

**Called
to Right
Relationship**

Policy Regarding Clergy Misconduct



Policy Regarding Clergy Misconduct

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. Clergy ... have by their vows at ordination accepted additional responsibilities and accountabilities for doctrine, discipline, worship and obedience. — Canon IV.1

The Diocese of California is committed to prevent clergy misconduct within the Church and to respond with justice and compassion when misconduct occurs. The diocese and The Episcopal Church recognize that responding to allegations of misconduct requires determination, sensitivity, and respect for all persons affected, including the **Complainant** (the person reporting an offense), the **Respondent** (the clergy who is the subject of the reported offense), their families and friends, the congregation(s) involved, the diocese, and the whole church. The Church also endeavors to pursue paths of repentance, healing, restitution, and, whenever possible, reconciliation.

Title IV of the Canons of The Episcopal Church governs the handling of clergy misconduct, listing the following as offenses when they are “material and substantial or of clear and weighty importance to the ministry of the Church”:

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 by the canons, 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;
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 (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).

The **Intake Officers** of the diocese are trained to confidentially receive complaints regarding clergy misconduct and to make a determination whether the information in each complaint might constitute an offense under Title IV.

The Diocese of California, in conjunction with the Dioceses of El Camino Real, Northern California, and San Joaquin, share a joint Disciplinary Board to review complaints that Intake Officers forward to them for further disciplinary action.

Reporting Clergy Misconduct

Anyone can report information concerning an offense by a member of the clergy. This can be in written or oral form.

All suspected child abuse or sexual misconduct involving minors should be reported to Child Protective Services.

City and County of San Francisco

www.ccsf.edu/Resources/Family_Resource_Center/Parent_Support/San_Francisco_Child_Abuse_Council.htm
Children's Emergency Services, 415.558.2650; San Francisco Child Abuse Hotline, 800.856.5553



Marin County

www.co.marin.ca.us/depts/HH/main/ss/Children_Services/children.cfm
Children and Family Services, 415.473.2200; 24 hour hotline, 415.473.7153

Alameda County

www.alamedasocialservices.org/public/services/children_and_family/responding.cfm
Child Abuse Hotline, 510.259.1800

Contra Costa County

www.co.contra-costa.ca.us/index.aspx?NID=2536
877.881.1116

San Mateo County Children and Family Services

www.co.sanmateo.ca.us/portal/site/humanservices/menuitem.ef2c94fdbdc30
800.632.4615

All suspected elder abuse or the abuse of dependent adults should be reported to Adult Protective Services. Clergy are mandated by California law to report suspected child or elder abuse to the civil authorities.

Similarly, if you suspect any other illegal or criminal activity, you are strongly encouraged to contact the civil authorities and appropriately ensure your safety and the safety of others prior to contacting church leadership.

If you wish to give information regarding an offense of a member of the clergy in this diocese, contact one of the Intake Officers listed below, or call the diocesan office at 415.673.5015:

The Rev. Canon Abbott Bailey, abbottb@diocal.org

The Rev. Eric Metoyer, ericm@diocal.org

You will receive a response to your inquiry within 24 hours.

The Intake Officer will first determine if the information reported, if substantiated, would constitute an offense. If so, the Intake Officer may conduct a preliminary investigation to gather more information or may immediately refer the matter to the Reference Panel as well as the Church Attorney.

The bishop is required to provide an appropriate pastoral response to any persons who are affected by an alleged offense, including the Complainant, the injured party(s) (if not the person reporting), and the Respondent.

Anonymous Reporting

If a Complainant wishes to remain anonymous, the Intake Officer will take a “third person” report. This report allows a person to provide a detailed report about the offense without the obligation of pursuing an investigation and/or pressing charges. In such cases, the Disciplinary Board and diocese can initiate an investigation only after the appointed Reference Panel has reviewed the report and has recommended investigatory action.

Reporting Misconduct by a Bishop

If you wish to report an offense by a bishop, you may contact the leader of your congregation or directly contact the Intake Officer appointed by the Presiding Bishop of the Episcopal Church:

The Rt. Rev. Todd Ousley, tousley@episcopalchurch.org

Proceedings concerning bishops under Title IV follow a parallel process to that for diocesan clergy, and are undertaken with the oversight of the Presiding Bishop’s Office and a church-wide Disciplinary Board for Bishops.

Confidentiality

Every effort shall be made to ensure the confidentiality of information received as part of the intake reporting procedure. Whenever possible, the name of the Complainant will be withheld if the Complainant so desires. Action requiring disclosure or identification of the Complainant in some manner will generally not take place without the Complainant’s consent, unless it is necessary to protect the health or safety of others; if so, the Complainant will be informed. To also provide confidentiality for the Respondent, once a complaint is made to the Intake Officer, the Complainant will not be informed of subsequent action toward the Respondent unless or until such point as it is appropriate to share that information.

What can I expect from the Intake Officer?

- You will be listened to with respect.
- You will be offered pastoral care and a pastoral response.
- The Intake Officer will create a written report regarding your concerns.
- The Intake Officer will answer your questions about the investigation process.

You will also be offered an Advisor, a person familiar with clergy disciplinary process, to assist you through the intake proceedings and any further process that may follow.

What decision-making authority does the Intake Officer have?

The Intake Officer determines whether the reported information might constitute an offense under Title IV, the church’s disciplinary canons.

What happens if the Intake Officer determines that the information I provide might constitute an offense?

