

STANDING COMMITTEE ON CONSTITUTION AND CANONS

October 11 - 13, 2004

St. Thomas, United States Virgin Islands

Present:

Members - Bayne, Runnels, Livingood, Ballentine, Simpson, Jenkins, Hitt, Little, Sauls, Fleener, Jacobs.

Others - Anne Karoly, Steve Hutchinson

1. Review Agenda

- a. Title IV redraft**
- b. Anti-Racism Training**
- c. Title III redraft**
- d. Constitution Review**
- e. Venezuela**
- f. B023**
- g. White & Dykman**
- h. D056**
- i. D012**
- j. Budget/Meeting**
- k. Anne's draft for General Convention proposals**
- l. A051**

2. Budget

- a. There appear to be some questions about how we should spend out budget allocation for the three year period. We appear to have enough money for the 5 meetings planned. The Chair questions the timing of the meeting tentatively planned for 2005.**

3. Title IV Draft

- a. The Chair briefed the commission on the process for the circulation and presentation of the draft rewrite of Title IV**
- b. The Commission discussed our process for Title IV re-write. It was the consensus of the Commission that for some period of time we will provide the working group with substantive feedback. Approximately mid 2005 then switch to providing canonical feedback on the draft that the task force is planning on presenting. The Commission reserves the right to include a substantive opinion on the draft in its Bluebook report for 2006.**

- c. **Steve Hutchinson presented the draft of revised Title IV**
 - i. **The Work group began with a study of a theological study of discipline and a review of what other faith communities and other professional groups do for discipline.**
 - ii. **The Work Group decided that they would not attempt to fix or edit current Title IV but present a completely new Title IV.**
 - iii. **The Group presented a study of discipline to the General Convention in 2003 written by Rev. White.**
 - iv. **Another paper by a member of the group on the root sources of authority was also presented to General Convention.**
 - v. **The Work Group met with many groups through out the church, including Chancellor's meetings, Bishop's meetings, provincial meetings, and others.**
 - vi. **The writing group next met with a group of consultants and then prepared a conceptual draft.**
 - vii. **The current version is a discussion draft that will be provided for feedback to the Work Group.**
 - viii. **This is the first time the discussion draft has been shown to a group outside of the Work Group.**

Get Steve's notes

(1) Five major changes in new Title IV

- (a) It applies to laity**
- (b) Emphasize restoration and reconciliation not just punishment**
- (c) A list of expected conduct rather than a list of things that should not be done**
- (d) Procedures for disability proceedings**
- (e) Aimed at being less expensive than current Title IV**

(2) The purpose of the new Title IV

- (a) Code of conduct with procedures to be held accountable for breaches**
- (b) Covers ordained and lay leadership**
- (c) Fewer people involved in process and dioceses can group services together for economy**

(3) Overview

- (a) Applies to everyone clergy and lay people**
- (b) The standards of conduct already exist in B of CP and C and C and are repeated**

4. Title III

- a. The SCMD meets for the last time in November 2005 and plans to have a draft ready at that time.**
- b. Sauls attended the SCMD meeting the first week in October.**
 - i. SCMD is dealing with a rewrite of the current canons dealing with clergy from other churches**
 - ii. SCMD is looking at the right of Deacons to vote at Diocesan Councils**
 - iii. SCMD is looking at requiring letters of agreement between clergy and assistants and parishes**
 - iv. Possible Bishop Canons**
 - (1) Complete rewrite on model of ministry canons passed last time**
 - (2) remove consent of election at convention canons**
 - (3) Continuing education will probably dealt with by the house of bishops**
 - (4) potentially deleting current canon 17**
 - (5) Change 18 (4) (a) to bishop will provide for visit each three years**
 - (6) Change 16 (5) allow the presiding bishop to veto an election**
 - v. Give dates of upcoming meetings**
 - (1) 2/27-3/1**
 - (2) 11/6-11/8**
 - vi. The Commission had a long discussion about the role of deacons, the canons effecting deacons and real**
 - vii. We are unsure at this point when SCMD will provide a draft to this Commission**

5. Drafting Instructions for Constitutional and Canonical Resolutions

- a. Anne Karoly presented a draft instruction sheet for those who are writing Constitutional and Canonical Resolution for General Convention.**
 - i. The instructions include directions to:**
 - (1) prepare a strike-through/underline text to show the proposed changes.**
 - (2) Clearly title the effected provision properly**
 - (3) Be sure to start with the original text of the provision preferably by copying from the CD Rom or the website.**
 - (4) How to treat multiple amendments**
 - (5) Consistency in capitalization**
 - ii. The Commission made several suggestions for additions/changes to the directions.**

6. Anti-Racism Training

- a. We are likely to have a member of the anti-racism team attend out meeting in January. The Commission will spend one full day on anti-racism training.**

7. Venezuela

- a. The church in Venezuela has not submitted the required material as of this date. If they do submit the materials then the canon amendment will be presented in 2006.**

8. White & Dykman

- a. The Resolution for White & Dykman passed in 2003 but was not funded. There are apparently some 2003 unfunded resolutions that have been funded in other ways. There remains questions about what the Commission can do to solicit funds for this purpose and others.**

