



To: Members of the Anglican Church in North America (ACNA)
From: The Governance Task Force of the ACNA
Re: Proposed 2024 Amendments to the Canons of the ACNA
Date: March 1, 2024

Brothers and sisters in Christ throughout the ACNA,

Grace and peace to you in the name of our Lord and Savior Jesus Christ!

The Governance Task Force (GTF) of the ACNA unanimously proposes the following five (5) changes to the canons of the ACNA for your consideration and comments. These proposed amendments have been prepared over the course of a year by the GTF and its various subcommittees; a presentation of draft changes to the College of Bishops meeting in Melbourne, Florida, on January 10, 2024; and a meeting of the full GTF in Fort Worth, Texas, January 28-30, 2024.

It is the hope of the GTF that you will review and comment upon these proposed changes during this **First Comment Period** for the three-week period from **March 1, 2024, until 6 p.m. ET/5 p.m. CT on March 21, 2024, by email to governance@anglicanchurch.net**. The GTF will then consider suggestions and make revisions as appropriate.

The GTF will then distribute a revised draft for a period of comment by Diocesan and Provincial Chancellors, Delegates to Provincial Council (PC) known at such time by the Provincial Office, and the members of the Anglican Legal Society. This **Second Comment Period** will extend for the three-week period from **April 8, 2024, until 6 p.m. ET/5 p.m. CT on April 26, 2024**. The GTF will again consider suggestions and make revisions as appropriate.

The GTF will then distribute a **Final Report** for approval by Delegates to PC 2024 gathering at Latrobe, Pennsylvania, in June 2024.

Because of the numerous comment periods provided, it will be our continued practice not to entertain “wordsmithing from the floor” during the business portion of PC 2024. Rather we will vote on each proposed change as contained in our Final Report, simply for the sake of time and efficiency. In other words, we will ask delegates to vote these amendments “up or down,” trusting that any changes that may still need to be made can be the subject of amendments at subsequent meetings of the Provincial Council.

The following are the five changes proposed with brief explanations. In all things, may God give us wisdom as we seek to provide good and godly governance to our Province.

1. The first canonical change we recommend is the addition of new Paragraphs 8 and 9 to Title I, Canon 5 – *Of Dioceses*, as follows.

Section 8 – Concerning Safeguarding Policies

Each Diocese shall adopt safeguarding policies both for children and for adults to be implemented within its congregations, ministries, and diocesan structures. Such policies shall be adopted no later than June 30, 2025.

Section 9 – Concerning Reports of Misconduct

Each Diocese shall establish processes and mechanisms to respond to reports of misconduct by clergy and laypersons; to facilitate care of those affected; and to adjudicate presentments of presbyters and deacons and, where appropriate, impose sentence pursuant to Title IV.

In developing such processes and mechanisms, each Diocese shall adopt the following minimum standards by canon beginning on or before December 31, 2025.

1. Each Diocese shall appoint one or more Diocesan Reports Receiver(s) to receive reports of misconduct. In no event shall any Chancellor of the Diocese serve as a Diocesan Reports Receiver.
2. Upon receipt of a report of misconduct involving a presbyter or deacon, the Diocesan Reports Receiver(s) shall evaluate each report in a timely manner and shall recommend to the bishop whether the report discloses reasonable grounds to believe an offense under Title IV has been committed. With the advice of the Standing Committee (or its designated subcommittee), the bishop shall determine whether a report of misconduct involving a presbyter or deacon should be dismissed or if such report should proceed to investigation under subsection 6 below.
3. Each Diocese shall facilitate provision of pastoral care for those making reports deemed to disclose reasonable grounds under subsection 2, as well as for the clergy who are the subject of such reports.
4. Upon receipt of a report of misconduct involving a layperson, the Diocesan Reports Receiver(s) shall inform the bishop. The Diocesan Reports Receiver(s) shall also, in consultation with the bishop, inform a Warden and/or the member of the clergy in charge of the congregation such layperson attends or in which the alleged misconduct occurred to be addressed at the level of the congregation.
5. Upon receipt of a report of misconduct involving a bishop, the Diocesan Reports Receiver(s) shall refer the report in accordance with Title IV of these canons.
6. Each Diocese shall have a Diocesan Reports Investigation Committee to investigate all reports of misconduct by a presbyter or deacon referred to it under this Canon. Such Diocesan Reports Investigation Committee shall include at least one legally qualified person (meaning a person who has a degree or license in canon law, was or is a judge in Canada or the United States, or has been licensed to practice law for at least 5 years in any part of Canada or the United States).
7. Nothing in this canon may be interpreted to limit the appointment of Diocesan Reports Receivers and/or Diocesan Reports Investigation Committees to serve more than one diocese. Nor may anything in this canon be interpreted to limit the sharing of pastoral care resources among dioceses.

Rationale: The rationale for Paragraph 8 is self-evident: the need for every diocese to ensure robust safeguarding for children and adults. While most of our dioceses have adopted protection plans to prevent the abuse of children, protection plans to prevent the abuse of adults are less common. A model plan for the prevention of the abuse of children has long been made available by the Province for consideration by the dioceses. We understand that a model plan for the prevention of abuse of adults is currently under discussion by the Executive Committee. This amendment provides dioceses with sufficient time to comply with what will now be a canonical requirement.