The Intake Officer promptly forwards a written intake report containing all information gathered about the complaint to the Reference Panel for further determination.

What is the role of the Reference Panel?

The Reference Panel — comprised of the bishop, Intake Officer, and president of the Disciplinary Board — determines together which disciplinary process would be best to investigate and resolve the matter raised in the complaint. Depending on the nature of the allegations in the Intake Officer’s report, the Reference Panel may refer the matter for:

1. A pastoral response by the bishop to resolve the matter;
2. conciliation, a conversational process with a Conference Panel intended to resolve the matter by either a) dismissing the complaint; b) reaching an Accord, a written agreement of all parties; or by c) issuing an Order, a written determination of the offense; or
3. adjudication by a Hearing Panel which will more formally investigate the allegations. The panel may then, based on facts established regarding the alleged offense, dismiss the matter; or it may issue an Order determining the Respondent’s offense.

In cases where Accords or Orders are reached, the bishop may subsequently issue a Sentence of appropriate discipline for the Respondent.

What happens if the Intake Officer determines that information I provided would not constitute an offense?

The Intake Officer can dismiss the matter. Before dismissing the matter, the Intake Officer must inform the bishop of his or her intention to dismiss. If the bishop does

not object, then the Intake Officer dismisses the matter by preparing written notice that includes:

1. The decision to dismiss;
2. The reasons for dismissal;
3. An explanation of the Complainant's right to appeal the decision to dismiss within thirty (30) days of the date of the notice.

The Intake Officer sends the notice of dismissal to both you as Complainant and the bishop.

Even if a complaint is dismissed by the Intake Officer, the bishop's office may offer pastoral counsel to you, the Respondent, and other parties involved to help resolve the matter.

What happens if I wish to appeal an Intake Officer's decision to dismiss the complaint?

The Intake Officer will offer to assist you in filing the appropriate paperwork of appeal to the president of the Disciplinary Board, who will review the appeal and determine whether or not to overrule the Intake Officer's dismissal. When possible, a different Intake Officer may be assigned to assist you with your appeal.

For members of the Clergy: What if I am accused of Misconduct?

All clergy Respondents to an allegation of misconduct will be offered a high standard of respect and representation throughout the Title IV process, and are assured of:

- An Advisor throughout the process solely dedicated to advising and helping you navigate the process and be present in all proceedings;
- the right to retain legal counsel in addition to the offered Advisor;
- an offer of pastoral care for you, your family, and the community in which you serve;
- a full, respectful hearing of your understanding of the matter;
- confidentiality during the Intake Process, except as required by civil law;
- confidentiality if the allegations are dismissed;
- any disclosure of information regarding substantiated allegations and outcomes of the disciplinary process undertaken with the utmost care for all parties involved;

- an appraisal of your rights and options during each stage of the process;
- timely updates to keep you apprised of how the process is unfolding;
- the right to appeal Accords or Orders reached by panels in the disciplinary process up to the Provincial Court of Review.

As part of undertaking best practices for proper conduct of their ministry in the Church, and in conjunction with training in misconduct prevention, all clergy are strongly encouraged to read Title IV to gain familiarity with the terminology and process of the disciplinary canons and to contact diocesan staff with any questions they might have.

Glossary

Accord — a written resolution, which is negotiated and agreed among the parties resulting from an agreement for discipline or conciliation.

Advisor — a person designated to support, assist, consult with and advise a Complainant or Respondent in any matter of discipline under Title IV.

Church Attorney — one or more attorneys selected pursuant to diocesan canons to represent the Church in proceedings as under Title IV.

Complainant — (a) any person or persons from whom the Intake Officer receives information concerning an alleged Offense and who consents to be so designated by the Intake Officer, or (b) any Injured Person designated by the bishop diocesan who, in the bishop diocesan's discretion, should be afforded the status of a Complainant, provided, however, that any Injured Person so designated may decline this designation.

Conference Panel — a panel of the Disciplinary Board to serve as the body before which an informal conference is held.

Disciplinary Board — the body which oversees the Title IV process concerning clergy.

Hearing Panel — a panel of both clergy and lay members of the Disciplinary Board who serve as the body before which a hearing is held.

Intake Officer — one or more persons designated by the bishop diocesan in

Glossary

consultation with the Disciplinary Board to whom information regarding Offenses is reported.

Order — a written decision of a Conference Panel or a Hearing Panel.

Reference Panel — a panel composed of the Intake Officer, the bishop diocesan and the president of the Disciplinary Board to refer an alleged offense to the appropriate body for further investigation and resolution.

Respondent — any Member of the Clergy (a) who is the subject of a matter referred for conciliation or to the Conference Panel or to the Hearing Panel; (b) whose ministry has been restricted; (c) who has been placed on Administrative Leave; (d) who is the subject of an investigation and is asked by an investigator or the bishop diocesan to provide information or to make a statement; or (e) who agreed with the bishop diocesan regarding terms of discipline.

Sentence — the pronouncement of discipline of a Member of the Clergy pursuant to an Accord or Order in the form of (a) admonition, in which the conduct of such Member of the Clergy is publicly and formally censured or reprimanded, or (b) suspension, in which such Member of the Clergy is required to refrain temporarily from the exercise of the gifts of ministry conferred by ordination, or (c) deposition, in which such Member of the Clergy is deprived of the right to exercise the gifts and spiritual authority of God's word and sacraments conferred at ordination.