

STANDING COMMISSION ON STRUCTURE, GOVERNANCE, CONSTITUTION & CANONS

Membership

Ms. Pauline Getz, Esq., <i>Chair</i>	San Diego, VIII	2018
The Rt. Rev. Wendell Gibbs, <i>Vice-Chair</i>	Michigan, V	2021
The Rev. Dr. Molly James, <i>Secretary</i>	Connecticut, I	2021
The Rev. Sharon Alexander	Louisiana, IV	2021
Canon Annette Buchanan	New Jersey, II	2021
The Rev. Megan L. Castellan	West Missouri, VII	2018
The Rt. Rev. Francisco Duque	Colombia, IX	2018
Mr. Michael Glass, Esq.	San Joaquin, VIII	2021
Mr. Christopher Hayes, Esq.	California, VIII	2018
Ms. Sally Johnson, Esq.	Minnesota, VI	2021
The Rt. Rev. William Klusmeyer	West Virginia, III	2021
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Mr. James Simon, Esq.	Ohio, V	2018
Mr. Jamal Smith, Esq.	The Virgin Islands, II	2021
The Rev. Canon Rosemari Sullivan	Virginia, III	2018
The Rev. Canon Bradley Wirth	Montana, VI	2018
Ms. Jane Cislucyis, <i>Liaison with Executive Council</i>	Northern Michigan, V	2018
The Rev. Adam Trambley, <i>Representative of</i>	NW Pennsylvania, III	2018
<i>The President of the House of Deputies</i>		
The Most Rev. Michael Bruce Curry, <i>Ex-Officio</i>	North Carolina, IV	
The Rev. Gay Clark Jennings, <i>Ex-Officio</i>	Ohio, V	

CHANGES IN MEMBERSHIP

During the triennium, the Commission accepted the resignations of The Rt. Rev. Laura Ahrens, Mr. Jack Finlaw, Dr. Victor Feliberty-Ruberte, and Dr. Luisa Bonillas. Bishop Ahrens's vacancy was not filled. Initially, the Staff Liaison was Mary Kostel, Esq. She was replaced with Paul Nix, Esq. Mr. Nix was replaced with the new Chief Legal Officer, Doug Anning, Esq. Initially, the Representative of the President of the House of Deputies was Christopher Hayes, Esq. Mr. Hayes appointed to fill the vacancy created by Mr. Finlaw's resignation, and The Rev. Adam Trambley was appointed to fill that vacancy. Mr. Scott Remington was appointed to fill Dr. Feliberty-Ruberte's vacancy.

Representatives of the Commission at General Convention: Pauline Getz and Molly James are authorized to receive non-substantive amendments to this report at General Convention.

Mandate

Review of Canonical Mandate

The canonical mandate of the Commission is as follows:

Canon I.1.2(n)(1)

(i) Review such proposed amendments to the Constitution and Canons as may be submitted to the Commission, placing each such proposed amendment in proper Constitutional or Canonical form, including all amendments necessary to effect the proposed change. For amendments not in proper form, the Standing Commission on Constitution and Canons may direct the submitting Commission to the Canonical and Rules of Order requirements for amendments to the Constitution and Canons so the submitting Commission may revise its amendment to proper form. The Commission shall express its views with respect to the substance of any such proposal only to the proponent thereof; *provided, however*, that no member of the Commission shall, by reason of membership, be deemed to be disabled from expressing, before a Legislative Committee or on the floor of the General Convention, personal views with respect to the substance of any such proposed amendment.

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

(iii) On the basis of such review, suggest to the Domestic and Foreign Missionary Society [DFMS] such amendments to its By-laws as in the opinion of the Commission are necessary or desirable in order to conform the same to the Constitution and Canons.

(iv) Conduct a continuing and comprehensive review and update of the authorized “Annotated Constitution and Canons for the Government of the Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church” to reflect actions of General Convention which amend the Constitution and Canons and, in the discretion of the Commission, develop other materials which are appropriate to the purpose of the “Annotated Constitution and Canons,” and facilitate the publication of this document and related materials. The

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

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

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

Summary of Work

Meetings

At the 78th General of Convention of the Episcopal Church, meeting in Salt Lake City, Utah, the Convention passed a Resolution which amended the Canons to eliminate twelve (12) of the fourteen (14) Standing Commissions of the General Convention, and reconstituted the Standing Commission on Constitution and Canons and the Standing Commission on the Structure of the Church into the Standing Commission on Structure, Governance, Constitution and Canons [Standing Commission].

The Standing Commission met in person four (4) times during the triennium: twice at the Maritime Institute in Linthicum, Maryland, once at the American Airlines Training and Conference Center at the Dallas/Fort Worth Airport in Texas, and once at the Wasatch Retreat and Conference Center in Salt Lake City, Utah.

In addition, the Commission met via Zoom video conference call eight (8) times, courtesy of the Episcopal Church in Connecticut.

At its organizational meeting, the Commission elected Pauline (Polly) Getz as its Chair; the Rt. Rev. Wendell Gibbs as its Vice-Chair; and the Rev. Dr. Molly James as its Secretary. At its initial and 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

In light of the increased volume of topics coming to the Commission due to the consolidation of work and elimination of other Commissions, this Commission chose to divide its work into four (4) categories:

1. Canonical Changes;
2. General Convention and the Structure of the Church;
3. Provinces, Bishops and Diocesan Vitality; and
4. Title IV.

The Commission also addressed other aspects of its Canonical mandate, including a review of the Committees, Commissions, Agencies, Boards and other Interim Bodies.

1. CANONICAL CHANGES

Referred Resolutions

Resolution 2015-D037 Amending Names in Church Records, Registries, and Certificates

Resolution 2015-D037 requested the then Standing Commission on Constitution and Canons, now the Standing Commission on Structure, Governance, Constitution and Canons to study and make recommendations to the 79th General Convention regarding requests to amend church records and registries and reissue church certificates to match the legal name changes of members of The Episcopal Church. The policy below was developed through consultation of the Standing Commission with The Archives of the Episcopal Church, primarily, as well as consultation with the National Episcopal Historians and Archivists, the Church Pension Fund [CPG] and members of the Church's transgender community. The goal of this policy is to fulfill our baptismal promise to respect the dignity of every human being while also ensuring that records are maintained in accordance with canonical and ethical standards. The policy addresses changing names at a congregational level. Additional work needs to be done by the Standing Commission in the next triennium to develop a policy for name changes at the church wide level.

Resolution A088: Proposed Guidelines for Amending Church Records

Resolved, the House of _____ concurring, That the 79th General Convention urge all dioceses to adopt a policy regarding amending names in church records. The guidelines below are commended to all dioceses as a model.

Guidelines for Amending Church Records

Introduction:

The following Guidelines for amending church records are recommended for use across The Episcopal Church, particularly in congregations, regarding name changes in Church records. These guidelines seek to honor and respect the dignity of every human being while also complying with necessary canonical and ethical standards. In carrying out this policy all those with pastoral authority are urged to exercise pastoral sensitivity and discretion, noting that in many instances name changes offer an opportunity for a restoration of dignity after trauma.

Diocesan and parish staff are custodians of records that are vital to understanding the state of the Church and supporting its members. Custodians of the records have the responsibility to maintain authentic records, provide appropriate access and protect the privacy of individuals. As society is coming to recognize the rights of people to legally change their names in ways that maintain their privacy, these guidelines and standards allow the Church to honor requests while maintaining the canonical, ethical and historical trustworthiness of the record. The following proposal offers an overview of major areas of consideration for maintaining and amending trustworthy church records. It is based on standard principles for maintaining vital records, current practices in federal, state and local government of the United States and practices of other religious organizations.

Those affected by these guidelines include transgender people, adoptees, parents and guardians of minors with name and gender changes, divorcees, family members, ordained clergy in parishes and other administrative personnel. Congregations, dioceses, the general church offices, agencies of The Episcopal Church (e.g., the Archives, the Church Pension Fund) and other Episcopal institutions all have records that could also come under these guidelines.

About records and data generally

- A record may include many different data elements, including multiple people's names (e.g., parents' names). The Church recognizes the prevailing societal understanding that individuals have an ownership interest in their name and other personal data, including the right to amend that information if it is inaccurate.
- Data elements subject to amendment are the name and gender fields. An individual's ownership interest is limited to name and gender, and does not extend to one's secondary participation in an event. The names of secondary participants (e.g., priests, parents, sponsors), places, and dates are not subject to amendment, unless they are the individual whose name was changed.

1.0 Records and data affected by 2015-D037

1.1 Sacramental records (baptismal, confirmation, marriage, death/burial)

- Some sacramental records such as the baptismal certificate are accepted in lieu of state and municipal vital records and therefore require a degree of authenticity. Ordination certificates are also required by many states to permit clergy to officiate at weddings.
- The Episcopal Church and its records custodians have an ethical and canonical duty to ensure that no doubt can be cast on the authenticity of the baptismal certificate or the historical trustworthiness of the original records for marriage, confirmation, and burials. As defined in I.5.2 of the Constitution and Canons, records are "all fixed evidential information, regardless of method, media, format, or characteristics of the recording process, which have been created, received or gathered by the Church, its officers, agents or employees in pursuance of the legal, business and administrative function and the programmatic mission of the Church. Records include all original materials used to capture information, notwithstanding the place or conditions of creation, or the formality or informality of the characteristics of the record. The

records and archives of the Church are not limited by the medium in which they are kept and include such formats as paper records, electronic records, printed records and publications, photo-reproduced images, and machine-readable tapes, film and disks."

- Certificates of baptism or other sacramental records are copies derived from the Parish Register. In other words, when a Church member receives a certificate, what is received is a certified (signed) copy. It is important that name and gender changes are made in the official register, from which any new certificate may be rendered upon request.

1.2 *Congregational communicant lists and church membership rolls*

- Records custodians should be conscious of any corresponding changes that should be made in non-sacramental membership lists or rolls when changes are made to sacramental records.

2.0 Requesting an amendment to a record

2.1 *Who has the right to request an amendment?*

- Persons may request an amendment to their own personal data in Church records.
- Parents/legal guardians may request an amendment on a minor's behalf.

2.2 *Circumstances for amending a record*

2.2.1 *Name changes after a legal change in status*

- An individual who has made a legal name change may make a formal request (see below) to amend sacramental records (i.e., Parish Registers).
- Marriage, divorce, and remarriage warrant routine name changes.
- Adoptees and their parents may request a name change.

2.2.2 *Other name change requests*

- Name changes to administrative records permit more flexibility. Church personnel may recognize a priority need for honoring new identity or protecting personal safety. Flexibility should be balanced with discretion as to avoid name changes for fraudulent purposes.
- Parish Registers and administrative records (e.g., personnel records) could be amended to add a "preferred name" field, if a name has not been legally changed.

2.2.3 *Gender change*

An individual may make a formal request (see below) to amend the gender assigned to the person in sacramental and administrative records.

2.2.4 *Corrections*

Corrections to the Parish Register or other original record are permissible when *bona fide* evidence of an error is identified.

2.3 A Valid Request

- A record should not be changed without the receipt of a formal request in writing directed to the priest in charge of the congregation or a delegated authority (e.g., recorder, archivist).
- Name change requests must be accompanied by a legal instrument from civil authorities, which may include a court order, driver's license, passport or other legal document.
- Gender change requests must be accompanied by supporting documentation, as described below.

3.0 Procedure for making name and identity changes to sacramental records

3.1 Evidence should accompany requests for a name or gender change:

- Original records (documents that verify an individual's original identity)
- Changed records (documents that verify an individual's new/changed identity)
- Pastoral care (evidence satisfactory to the priest that the individual freely and fully understands the changes to be made to the records and the privacy expectations)

3.2 Original Name/Gender: Verifying documents/declarations:

- Original signed, government issued identification with photograph (e.g., passport), or original birth certificate, or driver's license.
- Evidence from a member of the clergy of a continuing pastoral relationship in the individual's home parish or the person's agency relationship (e.g., chaplain).
- Special hardship cases (e.g., refugees, undocumented immigrants) for which the priest may consider other forms of evidence, such as student identification, refugee documentation or baptismal record.

3.3 New Identity: Verifying documents/declarations:

3.3.1 Name only, or Name and Gender (one of the following)

- Government-issued identification document with changes
- Court order
- Divorce papers
- Marriage certificate
- Proof of adoption

3.3.2 Gender only

- Signed statements by a healthcare/mental health professional certifying that the new gender is the requester's stated gender (or that of a minor when the request is made by the person's parent or guardian).
- Congregations may consider accepting other types of verification, for example, an affidavit from a family member or member of the clergy.

3.4 Who is authorized to amend a Congregation record?

- Priest (or Bishop) in charge of the congregation (or designee) Officiating member of the clergy
- Administrative records: Priest (or Bishop) in charge of the congregation, official

recorder or custodian

3.5 *Best practices for amending a record*

- Never write over, obliterate or remove any original information.
- Draw a single line through the original information. Keep the previous entry legible.
- Sign or initial and date the line-through. Add the new information adjacent to the original entry, in the margin, or other available space, including the current date.
- Change the index entry, if one exists, in the same manner as above and add a cross reference under the new name.
- Correction of electronic records should follow the same principles as paper. Keep the original entry legible in some form allowed by the software (i.e., edit/save new record). Use the software's note field to date and initial the record as an amended record and refer to the new record if necessary.
- A paper copy with signature should be generated for the Parish Register.
- In lieu of a paper copy, an e-signature must be affixed to meet canonical requirements. The importance of archiving electronic records cannot be overstated.

3.6 *Retention and disposition of supporting documentation*

- Supporting documentation is needed for changes to the Parish Register and personnel-type records, but once approved, supporting documentation that has personal information should be returned to the individual as retention places an undue security burden on the congregation.
- The recommended approach is to keep the formal request (letter or email) requesting amendments, which the priest or custodian initials as approved or declined. Duplicate copies of supporting documentation should be securely destroyed.

4.0 Privacy, Confidentiality and Access to Records

4.1 *The right to view or receive a copy of sacramental or personnel-type records is restricted to:*

- Principal individual
- Parents and legal guardians of minors
- Notarized designated delegate of the principal (such as family members or attorney)
- Priest in charge of the congregation or a Priest's delegated administrator
- Civil authorities (e.g., law enforcement or court official) upon referral from the Church attorney or chancellor or in response to a valid subpoena.
- Pre-screened individuals seeking biological parent identity
- *Due diligence:*

Verification of identity and proof of intent of the principal or other parties listed above are recommended prior to releasing personal information. Privacy concerns envelop issues of identity theft, the protection of the personal safety of transgender individuals, victims of domestic violence, unauthorized intrusion of family members and the safety of persons at risk. The need to be diligent should not be used, however, as an obstacle to honoring a straightforward, legitimate request.

4.2 *Church bodies are obliged to protect the privacy of the record. The following standards are*

recommended.

- An individual’s privacy extends across their personal history, including pre-amended and amended data.
- Records with personal information should not be open to browsing by anyone but the authorized delegate or custodian.
- Parish Registers and other records containing personally identifiable information should be held under secure lock.
- Information systems (databases, spreadsheets) should be password protected with strong passwords, and accessed only on a need-to-know basis.

4.3 *When records become historical and open to the public.*

- State laws may make some records open to the public upon the passage of a certain number of years or the death of a person. You must verify your state’s laws before allowing access to records because they are alleged to be “public.” Any inquiry for historical records should have a legitimate purpose: such as genealogical research and legal inquiries regarding inheritance and scholarly inquiries.
- Parish Registers should not be opened to external persons for browsing.
- Church records belong to the congregation and are not to be exploited for commercial or personal gain for third-parties.

EXPLANATION

This resolution seeks to provide a policy to address an issue of privacy as it impacts access to full membership and ministry in this Church among those who have legally changed their name(s) and wish to keep that change private. People who take on a new legal name have often undergone profound life transitions of various sorts, including divorce and/or remarriage, adoption, and as part of the fuller claiming of a gender identity by members of the transgender community. While many people may not find it necessary to request a change in church records after they have legally changed their name, others may consider the potential disclosure of a previous name via church records a matter of privacy and even personal safety. The proposed policy is offered to dioceses as a way to honor the dignity of any person who has changed their name.

Substantive Matters Received From Various Sources

Use of “In Communion” and “In Full Communion”

The terms “in communion” and “in full communion” have not been used consistently in the Constitution and Canons. The Standing Commission reviewed the Constitution and Canons, as well as several of The Episcopal Church’s documents forming the basis for ecumenical relationships to determine when “in communion” should be used and when “in full communion” should be used. The Standing Commission also sought the counsel and guidance of several of our past and present ecumenical officers. The ecumenical officers referred the Standing Commission to the following excerpt from paragraph two (2)

of “Called to Common Mission,” the Concordat of Agreement between The Episcopal Church and the Evangelical Lutheran Church in America approved by General Convention in 2000:

“We therefore understand full communion to be a relation between distinct churches in which each recognizes the other as a catholic and apostolic church holding all the essentials of the Christian faith. Within this new relation, churches become interdependent while remaining autonomous. Full communion includes the establishment of locally and nationally recognized organs of regular consultation and communication, including episcopal collegiality, to express and strengthen the fellowship and to enable common witness, life, and service. Diversity is preserved, but this diversity is not static. Neither church seeks to remake the other in its own image, but each is open to the gifts of the other as it seeks to be faithful to Christ and His mission. They are together committed to a visible unity in the church's mission to proclaim the Word and administer the Sacraments.” [Called to Common Mission, paragraph two (2)]

After review and consultation, the Standing Commission concluded that, utilizing the definition set forth above, references to “in communion” in the Constitution and Canons are better understood to mean “in full communion.” Therefore, the Standing Commission recommends that, with a few exceptions, references be amended so that all references are to “in full communion.” The only reference not recommended for amendment is in the Preamble to the Constitution, which refers to being in communion with the See of Canterbury:

The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church (which name is hereby recognized as also designating the Church), is a constituent member of the Anglican Communion, a Fellowship within the One, Holy, Catholic, and Apostolic Church, of those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury, upholding and propagating the historic Faith and Order as set forth in the Book of Common Prayer. This Constitution, adopted in General Convention in Philadelphia in October, 1789, as amended in subsequent General Conventions, sets forth the basic Articles for the government of this Church, and of its overseas missionary jurisdictions.

Proposed Constitution and Canonical Amendments regarding Full Communion

Resolution A089: Amend Articles VI and VIII of the Constitution regarding Full Communion

Resolved, the House of _____ concurring, That the 79th General Convention amend Articles VI and VIII of the Constitution to read as follows:

ARTICLE VI

Sec. 1. The House of Bishops may establish a Mission in any area not included within the boundaries of any Diocese of this Church or of any Church in *full* communion with this Church, and elect or appoint a Bishop therefor.

ARTICLE VIII

No person shall be ordered Priest or Deacon to minister in this Church until the person shall have been examined by the Bishop and two (2) Priests and shall have exhibited such testimonials and other requisites as the Canons in that case provided may direct. No person shall be ordained and consecrated Bishop, or ordered Priest or Deacon to minister in this Church, unless at the time, in the presence of the ordaining Bishop or Bishops, the person shall subscribe and make the following declaration:

I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrine, Discipline, and Worship of the Episcopal Church.

Provided, however, that any person consecrated a Bishop to minister in any Diocese of an autonomous Church or Province of a Church in *full* communion with this Church may, instead of the foregoing declaration, make the promises of Conformity required by the Church in which the Bishop is to minister.

If any Bishop ordains a Priest or Deacon to minister elsewhere than in this Church, or confers ordination as Priest or Deacon upon a Christian minister who has not received Episcopal Ordination, the Bishop shall do so only in accordance with such provisions as shall be set forth in the Canons of this Church.

No person ordained by a foreign Bishop, or by a Bishop not in *full* communion with this Church, shall be permitted to officiate as a Minister of this Church until the person shall have complied with the Canon or Canons in that case provided and also shall have subscribed the aforesaid declaration.

A Bishop may permit an ordained minister in good standing in a church with which this Church is in *full* communion as specified by the Canons who has made the foregoing declaration, or a minister ordained in the Evangelical Lutheran Church in America or its predecessor bodies who has made the promise of conformity required by that Church in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this church. No minister of such a Church ordained by other than a Bishop, apart from any such ministers designated as part of the Covenant or Instrument by which full communion was established, shall be eligible to officiate under this Article.

EXPLANATION

These changes are proposed to reflect being in full communion rather than communion to remain consistent throughout our Constitution and Canons.

Resolution A090: Canonical Amendments regarding Full Communion

Resolved, the House of _____ concurring, That the 79th General Convention amend the following identified Canons to read as follows:

Canon 1.4.9(a) Ordained Ministers and Lay Communicants of this Church, or of some church in *full* communion with this Church, in good standing, who qualify in accordance with the standards and

procedures adopted from time to time by the Executive Council, shall be eligible for appointment as Missionaries of this Church.

(b) Members in good standing of Churches not in *full* communion with this Church, but otherwise qualified as above, may, at the request of the Ecclesiastical Authority of the jurisdiction in which the requirement exists, be employed and assigned to positions for which they are professionally prepared; and may receive the same stipends and other allowances as appointed Missionaries. The Ecclesiastical Authority of a jurisdiction may employ any qualified person for work in the jurisdiction.

Canon I.11.2(a) The House of Bishops may establish a Mission in any Area not included within the boundaries of a Diocese of this Church, or of a Church in *full* communion with this Church, under such conditions and agreements, not inconsistent with the Constitution and Canons of this Church, as shall be approved by the House of Bishops from time to time.

Canon I.11.2(c) For every such Area Mission, a Bishop of this Church, or of a church in *full* communion with this Church, shall be assigned by the House of Bishops to give episcopal oversight. The person so assigned, if a Bishop of this Church, shall, for the duration of such assignment, exercise jurisdiction as a Missionary Bishop under these Canons, so far as they are applicable to the Area Mission; and should occasion arise for the function of a Standing Committee or a Commission on Ministry, the Bishop shall appoint a board or boards of Clergy and Lay Persons resident in the area, to fulfill such functions as may be required.

Canon 1.11.2(e) An Area Mission may be terminated by the House of Bishops as a mission of this Church; or it may be transferred by them to become a mission of another church, or to become a constituent part of an autonomous Province in *full* communion with this Church; or it may organize itself as an extra-provincial Diocese.

Canon I.11.3(a) An Area not previously organized as a Diocese, and not under the permanent jurisdiction of a Bishop in *full* communion with this Church, may, upon application for admission, in accordance with the procedures of Article V, Section 1, be admitted as a Diocese, and may be accepted as a Missionary Diocese within the meaning of Sec. 1 of this Canon. Such Missionary Diocese, and every present Missionary Diocese organized by the House of Bishops under previously existing Canons and admitted into union with the General Convention, shall be governed by a Constitution and Canons, adopted by the Convention of the said Diocese, which acknowledge the authority of the Constitution and Canons of the General Convention, and incorporate the provisions set forth in the subsequent paragraphs of this section.

Canon I.11.3(b) In the event a Missionary Diocese beyond the territory of the United States of America is incapable of functioning as a jurisdiction in union with the Episcopal Church, and the Bishop, or if there be none the Ecclesiastical Authority, of such Diocese, after consultation with appropriate diocesan authorities and the Presiding Bishop agree that continuation in union with this Church is no longer feasible, the Presiding Bishop is authorized, after consultation with the appropriate authorities in the Anglican Communion, to take such action as needed for such Diocese to become a constituent part of another Province or Regional Council in *full* communion with this Church.

Canon I.11.4. Notice shall be sent to all Archbishops and Metropolitans, and all Presiding Bishops, of Churches in *full* communion with this Church, of the establishment of any Area Mission, or of the organization or change of status of any Missionary Diocese outside the United States; and of the

consecration, or assignment, of a Missionary Bishop therefor. It is hereby declared as the judgment of this Church that no two (2) Bishops of Churches in *full* communion with each other should exercise jurisdiction in the same place; except as may be defined by a concordat adopted jointly by the competent authority of each of the said Churches, after consultation with the appropriate inter-Anglican body.

Canon I.15.7 The Presiding Bishop may, from time to time, by written commission under the episcopal signature and seal, assign to a Bishop or Bishops of this Church, or of a Church in *full* communion with this Church, the care of, and responsibility for, one (1) or more of such Congregations and the Clergy officiating therein, for such period of time as the Presiding Bishop may deem expedient; *provided* that, should such term expire in a year during which a General Convention is to be held, prior to said Convention, the commission may be extended until the adjournment of the Convention.

