

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

RESOLUTION NO.: 2018-D079
TITLE: Clarify Orders and Sentences in Title III, Title IV, and Title V
PROPOSER: Canon Paul Ambos
TOPIC: Canons

Directly Related: (Attached)

2015-A134 Amend Canon IV.12.12 [Of Conference Panels]
2015-A137 Amend Canon IV.14.5 [Of Accords and Orders]
2015-A138 Amend Canon IV.14.8 [Of Accords and Orders]
2015-A140 Amend Canon IV.14.12 [Of Accords and Orders]
2015-A141 Amend Canon IV.14.12(b) [Of Accords and Orders]
2015-A148 Amend Canon IV.19.30 [Of General Provisions]
2015-D055 Amend Canon V.1 [Of Enactment, Amendment, Repeal]
2012-A030 Amend Canons III.7, 9, 12 and Canon
2009-A185 Amend Title IV [Ecclesiastical Discipline]

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

None

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.

D079 Clarify Orders and Sentences in Title III, Title IV, and Title V

Proposer	Canon Paul Ambos
Endorsed by	Russell, The Rev. Daniel Scott; Bennett, The Rev. Gail
Sponsored by	
Page numbers	Blue Book: p. N/A; Constitution & Canons: p. 78, 97, 118-119, 135, 147-148, 153-156, 162, 165-166, 170, 173-175, 181
HiA / Leg. Cttee	/
Current Status	Pre-Filed Resolution
Version	Original (as filed)
Review Status	Not yet reviewed

RESOLUTION TEXT

- 1 *Be it resolved*, the House of _____ concurring, That Canon III.7.9 is hereby amended to read as follows:
- 2 Sec. 9. If a Deacon submitting the writing described in Section 8 of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Ecclesiastical Authority to whom such writing is submitted shall not consider or act upon the written request unless and until the disciplinary matter shall have been resolved by a dismissal *that is no longer subject to review or a Sentence pronounced pursuant to an Accord*, ~~Accord~~, or Order ~~and the time for appeal or rescission of such has expired.~~; and be it further
- 3 *Resolved*, That Canon III.9.11 is hereby amended to read as follows:
- 4 Sec. 11. If a Priest submitting the writing described in Section 8 or 9 of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Ecclesiastical Authority to whom such writing is submitted shall not consider or act upon the written request unless and the disciplinary matter shall have been resolved by a dismissal *that is no longer subject to review or a Sentence pronounced pursuant to an Accord*, ~~Accord~~, or Order ~~and the time for appeal or rescission of such has expired.~~; and be it further
- 5 *Resolved*, That Canon III.12.7(c) is hereby amended to read as follows:
- 6 Sec. 7. (c) In the case of the release and removal of a Priest from the ordained Ministry of this Church as provided in this Canon, a declaration of release and removal shall be pronounced by the Bishop in the presence of two or more Priests, and shall be entered in the official records of the Diocese in which the Priest being released and removed is canonically resident. The Bishop who pronounces the declaration of release and removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Priest was canonically

resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of *Ordinations*, the Secretary of the House of Bishops, the Secretary of the ~~General Convention~~*House of Deputies*, the President of the House of Deputies, The Church Pension Fund, and the Board Office for Transition Ministry, the Archives of The Episcopal Church, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.; and be it further

7 *Resolved*, That Canon III.12.7(b) is hereby amended to read as follows:

8 Sec. 7. (b) If a Bishop submitting the writing described in Section 7(a) of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Presiding Bishop shall not consider or act upon the written request unless and until the disciplinary matter shall have been resolved by a dismissal *that is no longer subject to review or a Sentence pronounced pursuant to an Accord*, ~~Accord~~, or Order ~~and the time for appeal or rescission of such has expired.~~; and be it further

9 *Resolved*, That Canon IV.4.1(d) is hereby amended to read as follows:

10 Sec. 1. (d) abide by the requirements of any applicable *Sentence pronounced pursuant to an Accord or Order*, or any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7; and be it further

11 *Resolved*, That Canon IV.12.12 is hereby amended to read as follows:

12 Sec. 12. The Respondent or the Church Attorney may object to an Order issued by the Conference Panel by giving written notice of the objection to the president of the Conference Panel within fifteen days following the date on which the Order is issued. Upon receipt of the notice of objection, the president of the Conference Panel shall notify and provide copies of the notice of objection to the Bishop, president of the Disciplinary Board and the non-objecting party. *The Order shall thereupon not be effective, and the president of the Disciplinary Board shall promptly notify members of the Hearing Panel and refer the matter to the Hearing Panel.*; and be it further

13 *Resolved*, That Canon IV.14.5 is hereby amended to read as follows:

14 Sec. 5. The Bishop Diocesan shall have twenty days from the date on which the Accord is entered *effective* 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 days following the date on which the Accord is entered-effective and not later than forty 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.; and be it further

15 *Resolved*, That Canon IV.14.8 is hereby amended to read as follows:

16 Sec. 8. (a) Except for an Order from a Conference Panel to which the Respondent or Church Attorney has timely filed a notice of objection, the Bishop Diocesan shall have ~~twenty-five~~ days from the date of the ~~issuance~~-effectiveness of the Order in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney, and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Order 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 Order.

