

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A058
Title: Amend Canons IV.6.8, IV.6.10, and IV.11.3 on Pastoral Response Without Disciplinary Action
Proposer: Standing Commission on Structure, Governance, Constitution and Canons
Topic: Canons, Discipline

Directly Related: (Attached)

2018-A117 Refer a Resolution on Amending Canon IV.6.9 [Determinations] (Referred)
2018-D100 Refer a Resolution to Amend the Canons on Mutual Accountability (Referred)
2015-A131 Amend Canon IV.6.7 [Of Intake and Referral of Information]
2015-A132 Amend Canon IV.6.7 [Of Intake and Referral of Information]
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]

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

None

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](#).

A058 - Amend Canons IV.6.8, IV.6.10, and IV.11.3 on Pastoral Response Without Disciplinary Action

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.6.8 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.>

IV.6.8

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) to conclude the matter with an appropriate pastoral response pursuant to Canon IV.8; (b) Conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall establish a schedule for each approved option and the President of the Disciplinary Board shall be responsible for monitoring each such schedule.

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

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) ~~no action required other than appropriate pastoral response pursuant to Canon IV.8;~~ *to conclude the matter with an appropriate pastoral response pursuant to Canon IV.8;* (b) Conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall establish a schedule for each approved option and the President of the Disciplinary Board shall be responsible for monitoring each such schedule.

And be it further.

Resolved, That the 81st General Convention amend Canon IV.6.10 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.>**

IV.6.10

Sec. 10. If the determination of the Reference Panel is to conclude the matter with an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.9.

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

Sec. 10. If the determination of the Reference Panel is to ~~take no action other than~~ *provide* an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination ~~to take no action other than an appropriate pastoral response.~~ If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.9.

And be it further.

Resolved, That the 81st General Convention amend Canon IV.11.3 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.>**

IV.11.3

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) conclude the matter with an appropriate pastoral response pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

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

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to: (a) ~~take no action other than appropriate pastoral responses pursuant to Canon IV.8;~~ *conclude the matter with an appropriate pastoral response pursuant to Canon IV.8;* (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

Explanation

The Commission believed that the current term “take no action” in the canons did not accurately describe a pastoral response. This proposed resolution adds language to clarify this distinction.



Resolution Number: 2018-A117
Title: Refer a Resolution on Amending Canon IV.6.9 [Determinations]
Legislative Action Taken: Referred
Final Text:

Resolved, 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.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 254-255.



Resolution Number: 2018-D100
Title: Refer a Resolution to Amend the Canons on Mutual Accountability
Legislative Action Taken: Referred
Final Text:

Resolved, That Canon IV.1 is hereby amended to read as follows:

By virtue of Baptism, all members of the Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. This Title applies to Members of the Clergy, who have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience. *This Title's provisions regarding Sexual Misconduct and the accountability thereof, also apply to lay persons employed by the church and church institutions, and lay people serving in volunteer roles of leadership, who by their public service commit themselves to the internal accountability of the Church.*

And be it further

Resolved, That Canon IV.3 is hereby added 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.**

Sec. 2. A Member of the Clergy shall be accountable for any breach of the Standards of Conduct set forth in Canon IV.4.

Sec. 3. Any person, lay or ordained, employed by the Church or a church-affiliated institution, or any person serving in a volunteer position of leadership within the Church, shall be accountable for any act of misconduct as set forth by Canon IV.4.h(1), (5) or (6).

~~Sec. 3.~~ *Sec. 4 In order for any conduct or condition to be the subject of the provisions of this Title, the Offense complained of must violate applicable*

provisions of Canon IV.3 or IV.4 and must be material and substantial or of clear and weighty importance to the ministry of the Church.

And be it further

Resolved, That Canon IV.6 is hereby amended to add:

Sec. 1. Each Diocese shall provide for and publicize methods and means of reporting information concerning Offenses.

Sec. 2. Information concerning Offenses may be submitted to the Intake Officer in any manner and in any form.

Sec 3. In the event of an offense committed by a lay person, information concerning the offense shall be brought to the Intake officer.

~~Sec. 3.~~**Sec. 4.** Any person other than the Intake Officer who receives information regarding an Offense shall promptly forward the information to the Intake Officer. A Bishop Diocesan shall forward information to the Intake Officer whenever the Bishop Diocesan believes that the information may indicate conduct constituting one or more Offenses.

~~Sec. 4.~~**Sec. 5.** Upon receipt of such information, the Intake Officer may make such preliminary investigation as he or she deems necessary, and shall incorporate the information into a written intake report, including as much specificity as possible. The Intake Officer shall provide copies of the intake report to the other members of the Reference Panel and to the Church Attorney.

