c) reduce the burden on the Respondent of any of the other terms of the Order.

(b) *The Respondent or the Church Attorney may object to an Order issued by the Conference Panel by giving written notice of the objection to the president of the Conference Panel and the other party(ies) within 10 days following the issuance date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of objection, the president of the Conference Panel shall notify the president of the Disciplinary Board of the objection and the matter will proceed as provided in Canon IV.14.11.*

(c) The Bishop Diocesan shall pronounce Sentence not sooner than ~~forty~~ twenty days following the issuance of the Order and not later than ~~sixty~~ forty 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 Bishop Diocesan 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. The Bishop Diocesan's pronouncement of a lesser Sentence than that recommended or other modification shall not affect the validity or enforceability of the remainder of the Order.

EXPLANATION

This amendment moves provisions in section (b) from former Canon IV.12.12 regarding objections to Conference Panel Orders. The change also adds more specific deadlines for the Bishop Diocesan's pronouncement of Sentence.

16. A139: AMEND CANON IV.14.11 ADDING CHURCH ATTORNEY TO COMPORT WITH PARALLEL CANON
 Resolved, the House of _____ concurring, That Canon IV.14.11 be amended to read as follows:

Sec. 11. If the Order is issued by a Conference Panel, the Respondent or *the Church Attorney* may object to the Order as provided in Canon IV. ~~42.42~~ 14.8 and the matter shall be referred to a Hearing Panel for hearing as provided in Canon IV.13.

EXPLANATION

This amendment permits the Church Attorney to object to Conference Panel Order and corrects the canonical reference for form of objections.

17. A140: AMEND CANON IV.12 ADD PRESIDENT OF HOUSE OF DEPUTIES AS RECIPIENT OF NOTICE OF ACCORD
 Resolved, the House of _____ concurring, That Canon IV.14.12 and Canon 14.12(a) be amended to read as follows:

Sec. 12. If there has been no objection by the Respondent or *the Church Attorney to the Order(s)*, notice of Accords and Orders which have become effective shall be given without delay as follows:

(a) In the case of any Accord or Order pertaining to a Priest or Deacon, the Bishop Diocesan shall give notice of the Accord or Order to every Member of the Clergy in the Diocese, each Vestry in the Diocese, the Secretary of Convention, and the Standing Committee of the Diocese, which shall be added to the official records of the Diocese; to the Presiding Bishop, to all other Bishops of the Church, and where there is no Bishop, to the Ecclesiastical Authority of each Diocese of the Church; to *the President of the House of Deputies*; to the Recorder of ordinations; to the Office of Transition Ministry; the Archives; and to the Secretary of the House of Bishops and the Secretary of the House of Deputies.

EXPLANATION

This amendment clarifies that Church Attorney can object to Orders, consistent with other provisions, and adds President of the House of Deputies as a recipient of the notices of Accords and Orders.

18. A141: AMEND CANON IV.14.12(B) CORRECTION TO REFERENCES TO OFFICE OF TRANSITION MINISTRY
 Resolved, the House of _____ concurring, That Canon IV.14.12(b) be amended as follows:

(b) In the case of any Accord or Order pertaining to a Bishop, the Presiding Bishop shall give notice of the Accord or Order to the Ecclesiastical Authority of every Diocese of the Church, to the Recorder of ordinations, to the ~~Church Deployment~~ *Office of Transition Ministry*, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with the Church.

EXPLANATION

The Office of Transition Ministry was formerly known as The Church Deployment Office. The resolution correctly identifies the Office of Transition Ministry as the recipient of a Notice of an Accord or Order.

19. A142: AMEND CANON IV.15.6(B)(5) STANDARDS FOR APPEAL

Resolved, the House of _____ concurring, That Canon IV.15.6(b)(5) be amended as follows:

(5) The *Procedural Officer* or the Hearing Panel has committed a procedural error or engaged in a decision-making process contrary to this Title; and/or

EXPLANATION

In the event that the Procedural Officer decides a procedural issue, such decision can be a basis for appeal to the Provincial Court of Review.

