



# Interim Protocol for Handling Complaints of Misconduct by Clergy

## *Objective*

The purpose of this document is to provide an overview of the process for handling complaints of misconduct by clergy of the Diocese. It may also serve a model of the principles that should be brought to bear in handling complaints regarding lay staff or volunteers at the parochial level.

## *Complaint Response Team*

The Bishop will appoint a Complaint Response Team to respond to complaints of misconduct on the part of clergy of the Diocese. The Complaint Response Team should comprise the Bishop or his delegate, the Chancellor or her delegate, the President or another representative of Standing Committee, and ideally at least two (2) additional members, and effort should be made to include insight from pastoral care coordination, victim's rights advocacy, and advocacy for the accused.

## *Initiating a Complaint*

In order to initiate a complaint of clergy misconduct, the Complainant should notify the Bishop and/or the rector of the congregation in which the misconduct is alleged to have taken place, so long as the Rector is not the subject of the complaint. A rector receiving a complaint is required to immediately notify the Bishop.

**If the alleged misconduct would or may constitute a crime, the Bishop and/or the Rector shall report the matter to the appropriate authorities (local or state police) within 24 hours of receiving the complaint, whether the complaint was received in writing or orally.**

The Bishop will inform the Complaint Response Team and the President of the Standing Committee that a complaint has been received and, in doing so, will provide general information regarding the nature of the complaint.

## *Documenting the Complaint*

If the complaint was submitted in writing, the Bishop will provide a copy of the complaint to the Chancellor and the Complaint Response Team.



## ANGLICAN DIOCESE OF PITTSBURGH

If the complaint was submitted orally, a representative or representatives of the Complaint Response Team will attempt to confer with the Complainant and ask the Complainant to prepare and sign a written summary of the complaint as promptly as possible. Ordinarily, it is expected that the Complaint Response Team will be provided with the written statement of the complaint from the Complainant within two (2) weeks of a complaint being submitted orally.

The Complaint Response Team will endeavor to assign a victim and witness rights advocate from the Complaint Response Team, or otherwise as identified by the Complaint Response Team, to be available to assist the Complainant as necessary.

The Complaint Response Team will identify a member of the Complaint Response Team, or other person as identified by the Complaint Response Team, to serve as the primary point of contact for the Complainant during the investigation.

### *Clarifying the Complaint and Initial Inquiry*

Upon receipt of a written complaint or a written summary of the complaint, the Complaint Response Team will take reasonable and appropriate steps as may be necessary to attempt to clarify the complaint, to identify the critical facts and circumstances, and/or to conduct an initial inquiry into the credibility of the complaint.

The Bishop or other member of the Complaint Response Team may meet with the Complainant to further clarify and assess the complaint. It is advised that at least two individuals attend any meeting with the Complainant. The Bishop may include in this meeting the Chancellor or a delegate, as well as an advocate for the Complainant of the Complainant's choosing.

The Bishop will then confer with the Complaint Response Team and determine whether the Complainant and the complaint are credible.

### *Determination – No Further Investigation*

If it is determined by the Bishop and the Complaint Response Team that the complaint and/or Complainant are not credible and/or that further investigation is not warranted, this determination and the reasoning behind it will be promptly communicated to the Standing Committee. In an appropriate manner, the determination will also be communicated to the Complainant and the Accused.



# ANGLICAN DIOCESE OF PITTSBURGH

## *Appeal to Standing Committee*

The Complainant has the option to appeal the determination of the Bishop and the Complaint Response Team to the Standing Committee within thirty (30) days of notice of the determination. The Standing Committee will then have thirty (30) days to determine whether to affirm or reverse the determination, or to request additional time to consider the same.

In the event that the Standing Committee reverses the determination of the Bishop and the Complaint Response Team, the Standing Committee will promptly order that an investigation be conducted. The President of the Standing Committee will also inform both the Complainant and the Accused of this determination.

In consultation with the Chancellor, the Standing Committee may appoint a Canonical Investigator with respect to written, signed, and sworn complaints, in accordance with Title IV, entitled "Ecclesiastical Discipline," Canon 3 "Of Presentments of Presbyters and Deacons," of the ACNA C&C.

