

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A141
Title: Amend Canon IV.6.9 - Monthly Reports
Proposer: Standing Commission on Structure, Governance, Constitution and Canons
Topic: Canons, Discipline

Directly Related: (Attached)

2018-A133 Amend Canon IV.6 [Of Intake and Referral of Information Concerning Offenses]
2015-A131 Amend Canon IV.6.7 [Of Intake and Referral of Information]

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](#).

A141 - Amend Canon IV.6.9 - Monthly Reports

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: HD

Legislative Committee Currently Assigned: 18 - Title IV Disciplinary Canons

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

Resolved, the House of _____ concurring,

That the 81st General Convention amend Canon IV.6.9 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.>**

Sec. 9. The Reference Panel must 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 will 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. Should the Intake Officer not report at least monthly, the Respondent or the Complainant may petition the President of the Disciplinary Board who shall provide a report not later than 15 days from the date of the petition.

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

Sec. 9. The Reference Panel shall *must* 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 *will* 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. *Should the Intake Officer not report at least monthly, the Respondent or the Complainant may petition the President of the Disciplinary Board who must provide a report not later than 15 days from the date of the petition.*

Explanation

A hallmark of the Title IV process is an appropriate pastoral response for all involved, and the key to good pastoral care is clear communication. When communication breaks down, it is often the case that both the Complainant and the Respondent feel isolated and become fearful to follow up. This amendment makes clear the remedy both parties have should communication breakdown. The appeal is lodged with the President of the Disciplinary Board to allow for cases in which the Bishop is the Complainant.



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.



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.