

# PROPOSED LEGISLATION

## **C10-1** Amend Canons 43 and 44 Ecclesiastical Discipline

1 *Resolved*, that Canon 44 – Of the Diocesan Review Committee – of the canons of the Diocese of  
2 Atlanta, be rescinded *in toto* effective July 1<sup>st</sup>, 2011; and be it further

3 *Resolved*, that Canon 43 – Of the Ecclesiastical Court and of Ecclesiastical Discipline – of the Canons  
4 of the Diocese of Atlanta be revised *in toto* effective July 1<sup>st</sup>, 2011, to read as follows:

5 Canon 42 Of Ecclesiastical Discipline

6 **Section 1. Applicability.** Except as otherwise implemented by this Canon, all matters of  
7 Ecclesiastical Discipline in the Diocese of Atlanta, including appointment of officials and  
8 composition of boards and panels by whatever name, shall be governed by the provisions of Title  
9 IV– Ecclesiastical Discipline – of the Canons of the General Convention of The Episcopal Church,  
10 hereafter “Title IV.”

11 **Section 2. Disciplinary Board.**

12 (a) Composition. There is hereby established a court to be known as The Disciplinary Board  
13 of the Diocese of Atlanta, hereafter, “Board” and “Diocese,” comprising five priests or deacons and  
14 four lay persons. All priests or deacons on the Board must be canonically resident in the Diocese  
15 but need not be domiciled in the Diocese. All lay persons on the Board must be Confirmed  
16 Communicants in Good Standing of a congregation in the Diocese but need not be domiciled in the  
17 Diocese. All Members of the Board must be at least 24 years of age. A priest or deacon shall serve  
18 for five years, and a lay member shall serve for four years.

19 (b) Ineligibility. The following persons shall be ineligible for election or continued service  
20 on the Board: (1) a Member of the Standing Committee; (2) a Member of the Board elected to the  
21 Standing Committee; (3) a Member who has served two consecutive full terms of office unless one  
22 year has elapsed since the end of the Member’s second term.

23 (c) Elections. At each Diocesan Annual Council the Bishop Diocesan shall nominate and the  
24 Council shall elect one priest or deacon to serve five years and one lay person to serve four years.  
25 The terms of office of elected Members shall begin on January 1<sup>st</sup> of the year following election.

26 (d) Vacancies. The President of the Board shall declare when a vacancy in the Board occurs  
27 and shall so notify the Bishop Diocesan. In the event of a vacancy not the result of a challenge,  
28 within two months after such notification the Bishop Diocesan shall appoint with the advice and  
29 consent of the Executive Board an eligible replacement of the same order to serve the remaining  
30 portion of the replaced Member’s term. The term of office of Members appointed to fill a vacancy  
31 not the result of a challenge shall begin on the adjournment of the Executive Board meeting that  
32 consented to their appointment. If the vacancy is the result of a challenge, the Bishop Diocesan  
33 shall appoint in like manner a replacement Board Member of the same order who shall serve only  
34 for proceedings for which the elected Board Member is not serving as a result of the challenge. The  
35 Bishop Diocesan may remove a Board Member whenever in the judgment of the Bishop the best  
36 interests of the Diocese would be served thereby. This action shall be taken with ratification by the  
37 Executive Board or the Diocesan Council.

38 (e) Transitional Provisions. At the Council at which this canon is adopted, the Bishop  
39 Diocesan shall nominate and the Council shall elect five priests or deacons and four lay persons to  
40 be Members of the Board effective July 1<sup>st</sup>, 2011. The Bishop shall state the length of term of each  
41 person nominated.

42 (f) President. Not later than two months after the Diocesan Council at which Board  
43 Members are elected, the Board shall elect, by a majority vote of all the Members, a Member of the  
44 Board as President to serve for one year. In the absence of an elected President or if the elected  
45 President is disqualified in a particular case, the Member of the Board with the longest period of  
46 continuous service who is not disqualified shall serve as President *pro tempore*.

47 (g) Communications. The Board may confer by telephonic or other electronic means to  
48 elect the President of the Board and for other purely administrative matters as the President  
49 deems necessary. This method shall not be used when evidence may be taken or examined.

