

**THE STATUTE OF THE ORTHODOX CHURCH IN AMERICA**  
**FINAL DRAFT**

May 4, 2015

## **PREAMBLE**

+ IN THE NAME OF THE FATHER, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN.

The Orthodox Church in America, as a local autocephalous Orthodox Church, belongs to the worldwide communion of Orthodox Churches. It unites in its fold Orthodox Christians of various national backgrounds and traditions. It grew from the Alaskan mission established in 1794 by the Church of Russia. Expanding across the United States and Canada, it became a Diocese of that Church. In 1924 this Diocese was reorganized as an autonomous Metropolitanate under the title “the Russian Orthodox Greek Catholic Church of North America.” On April 10, 1970, the Patriarch and the Holy Synod of the Church of Russia granted autocephaly to the Metropolitanate. The Metropolitanate accepted and affirmed its new status and reorganized under the title “The Orthodox Church in America” at sessions of the All-American Council held in October, 1970, at Saint Tikhon’s Monastery in South Canaan, Pennsylvania.

The Orthodox Church in America is governed by Holy Tradition, that is, the whole body of teaching and practice of the One, Holy, Catholic, and Apostolic Church. That Tradition is expressed first of all in Holy Scripture; in the dogmatic decisions and canons of the seven Ecumenical Councils, the canons of the local councils, the canons and writings of the Holy Fathers; in the liturgical life of the Church; and in this Statute of The Orthodox Church in America (hereafter, “the Statute”). The purpose of the Statute is to apply Holy Tradition to the organization and daily life of The Orthodox Church in America.

The Orthodox Church in general and The Orthodox Church in America in particular are hierarchical in structure.

The Statute consists of this Preamble and the Eighteen (18) Articles that follow.

## **ARTICLE I – THE ORTHODOX CHURCH IN AMERICA**

The Orthodox Church in America is an autocephalous Church with territorial jurisdiction in the United States of America and in Canada. The Orthodox Church in America also exercises jurisdiction over its Diocese within the United Mexican States.

The Statute of The Orthodox Church in America conforms to Holy Scripture, Holy Tradition, the Sacred Canons of the Ecumenical and Local Councils, those of the Holy Fathers, and the canonical tradition of the Orthodox Church.

In the Statute, The Orthodox Church in America is referred to as “the Church” unless otherwise noted.

## ARTICLE II – THE HOLY SYNOD

### *Section 1: Definition*

The Holy Synod is the supreme canonical authority in the Church. The full Holy Synod consists of all the Diocesan Bishops of the Church under the ex officio presidency of the Primate (hereafter, “the Metropolitan”). The Metropolitan shall preside at all regular and special sessions of the Holy Synod.

### *Section 2: Regular Sessions*

The Metropolitan shall convene regular sessions of the Holy Synod twice annually, in the autumn and in the spring.

### *Section 3: Special Sessions*

Special sessions may be called by the Metropolitan on his own initiative or at the written request of at least three Diocesan Bishops.

### *Section 4: Quorum*

The quorum required for a regular or special session of the Holy Synod is two-thirds of its membership.

### *Section 5: Competence*

The following matters are included within the jurisdiction and competence of the Holy Synod:

- a. All matters involving doctrine, canonical order, morals, and liturgical practice;
- b. All canonical matters pertaining to the declaration of a vacancy in the Office of a Diocesan Bishop, and to the election and ordination of a bishop as provided by Article VIII, Sections 5-7;
- c. The transfer of a bishop;
- d. The acceptance of a bishop from another Orthodox Church or the release of a bishop to another Orthodox Church;

- e. The reconciliation of a schismatic bishop;
- f. The grant of any leave of absence to a bishop;
- g. The bestowal of honors upon bishops and of Synodal Awards upon priests, deacons, and laity;
- h. The procedures and normative standards for retirement of the Metropolitan, Diocesan Bishops, and Auxiliary Bishops;
- i. Canonical matters pertaining to the discipline of a bishop;
- j. Initial consideration of any complaint or accusation involving a bishop;
- k. Acting as Court of first instance in all cases involving an accusation against a bishop in accordance with Article XV, Section 8, and as regular Court of final instance in matters involving bishops, clergy, and laity in accordance with Article XV, Sections 7-8;
- l. Deposition of clergy;
- m. Establishment of new Dioceses, the definition of Diocesan boundaries, and the acceptance of Dioceses into the jurisdiction of The Orthodox Church in America;
- n. Upon referral of the Metropolitan, resolution of problems arising within a Diocese that require the judgment of the Holy Synod;
- o. Examination of annual reports from the Metropolitan and the bishops on the fulfillment of their pastoral duties;
- p. Examination of regular reports from the Church Officers, Stavropegial Institutions, departments, commissions, committees, offices, and boards of the Church;
- q. Establishment of standards for ordination;
- r. Establishment of general policies regarding relations with other Orthodox Churches, non-Orthodox religious bodies, civil authorities, and secular entities;
- s. General oversight and guidance of:
  - i. Stavropegial Institutions;
  - ii. Monasteries and monastic life;
  - iii. Theological schools and programs of theological education;
  - iv. Military and institutional chaplaincies;
  - v. Organizations of the Church;
  - vi. Missionary, educational, and social programs of the Church; and
  - vii. Ecclesiastical arts, such as iconography, liturgical music, architecture, and other applied arts;

- t. Appointment and supervision of departments, commissions, committees, offices, and boards of the Church;
- u. Confirmation of the Metropolitan's nomination of the Chancellor, Secretary, Treasurer, and other officers of the Church whose competence or service extend beyond the boundaries of a single Diocese;
- v. Determination in consultation with the Metropolitan Council of the dates, location, and theme of the All-American Council;
- w. Appointment of a Preconciliar Commission upon nomination by the Metropolitan Council;
- x. Confirmation of agenda and rules of procedure for the All-American Council;
- y. Approval or rejection of legislation, resolutions, and initiatives of the All-American Council as provided for in Article III, Section 1:5;
- z. The glorification of saints of the local autocephalous Church; and
- aa. Establishment of rules and procedures as appropriate for the conduct of the operation of the Holy Synod.

The Holy Synod has authority necessary and proper to conduct matters within its competence.

### ***Section 6: Standing Synod***

The Holy Synod shall establish a Standing Synod which the Metropolitan convenes between sessions of the Holy Synod and over which he presides. It is composed of the Metropolitan and the Secretary of the Holy Synod, ex officio, and at least two additional Diocesan Bishops.