20. A143: AMEND CANON IV.16 CLARIFICATION OF MATTERS CONCERNING ABANDONMENT

Resolved, the House of _____ concurring, That Canon IV.16 be amended as follows:

(A) By a Bishop

Sec. 1. If the *Disciplinary Board for Bishops* receives information suggesting that a Bishop ~~abandons~~ may have abandoned The Episcopal Church (i) by an open renunciation of the Doctrine, Discipline or Worship of the Church; or (ii) by formal admission into any religious body not in communion with the same; or (iii) by exercising Episcopal acts in and for a religious body other than the Church or another church in communion with the Church, so as to extend to such body Holy Orders as the Church holds them, or to administer on behalf of such religious body Confirmation without the express consent and commission of the proper authority in the Church, *the Board shall promptly notify the Presiding Bishop and the Bishop in question that it is considering the matter. Upon receipt of such notification, the Presiding Bishop may, with the advice and consent of the Advisory Council to the Presiding Bishop, place restrictions on the ministry of the Bishop in question for the period while the matter is under consideration by the Board. If, after consideration of the matter, the Board concludes, by a majority vote of all of its members, that the Bishop in question has abandoned The Episcopal Church, the Board* ~~it shall be the duty of the Disciplinary Board for Bishops, by a majority vote of all of its members, to~~ certify the fact to the Presiding Bishop and with the certificate send a statement of the acts or declarations which show such abandonment, which certificate and statement shall be recorded by the Presiding Bishop. The Presiding Bishop shall then place a restriction on the exercise of ministry of said Bishop until such time as the House of Bishops shall investigate the matter and act thereon. During the period of such restriction, the Bishop shall not perform any Episcopal, ministerial or canonical acts.

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

Bishop from the ordained ministry of The Episcopal Church, and pronounce and record in the presence of two or more Bishops that the Bishop has been so deposed, or (2) consent to the release and removal of the subject Bishop from the ordained ministry of the Episcopal Church, in which case the Presiding Bishop shall declare such release and removal in the presence of two or more Bishops.

(B) By a Priest or Deacon

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

Sec. 4. Prior to the expiration of the sixty-day period of restriction, the Priest or Deacon may utilize the provisions of Canon III.7.8-10 or III.9.8-11, as applicable. If within such sixty day period the Priest or Deacon shall transmit to the Bishop Diocesan a statement in writing signed by the Priest or Deacon, which the Bishop Diocesan is reasonably satisfied constitutes a good faith retraction of such declarations or acts relied upon in the determination or good faith denial that the Priest or Deacon committed the acts or made the declarations relied upon in the determination, the Bishop Diocesan shall withdraw the notice and the restriction on ministry shall expire. If, however, within the sixty day period, the Bishop Diocesan does not declare the release and removal of the Priest or Deacon in accordance with Canon III.7.8-10 or III.9.8-11, as applicable, or the Priest or Deacon does not make retraction or denial as provided above, then it shall be the duty of the Bishop Diocesan either (i) to depose the Priest or Deacon or (ii) if the Bishop Diocesan is satisfied that no previous irregularity or misconduct is involved, with the advice and consent of the Standing Committee, to pronounce and record in the presence of two or more Priests that the Priest or Deacon is released and removed from the ordained Ministry of this Church and from the obligations attendant thereto, and (for causes which do not affect the person's moral character) is deprived of the right to exercise in The Episcopal Church the gifts and spiritual authority conferred in Ordination.