~~Sec. 5.~~**Sec. 6.** If the Intake Officer determines that the information, if true, would not constitute an Offense, the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide written notice to the Complainant, the subject Member of the Clergy, and the Bishop Diocesan of the decision of dismissal, the reasons therefor, and the Complainant's right to appeal the decision within thirty days of the date of the notice and shall send a copy of that notice and the written intake report to the president of the Disciplinary Board. If the Complainant wishes to appeal the dismissal, the Bishop shall appoint an Advisor for the Complainant within 15 days of the date of the notice of dismissal. The Advisor shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent by the Advisor to the president of the Disciplinary Board, along with a statement that the Complainant appeals the dismissal. The intake report and any related information, in the case of a dismissal, shall be retained by the Intake Officer and may be considered in connection with any additional information that may come to the Intake Officer thereafter concerning the subject Member of the Clergy.

Sec. 7. When the matter involves a lay person, it proceeds according to the provisions of Canon 6. Sec 6, with the following provisions.

1.) Should the lay minister be an employee of the Church under the supervision of a clergy person, that clergy person may, at any time, issue a pastoral instruction to the lay minister or employee.

A pastoral instruction must: (a.) be made in writing (b.) be made in agreement with the Bishop Diocesan, (c) otherwise agree with the provisions of Canon 7. Sec 2 with regards to pastoral directions. 2.) Directions provided by the Clergy or the Reference Panel may include actions such as limiting committee involvement, requiring parish transfer, limiting contact with priest, removal from parish, or firing - in the event of employment by the Church.

Sec. 6. Sec. 8. In the event of an appeal of a dismissal, the president of the Disciplinary Board shall, within thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the dismissal. The president shall promptly notify the Complainant and the Complainant's Advisor, the subject Member of the Clergy and the subject Member's Advisor, if any, the Intake Officer, and the Bishop Diocesan of the decision. If the decision is to overrule the dismissal, the president shall refer the intake report to the Reference Panel within 15 days.

Sec. 7. Sec. 9. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. At the same time as forwarding the intake report to the Reference Panel, the Intake Officer shall send a notice to the subject Member of the Clergy informing him or her of the nature of the alleged Offense(s), the identity of any persons who have been designated as Complainants, and describing the next procedural steps that the Member of the Clergy can anticipate. The notice shall also remind the Member of the Clergy of his or her duty under Canon IV.3.1(b) to cooperate in the subsequent proceedings.

Sec. 8. Sec. 10. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall monitor the progress of each referral on a monthly basis to ensure that the matter is progressing in a timely fashion. 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.

Sec. 9. Sec. 11. If the determination of the Reference Panel is to take no action other than an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination to take no action other than an appropriate

pastoral response. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.8. ~~Sec. 10.~~ Sec. 12. All communications and deliberations during the intake and referral stages shall be confidential except as the Bishop Diocesan deems to be pastorally appropriate or as required by law.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 552-554.



Resolution Number: 2015-A131
Title: Amend Canon IV.6.7 [Of Intake and Referral of Information]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.6.8 be amended to read as follows:

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. *The Reference Panel shall monitor the progress of each referral on a monthly basis to ensure that the matter is progressing in a timely fashion. 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.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 714.



Resolution Number: 2015-A132
Title: Amend Canon IV.6.7 [Of Intake and Referral of Information]
Legislative Action Taken: Concurred
Final Text:

Resolved, That Canon IV.6.9 be amended to read as follows:

Sec. 9. If the determination of the Reference Panel is to take no action other than an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination to take no action other than an appropriate pastoral response. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.8.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 714.



Resolution Number: 2012-A033
Title: 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]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the following sections of Canons IV.2, be amended to read as follows:

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

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

Conference Panel shall mean a panel of one, ~~two or three~~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.

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

Resolved, that Canon IV.5.3 (i) be amended as follows:

(i) Any Diocese may agree in writing with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.; and be it further

Resolved, that Canon IV.6.5, IV.6.7 and IV.6.8 be amended as follows:

Sec. 5. If the Intake Officer determines that the information, if true, would not constitute an Offense, the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide written notice to the Complainant and the Bishop Diocesan

of the decision of dismissal, the reasons therefor, and the Complainant's right to appeal the decision within thirty days of the date of the notice and shall send a copy of that notice and the written intake report to the president of the Disciplinary Board. If the Complainant wishes to appeal the dismissal, the Intake Officer shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent to the president of the Disciplinary Board, along with a statement that the Complainant appeals the dismissal. The intake report and any related information, in the case of a dismissal, ~~may~~ shall be retained by the Intake Officer and *may be* considered in connection with any additional information that may come to the Intake Officer thereafter concerning the subject Member of the Clergy.

