

CfEC Standing Orders – First round of consultations (GS and staff)

<p>Heikki Huttunen</p> <p>CEC Draft Standing Orders</p> <p>Comments</p>	<p>Legal Team</p> <p>CEC Draft Standing Orders</p> <p>Response</p>
<p>Part I The Governing Board</p> <p>§ 1</p> <p>(2) Perhaps no need to limit GB meetings only to places where CEC has Members, as a new applying MC might one day invite us - to North-macedonia, Malta, Bosnia, Belarus etc.</p> <p>(4) I would not introduce theological concepts into the SO, especially where no consensus existst among the traditions, such as " blessing" . Prayer would be fine.</p> <p>(5) Sould we refer to the practiced preference, that when possible the MC are welcome to cover all costs of tge GB members, as is the case now?</p>	<p>Countries of applicants for membership will be added.</p> <p>Is "blessing" a contested concept? If so, it can be taken out. However, we are not aware that any CEC member church has so far objected to spend or receive general blessings during a prayer.</p> <p>This goes into the proposed Financial Regulation and should follow transparent rules, e.g. being the general rule, exceptions subject to a subsidy application.</p>
<p>§ 2</p> <p>What about convening the GB at the request of a definite number of GB members, or Mcs? Say theres is a mistrust of the leadership etc?</p>	<p>The Standing Orders cannot go beyond the Constitution, however, this is already forseen: If the President or the Vice-Presidents are unable <i>or unwilling</i> to convene a meeting.</p>

<p>(3) Weekdays or Saturdays, the language is unclear.</p> <p>(4) To send seven days before may prove to be problematic, especially by conventional mail.</p>	<p>(3) The new proposal clarifies this, as weekdays can be either Monday to Friday or Monday to Saturday. The rationale is that GB members who are not full time church workers should not be forced to take more of their private holidays than necessary, so the Saturday should be, as a general rule, be part of the meeting.</p> <p>(4) This is in the Constitution, and cannot, therefore, be changed. However – with respect to the ability of Governing Board members to prepare for the meeting – it also seems fair and should ideally be even more days. Additionally, usually all GB members receive electronic rather than conventional mail.</p>
<p>§ 3</p> <p>I would prefer more clarity about the fact that the preparation of the GB agenda is the task of the President together with the GS and the staff. There may be critical matters where strategic consideration needs to be in the hands of the President/Presidency and the GS, whether an issue should be taken to the agenda or not, and when. The Presidency representing the three traditions and the GS representing the professional experience, this may be an adequately safe combination.</p>	<p>§ 3 of the SO quotes the Constitution by saying <i>"The agenda of the meetings of the Governing Board shall be prepared by the General Secretary and approved by the President."</i> We are not sure how we could be any clearer and how the GS and the Presidency could be even more involved?</p>
<p>§ 4</p> <p>According to the CEC-CCEE contract, 2 CCME representatives (excom member and GS) attend the GB. Is this in conflict with Belgian law, and to be always taken care of by a specific protocolled decision (§ 4 (6))?</p>	<p>This does indeed constitute a problem under Belgian law. While any Governing Board may well take decisions that go beyond its term of office (e.g. appoint a General Secretary, sell property etc.), there are certain decisions that can only be taken by each newly elected Governing Board. Participation in its meetings are one of them. According to § 6 (6), however, it is possible to take a general decision at the beginning of the term of office to invite</p>

<p>I guess the invitation of the electoral reserve to GB meetings §5 (5) is a comparable case. I would suggest a rotation, so that there is always some of them present, also in order to strengthen the youth presence in the GB.</p>	<p>the two CCME representatives for all upcoming meetings of this Governing Board.</p> <p>The case of the Electoral Reserve is different, as it is part of the Constitution, and thereby binds the Governing Board legally.</p> <p>We are not sure what a rotation according to § 5 (5) refers to.</p> <p>If it refers to § 5 (4), i.e. the possibility to invite members of the Electoral Reserve to GB meetings, it would be possible not to invite them all at a time, but some of them to each meeting. That would, however, not necessarily improve for example youth presence, as it would still be once per person per term of office.</p> <p>If it refers to members of the Electoral Reserve to replace excused GB members, a "rotation" is not possible as it would contradict the Constitution, which stipulates that the person taking the place of a GB member "should be from the same church family and region as the member of the Governing Board conferring his or her voting right." In legal language "should" means "must, if possible". So it's not a political decision, but a rule.</p>
<p>§ 6 and elsewhere I would strongly recommend we always refer to the General Assembly (not Assembly), as we have other assemblies in the life of CEC - the European Ecumenical Assemblies, the ECEN and CALL Assemblies etc. So, "the General Assembly Planning Committee" etc.</p>	<p>This makes very long names, but, for consistency, will be changed throughout.</p>
<p>§ 6 (4) Does the Nominations Committee consist of VP+3 or VP+4 members.</p>	<p>As it says the Vice President "plus four (4) <u>other</u> members of the Governing Board", we believe it to be sufficiently clear.</p>

