

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

RESOLUTION NO.: 2018-A133
TITLE: Amend Canon IV.6 -Timing of Reference Panel Meetings
PROPOSER: Standing Commission on Structure, Governance, Constitution and Canons
TOPIC: Canons

Directly Related: (Attached)

2015-A131 Amend Canon IV.6.8 [Of Intake and Referral of Information]
2015-A132 Amend Canon IV.6.9 [Of Intake and Referral of Information]
2009-A185 Amend Title IV [Ecclesiastical Discipline]

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

2015-A129 Amend Canons IV.6.5-6 [Of Intake and Referral of Information] and IV.19.10 [Of General Provisions]

Supplemental Documents: (Linked)

(*Blue Book*) Report to General Convention, [Standing Commission on Structure, Governance, Constitution and Canons](#), see pages 449-450.

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.

A133 Amend Canon IV.6 -Timing of Reference Panel Meetings

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 Canon IV.6 be amended by amending Sec. 8, adding a new Sec. 9 and renumbering all subsequent Sections:
 - 2 Sec. 8. The Reference Panel shall meet as soon as possible, *but no longer than fourteen (14) days*, 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 initial referral shall be made no later than thirty (30) days after receiving the Intake Report.*
 - 3 Sec. 9. (a) 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.*
 - 4 *(b) If the referral is for Conciliation pursuant to Section 8(b), unless waived in writing by the Respondent and Complainant, the Conciliation shall take place within 60 days of the referral.*
 - 5 *(c) If the referral is for investigation pursuant to Section 8(c), the investigation shall be completed within 90 days of the referral.*
 - 6 *(d) If the referral is to the Conference Panel pursuant to Section 8(d), the Conference Panel shall complete its proceedings within four months of the referral.*
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- 7 *(e) If the referral is for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Section 8(e) and an agreement for discipline resulting in an effective Accord is not reached within ninety (90) days of the referral, unless waived in writing by both the Respondent and the Complainant, the Reference Panel shall re-refer the matter under Sections 8(b), (c), or (d). The re-referral shall be made by the Reference Panel within fourteen (14) days of the expiration of the ninety (90) day period for the reaching of an effective Accord herein.*
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EXPLANATION

In the 2009 revision, too many timeframes were removed and attempts to reinstate them in 2015 were stripped out in committee. Given the realities on the ground and the experiences of those who are currently using Title IV, this needs to be revisited in 2018. This is a justice issue and an issue of taking care of people. We need to remember the courage it takes to make a claim.



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: 2009-A185
Title: Amend Title IV [Ecclesiastical Discipline]
Legislative Action Taken: Concurred as Amended
Final Text:

[*Resolved*, that Canon IV.6 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 or (d) 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.

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.

Sec. 10. 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: Canon IV.6 is excerpted from the Final Text of 2009-A185, which revised Canon IV. See General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 227-266.