17 (b) The Bishop Diocesan shall pronounce Sentence not sooner than ~~twenty-five~~ days following the ~~issuance~~-effectiveness of the Order and not later than forty days following the ~~issuance~~-effectiveness of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the Bishop Diocesan may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. 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 Order~~Sentence.

18 (c) *Following the receipt from the Provincial Court of Review of a notice of determination of an appeal of an Order, other than a dismissal of the matter or a direction granting a new hearing, the Bishop Diocesan shall have fifteen days in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney, and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Order 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 Order. The Bishop Diocesan shall then pronounce Sentence not sooner than twenty-five days following the receipt of the notice of determination of the appeal and not later than forty days following such receipt.; and be it further*

- 19 *Resolved*, That Canon IV.14.10 is hereby amended to read as follows:
- 20 Sec. 10. An Accord under Canon IV.9 shall be effective as provided in Canon IV.9.3. An Accord under Canon IV.10 or IV.12 shall be effective ~~thirty~~ *thirty-five* days following the date on which the Accord is signed by the Conciliator or the president of the Panel *and sent as provided in Canon IV.14.4*. An Order under Canon IV.12.11 is effective ~~thirty~~ *five* days following the date on which the Order is issued *and sent to the parties required by canon.*; and be it further
- 21 *Resolved*, That Canon IV.14.12 is hereby amended to read as follows:
- 22 Sec. 12. ~~If there has been no objection by the Respondent or the Church Attorney to the Order(s), notice of~~ *Notice of all Sentences pronounced pursuant to Accords and Orders which have become effective shall be given without delay as follows:*
- 23 (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~~ *Sentence* 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.
- 24 (b) In the case of any Accord or Order pertaining to a Bishop, the ~~Presiding Bishop~~ *president of the Disciplinary Board for Bishops* shall give notice of the ~~Accord or Order~~ *Order Sentence* to the *Secretary of Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of this Church, the Ecclesiastical Authority of every Diocese of the Church, to the Recorder of Ordinations, to the Office of Transition Ministry, to the Church Pension Fund, to the Archives, to the President of the House of Deputies, to the Secretary of the House of Deputies, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with this Church.*
- 25 (c) 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. *In addition to setting forth the Sentence pronounced, the notice shall set forth any other terms of the Accord or Order that are accepted by the Bishop Diocesan or Presiding Bishop which place restrictions upon the exercise of the ministry of the Member of the Clergy.*
- 26 (d) Similar notice shall be given whenever there is any modification or remission of any ~~Order~~ *Sentence* for which notice has previously been given pursuant to this Canon.; and be it further
- 27 *Resolved*, That Canon IV.15.2 is hereby amended to read as follows:

28 Sec. 2. Within ~~forty~~*twenty* days after ~~issuance~~ *effectiveness* of an Order by a Hearing Panel, the Respondent or the Church Attorney may appeal to the Provincial Court of Review, by serving written notice of the appeal upon the Bishop Diocesan, with copies of the notice to the presidents of the Hearing Panel and the Province. The notice of appeal shall be signed by the Respondent's counsel or the Church Attorney and shall include a copy of the Order from which the appeal is taken and shall state the grounds of the appeal.; and be it further

29 *Resolved*, That Canon IV.17.6 is hereby amended to read as follows:

30 Sec. 6. The provisions of Canons IV.14.1(d) and IV.14.6(c) pertaining to recommendations that a Respondent be *admonished* or suspended or deposed from ministry shall not apply where the Respondent is a Bishop. Where the Respondent is a Bishop, an Accord or Order may provide for the *admonishment*, suspension, or deposition of the Respondent. In such event, the Sentence of *admonishment*, suspension, or deposition, *together with such other terms as may be contained in the Accord or Order*, shall be pronounced by the president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the *admonishment*, suspension, or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence within thirty days after the date on which ~~the Conciliator or the president signs~~ the Accord *becomes effective pursuant to Canon IV.17.9*. Where an Order provides for the *admonishment*, suspension, or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence not sooner than ~~forty~~*twenty-five* days following the ~~issuance~~*effectiveness* of the Order and not later than ~~sixty~~*forty* days following the ~~issuance~~*effectiveness* of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. *Following the receipt from the Court of Review for Bishops of a notice of determination of an appeal of an Order, other than a dismissal of the matter or a direction granting a new hearing, the president shall then pronounce Sentence not sooner than twenty-five days following the receipt of the notice of determination of the appeal and not later than forty days following such receipt.*; and be it further