<p>§ 6 General</p> <p>The minimum balances of women and men, as well as youth, and Orthodox are mentioned in §6(4) but not for other GB bodies. It would be more logical to make this reference a general one - perhaps it is even required by Belgian law. If we seriously want to increase youth participation, and ensure gender balance and Orthodox participation, we should include it in the SO. The other possibility could be to prepare a GB policy paper on it. Which is more effective?</p>	<p>Belgium law does not prescribe a gender balance for committees in associations, and definitively no balances for denominations or young people etc.</p> <p>However, the issue is already addressed in § 18 (7) of our proposal for the SO, when saying: "In all appointments of bodies and working groups, the Governing Board shall ensure a reasonable geographical, confessional and cultural balance; the desired distribution among church officials, parish ministers and lay persons; among men, women and young people; and participation by persons whose special expertise and experience will be needed in its appointments."</p> <p>We believe this, with the omission of the unclear term "cultural" to be sufficient.</p>
<p>§ 7</p> <p>It should be defined what consists a conflict of interest.</p>	<p>A conflict of interest is a common and well known legal concept, so we are not sure if it is necessary or wise to define it in the SO. If a definition would be asked for, we would propose the following:</p> <p>"A conflict of interest occurs whenever a Governing Board member will be personally affected by a decision of the Governing Board in any capacity other than his or her Board membership. In order to protect that person from the suspicion that his or her vote served any other purpose than the benefit of the Conference, he or she should not be part of the decision taking."</p> <p>Examples could be that a firm in which the person or a close relative has any stakes would be given a commission/contract by CEC, and therefore that person could receive direct or indirect financial benefits.</p>

<p>§ 8 It should be checked how this fits together with GDPR. Legislation. How records should be kept and for how long.</p>	<p>GDPR do not apply to minutes of meetings. The requirement to record meetings is sufficient justification to keep them. In the case of an ecumenical body like CEC, there is also a reason to assume that there will be historic interest in the records at some point, so they should be preserved for scholarly work even further to the point of practical use within the organisation.</p>
<p>Life of CEC § 9 (4) Which is the date of resignation, in case a Member wishes to rejoin - the date of their notification or the date when it takes effect?</p>	<p>The date of the resignation is always the date of the notification. That's the relevant act. We do not think this needs to be explicitly stated, as it is common legal usage.</p>
<p>Signature Where is it in the new SO stipulated who may validly sign for CEC? Probably defined by Belgian law?</p>	<p>This is clearly regulated in Art. 12 of the Constitution (Legal Representation) and therefore does not need to be repeated or expanded on here.</p>
<p>§ 13 Secretariat and Collegium (1) Is the wording "headed by" an adequate wording for the managerial/direcotrial role of the GS? The old wording is "overall leadership".</p> <p>It is better not to stipulate more than min 6 meetings of the Collegium per year; it may be enough, but we are free to have more. We also have a regular rhythm of all staff meetings. We need to talk to each other more in the CEC office, but in view of the regular work travel of the</p>	<p>The wording is taking up the Art. 11 (1) of the Constitution. It is also more in line with common legal usage. Also, the Budapest Assembly asked for the collegial structure of the Secretariat to be integrated into the SO rather than into the Constitution, which is also better expressed this way.</p> <p>Six meetings per year of a collegial body is rather unusual. With the proposal of Bishop Nicolas Baines, to say that the Collegium should normally meet every month, but at least six times a year, we feel that exceptions (such as the summer holiday months July/August) can well be accomodated. Also, travels of staff</p>

<p>executive staff, the number of stipulated regular meetings should not be too high.</p> <p>The Collegium should not take decisions " relevant to the daily administration and management of the Conference" . This would seem to me to belong to the managerial role of the GS. Otherwise simple thing may become deayed problematised. Some issues need to be discussed by the whole staff, not decided by the collegium alone.</p> <p>The task of the GS to " participate in an advisory capacity in all meetings of the bodies set up by the GB" is mentioned in the old SO. Does it appear in the new?</p>	<p>members should not render collegial structures impossible.</p> <p>This is a valid point. The "daily management" must clearly be overseen by the GS (Const. Art. 11 (2)). However, with respect to the wish of the Budapest Assembly to emphasise the collegial structure in the Standing, we feel that the role of the Collegium should also become clear, but be reserved to the more general questions, not the actual daily administration. This will be changed in the SO, while it is then up the the Collegium to finetune it in its own Standing Orders.</p> <p>This will be taken up in the revision, however with the exception of the General Assembly's Nominations Panel, as this panel has the task of suggesting the CEC's Governing Board which is also the supervisory body for the GS, so there is a conflict of interest.</p>
<p>§ 15 Dismissing the General Secretary</p> <p>The contents of (1) and (2) would seem contradictory to me?</p>	<p>No, rather (2) builds upon (1). The GB needs to make sure, by way of contract, and within the limits of Belgian labour law, that the demands of the Constitution are actually met. It is usual that the position of a General Secretary, which is a "hybrid", as he or she is on the one hand a sort of "employee", but on the other hand at the same time a constitutional body and head of staff, does not get an ordinary labour contract, governed by labour law, but rather a (Management) "Service Agreement", which falls under a different regulations. In such an agreement it is possible, and indeed common and recommended, to set (a) time limit, (b) allow for immediate dismissal and (c) exclude compensation claims at the termination of the contract. This is what is foreseen in the Constitution and it is the task of the Governing Board to ensure that the contract is shaped in a way that these constitutional norms are met. We have no knowledge about what was done under the old Constitution, but this applies for all new</p>

