

## General Convention of The Episcopal Church 2022 Archives' Research Report

**Resolution No.:** 2022-D041  
**Title:** Amend Canon IV.3: Of Accountability  
**Proposer:** Dr. Elizabeth Barker  
**Topic:** Discipline

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### Directly Related: (Attached)

2018-D076 Amend Canons IV.3.1 and IV.6.10 [Causes for Proceedings, Confidentiality]  
2018-D100 Refer a Resolution to Amend the Canons on Mutual Accountability (Referred)

### Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

None

*In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2018, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#) or call 800-525-9329.*

# D041 - Amend Canon IV.3: Of Accountability

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**Final Status:** Not Yet Finalized

**Proposed by:** Dr. Elizabeth Barker

**Endorsed by:** The Rev. Lynn Carter-Edmands, The Rev. Jason Prati

**Requests New Interim Body:** No

**Amends C&C or Rules of Order:** Yes

**Has Budget Implications:** No

**Cost:**

**HiA:** HB

**Legislative Committee Currently Assigned:** 03 - Title IV Disciplinary Canons

**Completion Status:** Incomplete

**Latest House Action:** N/A

**Supporting Documents:** No

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## Resolution Text

*Resolved*, the House of \_\_\_\_\_ concurring,

That the 80th General Convention amend Canon IV.3, Sec. 1 and 3 to read as follows:

**<Amended text as it would appear if adopted and concurred. Scroll below the line of asterisks (\*\*\*\*\*) to see the version showing all deleted and added text.>**

**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 and/or, as Diocesan Bishop, failing without good cause to initiate a proper investigation according to Canon IV.11 under authority of this Title and to comply with the other procedural requirements of this Title;
- c. intentionally and maliciously bringing a false accusation or knowingly providing or ignoring the existence of false testimony or false evidence in any investigation or proceeding under this Title; or
- d. intentionally misrepresenting or omitting any material fact in applying for admission to Postulancy, for admission to Candidacy, for ordination as a Deacon or

Priest, for reception from another Church as a Deacon or Priest, or for nomination or appointment as a Bishop.

e. discharging, demoting, or otherwise retaliating against any person because the person has opposed any practices forbidden under this Title or because the person has reported information concerning an Offense, testified, or assisted in any proceeding under this Title.

f. intentionally, directly or through the acts of other persons assigned through this Title or diocesan canon, misrepresenting or omitting any material fact or testimony discovered at any time subject to proceedings under this Title that would exonerate the Respondent.

**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, including the effect such proceedings might have on the ministry of a Member of the Clergy wrongfully accused of any breach of the Standards of Conduct set forth in Canon IV.4

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**<Proposed amended resolution text showing exact changes being made:>**

**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 *and/or, as Diocesan Bishop, failing without good cause to initiate a proper investigation according to Canon IV.11 under authority of this Title and to comply with the other procedural requirements of this Title;*

c. intentionally and maliciously bringing a false accusation or knowingly providing or *ignoring the existence of* false testimony or false evidence in any investigation or proceeding under this Title; or

d. intentionally misrepresenting or omitting any materials fact in applying for admission to Postulancy, for admission to Candidacy, for ordination as a Deacon or Priest, for reception from another Church as a Deacon or Priest, or for nomination or appointment as a Bishop.

e. discharging, demoting, or otherwise retaliating against any person because the person has opposed any practices forbidden under this Title or because the person

has reported information concerning an Offense, testified, or assisted in any proceeding under this Title.

*f. intentionally, directly or through the acts of other persons assigned through this Title or diocesan canon, misrepresenting or omitting any material fact or testimony discovered at any time subject to proceedings under this Title that would exonerate the Respondent.*

**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, *including the effect such proceedings might have on the ministry of a Member of the Clergy wrongfully accused of any breach of the Standards of Conduct set forth in Canon IV.4*

