

Report of the ACNA Governance Task Force

October 25, 2021 and January 31, 2022

The Governance Task Force of the Anglican Church in North America met in person and by Zoom on October 25, 2021 in Atlanta to review suggested changes to Title IV offered at Provincial Council 2021 (June, The Cove). Other matters including provisions for replacing vacancies on Provincial Courts (Canon IV.5) between elections were added to the October 25, 2021 GTF Agenda.

We sent our October 2021 GTF Report to the College of Bishops for their review, and comments were offered to proposed amendments by the College during their January 2022 meeting. The GTF met again by Zoom on January 31, 2022 to revise our Report in light of comments from the College and the perceived need for further revisions to Title IV. Those revisions were then presented to the ACNA Executive Committee meeting in El Paso TX February 21, 2022. The comments of the Executive Committee and their review have also been incorporated into this First Draft.

We now submit this First Draft Report to the entire Province for review, questions, comments and suggestions. The actual changes to the text of the canons are in red.

Proposed Amendments to ACNA Canons

In order of presentation within the video Report of the GTF March 1

Title IV, Canon 2.1 - AMENDED

Canon 2

Of Charges against and Godly Admonitions to Bishops, Presbyters, or Deacons

Section 1 - Concerning Charges

The following are the charges or accusations on which the Archbishop, a Bishop, a Presbyter, or a Deacon in this Church may be presented:

1. Apostasy from the Christian Faith;
2. Heresy, false doctrine, or schism;
3. Violation of ordination vows;
4. Conduct giving just cause for scandal or offense, including the abuse of ecclesiastical power;
5. A conviction by a court of competent jurisdiction for felony or other serious offenses;
6. Sexual immorality;
7. Acceptance of membership in a religious jurisdiction with purpose contrary to that of this Church;
8. Violation of any provision of the Constitution of this Church;
9. Disobedience **to**, or willful contravention of the Canons of this Church or **of** the constitution or canons of the Diocese in which such clergy holds office;

10. Habitual neglect of the duties of such clergy's office;
11. Habitual neglect of public worship, and the Holy Communion, according to the order and use of this Church;
12. Willful refusal to follow a lawful Godly Admonition.

Rationale for the amendment: There was an ambiguity in the language of IV.2.1.9. This proposed amendment seeks to clarify what is meant by "disobedience." Charges could be brought for disobedience to a Godly Admonition (12), to the Constitution (8), or to the Canons of the Church or the clergyperson's diocese (9).

Title IV Canon 10 - AMENDED

Canon 10 Of Notification of Disciplinary Action Taken

The Bishop or Archbishop pronouncing sentence shall within thirty (30) days after the sentence becomes final and not subject to appeal, notify the Office of the Archbishop, who shall notify all Bishops with jurisdiction and shall maintain a permanent record of the action. The sentencing Bishop shall also notify all of the clergy in the diocese in which the deacon or presbyter has been sentenced. Such required notice shall be limited to the offence under Canon IV.2 for which the member of the clergy has been presented, tried, and convicted, or voluntarily submitted to the discipline of the Church, and the sentence imposed under Canon IV.8. Should a sentence be amended or terminated, notification of such amendment or termination shall also be reported to the Office of the Archbishop who shall promptly give notice to all Bishops with jurisdiction **of** and record the amendment or termination in the permanent record.

Rationale: A minor grammatical change to omit an unnecessary "of".

Title III Canon 8 – NEW SECTION 9 ADDED

Canon 8 Of Bishops

Section 9. Concerning Voluntary Resignation by a Bishop from the Ordained Ministry of this Church

1. **Any Bishop in good standing may resign from the Ordained Ministry of this Church by sending a resignation in writing to the Archbishop. The Archbishop shall record the declaration and request so made, and shall determine that the Bishop is not under discipline as defined in Title IV of these canons, and that the resignation is not occasioned by misconduct or irregularity, but is voluntary and for causes which do not affect the moral character of the Bishop**

Upon making this determination, the Archbishop shall defer formal action upon the declaration for two months, and meanwhile shall lay the matter before the College of Bishops for advice and consent. With its advice and consent, the Archbishop may pronounce that such resignation is accepted and that the Bishop is released from the obligations of the Ministerial office, and that the Bishop relinquishes the right to exercise in this Church the gifts and spiritual authority of a shepherd of the flock

2. The Archbishop's declaration shall state that the resignation was for causes which do not affect the Bishop's moral character, and shall, if requested, give a certificate to this effect to the person so removed from the ministry of this Church. In all other cases of resignation or renunciation of the Ordained Ministry of a Bishop, where there may be a question of misconduct or irregularity, the Archbishop shall follow the procedures outlined in Canon IV.7 and IV.4.
3. Any Bishop whose resignation has been accepted under this canon may request that the Archbishop write a commendatory letter to another Christian denomination or jurisdiction.
4. A Bishop having voluntarily resigned from the Ordained Ministry of this Church and not under the discipline of any ecclesial body may petition the Archbishop to restore the right to exercise in this Church the gifts and spiritual authority as a Bishop conferred in ordination. The terms and conditions of such restoration shall be entirely within the discretion of the Archbishop, with the advice of the Standing Committee of the Bishop's previous diocese and with the advice and consent of the College of Bishops.

