

Diocese of New Jersey Report of the Standing Committee on Constitution and Canons 2008

Introduction

In addition to matters carried over from last year, the Committee reviewed requests for changes in the constitution and canons of the diocese. Proposals affecting voting rights in Convention are presented first. If passed, they will go into effect immediately, enabling those affected to vote at this Convention.

Part I Constitution Article II, Section 2

Diocesan Convention 2007 passed Implementing Resolution VII, a first reading of an amendment to Article II of the Constitution for the purpose of removing the six-month waiting period for priests newly canonically resident in the diocese to vote:

Resolved, That the second and third paragraphs of Section 2 of Article II of the Constitution of the Diocese of New Jersey be amended, pursuant to Article XIII, Section 1 of the Constitution, to read as follows (insertions shown by underline, deletions by strikethrough):

Presbyters who ~~have been~~ are canonically resident in the Diocese ~~for six months next preceding~~ at the opening of any meeting of the Convention shall each ~~be entitled to~~ have a seat and vote.

Deacons who ~~have been~~ are canonically resident in the Diocese ~~for six months next preceding~~ at the opening of any meeting of the Convention shall each ~~be entitled to~~ have a seat and vote.

Amendments to the diocesan Constitution are governed by Article XIII, Section 1 of the Constitution:

Any proposed amendment to this Constitution which may be approved by a majority vote at any meeting of the Convention shall lay over to the next annual meeting. It shall then be acted upon, and if approved by a Vote by Orders shall become a part of this Constitution.

The Committee therefore moves the following implementing resolution:

Implementing Resolution I: *Resolved*, That the amendments to the second and third paragraphs of Section 2 of Article II of the Constitution of the Diocese of New Jersey as authorized by the 223rd Convention of the Diocese be approved by this 224th Convention.

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

Part II Canon 57

Canon 57, titled "Collegiate Chapels", governs campus ministries in the diocese. Currently there are college chaplains at Princeton University, Princeton, who also serves students, faculty, and staff at Westminster Choir College, Princeton Theological Seminary, and The Institute for Advanced Studies, and at Rutgers College, New Brunswick, who serves the Rutgers University campuses in the New Brunswick area. Both positions are supported by the William Alexander Procter Foundation, a private foundation established by the family of the former president of Procter & Gamble. The canon provides that each collegiate chapel congregation may elect from among its communicants one "representative to the Diocesan Convention", but there is no provision that this representative have the right to vote at convention, and the Rutgers representative last year was denied a ballot package. The two chaplains requested an opinion on this from Chancellor John Goldsack, and he interpreted the absence of voting provisions in the canon as supporting the denial of voting rights. The chaplains, noting that the Diocesan Youth Commission's three deputies are specifically given "seat, voice and vote at Diocesan Convention" by Canon 10, requested an amendment to Canon 57 to add voting rights to their congregations' Convention representatives.

In reviewing the existing canon, the Committee noted and proposed to correct several minor errors and inconsistencies. Terminology and capitalization has been made consistent with other canons. Although the term "Chapel" is used in other canons to refer to both the buildings and congregations of seasonal and collegiate chapels (as well as parochial chapels, of which there appear to be none), neither of these two college ministries expects to maintain a chapel building. The Episcopal Church at Princeton uses the Princeton University Chapel; the Episcopal Campus Ministry at Rutgers is no longer using St. Michael's Chapel because street realignments have cut it off from regular student access, and it has consolidated its ministry at Canterbury House on the Rutgers College Avenue campus. The Procter Foundation's name was incorrectly stated. And the Foundation, contrary to the canon's language, does not currently have jurisdiction over ministries at other campuses (such as in Camden) that it does not fund, and which are under the direct oversight of the Bishop in connection with local parishes. Since elections of representatives can normally take place at special meetings of the congregation, the Committee proposes to remove the restriction to elections at an "annual" meeting, which for purposes of the academic year may be devoted to other matters. The proposed changes have been reviewed by the Bishop, by both chaplains, and by the Procter Foundation and are acceptable to them.

