

## **Summary of Material Changes Resulting from the Restated Constitution and the Restated Canons**

June 15, 2023

### **I. Background**

The affairs of the Episcopal Diocese of Western North Carolina (the “Diocese”) are governed pursuant to the *Constitution of the Episcopal Diocese of Western North Carolina* (the “Constitution”) and the *Canons for the Episcopal Diocese of Western North Carolina* (the “Canons”).

As part of our Diocesan discernment in calling Bishop Jose seven years ago, we identified a restatement of our Constitution and Canons as a goal for our life together. We recognized that our current documents, which evolved in a piecemeal fashion over several decades, are not a good reflection of how we currently live our common life.

Since the 2017 annual Convention of the Diocese, the Committee on Constitution and Canons (the “Committee”) has been working on restatements of the Constitution and Canons. A proposed restated version was rejected by the 2021 Convention. The 2022 Convention tasked the Committee with making further revisions and it is anticipated that the Committee’s recommendations will be presented to the 2023 Convention for a decision.

### **II. Summary of Material Changes**

Some have asked for “comparison” documents that show specific changes being made to the current Constitution and current Canons by the restated documents. While the committee understands the desire for such comparison documents, the restated documents are just that, entire restatements of the earlier documents. As restatements, they were not drafted with the idea of keeping the structure of the existing documents or just adjusting terms or provisions in the existing documents. They represent wholesale replacements of the existing documents. This is not to suggest that key aspects of the existing documents have been eliminated. To the contrary, the restated documents incorporate most of the governance structure as reflected in the existing current documents, but things are presented differently. It is also worth noting that some of the material changes reflect our current practices but represent the first time we have committed to writing, in these documents, the way we function in these areas.

The following is a summary of certain material changes that would result from the restated constitution and canons as they will be presented to the Convention at its 2023 meeting:

1. Participation in the Convention (Const. III.3.5). The restated constitution recognizes bishops and clergy who are actively serving congregations and institutions of the Diocese as voting members. It gives seat and voice to retired bishops and clergy who are not actively serving by appointment or election but removes their right to vote. In addition, the restated constitution recognizes the right of worshipping communities in union with the Convention to have two delegates.

Rationale: Bishops and clergy with responsibility for implementation of Convention decisions should have the right to vote as to those decisions. We deeply value the wisdom and insight of retired bishops and clergy, and therefore propose that we continue to grant them seat and voice at Convention, however, as they do not have responsibility for implementation of Convention decisions, we believe they should not have a vote on such matters. Moreover, it seems appropriate that worshipping communities have representation at the Convention equal to what is granted to parishes.

2. Finance Committee (Canon 6). The existing constitution and canons do not create or authorize the current committee of the Diocese that is known as “Fiscal Ministries.” The restated documents provide for a permanent Finance Committee and outline its responsibilities. The Finance Committee will consist of the Bishop, the Treasurer, one member of the Executive Council appointed by that Council to serve on the Finance Committee and the Executive Council simultaneously, and six (6) members elected at large by the Diocesan Convention, three (3) of whom shall be Clerics and three (3) of whom shall be Laypersons.

Rationale: This change enhances the Diocesan governance structure, and the transparency of that structure, by officially authorizing an elected committee to carry out the kinds of functions previously performed by the unelected “Fiscal Ministries” committee and should further ensure that the Diocese and its various programs and ministries operate in a financially sound and healthy manner. Adding a member to the Finance Committee who is also a member of the Executive Council is a change from the documents the Committee presented to the 2021 Convention. This change is meant to increase communication between the two Committees and increase the accountability of the Finance Committee to the Executive Council.

3. Deacons on Standing Committee (Const. VIII and Canon 5). The current Constitution specifies that the Standing Committee “shall consist of four presbyters and four lay persons” (Const V). As “presbyter” means “priest” and as deacons are not lay persons, this provision excludes deacons from membership. The proposed new documents (Canon 5) use the broader term “cleric,” which includes deacons, and thus allows deacons to serve on Standing Committee.

Rationale: The unique wisdom, insight, and experience that deacons bring to the life of the Church will be valuable to the Committee’s work.

4. Commission on Ministry (Canon 7). The existing Canons (Canon 19) provide that the Commission on Ministry shall consist of not less than 5 persons nor more than 18 persons divided among clerics and laypersons. The new documents set the number at twelve (12) members appointed by the Bishop and confirmed by the Convention, six (6) of whom shall be Clerics and six (6) of whom shall be Laypersons, as well as any archdeacon of the Diocese.

Rationale: The new documents simply make a structural change in setting the number of individuals that will serve on the Commission on Ministry in order to provide greater clarity and certainty about the Commission’s composition. This body shall still have the same obligations and responsibilities as required of it by the constitution and canons of The Episcopal Church.

5. Trustees (Current Const. V.3). The Trustees of the Diocese have generally had two functions: (a) hold title to real property of or belonging to the Diocese and funds entrusted to the Diocese and (b) preserve and safeguard the property of the Diocese and disburse the same, subject to the authority of Executive Council (and Convention). The new documents eliminate this body from the governance structure.

Rationale: Elimination of this body will streamline governance of the Diocese because there are other persons and bodies available to carry out the functions assigned to the Trustees, including the Executive Council, Treasurer, and Finance Committee. In addition, the following “checks” remain in place as to the conveyance of Diocesan real property: any conveyance of real property will still require approval of the Bishop, the Standing Committee, and Executive Council (all three must approve).

6. Chief Financial Officer (no longer in documents). The version of the documents presented by the Committee to the 2021 Convention included provisions relating to a Chief Financial Officer (CFO). In the current versions of the documents, all references to a CFO have been removed.

Rationale: A significant number of people who spoke or voted against the documents presented in 2021 cited inclusion of a CFO in the documents as a reason. Accordingly, the Committee decided to remove such references.

7. Voting at Parish Meetings (Canon 13.9(a)). As proposed in these documents, the definition of who can vote at a Parish Meeting remains very similar to our current Canon on the subject (see Canon 10.6 of the current Diocesan Canons).

Rationale: We have set a minimum standard that is similar to our current Canon on the subject so that parishes in our Diocese with large numbers of seasonal parishioners who are present and participating in the life of the parish for six months of the year may include those individuals more fully in the life and decision making of the Parish. It should be noted that Canon 13.9(a) does not define membership in the Episcopal Church. That is defined by Canon I.17 of The Canons of the Episcopal Church. Also, Canon 13.9(a) does not prohibit Parishes from establishing stricter requirements in their by-laws for voting at a Parish Meeting – for example, requiring that only members of the Parish may vote. This Canon simply sets a minimum standard.

8. Nominating Committee (Canon 2.8). This new committee will present nominations for all offices and other positions to be appointed or elected by the Diocesan Convention, Executive Council, or the Bishop.

Rationale: This committee will be able to specifically focus on increasing the diversity of nominees; take some of the burden off the Diocesan office, and other Diocesan leaders, to recruit nominees; and act as a point of contact for those who wish to volunteer to be nominated. The goal is to increase the number and diversity of nominees.

9. Gender Neutral Language (throughout both documents). In both the Constitution and Canons the Committee has replaced all gender specific pronouns with non-gendered nouns or pronouns. This is a change in the documents as presented at the 2021 Convention.

Rationale: The Committee believes the documents should be read as applicable to, and inclusive of, all persons regardless of gender identity and should not assume the gender identity of any person within our Diocese.