

Draft Resolution to Assure Compliance with Fiduciary Standards by Nominees for Executive Council from Province III

Whereas, in order to assure that those nominated to serve on Executive Council from Province III, meet fiduciary standards as a member of the Board of the Domestic and Foreign Missionary Society, and as an elected representative of the governing body of The Episcopal Church between General Conventions; and

Whereas, past failures by TEC and by other Christian denominations to perform adequate screening for sensitive positions has resulted in serious harm to people and to the mission of spreading the Gospel, now therefore, be it

Resolved, by the 2019 Provincial Synod meeting in Martinsburg, West Virginia on May 6, 2019

That in order to assure the integrity of those elected or nominated by Province III for fiduciary positions within TEC, including specifically Executive Council and Trustees of the Church Pension Fund, Provincial Synod directs that the following procedure shall govern future nominations for Provincial Executive Council representative and member of the Church Pension Fund Board:

1. In order to provide time for adequate background screening, nominations for Provincial Representative to General Convention or for the Church Pension Fund shall be submitted to the Province III Nominating Committee by February 1 of the year in which Convention meets;
2. As a condition for nomination, potential nominees shall, in order to be considered for nomination, provide advance written consent for the Chief Legal Officer of The Episcopal Church to conduct an appropriate background check regarding the following issues:
 - a. criminal charges and past criminal record (not including non-violent juvenile offenses),
 - b. professional disciplinary infractions or pending proceedings involving alleged violations of applicable ethical codes (including canonical discipline),
 - c. citations, charges or convictions for DUI/DWI (including any pretrial diversion),
 - d. protective or restraining orders alleging threats of harm to any other person,
 - e. orders, including consent orders, barring the proposed nominee from practice before any federal or state agency,
 - f. orders (including consent orders) involving alleged or adjudicated violations of state or federal securities laws,
 - g. civil claims alleging fraud or dishonesty,
 - h. registration in any jurisdiction as a sex offender, and
 - i. Any pending unresolved indictment, criminal charge (other than minor traffic offenses), civil enforcement action for securities law violations, or civil claim/disciplinary complaint alleging professional misconduct or violations of the ethical standards of the nominee's license profession or occupation.

3. Potential nominees shall disclose in writing, as part of any proposed nomination, the particulars of the items enumerated in paragraph 2, to the nominating committee for transmission to the President and Vice-President of Province III and to the Chief Legal Officer of TEC in connection with the background check
4. The findings of any background check shall be shared in writing with the proposed nominee at least 30 days in advance of the Provincial Synod meeting in order to provide the prospective nominee the opportunity to respond in writing to any derogatory or inaccurate information found in the background check. If the nominee decides to allow their name to move forward, the results of the background check shall be provided in writing to the nominating committee.
5. In the event the nominating committee presents a nominee who has disclosed past conduct or current charges involving any of the items enumerated in paragraph 2, the specifics of that past conduct as well as the background check results shall be disclosed in writing to Provincial Synod at least two weeks before the Provincial Synod meeting, so those voting may evaluate the information.
6. A potential nominee may certify in writing that there is nothing to disclose in response to the enumerated items listed in paragraph 2. Such nominees shall still be subject to a background check by the Chief Legal Officer of The Episcopal Church. A certification later found to be false shall be grounds to disqualify the nominee from election and for removal by Executive Council if such misconduct comes to light after election.
7. There shall be no floor nominations for the positions of Executive Council Representatives or member of the Church Pension Fund board.

Respectfully submitted,