Rationale: Title III was revised to include new sections for the voluntary resignation of Presbyters and Deacons from Holy Orders. We need the same provision for the voluntary resignation of a Bishop. While this may be the subject of an upcoming Archbishop's Customary, in the absence of such a document, we propose for amendment the following additional Section 9 to Canon III.8.

Title IV, Canon 2.2 - AMENDED

Canon 2

Of Charges against and Godly Admonitions to Bishops, Presbyters, or Deacons

Section 2 - Concerning Godly Admonitions

A Godly Admonition is a written directive from (a) a Bishop with jurisdiction to a member of the Clergy under his jurisdiction, (b) the Archbishop to a Bishop, or (c) the Dean of the Province to the Archbishop. No Admonition shall be issued until the Bishop, Archbishop, or Dean of the Province (or such person to whom authority has been validly delegated under these canons) shall have met personally with the one receiving the Admonition and the issues have been clearly and fairly discussed. The written Admonition shall be specific concerning the matter complained of and the canonical or theological basis for the complaint, and shall provide a reasonable time for any required action to be taken. A temporary suspension from the exercise of ministry requires an Inhibition pursuant to Canon IV.9. A Godly Admonition may be used in conjunction with an Inhibition (ACNA IV.9).

In the case of an Admonition to a Bishop, the Archbishop must **first** obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of **consecration admission** (exclusive of the Archbishop, any bishop who is the subject of the Admonition, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

In the case of an Admonition to the Archbishop, the Dean of the Province must first obtain the written consent of three of the five senior active diocesan members of the College of Bishops by date of **consecration admission** (exclusive of the Dean of the Province and the Archbishop, and any Bishop who may recuse himself) to the contents of the Admonition before its issuance.

Rationale: At PC 2021, we added a check on the authority of a bishop to extend a Godly Admonition of a clergyperson past 60 days, requiring Standing Committee consent for such an extension. However, Godly Admonitions often include a de facto Inhibition and there is no such check on an Admonition. This amendment thus seeks to make it clear that any temporary suspension of ministry, in whole or in part, must be done via a formal Inhibition and pursuant to Canon IV.9 *Of Inhibitions*.

With regards to the Godly Admonition of a bishop or the Archbishop, it was suggested that that the Archbishop or the Dean, as the case may be, “must first” obtain the written consent of three of the five senior active diocesan bishops in the College, as a check and balance. It was also suggested seniority in the College should be determined by admission date, rather than consecration date, given the recent influx of bishops from, inter alia, TEC. These changes will also appear in Canon IV.9.3 and 9.4 (below, concerning Inhibitions)

Title IV, Canon 9, Sec. 2: AMENDED – Concerning Inhibition of a Presbyter or Deacon

1. A Bishop may temporarily Inhibit a Presbyter or Deacon under this canon. Such temporary Inhibition shall last no longer than sixty (60) days. With the advice and consent of the Standing Committee or its equivalent, any Inhibition of a Presbyter or Deacon may be extended until **such time as the Bishop lifts the Inhibition (with notice to the Standing Committee or its equivalent), any charges arising from a presentment are** dropped, action is taken by a Trial Court, or the accused voluntarily submits to the discipline of the Church.
2. Upon application by a Presbyter or a Deacon who has been Inhibited under this Canon and upon a showing of good cause, the Archbishop or his designate may modify or revoke the Inhibition. Such decision shall be rendered within thirty (30) days of the application.

Title IV Canon 9, Sec. 3: AMENDED - Concerning Inhibition of a Bishop

1. The Archbishop may temporarily Inhibit a Bishop under this canon. Prior to such temporary Inhibition, the Archbishop **must first** obtain the written consent of **four of** the five senior active diocesan members of the College of Bishops by date of **admission** (exclusive of the

Archbishop, the Bishop who is the subject of the Inhibition, and any Bishop who may recuse himself). Such temporary Inhibition shall last no longer than sixty (60) days.

2. ~~By unanimous vote of the panel~~ With the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Bishop who is the subject of the Inhibition, and any Bishop who may recuse himself), any Inhibition of a Bishop may be extended until the Archbishop lifts the Inhibition (with notice to the Standing Committee of the Diocese of the Bishop inhibited and the panel of Bishops which authorized an extension of the Inhibition), any charges arising from a presentment are dropped, action is taken by a Court for the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.
3. Upon application by a Bishop who has been Inhibited under this Canon and upon a showing of good cause, four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Bishop who is the subject of the Inhibition, any Bishop involved in the original Inhibition, and any Bishop who may recuse himself) may by unanimous majority vote modify or revoke the Inhibition in writing. Such decision shall be rendered within thirty (30) days of the application.

