

## General Convention of The Episcopal Church 2024 Archives' Research Report

**Resolution No.:** 2024-D052  
**Title:** Amend Canon IV.10.3  
**Proposer:** Ambos, Canon Paul  
**Topic:** Discipline

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### **Directly Related:** (Attached)

2022-B005 Refer a Resolution to Amend Canon IV.10 [Of Conciliation] (Referred)  
1997-D061 Amend Canons IV.14.10, 15, 16 [Canons Relating to Conciliation]

### **Indirectly Related:** (Available in the [Acts of Convention](#) database, searchable by resolution number)

2009-A185 Amend Title IV [Ecclesiastical Discipline]

*In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).*

# D052 - Amend Canon IV.10.3

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**Final Status:** Not Yet Finalized

**Proposed by:** Ambos, Canon Paul

**Endorsed by:** Carter-Edmands, The Rev. Lynn, Little, Mr. Thomas

**Has Budget Implications:** No

**Cost:**

**Amends C&C or Rules of Order:** Yes

**Requests New Interim Body:** No

**Directs an Interim Body:** No

**Directs Dfms Staff:** No

**Directs Dioceses:** No

**Directs Executive Council:** No

**HiA:** HD

**Legislative Committee Currently Assigned:** 18 - Title IV Disciplinary Canons

**Completion Status:** Incomplete

**Latest House Action:** N/A

**Supporting Documents:**

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## Resolution Text

*Resolved*, the House of Bishops concurring,

That the 81st General Convention amend Canon IV.10.3 to read as follows:

**<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (\*\*\*\*\*) to see the version showing all deleted and added text.>**

Sec. 3. If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord will be prepared as provided in Canon IV.14. If conciliation cannot be achieved within a reasonable time, the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel. The Reference Panel may meet with the Conciliator and shall consider the report to determine whether to: (a) take no action other than appropriate pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) investigation pursuant to Canon IV.11; or (d) refer the matter directly to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.

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**<Proposed amended resolution text showing exact changes being made:>**

Sec. 3. If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord will be prepared as provided in Canon IV.14. If conciliation cannot be achieved within a reasonable time, the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel. *The Reference Panel may meet with the Conciliator and shall consider the report to determine whether to: (a) take no action other than appropriate pastoral responses pursuant to Canon IV.8; (b) refer the matter to the Bishop Diocesan for consideration of proceedings under Canon IV.9; (c) investigation pursuant to Canon IV.11; or (d) refer the matter directly to the Hearing Panel pursuant to Canon IV.13. The determination shall be approved by a majority vote of the Reference Panel.*

## **Explanation**

Canon IV.6.8 provides a sequence of referral options following a Reference Panel's receipt of an intake report, which can include referral to Conciliation or a to Conference Panel but not directly to a Hearing Panel. It has the same options (a) if the matter is not progressing (IV.6.9) or (b) following a failed referral to the Bishop for a possible Accord (IV.6.10). Following an Investigation, a Reference Panel has the added option of referring directly to a Hearing Panel (IV.11.3). If the informal Conference Panel can't reach an Accord, it can itself refer to Conciliation or to a Hearing Panel (IV.12.9), or if it issues an Order that is rejected, the President of the Disciplinary Board is required to refer the matter to a Hearing Panel (IV.12.12). There are currently no clear options for a Reference Panel following a failed Conciliation - other than under IV.6.8 for lack of progress.

This proposal clarifies that if Conciliation — a more structured and formal process than the Conference Panel — cannot resolve the issues between the parties, the Reference Panel in its judgment may also, among other options, refer the matter directly to a Hearing Panel without needing to first resort to a Conference Panel step that (a) may already have taken place and (b) may be unlikely to yield any greater likelihood of a voluntary agreement.



**Resolution Number:** 2022-B005  
**Title:** Refer a Resolution to Amend Canon IV.10 [Of Conciliation]  
**Legislative Action Taken:** Referred  
**Final Text:**

*Resolved, That Canon IV.10.3 be amended as follows:*

**Sec 3. If the conciliation is successful in reaching agreement among the parties on a suitable resolution of all issues, an Accord, ~~will be prepared~~ as provided in Canon IV.14, or other agreement may be prepared. ~~If conciliation cannot be achieved within~~ Within a reasonable time, the Conciliator shall report the results of the conciliation to the Reference Panel, which shall refer the matter as appropriate under Canon IV.6.8. ~~, the Conciliator will report such to the Bishop Diocesan, and the matter will be referred back to the Reference Panel.~~**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Baltimore, 2022* (New York: General Convention, 2023), p. 807.



**Resolution Number:** 1997-D061  
**Title:** Amend Canons IV.14.10, 15, 16 [Canons Relating to Conciliation]  
**Legislative Action Taken:** Concurred As Amended  
**Final Text:**

*Resolved, That Title IV be amended by the addition of the following:*

**Canon IV.16**

**Of Conciliation of Disciplinary Matters:**

*Sec. 1. If the Ecclesiastical Authority or the Standing Committee, as the case may be, shall receive a complaint or Charge against a Priest or Deacon, or if the Presiding Bishop shall receive a complaint or Charge against a Bishop, which complaint or Charge on its face, if true, would constitute an Offense and the Ecclesiastical Authority or Standing Committee or Presiding Bishop, as the case may be, considers the complaint or Charge not to be a serious Offense against the Church and its good order and Discipline, but an interpersonal conflict not involving immorality or serious personal misconduct, or one that may be a technical commission of another Offense, the Ecclesiastical Authority or Standing Committee or Presiding Bishop may offer the persons involved the opportunity for conciliation in lieu of canonical proceedings seeking a Presentment.*

*Sec. 2. If all persons involved in the matter agree that conciliation is desirable and are willing for the matter to be conciliated, the Ecclesiastical Authority or the Standing Committee or the Presiding Bishop receiving the complaint or Charge shall appoint a Conciliator, who shall labor with ~~the~~ those involved in the conflict that they may be reconciled.*

*Sec. 3. If the Conciliator is unable to achieve conciliation within a period of thirty (30) days, which may be extended by consent of all the participants to the conciliation for additional periods not to exceed a total of ninety (90) days from the date of the appointment of the Conciliator, the Conciliator shall refer the matter back to the appointing authority without recommendation for further proceedings under this Title.*

*Sec. 4. If conciliation is achieved, the Conciliator shall report back to the appointing authority with the results of the conciliation. The Conciliator's report shall be in writing, concisely state the allegations of the original complaint or Charge, state the terms, if any, and the results of the conciliation, which shall be agreed to, signed and Acknowledged by and between the participants in the conciliation.*

*Resolved, That Canon IV.14.10 be amended to read as follows:*

**Sec. 10. Former jeopardy. No Member of the Clergy may be Presented or tried a second time under this Title for the same Offense, or after Waiver and Voluntary Submission to Discipline, or as to any matters expressly set forth in the agreed upon report of a Conciliator under Canon IV.16.4 without the Member of the Clergy's consent; and be it further**

*Resolved, That Canon IV.15 be amended by the addition of the following defined term:*

***"Conciliator" shall mean an adult person, lay or clergy, appointed to seek the conciliation under Canon IV.16; and be it further***

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Philadelphia, 1997* (New York: General Convention, 1998), pp. 167-168.