50 (h) Disqualification. In addition to the provisions for disqualification in Title IV, if any  
51 Member of a Conference Panel or Hearing Panel shall become aware of a conflict of interest or  
52 undue bias in a proceeding under Title IV, the Member shall immediately notify the President of  
53 the Board and request a replacement member of the Panel for the particular case in which the  
54 perceived conflict of interest or undue bias applies.

55 (i) Challenges. Respondent and the Church Attorney shall have the right to challenge any  
56 Member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification  
57 of the challenged Member. The Members of the Panel not the subjects of the challenge shall  
58 promptly consider the motion and determine whether the challenged Panel Member shall be  
59 disqualified in that proceeding. If a challenge of the entire Board is made, it shall be resolved by  
60 the Standing Committee.

61 **Section 3. Officers.** Officers shall be selected and shall perform the duties assigned them by Title  
62 IV, to include these appointed in accordance with this canon.

63 (a) Advisor. The Bishop Diocesan shall make provision for an Advisor for the complaining  
64 party and an Advisor for the Respondent. Advisors shall hold no other appointed or elected  
65 position provided by Title IV, and shall not include any person likely to be called as a witness in  
66 the proceeding.

67 (b) Church Attorney. The Bishop Diocesan, with the advice and consent of the Standing  
68 Committee, shall annually appoint one or more attorneys to serve as Church Attorney(s) who shall  
69 serve for one year. The appointment may be renewed. Vacancies shall be filled in like manner. The  
70 duties and eligibility for appointment of Church Attorneys are set forth in Title IV. The Church  
71 Attorney shall hold no other office listed in Title IV. The Bishop Diocesan may remove a Church  
72 Attorney from office, acting with the advice and consent of the Standing Committee.

73 (c) Intake Officer. The Bishop Diocesan shall appoint an Intake Officer or Officers from time  
74 to time who shall serve at the pleasure of the Bishop. The Bishop shall publish the name(s) and  
75 contact information of the Intake Officer(s) throughout the Diocese.

76 **Section 4. Records.** The Bishop Diocesan shall make provision for the permanent storage of all  
77 proceedings under Title IV at the Diocesan Office and the Archives of The Episcopal Church as  
78 prescribed in Title IV.

## Explanation

General Convention in 2009 completely revised Title IV effective July 1<sup>st</sup>, 2011. There is no longer provision for a Diocesan Review Committee.

The 2009 General Convention approved significant changes to Title IV – Ecclesiastical Discipline – of the Constitution and Canons of the Episcopal Church. Title IV applies to Members of the Clergy, who have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience. This includes all Bishops, Priests and Deacons.

Members of the Clergy are subject to proceedings under Title IV for: (a) knowingly violating or attempting to violate, directly or through the acts of another person, the Constitution or Canons of the Church or of any Diocese; (b) failing without good cause to cooperate with any investigation or proceeding conducted under authority of this Title; or (c) intentionally and maliciously bringing a false accusation or knowingly providing false testimony or false evidence in any investigation or proceeding under this Title.

The expiring Title IV was a judicatory model based on the Uniform Code of Military Justice. The provisions of the new Title IV are intended to encourage informal resolution, and hopefully reconciliation, and to place less emphasis on legal procedure. They are influenced by the similar rules of the governing bodies of certain professions. Justice will still be sought but there are options more attuned to seeking “truth” than “proof” and offering biblical concepts of reconciliation for all parties involved and affected. Bishops will now be able to provide pastoral support for all parties involved vs. simply sitting as judge.

Changes to Title IV take effect July 1, 2011, whether or not the diocesan canons reflect those changes. It is necessary to modify our diocesan canons to be consistent with the General Convention canons. The modifications provide for the organization and processes required to support the procedures mandated by the General Convention canons.

*Submitted by the Task Force on Title IV Revision*

### **C10-2** Amend Article 2 re: Campus Ministries, first reading

*Resolved*, that The Constitution of the Diocese of Atlanta, Article 2, section 2, paragraph (d), be amended to read as follows:

(d) Also, in addition to the foregoing, each of the campus ministries of the Diocese of Atlanta certified to the Secretary by the Commission on Ministry in Higher Education *as having an organized and recognized ministry among students as receiving financial support from the Diocese* shall be represented at Diocesan Council by one *student Lay Delegate* with seat, voice, and vote.

## Explanation

We have a number of parish-based campus ministries thriving in the Diocese and hope to encourage more. Since they do not receive direct support from the diocesan budget, they have not been included with representation at Diocesan Council.