Canon I.16.3 A Member of the Clergy of such Congregation who shall have been ordained by a Bishop not in *full* communion with this Church, but the regularity of whose ordination is approved by the Presiding Bishop, shall be admitted in the appropriate Order under the provision of Canon III.10.3.

Canon I.17.1(c) It is expected that all adult members of this Church, after appropriate instruction, will have made a mature public affirmation of their faith and commitment to the responsibilities of their Baptism and will have been confirmed or received by the laying on of hands by a Bishop of this Church or by a Bishop of a Church in *full* communion with this Church. Those who have previously made a mature public commitment in another Church may be received by the laying on of hands by a Bishop of this Church, rather than confirmed.

Canon I.17.1(d): Any person who is baptized in this Church as an adult and receives the laying on of hands by the Bishop at Baptism is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any person who is baptized in this Church as an adult and at some time after the Baptism receives the laying on of hands by the Bishop in Reaffirmation of Baptismal Vows is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; also,

Any baptized person who received the laying on of hands at Confirmation (by any Bishop in ~~apostolic~~ *historic* succession) and is received into the Episcopal Church by a Bishop of this Church is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed; and also,

Any baptized person who received the laying on of hands by a Bishop of this Church at Confirmation or Reception is to be considered, for the purpose of this and all other Canons, as both baptized and confirmed.

Canon I.17.4(a) A member of this Church removing from the congregation in which that person's membership is recorded shall procure a certificate of membership indicating that that person is recorded as a member (or adult member) of this Church and whether or not such a member:

- (1) is a communicant;
- (2) is recorded as being in good standing;
- (3) has been confirmed or received by a Bishop of this Church or a Bishop in *full* communion with this Church.

Canon I.17.4(d) Any communicant of any Church in *full* communion with this Church shall be entitled to the benefit of this section so far as the same can be made applicable.

Canon I.20: Of Churches in Full Communion

Sec. 1. The Episcopal Church, a member of the Anglican Communion, has a relationship of full communion with those Churches in the historic episcopal succession, *including those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury, and those Churches in the historic episcopal succession with whom it has entered into covenant agreements including:*

- (a) the Old Catholic Churches of the Union of Utrecht,
- (b) la Iglesia Filipina Independiente/the Philippine Independent Church, and
- (c) the Mar Thoma Syrian Church of Malabar.

Sec. 2. The Episcopal Church has a relationship of full communion with the Evangelical Lutheran Church in America under the terms of *and as defined by* "Called to Common Mission," which was adopted by the 73rd General Convention of ~~the~~The Episcopal Church as Resolution 2000-A040.

Sec. 3. The Episcopal Church has a relationship of full communion with the Northern and Southern Provinces of the Moravian Church in America under the terms of *and as defined by* the "Finding Our Delight in the Lord: A Proposal for Full Communion Between The Episcopal Church; the Moravian Church-Northern Province; and the Moravian Church-Southern Province", which was adopted by the 76th General Convention of The Episcopal Church as Resolution 2009-A073.

Canon III.9.5. Transfer to Churches in *Full* Communion with This Church

- (a) A Priest desiring to become canonically resident within a Diocese or equivalent jurisdiction of a Church in ~~Full Communion~~ *full communion with The Episcopal Church* (as identified in Canon I.20) ~~or Church in Communion with This Church (as identified by Canon III.10.2.(a)(3))~~ shall request a testimonial from the Ecclesiastical Authority of the Diocese of current canonical residence, which testimonial shall be given by the Ecclesiastical Authority to the applicant, and a duplicate thereof may be sent to the Ecclesiastical Authority of the Diocese or equivalent jurisdiction to which transfer is proposed. The testimonial may include a portfolio of training, continuing education, and exercise of ministries. The testimonial shall be in the following form or in the form specified by the receiving Diocese or equivalent jurisdiction:

I hereby certify that A.B., who has signified to me the desire to be transferred to the Ecclesiastical Authority of _____, is a Priest of the Diocese of _____ of the Episcopal Church in good standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or for viciousness of life, for the last three (3) years.

(Date) _____ (Signed) _____

Canon III.9.5(b) If the Ecclesiastical Authority of the Diocese or equivalent jurisdiction of the Church in *full communion* ~~Full Communion or Church in Communion~~ with ~~this~~ The Episcopal Church accepts the testimonial, the canonical residence of the Priest transferred shall date from such acceptance, and notice of acceptance shall be promptly forwarded by the Priest to the Ecclesiastical Authority in the sending Diocese. Such notification from the receiving Ecclesiastical Authority may be in the following form:

I hereby certify that A.B. has been canonically transferred to my jurisdiction and is a Priest in good standing.

(Date) _____ (Signed) _____

Upon receipt of said acceptance, the Ecclesiastical Authority of the sending Diocese shall notify the Church Pension Fund and the Recorder of Ordinations of the priest's departure from the Episcopal Church.

Canon III.9.5(c) This provision shall not be used for Priests who seek to enter churches ~~Not in Communion~~ *not in full communion* with ~~This~~ *The Episcopal* Church or for those who seek transfer to another Province of the Anglican Communion while remaining geographically within the boundaries of The Episcopal Church. In such cases the provisions of Canon III.8.6 shall be followed.

Canon III.9.7(c) No Rector or Priest-in-Charge of any congregation of this Church, or if there be none, no Wardens, Members of the Vestry, or Trustees of any congregation, shall permit any person to officiate in the congregation without sufficient evidence that such person is duly licensed and ordained and in good standing in this Church; provided, nothing in these Canons shall prevent:

- (1) The General Convention, by Canon or otherwise, from authorizing persons to officiate in congregations in accordance with such terms as it deems appropriate;
- (2) The Bishop of any Diocese from giving permission
 - (i) To a Member of the Clergy of this Church, to invite Clergy of another church to assist in the Book of Common Prayer Offices of Holy Matrimony or of the Burial of the Dead, or to or read Morning or Evening Prayer, in the manner specified in Canon III.9.5; or
 - (ii) To Clergy of any other church to preach the Gospel, or in ecumenical settings to assist in the administration of the sacraments; or
 - (iii) To godly persons who are not Clergy of this Church to address the Church on special occasions; or
 - (iv) To the Member of the Clergy or Priest-in-Charge of a congregation or if there be none, to the Wardens, to invite Clergy ordained in another church in *full* communion with this Church to officiate on an occasional basis, provided that such clergy are instructed to teach and act in a manner consistent with the Doctrine, Discipline, and Worship of this Church.

Canon III.9.7(e) Any Priest desiring to officiate temporarily outside the jurisdiction of this Church but in a church in *full* communion with this Church, shall obtain from the Ecclesiastical Authority of the Diocese in which the person is canonically resident, a testimonial which shall set forth the person's official standing, and which may be in the following form:

I hereby certify that A.B., who has signified to me the desire to be permitted to officiate temporarily in churches not under the jurisdiction of The Episcopal Church, yet in *full* communion with this Church, is a Priest of _____ in good standing, and as such is entitled to the rights and privileges of that Order.

(Date) _____ (Signed) _____

Such testimonial shall be valid for one year and shall be returned to the Ecclesiastical Authority at the end of that period. The Ecclesiastical Authority giving such testimonial shall record its issuance, the name of the Priest to whom issued, its date and the date of its return.

Canon III.10.2(a)(3):

~~(3) The provisions of this Section + Sections 2 and 3 shall be fully applicable to all Members of the Clergy ordained in any Church in the process of entering the historic episcopal succession with which The Episcopal Church is in full communion with this Church as specified in Canon I.20, subject to the any covenant of the two (2) Churches as adopted by the General Convention.~~

- ~~(i) those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury,~~
- ~~(ii) the Old Catholic Churches of the Union of Utrecht,~~
- ~~(iii) the Philippine Independent Church, and~~
- ~~(iv) the Mar Thoma Syrian Church of Malabar~~
- ~~(v) the Evangelical Lutheran Church in America.~~

Canon III.11.9(c)

(c) Missionary Bishops

- (1) The election of a person to be a Bishop in a Missionary Diocese shall be held in accordance with the procedures set forth in the Constitution and Canons of this Church.
- (2) The Convention of a Missionary Diocese may, in lieu of electing a Bishop, request that such election be made on its behalf by the Synod of the Province, or the House of Bishops of the Province subject to confirmation of the Provincial Council, or the Regional Council of Churches in *full* communion with this Church of which the Diocese is a member.

Canon III.12.5(b)

An Assistant Bishop may be appointed from among the following:

- (1) Bishops Diocesan, Bishops Coadjutor, or Bishops Suffragan, who under the Constitution and Canons of this Church would be eligible for election in that Diocese; provided that at the time of accepting any such appointment a Bishop Diocesan, Bishop Coadjutor or Bishop Suffragan shall resign that office;
- (2) Bishops of this Church who, having resigned their previous responsibilities, are qualified to perform episcopal acts in this Church; and
- (3) Bishops of a Church in *full* communion with this Church, in good standing therein, if they:
 - (i) have previously resigned their former responsibilities;
 - (ii) have received approval, by a competent authority within the Church of their ordination of their appointment to the position of Assistant Bishop;
 - (iii) have exhibited satisfactory evidence of moral and godly character and having met theological requirements;
 - (iv) have promised in a writing submitted to the Bishop making the appointment to submit in all things to the Doctrine, Discipline and Worship of this Church;
 - (v) have submitted to and satisfactorily passed a thorough examination covering their medical, psychological and psychiatric condition by recognized and licensed professionals appointed by the Ecclesiastical Authority of the Diocese with the approval of the Presiding Bishop. The forms for medical, psychological and psychiatric reports prepared by The Church Pension Fund [CPG] shall be used for these purposes.

Canon III.12.9(h)

(h) A resigned Bishop may only perform any episcopal act at the request of or with the permission of the Bishop Diocesan within that Bishop's Diocese. A resigned Bishop may, by vote of the Convention of any Diocese and with the consent of the Bishop of that Diocese, be given an honorary seat in the Convention, with voice but without vote, or be given an honorary seat in the Cathedral of any Diocese, by and subject to the authority competent to grant such seat. The resigned Bishop shall report all official acts to the Bishop Diocesan and to the Diocese in which the acts are performed. These provisions shall also be applicable to a resigned Bishop of another Church in *full* communion with this Church, subject to the approval of competent authority within the other Church, where such approval may be required.

Canon IV.14.12(b)

(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 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 *full* communion with this Church.

Canon IV.16

CANON 16: Of Abandonment of The Episcopal Church

(A) By a Bishop

Sec. 1. If the Disciplinary Board for Bishops receives information suggesting that a Bishop 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 *full* communion with this Church; or (iii) by exercising Episcopal acts in and for a religious body other than the Church or another church in *full* 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 shall 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.

(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, may have 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. 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 *full* 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 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 4 of this Canon and at the end of the sixty (60) day period the Bishop Diocesan will consider deposing the Priest or Deacon in accordance with the provisions of Section 4.

EXPLANATION

These changes are proposed to reflect being in full communion rather than communion to remain consistent throughout our Constitution and Canons.

Alternative Liturgies

The Commission was asked by the Standing Commission on Liturgy and Music [SCLM] to assist it in developing a Resolution to help clarify the process and treatment of various alternative and additional liturgies. The Standing Commission has reviewed and supports the resolution of the SCLM regarding Alternative and Additional Liturgies.

Consent for Secular Employment

The increasing nature of bi-vocational clergy, or clergy engaged in secular employment out of the necessity to earn a living wage, means that the questions of clergy employment are larger than what can be accomplished by our Standing Commission in this triennium. We, therefore, commend this broader question of clergy engaging in secular employment to the work of the next triennium. If the resolution proposing the creation of a Standing Commission on Formation & Ministry Development passes, this issue should be referred there. If not, it should return to this Standing Commission.

Equity in Clergy Compensation

The issue of a lack of equity in clergy compensation for women was brought to the attention of the Standing Commission. In our work, we noted that the Canons relative to the hiring and search process for clergy do not contain the same language against discrimination as the Canons around the ordination process. We, therefore, are proposing a resolution to add that same non-discrimination language to Title III Section 9. The Board of Transition Ministry has expressed its support for this resolution.

Resolution A091: Amend Canon III.9 Equity in Clergy Hiring and Appointment Practices

Resolved: The House of _____ concurring, That Canon III.9 is hereby amended to add the following to read as follows:

III.9.3

Section 3: The Appointment of Priests:

- (a) *No priest shall be discriminated against in the call or appointment process of this Church because of race, color, ethnic origin, nation of origin, sex, marital status, sexual orientation, gender identity and expression, disabilities or age, except as otherwise provided by these Canons.*

Resolved Further, that the existing sections be renumbered appropriately.

And be it further

Resolved, That Canon III.7 is hereby amended to read as follows:

Sec. 1. Deacons serve directly under the authority of and are accountable to the Bishop, or in the absence of the Bishop, the Ecclesiastical Authority of the Diocese. *No deacon shall be discriminated against in the appointment process of this Church because of race, color, ethnic origin, nation of origin, sex, marital status, sexual orientation, gender identity and expression, disabilities or age, except as otherwise provided by these Canons.*

EXPLANATION

Only twenty-two (22) percent of senior clergy leadership roles across The Episcopal Church are filled by women. (See: Svoboda-Barber, Helen. "Women Embodying Executive Leadership: A Cohort Model for Episcopal Discernment" D.Min. diss., Austin Presbyterian Theological Seminary, Austin, TX, 2017.) Forty (40) percent of priests are women, twenty (20) percent Head-of-Staff clergy are women, less than ten (<10) percent of bishops are women. In the south, Head-of-Staff male clergy are paid an average of \$25,000 per year more than Head-of-Staff female clergy. Forty-three (43) percent of female clergy have applied for rector/vicar positions but never been chosen whereas only eighteen (18) percent of male clergy have applied for rector/vicar positions but never been chosen.

The first two (2) facts are from the annual Clergy Compensation Report put out by the Church Pension Fund [CPG]. The third truth is from Called to Serve: A Study of Clergy Careers, Clergy Wellness, and Clergy Women, pages 14-15, by Paula Nesbitt.

For years the Church Pension Fund [CPG] has documented the stark and widespread differences in how male and female clergy are hired and compensated. The latest report from 2015 is available on the Church Pension Fund's website. This report offers clear statistical evidence that a significant gender pay gap continues to pervade The Episcopal Church. Given the fact that equality for women has long been a priority across the Anglican Communion, this issue needs to be addressed. The Communion Women section of The Anglican Communion website states: "In the Anglican Communion we are committed to ensuring that our churches become a living witness to our belief that women and men are equally made in the image of God." A change in the Canons illustrates the importance of this issue and provides institutional support to women clergy, diocesan staff, and bishops who are advocating for equality in a search process.

Notably, it is highly likely that similar gaps exist for other historically excluded groups, but the Church Pension Fund does not gather data on the race/ethnicity, sexual orientation, or physical/mental handicaps of working clergy. Such categories are included in the resolution in the hopes of combating exclusion of any kinds and creating a church that more accurately reflects our society at large and is able to reap the benefits of our gifted and diverse pool of ordained leadership. It is strongly recommended

that dioceses provide human resources training, especially with respect to hiring practices, for both clergy and lay leadership.

Restoring the Episcopal Church in Cuba to The Episcopal Church

The Task Force on Cuba has managed the laboring oar on this issue, but the Task Force requested the Commission's assistance in reviewing the protocols for readmission, and to assist in drafting appropriate documentation. The Commission has been in regular communication with members of the Task Force and has provided any requested assistance.

Reception of Clergy from Churches in Historic Succession

It was brought to our attention that, along with questions around communion vs. full communion, there is a lack of clarity around the process of receiving clergy from churches in historic succession. We are, therefore, proposing a resolution to amend Canon III.10.3 and III.10.4 to reflect making the requirements for discernment and formation of clergy being received in this Church from churches in full communion and churches not in historic succession and not in full communion, similar to the Title III Canon for Ordination of Lay People to the diaconate or priesthood in this Church. The understanding is that preparing clergy who wish to be received should be as close as possible to ordination so that all of the clergy in this church are held to the same standard and equipped with the same tools for ministry.

Resolution A092: Reception of Clergy from Churches in Apostolic Succession

Resolved, the House of _____ concurring, That Canon III.10.3 is amended to read as follows:

Sec. 3. Clergy Ordained by Bishops in Churches in the Historic Succession but Not in *Full* Communion with This Church

(a) When a Priest or Deacon ordained in a Church by a Bishop in the Historic Succession but not in *full* communion with this Church, the regularity of whose ordination is approved by the Presiding Bishop as permitted by *Canon* I.16.3, desires to be received as a Member of the Clergy in this Church, the person shall apply in writing to a Bishop, attaching the following:

(1) A nomination in writing for reception from the person's congregation or community of faith in this Church. The Nomination shall include a letter of support by the congregation or community of faith, committing the community to involve itself in the person's preparation for reception to the Priesthood. If it be a congregation, the letter shall be signed by two-thirds of the Vestry or comparable body, and by the Member of the Clergy or leader exercising oversight.

(2) The person, if agreeing, shall accept the nomination in writing, and shall provide the following in writing to the Bishop:

(a) Full name and date of birth.

(b) The length of time resident in the Diocese.

(c) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church.

(d) Whether an application has been made previously for reception in this or any other diocese.

(e) A description of the process of discernment the person has undertaken individually and with the nominating congregation or community of faith.

(f) A statement of reasons for seeking to enter Holy Orders in this Church.

~~(1) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church.~~

(3) ~~(2)~~ Evidence of previous Ministry and that all other credentials are valid and authentic.

(4) ~~(3)~~ Evidence of moral and godly character; and that the person is free from any vows or other engagements inconsistent with the exercise of Holy Orders in this Church.

(5) ~~(4)~~ Transcripts of all academic and theological studies.

(6) ~~(5)~~ A certificate from at least two (2) Presbyters of this Church stating that, from personal examination or from satisfactory evidence presented to them, they believe that the departure of the person from the Communion to which the person has belonged has not arisen from any circumstance unfavorable to moral or religious character, or on account of which it may not be expedient to admit the person to Holy Orders in this Church.

(7) ~~(6)~~ Certificates in the forms provided in Canon III.8.6 and III.8.7 from the Rector or Member of the Clergy in charge and Vestry of a Parish of this Church.

~~(7) A statement of the reasons for seeking to enter Holy Orders in this Church~~

And be it further

Resolved, that Canon III.10.4 is hereby amended to read as follows:

Sec. 4. Clergy Ordained in Churches Not in the Historic Succession

(a) If a person ordained or licensed by other than a Bishop in the ~~Historic Succession~~ historic succession to minister in a Church not in full communion with this Church desires to be ordained, the person shall apply to a Bishop, attaching a nomination in writing for ordination from the person's congregation or community of faith in this Church. The Nomination shall include a letter of support by the congregation or community of faith, committing the community to:

(1) Involve itself in the person's preparation for ordination to the Priesthood. If it be a congregation, the letter shall be signed by two-thirds of the Vestry or comparable body, and by the Member of the Clergy or leader exercising oversight.

(2) The person, if agreeing, shall accept the nomination in writing, and shall provide the following in writing to the Bishop:

(a) Full name and date of birth.

(b) The length of time resident in the Diocese.

(c) Evidence that the person is a confirmed adult communicant in good standing in a Congregation of this Church.

(d) Whether an application has been made previously for ordination in this or any other diocese.

(e) A description of the process of discernment the person has undertaken individually and with the nominating congregation or community of faith.

(f) A statement of reasons for seeking to enter Holy Orders in this Church.

~~(1) The person must first be a confirmed adult communicant in good standing in a Congregation of this Church;~~

(3) ~~(2)~~ The Commission shall examine the applicant and report to the Bishop with respect to:

- (i) Whether the applicant has served in the previous Church with diligence and good reputation and has stated the causes which have impelled the applicant to leave the body and seek ordination in this Church,
- (ii) The nature and extent of the applicant’s education and theological training,
- (iii) The preparations necessary for ordination to the Order(s) to which the applicant feels called; and be it further

Resolved, That subsequent sections be renumbered accordingly.

EXPLANATION

The beginning of Sections 3 and 4 of this Canon have been changed to reflect being in Full Communion rather than Communion to remain consistent with other canonical changes. Subsection (a) has been changed to bring some consistency with reception of clergy from Churches in Historic Succession but not in full communion with this Church and the discernment process that a lay person in The Episcopal Church may undergo for ordination to the priesthood or diaconate. Having additional similarities in both of these processes would provide a greater consistency in the expectations and credentials and trainings of all of our clergy.

Regarding Fiscal Years:

The Commission received a request to review the requirement set forth in Canon I.7.1(j) that each Province, Diocese, Parish, Mission and Institution connected with the Church have a fiscal year that begins on January 1. The question was whether some flexibility might be accorded to schools and other institutions that follow a school year, or other fiscal year for other purposes, but are still required to record their financial information in the parochial report and other reports for the Church based on a January 1 – December 31 fiscal year. The Commission consulted with persons involved in the financial processes of the Church and with employees of the Church Pension Group [CPG], all of whom expressed reservations about modifying the current requirement. Based on the information received, the Commission determined not to recommend any changes to Canon I.7.1(j)

Revision of Canon III.8.7(f): Deacons called to the Priesthood

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 Canon III.8.7(f) did not provide sufficient guidance regarding the issue of deacons ordained under Canon III.6 who subsequently express a call to be ordained to the Priesthood. There appears to be confusion on what is required in this situation.

Accordingly, the Commission discussed the matter and received input from diocesan chancellors, Bishops, clergy, and laity. Through this process, it became clear that a better process should exist for

Deacons ordained under Canon III.6 who subsequently seek ordination to the Priesthood. The proposed resolution provides more specific guidance and grants authority to the Bishop Diocesan and the Commission on Ministry to ensure that the Deacon receives the necessary and required training to carry out the ministry of an ordained priest. The proposed amendment appears later in this report.

Resolution A093: Amend Canon III.8.7(f) pertaining to Deacons who subsequently seek ordination to the Priesthood

Resolved, the House of _____ concurring, That Canon III.8.7(f) is hereby amended to read as follows:

III.8.7(f)

~~A person ordained to the Diaconate under Canon III.6 who is subsequently called to the Priesthood shall fulfill the Postulancy and Candidacy requirements set forth in this Canon. Upon completion of these requirements, the Deacon may be ordained to the Priesthood.~~

A person ordained to the Diaconate under Canon III.6 who subsequently expresses a call to the Priesthood shall apply to the Bishop Diocesan and the Commission on Ministry. The Commission on Ministry and Bishop Diocesan shall ensure that the Deacon meets the formational requirements set forth in III.8.5(g) and shall recommend such additional steps as may be necessary and required. Upon completion of these requirements and those required for Postulancy and Candidacy as set forth in this Canon, the Deacon may be ordained to the Priesthood.

EXPLANATION

This amendment clarifies the process by which a person who has been ordained to the diaconate under Canon III.6 may subsequently seek ordination to the priesthood.

Matters Regarding Corrections and Clarifications:

Clarity regarding the Bishop of the Armed Forces

Article II of the Constitution does not specifically give a title to this position. As a result, there have been several different ways to refer to this person. In addition, given the international nature of The Episcopal Church, there needs to be clarity in our Canons about the fact that this Bishop Suffragan only has authority over chaplains in the Military and Federal Ministries of the United States of America. An amendment to Canon III.4.1(b) is proposed below to achieve this clarity.

Resolution A094: Amend Canon III.4.1(b) for Clarity regarding the Bishop of the Armed Forces

Resolved, the House of _____ concurring, That Canon III.4.1(b) is hereby amended to read as follows:

(b) The Presiding Bishop or the Bishop Suffragan for the Armed Forces of the United States, Veterans' Administration Medical Centers, and Federal Correctional Institutions may authorize a member of the Armed Forces to exercise one (1) or more of these ministries in the Armed Forces in accordance with

the provisions of this Canon. Requirements and guidelines for the selection, training, continuing education and deployment of such persons shall be established by the Bishop granting the license.

EXPLANATION

In 1988, General Convention amended Article II.7 of the Constitution on having a Suffragan Bishop under the direction of the Presiding Bishop to be in charge of Chaplains in the Armed Forces of the United States to also include Chaplains of the U.S. Veterans Administration Medical Centers and Federal Correctional Institutions. Prior to the amendment there was no title for this Bishop Suffragan in the Constitution. The Constitution does not give a title to that position. This amendment is to clarify the name of the Bishop Suffragan serving in this position and that this position oversees these Federal Ministries only in the United States.