The Holy Synod shall delegate authority to the Standing Synod to make necessary decisions on specific matters that do not require the judgment of the full Holy Synod. The Holy Synod may also delegate authority to the Standing Synod to make provisional decisions on other matters subject to subsequent ratification by the Holy Synod. The Standing Synod may formulate proposals for consideration by the Holy Synod. All measures adopted by the Standing Synod shall be reported in writing by the Secretary of the Holy Synod to the members of the Holy Synod within thirty days, but in no event later than the next session of the Holy Synod.

### ***Section 7: Extraordinary Sessions***

In the absence of the Metropolitan, the Holy Synod may meet in Extraordinary Session in the following circumstances:

- a. If the absence of the Metropolitan arises from death, retirement or resignation accepted by the Holy Synod, deposition by canonical process, or medical incapacity accepted by the Holy Synod, the member of the Holy Synod senior by rank and date of episcopal ordination shall convene the Holy Synod, which shall proceed in accordance with the provisions of Article IV, Sections 3-4.
- b. If the Metropolitan is impeded from attending a Regular or Special Session of the Holy Synod because of temporary circumstances, such as a medical emergency or travel difficulties, and if he is able to communicate, he may authorize the Holy Synod to proceed in Extraordinary Session, under the presidency of a member of the Holy Synod whom he shall designate. In such circumstances, the Extraordinary Session of the Holy Synod has the authority to make necessary provisional decisions on matters that do not require the judgment of the full Holy Synod, subject to subsequent approval by the Metropolitan.
- c. If the Metropolitan is impeded from attending a Regular or Special Session of the Holy Synod because of grave circumstances that make it impossible for him to communicate, such as unconsciousness following a medical emergency, the Holy Synod shall meet in Extraordinary Session, under the presidency of the member of the Holy Synod senior by rank and date of episcopal ordination. In such circumstances, the Extraordinary Session of the Holy Synod has the authority to make necessary provisional decisions on matters that do not require the judgment of the full Holy Synod, subject to subsequent approval by the Metropolitan if he is able to consider them.
- d. If the Metropolitan is unable to fulfill his primatial and episcopal responsibilities, whether because of illness, injury, infirmity, or disabling condition, or because of some other grave circumstance, and if the prognosis for his recovery, recuperation, or return to active service is uncertain in outcome or indeterminate in duration, rather than declare the office of Metropolitan vacant, the Holy Synod meeting in Extraordinary Session may appoint a Temporary Administrator from among the bishops of the Church to assume the affected responsibilities. During a Temporary Administration there shall be no innovations in matters affecting the basic structures and administration of the Church. During a Temporary Administration the Holy Synod shall continue to monitor the condition and circumstances of the Metropolitan, so that appropriate measures may be taken to assure his personal well-being as well as the good estate of the Church. The Holy Synod may terminate a Temporary

Administration either by dissolving the Temporary Administration if the Metropolitan is able to return to active service, or by declaring the Office of the Metropolitan vacant in accordance with paragraph a of this section and Article IV, Sections 3-4.

## **ARTICLE III – THE ALL-AMERICAN COUNCIL**

### ***Section 1: Definition***

The All-American Council is the highest legislative and administrative authority within the Church. The Council brings together the various elements of the Church to bear witness to her identity, unity, and mission.

### ***Section 2: Composition***

Members of the All-American Council are delegates, observers, and guests. Delegates are:

- a. The Metropolitan and the other members of the Holy Synod;
- b. Auxiliary bishops;
- c. The Parish Priest and Associates Priests, if any, of each Parish and an equal number of lay delegates from that Parish;
- d. Military chaplains;
- e. One Assigned Deacon per Parish;
- f. One lay delegate from each Parish not having an assigned priest;
- g. The members and alternates of the Metropolitan Council;
- h. The members of the Auditing Committee of the Church;
- i. One priest or deacon and one layperson, from each theological institution;
- j. The superiors of monasteries, if accredited by their Bishop; and
- k. Members of the Preconciliar Commission.

Observers may be admitted to the Council following the registration procedures established by the Preconciliar Commission, without voice or the right to vote. An attached or retired priest or deacon, if accredited by his bishop, may be seated with delegates to the All-American Council, with voice but without the right to vote.

Additional persons may be invited by the Preconciliar Commission with the approval of the Metropolitan to attend one or more sessions of the All-American Council as guests, and, if requested, to address the Council, but without the right to vote.

### ***Section 3: Periodicity***

The All-American Council shall be convened periodically, normally at intervals of three years. In extraordinary circumstances, such as the unexpected vacancy in the office of the Metropolitan, for which provisions are made in Article IV, Section 3, an extraordinary All-American Council shall be summoned. The place and precise time of the next meeting of the All-American Council shall be determined by action of the Metropolitan Council with the approval of the Holy Synod.

### ***Section 4: Competence***

The following matters are within the competence of the All-American Council. The All-American Council shall:

- a. Adopt and amend the Statute;
- b. Nominate candidates for the Office of Metropolitan as outlined in the Statute (cf. Article IV, Section 4);
- c. Approve and implement Church-wide initiatives with regard to the missionary, educational, financial, and philanthropic activities of the Church;
- d. Provide for financial support of the Church;
- e. Consider and act upon resolutions properly brought before the All-American Council;
- f. Receive reports from the Metropolitan, Church Officers, Stavropegial Institutions, departments, commissions, committees, offices, and boards of the Church;
- g. Elect six (6) at-large members of the Metropolitan Council and two alternates; and
- h. Elect members of the Pension Board and alternates.

### ***Section 5: The Preconciliar Commission***

The Holy Synod shall appoint a Preconciliar Commission, nominated by the Metropolitan Council. The Preconciliar Commission shall:

- a. Recommend to the Metropolitan Council and Holy Synod, for their approval and confirmation, the dates, location, and theme of the All-American Council;
- b. Establish such committees as may be necessary for the proper operation of the All-American Council, such as a local functioning committee, a resolutions committee, a credentials committee, and a translations committee;

- c. Propose an agenda and rules of procedure for the All-American Council and submit them to the Metropolitan Council for approval and confirmation by the Holy Synod, it being understood that the agenda may be changed by vote of the All-American Council;
- d. Establish and oversee procedures for registration and certification of members at the All-American Council;
- e. Establish All-American Council assessments and fees;
- f. Publish the agenda, notices, and arrangements for the All-American Council at least sixty (60) days prior to the date set for the convening of the All-American Council;
- g. Ensure that proposed amendments to the Statute, together with recommendations of the Commission on Canons and Statute, are published at least sixty (60) days prior to the date set for the convening of the All-American Council;
- h. Notify members of their certification at least thirty (30) days prior to the date set for the convening of the All-American Council; and
- i. Assure that all reports to the All-American Council are in written form and that they are published at least thirty (30) days prior to the date set for the convening of the council.

