

ANGLICAN CHURCH IN NORTH AMERICA

Report of the Governance Task Force

Draft 2

for final comment



**Canonical Changes Proposed by
Governance Task Force Meeting
January 16, 2020 in Atlanta, GA**

“Definition of Certain Terms”

Ecclesiastical Authority - The diocesan Bishop or, in the absence of a Bishop with authority to act, the Standing Committee or its equivalent.

Comment: Added by request from the floor of PC 2019.

Bishop with Authority to Act – A “Bishop with authority to act” is normally the Diocesan bishop. In his absence, a duly elected Bishop Co-adjutor would have such authority, or other bishop as expressly designated by the canons of the diocese.

Comment: Added to clarify the role of the Standing Committee in the absence of a diocesan bishop.

Canon I.6.9 – Of Congregations

Section 9 - Concerning Transfer or Disaffiliation

1. Congregations reserve the right to transfer from one Diocese to another with the permission and blessing of both the sending and receiving diocesan bishops.
2. Congregations wishing to transfer from one Diocese to another Diocese of the Church are required first to notify their current diocesan Bishop stating: (1) their desire to transfer, (2) the Diocese to which they request to apply for such transfer, and (3) the reason for their request to transfer.
3. If the congregation and their diocesan Bishop cannot reach agreement on such transfer, either party may request the Archbishop to mediate and facilitate a transfer or other resolution.
4. A congregation transferring into a Diocese becomes subject to the Constitution and Canons of that Diocese.
5. Congregations reserve the right to disaffiliate with the Church after consultation with their Bishop.

Comment: Added to title for clarification.

Canon I.10.2 – Of Duties of the Laity

With the help of God’s grace, it shall be the duty of ~~every member~~ all members of the Church:

Comment: This proposed change was rejected. The duties of the laity remain unchanged.

10. To affirm and follow the biblical standards of sexual morality and ethics in Canon II.8 and the standards regarding Holy Matrimony in Canon II.7;

Comment: This proposed change was tabled. The duties of the laity with regards to marriage are already spelled out in Canon II.8 and the content in Canon II.7 has to do with process rather than duties. In the interests of both minimalism and subsidiarity, the GTF is trying not to articulate every possible detail of discipleship.

Canon I.12 – Of Missionary Districts

4. Where the initiative is of one or more dioceses, ~~episcopal oversight and financial support of the Missionary District shall be the responsibility of the District and such dioceses, not of the Province. they shall provide episcopal oversight and financial support.~~ Clergy and congregations shall all be domiciled together in one of the ~~diocese or~~ dioceses to which the Missionary District belongs.

Comment: In the case of a Missionary District sponsored by two or more dioceses, a question was raised as to whether to allow clergy and congregations to domicile in whichever of the sponsoring dioceses seem best to them. The GTF declined this proposed change because establishing consistent episcopal oversight across the entire Missionary District is best accomplished if all clergy and congregations of the District are domiciled in the same diocese.

5. Where the initiative is of the Provincial Council, the College of Bishops may elect a Bishop for Special Mission, ~~who shall be domiciled in an existing diocese of the Province. Financial support of the Missionary District shall be the responsibility of the District and of the Province, not of the Bishop for Special Mission's diocese of domicile. and the Province shall provide financial support.~~ Clergy and congregations shall be domiciled in the Diocese in which the Bishop for Special Mission is domiciled. Where the Missionary District is an initiative of the Province, The Bishop for Special Mission shall owe canonical obedience to the Archbishop and College of Bishops, and the clergy of the Missionary District shall owe canonical obedience to the Bishop for Special Mission.

Comment: Amended in response to questions from the 2020 College of Bishops and clarification.

Canon II.7.1 – Of Christian Marriage

The Anglican Church in North America affirms our Lord's teaching that Holy Matrimony, commonly called a Sacrament (Article 25 and ACNA Catechism ~~124-125~~), is a lifelong covenant between one man and one woman, binding both to self-giving love and exclusive fidelity. Jesus Christ teaches that God is the author of marriage from the beginning of time. "So God created man in his own image, in the image of God he created him, male and female he created them" (Genesis 1:27; cf. Matthew 19:4-6). God's design for marriage has always involved one man and one woman (Genesis 2:24). Marriage is established by God for the procreation of children and their nurture in the knowledge and love of the Lord; for mutual joy, and for the help and comfort given one another in prosperity and adversity; to maintain purity, so that husbands and wives, with all the household of God, might serve as holy and undefiled members of the Body of Christ; and for the upbuilding of Christ's kingdom in family, church, and society, to the praise of his holy Name.

