

Subject: Canon XVII - The Licensing of Clergy

Moved By: Ronald Stevenson (Chancellor)

Seconded By: Canon Joyce Sanchez from the Diocese of Montreal

Note: The mover and the seconder must be members of the General Synod and be present in the House when the resolution is before the synod for debate.

BE IT RESOLVED:

That *second reading* be given to the Resolution that Canon XVII - The Licensing of Clergy - be amended as follows:

1. by re-lettering sections 11 b) to 11 h) to be sections 11 d) to 11 j);

2. by adding two new sections as follows:

11 b) Although it is not possible to set out all the circumstances in which the bishop might make such a decision, they include financial difficulties in a parish, decline in parish membership, redeployment of human resources, and the licensee's inability to carry out his or her ministry.

11 c) Where the bishop is aware of circumstances that may establish that a licensee has committed an ecclesiastical offense under Canon XVIII, the bishop may not revoke a license instead of making, or referring to the court having jurisdiction, a determination of whether an ecclesiastical offense has been committed.

3. by amending section 11 i), as re-lettered, to read as follows:

11 i) The arbitration board shall provide an opportunity to the licensee and the bishop to make submissions in writing and orally and to respond to the submissions of the other party. It shall determine the length of notice or the amount of pay and benefits in lieu of notice to be given to the licensee including, where appropriate, financial and vocational counselling, and shall take into account prevailing practices in the secular community. The decision of the arbitration board shall be in writing and is final and binding on the

licensee and the bishop.

EXPLANATORY NOTE/BACKGROUND INFORMATION: General Synod 2001 directed the Council of the General Synod to review Canon XVII and propose revisions to General Synod in 2004 with a view to (a) specifying parameters for the use of the power to revoke a license or allow it to lapse; (b) adding a process of appeal and other provision of natural justice; and (c) defining guidelines for fair severance.

At the request of the Council of General Synod its Handbook Concerns Committee undertook the study. In September 2002 the General Secretary sent a memorandum to all bishops and diocesan chancellors inviting comments and suggestions for our consideration. Only two responses were received. There was no response from either of the two dioceses that had submitted memorials, in general terms, to the General Synod in 2001.

The Committee examined Canon 10 of the Diocese of Toronto respecting Clerical Appointments, Exchanges, Retirements and Terminations. Drawing from that Canon, it recommended adding a new section to Canon XVII to set out examples of circumstances in which a bishop may decide to revoke a license and another new section to safeguard against a bishop using revocation of a license as an alternative to disciplinary proceedings. The Committee also recommended revision of the section dealing with arbitration boards so as to incorporate the language of the Toronto Canon. General Synod 2004 gave the amendments first reading. Amendments to the Licensing Canon must be passed at two successive sessions of the Synod.

Source: The Council of General Synod
(name of committee, diocese, etc.)

Submitted by: The General Secretary

A) **Does this motion contain within it any financial implications?**

Yes _____ No _____

B) **If yes, has the General Synod Expenditures Committee considered the implications?**

Yes _____ No _____