***Section 6: Requirements for Parish Representation at the All-American Council***

Each Parish which has fulfilled its financial obligations to the Church as established by the All-American Council and by its Diocese is entitled to representation at the All-American Council.

***Section 7: Qualification, Election, and Accreditation of Lay Delegates***

a. Each Parish shall elect at a Parish Assembly lay delegates equal to the number of priests as defined in Article III, Section 2.c, and a single alternate. In order to be validly elected and accredited, the lay delegates and alternate to the All-American Council from Parishes must be Voting Members of the Parish as defined in Article XII, Section 5.d of the Statute.

b. The Parish Priest shall attest to the qualification and election of the delegates and alternate in the manner determined by the Preconciliar Commission. In case the office of the Parish Priest is vacant or the Parish Priest is incapacitated or otherwise prevented from making such an attestation, this responsibility shall be assumed by the District Dean or Diocesan Bishop.

c. Provisions for the qualification and accreditation of lay delegates from Stavropegial Institutions and other Church-recognized institutions shall be substantially similar to those in Article XII, Section 5, as determined by the institution in consultation with the bishop with canonical oversight. They shall be appropriately accredited by the abbot, rector or superior of the Stavropegial Institution they represent.

### ***Section 8: Divine Services***

The order of liturgical services at the All-American Council shall be determined in advance by the Holy Synod.

### ***Section 9: Language***

The official texts and communications of the All-American Council shall be published in the English language. Proceedings and texts shall be translated to and from English as necessary.

### ***Section 10 Presiding Officers***

a. The presiding officer of the All-American Council shall be the Metropolitan. If the Metropolitan is unable to attend a session of the All-American Council because of temporary circumstances, he may delegate a member of the Holy Synod to preside in his absence. If the Metropolitan is unable to preside for grave circumstances (Article II, Section 7c-d) and unable to appoint a presiding officer, the member of the Holy Synod senior by rank and date of episcopal ordination shall preside. In the case of a vacancy in the Office of Metropolitan, the Locum Tenens shall preside, in accordance with the provisions of Article IV, Section 3 of the Statute.

b. The All-American Council shall elect two delegates, one priest or deacon and one layperson to serve as vice-chairpersons.

### ***Section 11: Secretariat***

The Council shall elect a Secretariat sufficient for its needs. It shall also elect the chairperson of the Secretariat.

### ***Section 12: Minutes***

The official minutes of each session of the All-American Council shall be prepared by the Secretariat, signed by its chairperson, and submitted to the presiding officer of the Council for review and approval by the Holy Synod. This review shall take place within twenty-four (24) hours of the adjournment of the session. Upon approval by the Holy Synod, the minutes shall be distributed to the Council at its next session. Any disagreements or disputes relating to the

minutes of that session shall be raised at that time. If the final session of the Council has adjourned, disagreements or disputes concerning that session's minutes shall be referred to the newly-elected Metropolitan Council for consideration at its first meeting. Within a period of not more than sixty (60) days after the conclusion of the All-American Council, the official text of the minutes shall be transmitted to each member of the Council.

### ***Section 13: Quorum***

A majority of the delegates to the All-American Council who have been accredited and registered shall constitute a quorum.

### ***Section 14: Procedures and Voting***

As its first order of business, the Council shall adopt rules of procedure for the conduct of its business as proposed by the Preconciliar Commission and approved by the Metropolitan Council and confirmed by the Holy Synod.

Resolutions and decisions made in plenary sessions of the All-American Council shall require a majority vote, except for the election of the Metropolitan, which is governed by special provisions (cf. Article IV, Section 4), and amendments to the Statute (cf. Article XVII, Section 4).

### ***Section 15: Approval by the Holy Synod***

Every resolution or decision made in a plenary session of the All-American Council shall be reviewed by the Holy Synod within twenty-four (24) hours of the adjournment of that session. The Holy Synod's approval or rejection of a resolution or decision shall be reported to the presiding officer of the All-American Council and transmitted to the All-American Council at the beginning of the following session. In case the Holy Synod does not accept a resolution or decision adopted by a plenary session of the All-American Council, it shall explain its reasons for not accepting the resolution or decision. At the final session of the All-American Council, a recess shall be taken for an appropriate period prior to final adjournment to allow the Holy Synod to have an opportunity to act on any resolutions or decisions made at that session.

### ***Section 16: Pension Board***

a. Definition

The Pension Board is an autonomous executive body, established by the All-American Council, that supervises administration of The Orthodox Church in America Pension Plan, which is a retirement plan established and mandated by the Church for all eligible clergy and lay employees. The assets of the Pension

Plan constitute property held in trust for beneficiaries of the Pension Plan and are not assets of The Orthodox Church in America.

b. Composition

- i. The Board consists of seven (7) members. The Holy Synod appoints one bishop to membership on the Pension Board; the All-American Council elects the remaining members.
- ii. The Pension Board appoints one or more trustees from its membership.

c. Terms of Office

The bishop appointed to the Pension Board shall serve at the pleasure of the Holy Synod. The other members of the Pension Board are priests or deacons and laypersons in equal number, with relevant professional experience, elected as follows:

- i. At each All-American Council, if there are vacancies on the membership of the Pension Board to be filled by election by the All-American Council, the priest or deacon and the layperson who receive the highest number of votes are elected for a term from one All-American Council through the next two All-American Councils excluding any extraordinary All-American Council.
- ii. The priest or deacon and the layperson who receive the next highest number of votes are elected for a term from one All-American Council through the next All-American Council excluding any extraordinary All-American Council.
- iii. The All-American Council also elects two alternates, one priest or deacon and one layperson. The priest or deacon and the layperson who receive the next highest number of votes are elected as alternates for a term from one All-American Council through the next All-American Council excluding any extraordinary All-American Council.
- iv. An alternate shall fill a permanent vacancy on the Pension Board, complete the balance of the vacated term of the person whom he or she replaces, and assume all member duties and privileges relating to re-election.