31 *Resolved*, That Canon IV.18 is hereby amended to read as follows:

32 CANON 18: Of Modification and Remission of ~~Orders~~*Sentences*

33 Sec. 1. Any Member of the Clergy who is the subject of ~~an Order which has become effective a Sentence~~ may apply to the Bishop Diocesan of the Diocese from which the ~~Order~~*Sentence* issued, or the Presiding Bishop in the case of a Bishop, for modification or remission of the ~~Order~~*Sentence*. If the Bishop is satisfied that sufficient reasons exist for granting the modification or remission sought, in whole or in part, the procedures provided in this Canon for modification

or remission shall apply.

- 34 Sec. 2. In the case of ~~an Order~~ *a Sentence* pertaining to a Priest or Deacon, any provision of any ~~Order Sentence~~ other than a ~~provision recommending~~ *Sentence of deposition* of the Priest or Deacon may be modified or remitted by the Bishop Diocesan of the Diocese from which the ~~Order Sentence~~ issued with the advice and consent of two-thirds of the members of the Disciplinary Board.
- 35 Sec. 3. In the case of a *Sentence of deposition* of a Priest or Deacon ~~pursuant to an Order~~, such deposition may be remitted and terminated by the Bishop Diocesan of the Diocese from which the ~~Order Sentence~~ issued only upon the following conditions: (a) the remission shall be done with the advice and consent of two-thirds of the members of the Disciplinary Board of the Diocese from which the ~~Order Sentence~~ issued; (b) the proposed remission, with the reasons therefor, shall be submitted to the judgment of five of the Bishops Diocesan whose Dioceses are nearest to the Diocese from which the ~~Order Sentence~~ issued, and the Bishop Diocesan shall receive in writing from at least four of those Bishops their approval of the remission and their consent thereto; (c) if the person deposed maintains legal residence or canonical residence in a Diocese other than the Diocese from which the ~~Order Sentence~~ issued, the proposed remission, with the reasons therefor, shall be submitted to the judgment of the Bishop(s) Diocesan of the Diocese(s) of legal and canonical residence and such Bishop(s) shall give his or her (or their) written approval of the remission and consent thereto; and (d) before such remission, the Bishop Diocesan shall require the person deposed, who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article VIII of the Constitution.
- 36 Sec. 4. In the case of ~~an Order~~ *a Sentence* pertaining to a Bishop, any provision of the ~~Order Sentence~~ may be modified or remitted by the president of the Disciplinary Board for Bishops with the advice and consent of a majority of the members of the Board and the Bishops who are then serving on any Provincial Court of Review.
- 37 Sec. 5. In the case of any ~~Order deposing~~ *deposition of* a Member of the Clergy for abandoning the Church, no application for remission shall be received by the Bishop Diocesan until the deposed person has lived in lay communion with the Church for not less than one year next preceding application for the remission.
- 38 Sec. 6. No ~~Order Sentence~~ may be modified or remitted unless the Member of the Clergy, the Church Attorney and each Complainant have been afforded sufficient opportunity to be heard by the Disciplinary Board, or the Disciplinary Board together with the Bishops who are then serving on any Provincial Court of Review, as the case may be, as to why the proposed modification or remission should or should not be permitted.; and be it further
- 39 *Resolved*, That Canon IV.19.3 is hereby amended to read as follows:
- 40 Sec. 3. No secular court shall have authority to review, annul, reverse, restrain or otherwise delay

any proceeding under this Title. No action shall be brought in any secular court to enforce the terms or provisions of any Accord or Order *or Sentence* unless otherwise expressly provided therein.; and be it further

41 *Resolved*, That Canon IV.19.10(f) is hereby amended to read as follows:

42 Sec. 10. (f) The reasonable costs and expenses of providing Advisors made available by the Bishop Diocesan shall be the obligation of the Diocese in which the matter of Discipline is proceeding unless otherwise provided in *a Sentence implementing* an Accord or Order. The reasonable costs and expenses of providing Advisors chosen by the Respondent or Complainant and not made available by the Bishop Diocesan shall be the obligation of such Respondent or Complainant unless otherwise provided in *a Sentence implementing* an Accord or Order.; and be it further

43 *Resolved*, That Canon IV.19.23 is hereby amended to read as follows:

44 Sec. 23. Except as expressly provided in this Title, applicable Diocesan Canon, or in *a Sentence implementing* any Accord or Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring them.; and be it further

45 *Resolved*, That Canon IV.19.26 is hereby amended to read as follows:

46 Sec. 26. Wherever in this Title it is provided that any communication, deliberation, investigation or proceeding shall be confidential, no person having knowledge or possession of confidential information derived from any such communication, deliberation, investigation or proceeding shall disclose the same except as provided in this Title, in any Accord or Order *or a Sentence pursuant to such Accord or Order*, or as required by any applicable law.; and be it further

