

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018  
ARCHIVES' RESEARCH REPORT**

**RESOLUTION NO.:** 2018-A182  
**TITLE:** Discipline of Priests and Deacons at the Provincial or Church Wide Level  
**PROPOSER:** Standing Commission on Structure, Governance, Constitution and Canons  
**TOPIC:** Discipline

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**Directly Related:** (Attached)

2009-A185 Amend Title IV [Ecclesiastical Discipline]

**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 1976 through 2015, 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 at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.*

# A182 Discipline of Priests and Deacons at the Provincial or Church Wide Level

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<b>Proposer</b>	Standing Commission on Structure, Governance, Constitution and Canons
<b>Endorsed by</b>	
<b>Sponsored by</b>	
<b>Page numbers</b>	Blue Book: p. N/A; Constitution & Canons: p. N/A
<b>HiA / Leg. Cttee</b>	HD / 03 - Safeguarding and Title IV
<b>Current Status</b>	Pre-Filed Resolution
<b>Version</b>	Original (as filed)
<b>Review Status</b>	Not yet reviewed

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## RESOLUTION TEXT

- 1 *Resolved*, the House of \_\_\_\_\_ concurring, That the Standing Commission on Structure, Governance, Constitution and Canons be directed to study, consider, and propose amendments to the Canons to provide for the discipline of Priests and Deacons on the provincial, church wide or other basis besides by each and every diocese and report its recommendations to the 80th General Convention; and be it further
- 2 *Resolved*, That any proposed amendments shall provide for the Bishop Diocesan of the Diocese in which the Presbyter or Deacon who is or may be a Respondent under Title IV is canonically resident to have the same role that the Bishop Diocesan of the Diocese conducting the proceedings under Title IV currently has; and be it further,
- 3 *Resolved*, That any and all Disciplinary Boards for Presbyters and Deacons be composed solely of Presbyters, Deacons and lay persons; and be it further,
- 4 *Resolved*, That any proposed amendments consider providing for provincial or church wide for Intake Officers, Church Attorneys, Advisors, Conciliators, Investigators, and Disciplinary Board; and be it further,
- 5 *Resolved*, That any proposed amendments consider including provisions requiring the Disciplinary Board to have one or more persons in the role of lay assessor, however titled in the amendments, to provide canonical and legal advice to Disciplinary Boards and Panels, including the Reference Panel; and be it further,
- 6 *Resolved*, That consideration be given to how costs for proceedings might be shared between the General Convention budget, provincial budgets, and the diocese of canonical residence of the Presbyter or Deacon who is or may be a Respondent.

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## EXPLANATION

Many dioceses struggle to conduct Title IV proceedings especially if a matter is referred for Conciliation, Conference Panel proceedings or Hearing Panel Proceedings. In nearly all cases the people involved, such as the President of the Disciplinary Board, members of Panels, and Church

Attorneys, are handling a Title IV matter for the first time. Procedural mistakes are common. The cost to a diocese can be substantial and, sometimes, prohibitive.

It is difficult for some dioceses to recruit and adequately train or have available when needed all the persons needed to carry out a Title IV proceeding.

Having a provincial, church wide or other basis for the Church's disciplinary structures would better assure that all persons carrying out varying aspects of a Title IV proceeding would be adequately trained and that experience would be gained and shared within and between those persons and positions over time. A provincial, church wide or other system would reduce by 90 - 100 fold the number of people needed across the church to fill all the positions required for each diocese to have a fully functioning Title IV system in place.

It has also been reported that the outcomes for very similar misconduct can vary widely, depending on the diocese involved, and that some sort of consistency in outcomes would be a benefit of a provincial, church wide or other system.



**Resolution Number:** 2009-A185  
**Title:** Amend Title IV [Ecclesiastical Discipline]  
**Legislative Action Taken:** Concurred as Amended  
**Final Text:**

[*Resolved*, That Canon IV.5 is amended to read as follows:]

**CANON 5: Of Disciplinary Structures**

**Sec. 1.** Each Diocese shall, by Canon, create a court to be known as the Disciplinary Board as described in this Canon. Each such Board shall consist of not fewer than seven persons to be selected as determined by Diocesan Canon. The membership of each Board shall include lay persons and Priests or Deacons, and the majority of the Board members shall be Priests or Deacons, but by no more than one. Within sixty days following each Diocesan convention, the Board shall convene to elect a president for the following year, unless another method for selection of the president is provided by Diocesan Canon.

**Sec. 2.** The provisions of Canon IV.19 shall apply to all Disciplinary Boards.

**Sec. 3.** The following rules shall govern the operations of all Disciplinary Boards:

(a) In the event of any Board member's death, resignation or declination to serve, or disability rendering the member unable to act, the president shall declare a vacancy on the Board.

(b) Notices of resignation or declination to serve shall be communicated in writing to the president.