Members of the Pension Board may continue to be eligible for re-election by the All-American Council.

d. Periodicity

The Pension Board shall meet quarterly, or as often as is necessary to accomplish effective, professional, and prudent administration.

e. **Competence**

The following matters are within the competence of the Pension Board. The Pension Board shall:

- i. Submit the Pension Plan and any proposed amendments to the Pension Plan to the Metropolitan Council for adoption;
- ii. Uphold the provisions of the Pension Plan as defined by the Plan Document and comply with United States Internal Revenue Service regulations and any other applicable regulations that qualify it for favorable tax exempt status as a qualified pension plan;
- iii. Consult on a regular basis with professional investment, legal, actuarial, accounting and auditing providers, as it deems appropriate in order to evaluate plan provisions and capabilities, while securing the stability, financial security and viability of the Pension Plan, with a goal of providing optimum benefits for plan participants; and
- iv. Report to the All-American Council on the activities and status of the plan and each year to the Metropolitan Council.

## **ARTICLE IV – THE METROPOLITAN**

### ***Section 1: The Metropolitan***

The Metropolitan enjoys primacy of honor among the bishops of The Orthodox Church in America. As Primate, he shows concern for the internal and external welfare of the entire Church. He is the president of the Holy Synod. He is the ruling archbishop of the Archdiocese of Washington and bears the title "Metropolitan of All America and Canada." The Metropolitan is commemorated by all bishops during liturgical services.

### ***Section 2: Competence***

The following matters are included within the competence of the Metropolitan. The Metropolitan shall:

- a. Uphold the unity of the bishops of the Church;
- b. Convene and preside over all regular and special sessions of the Holy Synod and all sessions of the Standing Synod;

- c. Supervise implementation of decisions of the Holy Synod;
- d. Appoint a Locum Tenens in the event of a vacancy in the office of a Diocesan Bishop;
- e. Initiate action to fill a vacancy in the office of Diocesan Bishop, confirm the election by the Holy Synod, and preside, or delegate another bishop to preside, at the enthronement;
- f. Preside, or delegate another bishop to preside, at the ordination of all bishops;
- g. Confirm the election by the Holy Synod of an auxiliary bishop;
- h. Give fraternal counsel to a brother bishop as necessary regarding his personal life or the exercise of his archpastoral ministry, and if the bishop disregards this counsel, the Metropolitan may submit the matter to the Holy Synod;
- i. Receive and, in consultation with the other members of the Holy Synod, act upon petitions of priests and deacons from other Orthodox Churches seeking acceptance into the ranks of the clergy of The Orthodox Church in America;
- j. Receive and, in consultation with the other members of the Holy Synod, act upon petitions of non-Orthodox clergy seeking reception into the ranks of the clergy of The Orthodox Church in America;
- k. Represent the Church in its relations with other Orthodox Churches, other religious bodies and organizations, and secular authorities;
- l. Commemorate the Primates of other autocephalous Churches in liturgical services;
- m. Consecrate and distribute Holy Chrism to the Diocesan Bishops;
- n. Provide Diocesan Bishops with Holy Relics necessary for the consecration of Church altars and Holy Antimensia;
- o. Maintain in conjunction with the Holy Synod and appropriate Officers of the Church the patrimony of the Office of the Metropolitan;
- p. Convene and preside over the All-American Council, report to it on the life of the Church, and promulgate its decisions;
- q. Convene and preside over meetings of the Metropolitan Council;
- r. Serve as president of the Church as a civil corporation;
- s. Nominate the Chancellor, Secretary, Treasurer, and any other officers of the Church for endorsement by the Metropolitan Council and subsequent confirmation by the Holy Synod;
- t. Supervise Church Officers and receive regular reports from them;
- u. Supervise and have pastoral care of Stavropegial Institutions;

- v. Supervise the ministry of military and institutional chaplaincies and act as the Church's ecclesiastical endorser of chaplains;
- w. Issue pastoral letters addressed to bishops, clergy, monastics, and laity of the Church; and
- x. Exercise pastoral care with the right of initiative and pastoral intervention in all matters concerning the life of the Church within the framework of the Sacred Canons.

The Metropolitan possesses the authority necessary to exercise his primatial ministry within the Church in conformity with the Holy Canons.

### ***Section 3: Vacancy in Office***

In the event of the Metropolitan's death, retirement or resignation accepted by the Holy Synod, medical incapacity, or deposition by canonical process, the member of the Holy Synod senior by rank and date of episcopal ordination shall convene the Holy Synod in extraordinary session to declare the office of the Metropolitan vacant and proceed with the selection of a Locum Tenens. Within a period of three months, unless some unavoidable necessity forces a prolongment of this period, but not to exceed six months, the Locum Tenens shall convene an extraordinary All-American Council at which a new Metropolitan shall be elected. During a vacancy there shall be no innovations in matters affecting the basic structures and administration of the Church. The Chancellor shall safeguard the particular patrimony of the Office of the Metropolitan until a new Metropolitan is elected.

### ***Section 4: Election***

A nominee for the Office of Metropolitan must have at least three years of episcopal ministry in The Orthodox Church in America.

The election shall take place according to the following order:

- a. The All-American Council, without previous discussion of names, proposes nominees by secret ballot. An official paper ballot shall be distributed to each delegate of the Council present at that session.
- b. On the first vote, a single name shall be written on each ballot. If a name of a person is written on a number of ballots equal to or in excess of at least two-thirds of the total number of Voting Members in attendance at that session of the Council, this nominee shall be presented to the Holy Synod for canonical election. If the Holy Synod does not elect the nominee, a member of the Holy Synod shall formally state the reason for which the nominee was not elected.

- c. If no canonical election results from the first vote, a second vote shall be taken by the All-American Council. An official paper ballot shall be distributed to each delegate of the Council present at that session.
- d. On the second vote, two names shall be written on each ballot. The tellers shall not count any ballot on which fewer or more than two names are written. The names of the two nominees who receive the highest number of ballots on the second vote shall be submitted to the Holy Synod for canonical election of one of these nominees.
- e. With his acceptance of the canonical election by the Holy Synod, the new Metropolitan has full authority and prerogatives as Archbishop of Washington and Metropolitan of All America and Canada, and he is immediately invested with the insignia of his Office.

## **ARTICLE V – THE METROPOLITAN COUNCIL**

### ***Section 1: Definition***

The Metropolitan Council is the permanent executive body of the Church administration which exists for the purpose of implementing the decisions of the All-American Council and continues the work of the Council between its sessions. The Metropolitan serves as the chairman of the Council.

### ***Section 2: Composition***

The Metropolitan Council shall consist of:

- a. The Metropolitan;
- b. The Chancellor, the Secretary, and the Treasurer of The Orthodox Church in America, ex officio;
- c. Two representatives from each Diocese, one priest or deacon and one layperson, elected by the Diocesan Assembly unless otherwise provided for by Diocesan Bylaws; and
- d. Six (6) members elected at-large by the All-American Council, three priests or deacons and three laypersons.

