

CONSTITUTION & CANONS – 145AC-R03

145th ANNUAL CONVENTION OF THE EPISCOPAL DIOCESE OF NEWARK REPORT OF THE COMMITTEE ON CONSTITUTION AND CANONS

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The Committee on Constitutions and Canons makes the following report to the 145th Convention of the Episcopal Diocese of Newark.

The Committee met at Episcopal House (31 Mulberry Street) in Newark on December 3rd, 2018 to discuss four proposed changes to the Constitution and Canons of the Episcopal Diocese of Newark. All had been submitted by the canonical deadline. Of these four, one was withdrawn by the author after a discussion on process, and another was withdrawn after lengthy discussions with Diocesan Council. The other two proposals are included in this report.

1 **Proposed Amendment to Canon 1:**

2 RESOLVED, Canon 1 (The Convention) of the Diocese of Newark Canons is amended as follows:

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4 Canon 1: (The Convention)

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6 **6. ~~OPENING OF~~ MANDATED FUNCTIONS AT THE CONVENTION**

7
8 Every Convention shall be opened with the celebration ~~celebrate~~ a Holy Communion
9 **within the official schedule of the Convention.** The Bishop's Address and Episcopal
10 Charge, if any, shall be published in the journal.

11 **Supporting information:**

12 With Convention beginning typically on Fridays, many attendees cannot take off work to be included in
13 the Communion Celebration. While aspirational, having Eucharists across two days is also impractical
14 due to the amount of business to be transacted. By re-wording this Canon to specify that a Holy
15 Communion is celebrated within the official schedule of the Convention, it provides the flexibility to
16 honor our commitment to our shared community, but to not be constrained with a hard and fast rule of
17 when it should occur.

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19 **THE COMMITTEE UNANIMOUSLY RECOMMENDS APPROVAL OF THIS PROPOSED AMENDMENT.**
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1 **Proposed Amendment to Canon 21:**

2 RESOLVED, Canon 21 (Service on Multiple Committees) of the Diocese of Newark Canons is amended
3 as follows:

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5 CANON 21 (Service on Multiple Committees, Boards or Positions)

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7 No elected or appointed person shall serve as a member of more than one (1) of the
8 following committees, boards or positions at the same time: the Standing Committee, the
9 Diocesan Council, **Trustees of the Episcopal Fund and Diocesan Properties**, the ACTS/VIM
10 Board **and the positions of Chancellor and Vice-Chancellor(s). And, be it further**

11
12 **RESOLVED, Any person currently serving as a member of two or more of any of the above-**
13 **named bodies, boards or positions as specified in Canon 21 shall submit his or her**
14 **resignation from one or more of the bodies, boards or positions within three (3) months of**
15 **the adoption of this amendment to Canon 21, so as to only serve on one of the bodies,**
16 **boards or positions.**

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18 Supporting Information

19 The Trustees of the Episcopal Fund, the Standing Committee and the Diocesan Council constitute our
20 three major governing bodies and the ACTS/VIM Board oversees the distribution of monetary
21 awards for church projects, subject to the approval of the Diocesan Council. Moreover, the positions
22 of Chancellor and Vice-Chancellor serve as legal advisors to the Ecclesiastical Authority and to the
23 Convention. As such, legal advisors to the Ecclesiastical Authority, the Chancellor and/ or Vice-
24 Chancellor may sit ex officio at the meetings of all senior bodies. To provide legal advice and to also
25 be a member of such a body presents the difficult question of whether a person serving in two
26 capacities is acting in the capacity as a lawyer or as or a board member, which gives rise to issues of
27 whether malpractice coverage or Director and Officer insurance coverage applies; questions of
28 whether attorney-client privilege attach; the potential of exposing oneself to being a witness in the
29 event of litigation and the potential for a conflict of interest or the appearance of a conflict.
30 Governing bodies work best when they not only avoid conflicts of interest but also take steps to
31 reduce even the appearance of conflicts of interest. Because the work of the named bodies
32 sometimes overlaps, and to avoid undue influence from any member serving jointly on more than
33 one of the named bodies as well as any possible appearance of a conflict of interest, Canon 21
34 should be amended to include the Trustees of the Episcopal Fund and Diocesan Properties and the
35 positions of Chancellor and Vice-Chancellor. The goal here is to avoid conflicts of interest and the
36 appearance of any conflicts of interest as promptly as possible and to encourage as broad a breadth
37 of leadership among the senior diocesan bodies, boards and senior positions as possible in the
38 Diocese.

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41 **THE COMMITTEE UNANIMOUSLY RECOMMENDS APPROVAL OF THIS PROPOSED AMENDMENT.**