47 *Resolved*, That Canon IV.19.30(b) is hereby amended to read as follows:

48 (b) The Bishop Diocesan shall:

49 (1) promptly deliver to The Archives of the Episcopal Church a copy of any Accord or Order which has become effective *and any Sentence pronounced thereon* and a record of any action of remission or modification of any ~~Order-Sentence~~, and

50 (2) provide for the permanent preservation of copies of all Accords and Orders *and Sentences* by means which permit the identification and location of each such copy by the name of the Member of the Clergy who is the subject thereof.; and be it further

51 *Resolved*, That Canon V.4.1(a)(2) is hereby amended to read as follows:

52 Sec. 1. (a)(2) upon any restriction on exercise of ministry;, placement on Administrative Leave;, *or pronouncement of a Sentence pursuant to entry of an Order or Accord*, ~~which Order or Accord includes a Sentence of Admonition, Suspension, or Deposition of upon~~ a Member of the Clergy

then serving on the body;

EXPLANATION

The current revision of Title IV provides for giving notice of Accords and Orders. The previous revision provided instead for giving notice of Sentences. With one limited exception regarding sentencing of Bishops, Accords and Orders are merely recommendations to the sentencing Bishop, who has discretion to impose a lesser sentence. So what is contained in an Accord or Order may not correspond to the actual sanction imposed on the member of the clergy. If the sanction is a suspension of ministry or deposition, this is a significant fact for those to whom the notice is directed. Yet the current requirements for notices of Accords and Orders only require a recitation of the subsections of Canon IV.3 or IV.4 that the Offense involved violated. Neither the facts of the Offense, the name of the Respondent, nor the sanction recommended need be specified (these must go into the Accord or Order but not the notice). All that is known is that a Title IV proceeding has come to a close.

Or maybe not even that: A notice of Accord or Order must "be given without delay" (Canon IV.13.12); yet the parties have forty days (IV.15.2) to file an appeal from an Order, possibly even after Sentence upon the Order is given (20 to 40 days after issuance (IV.14.8(b))). An appeal may vacate the Order, which has then been given for no purpose.

This proposal returns to a system of giving notices of Sentences. Restrictions on ministry should be included in the notice, so that the recipients can know that the clergyperson in question cannot fully function as a cleric. In order to accomplish this, the proposal addresses several definitional problems.

"Effectiveness" of Orders and Accords should not be an arbitrary thirty days but should flow from their being sent to those parties that have the right to act upon them, taking into consideration the five-day period of Canon IV.19.8. The proposal for Canon IV.14.10 collects all effectiveness provisions not elsewhere mandated. That for IV.14.5 measures time from such effective date. Canon IV.12.12 is amended to clarify that an objected-to Conference Panel Order is not effective.

For the prohibition on sentencing during an appeal to be practical, the time before sentencing is increased to twenty-five days and the time for appeal is shortened to twenty days (a not unreasonable time). Otherwise sentencing can occur prior to the time an appeal is timely taken, but there are no current provisions for a stay of such sentence.

The last sentence in IV.14.8(b) is amended: Orders are not themselves enforceable; only Sentences pronounced pursuant to Orders are enforceable to the extent that the sentencing Bishop chooses to include their provisions.

A new IV.14.8(c) is added to provide for the same notice provisions for sentencing following an appeal that does not dismiss the matter or direct a new hearing.

Pre-revision Title IV provided for notice to be given of Sentences and not of Trial Court Judgments (Canon IV.12.9 & .11 (2006)). Since the Sentence is the operative document, that is what should be noticed. This is included in the proposed changes to IV.14.12. In addition, since it is the president of

the Disciplinary Board for Bishops that pronounces a Sentence on a Bishop, that person, rather than the Presiding Bishop, should be the person to send notices.

As to modifications and remissions, since an Order or Accord is only a recommendation to the Bishop for sentencing, what really needs to be modified or remitted is the Sentence itself, which would include an admonition, suspension, or deposition, in addition to such "other terms" of the Accord or Order as the Bishop accepts. See Canon IV.13 (2006). While the current Canon only speaks to modifications or remissions arising from an Order, there is no reason that issues arising from an Accord should not be included as well. As to Section 5, note that a deposition for abandonment is not pursuant to any Order, which by definition (IV.2) can only be issued by a Conference or Hearing Panel. This anomaly is an argument (there are many) for moving the Abandonment Canon (IV.16) from Title IV to Title III, since its procedures are outside the scope of the disciplinary structures established by Title IV.

The notice provisions for release and removal of a Bishop in Canon III.12.7(c) are conformed to those for a Title IV Sentence (and vice versa) and names of offices corrected.

