

## General Convention of The Episcopal Church 2024 Archives' Research Report

**Resolution No.:** 2024-A104  
**Title:** Amend Canon IV.6.9  
**Proposer:** Court of Review  
**Topic:** Canons, Discipline

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**Directly Related:** (Attached)

2018-A133 Amend Canon IV.6 [Of Intake and Referral of Information Concerning Offenses]

**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](#).*

# A104 - Amend Canon IV.6.9

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**Final Status:** Not Yet Finalized

**Proposed by:** Court of Review

**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

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## Resolution Text

*Resolved*, the House of \_\_\_\_\_ concurring,

That Canon IV.6.9 is hereby amended 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.6.9.

Absent extraordinary circumstances, and notwithstanding any other provision of this Title, all matters reported to an Intake Officer shall reach final, non-appellate, resolution within 15 months of the initial Intake Report date. 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. 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. The President of the Disciplinary Board, following consultation with the relevant panels, may, in their sole discretion, reasonably adjust any time periods specified in this title related to matters before panels, for the purposes of ensuring timely progress.

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

IV.6.9.

*Absent extraordinary circumstances, and notwithstanding any other provision of this Title, all matters reported to an Intake Officer shall reach final, non-appellate, resolution within 15 months of the initial Intake Report date. 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. *The President of the Disciplinary Board, following consultation with the relevant panels, may, in their sole discretion, reasonably adjust any time periods specified in this title related to matters before panels, for the purposes of ensuring timely progress.**

## **Explanation**

One of the persistent concerns the Court of Review has heard from the church since its inception, is the length of time it takes Title IV matters to progress from Intake to final resolution. In many cases, the longer a matter is pending, the greater the harm experienced by potentially injured parties, affected communities, complainants, and dioceses. Further, it has been the repeated experience of Hearing Panels conducted in The Episcopal Church that process delay has become an intentional procedural tactic employed by various participants. While the canons provide specific opportunities to limit delay at some later stages of the process, even those tools are often ineffective in the face of extensive discovery and motion arguments, continuance requests, scheduling conflicts, and other sources of delay. This amendment would attempt to reduce overall process length by prioritizing the needs of injured parties, affected communities, complainants, and Dioceses, by setting an overall time limit of 15 months from the date of the initial written Intake Report within which Title IV matters must reach final adjudication, absent extraordinary circumstances (such as, for example, pending criminal trials). It would also empower the President of the Disciplinary Board, after consultation with the relevant panel, to adjust any time periods prescribed by Title IV at various stages of panel consideration to accomplish this objective. This approach helps our disciplinary process better balance the overall objectives of Title IV and the needs of all the various parties.



**Resolution Number:** 2018-A133  
**Title:** Amend Canon IV.6 [Of Intake and Referral of Information Concerning Offenses]  
**Legislative Action Taken:** Concurred as Amended  
**Final Text:**

*Resolved*, 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 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 establish a schedule for each approved option and the President of the Disciplinary Board shall be responsible for monitoring each such schedule.*

**Sec. 9.** 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.*

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 1145-1146.