Correcting Conjunction in Canon IV.4.1:

Upon a routine review of this Canon, it was noted by the Standing Commission that the conjunctions “or” and “and” were misused. We, therefore, propose a resolution to correct those errors.

Resolution A095: Correction of Canon IV.4.1(h)

Resolved, the House of _____ concurring, That Canon IV.4.1(h) is hereby amended to read as follows:

(h) refrain from:

(1) any act of Sexual Misconduct;

(2) holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by the Church;

(3) engaging in any secular employment, calling or business without the consent of the Bishop of the Diocese in which the Member of the Clergy is canonically resident;

(4) being absent from the Diocese in which the Member of the Clergy is canonically resident, except as provided in Canon III.9.3(e) for more than two (2) years without the consent of the Bishop Diocesan;

(5) any criminal act that reflects adversely on the Member of the Clergy's honesty, trustworthiness or fitness as a minister of the Church;

(6) conduct involving dishonesty, fraud, deceit or misrepresentation; ~~or~~

(7) habitual neglect of the exercise of the ministerial office without cause; or habitual neglect of public worship, and of the Holy Communion, according to the order and use of the Church; ~~and~~ or

(8) any Conduct Unbecoming a Member of the Clergy.

EXPLANATION

Upon a routine review of this Section, it was noted by the Commission that the conjunctions “or” and “and” between subsections 6, 7, and 8 were misused. This amendment corrects those errors

Convocation of Episcopal Churches in Europe:

We are proposing resolutions to change the name of the Convocation of American Churches in Europe to the Convocation of Episcopal Churches in Europe. This name is already used in Canon V.2.1 so we are not only making the Canons consistent, but also clarifying that the Canons pertain to Episcopal Churches in Europe, not American churches, which could be of other denominations over which we do not have authority.

Resolution A096: Amend Canon I.9.1 pertaining to the Convocation of Episcopal Churches in Europe

Resolved, House of _____ concurring, That Canon I.9.1 is hereby amended to read as follows:

CANON 9: Of Provinces

Sec 1. Subject to the proviso in Article VII of the Constitution, the Dioceses of this Church shall be and are hereby united into Provinces as follows:

The First Province shall consist of the Dioceses within the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

The Second Province shall consist of the Dioceses within the States of New York and New Jersey, the Dioceses of Haiti and the Virgin Islands, and the ~~Convocation of American Churches in Europe~~ *The Convocation of Episcopal Churches in Europe*.

And be it further

Resolved, That Canon II.3.6(d) is hereby amended to read as follows:

II.3.6(d) In the event of the authorization of such variations, adjustments, substitutions, or alternatives, as aforesaid, it shall be the duty of the Custodian of the Standard Book of Common Prayer to notify the Ecclesiastical Authority of every Diocese, and the ~~Convocation of the American Churches in Europe~~ *Convocation of the Episcopal Churches in Europe*, of such action, and to give notice thereof through the media of public information.

And be it further

Resolved that Canon III.5.1(b) is hereby amended to read as follows:

III.5.1.(b) The Council of Advice of the ~~Convocation of American Churches in Europe~~ *Convocation of Episcopal Churches in Europe*, and the board appointed by a Bishop having jurisdiction in an Area Mission in accordance with the provisions of Canon I.11.2(c), shall, for the purpose of this and other Canons of Title III have the same powers as the Standing Committee of a Diocese.

EXPLANATION

The changes put forward above serve to make the Canons consistent when referring to a particular body, in this instance the Convocation of Episcopal Churches in Europe, which had been referred to as the Convocation of American Churches in Europe. The changes clarify which denominations the Canons hold authority over in Europe.

Clarity Regarding the Process of Return to Ministry After Release and Removal:

In 2012, the General Convention amended Title III to provide a clearer process for the removal and release of clergy and in 2015 the Convention added provisions for clergy who have been removed and released to return to ministry. The 2015 amendments provided for statements of support from at least two (2) clergy for Deacons and Priests seeking to return to ministry and statements of support from at least two (2) Bishops for Bishops seeking to return to ministry. The proposed amendments clarify that the clergy or Bishops providing the statements of support must be clergy or Bishops in good standing of this Church.

Resolution A097: Amend Canons regarding Return of Clergy after Release & Removal

Resolved, the House of _____ concurring, That Canon III.7.11(a)(3) is hereby amended to read as follows:

(3) A statement from no less than two (2) members of the clergy *in good standing of this Church* known to the applicant in support of the application;

And be it further

Resolved, That Canon III.12.8(a)(3) is hereby amended to read as follows:

(3) A statement from no less than two (2) Bishops *in good standing of this Church* known to the applicant in support of the application;

EXPLANATION

The amendment clarifies that statements in support of the return to Ministry of a Deacon, Priest or Bishop who had been released and removed must come from members of the clergy or Bishops who are in good standing of this Church.

Timelines and Pastoral Response in Mediation — Amending Canon III.12.10:

This canon provides a way for dioceses and Bishops experiencing disagreements to access help before such disagreements cause the dissolution of their pastoral relationship. The commission received

feedback, however, suggesting that further clarity would be helpful regarding how long such mediation could be expected to last, and the accessibility of pastoral care for the affected parties. A Canon revision to achieve this clarity is included later in this report.

Resolution A098: Timelines and Pastoral Response in Mediation: Amending Canon III.12.10

Resolved, the House of _____ concurring, That Canon III.12.10 is hereby amended to read as follows:

Sec. 10 Reconciliation of Disagreements Affecting the Pastoral Relation between a Bishop and Diocese.

When the pastoral relationship between a Bishop Diocesan, Bishop Coadjutor or Bishop Suffragan and the Diocese is imperiled by disagreement or dissention, and the issues are deemed serious by a Bishop of that Diocese or a two-thirds majority vote of all of the members of the Standing Committee or a two-thirds majority vote of all the members of the Diocesan Convention, any party may petition the Presiding Bishop, in writing, to intervene and assist the parties in their efforts to resolve the disagreement or dissention. The written petition shall include sufficient information to inform the Presiding Bishop and the parties involved of the nature, causes, and specifics of the disagreements or dissention imperiling the pastoral relationship. The Presiding Bishop shall initiate such proceedings as are deemed appropriate under the circumstances to attempt to reconcile the parties, which may include the appointment of a consultant or licensed mediator, *and shall include appropriate pastoral care for all affected parties and individuals.* The parties to the disagreement, following the recommendations of the Presiding Bishop, shall labor in good faith toward that reconciliation. If such proceedings lead to reconciliation, said reconciliation shall contain definitions of responsibility and accountability for the Bishop and the Diocese. *In the event reconciliation has not been achieved within nine (9) months from the date of the Presiding Bishop's initial receipt of communication from the Diocese, the parties to the disagreement shall meet and decide whether or not to continue attempting to reconcile under this Section or to end proceedings under this Section. If the parties do not agree, proceedings under this Section shall end. The parties shall notify the Presiding Bishop of their decision in writing. If the parties agree to continue attempting to reconcile, either party may end the further proceedings at any time by written notification to the Presiding Bishop and the other party.*

EXPLANATION

This Canon provides a way for dioceses and Bishops to seek help for disagreements before they so imperil their working relationships so as to lead to a dissolution of relationship. Further clarity is needed in the Canon to provide structure as to how long to expect a mediation process to last, and to emphasize the necessity of pastoral care for Bishops and diocesan leaders.

Interim Meetings of the House of Deputies:

A suggestion was made to propose the possibility of meetings of the House of Deputies between General Conventions. The Standing Commission felt that this was a question the House should consider as a whole. Such a meeting could provide an opportunity for more collegiality across the Church, making virtual meetings more effective, and providing an opportunity to discuss budget initiatives during the Triennium. A resolution providing for such meetings has been provided below.

Resolution A099: Calling Meetings of the House of Deputies

Resolved, The House of _____ concurring, That Canon I.1(b) is hereby amended to read as follows:

(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 (3) 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. *The President of the House of Deputies may, from time to time, assemble the House of Deputies of this Church to meet as a House of Deputies, and set the time, place, and manner of such meetings.*

EXPLANATION

The House of Deputies could benefit from having the opportunity to meet for the purpose of education, the development of collegiality and to discuss matters weighty to the Church’s life, mission, worship, ministry and vitality. The members of the House of Deputies retain their membership in the House from General Convention to General Convention, and this would allow them to actively exercise their ministry in community. It recognizes the very positive effect the meetings of the House of Bishops has on each attending Bishop during their interim meetings between General Conventions. No actions requiring the

approval of General Convention may be taken in any meeting of the House of Deputies, separate from a General Convention.

2. GENERAL CONVENTION AND CHURCH STRUCTURE

Referred Resolutions

Resolution 2015-A006 Restructure Standing Commissions and Interim Bodies of General Convention and Resolution 2015-A117

These two (2) resolutions were referred to the Standing Commission, one (1) dealing with the number of Standing Commissions and the other dealing with the responsibilities of the same. Upon review, it was deemed that they had been properly melded by the Archives and no further action is required at this time.

Resolution 2015-A103 Schedule Length of the 79th General Convention

The Task Force for Reimagining the Episcopal Church briefly touched on the duration for General Convention in its report to the 2015 Convention, stating that “our vision and hope is that 2021 and subsequent GCs would include no more than five (5) legislative days” (Reports to General Convention 2015, p. 616). The Standing Commission on Structure’s own report for 2015 reiterated that shortening Convention beyond the ten (10) day standard could compromise crucial legislative work. It proposed two (2) resolutions: Resolution 2015-A103, setting the Convention at ten (10) days, which was concurred; and Resolution 2015-A104, calling for sufficient funds to be budgeted for a Convention of that length, on which no action was taken.

In our discussions, it was apparent that many factors contribute to the length of General Convention, among them being the number of resolutions submitted, the way legislative committees are permitted to work, the availability of deputies and bishops to travel and attend Convention and cost considerations. For example, it would significantly shorten Convention to allow legislative committees to begin their work prior to the start of Convention. However, such a step could conceivably disenfranchise those who would wish to testify on a matter, or were unable to make scheduled video conferences. These ongoing issues will remain the concern of this Commission going forward.

Since the Joint Standing Committee on Planning and Arrangements has authority to set the length of each Convention in response to all of these concerns, this Standing Commission recommends no canonical changes at this time.

Resolution 2015-A118 Clarify Secretary of Convention versus Secretary of House of Deputies

The Commission realized that there was confusion within the Canons and Joint Rules of Order between the roles of the Secretary of General Convention and Secretary of the House of Deputies. Revised Canons were drafted to clarify whether it is the House of Deputies or General Convention Secretary referred to in a number of provisions.

Resolution A100: Clarify Secretary of Convention versus Secretary of House of Deputies

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon I, Canon 1.1 as follows:

Canon I.1.1(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 General Convention, or, if absent, a Secretary *pro tempore* of the General Convention 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 of the General Convention, or one appointed instead as provided herein, shall proceed as provided in Clause (c). If there be a quorum present, the Secretary of the General Convention shall so certify, and the House shall proceed to organize by the election, by ballot, of a Secretary of the General Convention, and a majority of the votes cast shall be necessary to such election. 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.

Canon I.1.1(c): In order to aid the Secretary of the General Convention 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 General Convention ~~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 of the General Convention 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.

Canon I.1.13 (b): The Executive Office of the General Convention shall include the functions of the Secretary of the General Convention and the Treasurer of the General Convention and those of the

Manager of the General Convention and, if the several positions are filled by different persons, such officers shall serve under the general supervision of the General Convention Executive Officer, who shall also coordinate the work of the Committees, Commissions, Boards and Agencies funded by the General Convention Expense Budget.

Canon I.4.1(d): The Executive Council shall be composed (a) of twenty (20) members elected by the General Convention, of whom four (4) shall be Bishops, four (4) shall be Presbyters or Deacons, and twelve (12) shall be Lay Persons who are confirmed adult communicants in good standing (two Bishops, two Presbyters or Deacons, and six Lay Persons to be elected by each subsequent regular meeting of the General Convention); (b) of eighteen (18) members elected by the Provincial Synods; (c) of the following *ex-officiis* members: the Presiding Bishop and the President of the House of Deputies; and (d) the Chief Operating Officer, the Secretary of the General Convention, the Treasurer of the General Convention, the Chief Financial Officer of the Domestic and Foreign Missionary Society [DFMS], and the Chief Legal Officer of the Executive Council, all of whom shall have seat and voice but no vote. Each Province shall be entitled to be represented by one (1) Bishop or Presbyter or Deacon canonically resident in a Diocese which is a constituent member of the Province and one (1) Lay Person who is a confirmed adult communicant in good standing of a Diocese which is a constituent member of the Province, and the terms of the representatives of each Province shall be so rotated that two (2) persons shall not be simultaneously elected for equal terms.

Canon I.9.11: Within sixty (60) days after each session of the General Convention, the Presidents of the two (2) Houses thereof shall refer to the Provincial Synods, or any of them, such subjects as the General Convention may direct, or as they may deem advisable, for consideration thereof by the Synods, and it shall be the duty of such Synods to consider the subject or subjects so referred to them at the first meeting of the Synod held after the adjournment of the General Convention, and to report their action and judgment in the matter to the Secretary of the General Convention ~~House of Bishops and to the Secretary of the House of Deputies~~ at least six (6) months before the date of the meeting of the next General Convention.

And be it further *Resolved*, That the Joint Rules of Order be hereby amended as follows:

Joint Rules of Order II.10(a): There shall be a Joint Standing Committee on Program, Budget, and Finance, consisting of twenty-seven (27) persons being members of the General Convention (one (1) Bishop, and two (2) members of the House of Deputies, either Lay or Clerical, from each Province), who shall be appointed not later than the fifteenth (15) day of December following each regular Meeting of the General Convention, the Bishops to be appointed by the Presiding Bishop, the Deputies by the President of the House of Deputies. The Secretary of the General Convention and the Treasurer of the General Convention and the Chief Financial Officer of the Executive Council shall be members *ex-officiis*, without vote. The Joint Standing Committee may appoint advisers, from time to time, as its funds warrant, to assist the Joint Standing Committee with its work.

Joint Rules of Order VII.20: Except for the Secretary of the General Convention and the Treasurer of the General Convention, the said Committee is instructed to nominate a number, equal to at least twice the number of vacancies, which shall be broadly representative of the constituency of this Church; to prepare biographical sketches of all nominees; and to include such nominations and sketches in the Blue Book, or otherwise to circulate them among Bishops and Deputies well in advance of the meeting of the next succeeding General Convention; this procedure, however, not to preclude further nominations from the floor in the appropriate House of the General Convention.

EXPLANATION

The Standing Commission on Structure, Governance, Constitution and Canons realized that there was confusion within the Canons and Joint Rules of Order between the roles of the Secretary of General Convention and Secretary of the House of Deputies. It has been the long-standing practice to have the Secretary of General Convention serve as Secretary of the House of Deputies during General Convention, and thus Canons were drafted to reflect current practice.

Matters Arising from Canonical Responsibilities

Annotated Constitution and Canons Review and Update:

The Annotated Constitution and Canons, which are volumes of canonical history and case law, falls under the charge of this commission. Over the triennium, a Commission working group on the Annotated Constitution and Canons has completed updates detailing the Constitutional changes in Articles I, II, and V through 2006. Additionally, they have plans to update the volumes describing Title IV of the Canons through 2015. Additional volunteers are needed for this work in the coming years.

In the coming triennium, we hope to utilize a Wikipedia-like format which would allow immediate initial drafting of updates by multiple writers from General Convention in real time as amendments to the Constitution and Canons are approved.

Review DFMS By-Laws

The mandate of the Standing Commission on Structure, Governance, Constitution and Canons includes conducting a “continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity”. . . and . . . “[o]n the basis of such review, suggest to the Domestic and Foreign Missionary Society [DFMS] such amendments to its By-laws as in the opinion of the Commission are necessary or desirable in order to conform the same to the Constitution and Canons.” The task of reviewing and recommending Executive Council By-Law changes to conform to the Canons of the Church were made and adopted during this triennium.

The President of the House of Deputies, by virtue of the office, also functions as a Vice President of the Domestic and Foreign Missionary Society [DFMS] and also the Vice Chair of Executive Council. Having said this, the role of the Vice President of the House of Deputies bears the weight of the understudy. This person must be prepared to step into the role of the President of the House of Deputies, if the President is unable to fulfill that role. Therefore, the Vice President of the House of Deputies should be incorporated into the membership of the Executive Council, with seat and voice, but no vote, so that they would be best prepared to step in if needed. For that reason, The Commission proposes adding the Vice President of the House of Deputies as a non-voting member of Executive Council.

Resolution A101: Amend Canons I.4.1. (d) related to DFMS By-laws

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon I.4.1. (d) as follows

(d) The Executive Council shall be composed (a) of twenty (20) members elected by the General Convention, of whom four (4) shall be Bishops, four (4) shall be Presbyters or Deacons, and twelve (12) shall be Lay Persons who are confirmed adult communicants in good standing (two (2) Bishops, two (2) Presbyters or Deacons, and six (6) Lay Persons to be elected by each subsequent regular meeting of the General Convention); (b) of eighteen (18) members elected by the Provincial Synods; (c) of the following *ex-officiis* members: the Presiding Bishop and the President of the House of Deputies; and (d) the Vice President of the House of Deputies, the Chief Operating Officer, the Secretary of the General Convention, the Treasurer of the General Convention, the Chief Financial Officer of the Domestic and Foreign Missionary Society, and the Chief Legal Officer of the Executive Council, all of whom shall have seat and voice but no vote. Each Province shall be entitled to be represented by one (1) Bishop or Presbyter or Deacon canonically resident in a Diocese which is a constituent member of the Province and one (1) Lay Person who is a confirmed adult communicant in good standing of a Diocese which is a constituent member of the Province, and the terms of the representatives of each Province shall be so rotated that two (2) persons shall not be simultaneously elected for equal terms.

EXPLANATION

The President of the House of Deputies is the Vice President of the Domestic and Foreign Missionary Society and Vice Chair of Executive Council. If the President of the House of Deputies is unable to fulfill his/her role, the Vice President of the House of Deputies immediately fills that role. This change will allow for the Vice President of the House of Deputies to participate at Executive Council and thereby be prepared to take on the President's role, if necessary.

Review Consistency in Canons Regarding Officers:

At the beginning of the current triennium, the House of Bishops elected two (2) Vice Presidents [or Vice Chairs according to the Rules of Order of the House of Bishops, First Day of Session, Rule VI] rather than

the traditional one. In a number of provisions, the Constitution and Canons assign various responsibilities to “the Bishop who according to the Rules of the House of Bishops, becomes its Presiding Officer in the event of the disability or death of the Presiding Bishop.” (Constitution, Article I.3) There was no clarity, however, regarding which of the Vice Presidents would become the Presiding Officer of the House of Bishops, until a new Presiding Bishop could be elected. Currently, officers of the House of Bishops are defined in the House of Bishops Rules of Order.

It is clear to this Standing Commission that a change to the Canons would represent a large undertaking and not a task that can be completed in the current triennium. In lieu of this task, the Committee on Rules of Order for the House of Bishops has been asked to address this concern in an anticipated Rules revision that is expected to occur prior to the 79th General Convention. As necessary, a follow-up to this task of clarification is best referred to the work of Standing Commission in the next triennium.

Substantive Matters Received From Various Sources

Filing Deadlines

The issue of the filing deadline for General Convention resolutions arose with the Commission, partially resulting from the work of TREC. Our concern here was to speed up General Convention’s legislative process, reduce the legislative backlog, as well as enable resolutions with funding implications to reach Program, Budget, and Finance before the budget is finalized. However, it became apparent that other factors would drive the filing deadline issue including the size of General Convention, the length of General Convention, and the way that legislative committees are constituted and permitted to do their work. Chief among these factors was the budget process itself. Therefore, we have requested that the issue of resolutions with funding implications be addressed by the proposed Budget Process Task Force as a part of their work in the next triennium.

Budget Process

The Commission recommends that a Task Force on reshaping the Budget Process be established for the next triennium. The Church is mired in a Budget Process that does not make enough time available for input by the Church at large prior to General Convention. Currently, the Joint Standing Committee on Finances for Mission [FFM] of the Executive Council and Domestic and Foreign Missionary Society prepares the initial draft of the Budget based substantially on input from staff. Recently, there has been a concerted effort by FFM to seek input from all the interim bodies of the Church and from the wider Church so that it is aware of at least some of the needs and desires for funding that may be presented to the upcoming General Convention. A few months before General Convention Executive Council adopts the draft Budget which is then turned over to the Joint Standing Committee on Program, Budget and Finance. The process for the development of the Budget is set forth in Canon I.4.6. The Joint Standing Committee on Program, Budget and Finance then further refines the Budget at General Convention after holding hearings and reviewing all resolutions submitted to General Convention that

have funding implications. See Joint Rules of Order II.10. It then presents the final draft Budget to both Houses and it is debated, amended, and voted on in each Houses. However, it has become clear that it is very difficult for Program, Budget and Finance to materially change the draft Budget from Executive Council to reflect funding priorities adopted by General Convention after the draft Budget has been prepared or to incorporate funding for major initiatives or projects adopted at General Convention. As a result, the wider Church acting through the Deputies and Bishops at General Convention actually have limited opportunities to meaningfully affect the Budget of the Church.

The Church of today is digitally connected in a way that it has not been before. The Budget Process needs to be updated to reflect the world of today, and the Church of today so that the process for preparation of the draft Budget can more meaningfully take into account the needs and hopes of the Church for the coming triennium beyond the current knowledge and interests of staff and Executive Council.

The Task Force would be charged with creating a new Budget Process that would allow all voices from around this Church to be heard, establish a more manageable timeline and set up a fully transparent process.

In addition, it is unclear who is responsible for oversight and management of the Budget during the triennium. The Canons assign some responsibility to Executive Council and the Joint Rules of Order assign very similar responsibilities to the Joint Standing Committee on Program, Budget and Finance. And there is the reality that on a day to day basis it is the staff which administers the Budget and makes multitudes of spending decisions that ultimately affect and establish the actual funding priorities. Thus, there is an inherent conflict or lack of congruency and possibly accountability between General Convention which passes the budget, and the staff which administers the Budget during the triennium, and Executive Council, which oversees the administer of the Budget during the triennium.

When the Task Force fulfills its charge, we will be better able to fund the Church which God is calling us to be.

Resolution A102: Create a Task Force Budget Process

Resolved, the House of _____ concurring, That the 79th General Convention establish a Task Force to study and recreate the Budget process for the Church; that the membership of said Task Force be constituted of the Treasurer of the General Convention as an *ex-officio* non-voting member and three (3) bishops, five (5) clergy, and five (5) lay persons, at least four (4) of whom are current or past members of the Joint Standing Committee on Program, Budget and Finance, at least three (3) of whom are current or past members of the Joint Standing Committee on Finances for Mission of Executive Council and the Domestic and Foreign Missionary Society, and at least one (1) is a person highly knowledgeable and experienced in the structure and governance of the Church ; And be it further

Resolved, that the charge of said Task Force is to:

1. Revise The Episcopal Church triennial Budget process in order to ensure transparency throughout the process, foster timely participation by the wider Church, assure General Convention's central role in setting Budget priorities and items to be funded including those adopted by General Convention, and enable effective budgeting and management for staff and programs. The work of this revision should include making recommendations to the 80th General Convention for any needed changes to Constitution, Canons, and the Joint Rules of Order, or recommendations to the Executive Council for changes in the Executive Council By-Laws. Input into these recommendations should be sought from interim bodies, church center staff, Provinces, the Executive Council, the Joint Standing Committee on Program, Budget and Finance and the Chief Financial Officer of the Executive Council.

Clarify responsibility and authority for oversight of the Budget between meetings of General Convention, including proper relationships between staff, Executive Council, the Joint Standing Committee of Program, Budget and Finance, officers and any others who may have some role in the implementation or revision of the Budget between General Conventions.

EXPLANATION

The current Budget Process does not make enough time available for input by the Church at large prior to General Convention convenes, or during General Convention to incorporate the needs and priorities of the Church as may be adopted by General Convention causing frustration, suspicion and disappointment of many deputies, bishops and other stakeholders. In addition, it is unclear who is responsible for budget oversight between General Conventions. The process and timing for development of the Budget needs to be revised to address these issues as well as to clarify who has responsibility for the implementation, amendment, and oversight of the Budget between General Conventions.

