

Diocese of New Jersey
Report of the Standing Committee on Constitution and Canons 2022

Introduction

The Committee reviewed requests received from members of the diocese for possible changes in the constitution and canons of the diocese. As provided in Canon 75, Section 1, proposals for amendments must be sent to the Committee by December 1 of the prior year for consideration and report. The following proposals were received prior to such deadline.

Part I
Constitution Article X
Deputies to the General Convention

Every Diocese is entitled to elect four lay and four clergy Deputies to the General Convention of The Episcopal Church, as well as a like number of Alternate Deputies in each order. The General Convention is held "not less than once in each three years" (Episcopal Church Const. Art. I Sec. 7), and the 80th General Convention had been scheduled to meet in July 2021. Due to the coronavirus pandemic, however, that meeting has been rescheduled for July 2022. Article X of the Diocesan Constitution sets forth a schedule for electing Deputies and Alternate Deputies such that "in the second calendar year preceding the regular meeting of the General Convention" we elect Deputies for that General Convention and in the following year we elect Alternate Deputies. Thus we elected Deputies for the 80th General Convention in the 2019 Diocesan Convention and Alternate Deputies in the 2020 Diocesan Convention.

The way the Diocesan Constitution is written, we should theoretically at this 2022 Diocesan Convention be electing Deputies for the 81st General Convention, currently scheduled for July 2024 in Louisville, Kentucky, and we plan to do so. The first paragraph of Article X, however, provides (as is typical for many corporate officials) that those elected as Deputies serve "until their successors are elected." A like provision in the second paragraph applies to Alternate Deputies. These length-of-term provisions, however, don't make sense: Both Deputies and Alternate Deputies serve until the completion of the General Convention for which they were elected; in recent years, they have also served through the following Diocesan Convention so that they can report to the Diocese on that General Convention. Further, there is no reason for Alternate Deputies to continue to serve for an additional year thereafter, since they would have nothing to do. Without such changes, due to the shift in the scheduling of the General Convention, we would be inadvertently replacing our elected Deputies, several of which have been appointed to legislative committees that have already begun work. It would make sense to amend the Constitution to implement these revised terms of office.

Amending the Constitution requires a majority vote at any Diocesan Convention, to be followed by a vote by orders to confirm the change at the next Diocesan Convention (Art. XIII).

The Standing Committee on Constitution and Canons has likewise reviewed this proposal and found it to be reasonable.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution I: *Be it resolved*, That Section 1 of Article X of the Constitution of the Diocese of New Jersey be amended (upon a first reading) to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 1. At the annual meeting of the Convention held in the second calendar year preceding the regular meeting of the General Convention, four clerical and four lay Deputies shall be elected to represent the Diocese at the General Convention. They shall be elected by a vote by orders and subject to Article V, Section 3, and shall hold office until ~~their successors are elected~~ the close of the Diocesan Convention following the General Convention for which they were elected.

At the annual meeting of the Convention held in the calendar year next preceding the regular meeting of the General Convention, four clerical and four lay Alternate Deputies shall be elected to represent the

Diocese at the General Convention. They shall be elected by a vote by orders and subject to Article V, Section 3, and shall hold office until ~~their successors are elected~~ the close of the Diocesan Convention following the General Convention for which they were elected. If, during the preceding year, any vacancies have occurred in the office of Deputy to the General Convention, the Convention, before proceeding with the election of Alternate Deputies, shall elect from among those persons nominated for the office of Alternate Deputy, a sufficient number of persons to fill the vacancies.

