

DOMA Constitution & Canons Committee Report, 2018

Proposed Amendments to the Constitution & Canons

Proposed Amendment to the Constitution:

Article 4: “Authority, Composition, and Operation of the Synod”

Section 4: “Quorum for the Transaction of Synod Business”

Current Text:

In order to constitute a quorum for the transaction of business at any Synod meeting:

- Delegates representing one half of the Congregations and Missions must be present;
- One half of the delegates of the Lay Order must be present; and,
- One half of the delegates of the Clerical Order must be present.

A meeting may be adjourned by a majority of those delegates present at adjournment.

Proposed Text:

In order to constitute a quorum for the transaction of business at any Synod meeting:

- Delegates representing one half of the Congregations and Missions must be present;
- One half of the delegates of the Lay Order must be present; and,
- One half of the delegates of the Clerical Order must be present. Retired clergy who are absent shall be not counted against the determination of a quorum. (Underlined text is an addition.)

A meeting may be adjourned by a majority of those delegates present at adjournment.

Rationale:

This change reflected the Committee’s observation that the active clergy of the Diocese are faithful in attending Synod. This situation however is mitigated by the proportionally large number of retired clergy in the Diocese, relative to the total number of clergy, who do not attend Synod as often. Retired clergy will otherwise remain members of Synod with all the rights and privileges that come with this membership. (voice, seat, vote)

Note 1: This a proposed amendment to the Constitution. As such, the following applies:

Article XVI Amendment

No amendment to this Constitution may be adopted until it has been reviewed by the Constitution and Canons Committee and its recommendations given to the Synod. This Constitution may be amended by a 2/3 vote at any annual meeting of the Synod, provided that each amendment must also be approved by a majority of each order’s total delegates present at the meeting. If approved, the amendment shall lie over to the next annual meeting of the Synod. If again approved in the same form by a 2/3 vote of the Synod and a majority of each order’s total delegates present at the meeting, the Constitution shall then stand amended as proposed. **Note: This is the second year.**

Source: The Constitution and Canons Committee

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#1 Proposed Amendment to the Canons:

Title 1B. Canon 1: Congregations and Missions

Section 3: "Governance of Congregations"

C: "Vestry Member Eligibility, Qualifications, Duties, Oath, and Vacancies"

Within the current text a strikethrough indicates text that is changed in the proposed text. Within the proposed text underlined portions differ from the current text.

Current Text:

Paragraph ii: Vestry Qualifications. Qualification for Vestry membership is based on the applicable passages of Titus 1. A candidate ~~should~~ **shall** be:

- a. A mature Christian;
- b. One who maintains an active life of prayer and study of Scripture;
- c. One whose life and relationships are in order;
- d. One who is known and respected among the Congregation;
- e. One who has been or is currently active in ministry;
- f. One who is known as a cheerful giver of time, talent, and treasure; ~~and~~
- g. One who understands, has counted the cost of, and is committed to fulfilling the responsibilities and duties of a Vestry member;

Proposed Text:

Paragraph ii: Vestry Qualifications. Qualification for Vestry membership is based on the applicable passages of Titus 1. A candidate ~~should~~ shall be:

- a. A mature Christian;
- b. One who maintains an active life of prayer and study of Scripture;
- c. One whose life and relationships are in order;
- d. One who is known and respected among the Congregation;
- e. One who has been or is currently active in ministry;
- f. One who is known as a cheerful giver of time, talent, and treasure; ~~and~~
- g. One who understands, has counted the cost of, and is committed to fulfilling the responsibilities and duties of a Vestry member; and
- h. One who affirms the Fundamental Declarations of the Diocese as set forth in Article I of the Diocesan Constitution and the Standards of Morality and Ethics as set forth in Title II, Canon 5 of the Diocesan Canons.

Rationale

The teachings of Title II, Canon 5 of the Diocesan Canons are considered to be integral to the ACNA and to DOMA. Those serving as leaders in DOMA congregations should to be able to affirm these fundamental positions on standards of morality.

Source: The Constitution and Canons Committee

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#2 Proposed Amendment to the Canons:

Title 1A.Canon 5: Committees of the Diocese

Section 4: “Committee on Nominations for Bishops”

Within the current text a strikethrough indicates text that is changed in the proposed text. Within the proposed text underlined portions differ from the current text.

Overarching Rationale

The mind of the Constitution and Canons Committee (C&C Committee) is that there needs to be a well thought out process in place in our diocese for the election of a bishop. This conclusion was reached by the committee after conversations with Bishop John and with several dioceses which have engaged in search and election processes for their new bishop. Documents and procedures from other locations were examined and discussed. We found through the experience of others that having a detailed process in place was extremely helpful; we also discovered that when a process was not detailed it detracted from the important task at hand.