Sec. 7. If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, by lot or by other random means, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. ~~A Conference Panel may consist of one or more person. A Hearing Panel shall consist of not less than three persons and shall include both clergy and lay members. The president shall be ineligible to serve on either Panel.~~

Sec. 8. The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) *to the Conference Panel pursuant to Canon IV.12; or (e)* referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel.; and be it further

Resolved, that Canon IV.7.11 be amended as follows:

Sec. 11. If a request for review of restriction on ministry or Administrative Leave is made prior to referral to the Conference Panel, then the review shall be conducted by the Conference Panel. If a request for review of restriction on ministry or Administrative Leave is made subsequent to referral to the Conference Panel but prior to referral to the Hearing Panel, the review shall be conducted by the Conference Panel. If a request for review of restriction on ministry or Administrative Leave is made subsequent to referral to the Hearing Panel, the review shall be conducted by the Hearing Panel. The question before a Panel reviewing a restriction on ministry or Administrative Leave is whether, at the time of the review and based upon information then available to the Panel, the restrictions on ministry or Administrative Leave and the terms and conditions thereof are warranted. The review may be conducted either personally or telephonically. The Intake Officer, the Respondent, ~~or the Respondent's Advisor, the Respondent's counsel, if any, or both,~~ the Bishop Diocesan, the Chancellor and the Church Attorney shall each be afforded the opportunity to be present, either personally or telephonically, at the review, 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.; and be it further

Resolved, that Canon IV.8.2 and IV.8.3 be amended as follows:

Sec. 2. In each pastoral response the Bishop Diocesan shall consider offering pastoral care to all those *who may be* affected by ~~the-an alleged~~ Offense ~~or allegations thereof~~. Pastoral care shall be considered for the Complainant, the Complainant's family, the Respondent, the Respondent's family, Injured Persons, Injured Persons' families, any affected Community, witnesses, and the Disciplinary Board.

Sec. 3. In every case, and notwithstanding any other provision of this Title to the contrary, the Bishop Diocesan may disclose such information concerning any *alleged* Offense or allegations thereof or concerning any Accord or Order as the Bishop Diocesan deems pastorally appropriate.;and be it further

Resolved, that Canon IV.9 be amended by adding a new Section 4 as follows:

Sec. 4. Accords under this Section shall be subject to all the provisions of Canon IV.14 regarding Accords, not inconsistent with this Section.; and be it further

Resolved, that Canons IV.11.3 and IV.11.5 be amended as follows:

Sec. 3. The Investigator shall present the findings of the investigation in writing to the Reference Panel. The Reference Panel may meet with the Investigator and shall consider the report to determine whether to (a) take no action other than appropriate pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) refer the matter to conciliation pursuant to Canon IV.10; (d) require further investigation; or (e) refer the matter to the Conference Panel pursuant to Canon IV.12, or to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

Sec. 5. All investigations shall be confidential ~~except until such time as information obtained may be utilized by the Church Attorney, the Bishop Diocesan or the Panels upon the consent of the person interviewed or as the Bishop Diocesan deems pastorally necessary, and all. All~~ Persons, prior to being interviewed by the investigator, shall be advised of the confidential nature of the investigation and when such information may be shared during the course of the proceedings.; and be it further

Resolved, that Canon IV.12.3, IV.12.4, IV.12.7, IV.12.8 and IV.12.12 be amended 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 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 days after service of the notice upon the Respondent.

Sec. 4. The Respondent shall attend the conference and may be accompanied by an Advisor or counsel, if any, or both.

Sec. 7. The proceedings of the Conference Panel shall be informal and conversational. The Conference Panel shall describe the alleged Offense to the Respondent. The Conference Panel shall hear from the Complainant or the Complainant's Advisor or both, if either or both are present, and from the Respondent ~~or~~ and the Respondent's Advisor or counsel, if any, or both. At its discretion, the Conference Panel may hear from the Investigator or any other persons present, and may direct the Investigator to conduct additional investigation and suspend its proceedings to allow such investigation to be completed. At its discretion, the Conference Panel may confer with any participants outside the presence of the other participants.

