

Title IV disciplinary canons revision adopted

By Mary Frances Schjonberg

(*Episcopal News Service*) The 76th General Convention has approved an overhaul of the Episcopal Church's ministry discipline canons, moving them away from a court-oriented system towards one based on safety, truth-telling, healing and reconciliation.

The revision of [Title IV](#), Ecclesiastical Discipline, applies only to clergy and not laity. It will be effective on July 1, 2011. A related resolution (A188) calls for the convention's Program, Budget and Finance committee to allocate \$15,000 to efforts to educate diocesan personnel about the changes and to help them bring their canons into compliance by the deadline.

The House of Bishops concurred on July 14 with action taken July 13 by the House of Deputies. The deputies accepted a version of the revision, contained in [Resolution A185](#), which had been amended by the legislative committee on canons.

Among the significant amendments made by the canons committee was the elimination of a requirement that a member of the clergy report "all matters which may constitute an offense ... including his or her own offenses."

The [Title IV Task Force II](#) on Disciplinary Policies and Procedures' [Blue Book report to](#) convention had said that "fundamental" to its work had been "the need for truth telling, honesty and acknowledgement of responsibility, which is arguably inconsistent with some constitutional rights citizens hold."

"Reconciliation and the other desired results are simply not possible if the accused member of the clergy can simply hide the truth," the task force added.

The canons committee also changed the proposed standard of proof required for finding that a person had committed an offense from "preponderance of the evidence" to "clear and convincing evidence." The latter is defined as "proof sufficient to convince ordinarily prudent people that there is a high probability that what is claimed actually happened." The definition notes that proof beyond a reasonable doubt is not required.

This was the second attempt to revise Title IV. At the 75th General Convention, the first proposed revision ran aground over a controversial provision that would have subjected certain lay leaders to the disciplinary process.

The task force that proposed the second revision to the 76th convention said in its report that "the time is not yet propitious for the inclusion of disciplinary provisions for the laity other than as already provided in the Book of Common Prayer, and no inclusion of laity is contemplated at this time." Those provisions, referred to on page 409 as "Disciplinary Rubrics," involve the process for refusing Communion to people.

During the bishops' debate, Bishop Suffragan Roy Cederholm of Massachusetts questioned the cost of a process that could have as many as 11 people involved in resolution of allegations of offenses.

Indianapolis Bishop Cate Waynick said that "provision is made for dioceses to work together collaboratively to share some of these personnel resources."

Bishop William Love of Albany sparked a lively debate regarding a canon which states "a majority of the whole number of bishops entitled to vote" on the deposition of another bishop, asking for a "clear definition."

"I ask that because there was great confusion during some of the preceding depositions that were taking place in terms of exactly who was entitled and who wasn't," he said.

Presiding Bishop Katharine Jefferts Schori told the house that [Resolution D081](#), scheduled for a hearing before the mission legislative committee July 15, is meant to clarify the issue through a three-year study.

-- The Rev. Mary Frances Schjonberg is national correspondent for the Episcopal Life Media. The Rev. Pat McCaughan, Episcopal Life Media correspondent for Provinces VII and VIII and the House of Bishops, contributed to this story.