An alternate elected at the All-American Council becomes a member of the Metropolitan Council only when a permanent vacancy in an at-large membership occurs.

### ***Section 3: Terms of Office***

- a. Ex officio members of the Metropolitan Council serve for the duration of their term in office.
- b. Diocesan Representatives to the Metropolitan Council are elected for a term of three (3) years.
- c. At-large members of the Metropolitan Council and alternates are elected for a term from one All-American Council through the next, excluding any extraordinary All-American Council.
- d. Elected members of the Metropolitan Council, whether Diocesan or at-large, may serve no more than two successive terms.

### ***Section 4: Periodicity***

The Metropolitan Council shall meet at least twice each year, once in the fall quarter and once in the spring quarter of each year.

### ***Section 5: Vacancies in Office***

- a. Unless provided for by Diocesan Bylaws, permanent vacancies occurring among Diocesan Representatives are filled by the next Diocesan Assembly, with permanent vacancies occurring in the interim being filled by appointment of the Diocesan Council.
- b. In those cases in which a Diocesan Representative is temporarily unable to attend meetings of the Metropolitan Council, the Diocesan Authority may designate a substitute to attend as a guest of the Metropolitan Council, with right of voice but not the right to vote.
- c. Permanent vacancies occurring among at-large members are filled by alternates who have been elected by the All-American Council, one priest or deacon and one layperson.

### ***Section 6: Quorum and Voting***

A majority of the members of the Metropolitan Council will constitute a quorum. All decisions of the Metropolitan Council are made by a majority vote of those present; in case of a tie, the deciding vote shall be cast by the Chairperson. The decisions of the Metropolitan Council shall become effective upon approval by the Metropolitan or the Holy Synod, depending on the nature of the decision.

Guests may be invited to attend sessions of the Metropolitan Council by any member, with the approval of the Metropolitan. Guests shall have no right to vote but may address the Council if requested.

### ***Section 7: Competence***

The following matters are within the competence of the Metropolitan Council. The Metropolitan Council shall:

- a. Implement the decisions of the All-American Council and continue the work of the All-American Council between sessions in the areas of its competence;
- b. Assist the Metropolitan and the Holy Synod in implementing decisions within its competence;
- c. Establish and implement the annual budget for the operations of the Church;
- d. Supervise and review the audit of all financial reports and records of the Church and see to their prompt and transparent publication;
- e. Supervise the collection of revenues as authorized by the All-American Council;
- f. Develop and implement programs of planned giving for support of the Church, including gifts, grants, bequests, and other contributions;
- g. Oversee the management of Church properties and investments;
- h. Consider and authorize the purchase, rental, sale, mortgaging, or alienation of the real and personal property of the Church, except in cases covered in Article XII, Section 9;
- i. Conserve the spiritual and cultural patrimony of the Church including not only real property but also personal property owned or bequeathed to the Church, particularly items of religious, spiritual, liturgical, cultural, historic, and artistic significance;
- j. Maintain an inventory of all properties of the Church both real and personal;
- k. Initiate, prosecute, and defend all legal matters affecting the interests of the Church;
- l. Endorse for confirmation by the Holy Synod the Metropolitan's selection of the Chancellor, Secretary, Treasurer, and other officers of the Church whose competence or service extends beyond the boundaries of a single Diocese;
- m. Provide for publication and dissemination of materials for promoting the Orthodox Faith;

- n. Determine the data and means necessary for collecting and reporting on the state of the Church, and direct the appropriate Church Officers to collect, preserve, and report on the results;
- o. Receive and act upon reports from the Church Officers, Church institutions, departments, commissions, committees, offices, and boards in areas within its competence;
- p. Appoint committees and officers in areas within its competence, determine the scope of their activities, and receive their reports in a timely fashion;
- q. Nominate a Preconciliar Commission for appointment by the Holy Synod;
- r. Assist the Holy Synod in determining the dates, location, and theme of the All-American Council;
- s. Nominate and appoint members of the Auditing Committee and receive written reports from it in accordance with Article V, Section 9;
- t. Adopt and amend the Pension Plan of The Orthodox Church in America upon recommendation of the Pension Board, in accordance with Article III, Section 1:6; and
- u. Resolve disputes regarding the minutes of the All-American Council, as provided for in Article III, Section 1:2.

### ***Section 8: Administrative Committee***

The Metropolitan Council may appoint a committee consisting of the Chancellor, Secretary, Treasurer, and two additional members of the Metropolitan Council to meet with the Standing Synod of Bishops upon its invitation, for discussion of routine administrative matters. This committee shall present a written report to the Metropolitan Council concerning all discussions and actions.

### ***Section 9: Auditing Committee***

An Auditing Committee, consisting of three persons with relevant professional experience, shall be appointed by the Metropolitan Council at its first meeting following adjournment of a normally convened All-American Council. Members of the Auditing Committee shall serve for a term from one All-American Council through the next, excluding any extraordinary meetings of the All-American Council. The Committee's duties shall be to audit all accounts of The Orthodox Church in America on a semiannual basis, to review the audited accounts of all Stavropegial Institutions on an annual basis and to present written reports to the Metropolitan Council. The Chair of the Auditing Committee shall attend sessions of the Metropolitan Council solely to make the Committee's reports. An Auditing Committee

member may succeed himself/herself for one additional term, and may be removed only for cause by a two-thirds vote of the Metropolitan Council. Any vacancy in the Auditing Committee shall be filled in a timely fashion by the Metropolitan Council.

## **ARTICLE VI – CHURCH OFFICERS**

### ***Section 1: Definition***

The Church Officers shall be a Chancellor, a Treasurer, and a Secretary. Church Officers assist the Metropolitan and the Holy Synod in the administration of the Church and work with the Metropolitan Council in carrying out its particular competence. The Chancellor, Treasurer, and Secretary, together with the Metropolitan, also serve as corporate officers of the Church. Those holding additional positions may be designated as Church Officers by the Holy Synod and the Metropolitan Council, as needed.

The Church Officers work under the direct supervision of the Metropolitan and report to him, the Holy Synod, and to the Metropolitan Council of which they are ex officio members.

### ***Section 2: Terms of Office***

The Church Officers are nominated by the Metropolitan and confirmed in their positions by the Holy Synod, upon endorsement by the Metropolitan Council. The Metropolitan Council establishes the compensation and benefits for the Church Officers.

Church Officers are employees terminable without legal cause and can be dismissed by the Metropolitan with agreement of the Holy Synod and the Metropolitan Council. The affected Church Officer shall not vote when the Metropolitan Council considers matters concerning his or her dismissal.

