

STANDING COMMITTEE ON CONSTITUTION AND CANONS

January 30, - February 02, 2005

Orlando, Florida

Present:

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

Not Present - Jenkins, Livingood.

Others - Jayne Oasin, Tony Jewiss

We began with anti-racism training with Bayne, Little, Fleener, Ballentine, Henderson, Runnels, Jacobs, and Simpson present.

Sauls joined us during the morning.

We did a lot of sharing our stories related to race, power and other topics.

Additional definition of Power not in the handouts - Power is the individual or collective ability to be or to act in ways that fulfill our potential. Its purpose is to be used for good, but it can be misused to control, dominate, hurt or oppress others.

Institutional Assessment areas of focus

- 1. Program & Resource Development**
- 2. Budget & Resource Allocation**
- 3. Personnel Policies & Procedures**
- 4. Decision Making Power/Authority**
- 5. Ethos - Climate of Values/Attitudes**
- 6. Priority given to anti-Oppression work**
- 7. Intentional focus on inclusion of People of Color**

We talked about the idea of taking time at each meeting to keep this topic alive and also intentionally looking at our activities and actions through an anti-racism lens.

Meeting of the Commission:

We were joined by Hitt and Jewiss

- 1. Set Agenda**
 - a. Title III**
 - b. Title IV**

- c. **Constitution**
 - i. **Article II**
 - ii. **Preamble**
 - iii. **Article I**
 - iv. **Article V**
 - v. **Article XII**
 - d. **Canons**
 - i. **III.16**
 - e. **Rules of Order**
 - i. **HOB**
 - ii. **HOD**
 - f. **White & Dykman**
 - g. **Status of the Convocation of the American Churches in Europe**
 - h. **Budget**
 - i. **Meetings**
 - j. **A word to the church**
 - k. **Venezuela**
2. **Minutes of the October 2004 meeting were adopted and will be sent to 815.**
 3. **We began by talking about our reflections on the anti-racism training.**
 - a. **Jacobs agreed to lead a discussion on the theology of anti-racism at our next meeting**
 - b. **We agreed that we would include anti-racism on our agenda in some way at all of our meetings.**
 4. **Venezuela**
 - a. **Venezuela had to confirm five specific provisions in order to be considered to be ready to join the Episcopal Church. There is one provision that remains in question but it seems that they will fully comply and we will need to draft canonical language for their inclusion in province 9.**
 - b. **Hitt will draft the canonical language for this.**
 5. **Title III**
 - a. **Sauls has attended the meeting of the SCMD and they think they will have a draft of their Title III changes for us to review at our June Meeting.**
 - i. **They are finishing the Title III redraft and going back to look at some of the changes made at the last General Convention.**
 6. **White & Dykman**
 - a. **The subcommittee had a conference call with Bob Royce and Mark Duffy about the revision.**
 - b. **Bob believes he is close to a finished product for the Constitution and Titles I, II and V. At our June meeting the subcommittee will meet the day preceding our meeting to begin editing those sections.**
 - c. **The material will be available in digital format on line and possibly produced in a CD format. The subcommittee also believes that there should be an option for had**

- copies to be printed in demand.
- d. The hope is that there will be a product of the Constitution and Titles I, II, and V by 2006.
 - e. The Domestic and Foreign Missionary Society owns the copyright of White & Dykman.
 - f. It has been suggested that there should be a Constitution and Canon Journal.
 - g. The committee agreed that the subcommittee will go ahead with its plans for the Constitution and Titles I, II, and V.
 - h. Canon III and IV
 - i. The complete rewrites of Titles III and IV make it hard to do White & Dykman because there is not linear way to follow the canons.
 - ii. Because of this the updating will have to wait until after General Convention in 2006.
 - iii. The current information from White & Dykman will probably included in the update with a note explaining when that part will be updated.
7. The possibility of amending Canon I.1.2(b) for longer terms for members of the standing committee was discussed. Bayne will follow up with this with the Standing Commission on Structure about this matter.
8. The absences of Member Henderson to the last two meetings were excused for good cause.
9. The Preamble
 - a. It was discussed if the Preamble should be amended to remove the United States of America from the first sentence.
 - b. The amended Preamble would begin “The Episcopal Church is a constituent member of . . . “
 - c. We will take up this matter at our June meeting. Both the Preamble and Canon I.3 contain a reference to the United States of America.
 - d. Henderson will provide us with language for a change before our next meeting.
10. Article V
 - a. There do not appear to be any problems although the language is not particularly desirable there does not need to be a change.
 - b. Henderson will check with Archives to see if the language passed matches what is recorded in the Constitution.
11. Rules of the HOD and HOB
 - a. This matter is only before the commission for information. A member will offer the following language for consideration at General Convention.
 - i. Amend Rule of Order of the House of Deputies #14, page 190 (C&C 2003)
 - 1) Re-number the existing paragraph as “a”
 - 2) Add a new paragraph

b) No resolution proposing alterations or amendments to the Constitution or to the Canons of this Church will be placed on the legislative calendar or the consent calendar of the House of Deputies for consideration on the last legislative day of General Convention; except, any resolution previously introduced and voted upon by this House may be re-considered on the last legislative day of General Convention in order to consider changes to the resolution approved by the House of Bishops.