Joint Nominating Process

At its October 2016 meeting, The Executive Council, asked this Commission to “to prepare and propose appropriate amendments to the Canons, Joint Rules of Order and Rules of Order of the House of Deputies and House of Bishops to require appropriate screening of potential nominees for Executive Council and the Trustees for The Church Pension Fund prior to their nomination whether the election is by General Convention, a Province, or to fill a vacancy to assure the integrity of such potential nominees to serve in a fiduciary capacity.” (GAM 007, 10/16)

As part of our work, we discussed a variety of issues related to background checks for these offices. These included questions of which background checks were required from a fiduciary perspective for various positions, the lack of church-wide standards for background checks, practical difficulties about

the timing of background checks, financial and administrative resources necessary for background checks, who should receive information gathered from background checks, and how that information should be used.

As a result of those conversations, we believe that the Joint Standing Committee on Nominations should perform background checks for the following four (4) positions because of their fiduciary and corporate roles: President of the House of Deputies, Vice-President of the House of Deputies, Secretary of the General Convention, and Treasurer of General Convention. Officers of the Trustees of the Church Pension Fund are elected by their own membership. It is our expectation that background checks would be done for those officers, as well, by the Board of Trustees of the Pension Fund, but we do not charge the Joint Standing Committee on Nominations with that work.

These background checks will include criminal records check and sexual offender registry checks in any state where the potential nominee has resided during the past seven (7) years, an FBI Fingerprint check, information from any appropriate professional bodies which might discipline members for violations of ethical or fiduciary conduct and information on any violations of state or federal securities laws. Potential nominees from outside the United States will have records checks completed to cover the same information via appropriate procedures where they reside, whenever possible.

Additionally, the Joint Standing Committee on Nominations will develop an application form for those being nominated to Executive Council and Trustee of the Church Pension Fund, that will include self-disclosure questions regarding convictions of any crime (other than minor traffic offenses or juvenile offenses), convictions of driving under the influence of alcohol or other drugs, registration as a sexual offender, protective or restraining orders against the nominee, violations of securities laws, disciplinary restrictions by a professional organization or agency, any current unresolved charges pending in any of these areas, and the opportunity for the potential nominee to explain any positive responses.

The President of the House of Deputies and Vice President of the House of Deputies are not nominated by the Joint Standing Committee on Nominations, but we believe the Joint Standing Committee to be the right body to conduct background checks on these candidates. We also recognize that the current practice of nominating the President and Vice President of the House of Deputies during Convention presents practical problems to conducting background checks.

During the 78th General Convention there were nominations from the floor of the House of Deputies for Trustees of the Church Pension Fund [CPG]. A request was made of the Standing Commission to review the process. After review and broader discussions about the need for appropriate reference and background checks it was determined that an amendment to the Canon dealing with the election of Church Pension Fund Trustees was needed.

At the same time, we would note a number of larger issues that need to be studied. First, we do not have any church-wide standards for background checks, including for those in positions dealing with children and in positions of fiduciary responsibility. Second, we do not have church-wide guidelines for dealing with the results of background checks, including very important questions about whether the subject of the background check has a right to see, and potentially respond to, the results, with whom the results of the background check should be shared, and what background check results, if any, would disqualify a person for particular offices.

Resolution A103: Amend Joint Rules of Order of the House of Bishops and House of Deputies, section VII

Resolved, the House of _____ concurring, That the 79th General Convention amend the Joint Rules of Order of the House of Bishops and House of Deputies, section VII, as follows:

Insert, 21. The Joint Standing Committee on Nominations will perform background checks on its potential nominees for Secretary of the General Convention and Treasurer of the General Convention. These background checks will be done prior to nomination of candidates for those offices and information received will be used by the Joint Standing Committee in their deliberations to select and nominate candidate(s). Information from background checks will be shared with the subject of the background check, but otherwise not be shared beyond the Joint Standing Committee and its legal advisors. The Joint Standing Committee will perform background checks on nominees or potential nominees to the President of the House of Deputies and the Vice President of the House of Deputies. The results of these background checks will be shared with the subject of the background checks and with the appropriate nominating committee, if there is one. These background checks will cover criminal records checks and sexual offender registry checks in any state where the potential nominee has resided during the past seven (7) years, an FBI Fingerprint check, any appropriate professional bodies which might discipline members for violations of ethical or fiduciary conduct and any violations of state or federal securities laws. Potential nominees from outside the United States will have records checks completed to cover the same information with the appropriate bodies where they reside.

22. The Joint Standing Committee on Nominations will develop, and periodically review and update, an application form for those being nominated for Executive Council, Trustee of the Church Pension Fund, and other offices it deems appropriate that will include self-disclosure questions regarding convictions of any crime (other than minor traffic offenses or juvenile offenses), convictions of driving under the influence of alcohol or other drugs, registration as a sexual offender, current or past protective or restraining orders against the nominee, violations of securities laws, disciplinary restrictions by a professional organization or agency, any current unresolved charges pending in any of these areas and the opportunity for the potential nominee to explain any matters disclosed.

And be it further,

Resolved, That succeeding sections be renumbered accordingly.

EXPLANATION

This resolution provides for thorough background checks to be completed on the officers of the Episcopal Church who have particular corporate fiduciary responsibilities. It also offers a process to ask background questions of all potential nominees.

Resolution A104: Amend Title 1 Canon 1 Section 1(b)

Resolved, the House of _____ concurring, That the 79th General Convention amend Title I Canon 1 Section 1(b) as follows:

There shall be a President and 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 Vice-President, who shall be of different orders. *Any person desiring to be nominated for either office shall, no later than three months prior to the start of General Convention, submit their names to the Joint Standing Committee on Nominations for the purposes of submitting to a background check.* 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 (3) consecutive full terms in each respective office. In the 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 the consultation and advice in the performance 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 as long as the President may desire, as counselor in matters relating to the discharge of the responsibilities of that office.

EXPLANATION

Currently, the President of the House of Deputies and the Vice President of the House of Deputies do not undergo background checks prior to their elections. Because these roles involve substantial fiduciary responsibilities on behalf of the Church, it is fitting that they do so. However, this requires that interested persons make themselves known earlier than the start of General Convention, so that the

check can be run with enough time to receive results. Presently there is no requirement that nominees be identified prior to actual nomination at General Convention.

Resolution A105: Amend Canon I.8.2 Provide for Background Checks for Nominees for Church Pension Board of Trustees

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon I.8.2 as follows:

Sec. 2. The General Convention at each regular meeting shall elect, on the nomination of a Joint Committee thereof, twelve (12) persons to serve as Trustees of The Church Pension Fund for a term of six (6) years and until their successors shall have been elected and have qualified, and shall also fill such vacancies as may exist on the Board of Trustees. ~~Effective January 1, 1989, a~~ Any person who has been elected as a Trustee by General Convention for twelve (12) or more consecutive years shall not be eligible for reelection until the next regular General Convention following the one in which that person was not eligible for reelection to the Board of Trustees. Any vacancy which occurs at a time when the General Convention is not in session may be filled by the Board of Trustees by appointment, ad interim, of a Trustee who shall serve until the next session of the General Convention thereafter shall have elected a Trustee to serve for the remainder of the unexpired term pertaining to such vacancy. *Any person desiring to be nominated for the Board of Trustees shall, no later than three (3) months prior to the start of General Convention, submit their names to the Joint Standing Committee on Nominations for the purposes of submitting to a background check*

EXPLANATION

As part of the conversation regarding appropriate background checks, it became clear that the ability to rely on the efficacy of such background checks, sufficient time needed to be allowed for the information to be gathered. Last minute nominations “from the floor” do not allow the necessary time. This resolution allows time for late nominations to be received and then background checks to be initiated and results received. We have also removed a reference to the beginning of the term limit provisions that is now extraneous.

Presiding Bishop Nominations from the Floor

The Commission was advised, following the election of the Most Rev. Michael Bruce Curry as Presiding Bishop, that nominating someone from the floor would be fraught with challenges, if not impossible. Because the Joint Nominating Committee for the Election of the Presiding Bishop has, by the time of the election, performed several background checks as well as medical evaluations, there is no ability to perform similar checks on any floor nominee. The Commission informed the Task Force to Review the Presiding Bishop Election and Transition Process of this issue, and was pleased to be informed that they were addressing it. We refer you to their report on this matter.

Corporate Structure

Throughout the triennium, we monitored the integrity of our corporate structure and By-Laws. At the end of the three (3) year period, we were excited to welcome a new Chief Legal Officer, Doug Anning, Esq. to the Domestic and Foreign Missionary Society. With this new hire, we feel confident that the Standing Commission will have a valuable additional resource going forward.

Canonical Changes to provide for a Joint Session

At the 78th General Convention, the Task Force for Reimagining the Episcopal Church [TREC] proposed three (3) resolutions to enact the unicameral aspect of its proposed structural changes: Resolution 2015-A002, which outlined the full slate of reforms; Resolution 2015-A005, which delineated the role of and election of the Presiding Bishop within a unicameral body; and Resolution 2015-A007, which comprised the canonical changes needed to enact the structural shift. Resolution 2015-A002 was referred to the Standing Commission on Structure, Governance, Constitution, and Canons, while Resolution 2015-A005 and Resolution 2015-A007 were discharged from further consideration.

As part of our work, we reviewed the history of unicameral initiatives, which began with William White's 1792 pamphlet, *The Case of the Episcopal Church*, included a debate during the 1970 General Convention, and a 1975 Preliminary Report by the Standing Commission on Structure which ultimately rejected the idea. In 1979, General Convention considered a resolution, which was rejected, allowing for joint sessions. In 1994, a resolution to appoint a Task Force to plan for the creation of a unicameral body was rejected (1994-A039). In 2012, two (2) resolutions on a unicameral legislature came forward, but the House of Deputies discharged the Committee on Structure from further consideration of these resolutions. The 2012 General Convention did, however, call for a wide-ranging study of church structure with its creation of TREC, charging them with presenting to the 2015 General Convention "a plan for reforming the Church's structures, governance, and administration" (2012-C095). TREC's report suggested that a unicameral legislature would make Convention "a more truly deliberative body, and will more closely share governance across all orders of ministry," while shifting the nature of Convention to "evolve to become a Church-wide mission convocation" (Reports to General Convention, 2015, p.616).

At this time, we agree with many of the conclusions of the 1975 Standing Commission report, which noted that such a unicameral restructuring would not be "practical of accomplishment at this time... or in accord with what has come to be the polity of the American Church since 1789" (AR 1994.027. Preliminary Report of the Standing Committee on the Structure of the Church, 1975, p. 78). However, we also recognize that there have been advantages to the House of Deputies and House of Bishops meeting together to hear reports, such as the Budget Report, and that opportunities to meet together to discuss matters as a Committee of the Whole may be advantageous. A Committee of the Whole would not change our traditional governance structure, but would still allow Bishops and Deputies the opportunity to engage in mutual discussion.

Resolution A106: Canonical Changes related to a Joint Session

Resolved, the House of _____ concurring, That the 79th General Convention amend the Joint Rules of Order of the House of Bishops and House of Deputies as follows:

X. Committee of the Whole

23. The House of Deputies and the House of Bishops may meet together as a Committee of the Whole for the purpose of discussion and debate subject to the following:

(a) The President of the House of Deputies and the Presiding Bishop shall propose a resolution to both Houses stating the matter to be discussed, the time certain for the Committee of the Whole to begin, and the length of time for the Committee of the Whole to meet. The resolution may also include procedures for discussion and debate.

(b) The resolution shall be passed by a simple majority vote in both Houses.

(c) The Committee of the Whole shall meet in the House of Deputies, the discussion shall follow the Rules of Order of the House of Deputies, and the Committee of the Whole will be chaired by the President of the House of Deputies.

(d) No voting will occur during the Committee of the Whole, except for the following, which may be voted upon by a voice vote or show of hands vote by the entire Committee of the Whole:

(i) Motions to modify rules for discussion and debate may be made, and require a two-thirds majority.

(ii) Motions to close the Committee of the Whole may be made, and require a two-thirds majority.

(iii) Motions to extend the length of time the Committee of the Whole meets may be made, and require a two-thirds majority.

XI. Rules in Force

24. At the meetings of the House of Bishops and the House of Deputies, the Joint Rules of the previous Convention shall be in force, until they be amended or repealed by concurrent action of the two (2) Houses and after their reports thereon.

EXPLANATION

This resolution allows the Convention to meet as a Committee of the Whole for purposes of debate and discussion. No substantive voting takes place during this Committee of the Whole, so other Convention procedures for carrying out our business are not affected. A proposal for a Committee of the Whole must be introduced by both Presiding Officers and passed by both Houses. The Committee of the Whole meets in the House of Deputies according to its rules, and is presided over by the President of the House of Deputies, because the Rules of Order for the House of Deputies are designed to facilitate discussion of a larger body. Any procedural voting must be done by voice vote or show of hands because Bishops, as General Convention is currently structured, will not have the electronic voting devices used by the House of Deputies.

Ecumenical Engagement

In February of 2017 the Joint Standing Committee on World Mission wrote to request that this Commission restore the Standing Commission on Ecumenical and Interreligious Relations to the list of permanent commissions. The resolution expressed urgency for the body to be restored to deal with two (2) issues: a proposal for full communion with the United Methodist Church and a formal response to the 2013 statement issued by the World Council of Churches: *The Church: Towards a Common Vision* [TCTCV].

This Commission reviewed the request and concluded that the Interim Body known as the United Methodist Episcopal Committee exists to bring forward this work, and also that the staff in the Office of Ecumenical and Interreligious Ministries Beyond the Episcopal Church is equipped to address the second concern and other related issues that might surface. Therefore, this Commission will take no action to forward the resolution to General Convention.

Review of Canon III.11.2: 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 determined that the language of Canon III.11.2, describing the time and manner in which a Bishop Diocesan (with the advice and consent of the Standing Committee) could “call” for the election of a Diocesan Bishop should be changed to reflect the time in which the Bishop Diocesan (with the advice and consent of the Standing Committee) would “hold” a special meeting of the Convention (or designate such election to occur during the Diocesan Convention). This language is intended to clarify that an election could be called earlier than six (6) months before the resignation of a Diocesan Bishop but said election should not be held earlier than six (6) months before the effective date of the resignation.

The Commission also noted a scrivener’s error in the language of the Canon. Specifically, the word “reparation” appeared in error instead of the word “preparation.”

Resolution A107: Amend Canon III.11.2 Regarding the Election of a Bishop

Resolved, the House of _____ concurring, That Canon III.11.2 is hereby amended to read as follows:

Sec. 2. ~~It shall be lawful, within six months prior to the effective date of the resignation of a Diocesan A Bishop Diocesan, for the Bishop, with the advice and consent of the Standing Committee, may call for to call a special meeting of the Convention of the Diocese, to be held no earlier than six months prior to the effective date of the Bishop Diocesan’s resignation, to elect a successor; provided that if the Convention is to meet in regular session meanwhile, it may hold the election during the regular session. The proceedings incident to reparation preparation for the ordination of the successor shall be as provided in this Canon; but the Presiding Bishop shall not take order for the ordination to be on any date prior to that upon which the resignation is to become effective.~~

EXPLANATION

The Commission’s amendment clarifies that the Bishop Diocesan may “call” a special meeting more than six (6) months in advance of his or her retirement and that the special meeting shall be held no earlier than six (6) months prior to the retirement. A Diocesan Bishop who is planning on retiring is likely to “call” for the election of a new Diocesan Bishop well in advance of six (6) months prior to such resignation. It also clarifies any ambiguity between “calling a meeting” and “calling a meeting to order.” This change will allow for efficient and orderly transitions in leadership. Further, the amendment corrects a scrivener’s error, substituting the word “preparation” for the incorrect “reparation.”

Addressing Harassment and Sexual Misconduct

It became apparent during the triennium that the policies dealing with the sexual harassment of adults vary widely across the Church. In some dioceses policies are well-written and strongly enforced. In other dioceses policies are vague or not evenly enforced. In other dioceses no policies exist. While the Canons require prevention of sexual misconduct training of all ordinands and nearly all dioceses have policies requiring all lay leaders and employees and volunteers who interact with children to be trained in preventing the sexual abuse of children, often referred to as “safe church” training and utilizing the *Safeguarding God’s Children* programs from the Church Insurance companies, fewer dioceses have policies or have fully implemented policies requiring training of employees and volunteers to prevent sexual harassment of adults even though the Church Insurance companies have made curriculum and model policies available. One of the challenges of sexual harassment policies and training is to make sure they comply with state and local laws on the subject.

The lack of universal policies and training on the sexual harassment of adults has very real effects for those who work, whether paid or volunteer, in the Church. Harassment is prevalent in our culture. According to studies by The United Methodist Church in 2005 and 2007, over three-fourths of United Methodist Church female clergy have experienced harassment within the United Methodist Church (see “Sexual Harassment in The United Methodist Church 2005” and the “Quadrennial Local Church Survey 2007” by the General Commission on the Status and Role of Women, Chicago, Illinois, Gail Murphy-Geiss, Principal Investigator). An informal survey taken of a group of female Episcopal clergy under age forty-five (45) revealed that of the seventy-six (76) women who responded to the question, all of them reported harassment of some kind. Several also reported that male clergy of their acquaintance had also experienced harassment within the church. This sort of widespread problem contributes to the problem of retaining female clergy. Moreover, it undermines our hopes for a more equal and diverse church.

To address this problem, we propose adding provisions to Title III of the Canons that clarify that the canonically required training for Ordinands to prevent sexual misconduct must include training on preventing sexual harassment, exploitation and abuse of adults and children. A canonical requirement is also proposed to require such training for all clergy in charge of congregations. In addition, we

propose that Bishops Diocesan (or the Ecclesiastical Authority in the absence of a Bishop Diocesan) be responsible for assuring that the diocese adopts and enforces a policy to prevent sexual harassment, exploitation and abuse of adults and children.

To help provide resources for the implementation of these requirements, we also propose that a Task Force be established for the coming triennium to examine existing sexual harassment policies throughout the church. The Task Force would address the different legal landscapes and requirements in the various countries and states where the church is located and provide guidance and best practices to address this issue within our church.

Resolution A108: Amend Canon III.6.5(g) Addressing Harassment and Sexual Misconduct

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon III.6.5(g) as follows:

- (g) Preparation for ordination shall include training regarding
- (1) Prevention of sexual misconduct of *both children and adults*.
 - (2) civil requirements for reporting and pastoral opportunities for responding to evidence of abuse.
 - (3) the Constitution and Canons of the Episcopal Church, particularly Title IV thereof.
 - (4) the Church's teaching on racism.

And be it further

Resolved that Canon III.8.5.h shall be amended as follows:

- (h) Preparation for ordination shall include training regarding:
- (1) Prevention of sexual misconduct of *both children and adults*.
 - (2) civil requirements for reporting and pastoral opportunities for responding to evidence of abuse.
 - (3) the Constitution and Canons of the Episcopal Church, particularly Title IV thereof.
 - (4) the Church's teaching on racism.

And be it further

Resolved that Canon III.9.6 shall be amended by adding a subsection (d) as follows:

(d) It shall be the duty of the Rector or Priest-in-Charge to ensure that a policy regarding harassment and sexual misconduct is promulgated and enforced in the local Parish, and that such a policy is publicly posted or made available within the congregation upon request.

And be it further

Resolved, that Canon III.12.3 shall be amended by adding a subsection (f) to read as follows:

(f) The Bishop Diocesan shall ensure that a diocesan policy regarding harassment and sexual misconduct, and the process of reporting it, is promulgated by the appropriate body and enforced throughout the

diocese, and that a written copy thereof is kept on file at the diocesan office, is posted on the diocesan website and is made available upon request. In the absence of a Bishop Diocesan, the Ecclesiastical Authority shall assume this responsibility.

EXPLANATION

Sexual Harassment became a highly publicized issue in 2017. Although the issue has been addressed by General Convention in the past (1991-B052; 2003-A023; 2006-A156;), it became apparent during this triennium that there is considerable variation in the existence and substance of policies on the sexual harassment of adults across the Episcopal Church. While the Canons require prevention of sexual misconduct training of all ordinands and nearly all dioceses have policies requiring all lay leaders and employees and volunteers who interact with children to be trained in preventing the sexual abuse of children, often referred to as “safe church” training, fewer dioceses have policies or have fully implemented policies requiring training of employees and volunteers to prevent sexual harassment of adults even though the Church Insurance companies have made curriculum and model policies available. One of the challenges of sexual harassment policies and training is to make sure they comply with state and local laws on the subject.

The lack of universal policies and training on the sexual harassment of adults has very real effects for those who work, whether paid or volunteer, in the Church. Harassment is prevalent in our culture. According to studies by The United Methodist Church in 2005 and 2007, over three-fourths of United Methodist Church female clergy have experienced harassment within the United Methodist Church (see “Sexual Harassment in The United Methodist Church 2005” and the “Quadrennial Local Church Survey 2007” by the General Commission on the Status and Role of Women, Chicago, Illinois, Gail Murphy-Geiss, Principal Investigator). An informal survey taken of a group of female Episcopal clergy under age forty-five (45) revealed that of the seventy-six (76) women who responded to the question, all of them reported harassment of some kind. Several also reported that male clergy of their acquaintance had also experienced harassment within the church. This sort of widespread problem contributes to the problem of retaining female clergy. Moreover, it undermines our hopes for a more equal and diverse church.

To address this problem, we propose adding provisions to Title III of the Canons that clarify that the canonically required training for ordinands to prevent sexual misconduct must include training on preventing sexual harassment, exploitation and abuse of adults and children. A canonical requirement is also proposed to require such training for all clergy in charge of congregations. In addition, we propose that Bishops Diocesan (or the Ecclesiastical Authority in the absence of a Bishop Diocesan) be responsible for assuring that the diocese adopts and enforces a policy to prevent sexual harassment, exploitation and abuse of adults and children.

Resolution A109: Creation of Task Force on Sexual Harassment

Resolved, the House of _____ concurring, That the 79th General Convention of the Episcopal Church declares that sexual harassment of adults by clergy and church employees are abuses of trust, a violation of the Baptismal Covenant, contrary to Christian Character, and are therefore wrong; and be it further

Resolved, That the 79th General Convention of the Episcopal Church establish a Task Force on Sexual Harassment to be appointed by the Presiding Bishop and the President of the House of Deputies to prepare a Model Policy for Sexual Harassment of Adults for Dioceses, including parishes, missions, schools, camps, conference centers and other diocesan institutions. It shall be the duty of the Task Force to study, educate, develop curriculum, and propose policy and standards of conduct on different forms of harassment, and to advise the Church as resource persons. The membership of the Task Force is to be representative as to gender, race and ethnic diversity. The Committee will report to the 80th General Convention and include as part of its report a Model Policy for Sexual Harassment of Adults for Dioceses.

EXPLANATION

This Task Force is being created to examine the existing diocesan policies in existence throughout the Church and develop a Model Policy to promote consistency and efficiency. Such a Task Force would incorporate legal differences in various locales where the church is found, and provide guidance and best practices to address this issue within our church.

3. PROVINCES, BISHOPS & DIOCESAN VITALITY

Referred Resolutions:

In Support of Diocesan Vitality and Mergers, Amend Canon I.9

The first portion of this Resolution 2015-C027 referred to this Commission, is focused on developing recommendations to improve the efficacy of Provinces. The Commission referred that portion of the Resolution to the Task Force to Study Provinces and appointed the Rev. Sharon Alexander as liaison to that Task Force. The work of that Task Force also included work on Resolutions 2015-C031 and Resolution 2015-D003 and the conversation around Diocesan Vitality and related topics. A Task Force on Diocesan Vitality is proposed later in this report to continue that work.

A portion of Resolution 2015-C027 sought a recommendation regarding a revision to the Canons to create a single Court of Review for priests and deacons, rather than nine (9) Provincial Courts of Review. Commission members engaged in dialogue with Chancellors across the Church, as well as in the House of Bishops. After identifying some technical concerns and possible challenges (such as diversity and

avoiding conflicts of interest), it was determined to recommend amendments to the Canons to provide for a single Court of Review.

Resolution A110: Creating a Single Court of Review

Resolved, The House of _____ concurring, That the 79th General Convention amend Canon IV as follows:

Title IV.2

~~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.

Canon IV.5.4

Sec. 4. ~~In each Province there~~ There shall be a court to be known as the ~~Provincial~~ Court of Review, with jurisdiction to receive and determine appeals from Hearing Panels of Dioceses ~~within the Province~~ as provided in Canon IV.15 and to determine venue issues as provided in Canon IV.19.5.

