

**Summary of Material Changes Resulting from
the Restated Constitution and the Restated Canons**
October 3, 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.

In the course of the feedback sessions held at various in-person and Zoom meetings throughout this past summer, a number of typos were identified in the documents. The committee deeply appreciates the careful readers who located these. These typos have been changed but are not listed in this summary document.

The following is a summary of material changes that were made as a result of feedback received during the Diocesan wide feedback sessions this summer:

1. Clarifying that the Diocesan Convention elects the Deputies to represent our Diocese at the General Convention of the Episcopal Church. [Const. III.3.5(j)]

Rationale: One of the key roles that is vested with, and only with, the Diocesan Convention is the election of General Convention Deputies and Alternates. The committee decided that should be stated explicitly in the Constitution.

2. The provision regarding retired clergy voting at Convention is now connected to the church-wide mandatory retirement age of 72. (Const. III.3.5) These revised documents now state that canonically resident retired clergy may vote at Diocesan Convention until they reach the church-wide mandatory retirement age of 72. After age 72, retired clergy will have seat and voice at Convention but no vote.

Rationale: The committee believes that determining which retired clergy can vote by tying it to the nationally mandated, and well understood, retirement age of 72 provides a clearer basis for the provision.

3. Specify that the Executive Council determines the time and place of Convention. (Const. III.3.6) This changes states that the Executive Council, rather than the Bishop, decides when and where the Diocesan Convention shall take place. .

Rationale: The Executive Council functions as the Diocesan Convention when the Convention is not in session, so the Committee decided that it would be more logical for the Convention – as represented by the Executive Council – to determine its own time and place of meeting.

4. Shorten the time available for clergy to make a pastoral letter from the Bishop available to their congregation. (Const. IV.4.2) A previous version allowed one month, this new version allows two weeks.

Rationale: Pastoral Letters almost always have a time-sensitive subject matter. The committee believes that limiting the time period to two weeks should be more than sufficient for them to be read or distributed to the faithful.

5. Include the Diocesan Treasurer in the list of officers who serve a three year term. (Const. V.5.9) The Treasurer is now included in the list of Diocesan officers with a specified term of service.

Rationale: The Committee believes that the previous omission of the Treasurer from this list was a typo, but includes this change in the list of material changes since it does have a substantive impact on what the proposed document communicates.

6. Specify that when the Standing Committee is functioning as the Ecclesiastical Authority of the Diocese, the President of the Standing Committee has seat and voice, but no vote, on Executive Council. (Canon 4.5)

Rationale: When there is a vacancy in the Episcopate the Standing Committee functions as the Ecclesiastical Authority of the Diocese and under our current Constitution and Canons, when this is the case, the President of the Standing Committee has seat and voice, but no vote, on the Executive Council. The committee decided that this was a provision from our current documents that it would be wise to include in the proposed new documents.

The following is a summary of material changes that create rules different than our current Constitution and Canons or different from previous versions of proposed new documents that were created prior to 2023. This list is the same as it was in the earlier version of this document that was distributed to the Diocese in June of this year.

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, voice, and vote to retired clergy who are canonically resident, and retired bishops who reside within the Diocese, but are not actively serving by appointment or election until they reach the church-wide mandatory retirement age of 72 and then removes their right to vote after age 72. After age 72, these clergy still retain their seat and voice for life. It should also be noted that any cleric who is actively serving by appointment or election has the right to seat, voice, and vote, regardless of age or retirement status. 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 after they reach the church-wide mandatory retirement age of 72. 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 to 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 large portions 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.