Any vacancies among Alternate Deputies occurring after such election may be filled by appointment by the Ecclesiastical Authority from among qualified persons of the same order, lay or clergy, as the vacancy.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part II Canon 9 Episcopal Elections

With Bishop Stokes's announcement of his planned retirement, we have begun the process of electing a new Bishop Diocesan. Essential to the process set forth in Diocesan Canon 9 is the election/appointment of the Bishop Search and Nomination Committee. The procedure to choose the sixteen elected members is set forth in Section 4 of the canon:

SECTION 4. Election of Bishop Search and Nomination Committee Members by Convocations. Convocational Members shall be elected in the following manner:

(a) When the Ecclesiastical Authority announces the call for the election of a bishop, the Ecclesiastical Authority shall appoint a specific Sunday for Special Meetings to be held in each Parish and Mission of the Diocese to elect special delegates to a special meeting in each convocation for the purpose of electing members of the Bishop Search and Nomination Committee. On that Sunday, every Parish and Mission in the Diocese shall hold a special meeting of the Congregation, in accordance with the provisions of the Canons of the Diocese and the laws of the State of New Jersey, for the purpose of electing six special delegates to the special meeting of the Convocation. The Chair of the meeting shall forthwith certify to the Dean of the Convocation and to the Ecclesiastical Authority the names and addresses of the persons elected.

(b) On the fourth Sunday thereafter, the Dean of each convocation shall convene a Special Meeting to elect members of the Bishop Search and Nomination Committee, due notice having been given to each church in the convocation. Those entitled to vote at the meeting shall be the six duly certified Special Delegates from each Parish and Mission in the Convocation and all members of the clergy, canonically resident in the Diocese, who exercise their ministry within the Convocation or who reside in the Convocation. The election shall be by ballot and a majority of the votes cast shall be necessary for election. It shall be the duty of each Dean to certify forthwith to the Ecclesiastical Authority the names, addresses and the telephone numbers of the persons elected.

Because of the continuing coronavirus pandemic, Bishop Stokes (the "Ecclesiastical Authority") directed that the Congregational and Convocational meetings be held virtually via Zoom for health reasons. This was not contemplated by the canon as written. Nor does the canon provide defined procedures for Congregational or Convocational meetings nor for receiving Convocational nominations for the members of the Committee. As a practical matter, for this election the Diocese provided a form for submitting nominations, which were then forwarded to the Dean of the relevant Convocation.

Another item of some confusion was the specification of which clergy could vote at the Convocational meetings. Regular Convocation meetings (Canon 30(3)) provide that "[a]ll priests and deacons exercising their ministries within the Convocation shall be entitled to one vote", while Canon 9(4)(b) allows a vote to "all members of the clergy, canonically resident in the Diocese, who exercise their ministry within the Convocation or who reside in the Convocation."

The Committee on Constitution and Canons solicited suggestions from the Deans as to how to improve the canon for future elections. Based on these suggestions, the Committee proposes changes to the canon to limit clergy participation in Convocational votes to those exercising ministry within the Convocation and to regularize the nomination process as used last year. Because meetings can be held virtually if circumstances direct, the requirement of ballots is eliminated, since other voting systems can be used. In addition, the reporting of contact information is regularized for Congregations and Convocations, and a cross-reference error in Section 3(a) and a grammatical error in Section 3(b) are corrected.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution II: *Resolved*, That Sections 3 and 4 of Canon 9 of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 3. Composition of the Bishop Search and Nomination Committee. When a bishop is to be elected, there shall be a Bishop Search and Nomination Committee consisting of 16 Convocational Members and six Members-At-Large, elected in the following manner:

(a) One member of the clergy and one lay person shall be elected in each convocation of the Diocese in accordance with the provisions of ~~Section 2~~ Section 4 of this Canon.

(b) Six additional Members-At-Large, either clergy or lay, shall be elected by the Convocational Members. The election shall be by majority vote of all the Convocational Members. In electing the Members-At-Large, the Convocational Members shall be as inclusive as possible to ~~insure~~ ensure that the Committee is representative of the entire Diocese.

(c) In addition to the elected members, a Chair shall be appointed by the Bishop with the advice and consent of the Standing Committee. If there is no Bishop, the appointment shall be made by the Standing Committee. The Committee, including all At-Large Members, shall elect a Vice-Chair from the members of the Committee.

(d) Lay members of the Committee shall be confirmed adult communicants in good standing of a Parish or Mission within the Diocese. Clergy members shall be canonically resident in the Diocese.

(e) Vacancies among Convocational Members shall be filled by appointment of the Dean of the Convocation. Vacancies among the Members-At-Large shall be filled by the Committee.

