

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

RESOLUTION NO.: 2018-A132
TITLE: Amend Canon IV.14 Notice of Accords
PROPOSER: Standing Commission on Structure, Governance, Constitution and Canons
TOPIC: Discipline

Directly Related: (Attached)

2015-A136 Amend Canon IV.14.4 [Of Accords and Orders]
2015-A140 Amend Canon IV.14.12 [Of Accords and Orders]

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

2015-A141 Amend Canon IV.14.12(b) [Of Accords and Orders]

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.

A132 Amend Canon IV.14 Notice of Accords

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. 153, 154-155
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 Canon IV.14 be amended as follows:
- 2 *Sec. 4. In the case of any Accord that has become effective:*
- 3 (a) ~~A~~ a copy of the Accord shall be sent to the Complainant, the Complainant's Advisor, *the Complainant's counsel, if any*, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Church Attorney, the president of the Disciplinary Board, ~~and~~ the Bishop Diocesan by the Conciliator or the president of the Conference Panel (whichever the matter was before when the Accord was reached), *the Presiding Bishop, the President of the House of Deputies and the Secretary of the General Convention* on the date on which the Accord is signed.;
- 4 (b) 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 president of the panel to which the matter is assigned and the persons listed in ~~this Section~~ *subsection (a), above*, on the date the Accord becomes effective and irrevocable.;
- 5 (c) *in the case of any Accord pertaining to a Bishop, the Presiding Bishop shall provide a full and complete copy of the Accord to (i) in the case of a Bishop Diocesan, Bishop Suffragan serving under Article II.5, or Bishop serving under Canon III.13, to the Standing Committee of that Diocese, (ii) in the case of a Bishop Suffragan, Bishop Coadjutor, or Assistant Bishop, to the Bishop Diocesan and the Standing Committee of that Diocese.*
- 6 *Sec. 5. The Bishop Diocesan shall have twenty (20) days from the date on which the Accord is entered 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 twenty (20) days following the date on which the Accord is entered and not later than forty (40) 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 becomes effective and irrevocable.

7 And be it further,

8 *Resolved*, That a new Section 12 be added to Canon IV.14 and successive sections renumbered:

9 *Sec. 12. In the case of any Order issued by a Conference Panel, Hearing Panel or a Provincial Court of Review or Court of Review for Bishops:*

10 *(a) a copy of the Order shall be sent to the Complainant, the Complainant's Advisor, the Complainant's counsel, if any, the Respondent, the Respondent's Advisor, the Respondent's counsel, if any, the Church Attorney, the president of the Disciplinary Board, the Presiding Bishop, the President of the House of Deputies and the Secretary of the General Convention on the date on which the Order is signed; and*

11 *(b) in the case of any Order pertaining to a Bishop, the President of the Disciplinary Board for Bishops shall provide a full and complete copy of the Order (i) in the case of a Bishop Diocesan, Bishop Suffragan serving under Article II.5, or Bishop serving under Canon III.13, to the Standing Committee of any Diocese in which they are serving, and (ii) in the case of a Bishop Suffragan, Bishop Coadjutor, or Assistant Bishop, to the Bishop Diocesan and the Standing Committee of any Diocese in which they are serving.*

12 And be it further

13 *Resolved*, That Canon IV.14.12 is hereby amended to read as follows:

14 *Sec. 12-13.* If there has been no objection by the Respondent or the Church Attorney to the Order(s), notice of Accords and Orders which have become effective shall be given without delay as follows:

15 *(a) In the case of any Accord or Order that has become effective and that contains a Restriction on Ministry or a Sentence 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 President of the House of Deputies; to the Recorder of Ordinations; to the Archives; to the Secretary of the House of Bishops; to the Secretary of the House of Deputies; to the Secretary of*

the General Convention; to the Church Pension Fund; and and to the Office of Transition Ministry; the Archives; and to the Secretary of the House of Bishops and the Secretary of the House of Deputies. If the Priest or Deacon is canonically resident in a Diocese other than the Diocese in which the matter is being heard, the Bishop Diocesan of the Diocese of canonical residence shall also 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.