The Committee therefore moves the following resolution:

Implementing Resolution II: *Resolved*, That Diocese of New Jersey Canon 57 be amended as follows (insertions shown by underlining, deletions by strikethrough):

CANON 57

Collegiate Chapels

SECTION 1. At any institution of higher learning in this Diocese it shall be lawful for the Diocese to establish a college chapel chaplaincy and center for ministry to college students and staff. Such establishments are to be made upon the recommendation of the Bishop and the approval of the Diocesan Council and ~~The~~, if financially supported by the William Alexander Procter Fund. Chapels erected Procter Foundation, such Foundation. Chapels or other places of meeting or of worship established at such centers, and their congregations, shall have the status of "Chapels of the Diocese."

SECTION 2. There shall be an advisory committee for each ~~College~~ Collegiate Chapel. The members of this committee shall be communicants of this Church in good standing. It shall be the duty of the advisory committee to care for the properties of the ~~chapel~~ Chapel to which they are appointed, to make recommendations to the proper authority for needed repairs and improvements, to ascertain that the use of the Chapel is in accordance with the regulations of the local institution as well as those of the Diocese, and to assist the college chaplain in the furtherance of the ~~Church~~ church's work on the campus.

SECTION 3. There shall be provided for each ~~collegiate chapel~~ Collegiate Chapel a standard register in which shall be recorded all official acts as provided in the canons for parishes. The Chapel communicant register shall consist only of those persons who have been confirmed or received into ~~the~~ The Episcopal Church at the Chapel. It shall be a special duty of the chaplain to seek to transfer such members upon their permanent departure from the institution.

SECTION 4. It shall be lawful for the college chaplain to organize from the faculty and student body of the institution to which the chaplain has been assigned such student vestries, choirs, auxiliaries, guilds, and societies as the chaplain may think advisable for the furthering of the ministry of ~~the~~ The Episcopal Church on the campus.

SECTION 5. Any ~~collegiate chapel~~ Collegiate Chapel congregation operating under the provisions of this canon may, ~~at an annual meeting,~~ elect from among its regular communicants a communicant in good standing of ~~the~~ The Episcopal Church to be its representative deputy to the Diocesan Convention. ~~It shall be the duty of the chaplain to provide to such an annual meeting a list of persons who qualify as regular communicants,~~ who shall be entitled to seat, voice, and vote at Diocesan Convention. The chaplain and any member of the advisory committee shall certify the election of the deputy to the Secretary of Diocesan Convention.

SECTION 6. The chaplain and the advisory committee shall make annual reports to the Bishop of the Diocese in such form as the Bishop may direct.

See also: Canon 47, Section 4

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

Part III Constitution Article II, Section 2

The Episcopal Church at its 2000 General Convention approved the *Called to Common Mission* concordat with the Evangelical Lutheran Church in America. Under this agreement each church recognizes the clergy of the other without the need for re-ordination or other special treatment. Individual ELCA priests have served and continue to serve Episcopal congregations in our diocese. Yet unlike their Episcopalian counterparts there is no provision for them to vote at Diocesan Convention.

The Episcopal Church Office for Ministry Development has issued a set of Principles for the Orderly Exchange of Pastors and Priests, which provides:

The ELCA has made provision, in its continuing resolutions (of the Constitution, Bylaws and Continuing Resolutions), so that an ordained minister from a church with which the ELCA has a relationship of full communion may be granted the privilege of both voice and vote in the Synod Assembly during the period of that minister's service. The dioceses of the EC [Episcopal Church] are urged to develop a provision whereby an ELCA pastor serving an EC congregation may be granted full participation in diocesan convention, which would include the privilege of voice and vote, without the requirement of canonical residence.

Currently, the Diocese of New Jersey limits clergy voting rights in Convention to those priests and deacons who have canonical residence in the diocese. (These provisions are quoted in Part I of this Report.) The ELCA does not use the concept of canonical residence, instead entering pastors on the roster of their Synod as sufficient for them to vote in Synod meetings. In order for our diocese to reciprocate the voting rights already granted Episcopalian clergy who serve ELCA congregations, an amendment of our Constitution would be required that does not require reference to canonical residence for those clergy to whom the concept does not apply.