SECTION 4. Election of Bishop Search and Nomination Committee Members by Convocations. Convocational Members shall be elected in the following manner:

(a) When the Ecclesiastical Authority announces the call for the election of a bishop, the Ecclesiastical Authority shall appoint a specific Sunday for Special Meetings to be held in each Parish and Mission of the Diocese to elect special delegates to a special meeting in each convocation for the purpose of electing members of the Bishop Search and Nomination Committee. On that Sunday, every Parish and Mission in the Diocese shall hold a special meeting of the Congregation, in accordance with the provisions of the Canons of the Diocese and the laws of the State of New Jersey, for the purpose of electing six special delegates to the special meeting of the Convocation. The Chair of the meeting shall forthwith certify to the Dean of the Convocation and to the Ecclesiastical Authority the names and ~~addresses~~ full contact information of the persons elected.

(b) On the fourth Sunday thereafter, the Dean of each convocation shall convene a Special Meeting to elect members of the Bishop Search and Nomination Committee, due notice having been given to each church in the convocation. The Ecclesiastical Authority shall make provisions (i) for preregistration of those clergy and elected special delegates who will be authorized to vote at the Special Meetings and (ii) for nominations of candidates prior to such meeting to be made by those entitled to vote at such

meeting or by self-nomination. Those entitled to vote at the meeting shall be the six duly certified Special Delegates from each Parish and Mission in the Convocation and all members of the clergy, canonically resident in the Diocese, who exercise their ministry within the Convocation ~~or who reside in the Convocation.~~ ~~The election shall be by ballot and a~~ A majority of the votes cast shall be necessary for election. It shall be the duty of each Dean to certify forthwith to the Ecclesiastical Authority the names, ~~addresses and the telephone numbers~~ and full contact information of the persons elected.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part III
Canon 13, Section 2
Trustees of Diocesan Trust Funds - Elections

Canon 13, Section 2 provides:

SECTION 2. Lay trustees shall at all times be communicants in good standing of a Parish, Mission, or other congregation of the Diocese of New Jersey. One lay trustee shall be elected at each annual Convention to serve for a five-year term. No trustee elected by the Convention for a full five-year term shall be eligible for reelection.

Canon Phyllis Jones, CFO of the Diocese, has asked that this last sentence be amended to allow Trustees to serve a second full term, and to then wait a year before becoming eligible for election to the Board again. She explains that there is a need for turnover on this Board, which oversees a critical function of our diocesan administration; however, rendering someone ineligible to serve again once they have completed one full term robs us of a pool of experienced trustees whose wise guidance could benefit us in the increasingly complex management of the funds entrusted to us.

The Standing Committee on Constitution and Canons has reviewed this proposal and found it to be reasonable.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution III: *Resolved*, That Section 2 of Canon 13 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

SECTION 2. Lay trustees shall at all times be communicants in good standing of a Parish, Mission, or other congregation of the Diocese of New Jersey. One lay trustee shall be elected at each annual Convention to serve for a five-year term. ~~No trustee elected by the Convention for a full five-year term shall be eligible for reelection.~~ After an elected member has served for two full consecutive terms, such elected member shall not be eligible for reelection until a year shall have passed.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part IV
Canon 27, Section 1
Membership of the Board of Missions

Section 1 of Diocesan Canon 23 (Board of Missions) provides:

SECTION 1. There shall be a Board of Missions to which shall be entrusted under the Bishop, the Missionary work of the Diocese. The Bishop or some person designated by the Bishop shall serve as Chair of the Board. Each Convocation shall in an annual meeting elect one clerical member and one lay member at least one of whom will be a vicar or a lay member of a Mission church to serve a three-year term, which shall begin immediately upon election. The elections shall be staggered such that no more than one-third of the membership shall end their terms in a given year. In addition, both the Bishop and Diocesan Council may each appoint two

members for three-year terms. In the event of an unexpected vacancy, Convocations may elect members for the unexpired terms of members previously elected by its Convocation and the Bishop or Diocesan Council may appoint members to fill the unexpired terms of their appointments.

