

DOMA Constitution & Canons Committee Report, 2017

Proposed Amendments to the Constitution & Canons

Second Reading of a Proposed Amendment to the Constitution:

Note: 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.)**

Current Text: "Disability or Impermissible Absence of the Bishop"

If the Standing Committee should determine upon careful deliberation that the Bishop is under a disability, or has absented himself without permission from or consultation with the Standing Committee for more than four weeks, it may with the consent of the Archbishop declare the Office of the Bishop vacant. In such case, the Bishop Coadjutor, if there be one, or the Bishop Suffragan shall take charge until the Standing Committee with the consent of the Archbishop declares the Bishop restored. If there be neither Bishop Coadjutor nor Bishop Suffragan, the Standing Committee shall serve as the Ecclesiastical Authority of the Diocese until the Standing Committee with the consent of the Archbishop declares the Bishop restored.

Proposed Text to replace the underlined portion above:

"In such case, the Bishop Coadjutor shall take charge until the Standing Committee, with the consent of the Archbishop, declares the Bishop restored. If there be no Bishop Coadjutor, the Standing Committee shall be the Ecclesiastical Authority of the Diocese. In consultation with the Archbishop, the Standing Committee may select a Bishop Suffragan or an assistant Bishop of the Diocese, if either exists, or another bishop of the Province as Acting Bishop. This bishop will function as that Ecclesiastical Authority of the Diocese until the Standing Committee, with the consent of the Archbishop, declares the Bishop restored."

Rationale:

The Suffragan should not be included as one who would automatically take charge in the disability or impermissible absence of the bishop. Unlike a Bishop Coadjutor, who

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is elected with the right of succession to the current bishop, a Suffragan Bishop is elected to assist in the episcopal affairs of the diocese without the automatic right of succession.

The proposed change brings Article VII, Section 2 of the Constitution in line with the definition of a Suffragan Bishop.

Source: The Constitution and Canons Committee

Proposed Amendment to the Constitution:

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

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 first year.)**

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:

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- 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 not be counted in the determination of a quorum.
- 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).

Source: The Constitution and Canons Committee

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#1 Proposed Amendment to the Canons:

Title 1A. Canon 5. 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.

The proposed changes are separated here for clarity. As all the changes work together, they are being presented as one resolution.

A. 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.

A. Proposed Text:

A. Composition and Duties

(i) A Committee on Nominations, consisting of five Clergy and six Lay Delegates shall be elected annually by the Synod. 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.

(ii) 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.

(iii) Once a nominating process has begun, the Committee on Nominations shall remain seated and continue its work until that nominating process has been completed.

A. Rationale:

Given the scope of this task it was felt that a slightly larger group would better serve the diocese. Rather than limiting participation to those serving as delegates to synod it was felt that this call should be opened to any qualified person in the diocese. Limiting participation on the nominations committee to delegates to synod restricts the pool unnecessarily. The Committee on

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Nomination of Bishops is to be elected annually; there are no term limits. It was felt that once the committee begins work, the committee needs to remain intact until the process is completed.

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B. 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 240 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.

B. Proposed Text:

B. Submission of Nominations

Nominations for Bishops shall be submitted to the Committee on Nominations, in a form specified by that Committee, and approved by the Standing Committee, not less than 180 days prior to the electing Synod. All nominations must include a written acceptance of the nomination by the nominee.

B. Rationale:

The purpose of this section of the canon is to insure the Committee on Nominations has sufficient time to determine canonical eligibility of candidates nominated to the office of bishop. Designing the process is not thought to be within the scope of the work of the C&C Committee, and is ascribed to the Nominations Committee.

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C. 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.

C. Proposed 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 fewer than three and no more than six candidates, each of whom must have communicated to the Committee written permission to make their candidacy public. The slate of candidates shall be published to the Synod delegates at least 90 days prior to the electing Synod.