Our National Canons provide in Canon III.10.2 for either occasional or extended service in Episcopal congregations, with the approval of the diocesan bishop, by clergypersons who have been ordained by churches in communion with The Episcopal Church. In addition to ELCA clergy, the canon's list of such churches includes the dioceses and provinces in communion with the See of Canterbury, the Old Catholic Churches of the Union of Utrecht, the Philippine Independent Church, and the Mar Thoma Syrian Church of Malabar.

The Committee's proposal would be limited to clergy ordained in those churches in communion with The Episcopal Church and would allow, once the amendment were to become effective, the passing of an appropriate canon to govern such cases. Bishop Councell has indicated support for allowing ELCA clergy serving within the diocese to have full participation in Diocesan Convention, and the Committee agrees that this is proper.

The Committee therefore moves the following resolution:

Implementing Resolution III: *Resolved*, That Section 2 of Article II of the Constitution of the Diocese of New Jersey be amended, pursuant to Article XIII, Section 1 of the Constitution, to insert a new fourth paragraph to read as follows:

Members of the clergy ordained by bishops of churches in communion with The Episcopal Church shall have seat and vote to the extent provided by canon.

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

Part IV Canon 23, Section 4

The next several sections of our report deal with minor corrections, some of which follow from the amendment two years ago of the financial canons of the diocese (Canons 14 through 16). Canon 23 authorizes the bishop to appoint assistants of various administrative types with the concurrence of the Standing Committee, and Section 4 of the canon covers the salary and benefits of such assistants:

SECTION 4. The salary, housing, and expense allowance of the Administrative Assistants shall be provided for by the Diocesan Council in the Diocesan Budget in accordance with Canon 14, 3.

Since the amendments to Canon 14 removed the partial specification of budget items formerly contained in Section 3, the cross-reference no longer is accurate. The Committee, with the concurrence of Bishop Cancell, recommends deleting it, as set forth in the following resolution:

Implementing Resolution IV: *Resolved*, That Diocese of New Jersey Canon 23, Section 4 be amended as follows (deletions shown by strikethrough):

SECTION 4. The salary, housing, and expense allowance of the Administrative Assistants shall be provided for by the Diocesan Council in the Diocesan Budget ~~in accordance with Canon 14, 3.~~

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

Part V Canon 5

Section 1 of Canon 5, which generally governs elections in Diocesan Convention, currently provides:

SECTION 1. In all elections, a majority of the votes cast shall be necessary for a choice, excepting as provided in Canon 7.

Canon 7, which governs election of diocesan deputies to the Province II Synod, had formerly provided for a plurality election of deputies. Last year such election was replaced by providing that Deputies to General Convention should be *ex officio* Provincial Synod Deputies. Since such elections are by majority vote, the exception in Canon 5 no longer applies. Accordingly, the Committee moves the following resolution:

Implementing Resolution V: *Resolved*, That Diocese of New Jersey Canon 5, Section 1 be amended as follows (deletions shown by strikethrough):

SECTION 1. In all elections, a majority of the votes cast shall be necessary for a choice, ~~excepting as provided in Canon 7.~~

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

Part VI
Canon 48, Section 5

Canon 48 governs the consent by the bishop to the formation of new parishes or the erecting of church buildings on new sites. Section 5 sets forth the form of formal approval to be given by the bishop if he or she approves the congregation's application. The form's language concludes, "Given under my hand this day of in the year of our Lord, one thousand nine hundred and" Given the turn of the century, this language need to be updated.

Implementing Resolution VI: *Resolved*, That Diocese of New Jersey Canon 48, Section 5 be amended as follows (insertions shown by underlining, deletions by strikethrough):

SECTION 5. After the expiration of said thirty days, the Standing Committee shall proceed to the consideration of the application and of any objections thereto and shall advise the Bishop of their conclusions. If approval be given, the Bishop may then give Canonical consent in the following form:

The formation of a new Parish (or the erection of a new Church or Chapel) in the city (or town) of, County of to be known as Church (or Chapel), having been duly considered by the Standing Committee and approved by them, I do hereby give my Canonical consent to the formation of said Parish (or the erection of said Church or Chapel).

