

General Convention of The Episcopal Church 2022 Archives' Research Report

Resolution No.: 2022-B005
Title: Proposed Amendment to Canon IV.10, Of Conciliation, to Enhance the Possibility that Restorative Justice and Other Reconciling Practices are Utilized Early in the Ecclesiastical Discipline Process
Proposer: The Rt. Rev. Mark Hollingsworth
Topic: Canons, Discipline

Directly Related: (Attached)

1997-D061 Amend Canons IV.14.10, 15, 16 [Canons Relating to Conciliation]

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2009-A185 Amend Title IV [Ecclesiastical Discipline]

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2018, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#) or call 800-525-9329.

B005 - Proposed amendment to Canon IV.10, Of Conciliation, to enhance the possibility that restorative justice and other reconciling practices are utilized early in the Ecclesiastical Discipline process

Final Status: Not Yet Finalized

Proposed by: The Rt. Rev. Mark Hollingsworth

Endorsed by: The Rt. Rev. Sean Rowe, The Rt. Rev. Mary Gray-Reeves

Requests New Interim Body: No

Amends C&C or Rules of Order: Yes

Has Budget Implications: No

Cost:

HiA: HB

Legislative Committee Currently Assigned: 03 - Title IV Disciplinary Canons

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That Canon IV.10.3 be amended as follows:

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

Sec. 3 If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord, as provided in Canon IV.14, or other agreement may be prepared. Within a reasonable time, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter as appropriate under Canon IV.6.8.

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

Sec 3. If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord, ~~will be prepared as provided in Canon IV.14, or other agreement may be prepared. If conciliation cannot be achieved within~~ *Within a reasonable time, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter as appropriate under Canon IV.6.8. ,the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel.*

Explanation

Canon I of Title IV sets ambitious and worthy aspirations for the Church's process for Ecclesiastical Discipline. Experience has demonstrated that appointment of a Conciliator – defined in Canon IV.10.4 as “a person skilled in dispute resolution techniques and without conflict of interest in the matter” – can be an effective avenue for reaching the aspirations of the Title, particularly if utilized early in the discipline process. The current text of Canon IV.10, Of Conciliation, suggests that a conciliation is “successful” only if an Accord is reached. Arguably, the current text encompasses neither the possibility of a “successful” conciliation that results in some other type of agreement resolving the dispute, nor a conciliation that resolves the dispute but results in no formal agreement. This amendment expands the understanding of a “successful” conciliation to include any resolution that is “suitable” under the Title – that is, one that promotes “healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation.”



Resolution Number: 1997-D061
Title: Amend Canons IV.14.10, 15, 16 [Canons Relating to Conciliation]
Legislative Action Taken: Concurred As Amended
Final Text:

Resolved, That Title IV be amended by the addition of the following:

Canon IV.16

Of Conciliation of Disciplinary Matters:

Sec. 1. If the Ecclesiastical Authority or the Standing Committee, as the case may be, shall receive a complaint or Charge against a Priest or Deacon, or if the Presiding Bishop shall receive a complaint or Charge against a Bishop, which complaint or Charge on its face, if true, would constitute an Offense and the Ecclesiastical Authority or Standing Committee or Presiding Bishop, as the case may be, considers the complaint or Charge not to be a serious Offense against the Church and its good order and Discipline, but an interpersonal conflict not involving immorality or serious personal misconduct, or one that may be a technical commission of another Offense, the Ecclesiastical Authority or Standing Committee or Presiding Bishop may offer the persons involved the opportunity for conciliation in lieu of canonical proceedings seeking a Presentment.

Sec. 2. If all persons involved in the matter agree that conciliation is desirable and are willing for the matter to be conciliated, the Ecclesiastical Authority or the Standing Committee or the Presiding Bishop receiving the complaint or Charge shall appoint a Conciliator, who shall labor with ~~the~~ those involved in the conflict that they may be reconciled.

Sec. 3. If the Conciliator is unable to achieve conciliation within a period of thirty (30) days, which may be extended by consent of all the participants to the conciliation for additional periods not to exceed a total of ninety (90) days from the date of the appointment of the Conciliator, the Conciliator shall refer the matter back to the appointing authority without recommendation for further proceedings under this Title.

Sec. 4. If conciliation is achieved, the Conciliator shall report back to the appointing authority with the results of the conciliation. The Conciliator's report shall be in writing, concisely state the allegations of the original complaint or Charge, state the terms, if any, and the results of the conciliation, which shall be agreed to, signed and Acknowledged by and between the participants in the conciliation.

Resolved, That Canon IV.14.10 be amended to read as follows:

Sec. 10. Former jeopardy. No Member of the Clergy may be Presented or tried a second time under this Title for the same Offense, or after Waiver and Voluntary Submission to Discipline, or as to any matters expressly set forth in the agreed upon report of a Conciliator under Canon IV.16.4 without the Member of the Clergy's consent; and be it further

Resolved, That Canon IV.15 be amended by the addition of the following defined term:

"Conciliator" shall mean an adult person, lay or clergy, appointed to seek the conciliation under Canon IV.16; and be it further

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Philadelphia, 1997* (New York: General Convention, 1998), pp. 167-168.