

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A052
Title: Amend Canon IV.2, Canon IV.4.1.d, and Canon IV.10.3 to Add Restorative Covenant as a Possible Outcome of Conciliation
Proposer: Standing Commission on Structure, Governance, Constitution and Canons
Topic: Canons, Discipline

Directly Related: (Attached)

2022-B005 Refer a Resolution to Amend Canon IV.10 [Of Conciliation] (Referred)

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

2022-A147 Amend Article IX [Court of Trial for Bishops--Second Reading]
2015-A124 Amend Canon IV.2 [Of Terminology Used in This Title]
2012-A033 Amend Canons IV.2, 5, 6, 11 as follows:
Canon IV.2 [Of Terminology Used in This Title]
Canon IV.5.3(i) [Resource Sharing for Disciplinary Boards' Rules of Operation]
Canon IV.6.7 [Impanelment to Consider an Offense]
Canon IV.11.5 [Confidentiality of Investigations]
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 2022, 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](#).

A052 - Amend Canon IV.2, Canon IV.4.1.d, and Canon IV.10.3 to add Restorative Covenant as a possible outcome of Conciliation

Final Status: Not Yet Finalized

Proposed by: Standing Commission on Structure, Governance, Constitution and Canons
Has Budget Implications: No

Cost:

Amends C&C or Rules of Order: Yes

Requests New Interim Body: No

Changes Mandate Of Existing Ib: No

Directs Dfms Staff: No

Directs Dioceses: No

Directs Executive Council: No

HiA: No House Assigned

Legislative Committee Currently Assigned: No Committee Assigned

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, That the 81st General Convention amend Canon IV.2 to read as follows.

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

Canon IV.2 (following definition of **Respondent**):

Restorative Covenant shall mean an agreement between one or more Complainants and a Respondent that results from a Conciliation under Canon IV.10.3, that resolves some or all of the issues in a matter pending under this Title, and to which the Reference Panel has consented.

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

Canon IV.2 be amended to add the following, in appropriate alphabetical order:

Restorative Covenant shall mean an agreement between one or more Complainants and a Respondent that results from a Conciliation under Canon IV.10.3, that resolves some or all of the issues in a matter pending under this Title, and to which the Reference Panel has consented.

And be it further

Resolved, That the 81st General Convention amend Canon IV.4.1.d to read as follows:

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

Canon IV.4.1.d:

d. abide by the requirements of any applicable Accord or Order; any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7; or Restorative Covenant entered into under Canon IV.10.3;

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

d. abide by the requirements of any applicable Accord or Order; ~~or~~ any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7; *or Restorative Covenant entered into under Canon IV.10.3;*

And be it further.

Resolved, That the 81st General Convention amend Canon IV.10.3 to read as follows:

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

Canon IV.10.3 be amended as follows:

Sec. 3. A conciliation may result in an Accord as provided in Canon IV.14 or a Restorative Covenant as defined in Canon II.2. Within a reasonable time after commencement of a conciliation, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter under Canon IV.6.8 as appropriate. If the conciliation results in a Restorative Covenant that, in the Reference Panel's judgment, resolves all of the issues in a pending matter, the Reference Panel shall dismiss the matter.

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

Canon IV.10.3 be amended as follows:

~~If the A conciliation may result in 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 a Restorative Covenant as defined in Canon II.2. If conciliation cannot be achieved within~~ *Within a reasonable time after commencement of a conciliation, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter under Canon IV.6.8 as appropriate. ; the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel.* ~~If the conciliation results in a Restorative Covenant that, in the Reference Panel's judgment, resolves all of the issues in a pending matter, the Reference Panel shall dismiss the matter.~~

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. This amendment expands the understanding of a successful conciliation to include one that results in resolution of all or some of the issues in a matter by way of a “Restorative Covenant” between the Complainant(s) and the Respondent, to which the Reference Panel must consent, and the later violation of which would constitute an Offense. Hopefully, this amendment would expand the opportunity for resolutions that promote “healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation.”



Resolution Number: 2022-B005
Title: Refer a Resolution to Amend Canon IV.10 [Of Conciliation]
Legislative Action Taken: Referred
Final Text:

Resolved, That Canon IV.10.3 be amended as follows:

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.~~

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Baltimore, 2022* (New York: General Convention, 2023), p. 807.