Title IV Canon 9, Sec. 4: AMENDED - Concerning Inhibition of an Archbishop

1. The Dean of the Province may temporarily Inhibit the Archbishop under this canon. Prior to such Inhibition, the Dean of the Province must first obtain the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Dean of the Province, and any Bishop who may recuse himself). Such temporary Inhibition shall last no longer than sixty (60) days. Notice shall be given to the Standing Committee of the Diocese of the Archbishop within twenty-four (24) hours of such Inhibition.
2. ~~By unanimous vote of the panel~~ With the written consent of four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, the Dean of the Province, and any Bishop who may recuse himself), any Inhibition of the Archbishop may be extended until the Dean of the Province lifts the Inhibition (with the notice to the Standing Committee of the Archbishop's Diocese and the panel of Bishops which authorized an extension of the Inhibition), any charges arising from a presentment are ~~such charge is~~ dropped, action is taken by a Court for the Trial of a Bishop, or the accused voluntarily submits to the discipline of the Church.
3. Upon application by the Archbishop and upon a showing of good cause, four of the five senior active diocesan members of the College of Bishops by date of admission (exclusive of the Archbishop, any Bishop involved in the original Inhibition, and any Bishop who may recuse himself) may by unanimous majority modify or revoke the Inhibition in writing. Such decision shall be rendered within thirty (30) days of the application.

Rationale for amendments: Concerns voiced at PC 2021 give rise to these suggested amendments. Sections 2, 3 and 4 of Canon IV.9 *Inhibitions* are amended to clarify that an Inhibition is lifted when charges arising from a Presentment are dropped. These amendments

also explicitly afford one having the authority to Inhibit the power to lift such Inhibition, with notice to the body that consented to the original Inhibition or extension thereof (the Standing Committee or a panel of Senior Bishops, as the case may be).

In the event of the Inhibition of a Bishop, notice to the Standing Committee (or its equivalent) of the Bishop's diocese shall be given within 24 hours. Finally, in response to strong urging that review of any Inhibition of a Bishop be subject to a majority vote, rather than unanimous vote, of a new panel, we submit the amendment to 3.3 and 4.3 for consideration. We hope this more generous appeal right might help prevent, for example, what happened to Bishop Love in TEC, who was Inhibited for months and months without a Presentment.

Upon further review by the College of Bishops, a debate emerged over whether the panel of five senior active diocesan members of the College of Bishops by date of admission needed to be unanimous in their consent to the Inhibition of a Bishop or Archbishop or the extension of same beyond sixty days. Should it be unanimous or simply a super majority? We commend the supermajority language for consideration.

AMENDED Canon IV.5.2.2 - Concerning Courts for the Trial of a Bishop

2. The members of this Court shall be three Bishops who are members of the College of Bishops, two Presbyters, and two adult confirmed members in good standing. The members of this Court shall be elected by the Provincial Council, each Order electing its representatives by majority vote of that Order. An equal number of alternate members of this Court shall be elected in the same manner, and such alternate(s) shall serve in the event of a vacancy on the Court or the recusal of a member of the Court. **In the event the list of alternates is exhausted for an Order, the Archbishop shall fill those vacancies in consultation with the Executive Committee until the Provincial Council meets to elect members of the court or alternates.** The term of each member of the Court shall be three years or until a successor is elected and qualified.

AMENDED Canon IV.5.4.2 - Concerning the Provincial Tribunal

2. The Provincial Tribunal shall consist of seven members who shall be appointed by the Provincial Council. At least two members shall be Bishops; the senior Bishop in date of consecration shall serve as the President of the Court. At least two members shall be lawyers, knowledgeable in canon and ecclesiastical law. The term of each member of the Court shall be three years or until a successor is elected and qualified. **In the event of a vacancy, the Archbishop shall fill those vacancies in consultation with the Executive Committee, until the Provincial Council meets to elect members of the court or alternates.**

Rationale: We have been asked to create a means for the Archbishop to fill vacancies on the Provincial Tribunal and the Court for the Trial of a Bishop in the event that the list of alternates is exhausted—either by multiple/simultaneous trials or recusals.

Please send your comments to pashey@americananglican.org

Timeline for the Amendment of ACNA Canons for Provincial Council 2022

Today: March 1: First Draft of Amendments published and open to ALL members of ACNA for comment March 1-31

March 31: *Last day for comments to First Draft*

April 1-17: Governance Task Force reviews ALL comments and revises amendments as needed

April 18-May 9: Second Draft of Amendments published and open to Deputies to ACNA Provincial Council 2022, all Provincial and Diocesan Chancellors and members of the Anglican Legal Society for comment

May 9: *Last day for comments to Second Draft*

May 9-30: Governance Task Force reviews ALL comments and revises amendments as needed

May 31: Final Draft of Amendments published to Deputies to ACNA Provincial Council 2022, all Provincial and Diocesan Chancellors

June 14-16: ACNA Provincial Council 2022, The Falls Church VA

Please remember to send all comments and suggestions to pashey@americananglican.org

Respectfully submitted,



The Rev. Canon Phil Ashey
Chair, The ACNA Governance Task Force