

Proposed Amendments to Canons to Implement Regional Disciplinary Board Compact

Background and Rationale

The Bishop and the Chancellor have been in communication with the bishops and chancellors of the Dioceses of Northwestern Pennsylvania, Ohio, Southern Ohio, Western New York, and West Virginia for the past year to negotiate an agreement for sharing resources associated with the clergy discipline process under Title IV. Those discussions led all to agree that a far more efficient and effective use could be made of the time, talent and treasure that the six Dioceses were allocating to maintaining separate Disciplinary Boards. Title IV requires that each Disciplinary Board have a minimum size of seven members, and many of the Dioceses, including the Diocese of Pittsburgh, have larger Disciplinary Boards. But Title IV also permits Dioceses to share resources under Title IV, and specifically authorizes the creation of a Disciplinary Board that functions as such for multiple Dioceses. The Bishops and Chancellors of the six Dioceses in the region realized that, if they could agree on the structure and membership for a Regional Disciplinary Board, all of the Dioceses would benefit. The Chancellors proceeded to work collectively to prepare a “Regional Disciplinary Board Compact” that provides for a Regional Disciplinary Board for the six Dioceses.

The proposed Regional Disciplinary Board is an approach that has been employed successfully by three dioceses in New England (the Dioceses of Maine, New Hampshire and Vermont) and by four dioceses in California (the Dioceses of El Camino Real, California, Northern California, and San Joaquin).

The proposed Regional Disciplinary Board will consist of thirteen members. Each of the six Dioceses will select one Clergy member and one Lay member, and a thirteenth member will be a member of the Clergy from one of the six Dioceses, selected by the other members of the Disciplinary Board. The initial members of the Regional Disciplinary Board from the Diocese of Pittsburgh will be selected from among those members of our current Disciplinary Board that have already been elected to those positions by Convention.

An important feature of the Regional Disciplinary Board Compact is that the Diocese of Pittsburgh (and each of the other five Dioceses) will continue to appoint our own Intake Officer(s), Investigator, Church Attorney, Pastoral Response Coordinator, and Advisors as is done currently, and it will be those procedural participants that are involved in connection with any charge or proceeding involving a member of the Clergy canonically resident here. Additionally, the Reference Panel for any proceeding involving a member of the Clergy canonically resident in the Diocese of Pittsburgh will continue to consist of our Bishop and our Intake Officer, together with the President of the Regional Disciplinary Board. Thus, apart from the involvement of a new President of the Regional Disciplinary Board, the initial stages of reporting of possible offenses under Title IV to the Intake Officer, the Intake Officer’s initial inquiry and determination, referral of the matter to the Reference Panel, and determination by the Reference Panel of whether and where to refer the matter next, primarily remain a Diocesan responsibility.

Explanation of Canonical Changes

The Regional Disciplinary Board Compact has been prepared to become effective once all six of the Dioceses have approved it, and adopted the necessary canonical changes to implement it. The

Compact also may be terminated by any of the participating Dioceses by the giving of at least one year's notice. Because our Diocese does not control the timing for any other Diocese, the prudent approach is to maintain our current Diocesan Canon on Title IV for any proceeding commenced before the Compact becomes effective, and to adopt a new Diocesan Canon for any proceeding commenced after the Compact becomes effective. The former is shown below as Canon XIX-A, while the latter is shown below as Canon XIX-B. Any proceedings commenced before the Compact goes into effect, or after it has been terminated, would fall under Canon XIX-A. Any proceedings commenced while the Compact is in effect would fall under Canon XIX-B. Maintaining both versions of the Canon during the transition assures continuity, and the need for both versions can be reassessed next year.

Minor changes are proposed to the current Canon (XIX-A) to limit its application as discussed and bring it into conformity with Title IV. Those changes are shown in track-changes.

The new version of the Canon (XIX-B) incorporates the changes necessary to implement the Regional Disciplinary Board Compact. The changes from the current version of Canon XIX are also shown in track-changes.