Throughout these proposed revisions, beginning in A.i., there is reference to the Executive Committee and the Standing Committee. In the Provincial and DOMA canons these committees are given certain authority and responsibility. The proposed changes take this into account while recognizing that currently DOMA has a Standing Committee that functions as the Executive Committee.

Current Text

A. Composition and Duties

A Committee on Nominations, consisting of ~~three~~ Clergy and ~~four~~ Lay Delegates ~~chosen from among the delegates to the Synod, shall be elected annually by the Synod.~~ The Committee on Nominations shall be responsible for receiving, considering, and keeping a record of all accepted nominations for Bishop, Bishop Coadjutor, and Bishop Suffragan ~~as provided in Subparagraphs B-D.~~

Proposed Text

A. Composition and Duties

- i. A Committee on Nominations, consisting of five Clergy and six Laity shall be formed on an as needed basis by the Executive Committee, if there be one, or by the Standing Committee serving as such authority (referred to throughout this Section as the “Executive Committee”). Up to two Clergy and two Lay alternates may be selected to fill vacancies created by the loss of Clergy or Lay members during the term of the Committee on Nominations. The alternates shall have seat but not voice or vote. If an alternate is seated to replace a departed member, clergy shall replace clergy and laity shall replace laity. An alternate who replaces a seated committee member is then granted voice and vote.

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- ii. Lay members of the Committee on Nominations shall be Eligible Voters in a Congregation or Mission of the Diocese who have been confirmed or received by a Bishop of the Province or another province of the Anglican Communion. Clergy members of the Committee on Nominations shall be under the authority of the Bishop.
- iii. The Committee on Nominations shall be responsible for receiving, considering, and keeping a record of all nominations for Bishop, Bishop Coadjutor, or Bishop Suffragan.
- iv. Once a nominating process has begun, the Committee on Nominations shall remain seated and continue its work until that nominating process has been completed, an election has occurred, and the Bishop-elect consented to by the Provincial College of Bishops. If an election does not occur or if the Bishop-elect is not consented to by the College of Bishops, the Executive Committee may act to seat a new Committee on Nominations.

Rationale

A. Composition and Duties

- i. The number of committee members is increased given the scope of the task to be completed. Rather than elect a Committee on Nominations at the yearly meeting of Synod, be it needed or not, this responsibility has been shifted to the Executive Committee (EC), should there be one, or to the Standing Committee (SC) should there be no EC. This gives the flexibility to form this committee when needed, and to not form it when there is no need. We are in violation of the current canon as Synod has not been electing members to this committee on a yearly basis. Furthermore, it was the mind of the committee that appointment would yield a committee more diverse and representative of the diocese than what might be elected by the Synod. Since this task could take a longer period of time, it was thought necessary to have alternates who would be able to step onto the committee without having to spend considerable time being brought up to speed.
- ii. To broaden the pool of candidates, the pool was redefined as eligible voters in congregations rather than delegates to synod.
- iii. This was moved from the original paragraph. The final clause in the original section, “as provided in Subparagraphs B-D” was seen as unnecessary.
- iv. Definition was given to the duration of the committee’s work, and to what happens if the Bishop-elect is not consented to by the College of Bishops.

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Current Text

B. Sources and Contents of Nominations

~~Nominations for Bishops received from any Vestry shall be submitted to the Committee on Nominations, in a form specified by that Committee, not less than 210 days prior to the electing Synod. Nominations from other sources shall be submitted to that Committee, in a form specified by that Committee, not less than 180 days prior to the electing Synod. All nominations must include a written acceptance of the nomination by the nominee.~~

