

Updated Report of the Committee on Constitution and Canons
42nd Annual Convention of the Episcopal Diocese of West Tennessee

October 19, 2023

This Updated Report adds in blue text the revisions that have been made to the proposed amendments after the October 19, 2023 Hearing on Resolutions.

At the 40th Annual Convention, Bishop Phoebe Roaf charged the Committee on Constitution and Canons to do a thorough review of the Constitution, Canons, and Rules of Order of the Diocese and recommend amendments to the 41st Annual Convention. In particular, the Bishop asked that the Committee recommend reductions to the size of the Standing Committee, Bishop and Council, Finance Committee, and Commission on Ministry of the Diocese and to consider eliminating geographic requirements for offices because of the difficulty in finding canonically resident clergy serving Faith Communities outside Shelby County. The recommendations of the Committee were approved by the 41st Annual Convention and the amendments to the Canons became effective on January 1, 2023. The amendments to the Constitution are being presented to the 42nd Annual Convention for a second reading and approval. If the 42nd Annual Convention approves the amendments to the Constitution, the amendments to Canon 7 to reduce the size of the Standing Committee from eight (8) members (4 clergy and 4 lay) to six (6) members (3 clergy and 3 lay) will be presented to the 42nd Annual Convention for approval.

In addition to completing the work requested for the 41st Annual Convention by proposing amendments to Canon 7, in 2023 the Committee conducted a full review of the Rules of Order and Canons for the purposes of making provisions consistently worded both internally and among the three governing documents and making other clarifying changes. These proposed changes are reflected in the amendments set forth in Resolution WTN 2023-1 Amendments to Rules of Order and Resolution WTN 2023-3 Amendments to the Canons of the Diocese.

In anticipation of approval of the amendments to the Constitution and Canons with respect to the number of people to serve on the Standing Committee, no members of the Standing Committee are being elected at this Convention. The six existing members who have terms extending past 2023 will serve the remainder of their terms and two members (one lay and one clergy) will be elected at the 43rd Annual Convention in 2024 to serve three-year terms to replace the two whose terms will end at Diocesan Convention in 2024. If the amendments are not approved the two vacancies for a four-year term will be filled in accordance with the Constitution and Canons.

An explanation of the more important changes follows. Changes made for the purposes of clarification, update or similar reasons are not discussed. An online hearing on these changes will be held at noon on October 19, during which you may ask questions about any of the changes. You may also send questions to the Committee at salexander@episwtn.org.

Rules of Order – The amendments must be approved by a 2/3 vote of the Convention. The amendments will be effective upon adoption at Convention

1.02 and 7.02 - The amendment adds a defined term (Voting Members) to clarify when a provision applies to members of the Convention with a vote (whether Clergy or Lay) and when a provision applies to others who may have seat only (such as Alternates) or seat and voice but no vote (such as the persons set forth in Section 1.010

All other changes are recommended for the purposes of consistency, update or clarification.

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Constitution – The amendments must be approved by a 2/3 vote of the Convention. The amendments are the same as those approved at the 41st Annual Convention in 2022 and are presented for a second reading. The amendments adopted will become effective January 1, 2024.

A typographical error on the second page of WTN 2023-2 Attachment A has been corrected and is highlighted in yellow. “Epsicopal” has been corrected to “Episcopal.” The correct spelling is on Attachment B.

The following is explanation was presented in 2022:

Article V Quorum. This amendment reduces the number of canonically resident clergy to 1/3 of canonically resident clergy who reside within the Diocese or within 30 miles of the border of the Diocese. The number of canonically resident clergy who are retired and/or who do not reside in the Diocese has been decreasing and the ability to achieve a quorum is becoming more difficult. All canonically resident clergy who attend Convention and are not otherwise disqualified by disciplinary procedures described in Article IV, no matter where they reside, will have seat, voice and vote.

Article VI Voting by Orders. While still lower than the requirement to call for voting by orders at General Convention, the requirement is raised by the proposed amendment, which would require 3 delegates from any order (increased from 2) to move for a vote by orders, and adds the requirement that the 3 delegates be from different Faith Communities.

Article VIII Secretary and Treasurer. This amendment clarifies the longtime practice of the Diocese that the Secretary and Treasurer are nominated by the Bishop and elected by the Convention. It removes the outdated duties of the Secretary from the Constitution and provides that the duties are in the Canons. Canon 3 currently lists some of the duties and is proposed to be revised. Because of the changing nature of the duties of the Secretary and Treasurer it is preferable to describe the duties in the Canons, which can be amended at a single Convention, instead of the Constitution, which requires approval at two successive Conventions.

Article IX Standing Committee. The amendment removes the numerical requirement for members of the Standing Committee (4 clergy and 4 lay) and moves the numerical requirement to the Canons. If this amendment is approved, an amendment to Canon 7.1(a) will be presented at Convention in 2023 to reduce the members of the Standing Committee to 3 clergy and 3 lay members. This reduction should not affect the ability of the Standing Committee to perform its

duties as many dioceses larger than ours (including the Diocese of East Tennessee) have a six-person Standing Committee.

Article X Confirmed Communicant in Good Standing. Throughout the amendments to the Constitution and Canons, the Committee has sought to clarify that the standard for all offices held by a lay person is that they are to be Confirmed Communicants in Good Standing at least 18 years of age. The Canons of the Episcopal Church define an adult to be someone at least 16 years of age, while the Diocese has consistently required that offices be held by persons who are at least 18 years old, which is consistent with them being of legal age to enter contracts, hold positions with fiduciary responsibility, etc.