The Compact requires the initial President of the Regional Disciplinary Board to be a person currently serving on the Disciplinary Board of one of the six Dioceses. This is best achieved if the initial members from the six Dioceses come from the existing Disciplinary Boards. Canon XIX-B states that the initial members for the Diocese will be selected from those already elected by Convention to serve on the Disciplinary Board, and will be chosen by the Standing Committee with the concurrence of the Bishop. Aside from the initial President, who will serve a three-year term, the 12 other initial members of the Regional Disciplinary Board will choose lots so that 4 serve a one-year term, 4 serve a two-year term, and 4 serve a three-year term, appropriately distributed among the Dioceses and order. Succeeding terms will all be three-year terms.

Clean copies of both versions are also shown below.

Canon XIX-A

Ecclesiastical Discipline - Diocesan Disciplinary Board

Section 1. This canon incorporates the Disciplinary Title of the Canons of the Episcopal Church. To the extent, if any, that any provision of this diocesan canon is in conflict or inconsistent with the provisions of the Canons of the Episcopal Church, the provisions of the Canons of the Episcopal Church shall govern. This canon and the Disciplinary Title of the Canons of the Episcopal Church are referred to in this canon collectively as “this Title.” This Canon XIX-A applies: (a) to all proceedings under this Title commenced prior to the date that the Regional Disciplinary Board Compact shall become effective; and (b) to any proceedings under this Title otherwise not within the scope of Canon XIX-B.

Section 2. Disciplinary Board.

- a. **Creation and Membership.** There is hereby established a court to be known as the Disciplinary Board which shall consist of five (5) priests or deacons and four (4) Lay persons, to be elected by the Diocesan Convention to serve three year terms on a staggered basis.
 - i. The Clergy members of the Disciplinary Board must be canonically and geographically resident within the Diocese. The Lay members of the Disciplinary Board shall be adult members in good standing and geographically resident in the Diocese.
 - ii. No person who has served two consecutive full terms shall be eligible to serve on the Disciplinary Board until a full year has elapsed. Eighteen or more months of service shall be treated as a full term.
 - iii. Unless another provision of this Title expressly provides otherwise, members of all other elected bodies of the Diocese, including the Standing Committee, are eligible to serve on the Disciplinary Board.
- b. **Vacancies.** Upon the determination that a vacancy exists, the President of the Disciplinary Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
 - i. The Standing Committee shall appoint a replacement to fill the vacancy. Persons appointed to fill vacancies on the Disciplinary Board shall meet the same eligibility requirements as those that apply to elected members.
 - ii. When a vacancy results from a challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the elected member is not serving as a result of the challenge.
- c. A Disciplinary Board member may be removed from office by the Bishop, following consultation with the Standing Committee, and subject to the prior approval of the Diocesan Council, whenever, in the judgment of the Bishop, the best interests of the Diocese require such removal.

Section 3. Preserving Impartiality. In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Disciplinary Board and request a replacement member of the Panel. Respondent’s Counsel and

the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion for disqualification of the challenged member. The members of the Panel not the subjects of the challenge and one additional member of the Disciplinary Board selected by the President of the Disciplinary Board shall promptly consider the motion and determine by majority vote whether the challenged Panel member shall be disqualified from participating in that proceeding. Should a member be disqualified, the President shall appoint another member of the Disciplinary Board to serve on the panel.

Section 4. Delegated Officials

- a. President. After each annual Convention, but before the end of that calendar year, the Bishop shall appoint a President of the Disciplinary Board from among its membership to serve for the following calendar year.
- b. Intake Officer. The Bishop shall appoint one or more Intake Officers after consultation with the Disciplinary Board. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.
- c. Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Disciplinary Board. The Investigator may, but need not, be a Member of the Church.
- d. Church Attorney. After the annual Convention but before the end of that calendar year, the Bishop shall appoint an attorney to serve as Church Attorney for the following calendar year. The person so selected must be a Member of the Episcopal Church and a licensed attorney, but need not reside within the Diocese.
- e. Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, serving at the will of the Bishop to coordinate the delivery of appropriate pastoral responses provided for in this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.
- f. Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness during the proceedings.
- g. Clerk. The Disciplinary Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Disciplinary Board.
- h. Conference Panel and Hearing Panel. The President of the Board shall select from the Disciplinary Board a Conference Panel and a Hearing Panel. The President shall be ineligible to serve on either Panel. The members of the Panel shall be selected by ~~lot or other random means and~~ the President of the Disciplinary Board who shall also designate a president of each Panel. A Conference Panel may consist of one or more persons and if it consists of two or more persons shall include both Clergy and Lay members. A Hearing Panel shall consist of three persons and shall include both Clergy and Lay members. Once appointed to a Panel for a particular matter, a Disciplinary Board member may continue to serve on the Panel for all proceedings in that matter even if the member's term on the Disciplinary Board expires. No member of the Disciplinary Board who serves