Proposed Text

B. The call for an Episcopal Election and Seating of a Committee on Nominations

- i. When the Ecclesiastical Authority of the Diocese calls for the election of a Bishop, Bishop Coadjutor, or Bishop Suffragan, the Ecclesiastical Authority shall first notify the Archbishop of the Province of its request to hold an Episcopal election.
- ii. Once the College of Bishops has approved the request to hold an Episcopal election, a Committee on Nominations shall be formed by the Executive Committee within 60 days after receiving approval to hold the election. In addition, the members of the Committee on Nominations shall be selected at least 210 days prior to the date set for the Synod at which the election is to be held.
- iii. Either the annual meeting of the Synod or a Special Meeting of the Synod called for the election of a Bishop may serve as an electing Synod.
- iv. The Executive Committee shall prayerfully consider names submitted by Rectors/Vicars of the Diocese for the lay members of Committee on Nominations. Any lay person seeking to be considered for selection shall submit a written form that includes the signature of the Rector/Vicar and the Senior Warden. Clergy desiring to serve shall submit their names to the Executive Committee.
- v. In addition, each person who desires to become a member of the Committee on Nominations must submit a signed declaration that he/she affirms the Fundamental Declarations of the Diocese as set forth in Article I of the Diocesan Constitution and the Standards of Morality and Ethics as set forth in Title II, Canon 4 of the Diocesan Canons.
- vi. The Executive Committee at its discretion may request additional information from the individuals seeking selection to the Committee on Nominations.
- vii. The Executive Committee shall appoint the chair of the Committee on Nominations. Once seated, the Committee on Nominations shall elect a secretary from among its members.
- viii. Once seated, the Committee on Nominations shall have power to adopt rules and regulations consistent with Canon and approved by the Executive Committee. The Committee on Nominations may decide to use other resources to assist its work, such as any of the Bishops of the Diocese, any Committees of the Diocese, any Officers of the Diocese, or one or more outside consultants.

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Rationale

The original canon did not specify the procedure for calling for an episcopal election or for seating a Committee on Nominations. Specifics per item above follow.

- i. This is as per ACNA canon (Title 3.Canon 8.4.1).
- ii. The C&C Committee considered the tasks to be accomplished and determined this timeline to be workable.
- iii. Definition of an electing synod.
- iv. As the C&C Committee is recommending an appointed committee, it was felt that this mechanism would generate a sufficient pool of qualified committee candidates.
- v. The C&C Committee feels it is important for those called to such an important task be of one mind about ACNA and DOMA distinctives.
- vi. This give the Executive Committee permission to ask for any additional information for which they have need.
- vii. As the Committee on Nominations (CON) will be accountable to the Executive Committee (EC), and the EC will have knowledge of the gifts and strengths of CON members, it was felt that the EC should name the chairperson who will then convene the first CON meeting.
- viii. This frees the CON to design their own best practice, and to use outside resources to best accomplish their task.

Current Text

~~C.—Screening of Nominations~~

~~The Committee on Nominations shall screen all names placed in nomination to determine whether they meet the criteria established by the Provincial and Diocesan Constitution and Canons. Through a prayerful process of discernment, including due diligence, the Committee shall arrive at a slate consisting of no more than three candidates, each of whom must have communicated to the Committee written permission to make the candidacy public. All candidates currently serving a Congregation or Mission of the Province shall have written support by the Vestry of such Congregation or Mission. The slate of candidates shall be published to the Synod delegates at least 90 days prior to the electing Synod.~~

Proposed Text

C. Submission and Screening of Nominees for the Election of a Bishop

- i. Nominations for Bishop shall be submitted to the Committee on Nominations in a form specified by that Committee, and approved by the Executive Committee, not less than 150 days prior to the electing Synod.
- ii. Any priest on the Committee on Nominations whose name is proposed for consideration for nomination must either withdraw his name from further consideration or resign from the Committee on Nominations.
- iii. The Committee on Nominations shall screen all names placed in nomination to determine whether they meet the criteria established by the Provincial and the Diocesan Constitution and Canons and other Provincial teachings. Other criteria may

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be established by the Committee on Nominations as approved by the Executive Committee.

- iv. Through a prayerful process of discernment, including due diligence, the Committee on Nominations shall arrive at a slate consisting of no fewer than three candidates. Each candidate must have communicated to the Committee on Nominations written permission to make his candidacy public. The slate of the final candidates shall be published to the Synod delegates no less than 90 days prior to the electing Synod.

Rationale

The original text has been largely preserved and divided into subsections and expounded upon to create a process. By requiring nominations be submitted not less than 150 days prior to the electing Synod with the published list due to delegates 90 days prior, a window of 60 days is created to insure the CON has time to conduct its business with due diligence.

Requiring vestry consent was seen as a holdover from thinking the bishop would also serve as rector of a parish. That model would have required vestry agreement and support. Since this is not the model that DOMA has adopted for the life of her bishop, this requirement was seen as unhelpful.

The number of candidates is to be no less than three rather than no more than three. This insures that the synod is the electing body and not the CON.

Current Text

~~D. Other~~

~~If a Committee on Nominations is not established, its functions shall be performed by the Standing Committee.~~

Rationale

This section is no longer needed as the proposed changes to the canon requires a Committee on Nominations be formed. The Standing Committee already has enough business that they must oversee. Adding the tasks of a Committee on Nominations to their already full plate was seen as unwise by the C&C Committee.