The rationale for the new Paragraph 9 requires more explanation. Over the past year, the GTF and its subcommittees have devoted more than 1,500 hours to clarifying how reports of misconduct are to be received, evaluated, investigated, adjudicated, and resolved. These amendments to Title I reflect a portion of that work and seek to aid the dioceses in their efforts to handle reports of misconduct in a clear, transparent, and equitable manner. Pursuant to these canons, each diocese must appoint or hire an intake officer, called a **reports receiver**, whose task will be to receive reports of misconduct and to determine (along with the bishop with input from the Standing Committee) whether reasonable grounds exist to believe a member of the clergy may be subject to discipline. If a matter is not resolved pastorally and a report is not dismissed for lack of reasonable grounds, it will be referred to an **investigation committee**. (This investigation committee will replace the role served by Canonical Investigators in our current canons.) This committee will be a stable body that will gain expertise over time in the conducting of investigations. Subparagraph 3 requires dioceses to provide **pastoral care** both to a reporting party and to the clergy who is the subject of the report for any report that discloses reasonable grounds. Subparagraph 4 deals with reports of **lay misconduct**, while Subparagraph 5 makes clear that reports of misconduct by bishops must be handled at the level of the Province. Finally, subparagraph 7 expressly provides that dioceses can operate cooperatively to comply with these canonical requirements. Under the Preamble to this Paragraph 9, these positions and committees must be created by canon no later than December 30, 2025.

2. The second canonical change we recommend is an amendment to Paragraph 1 of Title III, Canon 8, Section 4 - *Concerning the Election of a Bishop*.

1. With the consent of the College of Bishops, a diocese may commence the process of election of a Bishop. This consent to commence the process may be by electronic or telephonic meeting of the College of Bishops. ~~The College of Bishops shall consider the report of the Executive Committee on the sustainability of the electing diocese (Canon I.5.7) prior to its decision whether to grant consent to the diocese to commence the process of election of a bishop.~~ Such election will be subject to the approval of the College of Bishops as described in this section.

Rationale: PC 2020 added the second sentence in Canon III.8.4.1 (beginning “*The COB shall consider the report...*” and struck out in the draft amendment above). PC 2021 then amended Canon I.5.7, changing the language regarding the Executive Committee’s analysis of the *sustainability of a diocese* to refer instead to the Executive Committee’s responsibility to *strengthen dioceses* perceived to be struggling. PC 2021 thus implicitly undid the amendment made by PC 2020. The above proposed amendment is essentially an opportunity for PC 2024 to acknowledge that the amendment made in 2020 became moot because of the 2021 change.

3. The third canonical change we recommend is an amendment to Paragraph 1 of Title I, Canon 1, Section 5 – *Concerning Officers of the Church*.

1. The Archbishop shall be the Presiding Officer of the Church, and the Presiding Officer of the Council. The Council shall appoint a Deputy Chair, a chancellor, a secretary, a treasurer, and such other officers of the Church as it deems necessary. The Council shall define the duties of each officer of the Church. The Archbishop ~~may~~ **shall** appoint a Provincial Dean in consultation with the College of Bishops to serve at the pleasure of the Archbishop until his successor is appointed and who may be authorized by the Archbishop to represent him in his absence.

Rationale: The Provincial Dean (often referred to as the Dean of the Province) serves several crucial functions in the event allegations of misconduct are brought against a sitting Archbishop. Accordingly, this amendment makes the appointment of a Provincial Dean mandatory, not optional.

4. The fourth canonical change we recommend is an amendment to Paragraph 4 of Title IV, Canon 3, Section 1 – *Concerning Accusations*.

4. Whenever the bishop believes he cannot fairly assess the credibility of the accuser(s), the accusation(s), or the accused, or fairly impose sentence, he shall recuse himself and delegate the investigation, presentment, and/or sentencing to another bishop having jurisdiction, **or to a bishop formerly having had jurisdiction who is still an active member of the College of Bishops.**

Rationale: It has been suggested that retired bishops who were formerly diocesan bishops should be eligible to conduct disciplinary proceedings in the rare event that a Diocesan Bishop recuses himself. It is thought that only those who had responsibilities as former Ordinaries should be considered for this role, and not those who retired from assisting or suffragan positions.

5. The fifth canonical change we recommend is an amendment to Paragraph 2 of Title IV, Canon 5, Section 4 – *Concerning the Provincial Tribunal*.

2. The Provincial Tribunal shall consist of seven members who shall be ~~appointed~~ **elected** by the Provincial Council. At least two members shall be Bishops; the senior Bishop in date of consecration admission 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 any vacancies 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. An equal number of alternate members of this Tribunal shall be elected in the same manner, and such alternate(s) shall serve in the event of any vacancies on the Tribunal or the recusal of a member of the Tribunal.**

Rationale: This amendment corrects an error in how the current canons describe the selection by the Provincial Council of members of the Province's highest court, which is by *election*, rather than *appointment*. This amendment also provides for seven alternates to be available to serve in the event of vacancies or recusals, rather than leaving the power to appoint replacement members to the Archbishop, which could produce conflicts of interest.

Respectfully submitted,

The Very Rev. Cn. Andrew Rowell, Esq., Vice-chair, for the GTF