*Submitted by the Commission on Higher Education*

## R10-1 Health Insurance Coverage

*Resolved*, in accordance with Resolution A177 adopted by the 76<sup>th</sup> General Convention of the Episcopal Church and with Title I, Canon 8 of the Episcopal Church, and no later than January 1, 2013:

- The Episcopal Diocese of Atlanta and all of its congregations shall participate in health insurance coverage administered by the Church Pension Group for all qualified employees not otherwise covered (those employed to work 1500 hours or more per year).
- Employees may opt out of Diocese of Atlanta medical coverage if they have health care benefits through other approved sources (i.e., coverage under spouse's or domestic partner's insurance, former employer, Tricare, Medicare, etc.)
- As a minimum, qualified clergy and lay employees, on an equal basis, must be provided single medical coverage and access to expanded (i.e., household members, including domestic partners, dental insurance) coverage provided through the Diocese of Atlanta health plan. Cost sharing for insurance coverage must be the same percentage for all qualified employees.
- Schools, day care facilities and other congregational and diocesan institutions, whether or not they operate under a separate tax ID from the sponsoring institution, *are encouraged to* participate in the diocesan plan of the Church Medical Trust on the same basis as congregations, and *must* request a bid for services from the Church Medical Trust every time medical coverage is renewed; and be it further

*Resolved*, that the Bishop of Atlanta shall appoint a permanent committee to advise and assist congregations with understanding and achieving parity in medical coverage for their qualified employees.

### Explanation

The Task Force on Diocesan Health Care Policy was charged with the limited task of developing specific policies for our diocese as a result of the action of General Convention to create a single insurance pool for the Episcopal Church under Title I, Canon 8 as amended in 2009.

Specifically we were asked to consider (a) the status of domestic partners in our diocese; (b) the status of Episcopal schools and other "affiliated institutions" in our diocese; and (c) a minimum requirement for all participants that ensures parity between clergy and lay in any congregation or other institution.

We considered positive and negative effects of various policy options. We propose a policy with minimal negative financial impact for current participants in Church Medical Trust plans. Additionally, this is a generous time frame for congregations with alternative insurance arrangements to meet the requirement to switch to plans administered by Church Medical Trust.

In addition we have, by establishing a minimum basis for the provision of insurance and access to insurance for lay and clergy employees in our diocese, provided maximum flexibility for parish vestries and finance committees to move forward in ways most consistent with their own priorities and values.

*Submitted by the Task Force on Diocesan Health Care Policy*

## **R10-2 Extend Task Force on Sex Trafficking**

*Resolved*, that the Task Force on Sex Trafficking be extended for another year to continue developing educational programs, prayers and litanies for use in parishes and worshipping communities: and be it further

*Resolved*, that parishes and worshipping communities help educate their parishioners about this issue and discern ways to respond; and be it further

*Resolved*, that a Sunday in January 2011 be designated Respecting the Dignity of Every Human Being Sunday; and be it further

*Resolved*, that each parish and worshipping community be encouraged to support the Atlanta Urban Intern Program (AUIP) of the Diocese of Atlanta by giving a special offering in January 2011 to this ministry; and be it further

*Resolved*, that each parish and worshipping community, as called for at the 2009 Annual Council, continue to pray for AUIP and all those working against sexual trafficking.

### **Explanation**

While sex trafficking is a global problem affecting people of all ages, Atlanta is one of the top metropolitan areas in the United States for child prostitution. The entire Diocese of Atlanta is affected by the sexualization of children in general and by the commercial sexual exploitation children; our congregations need to be aware of this problem. Recently, January was declared Human Trafficking and Slavery Awareness Month. The Diocese of Atlanta can respond to this by designating a Sunday to respect the dignity of all people as called for in our baptismal vows. The Atlanta Urban Intern Program works directly with high-risk girls, supporting them so that they will not become victims of sexual trafficking.

*Submitted by the Task Force on Sex Trafficking*

## **R10-3 Affirm the Tithe as the Standard of Financial Giving**

*Resolved*, that the 104<sup>th</sup> Council of the Diocese of Atlanta affirm the tithe as the standard of financial giving.