Canon IV.17.6 on Sentences for Bishops varies from sentencing for other clergypersons in that Accords or Orders that would result in suspension or deposition cannot be given any lesser sanction by the sentencing Bishop, but it is silent on recommendations for admonition or for any other terms that may be included in the Accord or Order, where the sentencing Bishop could presumably refuse to admonish or could reduce or waive any restrictions on the Respondent, and no review of this is provided for. ("The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence" only refers to the defined term "Sentence" which does not include those "other terms".) Also, the sentencing Bishop is just one Bishop chosen to be the president of the Disciplinary Board for Bishops, chosen either by vote or by seniority (IV.17.3). For sentencing following an Accord, the terms of the Accord will have been approved by the Presiding Bishop and a majority of the entire Board (IV.17.9), and for sentencing following an Order issued by a Conference or Hearing Panel consisting of three bishops, one other clergyperson, and one lay person, and possibly affirmed on appeal by a Court of Review of nine bishops. Despite the limited language directing only two points of departure from IV.14.1(d) and IV.14.6(c), I believe that it is the clear intention is that sentencing under these circumstances is a ministerial act, and the sentencing Bishop should not have discretion to unilaterally impose a lesser burden on the Respondent than the Accord or Order shall provide. Language is inserted to clarify this.

The timing provisions in IV.17.6 for sentencing are also at strong variance from those for other clergy, although prior canon (IV.12.10 (2006)) mandated the same sentencing procedure as for other courts. This proposal conforms the time limits to those proposed for Canon IV.14.8(b).

New language is added parallel to that for new IV.14.8(c) to provide for sentencing following an appeal.

Miscellaneous conforming changes are proposed for IV.19 and for V.4.1. Minor conforming changes are proposed for III.7.9, III.9.11, and III.12.8(b). Clarification is added that any dismissal (as in by

Intake Officer or subject to appeal by the Church Attorney) be final.

The foregoing proposal was submitted to, but not acted upon by the Standing Commission on Structure, Governance, Constitution and Canons. Given its workload, this was only to be expected. I would recommend that this proposal be referred back to that body for further consideration over the next triennium, particularly considering the numerous other changes to Title IV proposed for this Convention.



Resolution Number: 2015-A134
Title: Amend Canon IV.12.12 [Of Conference Panels]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.12.12 be amended to read as follows:

Sec. 12. The Respondent or the Church Attorney may object to an Order issued by the Conference Panel by giving written notice of the objection to the president of the Conference Panel within fifteen days following the effective date *on which of the Order as defined in Canon IV.14.10.* ~~Upon receipt of the notice of objection, the president of the Conference Panel shall notify the president of the Disciplinary Board of the objection and the matter will proceed as provided in Canon IV.14.11.~~ *is issued. Upon receipt of the notice of objection, the president of the Conference Panel shall notify and provide copies of the notice of objection to the Bishop, President of the Disciplinary Board and the non-objecting party. The President of the Disciplinary Board shall promptly notify members of the Hearing Panel and refer the matter to the Hearing Panel.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 819.



Resolution Number: 2015-A137
Title: Amend Canon IV.14.5 [Of Accords and Orders]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.14.5 be amended to read as follows:

Sec. 5. The Bishop Diocesan shall have ~~thirty~~ *twenty* days from the date on which the Accord is sent to the Bishop Diocesan ~~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 ~~forty~~ *twenty* days following the date on which the Accord is sent to the Bishop Diocesan ~~entered~~ and not later than ~~sixty~~ *forty* 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 ~~became~~ *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-A138
Title: Amend Canon IV.14.8 [Of Accords and Orders]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.14.8 be amended to read as follows:

Sec. 8 (a) *Except for an Order from a Conference Panel to which the Respondent or Church Attorney has timely filed a notice of objection, the Bishop Diocesan shall have ~~thirty~~ twenty days from the date of the issuance of the Order in which to advise in writing the Respondent, the Respondent's Advisor, the Complainant, the Complainant's Advisor, the Church Attorney, and the president of the Conference Panel or Hearing Panel (whichever Panel issued the Order) whether the Bishop Diocesan will pronounce the Sentence or accept the other terms of the Order 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 Order.*

(b) The Bishop Diocesan shall pronounce Sentence not sooner than ~~forty~~ twenty days following the issuance of the Order and not later than ~~sixty~~ forty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the Bishop Diocesan may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order. 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 Order.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 819.



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.



Resolution Number: 2015-A141
Title: Amend Canon IV.14.12(b) [Of Accords and Orders]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.14.12(b) be amended as follows:

(b) In the case of any Accord or Order 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 Recorder of Ordinations, to the ~~Church Deployment~~ Office of Transition Ministry, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with ~~the~~this Church.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), pp. 715-716.



