

**DIOCESE OF OLYMPIA
COMMITTEE ON CONSTITUTION AND CANONS**

REPORT TO 2018 ANNUAL DIOCESAN CONVENTION:

At its two meetings this year, our Committee considered clarifications to several canons and provided input to others with respect to resolutions that might involve amendments to the Diocesan Constitution or Canons. The following are changes that the Committee recommends for passage at Convention.

First Vote on Changes to Constitution

Our diocesan Constitution provides (in Article XXI) that it may be amended by a majority vote of the two orders voting separately at two successive annual meetings of Convention. The following amendments are proposed for their first vote.

Constitution, Art. II (Acceding to **General Convention)**

The Church in the Diocese of Olympia accedes to the Constitution and Canons of the Episcopal Church and recognizes the authority of the General Convention of the same.

Second Vote on Changes to Constitution

Constitution, Art. VII (Members of Convention)

Section 4(a) currently requires that the lay delegates from each congregation “shall be in equal numbers men and women”. It was therefore suggested that deletion of this language would give small congregations (with limited delegate pools) more flexibility in selecting their convention delegations, and it was also pointed out that not every congregation is divided equally between men and women. The proposed amendment is therefore to delete the equal representative requirement, as follows:

The lay members of Convention shall consist of:

- a. Lay delegates elected from each Parish and Mission in union with the Convention ...

Votes on Changes to Canons:

Pursuant to Canons 28 and 29, canons can be enacted or amended by a "vote of a majority of each Order". These amendments "take effect upon the adjournment of the meeting of Convention at which they are enacted" unless the Convention votes unanimously for the changes to take immediate effect.

Canon 26 (Ecclesiastical Discipline):

Canon 26 generally implements procedures that are standardized under Title IV of the Episcopal Church Canons as established by General Convention. The Committee recommends the following updates and clarifications:

Section 1:

The ecclesiastical discipline of a priest or deacon shall be governed by Title IV of the Canons of the Episcopal Church. Capitalized terms in this Canon shall have the meanings set forth in Title IV, unless otherwise specified herein.

Section 2(c):

It seems vague to require "consultation" with Standing Committee before the Bishop removes someone from the Disciplinary Board. Although the Standing Committee does not have a veto on such a removal decision, it seems reasonable to require that Committee at least to make a recommendation. This would result in the following clarification:

- c. A Board member may be removed from office by the Bishop, subject to (i) obtaining advice and a recommendation from the Standing Committee, and (ii) ratification of the Bishop's decision by the Diocesan Council.

Section 3:

There is an ambiguity as to whether the President of the Disciplinary Board or the Bishop appoints supplemental Panel members as needed to vote on a disqualification motion or other matters. The Committee recommends the following clarification:

In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel shall become aware of a personal conflict of interest or bias, that member shall notify the President of the Board and request a replacement member of the Panel. Respondent, Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or bias by motion to the Panel for disqualification of the challenged member. The members of the Panel who are not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding. If recusals or challenges reduce the number of qualified Panel members below the number required to act in a particular matter, the President may appoint enough other Board members to achieve the required number. If there are insufficient Board members to qualify the Panel to act, Bishop may appoint additional persons sufficient to qualify the Panel to act in that particular matter.

Section 4:

We can delete language that was included only to cover the initial setting up of the Disciplinary Board in 2011:

Within sixty (60) days following the annual Convention, the Secretary of Convention shall convene the Board to elect a President from among its members to serve for the following calendar year. Education and training in the requirements of Title IV should be conducted each year under supervision of the diocesan Chancellor.

Section 7:

...The person(s) so selected [as Church Attorney] must be a member of the church and a duly licensed attorney.

Section 8:

The Bishop ~~may appoint~~ shall make available an Advisor for the complaining party and an Advisor for the Respondent. Persons serving as Advisors shall not hold any other position appointed or elected under Title IV, and shall not include chancellors, vice chancellors or assistant chancellors of this Diocese nor any person likely to be called as a witness in the proceeding. Parties should be advised in all cases that the appointed Advisor is not intended to act as lawyer for any party and should not be so considered. A party is free to reject a proposed Advisor and to select an alternative, who may also be an attorney and act in that capacity. In any case, any party is entitled to retain an attorney to assist in the proceeding.

Section 9:

The Board may appoint a clerk to assist the Board with records management and administrative support. The clerk may be a member of the Board.

Section 10:

- a. The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney(s), the Advisor(s), the Board clerk and a pastoral response coordinator (if any) shall be the obligation of the Diocese, subject to such budgetary constraints as may be established by Diocesan Council.

Section 11:

Records of active proceedings...shall be preserved...in the custody of the Board clerk, if there be one,...

Section 12:

The Bishop shall make provision for the storage of records...as prescribed in Title IV of the Canons of the Episcopal Church.

Section 13:

Any meeting...other than a hearing...may be conducted either in person or through electronic communications equipment by means of which all persons participating in the meeting can hear each other at the same time.

Faithfully submitted,

COMMITTEE ON CONSTITUTION & CANONS

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