

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-A117
TITLE: Amend Canon IV.6.9
PROPOSER: Standing Commission on Structure, Governance, Constitution and Canons
TOPIC: Canons

Directly Related: (Attached)

None

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

2015-A132 Amend Canon IV.6.9 [Of Intake and Referral of Information]

Supplemental Documents: (Linked)

(Blue Book) Report to General Convention, [Standing Commission on Structure, Governance, Constitution and Canons](#), see page 430.

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, 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 at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

A117 Amend Canon IV.6.9

Proposer	Standing Commission on Structure, Governance, Constitution and Canons
Topic	Canons
Endorsed by	
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. 140-141
HiA / Leg. Cttee	/
Current Status	Resolution Filed
Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the 79th General Convention amend Canon IV.6.9 as follows:
- 2 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.*

EXPLANATION

Currently, there is no appeal process for a decision to take no action by the Reference Panel, which creates a gap within the Title IV process. This revision allows a Complainant the ability to appeal a

decision by the Reference Panel by going to the Hearing Panel.