

Resolution 2010-4

Title: ECCLESIASTICAL DISCIPLINE – CANON 4-200

Submitted by: BISHOPS, STANDING COMMITTEE, CHANCELLOR

RESOLVED, that this 226th Annual Convention of the Diocese of Maryland, meeting April 30 – May 1, 2010, proposes to repeal existing Canon 4-200 and replace it with the following Canon 4-200, effective July 1, 2011:

Canon 4-200 OF ECCLESIASTICAL DISCIPLINE

Section 1 Title IV of General Canons of the Episcopal Church. Those provisions of Title IV of the General Canons of the Episcopal Church (“Title IV”), which are applicable to the Diocese are hereby incorporated as part of this canon. To the extent, if any, that any of the provisions of this canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

Section 2 Discipline Structure.

2.01 Disciplinary Board. The Board shall consist of not fewer than nine persons, five of whom are members of the Clergy and four of whom are Laity.

2.02 Clergy Members. The Clergy members of the Board must be canonically resident within the Diocese.

2.03 Lay Members. The lay members of the Board shall be Adult Communicants in Good Standing in the Diocese.

2.04 Election. The members of the Board shall be elected by the Convention. Each member shall be elected for a three (3)-year term; except, if a member is elected to fill a vacancy, the term of such member shall be the unexpired term of the member being replaced. The term of the member shall commence on the first (1st) day of the month following election. The terms of office of the Board shall be staggered and arranged into three classes.

2.05 Vacancies. Vacancies on the Board shall be filled as follows:

- (a) Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
- (b) The Bishop shall appoint a replacement Board member, and, unless the vacancy results from a challenge, the appointment shall also be with the advice and consent of the Standing Committee.

- (c) Persons appointed to fill vacancies on the Board shall meet the same eligibility requirements as apply to elected Board members.
- (d) With respect to a vacancy created for any reason other than pursuant to a challenge as provided below, the term of any person selected as a replacement Board member shall be until the next annual Convention. With respect to a vacancy resulting from a challenge, the replacement Board member shall serve only for the proceedings for which the elected Board member is not serving as a result of the challenge.

2.06 Preserving Impartiality. In any proceeding under Title IV, if any member of a Conference Panel or Hearing Panel of the Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Board not subject to the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding.

2.07 President. Within sixty (60) days after the first day of the month following election, the Board shall convene to elect a President to serve until the President's successor is elected.

2.08 Intake Officers. Three Intake Officers shall be appointed from time to time by the Bishop after consultation with the Board. The Bishop shall publish the names and contact information of the Intake Officers throughout the Diocese. Actions taken pursuant to General Canon IV.6 shall be considered by not fewer than three Intake Officers and require the concurrence of a majority of them. They shall designate one of their number to serve on the Reference Panel if any such referral is made.

2.09 Investigator. The Bishop shall appoint one or more Investigators in consultation with the President of the Board. An Investigator may, but need not, be a Member of the Church.

2.10 Church Attorney. Within sixty (60) days after the first day of the month following each annual Convention, the Bishop in consultation with the Disciplinary Board shall appoint one or more attorneys to serve as Church Attorney to serve at the pleasure of the Bishop. A person so selected must be a Member of the Church and a duly licensed attorney, but need not reside within the Diocese.

2.11 Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Title. The Pastoral Response Coordinator may be an Intake Officer, but shall not be a person serving in any other appointed or elected capacity under Title IV.

2.12 Advisors. At the commencement of each proceeding under Title IV, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under Title IV,

and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

2.13 Clerk. The Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Board.

Section 3 Costs and Expenses. Costs and expenses shall be governed by Title IV.,19.23 of the General Canons.

Section 4 Records.

4.01 Records of Proceedings. Records of active proceedings before the Board, including the period of any pending appeal, shall be filed with, preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

4.02 Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under Title IV at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

Section 5 Effective Date and Transition. This Canon shall become effective on July 1, 2011, and those persons serving on the Ecclesiastical Court provided for in the existing Canon 4-200 on July 1, 2011 shall constitute the initial members of the Disciplinary Board and shall serve out the balance of their respective terms as such members.

EXPLANATION

General Convention in 2009 adopted a completely new General Canon IV (“Ecclesiastical Discipline”) to become effective July 1, 2011. The new Title IV requires the several dioceses to adopt implementing canons.