

**A Brief View of Ecclesiastical Discipline:
An Explanation of the New Title IV
for Clergy and Laity**

What is it? Title IV is the section of the *Canons of the General Convention* that relates to ecclesiastical discipline. Title IV was completely re-written by General Convention 2009. The new Title IV became effective July 1, 2011.

What is its purpose? The purpose of Title IV is explained in Title IV, Canon 1:

By virtue of Baptism, all members of the Church are called to holiness of life and accountability to one another. The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected. This Title applies to Members of the Clergy, who have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience.

To whom does it apply? Title IV applies only to ordained persons (bishops, priests, and deacons) and sets up a procedure for handling allegations of clergy misconduct.

What constitutes clergy misconduct? Clergy misconduct is defined in Title IV, Canons 3 & 4:

CANON 3: Of Accountability

Sec. 1. A Member of the Clergy shall be subject to proceedings under this Title for:

(a) knowingly violating or attempting to violate, directly or through the acts of another person, the Constitution or Canons of the Church or of any Diocese;

(b) failing without good cause to cooperate with any investigation or proceeding conducted under authority of this Title; or

(c) intentionally and maliciously bringing a false accusation or knowingly providing false testimony or false evidence in any investigation or proceeding under this Title.

Sec. 2. A Member of the Clergy shall be accountable for any breach of the Standards of Conduct set forth in Canon IV.4.

Sec. 3. In order for any conduct or condition to be the subject of the provisions of this Title, the Offense complained of must violate applicable provisions of Canon IV.3 or IV.4 and must be material and substantial or of clear and weighty importance to the ministry of the Church.

CANON 4: Of Standards of Conduct

Sec. 1. In exercising his or her ministry, a Member of the Clergy shall:

- (a)** respect and preserve confidences of others except that pastoral, legal or moral obligations of ministry may require disclosure of those confidences other than Privileged Communications;
- (b)** conform to the Rubrics of the Book of Common Prayer;
- (c)** abide by the promises and vows made when ordained;
- (d)** abide by the requirements of any applicable Accord or Order, or any applicable Pastoral Direction, restriction on ministry, or placement on Administrative Leave issued under Canon IV.7;
- (e)** safeguard the property and funds of the Church and Community;
- (f)** report to the Intake Officer all matters which may constitute an Offense as defined in Canon IV.2 meeting the standards of Canon IV.3.3, except for matters disclosed to the Member of Clergy as confessor within the Rite of Reconciliation of a Penitent;
- (g)** exercise his or her ministry in accordance with applicable provisions of the Constitution and Canons of the Church and of the Diocese, ecclesiastical licensure or commission and Community rule or bylaws;
- (h)** refrain from:
 - (1) any act of Sexual Misconduct;
 - (2) holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by the Church;
 - (3) engaging in any secular employment, calling or business without the consent of the Bishop of the Diocese in which the Member of the Clergy is canonically resident;
 - (4) being absent from the Diocese in which the Member of the Clergy is canonically resident, except as provided in Canon III.9.3(e) for more than two years without the consent of the Bishop Diocesan;
 - (5) any criminal act that reflects adversely on the Member of the Clergy's honesty, trustworthiness or fitness as a minister of the Church;

(6) conduct involving dishonesty, fraud, deceit or misrepresentation; or

(7) habitual neglect of the exercise of the ministerial office without cause; or habitual neglect of public worship, and of the Holy Communion, according to the order and use of the Church; and

(8) any Conduct Unbecoming a Member of the Clergy. [Defined in Canon IV.2 as “any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.”]

Is anything about the offenses different from the former Title IV? Yes. Besides some technical changes, Title IV now provides that clergy must report any suspected violation, including self-reporting if they have, or might have, committed an offense. The only exception is where the clergyperson learns of the suspected violation while hearing confession. In addition, clergy must cooperate with any Title IV proceeding. This means that when asked about what they know, clergy must tell the truth and may not “plead the 5th.”

How does one file a complaint? Complaints alleging clergy misconduct should be made to the Intake Officer. They may be made in any form (phone call, email, letter, etc.).

Do I have to understand the offenses to make an allegation? No. The Intake Officer will discuss the situation with you and write a report determining whether the allegations, if true, constitute an offense. You will get a copy of the report, and you may appeal to the President of the Disciplinary Board if you do not agree with the Intake Officer’s conclusions.

Do I have to understand Title IV to make an allegation? No!

Will my identity be kept confidential? Not if the Intake Officer determines that the allegations, if true, constitute an offense. Any allegation will be handled discretely, but the due process provisions written into Title IV do not permit the identity of the Complainant to remain confidential. In addition, the Bishop is given latitude to disclose facts of the case for pastoral purposes, such as dealing with the affected congregation.

What happens next? If the Intake Officer’s determination is that an allegation, if true, constitutes an offense, the matter is sent to a Reference Panel comprised of the Bishop, Intake Officer, and President of the Disciplinary Board. Subsequently, it may be handled by:

1. Dismissal, if the matter is not sufficiently material or weighty,
2. A disciplinary plan agreed to by the clergy person and the Bishop,
3. Conciliation (similar to non-binding mediation),

4. Further investigation by an appointed investigator,
5. An informal hearing held by a Conference Panel comprised of members of the Disciplinary Board, or
6. A formal and binding hearing held by members of the Disciplinary Board

Title IV requires that one or more alternative dispute resolution strategies (#'s 1-5, above) be tried before a matter may go to a formal and binding hearing (#6).

How is the Disciplinary Board comprised? Pursuant to Diocesan Canon 21, the Disciplinary Board is comprised of seven (7) members, consisting of four (4) canonically resident clergy and three (3) adult lay communicants elected by the Annual Diocesan Convention.

Are we ready to implement Title IV? Yes. At the Annual diocesan Convention we adopted new Diocesan Canon 21 and elected a Disciplinary Board.

Where can I read all of Title IV? There is much, much more to Title IV. You may download the Canons of the General Convention (2009) at: www.episcopalarchives.org/CandC_2009.pdf

Can you give me an overview of Title IV? Yes, but because Title IV provides a great deal of due process for the Respondent (accused clergy), the Complainant, and others involved, its provisions are lengthy and involved. The attached "Title IV Diagram," however, provides an overview.

This explanation is adopted from a document from the Diocese of North Carolina with thanks.