## **Explanation**

Bishops are by canonical authority responsible for the oversight of all Title IV proceedings involving the clergy of their diocese or that of another diocese when jurisdiction has been transferred from one diocese to another (Canon IV.19.5). This is a weighty responsibility, as is the careful and intentional adjudication of any matter subject to proceedings under this Title. Title IV proceedings must be carefully managed so as to maintain compliance with the provisions of this Title. When the adjudicating diocese does not comply with requirements of the canons, the Complainant, Respondent, and other injured parties suffer needlessly. Presently, there is no method to hold accountable an adjudicating diocese when there is noncompliance with the canons. Intake Officers, Investigators, Church Attorneys, Disciplinary Boards, and Panel members are in no position to alter the canons based on what they may consider to be a pastoral issue or approach. In some circumstances a provision for pastoral response is available to the Bishop only. When Intake Officers, Investigators, Church Attorneys, Disciplinary Boards, and Panel members step outside the expectation of the canons, a Title IV proceeding can become derailed and the Complainant, Respondent, and other injured parties become confused as to where they stand within the proceedings. There currently is no method to hold accountable lay persons as well as clergy assigned to specific roles subject to the provisions of this Title outside the oversight of their Bishop. This amendment to the canon sets out some manner of accountability through Bishops for the proper execution of proceedings subject to the provisions of this Title.





**Resolution Number:** 2018-D076  
**Title:** Amend Canons IV.3.1 and IV.6.10 [Causes for Proceedings, Confidentiality]  
**Legislative Action Taken:** Concurred as Substituted  
**Final Text:**

*Resolved, That Canon IV.3.1 be amended to read as follows:*

**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; or
- (d) *discharging, demoting, or otherwise retaliating against any person because the person has opposed any practices forbidden under this Title or because the person has reported information concerning an Offense, testified, or assisted in any proceeding under this Title.*

And be it further

*Resolved, That Canon IV.6.10 hereby be amended to read as follows:*

**Sec. 10. All communications and deliberations during the intake and referral stages (*including the identities of any Complainants, Injured Persons, or other persons who report information concerning an Offense*) shall be confidential except as the Bishop Diocesan deems to be pastorally appropriate or as required by law.**

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 1146-1147.



**Resolution Number:** 2018-D100  
**Title:** Refer a Resolution to Amend the Canons on Mutual Accountability  
**Legislative Action Taken:** Referred  
**Final Text:**

*Resolved, That Canon IV.1 is hereby amended to read as follows:*

**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. *This Title's provisions regarding Sexual Misconduct and the accountability thereof, also apply to lay persons employed by the church and church institutions, and lay people serving in volunteer roles of leadership, who by their public service commit themselves to the internal accountability of the Church.***

And be it further

*Resolved, That Canon IV.3 is hereby added to read as follows:*

**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. Any person, lay or ordained, employed by the Church or a church-affiliated institution, or any person serving in a volunteer position of leadership within the Church, shall be accountable for any act of misconduct as set forth by Canon IV.4.h(1), (5) or (6).***

**~~Sec. 3.~~ Sec. 4 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.

And be it further

*Resolved*, That Canon IV.6 is hereby amended to add:

**Sec. 1.** Each Diocese shall provide for and publicize methods and means of reporting information concerning Offenses.

**Sec. 2.** Information concerning Offenses may be submitted to the Intake Officer in any manner and in any form.

*Sec 3. In the event of an offense committed by a lay person, information concerning the offense shall be brought to the Intake officer.*

~~Sec. 3.~~**Sec. 4.** Any person other than the Intake Officer who receives information regarding an Offense shall promptly forward the information to the Intake Officer. A Bishop Diocesan shall forward information to the Intake Officer whenever the Bishop Diocesan believes that the information may indicate conduct constituting one or more Offenses.

~~Sec. 4.~~**Sec. 5.** Upon receipt of such information, the Intake Officer may make such preliminary investigation as he or she deems necessary, and shall incorporate the information into a written intake report, including as much specificity as possible. The Intake Officer shall provide copies of the intake report to the other members of the Reference Panel and to the Church Attorney.

~~Sec. 5.~~**Sec. 6.** If the Intake Officer determines that the information, if true, would not constitute an Offense, the Intake Officer shall inform the Bishop Diocesan of an intention to dismiss the matter. If the Bishop Diocesan does not object, the Intake Officer shall dismiss the matter. The Intake Officer shall provide written notice to the Complainant, the subject Member of the Clergy, and the Bishop Diocesan of the decision of dismissal, the reasons therefor, and the Complainant's right to appeal the decision within thirty days of the date of the notice and shall send a copy of that notice and the written intake report to the president of the Disciplinary Board. If the Complainant wishes to appeal the dismissal, the Bishop shall appoint an Advisor for the Complainant within 15 days of the date of the notice of dismissal. The Advisor shall assist the Complainant in preparing and signing a written statement of the acts complained of, which statement shall be sent by the Advisor to the president of the Disciplinary Board, along with a statement that the Complainant appeals the dismissal. The intake report and any related information, in the case of a dismissal, shall be retained by the Intake Officer and may be considered in connection with any additional information that may come to the Intake Officer thereafter concerning the subject Member of the Clergy.