Proposed Text

D. Nomination by Petition

- i. Once the slate of candidates is published to the Synod delegates, the names of additional candidates may be submitted by petition to the Committee on Nominations. Each petition must contain the names and signatures of at least 5 clergy and 20 laity who are elected members of Synod. Petitions must be received by the Committee on Nominations no less than 60 days prior to the electing Synod. The Committee on Nominations shall screen and conduct due diligence for any such nominations in accordance with Section 4(C)(iii) and (iv) of this Canon. Candidates

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submitted by petition and screened by the Committee on Nominations shall be published at least 30 days before the electing Synod.

- ii. Nominations cannot be made from the floor of the electing Synod.

Rationale

D. i. The mind of the C&C Committee is that the process of receiving nominations for Bishop is to be as broad as possible while still permitting due diligence to be done. By requiring 5 clergy and 20 lay endorsements a nominee for bishop arising from just one parish and without wider support is discouraged while enabling a broader opportunity for the diocese to listen the guidance of the Holy Spirit together. This process begins after the initial list of nominees put forward by the CON is published to save work in the instance where the candidate raised up by petition is already a nominee being presented by the CON. As the CON nominees will have already been screened and due diligence completed, the C&C Committee thought 30 days to be sufficient time to complete the same screening process as done for other nominees.

D. ii. There is no way to screen or complete due diligence on nominations made from the floor.

Proposed Text

E. Election of the Bishop

- i. Each ballot shall be preceded by a period of silent prayer.
- ii. The vote shall be by ballot and by orders. A majority of the votes cast by each order on the same ballot shall be necessary for election.
- iii. The Secretary of the Diocese shall immediately forward the name of the person so elected to the College of Bishops of the Province for its consent as provided in Title III, Canon 8, Section 4 of the Provincial Canons.
- iv. In the event that the Bishop-elect is not consented to by the College of Bishops, the Bishop or the Standing Committee shall promptly call another meeting of the Synod for the purpose of electing a Bishop

Rationale

The process laid out in the proposed text is drawn from the ACNA Constitution and Canons as provided in Title III, Canon 8, Section 4. The mind of the C&C Committee was to retain the original intent of the DOMA Canons and forward one name to the College of Bishops for consent.

Proposed Text

F. Records and Reports

- i. Records will be defined as reports, letters, working papers, and files in a wide variety of media. During the course of its work, all such documents generated within or received by the Committee will be protected from access by anyone not a member of the Committee or assisting as a resource (ref. Section 4Bviii), and/or from premature disclosure to the public.
- ii. The Committee will determine the classification of all documents into three categories: confidential, internal, and those to be made public (at the time and in

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- the method appropriate). The Committee will determine the appropriate categorization following commonly accepted practices of human resource management, HIPPA, Privacy Act, and other legal considerations.
- iii. The Executive Committee may call for the Committee on Nominations to provide interim reports concerning the processes and progress of the committee, including the identification of problems that may be hindering the work of the committee. To seek maximum transparency and accountability during the work of the Committee on Nominations, timely dissemination of appropriate information within the Diocese is encouraged. The Committee on Nominations shall periodically prepare interim reports for such purpose. Prior to release, interim reports shall be approved by the Executive Committee and issued through the Office of the Diocese.
 - iv. At the conclusion of its work, the Committee will review all documents to identify the documents appropriate for destruction, documents appropriate for short-term retention followed by destruction, and documents to be permanently retained.
 - a. All documents pertaining to the elected Bishop will be retained as permanent files of the Diocese. Documents for a selected candidate who is not consented to by the House of Bishops will be destroyed.
 - b. All documents pertaining to non-selected Candidates for Bishop will be retained for six months following the Installation, after-which the documents will be destroyed (or returned).
 - c. To assist future Committees on Nominations, all documents pertaining to the processes and procedures of the Committee will be retained as permanent files of the Diocese.
 - v. In addition to the public reports required by Canon, the committee will prepare a concluding report detailing procedures and processes developed for external and internal use. The Committee will also advise of “lessons learned” and recommendations, if any, for change to Canons. This report will be submitted to the Executive Committee not later than 45 days following the Installation of the Bishop. This report may be made public; however, if considered appropriate by the Nominations Committee, the final report may include a confidential annex, not for public release.

Rationale

At the conclusion of its work, the CON will have a considerable body of written material. This addition gives direction for the disposition or storage of this material. One lesson learned in dioceses which have gone before us and elected a bishop to succeed their current bishop is that the retention of files of some types, and documentation of the process and procedures used is important.