on a Conference Panel for a particular matter may serve on the Hearing Panel for the same matter.

Section 5. The Bishop shall see that each year public notice is given to the parishes and members of congregations about the methods and means of reporting Offenses.

Section 6. Costs

- a.* Costs Incurred by the Church. The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of this Diocese subject to budgetary constraints as may be established by Convention or Diocesan Council.
- b.* Costs incurred by the Respondent. In the event of a final Order dismissing the complaint, or by provision of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by this Diocese, subject to budgetary constraints as may be established by Convention or Diocesan Council.

Section 7. Records. Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices. The Bishop shall make provision for the permanent storage of copies of the records of all proceedings in the Diocesan Archives and for the submission of the original records to the Archives of the Episcopal Church as prescribed in this Title.

Section 8. Shared Resources. The Bishop, after consultation with the Disciplinary Board, may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators, Pastoral Response Coordinators, and administrative and financial support for proceedings under this Title.

Canon XIX-B

Ecclesiastical Discipline - Regional Disciplinary Board

Section 1. This canon incorporates the Disciplinary Title of the Canons of the Episcopal Church. To the extent, if any, that any provision of this diocesan canon is in conflict or inconsistent with the provisions of the Canons of the Episcopal Church, the provisions of the Canons of the Episcopal Church shall govern. This canon and the Disciplinary Title of the Canons of the Episcopal Church are referred to in this canon collectively as “this Title.” This Canon XIX-B applies to all proceedings under this Title commenced after the date that the Regional Disciplinary Board Compact shall become effective and while it remains in effect.

Section 2. Disciplinary Board.

- a. Creation and Membership. There is hereby established a court to be known as the Disciplinary Board which shall consist of five (5) priests or deacons and four (4) Lay persons, to be elected by the Diocesan Convention to serve three year terms on a staggered basis. Authority. The Diocese has elected to enter into a compact among the Dioceses of Ohio, Southern Ohio, Pittsburgh, Northwestern Pennsylvania, Western New York, and West Virginia (“The Dioceses”) to maintain a joint Disciplinary Board for the purposes of implementing this Title, which shall be called the Regional Disciplinary Board Compact (the “Compact”). The Bishop of this Diocese shall be authorized to execute and implement the Compact and any amendments or modifications thereto consistent with this Canon XIX-B.
- b. Creation. As provided in the Compact, the Disciplinary Board shall consist of thirteen (13) persons, seven (7) of whom shall be members of the Clergy, and six (6) of whom shall be members of the Laity. Each of The Dioceses shall select one member of the Clergy and one member of the Laity to serve on the Disciplinary Board, and a thirteenth member, who shall be a member of the Clergy from one of The Dioceses, shall be nominated by the Disciplinary Board and subject to the unanimous approval of the Bishops of The Dioceses. The Disciplinary Board shall constitute a Court for purposes of Article IX of the Constitution of the Episcopal Church.
- a.c. Selection of Members. The original Clergy and Lay members of the Disciplinary Board from this Diocese shall be selected from among the elected members of the Disciplinary Board existing under Canon XIX-A and shall be chosen by the Standing Committee, subject to the concurrence of the Bishop. Thereafter, as their terms on the Disciplinary Board are due to expire, the members of the Disciplinary Board from this Diocese shall be elected by the Diocesan Convention to serve three year terms.
- i. The Clergy members of the Disciplinary Board from this Diocese must be canonically and geographically resident within the Diocese. The Lay members of the Disciplinary Board from this Diocese shall be adult members in good standing and geographically resident in the Diocese.
 - ii. No person who has served two consecutive full terms shall be eligible to serve on the Disciplinary Board until a full year has elapsed. Eighteen or more months of service shall be treated as a full term.