Upon the election of a new Metropolitan, Church Officers remain in their positions for no less than six (6) months after the election in order to assure a smooth transition in the administration of the Church.

### ***Section 3: Competencies***

The following matters are within the competencies of the Church Officers. The Church Officers shall:

- a. Assist the Metropolitan and the Holy Synod in the administration of the Church;
- b. Serve as official representatives of the Metropolitan when so designated;
- c. Serve as ex officio members of the Metropolitan Council;

- d. Report on all aspects of their duties to the Metropolitan, the Holy Synod, the All-American Council, and the Metropolitan Council at regular intervals and as directed;
- e. Discharge their fiduciary responsibilities in a clear and transparent manner;
- f. Manage the financial resources of the Church responsibly and with integrity and report on their activities in a clear and transparent manner;
- g. Assure the proper maintenance of both the active and archival records of the Church;
- h. Have direct oversight over departments, commissions, committees, offices, and boards of the Church; and
- i. Perform such duties as assigned to them by the Metropolitan, the Holy Synod, and the Metropolitan Council.

When the Office of the Metropolitan is vacant, the Chancellor shall safeguard the particular patrimony of the Office of the Metropolitan until a new Metropolitan is elected.

## **ARTICLE VII – THE DIOCESE**

### ***Section 1: Definition***

The Diocese is the basic Church body which unites Parishes and institutions, usually in a defined geographical area, under the authority of a Diocesan Bishop. He governs with the assistance of a Diocesan Assembly and a Diocesan Council. For purposes of the Statute, the Diocesan Bishop, the Diocesan Council and the Diocesan Assembly, each acting in its proper capacity, shall constitute the Diocesan Authority.

### ***Section 2: Establishment of and Modification to a Diocese***

a. The Holy Synod may modify the boundaries of an existing Diocese, erect new Dioceses and determine their boundaries, and suppress or merge Dioceses according to the needs of the Church.

b. The Holy Synod may establish Dioceses that are not defined by a specific geographical area, but rather are composed of Parishes and institutions that are characterized by a particular identity, as recognized and defined by the Holy Synod. Parishes and institutions affiliated with such Dioceses shall be governed by their own Diocesan Bishop, who shall exercise within his Diocese the same authority as the Diocesan Bishop of a geographical Diocese.

### ***Section 3: Diocesan Bylaws***

Each Diocese shall have Bylaws adopted by and subject to amendment by the Diocesan Authority.

The Bylaws, among other provisions, shall provide for:

- a. The nomination of a Diocesan Bishop in accordance with Article VIII, Sections 5-7;
- b. The composition and election of the Diocesan Council;
- c. The appointment, dismissal, and duties of Diocesan Officers;
- d. The terms of office, method of election, and duties of the Diocesan Auditing Committee, and,
- e. The amendment of the Diocesan Bylaws.

### ***Section 4: Deaneries***

The Diocese may be divided into Deaneries, each headed by a District Dean, who is selected according to the provisions of Article XI, Section 2, unless otherwise provided for in the Diocesan Bylaws. The number, names, and delineation of the Deaneries shall be determined by the Diocesan Authority.

## **ARTICLE VIII - THE DIOCESAN BISHOP**

### ***Section 1: Definition***

By virtue of his canonical election by the Holy Synod and episcopal ordination, the Diocesan Bishop possesses full canonical authority within his Diocese, and shall exercise it with the assistance of Diocesan clergy and laity. He is the Chief Shepherd of his Diocese.

The Diocesan Bishop is a member of the Holy Synod in accordance with Article II, Section 1. He shall participate in its sessions and provide a regular report to the Holy Synod on the state of his Diocese. The Diocesan Bishop shall have the title of a principal city within his Diocese, his title being determined by the Holy Synod. He shall reside within the limits of his Diocese. In all matters, the decisions and pronouncements of the Diocesan Bishop are final, except insofar as they are subject to appeal as provided in the Sacred Canons and the Statute.

### ***Section 2: Competence***

The following are within the competence of the Diocesan Bishop. The Diocesan Bishop shall:

- a. Expound the Faith and moral teaching of the Orthodox Church and guide his flock in accordance with Church doctrine;
- b. Have the right of initiative and authoritative guidance in all matters concerning the life of his Diocese, and may issue pastoral letters, instructions and regulations for the guidance of clergy and laity;
- c. Establish Parishes, missions, provisional missions, mission stations, chapels, and monasteries in his Diocese;
- d. Consecrate churches and chapels, erect permanent altars, and consecrate and provide Holy Antimensia within his Diocese;
- e. Distribute Holy Chrism consecrated by the Metropolitan;
- f. Maintain custody, with the appropriate Officers of the Diocese, of the patrimony of the Diocese;
- g. Assume possession, with the appropriate Officers of the Diocese, of the sacred and untouchable items, as well as all official records and archives, in all cases of the dissolution of a Parish or monastery in the Diocese;
- h. Ensure that his Diocese and its Parishes and institutions are properly organized in accordance with local civil law and that they hold clear and unambiguous title to their real property with the exception of encumbrances incurred in normal course with the permission of the Bishop;
- i. Convene and preside over the Diocesan Assembly and Diocesan Council;
- j. Approve or disallow the decisions of the Diocesan Assembly, Diocesan Council, and Deanery and Parish meetings;
- k. Appoint or confirm Diocesan Officers, as provided in the Diocesan Bylaws, and maintain general oversight of and bear general responsibility for the efficient administration of his Diocese;
- l. Ordain qualified graduates of Orthodox seminaries to the priesthood and diaconate as well as lower clergy for his Diocese;
- m. Ordain candidates to the priesthood and diaconate for his Diocese otherwise qualified, with the approval of the Holy Synod;
- n. Appoint, transfer, remove, and grant retirement to Parish Clergy of his Diocese;
- o. Accept clergy at his discretion from another Diocese of The Orthodox Church in America, receiving their personal dossier and a canonical release;
- p. Release clergy at his discretion to another Diocese of The Orthodox Church in America, at the request of its Diocesan Bishop, issuing a canonical release and conveying their personal dossier and other appropriate documentation;

- q. Exercise discipline over Diocesan clergy and laity in all cases not requiring the action of a Church Court;
- r. Appoint the members of Diocesan Courts and exercise final authority regarding acceptance of their decisions and action upon their findings; in matters in which final judgment has been reserved to the Holy Synod by the Statute or by resolution of the Holy Synod, convey to the Synod the finding of a Diocesan Court and all relevant documentation relating to the case and the Court's finding;
- s. Honor worthy clergy and laity of his Diocese with Diocesan awards, or request the Holy Synod to confer synodal awards in the prescribed manner;
- t. Make canonical visits to the Parishes, monasteries, and institutions of his Diocese on his own initiative;
- u. Grant charters and exercise general oversight over Diocesan monastic communities and, in consultation with the particular community, confirm its superior; and
- v. Establish Diocesan educational or philanthropic institutions according to the needs of his Diocese, issue their charters, and appoint officers as provided in their charters.