C. Rationale:

The Committee is encouraged to present an adequate slate of candidates to the electing Synod. Under the current canon the committee would be allowed to present only one nominee, in essence electing the final candidate. We propose the deletion of the stipulation that each candidate shall have written permission of his vestry. This stipulation requires a prospective candidate to involve his parish leadership prematurely. It opens the possibility of a vestry not being fully supportive as they do not want to lose their rector or associate rector. The candidate needs to have the freedom to inform his parish leaders at the time that is most helpful for the parish.

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D. Current Text:

D. Other

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

D. Proposed Text:

This remains the same until the action of Synod 2018. See rationale.

D. Rationale:

The canons provide for a Committee on Nominations of Bishops to be elected. In the interest of separating this work from the work of the Standing Committee, the Constitution & Canons Committee strongly recommends electing such a committee on a yearly basis, thus eliminating the need for this section of the canons. At the Synod 2018 the C&C Committee will propose that D. "Other" be removed.

Overall Rationale:

When the diocese was being formed and the canons written, the canon reflected the view that the diocesan bishop nominees would come primarily from eligible clergy, and primarily rectors, of the diocese, who, once elected and consecrated, would continue to serve as a rector as well as diocesan bishop.

DOMA has chosen to have a diocesan bishop who serves fully in that role, and not in tandem with serving a parish. The need for revision to this section of the canons was brought to the Constitution & Canons Committee's attention via communication from the bishop and the Standing Committee. The suggested revisions are part of a multi-year process of revision that will give the diocese a working process suited to the way DOMA currently functions.

Source: The Constitution and Canons Committee

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#2 Proposed Amendment to the Canons:

Title III. Canon 1 “Of the Ordination Committee and Examining Chaplains”

Current Text:

There shall be a Diocesan Ordination Committee comprising ~~four~~ clergy and ~~four~~ laity appointed by the Bishop ~~to serve for staggered four year terms~~. The Ordination Committee shall assist the Bishop with the identification, selection, examination, interviewing, and other screening of applicants for admission as Postulants and as candidates for ordination to Holy Orders. The Ordination Committee shall also assist and advise the Bishop in formulating the needs and requirements for the present and future ministry in the Diocese, regarding the manner of selection of persons for ministry, and regarding the guidance of all Postulants and candidates for ordination to Holy Orders. The Ordination Committee shall publish and maintain a set of “Guidelines for Rectors and Those Seeking Holy Orders”. The Bishop may appoint Examining Chaplains from among ~~Presbyters~~ and laity of the Diocese for the purpose of assisting the Bishop with oversight of Postulants and candidates for ordination and their examination for ordination.

Proposed Text

There shall be a Diocesan Ordination Committee comprising clergy and lay members appointed by the Bishop. The Ordination Committee shall assist the Bishop with the identification, selection, examination, interviewing, and other screening of applicants for admission as Postulants and as Candidates for ordination to Holy Orders. The Ordination Committee shall also assist and advise the Bishop in formulating the needs and requirements for the present and future ministry in the Diocese, regarding the manner of selection of persons for ministry, and regarding the guidance of all Postulants and Candidates for ordination to Holy Orders. The Ordination Committee shall publish and maintain a set of “Guidelines for Rectors and Those Seeking Holy Orders”. The Bishop may appoint Examining Chaplains from among clergy and laity of the Diocese for the purpose of assisting the Bishop with oversight of Postulants and Candidates for ordination and their examination for ordination.

Rationale:

This reflects current practice, and gives the committee leeway to meet even if the committee does not have the required number of members at any given time. Deacons as well as priests are eligible to serve on the Board of Examining Chaplains. The term Candidate is a technical term reserved for a part of this

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ordination process. When not used in this way, it has been replaced with applicant.

Source: The Constitution and Canons Committee in conjunction with the Ordination Committee

#3 Proposed Amendment to the Canons: Title III. Canon 2 “Of Postulants for Holy Orders”

These proposed changes are separated here for clarity. As all the changes work together, they are being presented as one resolution.