### **Explanation**

In many parts of scripture, God calls each of us to giving and generosity, and many of these scriptures recall God's amazing promises to us. Some examples include:

- Luke 6:38 "...give, and it will be given to you. A good measure, pressed down, shaken together, running over, will be put into your lap; for the measure you give will be the measure you get back."
- 2 Cor. 9:6-7 "...the one who sows sparingly will also reap sparingly, and the one who sows bountifully will also reap bountifully. Each of you must give as you have made up your mind, not reluctantly or under compulsion, for God loves a cheerful giver."
- Proverbs 11:24-25 "Some give freely, yet grow all the richer; others withhold what is due, and only suffer want. A generous person will be enriched and one who gives water will get water."
- 1 Tim. 6:17-19 "As for those who in the present age are rich, command them not to be haughty, or to set their hopes on the uncertainty of riches, but rather on God who richly provides us with everything for our enjoyment. They are to do good, to be rich in good works, generous, and

ready to share, thus storing up for themselves the treasure of a good foundation for the future, so that they may take hold of the life that really is life.”

- Malachi 3:10 “Bring the full tithe into the storehouse, so that there may be food in my house and thus put me to the test, says the Lord of hosts; see if I will not open the windows of heaven for you and pour down for you an overflowing blessing.”

This resolution is presented as an affirmation of the 76th General Convention adopting Resolution D055 “Reaffirm Tithe as Minimum Standard” in July 2009. The tithe as the standard of giving is not new to the Episcopal Church since the 1982 General Convention first stated that the tithe is “the minimum standard of giving for Episcopalians.”

We also recognize that God created each of us and breathed life into us. Each morning that we awake is God’s gift to us. If our very life and breath are gifts of our Creator God, then all that we have and all we create are also gifts from God. The question to each of us is: what percentage of my income God is calling me to give back for God’s good work through the Church?

We also recognize that the tithe can be viewed as a legalistic road block to our financial stewardship. All are in different places in our spiritual journeys, which includes in our financial stewardship toward God. While some may not be at a place now to adopt the tithe as their standard of giving, we believe that we are called by God to proportional or percentage giving for God’s ministry. So, while a person may not be spiritually in a place to give the tithe, we urge everyone’s stewardship as a percentage of our income, working toward the tithe.

Anglican priest and theologian Richard Hooker (1554-1600) gave to us the “three-legged stool” of scripture, tradition and reason. We believe that in interpreting scripture as it relates to the tithe, that our Episcopal tradition and reason strongly support adopting the tithe as the standard of giving to the Church.

*Submitted by the Commission on Stewardship*

## **R10-4 Expand Anti-Racism Training**

*Resolved*, that the current Diocesan Anti-Racial Dialogue training, Resolution R03-1 (2003), shall be expanded to include dialogue on all prejudices, and be it further

*Resolved*, that the dialogue shall include discussion of prejudices against those of different race, sex, age, sexual orientation, and those who experience physical or mental challenges.

### **Explanation**

The Book of Common Prayer states in our Baptismal Covenant that we should “strive for justice and peace among all people, and respect the dignity of every human being.” Our current anti-racism training only addresses one portion of our prejudices. It is, therefore, desirable that the training should focus on *all* prejudices through a more inclusive dialogue on respect and human dignity.

*Submitted by Carol Robson, Church of the Ascension, Cartersville*

## **R10-5 Research Parental Leave Policies**

*Resolved*, that a study group be appointed by the Bishop to research a diocesan parental leave and post-leave workplace policy to be proposed at the 105th Council in 2011.

### **Explanation**

There are widely disparate models for leave offered to a church employee who has brought a new baby into the home. More and more congregations are finding themselves addressing this issue as staff members, both clergy and lay, are looking for appropriate leave policies that take into account financial needs of parishes and the needs of the new parent and child. We propose that a study group consider the developmental, emotional, and spiritual well-being of parents and children as they look at other diocesan policies, federal and corporate models to develop a policy that serves the church employees within our diocese and supports God's gift of abundant life meant for all families.

*Submitted by The Rev. Noelle York-Simmons, The Rev. Elizabeth Shows Caffey, The Rev. Beth Knowlton, The Rev. Penny Nash, The Rev. Mary Johnson, The Rev. George Maxwell, The Rev.Carolynne Williams, The Rev. Jeff Jackson, The Rev. Rob Wright, The Rev. Debbie Shew, The Rev. Mary Demmler, The Rev. Wendy Porter Cade, The Rev. Elizabeth Roles, The Rev. Nancy Baxter*