Given under my hand this day of in the year of our Lord, ~~one~~ two thousand ~~nine~~ hundred and

Bishop of New Jersey

Attest:

.....
Secretary of Standing Committee

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

Part VII
Canon 73, Section 2

Section 2 of Canon 73 deals with the filing of annual parochial reports, and subsection (a) currently provides:

(a) Every Minister in charge of a Congregation, or, if there be no such Minister, a Warden thereof, shall prepare annually for the year ending December 31st preceding, a report of the Congregation, upon the blank form adopted in accordance with the provisions of Canon 5 of the General Convention of 1943, and shall send the said report, not later than February 1st, to the Bishop.

The February 1 date also appears in subsections (b), (d), and (e). The National Canons have been recodified since 1943, and former Canon 5 now appears as Canon I.6.1, which now provides in relevant part:

A report of every Parish and other Congregation of this Church shall be prepared annually for the year ending December 31 preceding, in the form authorized by the Executive Council and approved by the Committee on the State of the Church, and shall be filed not later than March 1 with the Bishop of the Diocese, or, where there is no Bishop, with the ecclesiastical authority of the Diocese.

The change from February 1 to March 1 was first proposed to the General Convention in 1952 and was adopted in 1967. It is long past time to update this section, and the Committee moves the following corrective resolution:

Implementing Resolution VII: *Resolved*, That Diocese of New Jersey Canon 73, Section 2(a) be amended as follows (insertions shown by underlining, deletions by strikethrough):

(a) Every Minister in charge of a Congregation, or, if there be no such Minister, a Warden thereof, shall prepare annually for the year ending December 31st preceding, a report of the Congregation, upon the ~~blank form adopted in accordance with the provisions of Canon 5 of the General Convention of 1943~~ form as provided by National Canon I.6.1, and shall send the said report, not later than ~~February~~ March 1st, to the Bishop.

and be it

Further resolved, That Diocese of New Jersey Canon 73, Sections 2(b), (d), and (e) be amended by replacing the date "February 1st" or "February 1" by "March 1st" in each such subsection.

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

Part VIII
Canon 13, Section 8

Implementing Resolution VI-B passed last year provided:

Resolved, That the subject of the death benefit in Canon 13, Section 8 be referred to the Standing Commission on Clerical Compensation in consultation with the Insurance Committee for further study as to establishing possible conditions upon its grant or other possible modifications as to its implementation, and that such Commission report its findings to the Standing Committee on Constitution and Canons for its consideration and report to next year's Convention.

The Standing Commission on Clerical Compensation has reported that they have reviewed this provision and recommend no further change at the present time. Accordingly, no action is needed with respect to this resolution this year.

Part IX Canon 36

Part IX of last year's Report advised of possible updating of the language of Canon 36, which governs health insurance. The Insurance Committee has confirmed that the current canon does not correspond to the operations of the diocese at least as regards payment for insurance premiums, but they are continuing to study the current provisions during 2008 and may have proposed changes to report for next Convention.

Part X Canon 13

Part V of last year's report noted questions from Chancellor John Wood Goldsack as to the variations between current practice and the provisions of Canon 13, which governs trustees of diocesan trust funds, and questions concerning the corporate status of the diocese. The Chancellor advises that his investigations as to status are not yet complete but that he hopes to have more definitive answers during this calendar year. Accordingly, the Committee is again deferring any revision of Canon 13 until next year to allow for such clarification and for further review.

Conclusion

The Committee has received no further proposals for consideration this year. The Committee reminds members of Convention that proposals for amendments to the constitution or canons must be submitted to the Committee at least sixty days prior to the opening day of the next convention, or by around the beginning of January 2009.

The Committee appreciates the input it receives from other diocesan bodies within the areas of their expertise.

Respectfully submitted,

The Reverend Terence Blackburn, Vice-Chair

Paul De Sarno, Esq.

The Reverend Frank B. Crumbaugh, III
The Reverend Dr. Henry Jansma, Secretary

Paul Ambos, Esq., Chair