(c) No person serving in a Diocese as Chancellor, Vice-Chancellor, Advisor, Conciliator, Church Attorney, Intake Officer or Investigator may serve on the Disciplinary Board of that Diocese, and no member of a Disciplinary Board may be selected to serve in one of those positions in the same Diocese. A member of the Standing Committee of a Diocese may serve on the Disciplinary Board if the Canons of the Diocese so provide. If any Priest elected to the Board is elected a Bishop, or any lay member is ordained prior to the commencement of a proceeding under this Title, that person shall immediately cease to be a member of the Board. If a proceeding has been commenced, that person may continue to serve on the Board for all proceedings in that matter through final disposition. A lay person ceasing to be a member under this subsection by reason of ordination may be appointed to fill a vacancy in the clergy members of the Board.

(d) Each Diocese shall provide by Canon for the filling of vacancies on the Board. In the event there be no such canonical provision by the Diocese, any vacancy occurring on the Board shall be filled by appointment of the Bishop Diocesan and the appointee shall be of the same order as the Board member being replaced.

**(e) Proceedings of the Panels of the Disciplinary Board shall be conducted within the rules provided in this Title. The Board may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.**

**(f) The rules of evidence for proceedings are as provided in Canon IV.13.6.**

**(g) The Disciplinary Board shall appoint a clerk who may be a member of the Board, who shall be custodian of all records and files of the Disciplinary Board and who shall provide administrative services as needed for the functioning of the Board.**

**(h) The Disciplinary Board shall keep a record of all proceedings before its Hearing Panels in a format that can be reduced to a transcript if necessary. The record of each proceeding shall be certified by the president of the Panel. If the record cannot be certified by the president by reason of the president's death, disability or absence, the record shall be certified by another member of the Panel selected by a majority of the remaining members of the Panel.**

**(i) Any Diocese may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including members of Disciplinary Boards, Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators and administrative and financial support for proceedings under this Title.**

**(j) Church Attorneys, Intake Officers, Advisors, Investigators and Conciliators need not reside in or be members of the Diocese proceeding under this Title. Members of Disciplinary Boards shall be members of the Diocese in which they serve unless such Diocese has entered into an agreement for the sharing of resources as provided in Canon IV.5.3(i).**

**Sec. 4. In each Province there shall be a court to be known as the Provincial Court of Review, with jurisdiction to receive and determine appeals from Hearing Panels of Dioceses within the Province as provided in Canon IV.15 and to determine venue issues as provided in Canon IV.19.5.**

**(a) The Provincial Court of Review shall consist of: (i) one Bishop of the Province; two Priests, or one Priest and one Deacon; and two lay persons; and (ii) one Bishop, one Priest or Deacon, and one lay person to serve as alternates as hereinafter provided. Each Priest or Deacon, whether a member or alternate, shall be canonically resident in a Diocese of the Province different from any other Priest or Deacon, and each lay person, whether a member or alternate, shall reside in a Diocese of the Province different from any other lay person. The Priests, Deacons and lay persons shall be members of the Disciplinary Boards of their respective Dioceses.**

**(b) The members and alternates of the Provincial Court of Review shall be appointed annually by the president of the Province. The Provincial Court of Review shall select a president from among its members.**

**(c) The persons appointed to the Provincial Court of Review shall continue to serve until their respective successors have been appointed, except in case of death, resignation or declination to serve.**

**(d) No member of the Provincial Court of Review may serve in any matter originating from the Diocese in which such member serves on the Disciplinary Board. In such event, the alternate shall serve.**

**(e) In the event that any member of the Provincial Court of Review is excused pursuant to the provisions of Canon IV.5.3(c), or, upon objection made by either party to the appeal is deemed by the other members of the Provincial Court of Review to be disqualified, such member's alternate shall serve.**

**(f) In the event of any Provincial Court of Review member's death, resignation or declination to serve, or disability rendering the member unable to act or is ineligible to serve under Canons IV.5.4(d) or (e), and in the further event that there is no alternate available to serve, the president of the Provincial Court of Review shall declare a vacancy on the Provincial Court of Review. Notices of resignation or declination to serve shall be communicated in writing to the president of the Provincial Court of Review.**

**(g) Vacancies on the Provincial Court of Review shall be filled by appointment by the president of the Province of persons qualified as provided in Canon IV.5.4(a).**

**(h) The Provincial Court of Review shall appoint a clerk who may be a member of the Court, who shall be custodian of all records and files of the Provincial Court of Review and who shall provide administrative services as needed for the functioning of the Court.**

**(i) The rules of procedure for appeals to the Provincial Court of Review are as provided in Canon IV.15, but the Provincial Court of Review may adopt, alter or rescind supplemental rules of procedure not inconsistent with the Constitution and Canons of the Church.**

**Citation:** Canon IV.5 is excerpted from the Final Text of 2009-A185, which revised Canon IV. See General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 227-266.