The Diocesan Bishop possesses the authority necessary to exercise his episcopal ministry within the Church in conformity with the Sacred Canons.

### ***Section 3: Compensation***

The Diocesan Bishop shall receive appropriate compensation commensurate with his position and responsibilities, a suitable retirement plan, and a residence or a housing allowance, as determined by norms and practices of the Diocese.

### ***Section 4: Auxiliary Bishop***

An Auxiliary Bishop may be appointed to the Diocese, with a city in the Diocese as his titular see, upon nomination by the Diocesan Bishop in consultation with the Diocesan Council, and canonical election by the Holy Synod, confirmed by the Metropolitan.

An Auxiliary Bishop shall have his duties, responsibilities, and rights defined by the Diocesan Bishop and the Diocesan Bylaws. He shall be an ex officio member of the Diocesan Council and the Diocesan Assembly.

He shall receive adequate and proper compensation to be determined by norms and practices of the Diocese.

### ***Section 5: Vacancy in Office***

The office of Diocesan Bishop shall be declared vacant by the Holy Synod in the event of the incumbent's death, retirement or resignation accepted by the Holy Synod, medical incapacity accepted by the Holy Synod, transfer, or deposition by canonical process.

### ***Section 6: Qualifications***

- a. If he is not already a bishop, the candidate for the office of bishop shall be nominated from among the clergy or laity, monastic, celibate, or widowed.
- b. To receive episcopal ordination, the nominee must satisfy all the requirements of the Sacred Canons pertaining to this highest of all ecclesiastical offices.
- c. It is preferable that the candidate have completed a course of study in a graduate school of Orthodox theology.
- d. He should be conversant in the English language and, as appropriate, in another language commonly spoken among the faithful of the Diocese.
- e. If at the time of his nomination he is a layman or a celibate or widowed priest, he shall pronounce at least the first monastic vows (rasophore), if he has not already pronounced such vows.
- f. Diocesan bishops shall not be eligible for nomination for another Diocese.

### ***Section 7: The Vacant See***

- a. In the event of a vacancy in the office of Diocesan Bishop, a Locum Tenens, appointed by the Metropolitan, shall convoke and preside over a special Diocesan Assembly for the sole purpose of nominating a candidate as Diocesan Bishop.
- b. Should the election of a new Diocesan Bishop be delayed for an extraordinary length of time, the Holy Synod may authorize the Locum Tenens to assume additional authority proper to a Diocesan Bishop, as required by the best interests and continuing welfare of the Diocese.
- c. The special Diocesan Assembly shall conduct the nomination in accord with the provisions of the Diocesan Bylaws, and the Locum Tenens shall submit the nominee to the Holy Synod according to procedures established by the Holy Synod.
- d. Upon the acceptance of the nomination by the Holy Synod, the candidate shall be summoned to a session of the Holy Synod for canonical election.

e. If the special Diocesan Assembly fails to nominate a candidate acceptable to the Holy Synod, the Synod may elect another qualified candidate as Diocesan Bishop, or they may authorize another Diocesan Assembly to nominate.

f. With his acceptance of the canonical election by the Holy Synod, the new Diocesan Bishop, if already of episcopal rank, has full authority and prerogatives as Diocesan Bishop of the Diocese to which he has been elected.

g. If the Bishop-Elect is not yet of episcopal rank, his ordination should occur within thirty (30) days after his canonical election by the Holy Synod. The Metropolitan, or a senior hierarch of the Holy Synod whom he may delegate, shall preside.

h. The new Diocesan Bishop's enthronement in his Diocese shall occur within two (2) weeks following his ordination or, if he is already of episcopal rank, his canonical election to the Diocese. The enthronement shall take place in the Diocese, preferably in the Diocesan cathedral. The Metropolitan, or a senior hierarch of the Holy Synod whom he may delegate, shall preside.

### ***Section 8: Mission Activity***

The Diocesan Bishop shall propagate and expound the Faith and moral teaching of the Orthodox Church among all people within the boundaries of his Diocese, both Orthodox Christians and those not members of the Orthodox Church.

The Diocesan Bishop shall:

- a. Ensure that his clergy witness to the Orthodox faith in their communities;
- b. Direct Parish Clergy also to extend their pastoral activity to the unchurched;
- c. Establish missions for the purpose of propagating the Orthodox Faith; and
- d. Ensure that necessary funds are provided for missionary activity within his Diocese.

## **ARTICLE IX - THE DIOCESAN ASSEMBLY**

### ***Section 1: Definition***

The Diocesan Assembly is the highest legislative and administrative authority within the Diocese, and assists the Diocesan Bishop in its governance. The Assembly brings together the various elements of the Diocese to bear witness to her identity, unity, and mission.

## ***Section 2: Composition***

The Diocesan Assembly shall be composed of:

- a. The Diocesan Bishop;
- b. The Auxiliary Bishop(s);
- c. The superiors of Diocesan monasteries;
- d. The priests and deacons of each Parish, ex officio, and an equal number of lay delegates from each Parish, elected as provided in Section 7 of this Article;
- e. One lay delegate from each Parish not having a priest;
- f. The members of the Diocesan Council and the members of its Auditing Committee, if not otherwise qualified to attend;
- g. Two delegates, one priest or deacon and one layman, from the faculty and senior staff of each Diocesan theological institution, appointed by the appropriate authority of the institutions;
- h. Attached clergy, if accredited by the Diocesan Council, with the permission of the Diocesan Bishop, with the right to attend and to speak from the floor of the Assembly, but without the right to vote;
- i. Retired bishops and other clergy resident in the Diocese, if accredited by the Diocesan Council, with the permission of the Diocesan Bishop, with the right to attend and to speak from the floor of the Assembly, but without the right to vote;
- j. Members of special committees invited by the Diocesan Council to attend and participate in the discussions of the subject of their work; and
- k. Additional persons invited by the Diocesan Council with the permission of the Diocesan Bishop, to attend sessions of the Diocesan Assembly with or without the right to participate in the discussions, but without the right to vote.