(a) The ~~Provincial~~ Court of Review shall consist of: (i) ~~one~~Three (3) Bishops; ~~two~~ six (6) ~~Priests~~ Members of the Clergy, ~~or one Priest and one Deacon~~ which and will include not fewer than two (2) Priests and not fewer than two (2) Deacons; and ~~two~~ six (6) lay persons; and (ii) one (1) Bishop, one (1) Priest or Deacon, and one (1) lay person to serve as alternates as hereinafter provided. ~~Each~~ No more than two (2) Priests or Deacons, whether a member or alternate, shall be canonically resident in ~~at the same Diocese of the Province different from~~ as any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a ~~different Diocese of the Province different from~~ than any other lay person. The Priests, Deacons and lay persons shall be ~~or have been~~ members of the Disciplinary Boards of their respective Dioceses.

(b) ~~The Bishops on the Court of Review shall be elected by the House of Bishops. One of the Bishops on the Court of Review shall be chosen from Provinces I, II or III; one of the Bishops shall be chosen from Provinces IV, V or VI; and one of the Bishops shall be chosen from Provinces VII, VIII or IX. The clergy and lay members and alternates of the Provincial Court of Review shall be elected by the House of Deputies for a three-year term, such that one-third of clergy members and one-third of lay members shall come from Province I, II, or III; one-third shall come from Province IV, V, or VI; and one-third shall come from Province VII, VIII, IX. appointed annually by the president of the Province. The Provincial Court of Review shall select a president from among its members. The President shall be a Priest, Deacon or lay person.~~

(c) The persons appointed to the ~~Provincial~~ Court of Review shall continue to serve until their respective successors have been ~~elected~~ appointed, except in case of death, resignation or declination to serve. ~~Members of the Court of Review who are currently appointed to a panel shall continue to serve on that panel until its work has been completed.~~

(d) ~~Whenever a matter is referred to the Court of Review, the President shall appoint a panel for that case consisting of one Bishop, two Members of the Clergy and two lay persons. No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.~~

(e) ~~In the event that~~ If any member of the ~~Provincial~~ Court of Review is excused pursuant to the provisions of Canon IV.5.3(c), or, upon objection made by either party to the appeal, is deemed by the

other members of the ~~Provincial~~ Court of Review to be disqualified, ~~such member's~~ an alternate shall serve.

(f) In the event of any ~~Provincial~~ Court of Review member's death, resignation or declination to serve, or disability rendering the member unable to act or is ineligible to serve under Canons IV. 5.4(d) or (e), and in the further event that there is no alternate available to serve, the President of the ~~Provincial~~ Court of Review shall declare a vacancy on the ~~Provincial~~ Court of Review. Notices of resignation or declination to serve shall be communicated in writing to the President of the ~~Provincial~~ Court of Review.

(g) Vacancies on the ~~Provincial~~ Court of Review shall be filled by appointment by the President of the ~~Province~~ Court of Review of persons qualified as provided in Canon IV.5.4(a).

(h) The ~~Provincial~~ Court of Review shall appoint a clerk who may be a member of the Court, who shall be custodian of all records and files of the ~~Provincial~~ Court of Review and who shall provide administrative services as needed for the functioning of the Court.

(i) The rules of procedure for appeals to the ~~Provincial~~ Court of Review are as provided in Canon IV.15, but the ~~Provincial~~ Court of Review may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

Canon IV.15

~~Sec. 1~~ ~~In the event that~~ If proceedings before the Hearing Panel are unreasonably delayed or suspended, and are not resumed within sixty days following a written request for resumption of proceedings from the Church Attorney or the Respondent, the Church Attorney or the Respondent may file a written request with the ~~Provincial~~ Court of Review for an order directing the Hearing Panel to resume the proceedings. *Upon receipt of the request, the President of the Court of Review shall appoint a panel consisting of one bishop, one priest or deacon and one lay person from among the members of the Court of Review. The appointments shall be made within fifteen days of receipt of the request. No person appointed shall be from the Diocese in which the Hearing Panel is sitting.* The Court of Review shall consider the request as follows:

(a) The person filing the request shall provide copies of the request to the presidents of the Hearing Panel and of the Disciplinary Board. The request shall include a statement of the status of the proceedings and the reason, if known, for the delay or suspension of proceedings, and a description of all actions taken by the person filing the request or by any other person to resolve any impediment to the proceedings or other cause for the delay.

(b) Within fifteen (15) days of receipt of the copy of the request, the president of the Hearing Panel shall file a response to the request with the ~~Provincial~~ Court of Review, with a copy to the Church Attorney, the Respondent and the president of the Board.

(c) The ~~Provincial~~ appointed panel of the Court of Review shall convene, either personally, by video conference or telephonically, to consider the request and the response, if any, from the Hearing Panel. The Court shall then either issue an order directing resumption of the proceedings or an order declining to direct resumption with an explanation of the reasons therefor. The order issued by the ~~Provincial~~ Court of Review shall be binding upon the Hearing Panel.

(d) In the event a Hearing Panel, having been ordered to resume proceedings, either refuses to do so or is unable to do so, the Church Attorney or the Respondent may request that the ~~Provincial~~ Court of Review order the transfer of the proceedings to a Hearing Panel of another Diocese within the same Province, including an order to the Board of the originating Diocese to transmit the complete record of the proceedings to the successor Hearing Panel.

Sec. 2. Within forty (40) days after issuance of an Order by a Hearing Panel, the Respondent or the Church Attorney may appeal to the ~~Provincial~~ Court of Review, by serving written notice of the appeal upon the Bishop Diocesan, with copies of the notice to the presidents of the Hearing Panel and the Province. The notice of appeal shall be signed by the Respondent's counsel or the Church Attorney and shall include a copy of the Order from which the appeal is taken and shall state the grounds of the appeal.

Sec. 3. Any Order from a Hearing Panel finding that a Respondent did not commit an Offense involving a question of the Doctrine, Faith or Worship of the Church may be appealed by the Bishop Diocesan upon the written request of at least two Bishops Diocesan of other Dioceses within the Province who are not members of the ~~Provincial~~ Court of Review. Such an appeal shall be taken on the question of the Church's Doctrine, Faith and Worship only, and may not seek to reverse the finding of the Hearing Panel ~~of noncommission of that Offenses were not committed~~. An appeal under this section may be taken by service of a notice of appeal by the Bishop Diocesan upon the Respondent, the Church Attorney and the presidents of the Hearing Panel and the Province within forty days after the Order of the Hearing Panel is received by the Bishop Diocesan.

~~Sec. 4. If an appeal is taken from a Hearing Panel of a Diocese which is non provincial, it shall follow the procedure outlined elsewhere in this Canon. the appeal shall be taken before the Provincial Court of Review geographically closest to that Diocese.~~

Sec. 5. An appeal shall be heard on the record of the Hearing Panel. The record on appeal may be corrected, if defective, but no new evidence shall be taken by the ~~Provincial~~ Court of Review.

Sec. 6. The standards for and conditions of appeal to the ~~Provincial~~ Court of Review shall be as follows:

(a) Where an Order is issued against a Respondent who fails to appear before the Hearing Panel or who otherwise fails to participate in proceedings before the Hearing Panel, such Order shall be upheld unless a review of the record on appeal shows the Hearing Panel made a clear error in issuing such Order. The ~~Provincial~~ Court of Review shall review the facts and record in the light most favorable to the Respondent.

(b) In all other appeals, the ~~Provincial~~ Court of Review shall grant relief to the appealing party only if, on the basis of the record on appeal, it determines that the party seeking review has been substantially prejudiced by any of the following:

- (1) The action taken below violates the Constitution and Canons of the Church or the Diocese;
- (2) The Hearing Panel has exceeded the jurisdiction conferred by this Title;
- (3) The Hearing Panel has not decided all of the issues requiring resolution;
- (4) The Hearing Panel has erroneously interpreted or applied the Constitutions or Canons of the Church;
- (5) The Hearing Panel has committed a procedural error or engaged in a decision-making process contrary to this Title; ~~and/or~~

(6) The factual determinations of the Hearing Panel are not supported by substantial evidence when viewed in the whole light of the record on appeal;

Sec. 7. It shall be the duty of the Hearing Panel to produce the record on appeal, consisting of a transcript of the proceedings before the Hearing Panel together with documentary and tangible evidence received by the Hearing Panel. The record shall be printed or otherwise reproduced as authorized by the President of the ~~Provincial~~ Court of Review. Within thirty (30) days after receiving the record on appeal from the Hearing Panel, the party appealing shall serve two (2) copies of the record on appeal, the notice of appeal and the appealing party's brief, if any, upon the opposite party and shall deliver five (5) copies to the President of the ~~Provincial~~ Court of Review. Within thirty (30) days after receiving a copy of the record on appeal, the party opposing the appeal shall serve the brief in opposition, if any, upon the appealing party, with five (5) copies to the President of the ~~Provincial~~ Court of Review. Any reply brief of the appealing party shall be served likewise within fifteen (15) days following service of the brief in opposition.

Sec. 8. All members and alternates of the ~~Provincial~~ Court of Review serving for an appeal shall be present for any oral proceedings of the appeal.

Sec. 9. The ~~Provincial~~ Court of Review shall keep a record of all proceedings. The ~~Provincial~~ Court of Review shall appoint a reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the ~~Provincial~~ Court of Review.

Sec. 10. At the hearing of the appeal, the ~~Provincial~~ Court of Review shall afford the Respondent and the Church Attorney the opportunity to be heard. The ~~Provincial~~ Court of Review may regulate the number of counsel to be heard.

Sec. 11. No Order or determination of a Hearing Panel shall be overturned solely for technical or harmless error.

Sec. 12. If, after a notice of appeal has been filed, the appealing party fails to pursue the appeal as provided in this Canon, the ~~Provincial~~ Court of Review may dismiss the appeal.

Sec. 13. Following a hearing of the appeal and private deliberation, the ~~Provincial~~ Court of Review may (a) dismiss the appeal; (b) reverse or affirm in whole or in part the Order of the Hearing Panel; or (c) grant a new hearing before the Hearing Panel.

Sec. 14. The concurrence of a majority of the ~~Provincial~~ Court of Review shall be required to decide an appeal. The ~~Provincial~~ Court of Review shall issue its decision in writing, signed by the members concurring therein, stating its decision and the reasons for the decision. The decision shall be attached to the record. If there is not a concurrence by a majority of the ~~Provincial~~ Court of Review, the Order of the Hearing Panel shall stand as affirmed except for any part of the Order for which there is concurrence.

Sec. 15. Upon determination of the appeal, the President of the ~~Provincial~~ Court of Review shall give notice of the determination in writing to the appealing party, the party in opposition and to the Bishop Diocesan and Church Attorney. The appeal record shall be certified by the clerk of the ~~Provincial~~ Court of Review and the president, and shall be delivered to the Bishop Diocesan along with a copy of the record on appeal from the Hearing Panel.

Canon IV.17.2(f)

(f) ~~Provincial~~ Court of Review shall mean the Court of Review for Bishops as provided in Canon IV.17.8.

Canon IV.18

Sec. 4. In the case of an Order pertaining to a Bishop, any provision of the Order may be modified or remitted by the president of the Disciplinary Board for Bishops with the advice and consent of a majority of the members of the Board and the Bishops who are then serving on ~~the any Provincial~~ Court of Review.

Sec. 5. In the case of any Order deposing a Member of the Clergy for abandoning the Church, no application for remission shall be received by the Bishop Diocesan until the deposed person has lived in lay communion with the Church for not less than one year next preceding application for the remission.

Sec. 6. No Order may be modified or remitted unless the Member of the Clergy, the Church Attorney and each Complainant have been afforded sufficient opportunity to be heard by the Disciplinary Board, or the Disciplinary Board together with the Bishops who are then serving on the ~~any Provincial~~ Court of Review, as the case may be, as to why the proposed modification or remission should or should not be permitted.

Canon IV.19.5(c)

(c) If objection is made by the Bishop Diocesan of the Diocese of canonical residence as provided in Canon IV.19.5(b), the Bishop Diocesan of the Diocese of canonical residence and the Bishop Diocesan of the Intake Officer's Diocese shall promptly agree as to which Diocese will assume jurisdiction over the matter and conduct proceedings. If the two Bishops cannot promptly agree, the disagreement will be resolved as follows:

(1) ~~If they are in the same Province, either~~ *Either* may promptly request the President of the ~~Provincial~~ Court of Review to decide which Diocese shall conduct the proceedings. ~~If they are in different Provinces, either may promptly request the president of the Disciplinary Board for Bishops to decide which Diocese shall conduct the proceedings.~~

(2) The requesting Bishop shall provide a copy of the request to the other Bishop. A reply to the request may be made by the non-requesting Bishop within ~~fifteen~~ *fourteen (14)* days of service of the request.

(3) The President shall have the discretion to hear from the Bishops Diocesan or the Church Attorneys for the respective Dioceses, either personally or telephonically, concerning the request and any reply. The President shall have the discretion to request additional submissions from the Bishops Diocesan or the Church Attorneys.

(4) The President shall decide which Diocese shall conduct the proceedings within ~~thirty~~ *fourteen (14)* days of service of the request.

(5) It is a goal of these processes to not delay unduly the progress of any proceeding under this Title. Therefore, the parties shall not use the full extent of these deadlines for the purpose of prolonging the proceedings.

Canon IV.19.23

Sec. 23. Except as expressly provided in this Title, applicable Diocesan Canon, or in any Accord or Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring them.

(a) The necessary costs, expenses and fees of the Investigator, the Church Attorney, the Conference Panel, the Hearing Panel and any pastoral response shall be the expense of the Diocese.

(b) The necessary costs and expenses of the ~~Provincial~~ Court of Review shall be the expense of ~~the Province~~ the General Convention.

(c) The necessary costs and expenses of the Disciplinary Board for Bishops and the Court of Review for Bishops shall be the expense of the General Convention.

(d) Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.

Canon IV.19.30(a)(1)

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

(1) Each Hearing Panel and ~~Provincial~~ the 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.

EXPLANATION

Currently, each of the nine (9) Provinces is required to establish a Provincial Court of Review to review various matters arising from Hearing Panels in the dioceses of the Province. This requirement can prove burdensome, and experience has taught that the Court of Review is not convened with great frequency. Consequently, the individuals staffing those Courts of Review are often not as well trained in the required processes as they could be. By establishing a single court of review, it is anticipated that the Members would all receive the same training which would therefore result in more uniform application of the procedures of Title IV.

Diocesan Vitality

Resolution 2015-C031 directed the Commission to seek input from conversations around The Episcopal Church about diocesan collaboration, vitality, and shared ministry, and what change is needed. Additionally, we were asked to study the opportunities and challenges of diocesan collaboration, vitality, shared ministry, and the number and size of dioceses. The Commission has received input from conversations held in the House of Bishops, conversation among the Provincial Leadership Conference and from lay and clergy representatives attending a Province IV gathering. The input from these initial conversations highlights the importance of outreach; the growth of and support for multicultural ministries; growing engagement in campus ministry/youth ministry/schools and camps; continuing work on racial reconciliation and diversity; the importance of collaborations/ networking and companion diocese relationships. The information we have gathered thus far also points to a need for tools to train for multicultural change, methods to measure spiritual health and a need for more time to be in conversation with one another if we are to be and become Beloved Community. Initial conversation input also highlighted ways the current structures of The Episcopal Church can address this including: continued improved communications intra-church; Provincial collaboration; and funding assistance and resources for small church ministry.

The Commission believes that the conversation called for by Resolution 2015-C031 must continue if true opportunities for collaboration and change are to be discerned. Therefore, the Commission recommends that a Task Force on Diocesan Vitality be appointed to provide a mechanism to continue this conversation and to study the responses received and make recommendations to the 80th General Convention.

Resolution 2015-C031 calls for exploration of opportunities for collaboration and potential unions between contiguous dioceses and the exploration of shared ministry. The Standing Commission recommends amendments to the Constitution and Canons to modify the process for uniting dioceses or portions of dioceses, giving dioceses more flexibility and autonomy in determining the structure and leadership of a newly united diocese or dioceses.

The Standing Commission was also asked to determine whether any canonical changes might be necessary or advisable if the second reading of the amendments to Article V, Section 1 of the Constitution approved in Resolution 2015-D003 is approved at the 79th General Convention. The changes approved in 2015 and which will be considered for a second reading at the 79th General Convention are:

Resolution A111: Amend Article V of the Constitution

Resolved, the House of _____ concurring, that Article V of the Constitution be amended as follows:

Sec. 1. A new Diocese may be formed, with the consent of the General Convention and under such conditions as the General Convention shall prescribe by General Canon or Canons, (1) by the division of an existing Diocese; (2) by the junction of two (2) or more Dioceses or of parts of two (2) or more

Dioceses; or (3) by the erection into a Diocese of an unorganized area evangelized as provided in Article VI. The proceedings shall originate in a Convocation of the Clergy and Laity of the unorganized area called by the ~~Bishop Ecclesiastical Authority~~ for that purpose; or, with the approval of the ~~Bishop Ecclesiastical Authority~~, in the Convention of the Diocese to be divided; or (when it is proposed to form a new Diocese by the junction of two (2) or more existing Dioceses or of parts of two (2) or more Dioceses) by mutual agreement of the Conventions of the Dioceses concerned, with the approval of the ~~Bishop Ecclesiastical Authority~~ of each Diocese. ~~In case the Episcopate of a Diocese be vacant, no proceedings toward its division shall be taken until the vacancy is filled.~~ After consent of the General Convention, when a certified copy of the duly adopted Constitution of the new Diocese, including an unqualified accession to the Constitution and Canons of this Church, shall have been filed with the Secretary of the General Convention and approved by the Executive Council of this Church, such new Diocese shall thereupon be in union with the General Convention.

EXPLANATION

Allowing the dioceses to determine how the Bishop Diocesan and other leadership would be selected is consistent with the Episcopal Church's trend toward moving away from mandating positions based upon seniority. Prior to 1919, the Presiding Bishop was the most senior bishop by date of consecration, now any Bishop may be chosen as Presiding Bishop. Until 1991, the bishops sat in the House of Bishops by seniority, with the most senior bishop by consecration date in the front row; now the bishops sit in table groups with a diversity of age, time since ordination, geography, and other demographic factors at each table. Until 1991, the three (3) most senior bishops by consecration were the ones who had to consent to bishops being inhibited upon a finding of Abandonment, now it is the Advisory Council to the Presiding Bishop consisting of one (1) bishop from each Province, elected by the bishops of the Province. The proposed amendments allow dioceses to consider factors relevant to their local needs.

The Standing Commission recommends that persons with expertise and experience in organizational combinations, diocesan and congregational viability and vitality, finance, endowments, buildings and property, human resources, and other relevant areas be engaged to assist dioceses in the process of discernment, formulation of a plan and agreement of merger, and implementation of the plan. This discernment process could be done as a part of the Missional Review process to be employed prior to an episcopal election, as recommended by the Task Force on the Episcopacy. The expenses of this process would be borne by the dioceses. The Standing Commission also recommends that the Office of Pastoral Development maintain a current listing of persons with experience and expertise to assist dioceses.

The consultants could assist the dioceses in determining whether a merger or some other form of union is advisable and assist the dioceses in developing a joint plan of union or other appropriate agreement or covenant. Upon approval of the Bishops (if any) and Standing Committees of each diocese that would be a part of the union, a joint plan of union would be presented to the Diocesan Convention of each diocese for approval. The process is based upon the process employed by some dioceses for changing the status of a mission to a parish. The joint plan of union would include how the bishop of the newly united diocese would be determined and how other bishops in the newly united diocese might serve,

issues with respect to endowments, the provisions of the Constitution and Canons of the newly united diocese, and other issues of importance.

The proposed amendments to Canon 1.10 can be implemented prior to the approval of the proposed amendment to Article VI, Section 4 because uniting dioceses will have approved the new Constitution and Canons for the united diocese prior to submitting the proposed union to General Convention. Therefore, the united diocese will already have its governance documents approved and will not need to operate under the current Constitution and Canons until Article VI, section 4 are approved.

Resolution A112: Establishing a Task Force on Diocesan Vitality

Resolved, the House of _____ concurring, That the 79th General Convention establish a Task Force consisting of three (3) bishops, three (3) clergy persons, and six (6) lay persons representing the geographic diversity of the Church, including persons who have been involved in the creation of diocesan and provincial networks, both incarnationally and virtually through social media and other electronic communications, to be appointed by the presiding officers to facilitate a continuing dialogue among bishops and diocesan and provincial leadership of The Episcopal Church to engage in frank discussion about diocesan collaboration, vitality, and shared ministry; and be it further

Resolved, That Task Force is directed to compile input from the above conversations and to study opportunities and challenges of diocesan and provincial collaboration, vitality, shared ministry, and the number and size of dioceses, and to report back to the 80th General Convention.

EXPLANATION

It became clear over the course of the triennium that the conversation on questions of diocesan vitality could not be accomplished in one triennium. This resolution provides for the continuation of the conversation.

Resolution A113: Amend Article V, Section 4 of the Constitution

Resolved, The House of _____ concurring, That Article V, Section 4 of the Constitution is hereby amended to read as follows:

Sec. 4. Whenever a new Diocese is formed and erected out of an existing Diocese, it shall be subject to the Constitution and Canons of the Diocese out of which it was formed, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese.

~~Whenever a Diocese is formed out of two (2) or more existing Dioceses, it shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of Members of the Clergy shall have belonged prior to the erection of such new Diocese, except as local circumstances may prevent, until the same be altered in accordance with such Constitution and Canons by the Convention of the new Diocese. the Constitution and Canons of the newly formed Diocese shall become effective upon the effective date of the union.~~

EXPLANATION

The amendment expresses more clearly the process contemplated by the amendments to the Canons in which the uniting dioceses approve the Constitution and Canons prior to the unification being presented to the General Convention. The current wording of Section 4 does not prohibit dioceses from approving their governance documents ahead of time, so the amendment clarifies the process.

Resolution A114: Amend Canon I.10 Regarding the Union of Dioceses

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon I.10 as follows:

~~Sec. 1. Whenever a new Diocese shall is proposed to be formed within the limits of any Diocese, or by the junction of two (2) or more Dioceses, or parts of Dioceses, and such action shall have been ratified by the General Convention, the Bishop of the Diocese within the limits of which a Diocese is formed, or in case of the junction of two or more Dioceses, or parts of Dioceses, the senior Bishop by consecration, shall thereupon call the Primary Convention of the new Diocese, for the purpose of enabling it to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese. the Ecclesiastical Authorities and the Standing Committees of the Dioceses affected shall submit for approval to the Conventions of each Diocese involved a joint agreement of union setting forth their agreements, including the manner of determining the Bishop Diocesan and other Bishops (if any), provisions of the Constitution and Canons of the new Diocese, and such other matters as may be necessary or proper. The approved joint agreement of union shall be submitted for ratification by the General Convention no less than ninety (90) days prior to the first day of the meeting of the General Convention.~~

~~Sec. 2. Immediately after ratification by the General Convention, the Ecclesiastical Authority of the new Diocese, as set forth in the joint agreement of union, shall call the Primary Convention of the new Diocese, for the purpose of enabling it to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese. In case there should be no Bishop who can call such Primary Convention, pursuant to the foregoing provision, then the duty of calling such Convention for the purpose of organizing and of fixing the time and place of its meeting, shall be vested in the Standing Committee of the Diocese within the limits of which the new one is erected, or in the Standing Committee of the oldest of the Dioceses by the junction of which, or of parts of which, the new Diocese may be formed. And such Standing Committee shall make the call immediately after ratification of the General Convention.~~

Sec. 3. Whenever one (1) Diocese is about to be divided into two (2) Dioceses, the Convention of such Diocese shall declare which portion thereof is to be in the new Diocese, and shall make the same known to the General Convention before the ratification of such division.

Sec. 4. Whenever a new Diocese shall have organized in Primary Convention in accordance with the provisions of the Constitution and Canons in such case made and provided, and in the manner prescribed in the previous Sections of this Canon, and shall have chosen a name and acceded to the Constitution of the General Convention in accordance with Article V, Section 1 of the Constitution, and shall have laid before the Executive Council certified copies of the Constitution adopted at its Primary Convention, and the proceedings preparatory to the formation of the proposed new Diocese, such new Diocese shall thereupon be admitted into union with the General Convention.

