

Executive Summary of the proposed changes to the Ordinances of the Third Province; to be presented at the meeting the Provincial Synod on May 4, 2020

The proposed amendments address issues concerning background checks in Ordinances VIII and X in order to conform to policies recently adopted by the DFMS Executive Council.

The Process

- a) the By-Laws sub-committee submits a final draft to all members of the Provincial Council by 10/21/19
- b) the Provincial Council approves a final draft (as amended) on 10/28/19 (done)
- c) the final draft is distributed to Synod voting members 20 days ahead of time (as per Ordinance XI)
- d) the Provincial Synod votes on the proposed amendments to the Ordinances on May 4, 2020.

Submitted to the Provincial Council and Synod by the By Laws sub-committee:

Bishop W. Michie Klusmeyer, President	The Rev. Nathaniel W. Pierce, Vice President
Mr. Eddie Vance, Provincial Council	Mr. Russell Randle, Diocese of Virginia and EC Rep

Proposed Amendments to the Third Province Ordinances

(Ordinances previously amended on 4/25/2016, 5/7/2018, and 5/6/2019)

ORDINANCE VIII

Of the Third Province Representatives on the Executive Council

Section 1. The Synod at its regular meeting in the year of the General Convention shall elect one representative to the Executive Council to serve a term twice the interval between General Conventions. This election shall alternate between the ordained and lay orders, so that the Province is always represented by two persons, one Bishop or Presbyterian or Deacon and one lay person. Nominations of persons canonically resident in the Third Province shall be made by the Nominating Committee.

Section 2. Consistent with Joint Rule of General Convention VII.21, the Nominating Committee shall procure a background check through the Chief Legal Officer of The Episcopal Church.

Section 3. 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.***

Section 4. Potential nominees shall disclose in writing, as part of any proposed nomination, the particulars of the items enumerated in Section 2 to the Nominating Committee for transmission to the four Officers of Province III and to the Chief Legal Officer of The Episcopal Church in connection with the pertinent background checks.

Section 5. The findings of any background check shall be shared in writing with the proposed nominee at least forty-five (45) 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 his or her name to move forward, the nominee shall

be deemed to consent to the disclosure of the results of the background check, including any corrections or nominee responses to information claimed to be incorrect, to the Nominating Committee, and those results, together with any corrections and nominee responses, shall be provided in writing to the Nominating Committee.

Section 6. In the event the Nominating Committee presents a nominee who has disclosed past conduct or current charges involving any of the items enumerated in Section 2, the specifics of that past conduct as well as the background check results shall be disclosed in writing to the Provincial Synod at least two weeks before the Provincial Synod meeting, so that those voting may evaluate the information provided that three of the four Provincial Officers certify that said information is significant and relevant.

Section 7. A potential nominee may certify in writing that there is nothing to disclose in response to the enumerated items listed in Section 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 before he or she takes office, and for subsequent removal by the Executive Council if such past misconduct comes to light after the nominee takes office.

Section 8. Nominations from the floor shall not be permitted. The Secretary shall certify such election to the proper authorities. The term of office shall commence upon the adjournment of the first regular meeting of the General Convention following election.

Section 2 9. In case of a vacancy, the Provincial Council, or the Executive Committee thereof, shall elect a person of the same order to fill such a vacancy for the unexpired term, provided that candidates in the previous election are among those nominated for consideration. A background check **by the Province acting through the Chief Legal Officer of the Episcopal Church** shall be required for all nominees, and shall be handled as described above. If it is the Executive Committee which acts under this Section, the provision of Ordinance V.7, requiring subsequent approval, shall not apply.

Section 3 10. Persons elected to the Executive Council must remain canonically resident in the Third Province for the duration of their term and may not succeed themselves. Persons

elected to the Executive Council shall complete anti-racism training within one year of being elected.

Section 4 **11**. The elected representatives on the Executive Council from the Third Province shall make a report at each meeting of the Synod and the Provincial Council.

Section 5 **12**. No person canonically resident in a Diocese which has not paid in full its apportionment to the Third Province in the previous fiscal year shall be eligible for election as a Provincial Representative to Executive Council. This section may be temporarily suspended by the Synod for good cause by a two thirds affirmative vote by orders.

ORDINANCE X

Of the Nominating Committee

Section 1. There shall be a Nominating Committee appointed by the President.

Section 2. In a General Convention year the Committee shall present candidates to the Synod for the positions of President, Vice President, Secretary, Treasurer, and a Provincial representative to the DFMS Executive Council.

Section 3. In years when there is no General Convention, the Committee shall present a candidate to fill any vacancy for the positions of President, Vice President, Secretary, or Treasurer of the Province.

Section 4. The deadline for submitting the names of candidates to the Committee shall be no less than ~~sixty (60)~~ **ninety (90)** days prior to the meeting of the Synod, said deadline to be communicated to all bishops and deputies no less than ~~ninety (90)~~ **one hundred twenty (120)** days prior to the meeting of the Synod. The Committee shall conduct a background check on all nominees. Any potentially disqualifying information, such as criminal charges or convictions, professional discipline, or a history of substance abuse or domestic violence, shall be disclosed first to a potential nominee, and then if the nominee agrees to proceed, **to the four elected Provincial Officers. If deemed to be significant and relevant information by three of the four Officers, the disqualifying information shall be disclosed** to the voting members **of the Province**.

Section 5. Information about the candidates presented to the Synod by the Committee shall be distributed to all bishops and deputies at least twenty (20) days prior to the meeting of the Synod.