Sec. 5. *For the purposes of Section 3 and 4 of this Canon, if there is no Bishop Diocesan, the Standing Committee shall submit the matter to the Bishop Diocesan of an adjacent Diocese, who shall have the authority of a Bishop Diocesan in the matter.*

EXPLANATION

The Commission was made aware of concerns about the absence in Canon IV.16, the “abandonment canon,” of a requirement that notice be promptly given to a Bishop, Priest, or Deacon who is alleged to have

abandoned the Church that such a matter has been taken under consideration by the Disciplinary Board for Bishops (in the case of a Bishop) or the Standing Committee (in the case of a Priest or Deacon).

A related concern was whether, if such notice were required, there should be a mechanism to provide for the temporary restriction of the ministry of the Bishop, Priest, or Deacon during the pendency of the matter. This amendment adds a requirement of prompt notice, and also authorizes the Presiding Bishop, with the consent of the Presiding Bishop's Advisory Council (in the case of a Bishop), or the Bishop Diocesan, with the consent of the Standing Committee (in the case of a Priest or Deacon), to restrict the ministry of the Bishop, Priest, or Deacon who is alleged to have abandoned the Church during the pendency of the matter before the Disciplinary Board for Bishops or the Standing Committee.

Finally, this amendment clarifies that the role of the Bishop Diocesan in the process for Priests and Deacons set out in Sections 3 and 4 may, if there is no such Bishop, be performed by the Bishop Diocesan of an adjacent diocese selected by the Standing Committee.

21. A144: AMEND CANON IV.19.4 STATUTE OF LIMITATION FOR PERPETRATORS AND OBSERVERS OF SEXUAL ABUSE
Resolved, the House of _____ concurring, That Canon IV.19.4(b) be amended to read as follows:

(b) The time limits of Subsection (a) above shall not apply with respect to persons whose acts include physical violence, sexual abuse or sexual exploitation, if the acts occurred when the alleged Injured Person was under the age of twenty-one years; in any such case, proceedings under this Title may be initiated at any time. *This provision excepting the time limits of Subsection (a) shall apply to: (1) the actual perpetrators of physical violence, sexual abuse, or sexual exploitation and (2) any other adults who aided and abetted such violence, sexual abuse, or sexual exploitation.*

EXPLANATION

This amendment clarifies that the time limits (statute of limitations) for bringing a Complaint regarding physical violence, sexual abuse, or sexual exploitation against a person under 21 years of age does not apply to Complaints asserted against the actual perpetrators and any clergy who aided and abetted the conduct.

22. A145: AMEND CANON IV.19.6 CLARIFYING CONSEQUENCES OF DEFAULT BY RESPONDENT
Resolved, the House of _____ concurring, That Canon IV.19.6 be amended to read as follows:

Sec. 6. In any proceeding under this Title in which the Respondent fails to appear before the Conference Panel as required by Canon IV.12.4, ~~or to appear before the Hearing Panel as required by Canon IV.13.2(a), or to timely file with the Hearing Panel the written response required by Canon IV.13.2(c), such Panel shall deem as admitted by the Respondent and accept as true the allegations set forth in the written statement issued to the Respondent pursuant to Canons IV.12.3 or IV.13.2., and shall proceed in the absence of the Respondent without requiring proof of the allegations in the notice and written statement.~~ ~~may proceed in the absence of the Respondent and may accept as true the matters described in the notice issued to the Respondent pursuant to Canons IV.12.3 or IV.13.2~~

EXPLANATION

This amendment provides that a Respondent's failure to appear or respond as required results in deemed admissions of the allegations in the Complaint. This change seeks to encourage full participation by the Respondent and not to permit such tactics to disrupt the Title IV process.