In recent years, there have been problems recruiting Board of Mission members from Mission congregations, and currently in the Northern Convocation there are no Mission Congregations. Consequently, the Board of Missions has requested an amendment to this canon to address this problem. The language proposed below revises the original proposal and has been approved by the Board of Missions.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution IV: *Resolved*, That the third sentence of Section 1 of Canon 23 of the Canons of the Diocese of New Jersey be amended as follows (deletions shown by strikethrough, insertions by double-underline):

Each Convocation shall in an annual meeting elect one clerical member and one lay member at least one of whom will be a vicar or a lay member of a Mission church to serve a three-year term, which shall begin immediately upon election, provided, that if there is no Mission church in a Convocation, or if there is no one who is a member of a Mission church willing to serve, then the member or members elected, clergy or lay, may be from any church of the Convocation.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part V

Canon 33, Section 3

Standing Commission on Clerical Compensation – Scope of Duties

The Standing Commission on Clerical Compensation, in addition to recommending to the Diocesan Convention general minimum compensation requirements for clergy, has additional responsibilities in individual cases, as set forth in Section 3 of Canon 33:

SECTION 3. The Commission, upon request, shall receive appeals on matters of disagreement concerning clerical remuneration, and shall serve as advisor in such matters.

The Commission has requested an expansion of this role to allow it to authorize individual exceptions to the general requirements if approved by the Bishop or other Ecclesiastical Authority. It would add the following sentence to Section 3: "Upon request, The Commission may seek approval from the Ecclesiastical Authority for individual exceptions to minimum compensation for clergy as set forth in Canon 74 where such exceptions are acceptable to the Commission, the employing Congregation, and the member of the clergy involved".

The Standing Committee on Constitution and Canons has reviewed this proposal and found it to be reasonable.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution V: *Resolved*, That Section 3 of Canon 33 of the Canons of the Diocese of New Jersey be amended to read as follows (insertions shown by double-underline):

SECTION 3. The Commission, upon request, shall receive appeals on matters of disagreement concerning clerical remuneration, and shall serve as advisor in such matters. Upon request, The Commission may seek approval from the Ecclesiastical Authority for individual exceptions to minimum compensation for clergy as set forth in Canon 74 where such exceptions are acceptable to the Commission, the employing Congregation, and the member of the clergy involved.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part VI
New Canon 40
Anti-Racism Commission

For almost 30 years a number of folk have worked to identify and respond to the sin of racism in this Diocese. Their work has included the creation and support of teams engaged in anti-racism training and as a council of advice to our Bishop, diocesan staff, committees, and commissions as well as individuals and congregations. This work has been led by an Anti-Racism Commission appointed at the request of past diocesan conventions. It is now the sense of those engaged in this work that a more formal charter is in order, to define the membership of the commission and to structure its work. For this purpose Canon Barbie O. Bach, Canon Noreen Duncan, the Rev. Canon Theodore E. Moore, and the Rev. Daniel Somers proposed adding a new canon for this purpose. If adopted, it will be Canon 40, placed in Part III (Committees, Commissions, Convocations and Collateral Agencies and Institutions of the Diocese) of the Diocesan canons.

The Standing Committee on Constitution and Canons has reviewed this proposal and found it to be reasonable.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution VI: *Resolved*, That the Canons of the Diocese of New Jersey be amended by adding a new Canon 40 to read as follows:

CANON 40

Anti-Racism Commission

SECTION 1. There shall be an Anti-Racism Commission of the Diocese, consisting of at least six but no more than fifteen persons appointed by the Ecclesiastical Authority, each for a term of three years. Initial appointments to the Commission shall be for staggered terms so that, as nearly as may be practicable, one-third of its membership will be appointed each year. Appointments to the Commission shall include deacons, priests, and lay members, and shall include those who reflect the constituencies of the diocese most affected by the sin of racism. The Commission shall organize itself designating one or more chairs, a secretary, and a treasurer.