Sec. 5. In the event of the erection of an Area Mission into a Diocese of this Church, as provided in Article V, ~~Sec.~~ Section 1, the Convocation of the said Area Mission shall be entitled to elect Deputies to the succeeding General Convention, and also to elect a Bishop. The jurisdiction previously assigned to the Bishop in the Area Mission shall be terminated upon the admission of the new Diocese.

Sec. 6 ~~(a)~~ When a Diocese, and ~~another Diocese~~ one or more other Dioceses which ~~has been~~ were formed either by division therefrom or by erection into a Diocese or a Missionary Diocese formed by division therefrom, shall desire to be reunited into one Diocese, the proposed reunion must be initiated by the *approval of the Conventions of the Diocese of a joint agreement of union setting forth their agreements, including the manner of determining the Bishop Diocesan and other Bishops (if any), provisions of the Constitution and Canons of the new Diocese, and such other matters as may be necessary or proper.* ~~mutual agreement between the Conventions of the two Dioceses, consented to by the Ecclesiastical Authority of each Diocese.~~ If the *said agreement of the Dioceses* is made and the consents of *their Conventions* are given more than three months before the next meeting of the General Convention, the fact of the agreement and consents shall be certified by the Ecclesiastical Authority and the Secretary of the Convention of each Diocese to all the Bishops of the Church having jurisdiction and to the Standing Committees of all the Dioceses; and when the consents of a majority of such Bishops and of a majority of the Standing Committees to the proposed reunion shall have been received, the facts shall be similarly certified to the Secretary of the House of Deputies of the General Convention, and thereupon the reunion shall be considered complete. But if the agreement is made and the consents given within three months of the next meeting of the General Convention, the facts shall be certified instead to the Secretary of the House of Deputies, who shall lay them before the two Houses; and the reunion shall be deemed to be complete when it shall have been sanctioned by a majority vote in the House of Bishops, and in the House of Deputies. ~~voting by orders.~~

~~(b) The Bishop of the parent Diocese shall be the Bishop, and the Bishop of the junior Diocese shall be the Bishop Coadjutor, of the reunited Diocese; but if there be a vacancy in the Episcopate of either Diocese, the Bishop of the other Diocese shall be the Bishop, and the Bishop Coadjutor if there be one shall be the Bishop Coadjutor, of the reunited Diocese.~~

~~(c)~~ Sec. 7 When the *union of two (2) or more Dioceses or portions of Dioceses or the reunion of the two (2) or more Dioceses* shall have been completed, the facts shall be certified to the Presiding Bishop and to the Secretary of the House of Deputies. Thereupon the Presiding Bishop shall notify the Secretary of the House of Bishops of any alteration in the status or style of the Bishop or Bishops concerned, and the Secretary of the House of Deputies shall strike the name of ~~the junior~~ *any Diocese that will cease to exist or are being renamed from the roll of Dioceses in union with the General Convention and, if appropriate,*

amend the name of the newly united Diocese on the role of Dioceses in union with the General Convention.

EXPLANATION

The amendments provide a process for dioceses to formulate an agreement of union to be approved by the affected Diocesan Conventions and then presented to General Convention. The process for uniting dioceses or portions of dioceses is simplified and places the decisions for leadership and other matters of importance with leaders at the local level and removes provisions relying on seniority or which diocese is the “surviving” diocese.

Substantive Matters Received from Various Sources

Authority of Bishops, Canonical Residence, serving after age seventy-two (72), Defining Disabled and Absent

Questions came up during the Triennium regarding the authority of bishops, as well as their canonical residence. These questions were also shared with the Task Force on the Episcopacy, and through its work and report there is much greater clarity regarding types of bishops and their authority. Particular questions regarding canonical residence and the effects of a “bishop” being “suspended” should be, and what provisions of the Canons may apply when a bishop is on sabbatical or extended leave were not able to be addressed by either body in this triennium. It is, therefore, recommended that the Standing Commission take them up in the next Triennium.

4. TITLE IV

Referred Resolutions

Adopt and Implement Charter for Safety

Resolution A050 (2015) was referred to Standing Commission. The Commission has reviewed it, in consultation with the Task Force to Update Sexual Misconduct Policies, with an eye toward any potential conflicts with the canons. We find no issues of concern and recommend that the 79th General Convention adopt and implement the Charter for Safety. A resolution to that effect is below.

Resolution A115: Adopt and Implement Charter for Safety

Resolved, The House of _____ concurring, That the 79th General Convention join the 2012 Anglican Consultative Council in adopting the following "Charter for Safety of People Within the Churches of the Anglican Communion" as a summary of The Episcopal Church's policy regarding maintaining the safety of all who come to or work for our churches:

- "1. Pastoral support where there is abuse — We will provide pastoral support for the abused, their families, and affected parishes and church organizations by listening with patience and compassion to their experiences and concerns; offering spiritual assistance and other forms of pastoral care.
2. Effective responses to abuse — We will have and implement policies and procedures to respond properly to allegations of abuse against clergy and other church personnel that include: making known within churches the procedure for making complaints; arranging pastoral care for any person making a complaint of abuse; the impartial determination of allegations of abuse against clergy and other church personnel, and assessment of their suitability for future ministry; providing support for affected parishes and church organizations.
3. Practice of pastoral ministry — We will adopt and promote, through education and training, standards for the practice of pastoral ministry by clergy and other church personnel.
4. Suitability for ministry — We will have and implement policies and procedures to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, including checking their background.
5. Culture of safety — We will promote a culture of safety in parishes and church organizations by education and training to help clergy, other church personnel, and participants prevent the occurrence of abuse;" and be it further

Resolved, That the Executive Council collect current data from all member dioceses regarding their "safe church" policies and practices, including identification of reasons for not implementing the recommended policies and practices; and publish that information to The Episcopal Church through its most widely accessible media; and be it further

Resolved, That the Office of Global Relations collaborate with Province IX to develop and disseminate culturally appropriate materials for use in the Spanish-speaking dioceses of The Episcopal Church that are consistent with the principles of the Anglican Consultative Council "Charter of Safety" and the standards previously set out by General Convention, including a process for training of local trainers; and be it further

Resolved, That the 79th General Convention request the Joint Standing Committee on Program, Budget, and Finance to propose a budget allocation of \$ 40,000 for the implementation of this resolution.

EXPLANATION

Given our commitment as constituent member of the Anglican Communion, it is important that we join our sisters and brothers to protect all people and provide for their safety. Additionally, we need to begin to develop appropriate materials for our whole Church, in collaboration with Episcopalians from all our cultures. Province IX is a cohesive place to begin this effort. The necessary collaboration and preparation of Province IX trainers will make the process costly. Not to do both pieces properly will be even more costly.

Develop Title IV Training materials

In response to Resolution 2015-A150, mandating the creation of Title IV training materials, a subcommittee of the Commission was formed, chaired by Pauline Getz. The subcommittee chose to work with the Communications office of the Diocese of Utah. Together they developed an approach to Title IV training based on stakeholders, and chose an interactive website as the format. In addition, a small working group, consisting of Bishops, Priests, Deacons, Chancellors, and lay Diocesan staff, helped inform the process and provide valuable input, including development of FAQs and supporting documents.

Brief overview: A visitor to the website will select the role they play in a discipline matter, and then follow through the whole process as it relates to them, step by step. An extensive set of “buttons” representing every step in the process has been drafted and mapped. In addition, interviews have been filmed with quite a few church leaders, commenting on “best practices,” particularly those things that go beyond the Canons. A Resolution is being proposed to support continuation of the website, including hosting and updating.

Resolution A116: Proposal to place the Title IV Training under the authority of the Standing Commission and allocate funding for maintenance and updating of training materials

Resolved, the House of _____ concurring, That Canon I.1.2(n) be amended to add the following subsection (vii) to read in full as follows:

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

And be it further

Resolved, That the 79th General Convention request the Joint Standing Commission on Program, Budget, and Finance to consider a budget allocation of \$60,000 for the ongoing maintenance and updating of the Title IV training materials and website.

EXPLANATION

In the 2015 - 2018 Triennium, the Standing Commission on Structure, Governance, Constitution, and Canons completed the task of developing an interactive website for training all people on the processes of Title IV. That website will require continued maintenance, and will need to be kept current as to content based on future revisions or amendments to the Constitution and Canons.

Various Title IV Clarifications

It was the determination of the Standing Commission that not all of the proposed edits in Resolution 2015- D031 were necessary to provide the desired clarification. A revised resolution is provided to address the areas that still need clarification.

Resolution A117: Amend Canon IV 6.9

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon IV.6.9 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~~ serve the Complainant and the subject Member of the Clergy with written notice of the determination and the basis of the determination to take no action other than an appropriate pastoral response, and inform the Complainant of Complainant's right to appeal the decision to the Hearing Panel within thirty days of the service of the notice. If the Complainant wishes to appeal the decision to take no further action, the Bishop shall appoint an Advisor for the Complainant within fifteen days of the date of the Complainant's receipt of the notice of decision to take no further action. The Advisor shall assist the Complainant in preparing and signing a written appeal of the decision to take no further action to the Hearing Panel. The Advisor shall send the written appeal to the president of the Disciplinary Board who shall immediately forward the appeal, the written notice of the Reference Panel's determination, and the Intake Report to the president of the Hearing Panel. The president of the Disciplinary Board shall notify the subject Member of the Clergy that an appeal has been filed. The question before the Hearing Panel is whether the decision to take no further action other than an appropriate pastoral response is warranted. The appeal may be conducted either personally or telephonically. The Complainant, Complainant's Advisor, Complainant's counsel, if any, and the Reference Panel shall each be afforded the opportunity to be present, either personally or telephonically, at the hearing of the appeal, and any such person present shall be heard by the Panel if such person desires to be heard. The Panel may hear from other persons at the Panel's discretion. After conducting the appeal and hearing from the persons designated above, the Panel shall confer privately and issue a decision to affirm, modify, or reverse the determination of the Reference Panel. The Hearing Panel shall hear the appeal and issue its decision to the persons designated above within forty-five days of the receipt of the appeal by the president of the Hearing Panel.

EXPLANATION

Currently, there is no appeal process for a decision to take no action by the Reference Panel, which creates a gap within the Title IV process. This revision allows a Complainant the ability to appeal a decision by the Reference Panel by going to the Hearing Panel.

Resolution A118: Proposed Amendments to Canon IV.13

Resolved, the House of _____ concurring, that Canon IV.13 be amended by adding new Sections 3 and 4 and renumbering all subsequent sections:

Sec. 3. The Hearing Panel shall make documents available to members of the Church and the Church media as set forth in this Section. The documents shall be disseminated in such a way as to make them broadly known to members of the Church and the Church media. For a matter in which a Priest or Deacon is the Respondent, dissemination shall include, at a minimum, posting to the diocesan website. For a matter in which a Bishop is the Respondent, dissemination shall include, at a minimum, posting the documents on the websites of The Episcopal Church and of the General Convention.

(a) The documents covered by this Section are all documents filed with or issued by the Hearing Panel or by any party or person including but not limited to motions, briefs, affidavits, opinions, objections, decisions, notices, challenges, and Orders.

(b) The notice under Sec. 2(a) shall be made available no later than one business day after the Respondent files a response under Sec. 2(c) or the date on which the Respondent's response was due, whichever comes first.

(c) All other documents shall be made available no later than one business day after the document is filed by a party or other person with the Hearing Panel or issued by the Hearing Panel.

(d) Notwithstanding the above, the Hearing Panel, at its discretion and for good cause to protect any Injured Person or allegedly Injured Person, may require the redaction of documents provided for in Sec. 3(a), after consultation with the Church Attorney, the Respondent's counsel, the Complainant's Advisor or Complainant's counsel, if any, and, where appropriate, the Bishop Diocesan.

Sec. 4. If at any time after a matter has been referred to a Hearing Panel an Accord is reached that ends the proceedings before the Hearing Panel issues an Order, the Bishop Diocesan shall make the Notice of Accord available to the Church and Church media as provided in Sec. 3 as well as to the Hearing Panel.

And be it further

Resolved, That Canon IV.13.6 is hereby amended to read as follows:

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; provided, however, that no proceedings before the Hearing Panel, except its private deliberations, shall be closed to the Respondent, Respondent's Advisor, Respondent's Counsel, the Complainant, the Complainant's Advisor, Complainant's Counsel or the Church Attorney. A record of the hearing shall be made by such means as to enable the creation of a verbatim written transcript of the hearing.

And be it further

Resolved, That Canon IV.13.8 is hereby amended to read as follows:

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.

And be it further

Resolved, That Canon IV.13.9 be hereby amended by adding new subsections (d) and (e) as follows:

- (d) *The requirements of Sec. 3 of this Canon shall apply to the Disciplinary Board as if it were a Hearing Panel for the purpose of an appeal of sanctions under this Section.*
- (e) *If an Accord is reached that ends the proceedings before the Disciplinary Board issues an Order under this Section, the Bishop Diocesan shall make the Notice of Accord available to the Church and Church media as provided in Sec. 3 as well as to the Disciplinary Board and the Hearing Panel.*

And be it further

Resolved, That Canon IV.14.7 is hereby amended to read as follows:

Sec. 7. Prior to the issuance of an Order by a Conference Panel or a Hearing Panel, the issuing Panel shall afford the Bishop Diocesan, the Respondent and the Complainant each with an opportunity to be heard on the proposed terms of the Order.

EXPLANATION

These revisions are intended to clarify various elements of the process of a Hearing Panel and the means by which Hearing Panel documents are to be released and the timing for releasing such documents to

affirm the transparency of Hearing Panel proceedings, including Orders and Notices of Accord. These amendments are also intended to provide for limited instances in which documents may be redacted to protect any Injured Person or allegedly Injured Person.

Resolution A119: Proposed Amendments to Canon IV.15

Resolved, The House of _____ concurring, That Canon IV.15 is hereby amended by adding new Sections 13 and 14 to read as follows and renumbering all subsequent Sections:

Sec. 13. The Provincial Court of Review shall make documents available to members of the Church and the Church media as set forth in this Section. The documents shall be disseminated in such a way as to make them broadly known to members of the Church and the Church media. For a matter in which a Priest or Deacon is the Respondent, dissemination shall include, at a minimum, posting the documents on the diocesan website of the diocese that conducted the Hearing Panel proceeding. For a matter in which a Bishop is the Respondent, dissemination shall include, at a minimum, posting the documents on the websites of The Episcopal Church and of the General Convention.

(a) The documents covered by this Section are all documents filed with or issued by the Provincial Court of Review or by any party or person including but not limited to motions, briefs, affidavits, opinions, objections, decisions, notices, challenges, and Orders, including documents in a proceeding pursuant to Section 1 of this Canon.

(b) The notice under Sec. 2 shall be made available no later than ten (10) business days after the notice is received by the President of the Hearing Panel.

(c) All other documents shall be made available no later than two (2) business days after the document is filed by a party or other person with the Provincial Court of Review or issued by the Provincial Court of Review.

(d) Notwithstanding the above, the Provincial Court of Review, at its discretion and for good cause to protect any Injured Person or allegedly Injured Person, may require the redaction of documents provided for in Sec. 13(a), after consultation with the Church Attorney, the Respondent's counsel, the Complainant's Advisor or Complainant's counsel, if any, and, where appropriate, the Bishop Diocesan.

Sec. 14. If at any time after a matter has been appealed to a Provincial Court of Review or is before a Provincial Court of Review pursuant to Sec. 1, an Accord is reached that ends the proceedings before the Provincial Court of Review issues an Order or issues its decision, the Bishop Diocesan shall make the Notice of Accord available to the Church and Church media as provided in Sec. 13 as well as to the Provincial Court of Review and the Hearing Panel from which the appeal was taken or about whom a request was filed pursuant to Sec. 1.

EXPLANATION

These revisions are intended to clarify various elements of the process of a Court of Review and the means by which Court of Review documents are to be released and the timing for releasing such

documents to affirm the transparency of Court of Review proceedings, including Orders and Notices of Accord. These amendments are also intended to provide for limited instances in which documents may be redacted to protect any Injured Person or allegedly Injured Person.

Resolution A120: Amend Canon IV.19.30 to Create Discipline Database, Amend Canon III.12.7(c) & Canon IV.13.11

Resolved, The House of _____ Concurring, That the 79th General Convention hereby amends Canon IV.19.30 to read as follows by the addition of the following subsection:

(d) The Archives of the Episcopal Church (the “Administrator”) shall create, administer and maintain a limited access secure central database registry to track data pertinent to proceedings under this Title (the “Database”) for the purpose of providing data and statistical information to assist in the furtherance of policymaking, education, ministry, and other governance objectives of the Church (collectively the “Database Purposes”).

(1) Database shall only include disciplinary matters under this Title that are referred to the Reference Panel pursuant to Canon IV.6.6 or IV.6.7.

(2) The Diocese, Disciplinary Board, Church Attorney and Respondent (or Respondent’s Advisor) as applicable shall complete and submit forms to the best of their knowledge, including questionnaires as proscribed and created by the Standing Commission on Structure Governance Constitution and Canons or its successor standing commission in consultation with the Administrator and Chief Legal Officer.

(3) The Database shall not contain: (i) the personal identifying information of the Respondents, Injured Persons, or witnesses; (ii) Privileged Communications; or (iii) other information that would be otherwise prohibited from disclosure under this Title or other applicable law.

(4) The Administrator shall make the Database accessible to the Standing Commission on Structure, Governance, Constitution and Canons, Chief Legal Officer, and Executive Council. The Administrator will also make the Database accessible to other Church governance bodies or other Church officials provided that such bodies and officials are seeking to use the Database in furtherance of the Database Purposes and have received the approval of the the Executive Council and the Chief Legal Officer of the Church. From time to time the Executive Council or the Standing Commission on Structure, Governance, Constitution and Canons may publish statistical information and other reports derived in from the Database provided that such publication is consistent with this canon.

And be it further

Resolved, that Canon III.12.7(c) is hereby amended as follows:

(c) In the case of the release and removal of a Bishop from the ordained Ministry of the Church as provided in this Canon, a declaration of removal and release shall be pronounced by the Presiding

Bishop in the presence of two (2) or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed and released is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, *The Archives of the Episcopal Church*, The Church Pension Fund, and the Board for Transition Ministry.

And be it further

Resolved, that Canon IV.13.11 be amended as follows:

Sec. 11. 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, *and a record copy of the Order shall be kept by transmitting a copy to The Archives of the Episcopal Church.*

And be it further

Resolved, That the 79th General Convention request the Joint Standing Commission on Program, Budget, and Finance to consider a budget allocation of \$25,000 to provide for the creation of the database.

EXPLANATION

Creation of this database would provide access to information, consistency in the application of the canons, assistance in background screening, and would establish a body of precedence across the Church. Broader availability of this information supports our collective priority of safeguarding all of God's people.

Collect Title IV Information

General Convention Resolution 2015-Do76 directs Standing Commission to study the collection of information relating to all Title IV proceedings. This study is intended to identify the need to collect such information, the information to be collected, methodology for collection, reporting of such information and identify the person responsible for the administration of the process.

To study this issue, members of the Standing Commission made formal presentations to Chancellor conferences designed to elicit input from Chancellors, informally interviewed several individuals with extensive experience with the Title IV proceedings, conducted phone interviews with the Church Archives, received and studied a written report from the Church Archives, and the Standing Commission conducted its own internal deliberations on the issue as well.

The Archives believes that an allocation of \$25,000 for the upcoming triennium will be sufficient to assist in data collection, database setup and maintenance. The Standing Commission recommends canonical changes below to establish the Title IV database and also insure that the Archives is receiving a complete record of Title IV proceedings.

A. Need to Collect Information. Title IV and disciplinary proceedings remain the subject of significant discussion, deliberation and concern to the Church and its policy makers. While the documentation of Title IV matters is collected by the Church Archives, the information within those documents is not stored in a searchable database or subject analysis which would otherwise be helpful to Church bodies charged with making policies or implementing Title IV.

Such information is needed not only to guide the policy making decisions of the Church, but would be useful in identifying and informing:

1. areas for continued education for clergy;
2. education and training for those implementing Title IV;
3. financial planning and budgeting for Dioceses;
4. clergy discernment and formation; and
5. developing additional safeguards and risk management tools to protect the Church, and its members and clergy from misconduct.

B. Information to be Collected. Some examples of the types of data that were identified as useful to collect:

1. the average cost of a proceeding;
2. the subject canons that were alleged to be violated;
3. the total number of cases annually church wide, or by province;
4. the average length of a proceeding;
5. the disposition of a proceeding (mediated, accord, sentence, etc.);
6. number of witnesses;
7. sentencing information;
8. investigative costs; and
9. other data points that may be helpful.

C. Methodology to Collect. The Archives currently maintains key disciplinary records and proceedings under Canon IV.19.30 and clergy status notifications under Canon III.12.7(c). The Church Archives has identified some canonical changes that are required to ensure that the Archive receives a complete set of disciplinary records and notices which are set forth below in the recommended resolution. However, these documents do not provide the information needed and are not organized in the type of database that would be useful or address the needs as identified above.

It is recommended that the parties be canonically required to submit the relevant data points pursuant to a form and questionnaire created and modified by the database administrator and other church governing bodies. The Standing Commission adopts the Archives' recommendation that the database

registry will not contain personally identifiable information [PII]. Individual data sets will be coded and held separately in a secure file for cross-reference to provide data validation and access by qualified legal counsel.

D. Administration of Database. The Standing Commission believes that the Archives is an appropriate candidate to host and manage a central database registry of disciplinary proceedings and case dispositions for multiple reasons:

1. The Archives currently maintains key disciplinary records and proceedings under Canon IV.19.30 and clergy status notifications under Canon III.12.7(c).
2. The Archives has created a restricted website for access by the Standing Commission that contains the same type of records and canonical documents.
3. Archives' staff is adept at developing technology applications and managing long-term data resources for the Church.
4. The Archives operates with established policies and practices for the protection of individual and corporate privacy, confidentiality, and privileged communication.

Substantive Matters Received from Various Sources

Remove definition of Procedural Officer

When other components of Title IV were revised in the Canons, the definition of "Procedural Officer" was overlooked and inadvertently left in the Canons. We are proposing a Resolution to strike it.

Resolution A121: Amend Canon IV.2 Remove Definition of Procedural Officer

Resolved, the House of _____ concurring, that Canon IV.2 is hereby amended to strike the following language:

~~Procedural Officer shall mean a person learned in the law, experienced in litigation and having familiarity with the provisions and objectives of this Title. No Chancellor or Vice Chancellor of a Diocese shall serve as Procedural Officer in the same Diocese. Every Diocese shall have a Procedural Officer, who shall be appointed for a term of not less than one year by the Bishop Diocesan in consultation with the president of the Disciplinary Board to aid in the prompt and proper disposition of procedural motions and challenges in Title IV proceedings.~~

EXPLANATION

The 78th General Convention adopted Resolution A124 which included a definition of "Procedural Officer". However, the 78th General Convention rejected Resolution A126 which contained provisions relating to a Procedural Officer, and amendments to Resolutions A135 and A146 removed all references

to that office. Accordingly, Canon IV.2 contains a definition for an office which does not otherwise exist under Canon and this definition should be removed to make the Canons internally consistent.

Ability of Conference Panel to hire independent mediator

The Commission reviewed this matter and determined that no further action was required.

Amend Article IX to change Removal to Admonition

It came to the attention of this Commission that when “removal” ceased to be a sentence under Title IV that change was not reflected in the Constitution. A resolution is provided below to correct that and to add “admonition” which is now a sentence under Title IV.

Resolution A122: Amend Article IX to change Removal to Admonition

Be it Resolved, the House of _____, concurring that the Article IX of the Constitution be amended as follows:

ARTICLE IX

The General Convention may, by Canon, establish one or more Courts for the Trial of Bishops.

Presbyters and Deacons canonically resident in a Diocese shall be tried by a Court instituted by the Convention thereof; Presbyters and Deacons canonically resident in a Missionary Diocese shall be tried according to Canons adopted by the Bishop and Convocation thereof, with the approval of the House of Bishops; provided that the General Convention in each case may prescribe by Canon for a change of venue.

The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of diocesan or other trial Courts.

The Court for the review of the determination of the trial Court, on the trial of a Bishop, shall be composed of Bishops only.

The General Convention, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith, or Worship.

None but a Bishop shall pronounce sentence of *admonition*, or suspension, ~~removal~~ or deposition from the Ministry, on any Bishop, Presbyter, or Deacon; and none but a Bishop shall admonish any Bishop, Presbyter, or Deacon.

A sentence of suspension shall specify on what terms or conditions and at what time the suspension shall cease. A sentence of suspension may be remitted in such manner as may be provided by Canon.