Article XII Amendments to the Constitution. This amendment clarifies that amendments to the Constitution must be approved at two successive Conventions, by 2/3 vote at each, and that amendments will become effective on January 1 of the year immediately after the second Convention at which the amendments were approved.

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Canons – Must be approved by majority vote; amendments adopted become effective on January 1, 2024 (*i.e.*, no second reading is required)

Preamble A, Definitions

- “Annual Reports” is deleted because the term is not used in the Canons.
- “and Assistant” is deleted from the definition of “Rector and Priest-in-Charge” because Assistant is not used in the Canons with respect to clergy serving as Assistants in Faith Communities.
- The definition of “Secretary” is clarified to indicate that the Secretary of the Diocese also serves as the Secretary of the Convention (see also Canon 3.1; the Secretary of the Diocese may, but is not required to serve as Secretary of Bishop and Council)

Preamble A – deletes the item defining Assisting Bishop and adds Assisting Bishop to the list of bishops in the next item. The change is highlighted in yellow on WTN 2023-3 Attachment A.

Preamble B.4 – adds Assistant Bishop and Assisting Bishop as a Vice-President of the Diocesan Corporation if holding this office is included in the Assistant Bishop or Assisting Bishop’s Letter of Agreement with the Diocese. The change is highlighted in yellow on WTN 2023-3 Attachment A.

Canon 7.1. Standing Committee. The size of the Standing Committee will be reduced to six members (3 lay, 3 clergy, two of whom must be priests) serving three-year terms if the second reading of the amendments to Article IX of the Constitution are approved by the Convention this year.

Canon 7.2. Officers of Standing Committee. The amendment clarifies that if the person elected President of the Standing Committee is a member of the Clergy, the Secretary shall be a lay person, and if the President is a lay person the Secretary must be a member of the Clergy. The

language deleted clarifies that there are instances in which a member of the Standing Committee should be recused from voting, such as when the member has a conflict of interest.

Canon 8.1. Deputies to General Convention. Normally the period of time between meetings of the General Convention of the Episcopal Church is three years. However, because of COVID, the meeting scheduled for 2021 was postponed until 2022 (*i.e.*, four years between meetings). The next meeting of the General Convention will be held in 2024 (*i.e.*, two years between meetings). The revisions to Canon 8.1 clarify that the election of Deputies and Alternates to General Convention should be made at the annual meeting of the Diocesan Convention that is two annual meetings before the scheduled meeting of the General Convention.

Canon 8.2. Alternate Deputies to General Convention. While the Canons of the Episcopal Church provide that each Diocese may send to General Convention up to four Deputies in each order (Clergy and Lay), they do not specify the number of Alternate Deputies that may be elected or that may attend. The amendment gives the Bishop the authority to determine the number of Alternate Deputies that may be elected at Diocesan Convention.

Canon 9.1 and 9.4. Absence of Bishop. The amendments clarify that the Bishop may make provision for coverage of the executive and administrative functions of the Diocese in advance of an extended absence from the Diocese (such as a Sabbatical). The amendments also provide that a Vice-President of Bishop and Council may be elected from among the elected members of Bishop and Council (if there is no Bishop Coadjutor, Bishop Suffragan or other Bishop serving the Diocese) to preside at meetings of Bishop and Council in the absence of the Bishop.

Canon 9.1(d) and Canon 9.4. Absence of Bishop. These sections were re-written to clarify that a Bishop Coadjutor and a Bishop Suffragan are automatically Vice-Presidents of Bishop and Council, and can preside at a Bishop and Council meeting if the Bishop is unable to do so. The Bishop may appoint an Assistant Bishop or Assisting Bishop to serve as Vice-President. If there is no bishop serving as Vice-President then the Bishop will nominate for approval by Bishop and Council an elected member of Bishop and Council to serve as Vice-President. If there is no Vice-President, and the Bishop is unable to preside at a meeting, the elected members will elect one of the elected members to preside at that meeting only. The Vice-President of Bishop and Council is not an officer of the Diocesan Corporation. The changes are highlighted in yellow on WTN 2023-3 Attachment A.

Canon 9.9 Secretary of Bishop and Council. The amendment clarifies that the Bishop may appoint the Secretary of the Diocese to serve as Secretary of Bishop and Council or the Bishop may appoint someone else to serve Secretary of Bishop and Council.

Canon 22.2(i) Investigator. The original amendment proposed was “Investigator. When required, the Bishop shall appoint an Investigator in consultation with the President of the Board.” To clarify that Title IV controls when an Investigator is appointed, the amendment has been changed to read as follows: “Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board as provided in Title IV.” The change is highlighted in yellow on WTN 2023-3 Attachment A.

The other proposed amendments to the Canons are recommended for clarification, consistency, update, and similar reasons.

This Report of the Committee on Constitution and Canons is respectfully submitted by its members:

The Hon. Andy Cobb, Chancellor and Chair of the Committee
The Hon. Blair Evans
The Hon. Ruth McLain
The Hon. Roane Waring
The Rev. Dr. Jesse Abell
The Rev. Canon Sharon Alexander, Diocesan Advisor to the Committee

October 3, 2023
Updated October 19, 2023