



Following the vote on incorporation in 2010, suggestions continued to come in regarding changes to the bylaws. Convention Council decided to form a subcommittee to look at these suggestions and determine whether or not they needed to come to Council and the Assembly for further discussion.

1. There was a concern that Council members were not required to be baptized by immersions in 4.01 (e) (i) while delegates from member churches and Associations are required to be baptized by immersion. This is an inconsistency in the Bylaw and so it was recommended that the phrase - **“and a believer baptized by immersion, except where precluded by medical condition.”** – be added in three articles of the Bylaw: 4.01 (e) (i), 5.03 (a), and 8.01 (b).

2. There was a concern that Council members are being held to a higher standard of acceptance of the Bylaw than members of Convention because of the phrase “must be in full agreement with the Constitution” in 4.01 (e) (iii). Also, because of the use of the word ‘Constitution’ it was felt that full agreement applied to all aspects of the Constitution.

The subcommittee did not recommend any change to this clause because it felt the higher standard was appropriate. The difference is not an inconsistency but a reflection of the different roles of member churches and the members of the Council of Convention. The rights, responsibilities and expectations of member churches and associations are clearly listed to ensure the protection of the members’ independence while recognizing their interdependence. That is why 3.04 (c) and (d) do not refer to the constitution but to its component parts. Council members however are the guardians of the Bylaw and have to enforce the provisions of the Bylaw if a breach should occur. It is therefore reasonable to require Council members to be in full agreement with the Constitution. Council members are not being asked to treat each component part of the Constitution the same but to fully uphold and apply the Constitution as it spells out the different aspects of each component. For example, Council members would not be asked to fully agree with all of the Resolutions, but to agree that members should accept the Resolutions as an Expectation.

3. It was suggested that the qualification of officers in 5.03 (i) is inconsistent with the qualification of Council members in 4.01 (e) (x). The subcommittee agreed that this was inconsistent and recommend the wording of 4.01 (e) (x) be used in 5.03 (i). The reason for both of these clauses is that it is a requirement for the Convention of Atlantic Baptist Churches to belong to the Canadian Council of Christian Charities.

4. The treatment of Council members and Officers when deemed to be automatically removed from their position was also a concern. A Council member does not have the right to be heard in 4.04 (b) (ii) but he or she does in 4.04 (b) (iii). Similarly, an Officer has the right to be heard is provided for in 5.08 (b) (iii) but not in 5.08 (b) (i). This was considered to be inconsistent and unfair, so the subcommittee recommended that the phrase - **provided the Council Member is first given an opportunity to be heard.** – be added to both 4.04 (b) (ii) and 5.08 (b) (i).

5. The status of Acadia University and the corresponding role of our nominees to their Board of Governors was another issue. Where does Acadia University fit into the Bylaw and what is nature of the relationship between the Convention and the University, which would provide direction to CABC nominees to the Board of Governors of Acadia? The Bylaw does not appear to clarify the nature of the relationship between Acadia University and CABC. It is not an organization of Convention but Convention does provide a significant number of the Board of Governors to the University.

The nature of the relationship between Acadia University and CABC is beyond the scope of this subcommittee. There have been discussions between the CABC's Executive of Council and the Board of Governors of Acadia University in recent years. The subcommittee suggested that this issue be brought to these meetings for discussion.

It was felt that it is important to acknowledge the role of the Nominating Committee as it pertains to Acadia University and to Canadian Baptist Ministries, which also appears to have been missed. These two organizations are not Convention organizations but we nominate members to their boards. Therefore it was recommended that they both be added to the list of organizations in 8.04 (b) (i) that the Nominating Committee is charged with submitting a slate of nominations to be considered for positions by the Annual Assembly.

6. The concern over the Waiver clause in 14.01 was an issue that the subcommittee discussed at length. It has been suggested that 14.01 gave Convention an unfair advantage over its members by denying the possibility of legal action. Our lawyer, Mr. Dan Ingersoll was very helpful in clarifying this issue. Section 14 needs to be taken as a whole. Each of the three clauses is part of a process of conflict resolution designed to prevent legal suits (14.01) and direct complainants to Mediation (14.02) or arbitration (14.03).

The resolution of an issue through Mediation cannot be forced, it must be agreed upon voluntarily by both parties. However, it is not uncommon to force parties to come together to see if Mediation can be effective in resolving the dispute. Failing that the process moves to Arbitration which is a process binding on all parties, including the Convention. This is a common process used in commercial disputes and has proved to be cheaper, faster and more sensitive to the issues being discussed.

The subcommittee felt that looking at 14.01 in isolation has created much of the misunderstanding. Since Convention would have to mutually agree with a complainant in a resolution through Mediation or submit to the ruling of an arbitration panel, just like the complainant, in Arbitration, the charge of unfair advantage was inaccurate. Therefore no change was recommended.

7. Finally there was concern about the accreditation of pastors as well as their pension and insurance benefits being removed if they are not members of churches that remain within Convention. The Pension & Insurance Board discussed the issues of pensions and medical insurance benefits at their June meeting. Pensions are controlled by legislation and are not under Convention's jurisdiction. They decided that as of August 31, 2012 pension plan participation must cease for non-members under the Provincial Pension Acts. As of August 31, 2013 all other benefits will cease for those members who have

decided not to join. A letter explaining the details is being sent to the pastors of churches not already in the incorporated CABC and those who have chosen to leave CABC.

The Accreditation of pastors will not be an actionable issue until September 2015. Pastors' accreditation must lapse three years before an action is taken. The three year period would not begin until the end of August 2012. With this information the subcommittee felt that no further change was necessary but suggested better communication of the details of these issues to the parties involved.

Since Council accepted the recommendations of the subcommittee several Notices of Motion will need to be drafted and published before the 180 day deadline occurs in the winter. I trust this information will clarify the concerns you raised. Once again, thank you for your participation in this process.

Yours in Christ,

Doug

**Mr. Douglas Schofield,
Past President**