	appointments of General Secretaries under the new Constitution.
<p>§ 17 Dismissing the staff of the Secretariat Does this para compare with the one about dismissing the GS? How are both points compatible with Belgian law?</p>	<p>The difference is in the legal status of ordinary staff and the GS. The GS has a hybrid role as employee and manager, which will need to be taken account of. Also, the Constitution requires that the CEC has a mediation system in place with the GB taking the final decision if staff appeals a labour law decision of the GS.</p>
<p>§ 18 (1) The role of the GB could be mentioned here in addition to the GA.</p>	<p>A new § 18 (2) will be introduced to take up this proposal, reflecting current practice within the GB.</p>
<p>(3)–(5) Stipulating about the working mechanisms should be more flexible, leaving room for the GB to draw their particular conclusions from each GA regarding the tasks and possibilities at hand.</p> <p>I would not use the term " permanent" working groups, as all should exist only in function of their task. In the church context, we have the tendency to eternalise working groups and activities meant to be temporal.</p>	<p>The current proposal is already very flexible and does not lead to a "petrification" of CEC's working mechanisms. However, long time issues also need some degree of reliability in the way they are dealt with. If CEC builds strong relations within networks and with Member Churches, structures support these relations and should, therefore, not be lightly changed.</p> <p>The formulation "permanent working groups will generally be the most appropriate instrument." is already very flexible, allowing for other and different approaches and also, of course, for the dissolution. However, permanent working groups also ensure reliability and continuity, not only in thematic work, but also in building meaningful relations with Member Churches. Contributing to CEC's working groups is currently the most effective way of integration Member Churches into the work of CEC, and should not be given up without presenting an equal alternative. Temporary assignments can be given to task forces, permanent groups should be reserved for permanent issues like theological dialogue or human rights.</p>

Equally, the GB should be free to determine the membership of such groups. Sometimes more than 10 can be motivated.

What is meant by "institutionalised" networks? In the present age of networks and less formal working methods, it may be good not to institutionalise those too much. There may be new forms of cooperation and working together that CEC should be free to take up.

The inclusive balances should be mentioned here, as noted earlier.

§ 19

Some preliminary work has been done by the collegium in order to define documents with differing official standing. Should this be legislated in the SO, or in a separate policy paper by the GB?

(3) "if there is a wish" - unclear passive construction: wish by whom?

(5)-(6)

The GS gets to speak on behalf of CEC almost daily. Perhaps

The proposal says "should", which is already flexible, but offering a good guideline. Groups bigger than ten persons are often not very efficient (and actually this is a lesson learned from the past, when in some groups only a third of the appointed members participated on a regular basis). CEC needs to find a balance between representation and output. A general rule can help here, exceptions can still be made.

ECEN and CALL are examples for institutionalised networks. This option does not prejudice the existence of less formalised types of networks.

This is already part of this provision: § 18 (7).

The Constitution refers to the Standing Orders with respect to this issue (cf. Art. 11 (2)). Therefore, it must be in the SO. The GB can, of course, adopt a more detailed policy paper if it so wishes. Policy papers are usually written in a different type of language, so the two might well complement each other.

The "by whom" is left open on purpose, as it might be any actor within CEC.

These are provision of the Constitution, so the Standing Orders

the SO should express a little more confidence in his judgement, based of course on an understanding with the GB and the Presidency.

To consult them in every instance will be technically impossible.

(9) The GS should be mentioned as bearing the responsibility for press releases etc, and determining what status each one should have (those being less official than the ones issues by the GB or the Presidency).

cannot change them, but just explain them. The Constitution does make these differences, but surely not because of a lack of confidence in the GS, but because of the different functions of elected and appointed representatives.

There is no requirement foreseen for the GS to consult with the Presidency in every instance, just on the general way how best to achieve the aims, i.e. the overall communications strategy. Individual instances are entirely at his or her discretion.

Maybe this should rather go into the policy paper referred to above? It looks very much like daily business.