23. A146: AMEND CANON IV.19.14(B) AND (C) IMPARTIALITY
Resolved, the House of _____ concurring, That Canon IV.19.14(b) and (c) be amended as follows:

(b) *The Church Attorney, Procedural Officer, or Any member of any panel provided for in this Title, shall disqualify himself or herself in any proceeding in which such person's impartiality may reasonably be questioned. The person shall also disqualify himself or herself when the person, the person's spouse, any person within the third degree of relationship to either of them or the spouse of such person, (1) is the respondent, complainant, or any injured person, (2) is likely to be a witness in the proceeding, (3) has a personal bias or prejudice concerning the respondent, complainant, or any injured person, (4) has personal knowledge of disputed evidentiary facts concerning the proceeding, (5) has a personal financial interest in the outcome of the proceeding or in the respondent, complainant, any injured person, or any other interests that could be substantially affected by the outcome or (6) is a member of the same congregation or otherwise has a close personal or professional relationship with the respondent, the complainant, any injured person, or any witness in the matter.*

(c) *The Church Attorney, Procedural Officer, or Any member of any panel provided for in this Title who has not disqualified himself or herself as provided in this section, may be subject to challenge by the Church Attorney or the Respondent on the grounds described in this section. The Complainant or the Complainant's advisor may inform the Church Attorney of such grounds. The challenge shall be investigated by the remaining members of the Panel who shall determine whether the challenged person should be disqualified and replaced according to the Procedures of this Title for filling vacancies.*

EXPLANATION

This amendment provides for the disqualification and removal of the Church Attorney and Procedural Officer.

24. A147: AMEND CANON IV.19.25 CLARIFICATION OF BISHOPS PERFORMING AS BISHOP DIOCESAN
Resolved, the House of _____ concurring, That Canon IV.19.25 be amended to read as follows:

Sec. 25. If there is neither a Bishop Diocesan nor a Bishop Coadjutor nor a Bishop Suffragan nor an Assistant Bishop expressly assigned the administration of clergy discipline in a Diocese and not under a restriction on ministry or Sentence of suspension, the Diocese shall, by agreement pursuant to Canon III.13.2, arrange for a Bishop to perform the duties of the Bishop Diocesan under this Title before commencing or continuing with any proceedings under this Title. *A Bishop performing the duties of the Bishop Diocesan under this Section has all the authority and powers of the Bishop Diocesan.*

EXPLANATION

This amendment clarifies the full authority of another bishop who performs the duties of the Bishop Diocesan under Title IV.

25. A148: AMEND CANON IV.19.30 REQUIRING ELECTRONIC COPIES OF PROCEEDINGS
Resolved, the House of _____ concurring, That Canon IV.19.30 be amended to read as follows:

Sec. 30. Records of proceedings shall be preserved as follows:

(a)(1) Each Hearing Panel and Provincial Court of Review shall keep a complete and accurate record of its proceedings by any means from which a written transcript can be produced. When all proceedings have been concluded, the president of the Panel or Court shall certify the record. If the president did not

participate in the proceeding for any reason, the Panel or Court shall elect another member of the Panel or Court to certify the record.

(2) The Panel or Court shall make provision for the preservation and storage of a copy of the record of each proceeding in the Diocese in which the proceeding originated.

(3) The Panel or Court shall promptly deliver the original certified record of its proceedings to the Archives of The Episcopal Church.

(b) The Bishop Diocesan shall

(1) promptly deliver to the Archives of The Episcopal Church a copy of any Accord or Order which has become effective and a record of any action of remission or modification of any Order and

(2) provide for the permanent preservation of copies of all Accords and Orders by means which permit the identification and location of each such copy by the name of the Member of the Clergy who is the subject thereof.

(c) *When printed records are submitted under this Canon, there shall be delivered to the Archives of the Episcopal Church an electronic copy or version of the records required to be preserved under this Section in such format as The Archives of the Episcopal Church may specify.*

EXPLANATION

This amendment requires that an electronic copy of designated Title IV documents be submitted to The Archives, using an Archives-approved format.