EXPLANATION

In 1994 “removal” was eliminated from Title IV of the Canons as a sentence (Canon IV.14.27 of Constitution and Canons, 1994) and Admonition was added as a sentence (Canon IV.12.1(a) of Constitution and Canons, 1994) but the reference to removal in Article IX of the Constitution was not changed.

Address misrepresentations in Ordination process and clarify sexual misconduct in Title IV

Through conversations among Transition Officers it became clear that since those in the ordination process are not subject to Title IV, there needs to be a provision added to provide for cases where someone makes misrepresentations in the ordination process.

Additionally, there needs to be more clarity in the definition that exists in the definition of sexual misconduct in Canon IV.2 to clarify the nature of pastoral relationships and the mechanism by which charges of sexual misconduct would not apply if the clergy person has received the permission of the Bishop Diocesan for participating in the relationship in question.

Resolution A123: Amend Canon IV.3.1 to Address misrepresentations in Ordination process and clarify sexual misconduct in Title IV

Resolved, the House of _____ Concurring, That Canon IV.3.1 is hereby amended to read as follows:

Sec. 1. A Member of the Clergy shall be subject to proceedings under this Title for:

- (a) knowingly violating or attempting to violate, directly or through the acts of another person, the Constitution or Canons of the Church or of any Diocese;
- (b) failing without good cause to cooperate with any investigation or proceeding conducted under authority of this Title; ~~or~~
- (c) intentionally and maliciously bringing a false accusation or knowingly providing false testimony or false evidence in any investigation or proceeding under this Title; or
- (d) *intentionally misrepresenting or omitting any material fact in applying for admission to Postulancy, for admission to Candidacy, for ordination as a Deacon or Priest, for reception from another Church as a Deacon or Priest, or for nomination or appointment as a Bishop.*

EXPLANATION

This amendment will make it clear that Title IV will apply to failures to disclose and to misrepresentations made during the ordination process, when seeking reception or appointment as a bishop. While individuals who have not yet been ordained are not subject to the provisions of Title IV, these misrepresentations are clearly contrary to the manner of life expected of ordained persons and should have consequences.

Resolution A124: Amend Canon IV.2 Terminology of Sexual Misconduct

Resolved, the House of _____ concurring, that Canon IV.2 is hereby amended to read as follows:

CANON 2: Of Terminology Used in This Title

Except as otherwise expressly provided or unless the context otherwise requires, as used in this Title the following terms and phrases shall have the following meanings:

Sexual Misconduct shall mean (a) Sexual Abuse, ~~or~~ (b) Sexual Behavior *engaged in by the Member of the Clergy with a person who does not consent to the Sexual Behavior, or by force, intimidation, coercion or manipulation, or (c) 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. Sexual Misconduct under Subsection (c) does not include Sexual Behavior with a person with whom the Member of the Clergy previously had a Pastoral Relationship if the Member of the Clergy has obtained the prior written permission of the Bishop Diocesan.*

EXPLANATION

This resolution addresses the concern that the definition of “Pastoral Relationship” may apply permanently to any Member of the Clergy who has ever provided pastoral care to a person, since the definition says “any person to whom the Member of the Clergy provides or has provided” various forms of pastoral care.

Decline to Advance Proceedings in Title IV

Over the course of the triennium it became clear that it is necessary to provide a formal process for terminating a proceeding by seeking leave to decline to advance the proceeding in Title IV. A resolution is proposed below to address this.

Resolution A125: Amend Canon IV.2 - pertaining to Declining To Advance Proceedings in Title IV

Resolved, the House of _____ concurring, That the following section of Canon IV.2 be amended to read as follows:

Church Attorney shall mean one (1) 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 *obtaining leave from the Hearing Panel to decline declining* to advance proceedings or to refer

~~by referring~~ any matter back to the Intake Officer or the Bishop Diocesan for pastoral response in lieu of disciplinary action. In representing the Church, a Church Attorney may consult with the president of the Disciplinary Board at any time after the matter has been referred out of the Reference Panel, and, when the prosecution of the case may impact the mission, life, or ministry of the Church, with the Bishop Diocesan.

And be it further

Resolved, That Canon IV.13 be amended by inserting before the existing Section 10 a new section as follows and renumbering succeeding sections:

Sec. 10. At any time before the matter is submitted to the Hearing Panel for decision, the Church Attorney may file a motion requesting leave to decline to advance proceedings or a motion to refer the matter back to the Intake Officer or the Bishop Diocesan for pastoral response in lieu of disciplinary action. The Church Attorney shall serve notice of the motion on the Complainant, the Respondent, and the Bishop Diocesan, any of whom may file a response within fifteen (15) days of receipt of the motion, or within such other time as the Hearing Panel may direct. Upon receipt of such a motion, the Hearing Panel will promptly set the motion for hearing. If leave to decline to advance proceedings is granted, the Hearing Panel shall enter an Order of dismissal. The decision on the motion shall be provided to the Church Attorney, the Complainant, the Respondent, and the Bishop Diocesan and placed on the record of proceedings.

EXPLANATION

Title IV prohibits the Church Attorney from terminating a proceeding by declining to advance the proceeding. These amendments provide a formal process for terminating a proceeding by seeking leave to decline to advance the proceeding. These amendments are proposed in response to a situation in which a Church Attorney made the decision to decline to advance because the Respondent had resigned Holy Orders at a time at which the Respondent was not allowed to resign because he was under imputation.

The amendments provide for a process in which the Church Attorney may seek leave from the Hearing Panel to decline to advance the proceedings or to refer the matter back to the Intake Officer or Bishop for a pastoral response instead of continuing to seek disciplinary action. The Hearing Panel will then hold a hearing on the request, giving the Complainant, Respondent and Bishop Diocesan the right to respond. If the Hearing Panel grants the request for leave to decline to advance the proceedings, it shall enter an order of dismissal, thereby resulting in a “dismissal, Accord or Order” under Canon III.7.9 (deacons), Canon III.9.11 (priests) or Canon III.12.8(b) (bishops).

Amendment of Canon IV.19.31

When the disciplinary Canons were amended in 2009, this Canon was a part of the previous disciplinary process, and was inadvertently left in the Canons. It was determined by the Standing Commission that in order to remedy the omission this Canon should now be amended accordingly. A resolution to remove this provision is proposed below.

Resolution A126: Recommend Repeal of Canon IV.19.31

Resolved, the House of _____ concurring, That Canon IV.19.31 be stricken in its entirety and that the canons that follow it be renumbered accordingly:

~~Sec. 31~~

~~Any Member of the Clergy canonically resident in the Diocese who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense for which proceedings could be had under this Title, may on his or her own behalf request the Bishop Diocesan to conduct an inquiry with regard to such imputation. Upon receipt of such request by a Member of the Clergy, it shall be the duty of the Bishop Diocesan to cause the matter to be investigated and to report the result to the Member of the Clergy.~~

EXPLANATION

Concerns have been expressed that the appropriate initial steps to address rumors concerning a priest exist in the pastoral relationship between priest and bishop and that this Canon such as is not necessary. Upon review of these concerns, it was determined that the best course to address these concerns is to strike this Canon in the entirety.

Clarify Term of Bishops on Disciplinary Board

Given the magnitude of work that has been required, it became clear that the membership of the Disciplinary Board for Bishops needs to be expanded. It also became clear that there needs to be a mechanism to provide for members to continue in office while certain matters remain pending. The resolution proposed also clarifies how vacancies are filled.

Resolution A127: Amend Canon IV.17.3 pertaining to membership on the Disciplinary Board for Bishops

Resolved, the House of _____ concurring, That Canon IV.17.3 be amended as follows:

Sec. 3. The Disciplinary Board for Bishops is hereby established as a court of the Church to have original jurisdiction over matters of discipline of Bishops, to hear Bishops' appeals from imposition of restriction on ministry or placement on Administrative Leave and to determine venue issues as provided in Canon IV.19.5. The Disciplinary Board for Bishops shall consist of ten (10) Bishops elected ~~at any regularly scheduled meeting of~~ by the House of Bishops *at a regularly scheduled session of General Convention*, and four (4) Priests or Deacons and four (4) lay persons ~~initially appointed by the President of the House of Deputies with the advice and consent of the lay and clergy members of the Executive Council and thereafter elected by the House of Deputies.~~ All lay persons *elected or appointed to serve shall be confirmed adult communicants in good standing.* Members of the Board shall serve staggered terms of six (6) years, with terms of one half of the Bishops and one half of the lay persons, Priests and Deacons collectively expiring every three (3) years ~~with the first expirations occurring at the end of the year 2012.~~ *A vacancy among the member Bishops shall be appointed by the Presiding Bishop with the advice and consent of the Bishop members of Executive Council. A vacancy among the lay or Priest or Deacon members shall be filled by the President of the House of Deputies with the advice and consent of the lay, Priest and*

Deacon members of Executive Council. Unless elected or appointed to fill the remainder of an unexpired term, each member shall serve from the first day of January following the adjournment of the General Convention at which the member was elected, until the last day of December of the sixth calendar year following election and until the member's successor is elected and qualifies; however, there shall be no change in the composition of any Hearing Panel while a matter is pending unresolved before the Hearing Panel.

EXPLANATION

This legislation increases the number of lay and clergy members of the Disciplinary Board for Bishops. It also clarifies when terms of office begin and end, provides for members to continue in office while certain matters remain pending, and clarifies how vacancies are filled.

Membership of Conference Panel

Through conversation with chancellors, there was a desire to expand the membership of a Conference Panel to include at least two (2) persons. We have proposed a resolution to provide for this.

Resolution A128: Amend Canon IV.2 pertaining to the Composition of a Conference Panel

Resolved, the House of _____ concurring, That Canon IV.2 be amended as follows:

Conference Panel shall mean a panel of ~~one~~ two (2) 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 in equal proportions.

EXPLANATION

There needs to be a minimum of two (2) people from the Disciplinary Board in order to ensure that it is possible to include a clergy and a lay person on the Conference Panel.

Retention of Title IV Records

An amendment to Canon IV.19.30 is proposed to clarify that the retention of records is mandated for whichever order of ministry is under investigation, be it deacon, priest or bishop. This ensures that accurate records are kept in the same manner for any Title IV proceeding. In Canon IV.14.12(a) which pertains to Priests and Deacons, records of an Accord are sent to all parties who would need knowledge

of such an Accord. In section (b), for Bishops, there are some parties who would need knowledge of an Accord who are not listed as mandatory recipients of the Accord. This amendment corrects that issue.

Resolution A129: Amend Canon IV.19.30(a)(1) pertaining to Retention of Records

Resolved, House of _____ concurring, That Canon IV.19.30(a)(1) be amended to read as follows:

Canon IV.19.30(a) Records of Proceedings shall be preserved as follows:

- (1) Each Hearing Panel and Provincial Court of Review *and Court of Review for Bishops* 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.

EXPLANATION

The current wording of the Canon does not designate that retention of records pertains to both clergy and bishops. This wording clarifies that retention of records is necessary for deacons, priests and bishops.

Correcting for Uniformity regarding Release and Removal

A resolution to edit Canon III.1.7(c) was submitted to correct the order of the wording of “release and removal” to reflect consistency with the rest of the Canons. In the course of this edit, it was discovered that there was also a rogue comma, which also needs to be deleted.

Resolution A130: Amend Canon III.12.7 - Correcting for Uniformity regarding Release and Removal

Resolved, House of _____ concurring, That Canon III.12.7 be amended as follows:

Canon III.12.7

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

- (a) If any Bishop of The Episcopal Church shall express, in writing, to the Presiding Bishop, an intention to be released and removed from the ordained Ministry of this Church and from the obligations attendant thereto, including those promises made at Ordination in the Declaration required by Article VIII of the Constitution of the General Convention, it shall be the duty of the Presiding Bishop to record the matter. The Presiding Bishop, being satisfied that the person so declaring is acting voluntarily and for causes, which do not affect the person’s moral character, and is neither the subject of information concerning an Offense that has been referred to an Intake Officer nor a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, shall lay the matter before the Advisory Council to the Presiding Bishop, and with the advice and consent of a majority of the members of the Advisory Council, the Presiding Bishop may pronounce that person is released and removed from the ordained

Ministry of this Church and from the obligations attendant thereto, and is deprived of the right to exercise in The Episcopal Church the gifts and spiritual authority as a Minister of God’s Word and Sacraments conferred in Ordinations. The Presiding Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person’s moral character, and shall, at the person’s request, give a certificate to this effect to the person so released and removed from the ordained Ministry.

(b) If a Bishop submitting the writing described in Section 7(a) of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Presiding Bishop shall not consider or act upon the written request unless and until the disciplinary matter shall have been resolved by a dismissal, Accord, or Order and the time for appeal or rescission of such has expired.

(c) In the case of the release and removal of a Bishop from the ordained Ministry of the Church as provided in this Canon, a declaration of ~~removal and~~ release *and removal* shall be pronounced by the Presiding Bishop in the presence of two (2) or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed and released is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, The Church Pension Fund, and the Board for Transition Ministry.

EXPLANATION

There is a misplaced comma in Sec. 7(a) which needs to be deleted as it is redundant. In Sec. 7(c) the order of “removal and release” has been adjusted to “release and removal: to reflect the wording in the rest of the Canons.

Additional Amendments to provide clarity in Title IV

Upon a detailed review of Title IV, it became clear that some additional amendments to Title IV were necessary to provide clarity and further enhance the effectiveness of Title IV. These areas include: Notice of Accord, Time of Referral, Hearing Panel Disclosures, Jurisdiction & Venue, and the outcome of a Conference Panel.

In the 2009 revision, too many timeframes were removed and attempts to reinstate them in 2015 were stripped out in the legislative committee. Given the realities on the ground and the experiences of those who are currently using Title IV, this needs to be revisited in 2018. This is a pastoral and a justice issue. We need to remember the courage it takes to make a complaint. A resolution to reinstate a timeframe regarding referral is proposed.

A Notice of an Accord or Order informs the recipient that there has been an outcome of a Title IV complaint or proceeding, but it does not give any information about what the outcome is. Therefore, a

resolution to ensure the Presiding Officers and the person who tracks many of the General Convention bodies to have the detailed information about such actions.

Resolution A131: Amend Canon IV.14.5 pertaining to additional clarity about Accords

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

Sec. 5. The Bishop Diocesan shall have twenty (20) days from the date on which the Accord is entered 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. *If a Sentence of Admonition, Suspension or Deposition is imposed,* ~~t~~The Bishop Diocesan shall pronounce Sentence not sooner than twenty (20) days following the date on which the Accord is entered and not later than forty (40) 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 becomes effective and irrevocable.

EXPLANATION

Accords are not a possible outcome from a Hearing Panel. Canon IV.13.10 provides that the only options a Hearing Panel has are to dismiss the matter or issue an Order.

Chancellors requested a clarification so it is clear that an Accord may, but need not, include a Sentence in accordance with Canon IV.9.2.

Resolution A132: Amend Canon IV.14 pertaining to Notice of Accords

Resolved, the House of _____ concurring, That Canon IV.14 be amended as follows:

Sec. 4. *In the case of any Accord that has become effective:*

(a) ~~A~~ a copy of the Accord shall be sent to the Complainant, the Complainant’s Advisor, *the Complainant’s counsel, if any,* the Respondent, the Respondent’s Advisor, the Respondent’s counsel, if any, the Church Attorney, the president of the Disciplinary Board, ~~and~~ the Bishop Diocesan by the Conciliator or the president of the Conference Panel (whichever the matter was before when the Accord was reached), *the Presiding Bishop, the President of the House of Deputies and the Secretary of the General Convention* on the date on which the Accord is signed;

(b) ~~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 president of the panel to which the matter is

assigned and the persons listed in ~~this Section~~ subsection (a), above, on the date the Accord becomes effective and irrevocable; and

(c) in the case of any Accord pertaining to a Bishop, the Presiding Bishop shall provide a full and complete copy of the Accord to (i) in the case of a Bishop Diocesan, Bishop Suffragan serving under Article II.5, or Bishop serving under Canon III.13, to the Standing Committee of that Diocese, (ii) in the case of a Bishop Suffragan, Bishop Coadjutor, or Assistant Bishop, to the Bishop Diocesan and the Standing Committee of that Diocese.

Sec. 5. The Bishop Diocesan shall have twenty (20) days from the date on which the Accord is entered 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 twenty (20) days following the date on which the Accord is entered and not later than forty (40) 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 becomes effective and irrevocable.

And be it further,

Resolved that a new Section 12 be added to Canon IV.14 and successive sections renumbered:

Sec. 12. In the case of any Order issued by a Conference Panel, Hearing Panel or a Provincial Court of Review or Court of Review for Bishops:

(a) a copy of the Order shall be sent to the Complainant, the Complainant's Advisor, the Complainant's counsel, if any, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Church Attorney, the president of the Disciplinary Board, the Presiding Bishop, the President of the House of Deputies and the Secretary of the General Convention on the date on which the Order is signed; and

(b) in the case of any Order pertaining to a Bishop, the President of the Disciplinary Board for Bishops shall provide a full and complete copy of the Order (i) in the case of a Bishop Diocesan, Bishop Suffragan serving under Article II.5, or Bishop serving under Canon III.13, to the Standing Committee of any Diocese in which they are serving, and (ii) in the case of a Bishop Suffragan, Bishop Coadjutor, or Assistant Bishop, to the Bishop Diocesan and the Standing Committee of any Diocese in which they are serving.

And be it further

Resolved, that Canon IV.14.12 is hereby amended to read as follows:

Sec. 12-13. 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 that has become effective and that contains a Restriction on Ministry or a Sentence 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 Archives; to the Secretary of the House of Bishops; to the Secretary of the House of Deputies; to the Secretary of the General Convention; to the Church Pension Fund; and 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.~~ *If the Priest or Deacon is canonically resident in a Diocese other than the Diocese in which the matter is being heard, the Bishop Diocesan of the Diocese of canonical residence shall also 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.*

(b) In the case of any Accord or Order that has become effective and that contains a Restriction on Ministry or a Sentence 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 Standing Committees of every Diocese of the Church, to the Recorder of Ordinations, ~~to the Office of Transition Ministry,~~ and to the Secretary of the House of Bishops, ~~to the President of the House of Deputies, to the Secretary of the General Convention, to the Archives, and to the Office of Transition Ministry—and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.~~

(c) *In the case of any Accord or Order that has become effective and that contains a Sentence of Suspension or Deposition pertaining to a Bishop, the Presiding Bishop shall give notice of the Accord or Order to those parties listed in subsection (b), above, and to all Archbishops, Metropolitans, Presiding Bishops and heads of Churches in full communion with this Church.*

(~~d~~) All notices given pursuant to this Canon shall reference the Canon(s), section(s) and subsection(s) specifying the Offense which is the subject of the Accord or Order.

(~~e~~) Similar notice shall be given whenever there is any modification or remission of any Order for which notice has previously been given pursuant to this Canon

EXPLANATION

In addition to minor revisions to improve the clarity of the canon, these revisions address certain flaws in the current structure for notices to be provided under the canon. Specifically, the Presiding Bishop and the President of the House of Deputies are responsible for hundreds of appointments of Bishops, Priests and lay persons to bodies of General Convention and affiliated organizations. They are each responsible, solely or jointly, for appointing Bishops, Priests, Deacons and lay persons to various bodies. The Secretary of the General Convention is responsible for many of the bodies of General Convention. Therefore, the Presiding Officers need to know the extent of any and all discipline, restrictions, and similar actions that has been taken under Title IV so that they can consider such information when making appointments.

A Notice of an Accord or Order merely informs the recipient that there has been an outcome of a Title IV complaint or proceeding but does not give any information about what the outcome is. Therefore, it is necessary for the Presiding Officers and the person who tracks many of the General Convention bodies to have the detailed information about such actions.

In 2015, Canon IV.14.12(a) was amended to add the President of the House of Deputies to the list of persons and offices who receive notices of Accords and Orders pertaining to Priests and Deacons. However, the parallel provision pertaining to Bishops was not amended at that time to provide notice to the President. The President of the House of Deputies does make appointments of Bishops to various bodies of the General Convention, either solely or jointly with the Presiding Bishop. Examples include the joint appointment of members of Executive Council to Executive Council committees pursuant to Executive Council Bylaws, joint nomination of Audit Committee members pursuant to Canon, and appointment of members of the President's Council of Advice which currently includes a Bishop. Thus, the President needs to be aware of the status of all members of the Clergy and their eligibility to serve on bodies of the General Convention or whose terms end upon the imposition of an Accord or Order pursuant to Canon V.4.1.

Similarly, Canon IV.14.12(b) is not parallel to Canon IV.14.12(a) on Priests and Deacons in that it does not provide for notice of Accords and Orders pertaining to Bishops to be provided to the Archives or to Executive Officer of the General Convention who is charged with overseeing the work of bodies created by General Convention. Notice to the Executive Officer, rather than to the Secretary of the House of Deputies, as the Secretary of the House of Deputies does not have a role in maintaining records relating to Bishops.

Resolution A133: Amending Canon IV.6 to Address Timing of Reference Panel Meetings

Resolved, the House of _____ concurring, That Canon IV.6 be amended by amending Sec. 8, adding a new Sec. 9 and renumbering all subsequent Sections:

Sec. 8. The Reference Panel shall meet as soon as possible, *but no longer than fourteen (14) days*, after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) Conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. *The initial referral shall be made no later than thirty (30) days after receiving the Intake Report.*

Sec. 9. (a) 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. Until such time as the matter is referred to a Hearing Panel, if the Reference Panel determines that the matter has reached an impasse or is not progressing in a timely fashion, it may re-refer the matter. Once a matter is referred to a Hearing Panel, Canon IV.15.1 shall govern any issue regarding the progress of the matter. *The Intake Officer shall report at least monthly to the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Complainant, the Complainant's Advisor and the Complainant's counsel, if any, on the progress in the matter.*

(b) If the referral is for Conciliation pursuant to Section 8(b), unless waived in writing by the Respondent and Complainant, the Conciliation shall take place within 60 days of the referral.

(c) *If the referral is for investigation pursuant to Section 8(c), the investigation shall be completed within 90 days of the referral.*

(d) *If the referral is to the Conference Panel pursuant to Section 8(d), the Conference Panel shall complete its proceedings within four months of the referral.*

(e) *If the referral is for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Section 8(e) and an agreement for discipline resulting in an effective Accord is not reached within ninety (90) days of the referral, unless waived in writing by both the Respondent and the Complainant, the Reference Panel shall re-refer the matter under Sections 8(b), (c), or (d). The re-referral shall be made by the Reference Panel within fourteen (14) days of the expiration of the ninety (90) day period for the reaching of an effective Accord herein.*

EXPLANATION

In the 2009 revision, too many timeframes were removed and attempts to reinstate them in 2015 were stripped out in committee. Given the realities on the ground and the experiences of those who are currently using Title IV, this needs to be revisited in 2018. This is a justice issue and an issue of taking care of people. We need to remember the courage it takes to make a claim.

Resolution A134: Amend Canon IV.12.3 pertaining to the Conference Panel process

Resolved, the House of _____ concurring, That the 79th General Convention amend Canon IV.12.3 to read as follows:

Sec. 3. The Conference Panel shall issue a notice to the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Complainant, the Complainant's Advisor, *the Complainant's counsel, if any*, the Investigator and such other persons, if any, as the Conference Panel in its discretion may determine. The notice shall describe the nature and purpose of the proceeding, shall contain a copy of the written statement prepared by the Church Attorney, shall disclose the names of all persons to whom the notice is sent, and shall establish a date, time and place for conference at which the Respondent is to appear before the Conference Panel, which date shall be not less than twenty (20) days after service of the notice upon the Respondent. *The Conference Panel shall endeavor to set the conference at a date and location reasonably convenient for the persons entitled to attend.*

EXPLANATION

This clarifies that the Complainant's counsel should be included in the Conference Panel process, as well as elucidates best practices for how the Conference Panel should decide the date and location of the proceedings.

Title IV across the diversity of civil jurisdictions in The Episcopal Church

For several triennia, the Standing Commission on Constitution & Canons has wrestled with the challenges presented by the application and implementation of Title IV in provinces and dioceses outside the United States. In fact, it has only recently been determined that very few of those dioceses have created Disciplinary Boards or dealt with any of the structures, training and appointments necessary under the Canons. The Rt. Rev. Francisco Duque, Bishop of the Diocese of Colombia and a member of the Commission, wrote the following report after the meeting of the House of Bishops in Alaska in 2017:

“During the meeting of the House of Bishops of the Episcopal Church held in Fairbanks, Alaska, the attending bishops of Province IX received the support of the Presiding Bishop’s chancellors to analyze and propose further development of Title IV of the Canons, especially calling upon the academic background necessary to address the challenges posed by the Canons in dioceses of The Episcopal Church outside the United States.

