

Amended and Restated Regional Disciplinary Board Compact

Convention is being asked to approve the Amended and Restated Regional Disciplinary Board Compact, as well as a series of corresponding amendments to Diocesan Canon XIX-B, Ecclesiastical Discipline - Regional Disciplinary Board.

Background and Rationale:

In 2020, Diocesan Convention gave its approval for the Diocese to become a party to a Regional Disciplinary Board Compact. The Pre-Convention Journal for the 2020 Annual Convention of the Diocese gave this background explanation for the Compact:

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 Regional Disciplinary Board Compact was approved by all six of the Dioceses and went into effect on January 1, 2021. During its nearly six years in operation, the Regional Disciplinary Board Compact has significantly reduced the commitment of time and talent required by the six Dioceses to address the clergy discipline process, resulting in a successful sharing of resources necessary to implement Title IV.

With the assistance of the outgoing President of the Regional Disciplinary Board, the Bishops and Chancellors of the six Dioceses have developed a series of improvements to the original Regional Disciplinary Board Compact, which have been incorporated into an Amended and Restated Regional Disciplinary Board Compact.

These amendments are as follows:

- Assigned Classes for Clergy and Lay Members. The Compact requires each of the six Dioceses to select one member of the Clergy and one Lay person to serve for 3-year terms. The original Compact used a lottery system to assign the 12 members to rotating groups of four but over time this system resulted in years when more than four or less than four new

members joined the Board. The Amended and Restated Regional Disciplinary Board Compact will correct this by explicitly assigning each of the six Diocese's members (Clergy and Lay) to one of three classes – Class 1, Class 2, or Class 3. The amendments also require the Dioceses to fill any vacancy in the two Diocesan-elected positions for the duration of the term that has become vacant, eliminating the ad hoc creation of shortened terms that had disrupted the rotation cycle.

This amendment will have a one-time effect on the Diocese of Pittsburgh. In order to align the selection of our Clergy member to the new Class assigned to that position in the Amended and Restated Regional Disciplinary Board Compact, we will have to elect that member of the Clergy at the 2026 Annual Convention for an initial term of one year, but they will be eligible for re-election the following year for a regular 3-year term. This is addressed in the proposed amendments to Diocesan Canon XIX-B.

- Clarity on Selection of 13th Member. Title IV requires that a majority of the members of a Disciplinary Board be members of the Clergy, and the original Compact addressed that by requiring the Regional Disciplinary Board to nominate the 13th Member subject to the unanimous approval of the Bishops. The initial 13th Member served one term but since then, the Board has been unable to recruit a new member of the clergy for that position. The Amended and Restated Regional Disciplinary Board Compact will change that, by assigning to the Bishops, collectively, all the responsibility for recruiting and appointing the 13th Member. The Amended and Restated Regional Disciplinary Board Compact also assigns the 13th Member to the rotation cycle that aligns with Class 1 (1/1/2027 to 12/31/2029, and every three years thereafter). The Amended and Restated Regional Disciplinary Board Compact also provides that the 13th Member appointed by the Bishops to begin January 1, 2027 will serve as the new President of the Regional Disciplinary Board for an initial one-year term.
- New Position of Vice President. The Amended and Restated Regional Disciplinary Board Compact creates the new position on the Regional Disciplinary Board of Vice President. The intent is to have a designated member of the Regional Disciplinary Board who is effectively in training to succeed the President. To accomplish that, the Amended and Restated Regional Disciplinary Board Compact empowers the Vice President to attend meetings of the Reference Panel without vote, preside at meetings of the Regional Disciplinary Board in the absence of the President, and perform other tasks at the request of the President. The Vice President is also empowered to fulfill the duties of the President if the President is disabled and to succeed to the office in the event of the President's death, resignation, or declination to serve.
- Annual Elections of President and Vice President. The Amended and Restated Regional Disciplinary Board Compact requires that each year, before January 31, the President will convene an annual meeting of the Disciplinary Board to elect by majority vote a President and a Vice President for one-year terms. Any member of the Board is eligible, including the members currently serving as President and Vice President. The Amended and Restated

Regional Disciplinary Board Compact also confirms that the persons serving as President and Vice President continue to serve until their successors are chosen.

- Improved Communications. The Amended and Restated Regional Disciplinary Board Compact includes new provisions designed to improve communications relating to matters before the Board. A new provision requires all Regional Disciplinary Board participants assigned to a Title IV panel to report promptly to the President on actions in cases assigned to them. Another new provision requires each Diocese to notify the President of the new Regional Disciplinary Board members elected or appointed by the Diocese.
- New Chancellor Position. When a Diocese handles the Title IV process on its own, the Chancellor of the Diocese often serves as an advisor to the various Diocesan participants, helping them understand the structures, goals, and requirements of Title IV and their responsibilities under the canons. When we created the Regional Disciplinary Board, we did not address this need, but the Amended and Restated Regional Disciplinary Board Compact does. It provides that the Bishops of the six Dioceses will assign a Chancellor or Vice Chancellor to the Regional Disciplinary Board to be an informal advisor to the President and Vice President.
- No Required Break in Service. The original Compact included a provision that limited members to two successive three-year terms, but this has been removed in the Amended and Restated Regional Disciplinary Board Compact. Even in a regional setting, it takes a considerable amount of time and effort to become a well-trained and experienced member of a Disciplinary Board. This change will allow us to continue to take advantage of the experience gained through that investment of time and talent, should any Board members be willing to serve for more than two terms. For similar reasons, the Amended and Restated Regional Disciplinary Board Compact does not include any term limits on the positions of President and Vice President, leaving that choice up to the members themselves.
- No Required Diocesan Recusal. The Amended and Restated Regional Disciplinary Board Compact answers a question that had been left unanswered in the original Compact: Are members of the Board from a particular Diocese eligible to serve on a Conference Panel or Hearing Panel in a case involving a member of the clergy from that Diocese? Title IV contains provisions that require impartiality and address conflict of interest and undue bias, but the Amended and Restated Regional Disciplinary Board Compact makes it clear that except for those requirements, Members of the Board from a given Diocese are otherwise eligible to serve on panels for proceedings involving a member of the clergy from that Diocese.
- Title IV Training. To best serve on the Regional Disciplinary Board, every Member needs training on Title IV, and the Amended and Restated Regional Disciplinary Board Compact now expressly calls for that training, under the direction of the President.

Convention is being asked to approve the Amended and Restated Regional Disciplinary Board Compact.

The materials that follow are a comparison that shows the differences between the original Compact and the Amended and Restated Regional Disciplinary Board Compact, and a clean copy of the Amended and Restated Regional Disciplinary Board Compact which incorporates all of the changes to the original Compact.

In addition to voting to approve the Amended and Restated Regional Disciplinary Board Compact, Convention is being asked to approve revisions to Diocesan Canon XIX-B, Ecclesiastical Discipline - Regional Disciplinary Board, that are necessary to implement the changes in the Amended and Restated Regional Disciplinary Board Compact.

Materials that follow also include a markup of Canon XIX-B, showing the proposed changes to implement the Amended and Restated Regional Disciplinary Board Compact, and a clean copy of that canon, once the changes have been made.