- 16 (b) In the case of any Accord or Order *that has become effective and that contains a Restriction on Ministry or a Sentence* pertaining to a Bishop, the Presiding Bishop shall give notice of the Accord or Order to the Ecclesiastical Authority of every Diocese of the Church, to the Standing Committees of every Diocese of the Church, to the Recorder of Ordinations, ~~to the Office of Transition Ministry,~~ and to the Secretary of the House of Bishops, *to the President of the House of Deputies, to the Secretary of the General Convention, to the Archives, and to the Office of Transition Ministry* and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.
- 17 (c) *In the case of any Accord or Order that has become effective and that contains a Sentence of Suspension or Deposition pertaining to a Bishop, the Presiding Bishop shall give notice of the Accord or Order to those parties listed in subsection (b), above, and to all Archbishops, Metropolitans, Presiding Bishops and heads of Churches in full communion with this Church.*
- 18 (ed) All notices given pursuant to this Canon shall reference the Canon(s), section(s) and subsection(s) specifying the Offense which is the subject of the Accord or Order.
- 19 (de) Similar notice shall be given whenever there is any modification or remission of any Order for which notice has previously been given pursuant to this Canon

EXPLANATION

In addition to minor revisions to improve the clarity of the canon, these revisions address certain flaws in the current structure for notices to be provided under the canon. Specifically, the Presiding Bishop and the President of the House of Deputies are responsible for hundreds of appointments of Bishops, Priests and lay persons to bodies of General Convention and affiliated organizations. They are each responsible, solely or jointly, for appointing Bishops, Priests, Deacons and lay persons to various bodies. The Secretary of the General Convention is responsible for many of the bodies of General Convention. Therefore, the Presiding Officers need to know the extent of any and all discipline, restrictions, and similar actions that has been taken under Title IV so that they can consider such information when making appointments.

A Notice of an Accord or Order merely informs the recipient that there has been an outcome of a Title IV complaint or proceeding but does not give any information about what the outcome is. Therefore, it is necessary for the Presiding Officers and the person who tracks many of the General Convention bodies to have the detailed information about such actions.

In 2015, Canon IV.14.12(a) was amended to add the President of the House of Deputies to the list of persons and offices who receive notices of Accords and Orders pertaining to Priests and Deacons. However, the parallel provision pertaining to Bishops was not amended at that time to provide notice to the President. The President of the House of Deputies does make appointments of Bishops to various bodies of the General Convention, either solely or jointly with the Presiding Bishop. Examples include the joint appointment of members of Executive Council to Executive Council committees pursuant to Executive Council Bylaws, joint nomination of Audit Committee members pursuant to Canon, and appointment of members of the President's Council of Advice which currently includes a Bishop. Thus, the President needs to be aware of the status of all members of the Clergy and their eligibility to serve on bodies of the General Convention or whose terms end upon the imposition of an Accord or Order pursuant to Canon V.4.1.

Similarly, Canon IV.14.12(b) is not parallel to Canon IV.14.12(a) on Priests and Deacons in that it does not provide for notice of Accords and Orders pertaining to Bishops to be provided to the Archives or to Executive Officer of the General Convention who is charged with overseeing the work of bodies created by General Convention. Notice to the Executive Officer, rather than to the Secretary of the House of Deputies, as the Secretary of the House of Deputies does not have a role in maintaining records relating to Bishops.



Resolution Number: 2015-A136
Title: Amend Canon IV.14.4 [Of Accords and Orders]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.14.4 be amended to read 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, *the president of the Disciplinary Board*, 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~~ *date on which the Accord is signed*. 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 president of the panel to which the matter is assigned* and the persons listed in this Section on the date the Accord becomes effective and irrevocable.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 712.



Resolution Number: 2015-A140
Title: Amend Canon IV.14.12 [Of Accords and Orders]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.14.12 and Canon 14.12(a) be amended to read as follows:

Sec. 12. *If there has been no objection by the Respondent or the Church Attorney to the Order(s), notice of Accords and Orders which have become effective 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 President of the House of Deputies; to the Recorder of ordinations; to the Office of Transition Ministry; the Archives; and to the Secretary of the House of Bishops and the Secretary of the House of Deputies.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 715.