I. A149: AMEND CANON V.4.1(A)

Resolved, the House of _____ concurring, That Canon V.4 be amended as follows:

Sec. 1 (a) Except where the Constitution or Canons of the General Convention provide to the contrary, the term of a member in any body of the General Convention consisting of several members shall become vacant as follows:

(1) upon absence from two regularly scheduled meetings of the body between successive regular meetings of the General Convention unless excused by the body;

(2) upon entry of an Order or Accord, which Order or Accord includes a Sentence of ~~Inhibition~~ Admonition, Suspension, or Deposition of a Member of the Clergy then serving on the body;

(3) upon the renunciation of the ministry of this Church by a Member of the Clergy;

(4) upon the certification to the Presiding Bishop by the Disciplinary Board for Bishops as to the abandonment of the Church by a Bishop pursuant to Canon IV.16;

(5) upon the certification by the Standing Committee as to the abandonment of the Church by a Priest or Deacon pursuant to Canon IV.16; or

(6) for cause deemed sufficient by a two-thirds vote of all the members of the body.

EXPLANATION

This amendment to Title V removes the pre-2009 reference to Title IV “inhibition” and uses updated 2009 language — e.g., Order and Accord.

10. A150: DEVELOP TITLE IV TRAINING MATERIALS

Resolved, the House of _____ concurring, That the 78th General Convention authorize the Standing Commission of Constitution and Canons to develop and implement Title IV training materials for use throughout the Church; and be it further

Resolved, That the General Convention request the Joint Standing Commission on Program, Budget, and Finance to consider a budget allocation of \$339,220 for the implementation of this resolution, such amount to be used for the development of such materials; and be it further

Resolved, That the General Convention request the Joint Standing Commission on Program, Budget, and Finance to consider a budget allocation of \$224,820 for the implementation of this resolution, such amount to be used for the translation of the Title IV training materials into Spanish and Creole.

EXPLANATION

Throughout the triennium, the Commission has engaged in a comprehensive study of the implementation of the rollout of the new Title IV. This study started with the Commission’s actively seeking feedback from throughout the Church. As a result of this request for feedback, the Commission has studied more than 100 Title IV issues, which will be reported on separately. Throughout this process, the Commission quickly and repeatedly discovered that a steady theme permeated its work — an acute and immediate need for comprehensive training.

Furthermore, the entire church-wide community has been imploring General Convention, Executive Council, and other church officers for years to provide training, guidance, and assistance in navigating Title IV. Dioceses and Provinces lack the resources and, in some cases, the knowledge and experiences to provide consistent and immediate training to all involved in the Title IV processes. Seminarians are not receiving adequate — or in some cases, any — education in Title IV. As a result, many Priests are wholly unaware of the standards to which they are being held and of the disciplinary process that governs them.

This budgetary request is presented in response to these needs.

The Commission proposes to develop training materials that include written materials, online training modules, and a Title IV Resource Team that would respond to inquiries and help individuals navigate Title IV. By adding the Resource Team in addition to the written materials and online training modules, the Commission is creating a reliable source of knowledgeable people to whom those with Title IV questions may go, thereby increasing consistency in the application of Title IV across the Church, and decreasing the pressure and reliance on those few Chancellors upon whom to date many have come to rely.

Once created, the training modules could provide Seminaries with reliable teaching tools that could easily be incorporated into existing curriculum at little or no cost to the institutions. The online modules will be easier and more cost-effective to update than traditional training, thereby allowing for more immediate training updates following changes to Title IV. The better the information that can be provided to all involved in the Title IV process, the more cost-effective the process can be for all involved. A single Title IV matter can cost Dioceses and clergy tens of thousands, if not hundreds of thousands, of dollars in litigation costs. Chancellors estimate that lack of training significantly increases the cost of litigation, by estimates by as high as 30-50 percent.

Further, a poorly handled Title IV matter can cause unnecessary — and often irreparable — harm to both relationships and reputations of all parties involved. The Church has a responsibility to remediate any unnecessary costs, both relational and financial. Consistent and quality upfront training can greatly assist in this regard.

More harm to the Church can flow from the mismanagement of a claim than from the misconduct itself. The training should be viewed as an investment in a savings plan rather than an unwanted cost.