



The
Episcopal Diocese
of New York

A Brief Overview of Title IV Canons on Clergy Discipline

What is Title IV?

Title IV is the section of the Canons of the General Convention that relates to ecclesiastical discipline. Title IV was completely rewritten by General Convention 2009. The new Title IV took effect July 1, 2011.

What is the purpose of Title IV?

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 Title IV 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.

What constitutes clergy misconduct? (contd.)



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 4.2 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 clergy person learns of the suspected violation while hearing confession. In addition, clergy must cooperate with any Title IV proceeding.

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.)

Who is the Intake Officer?

The Intake Officer contact is:

The Rev. Canon Nora Smith
1047 Amsterdam Ave.
New York, NY 10025
nsmith@dioceseny.org
917-319-3959



Who is the Intake Officer for complaints against bishops?

Complaints alleging misconduct by a bishop should be made to the Intake Officer for the national Episcopal Church. The Intake Officer contact is:

The Rt. Rev. Todd Ousley
815 Second Ave.
New York, NY 10017
212-716-6000, 800-334-7626

Do I have to understand Title IV 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.

The President of the Disciplinary Board is the Rev. Alison Quin, 3021 State Route 213 East, Stone Ridge, NY 12484.

Will my identity be kept confidential?

Not if the Intake Officer determines that the allegations, if true, constitute an offense and the matter proceeds beyond initial efforts to resolve it. Any allegation will be handled discreetly, but the due process provisions written into Title IV do not permit the identity of the Complainant to remain confidential if the matter proceeds beyond the initial stages to, for example, a Conference Panel, which is essentially mediation. In addition, the Bishop is given latitude to disclose facts of the case for pastoral purposes, such as responding to 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 of the complaint if it is not considered sufficiently weighty or material,
 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 Canon 33, Sec. 3 of the Canons of the Diocese of New York, the Disciplinary Board is comprised of four members of the clergy and three lay persons elected by Annual Convention of the Diocese, for three-year terms.

How is the national Disciplinary Board comprised that deals with complaints against bishops?

The members are ten bishops, elected by the house of bishops, and eight others (four priests or deacons and four lay people) elected by the House of Deputies. They serve six-year terms.

Where can I read all of Title IV?

There is much more to Title IV. You may download the Canons of General Convention at: https://www.episcopalchurch.org/files/candc_2009pp123-166.pdf.

Can you give me an overview of Title IV?

This website provides an overview: www.titleiv.org.



What if I have additional questions?

Contact the Rev. Canon Nora Smith. The best method is by phone or email. (See page 3 or the diocesan website www.dioceseny.org.)

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