9. D012

- a. Little presented a memo on D012**
 - i. The Commission determined that no further action concerning this provision in light of the Title IV revision**

10. B023

- a. Consent process for election of a Bishop**
 - i. The Commission has been asked to review General Conventions involvement in the consent to the election of a Bishop.**
 - (1) The Title III is working on canonical language to remove the provision for General Convention consents**
 - (2) Runnels will draft a constitutional amendment having the same effect.**

11. Future Meetings

- a. The current meeting schedule is:**
 - i. Monday, October 11, 2004 to Wednesday, October 13, 2004 - St. Thomas**
 - Sunday, January 30, 2005 to Tuesday, February 1, 2005 - Orlando**
 - Sunday, October 2, 2005 to Tuesday, October 4, 2005 - Seattle**
 - Sunday, December 11, 2005 to Tuesday, December 13, 2005 - New Orleans**
 - ii. The chair suggested that we may want to the middle meeting from October to June**

12. Rules of Order for general Convention

- a. Amend the rules of order to require that changes to the canons or the constitution can not be brought to the floor on the last legislative day of convention**
- b. A potential amendment to the rules of order related to electronic equipment on the floor of general convention**
 - i. It does not appear that the Commission has the authority to on its own accord consider changes to the rules of order. Individual members will consider**

- language that they may ask the Commission to help with.
- c. **Runnels will draft a rule to introduce this in both houses but not on behalf of the commission.**
- 13. Review of the Constitution for Consistency and Clarity. Chair Bayne lead this discussion.**
- a. **Article I: The Commission deferred this discussion until its January meeting, as Bill Fleener was not present and this was his assigned Article.**
 - b. **Article II: Greg Jacobs presented his report, a copy of which is attached to these Minutes. He first discussed an oversight that occurred at the Minneapolis General Convention, in that a second “120 days” was missed and not changed to “three months.” We are operating under a confusing disjuncture between the Canons and the Constitution. The Commission unanimously passed a motion to ensure that A039 gets a second reading at the 2006 General Convention, and to provide that the Commission’s report to that General Convention alert the two Houses to other possibly pending action – to eliminate altogether the General Convention’s role in consenting to the election of a Bishop, for example.**
 - c. **Article III: Rosalie Ballentine gave her report. The consensus of the Commission that there are not any such Bishops currently serving. She found no inconsistencies in the Article. As to whether we still need Article III, her recommendation is to leave it alone. The Commission concurred.**
 - d. **Article IV: Matt Livingood reported that he found no inconsistencies here. The Commission discussed whether the use of “in charge” in one place, and “canonically authorized to act” in another presented a problem, but concluded that it did not.**
 - e. **Article V: In light of Dorsey Henderson’s absence, review of this Article was deferred to the January meeting.**
 - f. **Article VI: Ward Simpson reported that this Article may be arcane, but there are no inconsistencies present, and recommended leaving it alone. The Commission agreed.**
 - g. **Article VII: Charles Jenkins reported that this Article does not need change. HE noted that Canon I.9 says “shall be” while Article VII says “may be,” but that in context there is no inconsistency. The Commission concurred. Bishop Jenkins asked that the Commission review and discuss the Preamble to the Constitution, and all agreed that this would be a good idea for the January meeting.**
 - h. **Article VIII: Stan Runnels reported that there are no inconsistencies present in this Article, and he recommended that no action be taken on it, at least until we see the Eames report and review its impact and implications.**
 - i. **Article IX: Duncan Bayne reported that the Commission, and the 2003 General Convention, has agreed already that there should be a change to the composition to the Court for the Trial of a Bishop for certain alleged offenses. There was a discussion about the use of the term “established” versus another use of “instituted,” but no changes were proposed. Keeping in mind that a major rewrite of Title IV is underway, Duncan recommended no other action on Title IX. The Commission agreed.**
 - j. **Article X: Stacy Sauls recommended no changes, and following discussion the Commission concurred.**

- k. **Article XI: Larry Hitt reported that he saw no inconsistencies and no other reason to change this Article, and the Commission agreed.**
 - l. **Article XII: Tom Little presented his report (copy attached). The Commission explored the apparent lack of clarity about who first must propose a Constitutional amendment. The practice is that before a second reading may take place at the next General Convention, the “first” Convention must act favorably on a proposal by passing it in each House. Tom agreed to prepare a draft amendment of this Article to make this explicit and clear. Bishop Sauls pointed out that a similar clarification would be in order for the provision dealing with amendments to the Book of Common Prayer.**
- 14. Budgets and Meetings: Duncan reviewed the expenditures from our budget thus far . He noted that there is roughly \$24,000 set aside for three meetings in 2005, and that this would leave \$8,000 for 2006 (about the cost of one meeting). There was a consensus that the January meeting (1/30 – 2/2) should be held in Las Vegas, Nevada, and that the first day should be set aside for anti-racism training. We set the other meetings for June 22-25 (Seattle, Washington) and December 11-13 (New Orleans). We expect to see the Title III task force’s report in late November 2004, and that will be a focus of the January meetings.**
- 15. There being no other business to come before the Commission, the session was adjourned at 1:00 p.m.**