Section 1: “Seeking Holy Orders”

Current Text:

Any member of this Province who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion; who has publicly affirmed the Fundamental Declarations set forth in Article I of the Constitution of the Province; and who feels called to the ordained ministry should seek the discernment of others to confirm that call. Initially, the ~~prospective candidate~~ should identify him or herself to the Rector of a Congregation or Vicar of a Mission in this Diocese. The Rector or Vicar and the ~~prospective candidate~~ shall follow the process outlined by the Bishop which, at a minimum, shall: (a) include affiliation of the ~~prospective candidate~~ with a single Congregation or Mission in this Diocese for at least two years, except for good cause; and (b) subject the call to the decision of a Discernment Committee of that same or another Congregation or Mission. No person having been through a Discernment Committee, and having been rejected at one Congregation, may enter a Discernment Committee at another Congregation until a period of 36 months has passed, except for good cause and with the approval of the Rector or Vicar of the Congregation or Mission in which he or she initially went through the Discernment Committee. No member of a Congregation or Mission may enter a Discernment Committee of another congregation

without the approval of the Rector or Vicar of the Congregation or Mission of which h or she is a member. Upon the ~~favorable~~ recommendation of the Discernment Committee and the Rector or Vicar, the ~~prospective candidate~~ shall complete an application for Postulancy, on the form required by the Standing Committee. The Vestry or Mission’s governing body by at least 2/3 vote shall determine whether to recommend the ~~prospective candidate~~ to the Bishop for admission to Postulancy, and, if it so determines, shall ~~forward the application~~ to the Bishop. The recommending Congregation or Mission shall serve as the applicant’s Sponsoring Congregation or Mission.

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Proposed Text:

Any member of this Province who has been confirmed or received by a Bishop of the Province or another province of the Anglican Communion, who has publicly affirmed the Fundamental Declarations set forth in Article I of the Constitution of the Province, and who feels called to the ordained ministry, should seek the discernment of others to confirm that call. Initially, the applicant should identify him or herself to the Rector of a Congregation or Vicar of a Mission in this Diocese. The Rector or Vicar and the applicant shall follow the process outlined by the Bishop which, at a minimum, shall: (a) call for the applicant to complete an application for Holy Orders on the form required by the Bishop; (b) include affiliation of the prospective candidate with a single Congregation or Mission in this Diocese for at least two years, except for good cause; and (c) subject the call to the decision of a Discernment Committee of that same or another Congregation or Mission. No person having been through a Discernment Committee, and having been rejected at one Congregation, may enter a Discernment Committee at another Congregation until a period of 36 months has passed, except for good cause and with the approval of the Rector or Vicar of the Congregation or Mission in which he or she initially went through the Discernment Committee. No member of a Congregation or Mission may enter a Discernment Committee of another congregation without the approval of the Rector or Vicar of the Congregation or Mission of which he or she is a member. Upon the recommendation of the Discernment Committee and the favorable recommendation of the Rector or Vicar, the Vestry or Mission's governing body by at least 2/3 vote shall determine whether to recommend the applicant to the Bishop for admission to Postulancy, and, if it so determines, shall submit their recommendation to the Bishop. The recommending Congregation or Mission shall serve as the applicant's Sponsoring Congregation or Mission.

Rationale:

The applicant is to submit application at the start of the process. This reflects current practice; the Ordination Committee has found it tremendously helpful to have a letter from the rector/vicar stating whether he or she recommends the applicant for Postulancy.

Section 3: "Action on the Application"

Current Text:

Upon the receipt and review of the application ~~and~~ background check, and after ~~consultation with~~ the Ordination Committee, ~~within 180 days of the~~

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~~receipt of such application~~ the Bishop shall determine whether to accept or reject the application and shall notify the applicant in writing of the acceptance or rejection of the application, such notice to include a statement of reasons supporting any rejection determination. If the applicant is accepted, the acceptance shall be recorded in the records of the Diocese and communicated to the Ordination Committee.