- iii. Unless another provision of this Title expressly provides otherwise, members of all other elected bodies of the Diocese, including the Standing Committee, are eligible to serve on the Disciplinary Board.

b.d. Vacancies. Upon the determination that a vacancy from this Diocese exists, the President of the Disciplinary Board shall notify the Bishop of the vacancy and request appointment of a replacement member from this Diocese of the same order as the member to be replaced.

- i. The Standing Committee shall appoint a replacement to fill the vacancy. Persons appointed to fill vacancies on the Disciplinary Board shall meet the same eligibility requirements as those that apply to elected members. The term of any person selected as a replacement member from this Diocese shall be until the next annual convention of the Diocese, or until a successor is elected or appointed.
- ii. When a vacancy results from a challenge, the replacement Disciplinary Board member from this Diocese shall serve only for the proceedings for which the elected member is not serving as a result of the challenge.

e.e. A Disciplinary Board member from this Diocese may be removed from office by the Bishop, following consultation with the Standing Committee, and subject to the prior approval of the Diocesan Council, whenever, in the judgment of the Bishop, the best interests of the Diocese require such removal.

Section 3. Preserving Impartiality. In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Disciplinary Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion for disqualification of the challenged member. ~~The members of the Panel not the subjects of the challenge and one additional member of the Disciplinary Board selected by the President of the Disciplinary Board shall promptly consider the motion and determine by majority vote whether the challenged Panel member shall be disqualified from participating in that proceeding. The remaining members of the Disciplinary Board shall determine whether the challenge is relevant and factually supported and shall determine whether the challenged member shall be excused from that proceeding.~~ Should a member be disqualified, the President shall appoint another member of the Disciplinary Board to serve on the panel.

Section 4. Delegated Officials

- a. President. ~~After each annual Convention, but before the end of that calendar year, the Bishop shall appoint a President of the Disciplinary Board from among its membership to serve for the following calendar year. The President of the Disciplinary Board shall be selected by the Disciplinary Board from the membership on the Disciplinary Board in accordance with the Compact and this Title.~~
- b. Intake Officer. The Bishop shall appoint one or more Intake Officers after consultation with the members of the Disciplinary Board from the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.
- c. Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Disciplinary Board. The Investigator may, but need not, be a Member of the Church.

- d.* Church Attorney. After the annual Convention but before the end of that calendar year, the Bishop shall appoint an attorney to serve as Church Attorney for the following calendar year. The person so selected must be a Member of the Episcopal Church and a licensed attorney, but need not reside within the Diocese.
- e.* Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, serving at the will of the Bishop to coordinate the delivery of appropriate pastoral responses provided for in this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.
- f.* Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness during the proceedings.
- g.* Procedural Participants. The Intake Officer(s), Investigator, Church Attorney, Pastoral Response Coordinator, and Advisors appointed by the Bishop of this Diocese shall serve with respect to matters involving Clergy canonically resident in this Diocese or otherwise within the jurisdiction of this Diocese under this Title. They may, if requested and agree, serve with respect to matters involving another Diocese that is a party to the Compact.
- h.* Reference Panel. For any proceeding under this Title referred to a Reference Panel, the Reference Panel shall consist of the Bishop of the Diocese of canonical residence of the Respondent or otherwise having jurisdiction over the matter under this Title, the Intake Officer of that Diocese, and the President of the Disciplinary Board.
- i.* Conference Panel and Hearing Panel. For any proceeding referred to a Reference Panel, the President shall promptly select from the Disciplinary Board a Conference Panel and a Hearing Panel in accordance with this Title. The President of the Disciplinary Board shall designate a president of each panel, as appropriate. Once appointed to a panel for a particular matter, a Disciplinary Board member may continue to serve on the panel for all proceedings in that matter even if the member's term on the Disciplinary Board expires.
- f.j.* Information. When any provision of this Title shall allow information concerning a charge or disciplinary proceeding to be given to a Bishop, the only Bishop to whom such information may be given shall the Bishop (or Bishops if so agreed) having jurisdiction over that charge or disciplinary proceeding under this Title.
- g-k.* Clerk. The Disciplinary Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Disciplinary Board.
- h.* ~~Conference Panel and Hearing Panel. The President of the Board shall select from the Disciplinary Board a Conference Panel and a Hearing Panel. The President shall be ineligible to serve on either Panel. The members of the Panel shall be selected by lot or other random means and the President of the Disciplinary Board shall designate a president of each Panel. A Conference Panel may consist of one or more persons. A Hearing Panel shall consist of three persons and shall include both Clergy and Lay members. Once appointed to a Panel for a particular matter, a Disciplinary Board member may continue to serve on the Panel for all proceedings in that matter even if the member's term on the Disciplinary Board expires. No member of the Disciplinary Board~~

