

## **TITLE IV**

The theological context for the Title IV process is “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.” Title IV.1.

A full description of the Title IV Disciplinary process is found at <https://www.titleiv.org/title-iv-structure-and-procedures>).

### **CLERGY STANDARDS OF CONDUCT:**

#### **Members of the clergy must:**

- Maintain confidentiality
- Safeguard property and funds of the church
- Conform to the canons of the Episcopal Church and the rubrics of The Book of Common Prayer
- Abide by ordination vows
- Obtain consent of the bishop before engaging in secular employment
- Obtain consent of the bishop to be absent from the diocese for more than two years
- Report any conduct of other clergy that may be a violation of Title IV

#### **Members of the clergy must not:**

- Engage in sexual misconduct (includes sexual behavior with: a member of the congregation; employee; volunteer; person in high school; person under 18 years of age; person legally incompetent; anyone with whom the clergy has ever had a pastoral relationship)
- Hold or teach any doctrine contrary to that held by the Episcopal Church
- Commit criminal acts
- Engage in dishonesty, fraud, deceit, or misrepresentation
- Habitually neglect public worship, Holy Communion
- Engage in any conduct unbecoming a member of the clergy. This conduct is defined 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.

### **NOTICE TO CLERGY:**

Members of the clergy are required to report any conduct that may constitute an offense, and are required to cooperate with the clergy disciplinary process.

## **CONTACTING AN INTAKE OFFICER:**

If a clergy person deviates from the standard of conduct, any person with knowledge of behavior should contact the diocesan Intake Officer to report the behavior. The information may be communicated in any form, including email.

Diocesan Intake Officers are:

Rev. Maricclair Partee Carlsen [rector@stmarysatpenn.org](mailto:rector@stmarysatpenn.org)  
Deborah R. Stambaugh, Esq. [deb@stambaugh.law](mailto:deb@stambaugh.law)

The Intake Officer will:

- Listen with respect
- Describe the Disciplinary Process
- Conduct a preliminary investigation by interviewing witnesses and reviewing documents
- Maintain confidentiality
- Determine, with the assistance of the Bishop, whether the conduct alleged is a violation of Title IV, and if so forward the information to the Reference Panel for further action.

For purposes of the preliminary investigation and Reference Panel report, the Intake Officer is required to act as though all information conveyed to the Intake Officer is factually true.

## **SUMMARY OVERVIEW OF TITLE IV PROCEDURE**

### **Intake & Preliminary Investigation**

After the Intake Officer<sup>1</sup> receives notice of nonconforming conduct by a clergy person, the Intake Officer will conduct a preliminary investigation by interviewing all fact witnesses and reviewing all material documents. The preliminary investigation is confidential. The Intake Officer will issue a brief report regarding whether the allegations, which are assumed at this phase to be true, constitute a material violation of Title IV.

### **Dismissal, if Appropriate**

If the alleged misconduct does not fall within the types of misconduct, the Church's disciplinary process is established to address, or if the misconduct is not "material", the Intake Officer may recommend dismissal of the claim. If the Bishop agrees, the claim will be dismissed. The Complainant has a right to appeal the dismissal to the Disciplinary Board. Upon appeal, the Complainant is entitled to an Advisor.

### **Intake Report, if Not Dismissed**

For any complaint that is not dismissed, the Intake Officer will prepare an Intake Report, and forward the report to the Church Attorney and the Reference Panel, which consists of the Bishop, the President of the Disciplinary Board, and the Intake Officer. The Intake Officer must also notify the clergy person ("Respondent") in writing that a complaint is under consideration by the Reference Panel.

### **Reference Panel**

With the objective to promote healing, repentance, forgiveness, restitution, justice, amendment of life, and reconciliation, the reference Panel has the following options:

- Take no action other than appropriate pastoral responses
- Refer the matter to Conciliation

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<sup>1</sup> All terms capitalized herein are defined in Title IV.2 [https://www.episcopalchurch.org/files/candc\\_2009pp123-166.pdf](https://www.episcopalchurch.org/files/candc_2009pp123-166.pdf)

- Refer the matter to the Investigator for further investigation and report back to the Reference Panel
- Refer the matter to the Conference Panel
- Referral to the Bishop for possible negotiation of an Agreement for Discipline

### **Conciliation**

The Reference Panel, Conference Panel and Hearing Panel each may refer any matter to Conciliation. The Bishop Diocesan shall then appoint a Conciliator to assist the Complainant, Respondent, other affected persons and the Church in reconciling.

### **Conference Panel**

If the matter is referred to a Conference Panel, the President of the Disciplinary Board will randomly select three members of the Disciplinary Board to serve as the Conference Panel. Proceedings before the Conference Panel are informal, confidential, and not recorded. The Respondent is obligated to attend, and the injured person is entitled to attend. The Conference Panel's objective is to hold a conversation to determine how to resolve the Complaint. The Conference Panel has the option of referring the matter to conciliation. If the Conference Panel's conversation results in a resolution, the Conference Panel writes an Accord, memorializing the Agreement. If there is no agreement, the Conference Panel will prepare a proposed Order outlining an outcome for the matter. An Order issued by the Conference Panel may:

- provide any terms that promote the values and principals of Title IV.1 (to promote healing, repentance, forgiveness, etc.)
- place restrictions on the Respondent's exercise of Ministry
- recommend to the Bishop that the Respondent be admonished, suspended, or deposed from ministry
- limit the involvement and/or attendance from participation of Respondent in the Church community any combination of the foregoing

The Conference Panel must allow the Bishop and the Complainant to review the proposed Order before it is issued.

### **Hearing Panel**

If there is an objection to the Conference Panel's Order, or upon referral by the Conference Panel, the matter proceeds to the Hearing Panel. Upon referral to the Hearing Panel, the Church Attorney submits a Written Statement describing the offence, and the Respondent must file a written response within 30 days. Formal proceedings are held before the Hearing Panel after an exchange of discovery, and conclusion of all motions practice. Such proceedings are formal, and are open to the public. The Hearing Panel consists of three members of the Disciplinary Board, who act as judges. Upon conclusion of the proceedings before the Hearing panel, the Panel drafts a proposed order including findings of fact and a conclusion regarding whether there is a violation of Title IV, and the sanction therefore. The proposed order must be reviewed by the Bishop and the respondent before it is final.

### **Court of Review**

The Respondent, the Church Attorney, or the Bishop may appeal Orders of the Hearing Panel to the Provincial Court of Review. The Court of Review reviews the records of the Hearing Panel, and may: dismiss the appeal, reverse or affirm the order of the hearing panel in whole or in part, or grant a new hearing before the Hearing Panel.