Proposed Text:

Upon the receipt and review of the application, background check, report of the Church Discernment Committee and recommendation of the Rector or Vicar, and after interview by and recommendation from the Ordination Committee, the Bishop shall determine whether to accept or reject the application and shall notify the applicant in writing of the acceptance or rejection of the application, such notice to include a statement of reasons supporting any rejection determination. If the applicant is accepted, the acceptance shall be recorded in the records of the Diocese and communicated to the Ordination Committee.

Rationale:

This reflects current practice. The listed items need to be received before the bishop makes a recommendation. Because the application comes into the diocese before the applicant begins the discernment process in the local congregation, it may well be more than 180 days before all the steps are completed such that the bishop can make a recommendation. Each applicant's timeframe is different, so a timeframe should not be mandated by canon.

Section 4: "Oversight of the Postulant"

Current Text:

Upon acceptance of an applicant for Postulancy, the Bishop, the Ordination Committee, and the Sponsoring Congregation or Mission shall oversee and direct the preparation, ministry, and study of the Postulant.

Proposed Text:

Upon acceptance of an applicant for Postulancy, the Bishop, the Ordination Committee and Examining Chaplains, and the Sponsoring Congregation or Mission shall oversee and direct the preparation, ministry, and study of the Postulant.

Rationale:

The Examining Chaplains work with the postulant to formulate and guide a course of study and preparation.

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Source: The Constitution and Canons Committee in conjunction with the
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#4 Proposed Amendment to the Canons: Title III. Canon 3 “Of Candidates for Holy Orders”

Section 1: “Endorsement of Candidacy”

Current Text:

Any Postulant who meets the requirements of Title III of the Provincial Canons may apply for admission as a candidate for Holy Orders. ~~The application must be endorsed by the Ordination Committee and the Sponsoring Congregation or Mission.~~

Proposed Text:

Any Postulant who meets the requirements of Title III of the Provincial Canons may apply for admission as a Candidate for Holy Orders.

Rationale:

If the individual has already been made a postulant, he or she has already received the recommendation / endorsement of the Ordination Committee and the sponsoring congregation.

Section 2.A: “Admission as a Candidate”

Current Text:

~~Except for weighty cause, within 180 days of the receipt of a Postulant’s ordination candidate application, the Bishop may admit the applicant as a candidate for ordination, so note the same in the records of the Diocese, and advise the Diocesan Ordination Committee and the Diocesan Examining Chaplains.~~

Proposed Text:

Upon recommendation of the applicant by the Ordination Committee, the Bishop may admit the applicant as a Candidate for ordination, so note the same in the records of the Diocese, and advise the Diocesan Ordination Committee and the Diocesan Examining Chaplains.

Rationale:

Each postulant’s timeframe is different, so a timeframe should not be mandated by canon.

Source: The Constitution and Canons Committee in conjunction with the Ordination Committee

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#5 Proposed Amendment to the Canons: Title III. Canon 5 “Of Presbyters and their Ordination”

Section 2: “Theological Requirements and Examination of Candidate for Ordination”

Current Text:

No Deacon shall be ordained a Presbyter in this Diocese until that person shall have passed a satisfactory examination prescribed by the ~~Ordination~~ Committee and the Bishop. The examination shall encompass those subjects set forth in Title III, Canon 4, Section 2 of the Provincial Canons. The candidate shall also be examined as to the candidate’s qualities for such ministry specified in Title III, Canon 2 of the Provincial Canons.

Proposed Text:

No Deacon shall be ordained a Presbyter in this Diocese until that person shall have passed a satisfactory examination prescribed by the Examining Chaplains and the Bishop. The examination shall encompass those subjects set forth in Title III, Canon 4, Section 2 of the Provincial Canons. The Candidate shall also be examined as to the Candidate’s qualities for such ministry specified in Title III, Canon 2 of the Provincial Canons.

Rationale:

The Examining Chaplains and not the Ordination Committee assess the Candidate’s academic preparation. This reflects current practice.

Source: The Constitution and Canons Committee in conjunction with the Ordination Committee