**Sec. 7.** *When the matter involves a lay person, it proceeds according to the provisions of Canon 6. Sec 6, with the following provisions.*

*1.) Should the lay minister be an employee of the Church under the supervision of a clergy person, that clergy person may, at any time, issue a pastoral instruction to the lay minister or employee.*

*A pastoral instruction must: (a.) be made in writing (b.) be made in agreement with the Bishop Diocesan, (c) otherwise agree with the provisions of Canon 7. Sec 2 with regards to pastoral directions. 2.) Directions provided by the Clergy or the Reference Panel may include actions such as limiting committee involvement, requiring parish transfer, limiting contact with priest, removal from parish, or firing - in the event of employment by the Church.*

**Sec. 6: Sec. 8.** In the event of an appeal of a dismissal, the president of the Disciplinary Board shall, within thirty days of the receipt of the appeal, review the intake report and either affirm or overrule the dismissal. The president shall promptly notify the Complainant and the Complainant's Advisor, the subject Member of the Clergy and the subject Member's Advisor, if any, the Intake Officer, and the Bishop Diocesan of the decision. If the decision is to overrule the dismissal, the president shall refer the intake report to the Reference Panel within 15 days.

**Sec. 7: Sec. 9.** If the Intake Officer determines that the information, if true, would constitute an Offense, the Intake Officer shall promptly forward the intake report to the Reference Panel. The president shall promptly select from the Disciplinary Board, a Conference Panel and a Hearing Panel, and shall designate a president of each Panel. At the same time as forwarding the intake report to the Reference Panel, the Intake Officer shall send a notice to the subject Member of the Clergy informing him or her of the nature of the alleged Offense(s), the identity of any persons who have been designated as Complainants, and describing the next procedural steps that the Member of the Clergy can anticipate. The notice shall also remind the Member of the Clergy of his or her duty under Canon IV.3.1(b) to cooperate in the subsequent proceedings.

**Sec. 8: Sec. 10.** The Reference Panel shall meet as soon as possible after receiving the intake report to determine how to refer the report. Referral options are (a) no action required other than appropriate pastoral response pursuant to Canon IV.8; (b) conciliation pursuant to Canon IV.10; (c) investigation pursuant to Canon IV.11; (d) to the Conference Panel pursuant to Canon IV.12; or (e) referral for possible agreement with the Bishop Diocesan regarding terms of discipline pursuant to Canon IV.9. Referral decisions shall require the approval of a majority of the Reference Panel. The Reference Panel shall monitor the progress of each referral on a monthly basis to ensure that the matter is progressing in a timely fashion. Until such time as the matter is referred to a Hearing Panel, if the Reference Panel determines that the matter has reached an impasse or is not progressing in a timely fashion, it may re-refer the matter. Once a matter is referred to a Hearing Panel, Canon IV.15.1 shall govern any issue regarding the progress of the matter.

**Sec. 9: Sec. 11.** If the determination of the Reference Panel is to take no action other than an appropriate pastoral response, the Panel shall notify the Complainant and the subject Member of the Clergy of the determination and the basis for the determination to take no action other than an appropriate

pastoral response. If the referral is to conciliation, the provisions of Canon IV.10 shall apply. If the referral is to investigation, the provisions of Canon IV.11 shall apply. If the referral is to the Bishop Diocesan for possible Agreement and an Agreement is not reached within 90 days of the referral, the Reference Panel will re-refer the matter, in accordance with Canon IV.6.8. ~~Sec. 10.~~ *Sec. 12.* All communications and deliberations during the intake and referral stages shall be confidential except as the Bishop Diocesan deems to be pastorally appropriate or as required by law.

**Citation:** General Convention, *Journal of the General Convention of...The Episcopal Church, Austin, 2018* (New York: General Convention, 2018), pp. 552-554.