Amend Rule of Order of the House of Bishops XIII, p 177 (C&C 2003)

- 1) Re-number paragraph "Any resolution which involves an amendment to the Constitution . . ." as "d" (under "c" in Rule XIII)
- 2) Add a new paragraph
 - e) No resolution proposing alterations or amendments to the Constitution or to the Canons of this Church will be placed on the legislative calendar or the consent calendar of the House of Bishops for consideration on the last legislative day of General Convention; except, any resolution previously introduced and voted upon by this House may be re-considered on the last legislative day of General Convention in order to consider changes to the resolution approved by the House of Deputies.
- 3) Re-number existing "d" as "f".

Each of these proposed amendments to the Rules of Order of each House would take effect immediately upon approval of each House.

Rationale: Given the important and complex nature of the Constitution and Canons of the Episcopal Church, it is reasonable for General Convention to expect proposed alterations or amendments to either of these documents should come to the attention of the legislative body as early as possible. At the least, it would seem wise to avoid introducing amendments or alterations to the C&C for initial consideration on the very last day of General Convention in order to insure opportunity is allowed for the bishops and deputies to consider adequately the merits and/or implications of any proposed changes.

12. **The Commission then took up the matter of the revisions to Title IV.**
 - a. **The Commission reviewed the discussion draft and made the following comments.**
 - i. **The question of pastoral relationships with spouses of clergy was raised.**
 - ii. **The question of who the church attorney represents and who directs actions of the church attorney and other roles of the church attorney were raised.**
 - iii. **The issue of the number of people needed for this process was raised.**
 - iv. **Unlike the current process a panel can overrule an order agreed to by the Bishop and the person subject to discipline.**
 - v. **There is much ambiguous language.**

- vi. Are standards of conduct appropriate in this Title or should they be in Title III.
- vii. There are questions about which standards of conduct apply to whom.
- viii. The document should follow procedure in order.
- ix. The names of the boards and panels are confusing.
- x. Canon 6 Section 10 if a priest has determined to refuse communion to a person then an investigation needs to occur. Members of the commission said this was problematic.
- xi. The use of the word disability was raised.
- xii. The question of pastoral directions for lay people and communication of those if they are used.
- xiii. Is Canon 12 section 2 in the wrong place because it deals with the Conference panel order.
- xiv. Should there be a cross reference between the concept of default and the in absentia process.
- xv. The question of must, shall, may should be reviewed for each instance.
- xvi. Canon 13 section 11, When can an order be entered into and a panel then overrule it.
- xvii. Canon 14 section 8, why does the Standing Committee enter the process here?
- xviii. Lines 1494 and on questions about when an advisor should be made available.
- xix. Question of age of victim, statute of limitations and possible charges.
- xx. Canon 17 section 13 should there be a conflict of interest provision for the church attorney?
- xxi. Why aren't MD's included in the privileged communication list
- xxii. Canon 7 section 12 are the victim and the initial complainant allowed to speak here?
- xxiii. Canon 17 section 20 should a respondent be responsible for costs?

13. Budget and Meeting planing

- a. Currently we have spent approximately \$21,000 and we will spend approximately \$8,000 for this meeting. We meet next in June in Seattle and New Orleans in December. We also have to send two people to SCMD and there will be some costs related to White & Dykman revision. Tony stated that our planned meeting should be under the budget.

14. Article I was reviewed and while there some language that is inarticulate no changes are needed.

15. Article II Section 2

- a. This is for information only and will not be a part of our report. A member may raise this matter to General Convention. The commission agreed that this language sufficient. Sauls will take this information to the SCMD for inclusion in the Title III amendments.

i. **ARTICLE II**

Sec. 2. No one shall be ordained and consecrated Bishop until the attainment of thirty years of age; nor without the consent of a majority of the Standing Committees of all the Dioceses, and the consent of a majority of the Bishops of this Church exercising jurisdiction. But if the election shall have taken place within three months next before the meeting of the General Convention, the consent of the House of Deputies shall be required in place of that of a majority of the Standing Committees. No one shall be ordained and consecrated Bishop by fewer than three Bishops.

Amendment

ARTICLE II

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16. Canon III Section 16
 - a. Runnels has proposed an amendment to the Canons for the same purpose as above.
 - b. Please send comments to Runnels before our next meeting.

17. Article XII
 - a. Current language alternation or amendment should alteration be deleted does it add anything?
 - b. What does first proposed mean? That it must pass a simple majority in both houses in identical form?
 - c. Notice to Dioceses language isn't very clear could be better.
 - d. Adoption at second general convention process could be clearer.
 - e. Who can vote? There are some problems and a cross reference to Article I Section 2 is needed.
 - f. Little will bring language for a change to Seattle along with a proposal for Article X (changes to the Book of Common Prayer).

18. The Convocation of the American Churches in Europe
 - a. Bishop Whalon has suggested that the current version of Title I Canon 15 doesn't seem to meet their needs.
 - b. Sauls will do some research and propose some potential changes that seem appropriate.

19. Jewiss raised Canon I.1.2(I) this subsection does not seem to apply to today. Should it be eliminated or updated?
20. Sauls and Henderson talked about the Word to the Church and the if there are possible canonical implications from it.
21. There being no further business before the Commission we closed with prayer.

Respectfully Submitted,

William Fleener
Secretary