## *Investigation & Appointment of Canonical Investigator*

If it is determined by the Bishop and the Complaint Response Team that the complaint and/or Complainant are credible, the Bishop will promptly order that an investigation be conducted and will inform the Standing Committee, the Complainant, and the Accused of the determination.

In consultation with the Chancellor, the Bishop may appoint a Canonical Investigator with respect to written, signed, and sworn complaints, in accordance with Title IV, entitled "Ecclesiastical Discipline," Canon 3 "Of Presentments of Presbyters and Deacons," of the ACNA C&C.

**At all relevant times, the Complaint Response Team, the Canonical Investigator (if appointed), and anyone else participating in the investigation shall take due care to avoid interfering with any investigation by law enforcement authorities.**

Depending upon the nature of the Complaint, the Bishop may inhibit or suspend the Accused from ministry during the process of the investigation.

The Bishop will appoint appropriate persons to provide pastoral care to the Complainant and to the Accused; provided that the same person shall not be appointed to provide pastoral care to both the Accused and the Complainant.

The Bishop will meet with the congregation and/or the relevant stakeholders within the context in which the alleged misconduct took place. At that meeting, the Bishop will generally explain that a complaint of misconduct has been received and determined to be credible and, if necessary and appropriate under the circumstances, will explain the inhibition or suspension of the Accused



## ANGLICAN DIOCESE OF PITTSBURGH

during the investigation. During this meeting, due care must be taken to avoid any unnecessary disclosure of confidential information.

### *Investigation*

Ordinarily, it is anticipated that the investigation should be completed within four (4) months of the receipt of the complaint. The Canonical Investigator will collect and review relevant evidence and conduct interviews as deemed necessary, at his or her discretion.

The Accused has the right to obtain legal counsel or other representation and may submit his or her defense in writing. Similarly, the Complainant has the right to obtain legal counsel or another representation.

### *Report of the Investigation*

At the conclusion of the investigation, the Canonical Investigator will provide a report to the Bishop and the Complaint Response Team. The report should identify the documents that were reviewed, the identity of anyone who was interviewed during the course of the investigation, and other pertinent information. The report will include a recommendation as to whether presentment and/or further juridical or legal process should be pursued.

Upon receipt of the Canonical Investigator's report, the Bishop shall inform the Standing Committee and may, if appropriate, share a copy of the report with the Standing Committee. The Standing Committee and the Complaint Response Team will meet with the Bishop to discuss the report and provide advice regarding how to proceed.

### *Outcome of the Investigation*

If the results of the investigation are either inconclusive or confirm that the Accused is exonerated, then the Bishop, at his discretion, may take steps to restore the Accused to the congregation or other ministry context that the Accused held before the complaint was received, or will take other steps of restoration.

If the results of the investigation are that the complaint is substantiated, then the Bishop will determine whether to pursue presentment or whether to discipline the Accused (and to what extent to impose discipline). The Bishop will notify the Accused and (as appropriate) the Complainant of his decision. If the Accused chooses to submit to discipline, the Bishop will impose the appropriate discipline. If the Accused wishes to contest the report of the Canonical Investigator or the discipline imposed by the Bishop, a presentment process will be initiated before the Array



## ANGLICAN DIOCESE OF PITTSBURGH

consistent with the Anglican Diocese of Pittsburgh Constitution & Canons and the Anglican Church in North America Constitution and Canons.

### *Canonical Resources*

[Anglican Diocese of Pittsburgh Constitutions and Canons Canon XXII Ecclesiastical Discipline](#)

[Anglican Church in North America Constitutions and Canons Title IV Ecclesiastical Discipline](#)

### *Conflict & Interpretation*

This Interim Procedure shall be read consistent with the Anglican Diocese of Pittsburgh Constitution & Canons (the "C&C") and the Anglican Church in North America Constitution and Canons (the "ACNA C&C"). In the event that there are any conflicts between the terms of this Interim Procedure and the C&C or the ACNA C&C, the terms of the C&C and/or the ACNA C&C shall control.