

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

RESOLUTION NO.: 2018-A183
TITLE: Amend Article IX - First reading
PROPOSER: Standing Commission on Structure, Governance, Constitution and Canons
TOPIC: Constitution

Directly Related: (Attached)

(None)

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

2009-A185 Amend Title IV [Ecclesiastical Discipline]

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.

A183 Amend Article IX - First reading

Proposer	Standing Commission on Structure, Governance, Constitution and Canons
Endorsed by	
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. 8
HiA / Leg. Cttee	HD / 03 - Safeguarding and Title IV
Current Status	Pre-Filed Resolution
Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the Constitution Article IX be amended to read as follows:
- 2 Article IX
- 3 The General Convention may, by Canon, establish one or more Courts for the Trial of Bishops.
- 4 Presbyters and Deacons ~~canonically resident in a Diocese shall be tried by a Court instituted by the General Convention by Canon. thereof;. Presbyters and Deacons canonically resident in a Missionary Diocese shall be tried according to Canons adopted by the Bishop and Convocation thereof, with the approval of the House of Bishops; provided that the General Convention in each case may prescribe by Canon for a change of venue.~~
- 5 The General Convention, in like manner, may establish or may provide for the establishment of Courts of Review of the determination of diocesan or other trial Courts.
- 6 The Court for the review of the determination of the trial Court, on the trial of a Bishop, shall be composed of Bishops only.
- 7 The General Convention, in like manner, may establish an ultimate Court of Appeal, solely for the review of the determination of any Court of Review on questions of Doctrine, Faith, or Worship.
- 8 None but a Bishop shall pronounce sentence of suspension, or removal, or deposition from the Ministry, on any Bishop, Presbyter, or Deacon; and none but a Bishop shall admonish any Bishop, Presbyter, or Deacon.
- 9 A sentence of suspension shall specify on what terms or conditions and at what time the suspension shall cease. A sentence of suspension may be remitted in such manner as may be provided by Canon.

EXPLANATION

Currently, the Constitution requires that Priests and Deacons be tried by Courts created by each Diocesan Convention. The result is that there are over 100 disciplinary structures to carry out Title IV

proceedings that require filling a minimum of 12 people (Disciplinary Board, Intake Officer, Advisors, Church Attorney, and Investigator) and often many more (Disciplinary Boards larger than the minimum number of seven, multiple Church Attorneys to handle different kinds of cases, more Advisors, etc.).

This amendment would allow for the possible creation of provincial, church wide or other ways of providing for the discipline of Priests and Deacons besides by each and every diocese without requiring any changes to the current diocesan system.



Resolution Number: 2012-C116
Title: Review Title IV Constitutionality
Legislative Action Taken: Concurred
Final Text:

Resolved, That the Standing Commission on Constitution and Canons be directed to review Title IV, as amended, with regard to the constitutionality of the power granted therein to the Presiding Bishop to restrict the ministry of a Diocesan Bishop for an alleged offense without the consent of the Standing Committee for the Diocese or, in the case of alleged abandonment, the consent of the three senior Bishops as was the case prior to adoption of the amendments to Title IV by the 76th General Convention; and be it further

Resolved, That the Standing Commission on Constitution and Canons be directed to review Title IV, as amended, with regard to the constitutionality of the creation of a charging and trial system applicable to Presbyters and Deacons in violation of Article IX of the Constitution which provides that Presbyters and Deacons shall be tried by a Court instituted by the Convention of the Diocese; and be it further

Resolved, That each such review by the Standing Commission on Constitution and Canons include a process by which all interested persons may be heard on the issue; and be it further

Resolved, That the Standing Commission on Constitution and Canons submit a report on its findings with regard to these matters to the 78th General Convention.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), p. 333.



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

[*Resolved*, That Canon IV.5 is amended to read as follows:]

CANON 5: Of Disciplinary Structures

Sec. 1. Each Diocese shall, by Canon, create a court to be known as the Disciplinary Board as described in this Canon. Each such Board shall consist of not fewer than seven persons to be selected as determined by Diocesan Canon. The membership of each Board shall include lay persons and Priests or Deacons, and the majority of the Board members shall be Priests or Deacons, but by no more than one. Within sixty days following each Diocesan convention, the Board shall convene to elect a president for the following year, unless another method for selection of the president is provided by Diocesan Canon.

Sec. 2. The provisions of Canon IV.19 shall apply to all Disciplinary Boards.

Sec. 3. The following rules shall govern the operations of all Disciplinary Boards:

(a) In the event of any Board member's death, resignation or declination to serve, or disability rendering the member unable to act, the president shall declare a vacancy on the Board.

(b) Notices of resignation or declination to serve shall be communicated in writing to the president.