Comment: It was determined that this change should NOT be made.

Canon III.6 – Of Acceptance and Dismissal of Clergy in this Church

~~Section 3 – Concerning Transfer to Another Christian Denomination or Jurisdiction~~

~~Any Deacon or Presbyter of this Church in good standing may, at their own request, be released from the obligations of the ministry of this Church to unite with any other Christian denomination or jurisdiction by a commendatory letter, signed by the Bishop, and attested by one other person having ecclesiastical standing within the Diocese or other Jurisdiction of which the Deacon or Presbyter is a member. Upon the approval of the Standing Committee, the Bishop may remove the Deacon or Presbyter from the roll of clergy of the diocese.~~

Section 4 ~~3~~ - Concerning Voluntary Resignation from the Ordained Ministry of this Church

1. Any Deacon or Presbyter in good standing may resign from the Ordained Ministry of this Church by sending a resignation in writing to the Bishop with jurisdiction. The Bishop or other Ecclesiastical Authority shall record the declaration and request so made, and shall determine that the Deacon or Presbyter is not under discipline as defined in Title IV of these canons, and that the resignation is not occasioned by misconduct or irregularity, but is voluntary and for causes which do not affect the moral character of the Deacon or Presbyter.

Upon making this determination, the Bishop or other Ecclesiastical Authority shall defer formal action upon the declaration for two months, and meanwhile shall lay the matter before the Standing Committee or its equivalent for advice and consent. With its advice and consent, the Bishop or other Ecclesiastical Authority may pronounce that such resignation is accepted and that the Deacon or Presbyter is released from the obligations of the Ministerial office, and that the Deacon or Presbyter relinquishes the right to exercise in this Church the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in ordination.

2. The Bishop's declaration shall state that the resignation was for causes which do not affect the Deacon or Presbyter's moral character, and shall, if requested, give a certificate to this effect to the person so removed from the ministry of this Church. In all other cases of resignation or renunciation of the ordained ministry, where there may be a question of misconduct or irregularity, the Bishop shall follow the procedures outlined in Canon IV.7.
3. Any Deacon or Presbyter whose resignation has been accepted under this canon may request that the Bishop write a commendatory letter to another Christian denomination or jurisdiction.
4. A Deacon or Presbyter having voluntarily resigned from the ordained ministry of this Church and not under the discipline of any ecclesial body may petition the Bishop having jurisdiction in the diocese from which the Deacon or Presbyter resigned to restore the right to exercise in this Church the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in ordination. The terms and conditions of such restoration shall be entirely within the discretion of the Bishop having jurisdiction in the diocese from which the Deacon or Presbyter resigned, with the advice and consent of the Standing Committee or its equivalent.

Comment: The GTF received a comment questioning why a Deacon or Presbyter should be required to go back to the Bishop and diocese from which they resigned. The concern was that if they had an issue with that bishop and diocese that caused them to leave, it might invite

retaliation by the bishop. Resignation from the ordained ministry of the ACNA is not a matter of a possible “valid issue with his or her bishop,” but of not wanting any longer to be an ordained minister in our Church. The bishop who accepted the resignation knows the circumstances and why it might or might not be appropriate for the cleric to be restored. Where the resignation was a complex or sensitive matter, it would be most unhelpful if the cleric changed his mind and then went shopping for another bishop who would receive him back. It would be far better for him to go back to his former diocese, where various issues are known and can be rightly addressed. We therefore recommend no change in proposed III.6.3.4.

Further Comment: The GTF received another comment questioning why the Standing Committee should be given this power to consent or not, because it is not required elsewhere in Title III. The GTF noted that the consent of the Standing Committee IS required elsewhere in Title III—for example, accepting a cleric ordained in the historic succession in another denomination not in communion with the ACNA does require the advice and consent of the Standing Committee. So also do ordinations in many dioceses (though not required by Provincial canon). We do not believe this is inconsistent or inappropriate. One bishop said that, having recently been through a difficult resignation of a cleric from the ordained ministry, his needing to seek the advice and consent of the Standing Committee had proved to be a very wise provision, for which he was grateful. We therefore recommend no change in proposed III.6.3.4.

5. If the diocese from which the Deacon or Presbyter resigned no longer exists, petition shall be submitted to the Archbishop or to a diocesan Bishop designated by the Archbishop.

Comment: Added in response to question from Standing Committee of the Diocese of the Great Lakes.