Resolution Number: 2015-A148
Title: Amend Canon IV.19.30 [Of General Provisions]
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That Canon IV.19.30 be amended to read as follows:

Sec. 30. Records of proceedings shall be preserved as follows:

(a)(1) Each Hearing Panel and Provincial Court of Review shall keep a complete and accurate record of its proceedings by any means from which a written transcript can be produced. When all proceedings have been concluded, the president of the Panel or Court shall certify the record. If the president did not participate in the proceeding for any reason, the Panel or Court shall elect another member of the Panel or Court to certify the record.

(b)(2) The Panel or Court shall make provision for the preservation and storage of a copy of the record of each proceeding in the Diocese in which the proceeding originated.

(c)(3) The Panel or Court shall promptly deliver the original certified record of its proceedings to The Archives of The Episcopal Church.

(d)(b) The Bishop Diocesan shall

(i)(1) promptly deliver to The Archives of The Episcopal Church a copy of any Accord or Order which has become effective and a record of any action of remission or modification of any Order and

(ii)(2) provide for the permanent preservation of copies of all Accords and Orders by means which permit the identification and location of each such copy by the name of the Member of the Clergy who is the subject thereof.

(c) *When printed records are submitted under this Canon, there shall be delivered to The Archives of The Episcopal Church an electronic copy or version of the records required to be preserved under this Section in such format as The Archives of The Episcopal Church may specify.*

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), pp. 716-717.



Resolution Number: 2015-D055
Title: Amend Canons V.1-4
Legislative Action Taken: Adopted as Amended
Final Text:

[Resolved, That Canon V.4.1(a) be amended to read as follows:]

Sec. 1 (a) Except where the Constitution or Canons of the General Convention provide to the contrary, the term of a member in any body of the General Convention consisting of several members shall become vacant as follows:

- (1) upon absence from two regularly scheduled meetings of the body between successive regular meetings of the General Convention unless excused by the body;
- (2) upon ~~Inhibition~~, any restriction on exercise of ministry, placement on *Administrative Leave*, Admonition, Suspension, or Deposition of a Member of the Clergy then serving on the body;
- (3) upon the ~~renunciation of the~~ pronouncement of the release and removal from the ordained ministry of this Church ~~by~~ of a Member of the Clergy;
- (4) upon the certification to the Presiding Bishop by the Disciplinary Board for Bishops as to the abandonment of ~~the~~ this Church by a Bishop pursuant to Canon IV.16;
- (5) upon the certification by the Standing Committee as to the abandonment of ~~the~~ this Church by a Priest or Deacon pursuant to Canon IV.16; or
- (6) for cause deemed sufficient by a two-thirds vote of all the members of the body.

Citation: Canon V.4.1(a) is excerpted from the Final Text of 2015-D055, which revised Canons V.1-4. See General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), pp. 925-927.



Resolution Number: 2012-A030
Title: Amend Canons III.7, 9, 12 and Canon IV.16
Legislative Action Taken: Concurred
Final Text:

[*Resolved*, that Canon III.7.9 be amended to read as follows:]

Sec. 9. ~~If a Deacon making submitting the aforesaid declaration writing described in Section 8 of this Canon be of renunciation of the ordained Ministry the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, be under Presentment for any Offense, or shall have been placed on Trial for the same, the Ecclesiastical Authority to whom such declaration is made writing is submitted shall not consider or act upon consider or act upon the written request unless and such declaration until after the said Presentment disciplinary matter shall have been resolved by a dismissal, Accord or Order and the time for appeal or rescission of such has expired or the said Trial shall have been concluded and the Deacon judged not to have committed an Offense.~~

[*Resolved*, that Canon III.9.11 be amended to read as follows:]

Sec. 11. ~~In the case of the renunciation of release and removal of a Priest from the ordained Ministry by a Priest of this Church as provided in this Canon, a declaration of release and removal shall be pronounced by the Bishop in the presence of two or more Priests, and shall be entered in the official records of the Diocese in which the Priest being released and removed is canonically resident. The Bishop who pronounces the declaration of release and removal as provided in this Canon shall give notice thereof in writing to every Member of the Clergy, each Vestry, the Secretary of the Convention and the Standing Committee of the Diocese in which the Priest was canonically resident; and to all Bishops of this Church, the Ecclesiastical Authority of each Diocese of this Church, the Presiding Bishop, the Recorder of Ordinations, the Secretary of the House of Bishops, the Secretary of the House of Deputies, the Church Pension Fund, and the Board for Church Deployment Transition Ministry.~~

[*Resolved*, that Canon III.12.7 be amended to read as follows:]

Sec. 7. ~~**Renunciation of Release and Removal from the Ordained Ministry of this Church**
(b) If a Bishop making the aforesaid declaration of the renunciation of the ordained Ministry be under Presentment for any canonical Offense, or shall have been placed on Trial for the same submitting the writing described in Section 7(a) of this Canon be the subject of information concerning an Offense that has been referred to an Intake Officer or a Respondent in a pending disciplinary matter as defined in Title IV of these Canons, the Presiding Bishop shall not consider or act upon such declaration until after the Presentment shall have been dismissed or the said Trial shall have been concluded and the Bishop judged not to have committed an Offense shall not consider or act upon the~~

written request unless and until the disciplinary matter shall have been resolved by a dismissal, Accord or Order and the time for appeal or rescission of such has expired.