SECTION 2. The responsibilities of the Commission shall be to support the work of the diocese in both Dismantling Racism and Promoting Racial Healing, Justice, and Reconciliation by naming and acknowledging the sin of racism and its consequences in our diocese and the world around us, seeking healing, repair, and reconciliation, facilitating conversation, and making available ongoing programs of training and education. This includes providing programs for those seeking ordination, new clergy in the Diocese, diocesan and congregational leaders, and members of congregations in transition.

SECTION 3. The Commission shall report to Convention annually as to its work and progress and as a part of such report may include recommendations concerning the implementation of training and other aspects of its work.

SECTION 4. Members of the Commission may be reappointed. Any vacancies may be filled by the Ecclesiastical Authority. The Ecclesiastical Authority may appoint one or more liaisons to the Commission who shall have voice but not vote at meetings of the Commission.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part VII
Canon 74, Sections 1(b)(2) and 1(f)
Minimum Compensation for Clergy

The Standing Commission on Clerical Compensation has also requested two amendments to the clergy compensation requirements to deal with special circumstances.

Section 1(b)(2) of Canon 74 provides that where a Congregation provides a rectory for clergy housing, it must also contribute to a housing equity plan in an amount required by the Clergy Compensation Chart. The first requested amendment is to allow for payment of a lesser amount for a prescribed time period; this would have to be set forth in a written agreement between the member of the clergy and the employer and be acceptable to the Commission as well. The Standing Committee on Constitution and Canons has reviewed this proposal and found it to be reasonable.

The second requested amendment affects Section 1(f) of Canon 74, which mandates payment of premiums for medical, dental, and life insurance as required by Canon 36. There are cases, however, where a member of the clergy may have such insurance coverage from another employer or a spouse, in which case the Congregation should be able by agreement to opt out of paying such premiums. The Commission asks that this option be included in the Canon. The Standing Committee on Constitution and Canons has likewise reviewed this proposal and found it to be reasonable.

Accordingly, the Committee proposes the following implementing resolution:

Implementing Resolution VII: *Resolved*, That Section 1(b)(2) of Canon 74 of the Canons of the Diocese of New Jersey be amended to read as follows (insertions shown by double-underline):

(2) The Parish or Mission shall provide a rectory, pay the cost of utilities, repairs, and maintenance, and provide a housing equity plan for the clergyperson. As its share of the housing equity plan the Parish or Mission shall pay a sum not less than the amount set forth in the Clergy Compensation Chart per year into a tax deferred savings plan or other account specified by the clergyperson; however, in special circumstances the clergyperson may make a written agreement with the Parish or Mission to accept a lesser amount for a given period of time, but all such agreements must be reviewed and approved in writing by the Standing Commission on Clerical Compensation.

and be it further

Resolved, That Section 1(f) of Canon 74 of the Canons of the Diocese of New Jersey be amended to read as follows (insertions shown by double-underline):

(f) The Parish or Mission shall pay medical, dental, and life insurance premiums to the extent provided in Canon 36; provided, that where the clergyperson has existing medical, dental or life insurance from prior or other employment or from a spouse, the clergyperson may make a written agreement with the Parish or Mission to accept no premium coverage or a lesser amount for a given period of time, but all such agreements must be reviewed and approved in writing by the Standing Commission on Clerical Compensation.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Conclusion

The Committee has received no further timely proposals for consideration for this year. The Committee reminds members of Convention that proposals for amendments to the constitution or canons must be submitted to the Committee by December 1, 2022 for consideration at the 2023 Diocesan Convention.

The Committee appreciates the input it receives from other diocesan officers and bodies within the areas of their expertise. The Committee also notes that the Rev. Dr. John P. Mitchell and Canon Paul Ambos, Esq., are completing their current terms on the Committee, although they have been nominated for a further term. We thank them for their service to the Committee.

Respectfully submitted,

The Reverend Dr. John P. Mitchell, Chair
Paul De Sarno, Esq., Vice Chair
Canon Donna L. Freidel, Esq.
The Reverend Dr. Jeffrey M. Kirk
Canon Paul Ambos, Esq., Secretary