~~who serves on a Conference Panel for a particular matter may serve on the Hearing Panel for the same matter.~~

Section 5. The Bishop shall see that each year public notice is given to the parishes and members of congregations about the methods and means of reporting Offenses.

Section 6. Costs. The Disciplinary Board shall use reasonable efforts to conduct its business using electronic means, including video conferences. When necessary to incur expense for Disciplinary Board business, members shall minimize such expense. Necessary administrative expenses of the Disciplinary Board other than expenses incurred for a particular matter under this Title shall be shared equally by The Dioceses. The following additional provisions apply to particular matters under this Title involving Clergy canonically resident in this Diocese or otherwise within the jurisdiction of the Diocese.

- a. Costs Incurred by the Church. The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of this Diocese subject to budgetary constraints as may be established by Convention or Diocesan Council.
- b. Costs incurred by the Respondent. In the event of a final Order dismissing the complaint, or by provision of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by this Diocese, subject to budgetary constraints as may be established by Convention or Diocesan Council.

Section 7. Records. Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices having jurisdiction over the matter under this Title. The Bishop shall make provision for the permanent storage of copies of the records of all such proceedings in the Diocesan Archives and for the submission of the original records to the Archives of the Episcopal Church as prescribed in this Title.

Section 8. Shared Resources. The Bishop, after consultation with ~~Diocesan Council, the Disciplinary Board~~, may agree with The Dioceses or one or more other Dioceses to develop and share other resources necessary to implement this Title, including Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators, Pastoral Response Coordinators, and administrative and financial support for proceedings under this Title.

Canon XIX-A

Ecclesiastical Discipline - Diocesan Disciplinary Board

Section 1. This canon incorporates the Disciplinary Title of the Canons of the Episcopal Church. To the extent, if any, that any provision of this diocesan canon is in conflict or inconsistent with the provisions of the Canons of the Episcopal Church, the provisions of the Canons of the Episcopal Church shall govern. This canon and the Disciplinary Title of the Canons of the Episcopal Church are referred to in this canon collectively as “this Title.” This Canon XIX-A applies: (a) to all proceedings under this Title commenced prior to the date that the Regional Disciplinary Board Compact shall become effective; and (b) to any proceedings under this Title otherwise not within the scope of Canon XIX-B.

Section 2. Disciplinary Board.

- a. Creation and Membership. There is hereby established a court to be known as the Disciplinary Board which shall consist of five (5) priests or deacons and four (4) Lay persons, to be elected by the Diocesan Convention to serve three year terms on a staggered basis.
 - i. The Clergy members of the Disciplinary Board must be canonically and geographically resident within the Diocese. The Lay members of the Disciplinary Board shall be adult members in good standing and geographically resident in the Diocese.
 - ii. No person who has served two consecutive full terms shall be eligible to serve on the Disciplinary Board until a full year has elapsed. Eighteen or more months of service shall be treated as a full term.
 - iii. Unless another provision of this Title expressly provides otherwise, members of all other elected bodies of the Diocese, including the Standing Committee, are eligible to serve on the Disciplinary Board.
- b. Vacancies. Upon the determination that a vacancy exists, the President of the Disciplinary Board shall notify the Bishop of the vacancy and request appointment of a replacement member of the same order as the member to be replaced.
 - i. The Standing Committee shall appoint a replacement to fill the vacancy. Persons appointed to fill vacancies on the Disciplinary Board shall meet the same eligibility requirements as those that apply to elected members.
 - ii. When a vacancy results from a challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the elected member is not serving as a result of the challenge.
- c. A Disciplinary Board member may be removed from office by the Bishop, following consultation with the Standing Committee, and subject to the prior approval of the Diocesan Council, whenever, in the judgment of the Bishop, the best interests of the Diocese require such removal.