Canon III.8 – Of Bishops

Section 4 - Concerning the Election of Bishops

1. With the consent of the College of Bishops, a diocese may commence the process of election of a Bishop. This consent to commence the process may be by electronic or telephonic meeting of the College of Bishops. The College of Bishops shall consider the report of the Executive Committee on the sustainability of the electing diocese (Canon I.5.7) prior to its decision whether to grant consent to the diocese to commence the process of election of a bishop. Such election will be subject to the approval of the College of Bishops as described in this section.

Comment: The GTF received a comment about the potential use of power which could permit “the arbitrary termination of dioceses considered troublesome” or when the underlying reason is to merge and consolidate dioceses. The diocese and its congregation have no right of appeal and this is analogous to giving the federal government the right to dissolve one of the very states that created it. The canon which requires the Executive Committee to review annually the sustainability of each diocese does not in any way indicate that a negative judgment by the Executive Committee would necessarily lead to the diocese being dissolved. Quite the contrary, it speaks of opening dialogue and providing assistance:

I.5.7 – Concerning Diocesan Sustainability

The Executive Committee shall review the annual Diocesan Reports with the objective of determining the sustainability of the several dioceses. The Executive Committee may open a dialogue with any diocese it feels is in need of assistance with the objective of strengthening its sustainability.

As for the College of Bishops' consent to the election of a new bishop: the current canon gives no criteria whatsoever by which the College should decide whether or not to give consent. Current Canon III.8.4.1 says:

1. With the consent of the College of Bishops, a diocese may commence the process of election of a Bishop.

In other words, linking the College's consent to the sustainability review at least provides some basis for the College's deliberations. But again, the Executive Committee's assessment is only informational. Under the current canon, the College could say no to the election of a new bishop for any reason, including bad ones. The scenario envisioned in this comment seems to us to be more possible under the current canon than under the revised one. We therefore recommend no change in proposed III.8.4.1.

2. Bishops shall be chosen by a Diocese in conformance with the constitution and canons of the Diocese and consistent with the Constitution and Canons of this Church.

Comment: Added upon discussion with Executive Committee to clarify the process and timeline for electing a Bishop, including the Canonically mandated Report on Diocesan sustainability (Canon I.5.7).

Canon III.8 - Of Bishops

Section 6 - Concerning Bishops for Special Mission

Bishops for Special Mission are Bishops elected by and serving directly under the College of Bishops for a specific missionary purpose. The office of any Bishop for Special Mission shall be created in consultation with the Executive Committee. Any male Presbyter of this Church qualified by these Canons may be elected as a Bishop for Special Mission by the College of Bishops. ~~The College of Bishops may certify two or three candidates, from whom one may be elected by the affirmative vote of two-thirds of the College.~~

Comment: Removed to bring in conformity with language of elections elsewhere in Title III.

Canon IV.3 - Of Presentments of Presbyters and Deacons

Section 1 - Concerning Accusations

3. If the Bishop deems the accuser(s) or the accusation(s) to be credible, he shall cause an investigation to be made by a canonical investigator. If the Bishop deems the accuser(s) not to be credible and the accusation(s) to be without any merit, he shall inform the accuser(s) of his determination and the accuser(s) shall have the right, within 30 days of after such determination by the Bishop, to appeal his decision to the Standing Committee. The Standing

Committee shall then have 30 days to determine whether the accuser(s) and the accusation(s) are credible, or to affirm the Bishop's decision. If they reverse the Bishop's determination, in whole or in part, they shall cause an investigation to be made by a canonical investigator.

Comment: Added by GTF for clarification of the rights of the accused.

Canon IV.3. - Of Presentments of Presbyters and Deacons

Section 3 - Concerning Canonical Investigation, Presentment and Trial

5. If it is determined by the Ecclesiastical authority that a trial should occur, then a presentment shall be prepared and procedures followed according to the norms of ecclesiastical law. Such procedures shall acknowledge the presumption of innocence of the accused, ~~and~~ the right to representation by counsel, ~~and~~ the right to confront and examine witnesses; and shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that would be affected by that rule.

Comment: Added in 2020 by request and discussion on the floor at PC 2019.