Sec. 8. No witnesses shall be called to testify at the proceedings before the Conference Panel. No record of the proceedings of the Conference Panel shall be made. The conference shall be closed to all except the members of the Conference Panel and invited participants. Proceedings before the Conference Panel shall be confidential except as may be provided in

an Order or Accord or as provided elsewhere in this Title. *No statements made by any participant in such proceeding may be used as evidence before the Hearing Panel.*

Sec. 12. The Respondent or the Church Attorney may ~~refuse~~*object to* an Order issued by the Conference Panel by giving written notice of the ~~refusal~~*objection* to the president of the Conference Panel within fifteen days following the effective date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of ~~refusal~~*objection*, the president of the Conference Panel shall notify the president of the Disciplinary Board of the ~~refusal~~*objection* and the matter will proceed as provided in Canon IV.14.11.; and be it further

Resolved, that Canon IV.13.2 and IV.13.5 (d) be amended as follows:

Sec. 2. Upon receipt of a referral for Hearing Panel proceedings, the Church Attorney shall review all information acquired as of the time of such referral and, if necessary, shall revise or update the statement of the *alleged* Offense and shall provide the same to the Hearing Panel. The Hearing Panel shall issue a notice to the Respondent, to the Respondent's Advisor, *to Respondent's counsel, if any*, and to the Church Attorney.

Sec. 5. The Church Attorney and the Respondent shall each be afforded reasonable time and opportunity to prepare evidence for the hearing as follows:

(d) Discovery procedures *as approved in the discovery plan filed pursuant to Canon IV.13.5(a)* may include *written interrogatories*, oral or written deposition testimony of any person having knowledge pertaining to the *alleged* Offense or any defenses, ~~thereto~~*requests for production of documents or tangible objects, and requests for admissions of fact.*; and be it further

Resolved, that Canon IV.14.4, IV.14.5, IV.14.11, and IV.14.12 be amended as follows:

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

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

Sec. 11. If the Order is issued by a Conference Panel, the Respondent may ~~refuse~~*object to* the Order as provided in Canon IV.12.12 and the matter shall be referred to a Hearing Panel for hearing as provided in Canon IV.13.

Sec. 12. *If there has been no objection by the Respondent*, notice of Accords and Orders which ~~shall have become effective and are not subject to refusal by the Respondent~~ shall be given without delay as follows:

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

Resolved, that Canon IV.14 be amended by adding a new section IV.14.13 as follows:

Sec. 13. *In every case, notwithstanding any other provision of this Title to the contrary, the Bishop Diocesan may disclose such information concerning any Offense or allegations thereof or concerning any Accord or Order as the Bishop Diocesan deems appropriate.*; and be it further

Resolved, that Canon IV.19 be amended as follows:

Sec. 10. Each Diocese shall make provision for Advisors to be available to Respondents and Complainants as provided in this Canon for the purposes of support, assistance, consultation and advice regarding the process provided in this Title and the rights, responsibilities, consequences and alternatives pertaining thereto.

(a) The Bishop Diocesan shall make an Advisor available to the Respondent not later than the earliest of (1) reference for conciliation, to the Conference Panel or to the Hearing Panel, (2) the imposition of restriction on ministry or placement on Administrative Leave, ~~or~~ (3)*the Respondent or Bishop Diocesan proposing terms of discipline to the other under Canon IV.9, or* (4) any interrogation or request for a statement or other information from the Respondent.

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

Resolved, that Canon IV.19.22 be amended as follows:

Sec. 22. ~~A Hearing Panel~~*Disciplinary Board* or Court of Review may in its discretion obtain legal counsel to give it ~~or the President of the Board or one of its Panels~~ opinions on any questions of law, procedure or evidence. Such legal counsel, if any, shall have no vote in any proceeding before the ~~Hearing Panel~~*Disciplinary Board, one of its Panels*, or Court of Review.; and be it further

Resolved, that Canon I.9.8 be amended as follows:

Sec. 8. The Provincial Synod shall have power: (a) to enact Ordinances for its own regulation and government; ~~(b) to elect judges of the Provincial Court of Review;~~ (e)*(b)* to perform such duties as many be committed to it by the General Convention; ~~(d)~~*(c)* to deal with all matters

within the Province; *Provided, however,* that no Provincial Synod shall have power to regulate or control the internal policy or affairs of any constituent Diocese; and *Provided, further,* that all actions and proceedings of the Synod shall be subject to and in conformity with the provisions of the Constitution and the Canons for the government of this Church; (e)(d)to adopt a budget for the maintenance of any Provincial work undertaken by the Synod, such budget to be raised in such manner as the Synod may determine; (f)(e) to create by Ordinance a provincial Council with power to administer and carry on such work as may be committed to it by the General Convention, or by the Presiding Bishop and the Executive Council, or by the Synod of the Province.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 293-298.