Section 3. Preserving Impartiality. In any proceeding under this Title, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately notify the President of the Disciplinary Board and request a replacement member of the Panel. Respondent's Counsel and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion for disqualification of the challenged member. The members of the Panel not the subjects of the challenge and one additional member of the Disciplinary Board selected by the President of the Disciplinary Board shall promptly consider the motion and determine by majority vote whether the challenged Panel member shall be disqualified from participating in that proceeding. Should a member be disqualified, the President shall appoint another member of the Disciplinary Board to serve on the panel.

Section 4. Delegated Officials

- a.* President. After each annual Convention, but before the end of that calendar year, the Bishop shall appoint a President of the Disciplinary Board from among its membership to serve for the following calendar year.
- b.* Intake Officer. The Bishop shall appoint one or more Intake Officers after consultation with the Disciplinary Board. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.
- c.* Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Disciplinary Board. The Investigator may, but need not, be a Member of the Church.
- d.* Church Attorney. After the annual Convention but before the end of that calendar year, the Bishop shall appoint an attorney to serve as Church Attorney for the following calendar year. The person so selected must be a Member of the Episcopal Church and a licensed attorney, but need not reside within the Diocese.
- e.* Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator, serving at the will of the Bishop to coordinate the delivery of appropriate pastoral responses provided for in this Title. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Title.
- f.* Advisors. In each proceeding under this Title, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Title and shall not include Chancellors or Vice Chancellors of this Diocese or any person likely to be called as a witness during the proceedings.

- g. Clerk. The Disciplinary Board shall appoint a Board Clerk to assist the Board with records management and administrative support. The Clerk may be a member of the Disciplinary Board.
- h. Conference Panel and Hearing Panel. The President of the Board shall select from the Disciplinary Board a Conference Panel and a Hearing Panel. The President shall be ineligible to serve on either Panel. The members of the Panel shall be selected by the President of the Disciplinary Board who shall also designate a president of each Panel. A Conference Panel may consist of one or more persons and if it consists of two or more persons shall include both Clergy and Lay members. A Hearing Panel shall consist of three persons and shall include both Clergy and Lay members. Once appointed to a Panel for a particular matter, a Disciplinary Board member may continue to serve on the Panel for all proceedings in that matter even if the member's term on the Disciplinary Board expires. No member of the Disciplinary Board who serves on a Conference Panel for a particular matter may serve on the Hearing Panel for the same matter.

Section 5. The Bishop shall see that each year public notice is given to the parishes and members of congregations about the methods and means of reporting Offenses.

Section 6. Costs

- a. Costs Incurred by the Church. The reasonable costs and expenses of the Disciplinary Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk and the Pastoral Response Coordinator shall be the obligation of this Diocese subject to budgetary constraints as may be established by Convention or Diocesan Council.
- b. Costs incurred by the Respondent. In the event of a final Order dismissing the complaint, or by provision of a Covenant approved by the Bishop, the reasonable defense fees and costs incurred by the Respondent may be paid or reimbursed by this Diocese, subject to budgetary constraints as may be established by Convention or Diocesan Council.

Section 7. Records. Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices. The Bishop shall make provision for the permanent storage of copies of the records of all proceedings in the Diocesan Archives and for the submission of the original records to the Archives of the Episcopal Church as prescribed in this Title.

Section 8. Shared Resources. The Bishop, after consultation with the Disciplinary Board, may agree with one or more other Dioceses to develop and share resources necessary to implement this Title, including Church Attorneys, Intake Officers, Advisors, Investigators, Conciliators, Pastoral Response Coordinators, and administrative and financial support for proceedings under this Title.