(c) In the case of ~~such renunciation~~ by the release and removal of a Bishop from the ordained Ministry of this Church as provided in this Canon, a declaration of removal and release shall be pronounced by the Presiding Bishop in the presence of two or more Bishops, and shall be entered in the official records of the House of Bishops and of the Diocese in which the Bishop being removed *and released* is canonically resident. The Presiding Bishop shall give notice thereof in writing to the Secretary of the Convention and the Ecclesiastical Authority and the Standing Committee of the Diocese in which the Bishop was canonically resident, to all Bishops of the Church, the Ecclesiastical Authority of each Diocese of this Church, the Recorder, the Secretary of the House of Bishops, the Secretary of the General Convention, The Church Pension Fund, and the ~~Church Deployment Board~~ *for Transition Ministry*.

Citation: Canons III.7.9, III.9.11 and III.12.7 are excerpted from the Final Text of 2012-A030, which revised Canons III.7, 9, 12 and Canon IV.16. See General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 704-708.



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

[*Resolved*, That Canon IV.4.1 is amended to read as follows:]

CANON 4: Of Standards of Conduct

Sec. 1. In exercising his or her ministry, a Member of the Clergy shall:
(d) abide by the requirements of any applicable Accord or Order, or any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7

[*Resolved*, That Canon IV.12.12 is amended to read as follows:]

CANON 12: Of Conference Panels

Sec. 12. The Respondent or the Church Attorney may refuse an Order issued by the Conference Panel by giving written notice of the refusal to the president of the Conference Panel within fifteen days following the effective date of the Order as defined in Canon IV.14.10. Upon receipt of the notice of refusal, the president of the Conference Panel shall notify the president of the Disciplinary Board of the refusal and the matter will proceed as provided in IV.14.11.

[*Resolved*, That Canon IV.14 is amended to read as follows:]

CANON 14: Of Accords and Orders

Sec. 10. An Accord under Canon IV.9 shall be effective as provided in Canon IV.9.3. An Accord under Canon IV.10 or IV.12 shall be effective thirty days following the date on which the Accord is signed by the Conciliator or the president of the Panel. An Order is effective thirty days following the date on which the Order is issued.

Sec. 12. Notice of Accords and Orders which shall have become effective and are not subject to refusal by the Respondent 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 Recorder of ordinations; to the Church Deployment Office; and to the Secretary of the House of Bishops and the Secretary of the House of Deputies.

(b) In the case of any Accord or Order 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 Recorder of ordinations, to the Church Deployment Office, and to the Secretary of the House of Bishops, and to all Archbishops and Metropolitans, and to all Presiding Bishops of Churches in communion with the Church.

(c) 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.

(d) 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.

[Resolved, That Canon IV.15.2 is amended to read as follows:]

CANON 15: Of Review

Sec. 2. Within forty days after issuance of an Order by a Hearing Panel, the Respondent or the Church Attorney may appeal to the Provincial Court of Review, by serving written notice of the appeal upon the Bishop Diocesan, with copies of the notice to the presidents of the Hearing Panel and the Province. The notice of appeal shall be signed by the Respondent's counsel or the Church Attorney and shall include a copy of the Order from which the appeal is taken and shall state the grounds of the appeal.

[Resolved, That Canon IV.17.6 is amended to read as follows:]

CANON 17: Of Proceedings for Bishops

Sec. 6. The provisions of Canons IV.14.1(d) and IV.14.6(c) pertaining to recommendations that a Respondent be suspended or deposed from ministry shall not apply where the Respondent is a Bishop. Where the Respondent is a Bishop, an Accord or Order may provide for the suspension or deposition of the Respondent. In such event, the Sentence of suspension or deposition shall be pronounced by the president of the Disciplinary Board for Bishops. The president shall have no discretion to decline to pronounce the Sentence or to pronounce a lesser Sentence. Where an Accord provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence within thirty days after the date on which the Conciliator or the president signs the Accord. Where an Order provides for the suspension or deposition of a Respondent who is a Bishop, the president shall pronounce Sentence not sooner than forty days following the issuance of the Order and not later than sixty days following the issuance of the Order. Notwithstanding anything in this section to the contrary, no Sentence shall be pronounced while an appeal of the matter is pending. However, the president may, while an appeal is pending, place restrictions upon the exercise of the Respondent's ministry, or place the Respondent on Administrative Leave, or continue any such restriction or Administrative Leave as was in effect at the time of the issuance of the Order.

