

Clergy Disciplinary Process in the Diocese of Newark

PURPOSE OF DISCIPLINARY CANONS

Canon 1 of Title IV of the Constitution & Canons of the Episcopal Church sets the theological context for the process: “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.”

AN OVERVIEW OF THE PROCESS

Information concerning any alleged offense under the clergy disciplinary canons are to be reported to an Intake Officer. The Intake Officer may then conduct an initial inquiry into the matter and report his/her findings to a Reference Panel for consideration. Matters may then be resolved through pastoral care, conciliation, an agreement with the bishop, an investigation or any combination of these. An investigation may result in formal conciliation, and, if necessary, a hearing.

The process now allows for resolution through whatever means will move those affected toward justice, restitution, amendment of life, repentance, healing, forgiveness and reconciliation. This can include a variety of interventions for all involved and, if necessary, a pastoral direction, a restriction on ministry, administrative leave, or the suspension or removal of the cleric from ordained ministry.

What are the Guiding Principles behind Title IV?

- Emphasize pastoral care for all affected persons and communities
- Afford opportunities for reconciliation and amendment of life as an alternative to adversarial proceedings
- Reflect our theology as people of faith and promote repentance, forgiveness, healing, reconciliation, justice, restitution and amendment of life
- Allow for the story to be told early in the process
- Provide options and flexibility to resolve matters constructively

What Standards of Conduct for Clergy are Named in the Title IV?

Every member of the clergy is expected to abide by the following Standards of Conduct and shall be accountable for any breach thereof.

Every Member of the Clergy shall:

- respect and preserve confidences of others
- conform to the Rubrics of the Book of Common Prayer
- abide by the promises and vows made when ordained
- abide by the requirements of any applicable Accord or Order, Pastoral Direction, restriction on ministry, or placement on Administrative Leave
- safeguard the property and funds of the Church and Community
- report to the Intake Officer all matters which may constitute an offense
- exercise his/her ministry in accordance with the applicable provisions of the Constitution & Canons of the Church, Diocese, or of any ecclesiastical licensure or commission and community rule or bylaws

Every Member of the Clergy shall refrain from

- any act of Sexual Misconduct
- holding and teaching publicly or privately, and advisedly, any Doctrine contrary to that held by the Church
- engaging in any secular employment, calling or business without the consent of the Bishop
- being absent from the Diocese for more than two years without the consent of the Bishop
- any criminal act that reflects adversely on the member of the clergy's honesty, trustworthiness or fitness as a minister of the Church
- conduct involving dishonesty, fraud, deceit or misrepresentation
- habitual neglect of the exercise of the ministerial office without cause, or habitual neglect of public worship, and of the Holy Communion
- any conduct unbecoming a member of the clergy
- violating the Constitution or Canons of the Church or of any diocese
- failing to cooperate with any investigation or proceeding conducted under this Title
- intentionally and maliciously bringing a false accusation or providing false testimony in any investigation or proceeding under this Title
- intentionally misrepresenting or omitting any material fact in applying for admission to Postulancy, Candidacy, Ordination, or Reception as deacon or priest, or for nomination or appointment as bishop
- discharging, demoting, or otherwise retaliating against any person who reported information concerning an offense, testified or assisted in a Title IV proceeding, or who opposed any practices forbidden by Title IV

What is actionable?

To be actionable, the conduct complained of must be material and substantial or of clear and weighty importance to the ministry of the Church

To whom does one report?

Information regarding offenses is reported to the Intake Officer. The Intake Officers for the Diocese of Newark are the Rev. Canon Gregory A. Jacobs and the Rev. Susan P. Chrystal.

Contacting the Intake Officer:

Anyone may contact the diocesan intake officer to report concerns about the behavior of a member of the clergy (priests, deacons, bishops). This initiates a process to hold clergy accountable for their behavior.

Contact Information of Intake Officers for the Diocese of Newark. Contact them by e-mail, phone or in person by appointment:

The Rev. Canon Gregory A. Jacobs

gjacobs@dioceseofnewark.org ; 973-430-9915 (confidential voicemail)

The Rev. Susan P. Chrystal

spchrystal@gmail.com ; 908-4036597

What happens when a possible offense is reported?

The Intake Officer conducts an initial inquiry and decides if the allegations would constitute an offense, if they were presumed to be true. If the answer is "Yes", the matter is then forwarded to the Reference Panel. A series of conversations then begins. An agreement may be reached during any stage of the conversations. The goal at every stage of conversation is to reach an accord, a written resolution which is negotiated and agreed among the parties. If an agreement is not reached at a particular stage, the matter proceeds to the next stage of conversation.

The stages of conversation are:

- A Reference Panel made up of the Intake Officer, Bishop Diocesan, and President of the Disciplinary Board
- A Conference Panel made up of one to three members of the Disciplinary Board
- A Hearing Panel made up of three different members of the Disciplinary Board
- The Provincial Court of Review

The Intake Officer will:

- Listen with respect and maintain confidentiality consistent with the intent and purpose of Title IV
- Create a written report regarding the concern(s) presented to the Reference Panel and Church Attorney
- Answer questions about the process

The Bishop will:

- Provide for appropriate pastoral response to all affected parties and Communities that embodies respect, care and concern, so designed to promote healing, repentance, forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected.

Special Notice

Allegations of Sexual Misconduct. Effective January 1, 2019, the Diocese will accept any allegations of sexual misconduct reported by adult victims for any acts committed by bishops, priests, or deacons regardless of when those acts of misconduct occurred. The three-year suspension window opened on January 1, 2019 and will close on December 31, 2021 after which the statute of limitations will again be in effect. For anyone who believes that he or she may have been the victim of sexual misconduct at any time, you now have the opportunity to file your complaint during this three-year period.

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