The proposal to create a single ecclesiastical court to address disciplinary matters in all the dioceses that comprise the province was reiterated, and to that effect it was agreed to submit said possibility to each of the dioceses for the purpose of reviewing whether it is appropriate and pertinent, in view of the unfolding experience of other provinces of the Episcopal Church.

During the previous House of Bishops meeting, a discussion among some of the bishops took place and the Diocese of Honduras reported that it had a full court and thus it didn’t see the need to join or integrate itself to another diocese; the Bishops of the dioceses of Puerto Rico and the Dominican Republic made similar statements.

The Diocese of Colombia, in its turn, had elected its own court in the last Diocesan Convention and its members were already duly sworn in, in view of which interest was expressed in providing support to other dioceses in forming said courts, to thus be in compliance with Title IV of the Constitution and Canons.

We have agreed with the office of the Presiding Bishop and Bishop Todd Ousley in charge of Pastoral Development and with Ms. Mary Kostel that once the Provincial Synod that is going to take place in the city of Guayaquil is finished, we will be able to have a meeting on the 23 and 24 of February where we will receive more information and training on Title IV.”

Resolution A135: Title IV Across the Diversity of Civil Jurisdictions in The Episcopal Church, Examine Cultural Homogeneity of the Canons

Resolved, that the House of _____ concurring, the 79th General Convention charges the Standing Commission on Structure, Governance, Constitution and Canons to examine the cultural homogeneity of the Canons, especially concerning the propriety and applicability of the Title IV in non-domestic jurisdictions where Canon Law is not consistent with Civil and Criminal Law, and make recommendations to a future meeting of the General Convention concerning the same.

EXPLANATION

In order to assist the process of reconciliation and full implementation of Title IV across the church, the Commission needs to do additional research and work to examine the diversity of civil jurisdictions in which Title IV is applicable, including the reasons behind the difficulty in implementing Title IV. The goal of the work is to develop solutions.

5. REVIEW OF COMMITTEES, COMMISSIONS, AGENCIES, BOARDS & OTHER INTERIM BODIES

Canon 1.1.2(n)(1)(vi) calls on this Commission to study and make recommendations regarding the Structure of the Church including a review of the Committees, Commissions and Boards to determine the necessity for their continuance and effectiveness of their functions to bring about coordination of their efforts. Accordingly, the Commission conducted a review of the materials posted by the several bodies and received reports from several of them. The following are the conclusions of this Commission:

Boards

Board for Transition Ministry – The Board works with the Office for Transition Ministry and, on further inquiry, it was the opinion of this Commission that this is the most effective way of achieving the goals of both the Board and that Office. The Board should continue.

Board of the Archives of the Episcopal Church – The Board guides the Archives, which is engaged in significant changes including relocation. As the custodian of our records and other critical activities in the life of the Church, it fulfills an important role. The Board should continue.

Board of Trustees for the Church Pension Fund – The Board serves in critical fiduciary capacities. It is suggested the Board should continue to monitor and evaluate its size and demographic diversity, including age diversity. The Board should continue.

Episcopal Relief & Development Board – The Board guides the activities of this very important outreach arm of the Episcopal Church. Their Mandate is found in Matthew 25:37-40. The Board should continue.

General Board of Examining Chaplains – The Board is canonically authorized to create and administer the General Ordination Exam each year. Given the increasing number of dioceses that choose not to use the General Ordination Exam, our recommendation is that the efficacy and relevance of the Exam be carefully examined by the Standing Commission on Formation and Ministry Development, or if that Commission is not constituted, then to this Commission. Until such review is done, the Board should continue.

United Thank Offering Board – An ongoing ministry of the Episcopal Church since 1883, their work continues. The Board should continue.

Task Forces and Interim Bodies Created by General Convention

Advisory Council on the Stewardship of Creation – Established by Resolution 2015-A030, the Council has posted a robust Mandate and it appears their work is fairly extensive and ongoing. The Council should be monitored and continued.

Advisory Group on Church Planting – Established by Resolution 2015-D005. From a review of the Minutes posted, it appears parts of the Mandate have not yet been accomplished. It is strongly encouraged that this work be completed and, if the grants process is to be continued, the Advisory Group should continue.

Committee to Study the Relationship of General Theological Seminary and General Convention – Established by Resolution 2015-D075. While it appears there were a number of meetings, no meeting minutes were posted and no report was submitted to this Commission to enable an evaluation. However, given that the charge was to report to the 79th General Convention, this Committee should not continue.

Task Force for Latino-Hispanic Congregational Development and Sustainability – Established by Resolution 2015-A086. The Mandate is fairly extensive and it appears a great deal has been done. It is not clear if their tasks have been completed. This Task Force works closely with the Network of Partners on Latino/Hispanic Congregational Ministry Development. An analysis of the relationship between those two groups and their respective Mandates should be examined to determine the synergy and possible overlap of work.

Task Force for Leadership Formation of Clergy in Small Congregations – Established by Resolution 2015-A045. The Task Force has completed its work. The Task Force does not need to continue. If a new specific initiative is developed at General Convention, it might be appropriate to continue. If the Standing Commission on Formation and Ministry Development is created, then any such new initiative could be referred to that Commission.

Task Force on Leveraging Social Media for Evangelism – Established by Resolution 2015-A172.
Task Force to Review the Presiding Bishop Election and Transition Process – The Task Force will have completed its review by the 2018 General Convention. The Task Force does not need to continue with its current mandate.

Task Force on the Episcopacy – Established by 2015-D004. It is anticipated its work will be completed by General Convention. It does not need to continue with its current mandate.

Task Force on the Episcopal Church in Cuba – Established by Resolution 2015-B003. The Task Force has held many meetings, researching and discussing many components of the possibility of the Church in

Cuba becoming part of The Episcopal Church. At this writing, the work is ongoing and this Standing Commission stands ready to assist in the constitutional and canonical aspects.

Task Force on the Study of Marriage – Established by Resolution 2015- A037. The Task Force expects to complete the work outlined in the authorizing resolution, but additional collaboration with the Standing Commission on Liturgy and Music may be needed regarding trial liturgies and the proposed liturgy for Blessing a Relationship. The Task Force should continue.

Task Force to Study Leadership and Compensation – Established by Resolution 2015-D013. The Task Force has completed its work and does not need to continue.

Task Force to Study Dual Call Couples – Established by Resolution 2015-B022. No information was available.

Task Force on Provinces – Established by Resolution 2015-D011 to study the effects of the potential elimination of provinces. The Task Force has completed its work and does not need to continue.

Task Force to Update the Sexual Misconduct Policies – Established by Resolution 2015- A073. The work on updating the policies for both children and youth, and for vulnerable adults is still in process. The training materials have yet to be completed and will require additional time. The Task Force should continue.

Covenant Committees

There are five (5) Covenant Committees: A Igreja Episcopal Anglicana do Brasil, La Iglesia Anglicana de la Region Central de America, La Iglesia Anglicana de Mexico, the Episcopal Church in Liberia and The Episcopal Church in the Philippines. None of them has posted a mandate for their work, and very few of them have posted minutes of their meetings, so it is difficult to evaluate their work. However, their existence is very important to the Church. These Covenant Committees should be continued, but improved communication is encouraged. If these Committees are not already working together with the EC Committee on World Mission, consideration should be given by both groups to coordinating their activities.

House of Deputies Committee to Review Rules of Order – This Committee was appointed by the President of the House of Deputies to engage in a wholesale review and revision of the Rules of Order of the House of Deputies, which was adopted at the General Convention in 2015. That work was completed and the Committee terminated. The President of the House of Deputies has appointed another Committee to do additional work in advance of the General Convention in 2018. The Mandate and meeting minutes have not been posted. The Committee continues at the discretion of the President of the House of Deputies.

Other Interim Bodies

Anglican-Roman Catholic Dialogue in the USA – There does not appear to be a Mandate for this group. It is likely to be very important work, but only one (1) set of meeting minutes and no documents have been posted. It is recommended that the work continue in order to promote the dialogue.

Bishop for the Office of Pastoral Development Search Committee – Appointed by the Presiding Bishop. The Search Committee has achieved its goal of identifying a Bishop to lead the Office of Pastoral Development. This Committee should not be continued.

Chief Legal Officer Nomination Advisory Committee – Appointed by the presiding officers of Executive Council. While it is not clear due to the absence of a Mandate or any information about meetings or minutes of meetings, it has been assumed that this Committee was advising the Legal Review Committee. Having hired a Chief Legal Officer, this Committee should not be continued.

Chief Operating Officer Nomination Advisory Committee – Appointed by the presiding officers of Executive Council. This Committee was apparently formed to engage in the search for a new Chief Operating Officer of the Episcopal Church. Again, however, there is no Mandate, nor Minutes of meetings posted. Since the Church has successfully engaged a new Chief Operating Officer, the Committee should not be continued.

House of Bishops Spouse/Partner Planning Group – While this Group has not met under the auspices of The Episcopal Church structure, utilizing Church funds, it is considered to be an important component of supporting the collegiality of the House of Bishops. This Group should continue, but perhaps need not be listed as an Interim Body of the Church.

Israel and Palestine Working Group – The subject matter of this work is important. However, there does not appear to be a Mandate or meeting minutes of any meetings. This Group is encouraged to provide more information about their work to the Church.

Legal Review Committee – Appointed by the presiding officers of Executive Council. The Committee engaged in the process of identifying the legal needs of the Church and of developing a job description for the newly created position of Chief Legal Officer. Meeting minutes of one of their meetings were posted. The task of engaging a new Chief Legal Officer was accomplished and the Committee should no longer exist.

Lutheran Episcopal Coordinating Committee – The Mandate for this Committee is contained in the meeting minutes of its first meeting of the Triennium. Its work is deemed critical to living into the Call to Common Mission and should continue. It is recommended that its Mandate be posted separate from its minutes, so focus can continue on its importance.

Moravian Episcopal Coordinating Committee – It appears this Committee is meeting and working but information is a little sparse. It is recommended that the Committee continue, but that communication be improved.

Presbyterian Episcopal Dialogue – The Mandate of this Dialogue is unclear from the one (1) set of meeting minutes posted. In order for this Dialogue to continue, greater clarity around its Mandate would be very helpful.

Provincial Leadership Council – The Council consists of representatives of the various Provinces of the Church. They meet once a year. However, their Mandate is not posted, nor have their meeting minutes, although it is understood that they do exist. The work of this Council could be an important part of the church-wide dialogue around Diocesan and Provincial vitality.

United Methodist Episcopal Committee – The Committee has not posted a Mandate, and there are meeting minutes of only one (1) meeting. However, it would appear that robust dialogue is underway and the Committee should continue, although better communication is encouraged.

Annotated Constitution and Canons Subcommittee – This is a subcommittee of the Standing Commission on Structure, Governance, Constitution and Canons, charged with bringing the Annotated Constitution and Canons current to acts of General Convention. Extensive work has been done, but the work will not be completed by the end of the Triennium and the Subcommittee should, therefore, continue.

Proposals Regarding New Commissions:

Proposal of Standing Commission on Formation and Ministry Development

During the 2015 General Convention, in response to suggestions from the Task Force for Reimagining the Episcopal Church, eliminated all but two (2) Standing Commissions. As a result, many tasks have come to the Standing Commission on Structure, Governance, Constitution and Canons inviting deeper work in Title III and in support of the ministry of all. These items are beyond the scope of what is possible given the breadth of our Standing Commission's Mandate. Restoring a single Standing Commission to focus on ministry and formation would allow much more significant work in these areas to be accomplished.

In particular, with regard to fair hiring practices and compensation, it has been made clear in the 2015 Clergy Compensation Report available on the Church Pension Group's website that a significant gender pay gap continues in The Episcopal Church. This is just one clear data point that affirms the fact that sexism and discrimination are still realities for so many in leadership across the church. Given the fact that equality for women has long been a priority of both the Anglican Communion and The Episcopal Church, this issue also deserves the attention of a Standing Commission.

Resolutions related to the Review of Interim Bodies:

Resolution A136: Establish a Standing Commission on Formation and Ministry Development

Resolved, The House of _____ concurring, That a Standing Commission on Formation and Ministry Development shall be established, which shall coordinate and encourage the development of all orders of ministry, encouraging and engaging all the baptized in the work of building up the church and developing best practices to ensure all churches benefit from the diversity of leadership gifts God has given us.

It shall be the duty of the Commission to:

- (i) Recommend policies and strategies to the General Convention for the affirmation, development, and exercise of ministry by all baptized persons (lay persons, bishops, priests and deacons).
- (ii) Support Diocesan Commissions on Ministry in their support of the ministry of all the baptized, Title III Canons 1 & 2
- (iii) Develop and recommend to the General Convention comprehensive and coordinated policies for people across all ages and stages of life for lifelong formation as Christians and citizens.
- (iv) Recommend strategies to General Convention for the development and support of networks of individuals, diocesan committees and commissions, agencies and institutions engaged in recruitment, gifts of discernment, education and training for ministry, leadership development, hiring, and deployment.
- (v) Study the needs and trends of vocational opportunities for ordained leaders within and outside the Church and the appropriate formation required to live into those opportunities.
- (vi) Recommend policies and strategies to the General Convention to ensure the fair hiring and compensation of lay and ordained employees in all ministry settings, with special attention to parity across those lines which have historically divided us, including but not limited to race, color, ethnic origin, national origin, sex, marital status, sexual orientation, gender identity and expression, disabilities, or age, except as otherwise provided by these Canons.

EXPLANATION

During this triennium it has become clear that there is significant work needed in this area. Many of the tasks that have come to the Standing Commission on Structure, Governance, Constitution and Canons have exceeded our Standing Commission's mandate. Restoring a single Standing Commission to focus on ministry and formation would allow much more significant work in support of the ministry and formation of all the baptized.

In particular regards to (v), it has been made clear in the 2015 Clergy Compensation Report available on Church Pension Group's website that a significant gender pay gap continues in The Episcopal Church. This is just one clear data point that affirms the fact that sexism and discrimination are still realities for so many in leadership across the church. Given the fact that equality for women has long been a priority of both the Anglican Communion and The Episcopal Church, this issue also deserves the attention of a Standing Commission.

BUDGET REQUEST

Resolution A137: To Request Budget Allocation for Work of the Standing Commission on Structure, Governance, Constitution & Canons

Resolved, The House of _____ concurring, That the 79th General Convention request the Joint Standing Committee on Program, Budget, and Finance to consider a budget allocation of \$125,000 for the continued work of the Standing Commission on Structure, Governance, Constitution and Canons in the next triennium.

EXPLANATION

As evidenced in its Blue Book Report, the Commission was able to accomplish a great deal of work in this triennium. Because of the ongoing necessity of oversight and continued changes to our Structure, Constitution and Canons, the Commission will have much work to do going forward. The Commission has had twenty (20) members, which was an excellent size. We were able to be flexible and productive with that number, a great asset given that additional work due to our new mandate from the structural changes authorized by General Convention in 2015. We had four (4) in person meetings, which was sufficient to accomplish our work. We believe that for the next triennium, funding for four (4) in person meetings, as well as a Zoom license for video conferences, would be sufficient to accomplish the work. In addition to the ongoing work of the Commission outlined in our Canonical Mandate, we have identified a number of important tasks to be accomplished in the next triennium in our report to the 79th General Convention.

PRIORITIES FOR THE 2018-2021 TRIENNIUM

Matters for the work of this Commission in the next Triennium include the following:

1. Work with Church Insurance to develop an insurance product that would provide professional liability coverage for clergy in misconduct matters (rather than just civil matters);
2. Develop a pool of lawyers who would be available to represent a Respondent in a Title IV proceeding and explore methods of funding to pay for the cost of that lawyer;
3. Develop a policy for changing names in Church Records (e.g. ordination) at the churchwide level;
4. Study and provide clarification in the canons and rules of order regarding the role of the Vice President of the House of Bishops;
5. Address canonical clarifications around a bishop's jurisdiction and authority, such as what happens when a bishop is serving as rector in another diocese, the question of letters dimissory for bishops, the question of bishops serving after reaching the age of seventy-two (72), and a process of reception for bishops into The Episcopal Church;

6. Provide continued monitoring of our corporate structure from a legal perspective in conversation with our Chief Legal Officer;
7. Launch a campaign to educate the Church about the new Title IV Training Website;
8. Work further on developing a more descriptive definition of “Conduct Unbecoming a Member of the Clergy;”
9. Continue to research the potential conflicts between the Canons of the Church and legal systems in foreign countries within the Church;
10. Provide “Whistle Blower” protections under Title IV;
11. Continue to review and suggest revisions to Title IV;
12. Continue to update White & Dykman;
13. Continue to review the full body of the Constitution and Canons, pursuant to our Mandate; and
14. Continue to review committees, commissions, agencies, boards and task forces to ensure completion of their respective Mandates, and to make recommendations regarding their efficacy and their need to continue.
15. Strive to understand and define “disabled” and “absent” in the context of bishops.
16. Study issues related to bi-vocational clergy, if it is not referred to the Commission on Formation and Ministry Development.
17. Undertake a broad review of the Canons with regard to the diversity of cultural and civic contexts in which they are implemented, seeking to ensure that diversity is honored by our Canons.

No doubt there will be additional priorities and tasks that arise from the work of the 79th General Convention. The continuing members of the Standing Commission look forward to welcoming new members and engaging in that work for the good of the whole Church.

Proposed Resolutions

The resolutions proposed by the Standing Commission on Structure, Governance, Constitution and Canons have been included in the body of the report wherever the related topics are discussed. In the digital version of this document the titles listed below are hyperlinked to the text. Click on any title to go to the text of that resolution in this document.

[RESOLUTION A088: PROPOSED GUIDELINES FOR AMENDING CHURCH RECORDS](#)

[RESOLUTION A089: AMEND ARTICLES VI AND VIII OF THE CONSTITUTION REGARDING FULL COMMUNION](#)

[RESOLUTION A090: CANONICAL AMENDMENTS REGARDING FULL COMMUNION](#)

[RESOLUTION A091: AMEND CANON III.9.3 EQUITY IN CLERGY HIRING AND APPOINTMENT PRACTICES](#)

[RESOLUTION A092: RECEPTION OF CLERGY FROM CHURCHES IN APOSTOLIC SUCCESSION](#)

[RESOLUTION A093: AMEND CANON III.8.7\(F\) PERTAINING TO DEACONS WHO SUBSEQUENTLY SEEK ORDINATION TO THE PRIESTHOOD](#)

[RESOLUTION A094: AMEND CANON III.4.1\(B\) FOR CLARITY REGARDING THE BISHOP OF THE ARMED FORCES](#)

[RESOLUTION A095: CORRECTION OF CANON IV.4.1\(H\)](#)

[RESOLUTION A096: AMEND CANON I.9.1 PERTAINING TO THE CONVOCATION OF EPISCOPAL CHURCHES IN EUROPE](#)

[RESOLUTION A097: AMEND CANONS REGARDING RETURN OF CLERGY AFTER RELEASE & REMOVAL](#)

[RESOLUTION A098: TIMELINES AND PASTORAL RESPONSE IN MEDIATION: AMENDING CANON III.12.10](#)

[RESOLUTION A099: CALLING MEETINGS OF THE HOUSE OF DEPUTIES](#)

[RESOLUTION A100: CLARIFY SECRETARY OF CONVENTION VERSUS SECRETARY OF HOUSE OF DEPUTIES](#)

[RESOLUTION A101: AMEND CANONS RELATED TO DFMS BY-LAWS](#)

[RESOLUTION A102: CREATE A TASK FORCE BUDGET PROCESS](#)

[RESOLUTION A103: AMEND JOINT RULES OF ORDER OF THE HOUSE OF BISHOPS AND HOUSE OF DEPUTIES, SECTION VII](#)

[RESOLUTION A104: AMEND TITLE 1 CANON 1 SECTION 1\(B\)](#)

[RESOLUTION A105: AMEND CANON I.8.2 PROVIDE FOR BACKGROUND CHECKS FOR NOMINEES FOR CHURCH PENSION BOARD OF TRUSTEES](#)

[RESOLUTION A106: CANONICAL CHANGES RELATED TO A JOINT SESSION](#)

RESOLUTION A107: AMEND CANON III.11.2 REGARDING THE ELECTION OF A BISHOP

RESOLUTION A108: AMEND CANON III.6.5(G) ADDRESSING HARASSMENT AND SEXUAL MISCONDUCT

RESOLUTION A109: CREATION OF TASK FORCE ON SEXUAL HARASSMENT

RESOLUTION A110: CREATING A SINGLE COURT OF REVIEW

RESOLUTION A111: AMEND ARTICLE V OF THE CONSTITUTION

RESOLUTION A112: ESTABLISHING A TASK FORCE ON DIOCESAN VITALITY

RESOLUTION A113: AMEND ARTICLE V, SECTION 4 OF THE CONSTITUTION

RESOLUTION A114: AMEND CANON I.10 REGARDING THE UNION OF DIOCESES

RESOLUTION A115: ADOPT AND IMPLEMENT CHARTER FOR SAFETY

RESOLUTION A116: PROPOSAL TO PLACE THE TITLE IV TRAINING UNDER THE AUTHORITY OF THE STANDING COMMISSION AND ALLOCATE FUNDING FOR MAINTENANCE AND UPDATING OF TRAINING MATERIALS

RESOLUTION A117: AMEND CANON IV 6.9

RESOLUTION A118: PROPOSED AMENDMENTS TO CANON IV.13

RESOLUTION A119: PROPOSED AMENDMENTS TO CANON IV.15

RESOLUTION A120: AMEND CANON IV.19.30 TO CREATE DISCIPLINE DATABASE, AMEND CANON III.12.7(C) AND CANON IV.13.11

RESOLUTION A121: AMEND CANON IV.2 REMOVE DEFINITION OF PROCEDURAL OFFICER

RESOLUTION A122: AMEND ARTICLE IX TO CHANGE REMOVAL TO ADMONITION

RESOLUTION A123: AMEND CANON IV.3.1 TO ADDRESS MISREPRESENTATIONS IN ORDINATION PROCESS AND CLARIFY SEXUAL MISCONDUCT IN TITLE IV

RESOLUTION A124: AMEND CANON IV.2 TERMINOLOGY OF SEXUAL MISCONDUCT

RESOLUTION A125: AMEND CANON IV.2 - PERTAINING TO DECLINING TO ADVANCE PROCEEDINGS IN TITLE IV

RESOLUTION A126: RECOMMEND REPEAL OF CANON IV.19.31

RESOLUTION A127: AMEND CANON IV.17.3 PERTAINING TO MEMBERSHIP ON THE DISCIPLINARY BOARD FOR BISHOPS

RESOLUTION A128: AMEND CANON IV.2 PERTAINING TO THE COMPOSITION OF A CONFERENCE PANEL

RESOLUTION A129: AMEND CANON IV.19.30 (A) (1) PERTAINING TO RETENTION OF RECORDS

RESOLUTION A130: AMEND CANON III.12.7 - CORRECTING FOR UNIFORMITY REGARDING RELEASE AND REMOVAL

RESOLUTION A131: AMEND CANON IV.14.5 PERTAINING TO ADDITIONAL CLARITY ABOUT ACCORDS

RESOLUTION A132: AMEND CANON IV.14 PERTAINING TO NOTICE OF ACCORDS

RESOLUTION A133: AMENDING CANON IV.6 TO ADDRESS TIMING OF REFERENCE PANEL MEETINGS

RESOLUTION A134: AMEND CANON IV.12.3 PERTAINING TO THE CONFERENCE PANEL PROCESS

**RESOLUTION A135: TITLE IV ACROSS THE DIVERSITY OF CIVIL JURISDICTIONS IN THE EPISCOPAL CHURCH
EXAMINE CULTURAL HOMOGENEITY OF THE CANONS**

RESOLUTION A136: ESTABLISH A STANDING COMMISSION ON FORMATION AND MINISTRY DEVELOPMENT

**RESOLUTION A137: TO REQUEST BUDGET ALLOCATION FOR WORK OF THE STANDING COMMISSION ON
STRUCTURE, GOVERNANCE, CONSTITUTION & CANONS**