[Resolved, That Canon IV.18 is amended to read as follows:]

CANON 18: Of Modification and Remission of Orders

Sec. 1. Any Member of the Clergy who is the subject of an Order which has become effective may apply to the Bishop Diocesan of the Diocese from which the Order issued,

or the Presiding Bishop in the case of a Bishop, for modification or remission of the Order. If the Bishop is satisfied that sufficient reasons exist for granting the modification or remission sought, in whole or in part, the procedures provided in this Canon for modification or remission shall apply.

Sec. 2. In the case of an Order pertaining to a Priest or Deacon, any provision of any Order other than a provision recommending deposition of the Priest or Deacon may be modified or remitted by the Bishop Diocesan of the Diocese from which the Order issued with the advice and consent of two-thirds of the members of the Disciplinary Board.

Sec. 3. In the case of a deposition of a Priest or Deacon pursuant to an Order, such deposition may be remitted and terminated by the Bishop Diocesan of the Diocese from which the Order issued only upon the following conditions: (a) the remission shall be done with the advice and consent of two-thirds of the members of the Disciplinary Board of the Diocese from which the Order issued; (b) the proposed remission, with the reasons therefore, shall be submitted to the judgment of five of the Bishops Diocesan whose Dioceses are nearest to the Diocese from which the Order issued, and the Bishop Diocesan shall receive in writing from at least four of those Bishops their approval of the remission and their consent thereto; (c) if the person deposed maintains legal residence or canonical residence in a Diocese other than the Diocese from which the Order issued, the proposed remission, with the reasons therefore, shall be submitted to the judgment of the Bishop(s) Diocesan of the Diocese(s) of legal and canonical residence and such Bishop(s) shall give his or her (or their) written approval of the remission and consent thereto; and (d) before such remission, the Bishop Diocesan shall require the person deposed, who desires to be restored to the ordained ministry, to subscribe to the declaration required in Article VIII of the Constitution.

Sec. 4. In the case of an Order pertaining to a Bishop, any provision of the Order may be modified or remitted by the president of the Disciplinary Board for Bishops with the advice and consent of a majority of the members of the Board and the Bishops who are then serving on any Provincial Court of Review.

Sec. 5. In the case of any Order deposing a Member of the Clergy for abandoning the Church, no application for remission shall be received by the Bishop Diocesan until the deposed person has lived in lay communion with the Church for not less than one year next preceding application for the remission.

Sec. 6. No Order may be modified or remitted unless the Member of the Clergy, the Church Attorney and each Complainant have been afforded sufficient opportunity to be heard by the Disciplinary Board, or the Disciplinary Board together with the Bishops who are then serving on any Provincial Court of review, as the case may be, as to why the proposed modification or remission should or should not be permitted.

[*Resolved*, That Canon IV.19 is amended to read as follows:]

CANON 19: Of General Provisions

Sec. 10. Each Diocese shall make provision for Advisors to be available to Respondents and Complainants as provided in this Canon for the purposes of support, assistance, consultation and advice regarding the process provided in this Title and the rights, responsibilities, consequences and alternatives pertaining thereto.

(f) The reasonable costs and expenses of providing Advisors made available by the Bishop Diocesan shall be the obligation of the Diocese in which the matter of Discipline is proceeding unless otherwise provided in an Accord or Order. The reasonable costs and expenses of providing Advisors chosen by the Respondent

or Complainant and not made available by the Bishop Diocesan shall be the obligation of such Respondent or Complainant unless otherwise provided in an Accord or Order.

Sec. 23. Except as expressly provided in this Title, applicable Diocesan Canon, or in any Accord or Order, all costs, expenses and fees, if any, shall be the obligation of the party, person or entity incurring them.

(a) The necessary costs, expenses and fees of the Investigator, the Church Attorney, the Conference Panel, the Hearing Panel and any pastoral response shall be the expense of the Diocese.

(b) The necessary costs and expenses of the Provincial Court of Review shall be the expense of the Province.

(c) The necessary costs and expenses of the Disciplinary Board for Bishops and the Court of Review for Bishops shall be the expense of the General Convention.

(d) Nothing in this Title precludes the voluntary payment of a Respondent's costs, expenses and fees by any other party or person, including a Diocese.

Sec. 26. Wherever in this Title it is provided that any communication, deliberation, investigation or proceeding shall be confidential, no person having knowledge or possession of confidential information derived from any such communication, deliberation, investigation or proceeding shall disclose the same except as provided in this Title, in any Accord or Order, or as required by any applicable law.

Citation: These Canons in Title IV are excerpted from the Final Text of 2009-A184, which revises Title IV. See General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 227-266.