

Title IV  
Ecclesiastical Discipline  
Canon 1

*Section 1.*     Title IV of the Canons of the General Convention.

The provisions of Title IV of the Canons of the General Convention of The Episcopal Church that are applicable to the Diocese are hereby incorporated as a part of this Canon. To the extent that any of the provisions of this Canon are inconsistent with the provisions of Title IV, the provisions of Title IV shall prevail. In the application of this Canon, at anytime there is no Bishop, the Ecclesiastical Authority of the Diocese shall exercise all such authority as defined by the Constitution and Canons of the Diocese.

*Section 2.*     Disciplinary Board. The Board shall be composed of five clergy members and four lay members for a total of nine members.

(a) Clergy Members. The clergy members of the Board shall be canonical residents of the Diocese.

(b) Lay Members. The lay members of the Board shall be adult communicants in good standing and who are eligible to vote in the proceedings of a Mission or Parish of the Diocese.

(c) Selection of Members, Officers and a Clerk. The Bishop shall appoint the members of the Disciplinary Board whose appointments shall be confirmed by the Annual Convention of the Diocese. The terms of office of the members of the Disciplinary Board shall be for three years commencing the day after the confirmation of their appointments.<sup>1</sup> Once appointed, the Bishop shall call an organizational meeting of the Disciplinary Board at which meeting a President, a Secretary, and a Clerk of the Board shall be selected by the members to serve in such offices for a term on one year. It shall be the responsibility of the Clerk, who need not be a member of the Board, to assist the Board with administrative support and records management.

(d) Vacancies. Whenever there is a vacancy on the Disciplinary Board, the Bishop, with the advice and consent of the Standing Committee, shall appoint a person to fill such vacancy, and such person shall serve the remainder of the term of the member being replaced.

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<sup>1</sup> The appointments to the Disciplinary Board in the year of the enactment of this Canon shall be for terms as follows: one clergy and one lay for a one year term, two clergy and one lay for a two year term, and two clergy and two lay for a three year term. Thereafter all appointments at the expiration of a term of service shall be for a term of three years.

*Section 3.     Impartiality to be Preserved in All Proceedings.*

(a) If a member in any proceeding of the Board shall become aware of a conflict of interest, or of the inability to perform the duties of a member of the Proceeding that is convened due to any bias or partiality whatever, such member shall immediately notify the President of the Board, and upon such notice the President of the Board shall assign another member to act in the proceeding.

(b) The representative of any party or any party to any disciplinary proceeding convened under the authority of this Canon shall have the right to challenge the impartiality of any member of the Board serving in the proceeding, and shall have the right to move for the disqualification of such member. The members of the Board serving in the proceeding who are not subject to the challenge shall promptly decide by majority vote whether such member should be disqualified in the proceeding. If the challenge is upheld, the disqualified member shall immediately withdraw from any further participation.

*Section 4.     Staff and Personnel for the Work of the Disciplinary Board.*

(a) Intake Officers. The Bishop shall appoint, in consultation with the President of the Disciplinary Board, at least two Intake Officers, one male and one female, whose names shall be widely and prominently published by the Diocese on its website and in other Diocesan publications. All claims of disciplinary offenses shall be initially referred to an Intake Officer whose responsibility it shall be to confidentially report the disciplinary complaints that are received to the Church Attorney.

(b) Investigator. The Bishop, in consultation with the President of the Disciplinary Board, shall appoint one or more Investigators to investigate the factual aspects of matters referred to the Church Attorney. Each Investigator so appointed shall be subject to the requirements of confidentiality as set forth in Canon IV.11(5) of the General Convention. The Diocese may in its discretion reasonably compensate the Investigator assigned to investigate any matter for fees and costs incurred in any investigation.

(c) Church Attorney. The Bishop, in consultation with the Standing Committee shall, within thirty days of the end of each Annual Convention of the Diocese, appoint an attorney to serve until the end of the next Annual Convention as the Church Attorney for all matters required by this Canon and Title IV of the General Convention of The Episcopal Church. The Church Attorney must be a member in good standing of the South Carolina Bar. The Church Attorney may be compensated for fees and costs incurred in the performance of his or her responsibilities as agreed.

(d) Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator to serve at the pleasure of the Bishop to plan and coordinate appropriate pastoral responses provided for by Title IV.8 of the Canons of the

General Convention. A Pastoral Response Coordinator shall not serve in any other capacity provided for in this Canon.

(e) Advisors. For each proceeding initiated under the provisions of this Canon, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. The Advisor for the Respondent shall be a member of the clergy canonically resident in this Diocese and not otherwise involved in the proceeding. The Bishop, in making such appointments, shall consider and duly consider the opinions of the parties concerning the suitability of such individual appointments. The Chancellor or Assistant Chancellor shall not be eligible to serve as an Advisor to any party.

(f) Fees and Expenses. The Diocese shall reimburse the reasonable expenses incurred by the Disciplinary Board, the Intake Officer(s), and other fees and expenses incurred by other participants in the performance of their responsibilities as required by this Canon or by the provisions of Title IV of the General Convention so long as such expenses are recommended by the Bishop and approved by the Finance Committee of the Diocese.

*Section 5.*      Records of the Disciplinary Board.

(a) Records of Proceedings. All records of the proceedings of the Disciplinary Board shall be preserved in the custody of and maintained by the Clerk of the Disciplinary Board and shall not be made available to any person not entitled to them under the authority of this Canon or Title IV of the Canons of the General Convention except by the express permission of the Disciplinary Board.

(b) Permanent Maintenance of Records. The Bishop shall make provisions for the permanent maintenance and storage of all proceedings of the Disciplinary Board at the Archives of The Episcopal Church as prescribed by Title IV of the Canons of the General Convention.