(c) No person serving in a Diocese as Chancellor, Vice-Chancellor, Advisor, Conciliator, Church Attorney, Intake Officer or Investigator may serve on the Disciplinary Board of that Diocese, and no member of a Disciplinary Board may be selected to serve in one of those positions in the same Diocese. A member of the Standing Committee of a Diocese may serve on the Disciplinary Board if the Canons of the Diocese so provide. If any Priest elected to the Board is elected a Bishop, or any lay member is ordained prior to the commencement of a proceeding under this Title, that person shall immediately cease to be a member of the Board. If a proceeding has been commenced, that person may continue to serve on the Board for all proceedings in that matter through final disposition. A lay person ceasing to be a member under this subsection by reason of ordination may be appointed to fill a vacancy in the clergy members of the Board.

(d) Each Diocese shall provide by Canon for the filling of vacancies on the Board. In the event there be no such canonical provision by the Diocese, any vacancy occurring on the Board shall be filled by appointment of the Bishop Diocesan and the appointee shall be of the same order as the Board member being replaced.

(e) Proceedings of the Panels of the Disciplinary Board shall be conducted within the rules provided in this Title. The Board may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

(f) The rules of evidence for proceedings are as provided in Canon IV.13.6.

(g) The Disciplinary Board shall appoint a clerk who may be a member of the Board, who shall be custodian of all records and files of the Disciplinary Board and who shall provide administrative services as needed for the functioning of the Board.

(h) The Disciplinary Board shall keep a record of all proceedings before its Hearing Panels in a format that can be reduced to a transcript if necessary. The record of each proceeding shall be certified by the president of the Panel. If the record cannot be certified by the president by reason of the president's death, disability or absence, the record shall be certified by another member of the Panel selected by a majority of the remaining members of the Panel.

(i) Any Diocese may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.

(j) Church Attorneys, Intake Officers, Advisors, Investigators and Conciliators need not reside in or be members of the Diocese proceeding under this Title. Members of Disciplinary Boards shall be members of the Diocese in which they serve unless such Diocese has entered into an agreement for the sharing of resources as provided in Canon IV.5.3(i).

Sec. 4. In each Province there shall be a court to be known as the Provincial Court of Review, with jurisdiction to receive and determine appeals from Hearing Panels of Dioceses within the Province as provided in Canon IV.15 and to determine venue issues as provided in Canon IV.19.5.

(a) The Provincial Court of Review shall consist of: (i) one Bishop of the Province; two Priests, or one Priest and one Deacon; and two lay persons; and (ii) one Bishop, one Priest or Deacon, and one lay person to serve as alternates as hereinafter provided. Each Priest or Deacon, whether a member or alternate, shall be canonically resident in a Diocese of the Province different from any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a Diocese of the Province different from any other lay person. The Priests, Deacons and lay persons shall be members of the Disciplinary Boards of their respective Dioceses.

(b) The members and alternates of the Provincial Court of Review shall be appointed annually by the president of the Province. The Provincial Court of Review shall select a president from among its members.

(c) The persons appointed to the Provincial Court of Review shall continue to serve until their respective successors have been appointed, except in case of death, resignation or declination to serve.

(d) No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.

(e) In the event that any member of the Provincial Court of Review is excused pursuant to the provisions of Canon IV.5.3(c), or, upon objection made by either party to the appeal is deemed by the other members of the Provincial Court of Review to be disqualified, such member's alternate shall serve.

(f) In the event of any Provincial Court of Review member's death, resignation or declination to serve, or disability rendering the member unable to act or is ineligible to serve under Canons IV.5.4(d) or (e), and in the further event that there is no alternate available to serve, the president of the Provincial Court of Review shall declare a vacancy on the Provincial Court of Review. Notices of resignation or declination to serve shall be communicated in writing to the president of the Provincial Court of Review.

(g) Vacancies on the Provincial Court of Review shall be filled by appointment by the president of the Province of persons qualified as provided in Canon IV.5.4(a).

(h) The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who shall be custodian of all records and files of the Provincial Court of Review and who shall provide administrative services as needed for the functioning of the Court.

(i) The rules of procedure for appeals to the Provincial Court of Review are as provided in Canon IV.15, but the Provincial Court of Review may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.

Citation: Canon IV.5 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.



Resolution Number: 2003-D062
Title: Amend Constitution Article IX [Trial Court of Bishops-Second Reading]
Legislative Action Taken: Concurred
Final Text:

Resolved, That the first paragraph of Article IX of the Constitution be amended to read as follows:

The General Convention may, by Canon, establish *one or more a-Court Courts* for the Trial of Bishops, ~~which shall be composed of Bishops only.~~

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Minneapolis, 2003* (New York: General Convention, 2004), p. 570f.