

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

**RESOLUTION NO.:** 2018-D026  
**TITLE:** Amend Canons I.17 and III.1.2 -Non-Discrimination in Hiring and Clergy  
Deployment  
**PROPOSER:** The Rev. Beth Scriven  
**TOPIC:** Canons

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**Directly Related:** (Attached)

2012-D002 Amend Canon III.1.2 [Access to Discernment Process for Ministry]  
2012-D019 Amend Canon I.17.5 [Rights of Laity]

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

2009-C048 Support Employment Non-discrimination Laws  
2009-D032 Commit to Non-Discrimination in Lay Employment  
1994-C020 Amend Canon I.17.5 [Of Regulations Respecting the Laity]  
1991-A090 Reduce Discrimination in Clergy Deployment  
1982-B019 Oppose Discrimination on the Basis of Age in Calling Clergy  
1976-C066 Consider Ways of Fostering Fair Employment Practices for Women in Ministry

*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.*

# D026 Amend Canons I.17 and III.1.2 -Non-Discrimination in Hiring and Clergy Deployment

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<b>Proposer</b>	The Rev. Beth Scriven
<b>Endorsed by</b>	Smith, The Rev. Nora; Spelman, The Rev. Kate
<b>Sponsored by</b>	
<b>Page numbers</b>	Blue Book: p. N/A; Constitution & Canons: p. 57,67
<b>HiA / Leg. Cttee</b>	HB / 02 - Constitution and Canons
<b>Current Status</b>	Resolution Filed
<b>Version</b>	Original (as filed)
<b>Review Status</b>	Not yet reviewed

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## RESOLUTION TEXT

- 1 *Resolved*, the House of \_\_\_\_\_ concurring, That Canon I.17.5 be amended to read as follows:
  - 2 Sec. 5 No one shall be denied rights, status or access to an equal place in the life, worship, ~~and~~ governance *or employment* of this Church because of race, color, ethnic origin, national origin, marital *or family* status (*including pregnancy or child care plans*), sex, sexual orientation, gender identity and expression, disabilities or age, except as otherwise specified by Canons.
- 3 And be it further
- 4 *Resolved*, That Canon I.17 be further amended by adding a new Section 6 and renumbering all subsequent sections:
  - 5 *Sec. 6 No employment search shall (a) include questions about race, color, ethnic origin, national origin, sex, marital or family status (including pregnancy and child care plans), sexual orientation, gender identity and expression, disabilities, or age, or (b) request a photograph of an applicant prior to an offer of employment being made and accepted.*
- 6 And be it further
- 7 *Resolved*, That Canon III.1.2 be amended to read as follows:
  - 8 Sec. 2 No person shall be denied access to the discernment process *or to any process for the employment, licensing, calling, or deployment* for any ministry, lay or ordained, in this Church because of race, color, ethnic origin, national origin, sex, marital *or family* status (*including pregnancy and child care plans*), sexual orientation, gender identity and expression, disabilities or age, except as otherwise provided by these Canons. No right to *employment, licensing, ordination, call, deployment* or election is hereby established.

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## EXPLANATION

Sources as varied as the Church Pension Group's annual Clergy Compensation Report, academic research (see for example: Svoboda-Barber, 2017; Danieleley, 2018; Nesbitt, 2014 and ongoing), and

copious self-reported stories all tell us that the Episcopal Church is no different from the rest of our country and world when it comes to under-employing and under-compensating women and other minority groups.

The exception is this: as a religious organization, the Church is generally exempt from many of the laws and best practice guidelines that protect applicants from discriminatory practices in hiring and employment, including those that limit what kinds of personal information an employer may use in hiring decisions. In the Church it is still the case that women are routinely asked about their plans for childbearing and child care; older and younger applicants alike are routinely asked to defend why they are applying for a particular position at their age; LGBTQ+ individuals are routinely asked intimate details about their home lives; and so on.

Additionally, the U.S. Equal Employment Opportunity Commission and the Society for Human Resources Management agree in their conclusion that applications that require a photograph measurably disadvantage women and people of color. Because initial impressions carry such strong unconscious weight, this conclusion continues to hold true even in an age where search engines and social media make it easy (and in some ways even commendable) to look up applicants during the employment process.

These amendments propose, therefore, that the Episcopal Church willingly submit itself to restrictions similar to the ones that protect applicants in secular employment, and further extend the protections we already apply to discernment for ordination, as one step forward into a more just and equitable Church for all people.



**Resolution Number:** 2012-D002  
**Title:** Amend Canon III.1.2 [Access to Discernment Process for Ministry]  
**Legislative Action Taken:** Concurred  
**Final Text:**

*Resolved, That Title III, Canon 1, Sec. 2 of the Canons of The Episcopal Church be hereby amended to read as follows:*

**Sec. 2. No person shall be denied access to the discernment process for any ministry, lay or ordained, in this Church because of race, color, ethnic origin, national origin, sex, marital status, sexual orientation, *gender identity and expression*, disabilities or age, except as otherwise provided by these Canons. No right to licensing, ordination, or election is hereby established.**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), p. 512.



**Resolution Number:** 2012-D019  
**Title:** Amend Canon I.17.5 [Rights of Laity]  
**Legislative Action Taken:** Concurred as Amended  
**Final Text:**

*Resolved, That Title I, Canon 17, Sec. 5 of the Canons of The Episcopal Church be hereby amended to read as follows:*

**Sec. 5. No one shall be denied rights, status or access to an equal place in the life, worship, and governance of this Church because of race, color, ethnic origin, national origin, marital status, sex, sexual orientation, *gender identity and expression*, disabilities or age, except as otherwise specified by Canons.**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 505-506.