Additional grammatical changes proposed in response to suggestions that will highlight the series of rights to the accused as a matter of due process and natural justice

Canon IV.5 - Of Courts, Membership and Procedures

Section 7 - Concerning Procedures

The Provincial Tribunal, the Court for Trial of a Bishop, the Court of Extraordinary Jurisdiction, and the Trial Courts of the several Dioceses shall establish their own procedures, to include the appointment of a recorder of proceedings. Such procedures shall acknowledge the presumption of innocence of the accused, ~~and~~ the right to representation by counsel, the right to confront and examine witnesses; and shall be consistent with principles of fairness, due process and natural justice and shall require expeditious handling consistent with those principles. No new rule of procedure shall be made while a matter is pending that would be affected by that rule. In all courts of original jurisdiction, the standard of proof shall be by clear and convincing evidence. Unless a higher standard is required by diocesan Canon for a Diocesan Trial Court, the affirmative vote of not fewer than a majority of the members of a Court shall be required for any determination by that Court.

Comment: The same change to be made to both Canons IV.3 and IV.5. In response to request from floor of PC 2019.

Additional grammatical changes proposed in response to suggestions that will highlight the series of rights to the accused as a matter of due process and natural justice

Canon IV.4 - Of Presentments of Bishops

Section 6 - Concerning the Findings of the Board of Inquiry

If in the judgment of two-thirds of the Board of Inquiry there is probable cause to

present the accused Bishop for trial for violation of Canon 2 of this Title, it shall make a public declaration ~~to that effect.~~ of the charges, if any, that shall proceed to trial.

NEW Section 7 – Concerning Voluntary Submission to Discipline

At any time after the Board of Inquiry makes its public declaration, the accused Bishop may confess to the truth of any or all of the charges declared by the Board of Inquiry and submit to the discipline of the Church. If the Bishop disputes any of the charges, those charges shall proceed to trial.

Comment: Added to provide same right under Title IV to Bishops as to Presbyters and Deacons.

Canon IV.8 - Of Sentences

Section 1 - Concerning the ~~Role of the Bishop in~~ Sentencing of a Presbyter or Deacon

The Bishop alone has the authority to pronounce sentence on a Presbyter or Deacon convicted, ~~(whether by trial or voluntary submission to the discipline of the Church),~~ as indicated in these canons. The Bishop may, upon recusing himself, delegate the sentencing to another Bishop having jurisdiction. If there is no Bishop, the Archbishop or another Bishop designated by the Archbishop shall pronounce sentence.

Comment: For emphasis, the parentheses should be removed and replaced with commas.

Section 2 - Concerning ~~Pronouncement of Sentence~~ the Sentencing of a Bishop

The College of Bishops, speaking through the Archbishop or his designate, has the sole responsibility and authority to pronounce sentence on a Bishop convicted, whether by trial or voluntary submission to the discipline of the Church, as indicated in these canons.

Comment: Added for clarification.

Canon IV.11 – The Provincial List

1. The Office of the Archbishop, ~~including such members of the Provincial staff designated in writing by the Archbishop,~~ shall maintain a list of all those clergy who have been tried and convicted, or who have voluntarily submitted to the discipline of the Church, for any offense listed in Canon IV.2.

Comment: The Archbishop certainly has the authority in his office to determine who needs to assist him in maintaining the list—and without requiring him to make such appointments in writing.

2. The list shall include (a) the name of the clergyperson, (b) the offense under Canon IV.2 for which they were presented, tried and convicted, or voluntarily submitted to the discipline of the Church, (c) the sentence imposed under Canon IV.8 and any other measures required for the restoration of the clergyperson and the victims, (d) the date of the sentence, and (e) the name of the Bishop who imposed the sentence.

3. It is the responsibility of each Bishop with jurisdiction to ensure that the diocesan records are complete and accurate and that the information required under this canon has been provided to the Office of the Archbishop pursuant to Canon IV.10.
4. Those marked on the list will be informed of its entry and its content by the Office of the Archbishop.
5. The Provincial List may ~~only~~ be accessed only by the Archbishop, by Bishops having jurisdiction, ~~and up to two persons designated in writing by the Bishop, and the~~ Provincial Chancellors and Diocesan Chancellors, provided however that the Archbishop and Bishops having jurisdiction may designate in writing such persons on their respective staffs who shall have access to the Provincial List for the limited purposes of administration of the list or screening candidates for deployment, and diocesan Chancellors.

Comment: As a matter of subsidiarity, Diocesan Bishops have in their office likewise the authority to determine who should have access to this list. In many cases where the List will be most useful in screening candidates for deployment, it will be the Canon to the Ordinary or some other diocesan staff person designated by the Bishop, in addition to the Chancellor, who will be most immediately involved in the search, hiring and deployment. The GTF changed the mandatory "shall" to the permissive "may" "designate such persons in writing" in the light of the limited purpose spelled out for granting of such access. We believe these limitations balance the need for access in screening and deployment with confidentiality of the information.