Members of a Parish of the Diocese, having been accredited in a manner to be determined by the Diocesan Council, may attend the Diocesan Assembly as Observers and, with the agreement of the majority of the delegates, may be permitted to address the Assembly, but not to vote.

## ***Section 3: Periodicity***

- a. The Diocesan Assembly shall be convened at least once each calendar year, or as otherwise provided for in Diocesan Bylaws. The place of the meeting is to be determined by the previous Diocesan Assembly; however, in case of necessity, the Diocesan Council may change the place of meeting.

b. Special Diocesan Assemblies may be convoked by the Diocesan Bishop in consultation with the Diocesan Council, or by the Locum Tenens for the election of a Diocesan Bishop as specified in Article VIII, Section 7.

#### ***Section 4: Competence of the Diocesan Assembly***

The following are within the competence of the Diocesan Assembly. The Diocesan Assembly shall:

- a. Consider and approve measures to strengthen the life of the Diocese and encourage the growth of her Parishes and faithful people in Orthodox Faith and piety through the establishment and maintenance of educational, philanthropic and other necessary institutions, organizations and programs;
- b. Establish means for securing revenue necessary to fulfill these aims, to fund the Diocesan administration, and to fulfill the Diocesan financial obligations to the Church as determined by the All-American Council;
- c. Receive reports on the operation and activities of the Diocesan Administration and Diocesan institutions, the Deaneries, the Auditing Committee, and organizations and programs;
- d. Authorize the Diocesan Council to acquire, encumber, or dispose of Diocesan properties;
- e. Approve the Diocesan budget and otherwise allocate and encumber Diocesan resources;
- f. Propose matters for consideration by the Metropolitan and Church Officers, the All-American Council, or the Metropolitan Council, as appropriate;
- g. In the event of a vacancy in the office of Diocesan Bishop, and constituted as a Special Assembly, nominate a candidate for that office to the Holy Synod, in accordance with Article VIII, Section 7.
- h. Elect the members of the Diocesan Council and Auditing Committee as provided in the Diocesan Bylaws;
- i. Elect Diocesan Representatives and alternates to the Metropolitan Council as provided in Article V, Section 2; and
- j. Cooperate in implementing decisions of the Holy Synod, the All-American Council, the Metropolitan Council, and other Church authorities on the Diocesan and parochial levels.

### ***Section 5: Requirements for Representation at the Diocesan Assembly***

Every Parish in the Diocese which has remitted all financial obligations determined by the All-American Council and all financial obligations determined by previous Diocesan Assemblies is entitled to representation as outlined in Section 2.d-e of this Article.

The Parish shall assume the expenses incurred by its delegates in attending the Assembly.

### ***Section 6: Reports***

The Diocesan Council, acting with the approval of the Diocesan Bishop, shall determine the reports which are to be presented at the Diocesan Assembly and, if necessary, shall appoint the persons or committees to make such reports.

### ***Section 7: Election and Accreditation of Delegates***

The lay delegates of the Diocesan Assembly must meet the following requirements to be elected and accredited:

- a. Be elected by a Parish Assembly or by the Parish Council in accordance with the requirements and procedures established for such an election in Diocesan or Parish Bylaws;
- b. Be a Parishioner in accordance with Article XII, Section 5;
- c. The elected delegates shall be accredited to the Assembly in accord with procedures and documentation established by the Diocesan Authority; and

The Parish Priest shall submit the proper documentation to the Diocesan Authority. If the Parish or mission has no Parish Priest the District Dean shall oversee the election and submit the documentation. The delegates from a theological institution, if laymen, shall be accredited by the appropriate authority of the institution.

### ***Section 8: Credentials Committee***

A Credentials Committee, appointed by the Diocesan Council with the approval of the Diocesan Bishop, or the Locum Tenens in the case of a Special Diocesan Assembly, shall verify the credentials of all members of the Diocesan Assembly and of additional persons invited by the Diocesan Council.

### ***Section 9: Divine Services***

The order of liturgical services at the Diocesan Assembly shall be determined in advance by the Diocesan Bishop in consultation with the Diocesan Council.

### ***Section 10: Agenda***

The agenda for the Diocesan Assembly shall be fixed in advance by the Diocesan Council with the approval of the Diocesan Bishop, and shall be provided to all delegates at least three (3) weeks prior to the date set for the convening of the Assembly. The agenda may be changed by vote of the Assembly.

### ***Section 11: Presiding Officers***

- a. The presiding officer of the Diocesan Assembly shall be the Diocesan Bishop, or an Auxiliary Bishop or priest specifically appointed by the Diocesan Bishop.
- b. Two vice-chairpersons, one priest or deacon and one layperson, shall be elected by the Diocesan Assembly and shall perform such functions as may be assigned to them by the presiding officer.

### ***Section 12: Secretariat***

The Diocesan Assembly shall elect a Secretariat according to its needs.

### ***Section 13: Minutes***

The minutes of the Assembly shall be prepared and signed by the Secretariat and submitted to the presiding officer for his written acceptance as to form and accuracy. Within a period of not more than sixty (60) days after the final adjournment of the Assembly, the minutes, approved by the presiding officer, shall be published and distributed to each delegate. The minutes shall be approved by the Diocesan Authority no later than the next Diocesan Assembly.

### ***Section 14: Committees***

The Diocesan Council shall establish such committees as may be necessary for the proper operation of the Assembly, and shall define their membership and responsibilities.

### ***Section 15: Quorum***

A majority of the members of the Diocesan Assembly who have been accredited and registered shall constitute a quorum.

### ***Section 16: Voting***

- a. As its first order of business, the Assembly shall adopt rules of procedure for the conduct of its business, unless otherwise provided for in the Diocesan Bylaws.

b. All resolutions and other decisions of the Diocesan Assembly shall be approved by majority vote, unless otherwise required by the Diocesan Bylaws.

***Section 17: Approval by the Diocesan Bishop***

No resolution or other action of the Diocesan Assembly shall be effective until it is approved by the Diocesan Bishop, or the Locum Tenens in the case of a Special Diocesan Assembly. Approval or disapproval shall in the normal course be announced before the adjournment of the Diocesan Assembly.

***Section 18: Auditing Committee***

The Auditing Committee, consisting of no fewer than three (3) members, shall be elected by the Diocesan Assembly. The members of the Diocesan Auditing Committee shall not be members of the Diocesan Council or be Diocesan Officers. Members of the Auditing Committee shall be members ex officio of the Diocesan Assembly. Their relevant professional experience, the terms of office, the method of their election, and their duties shall be as defined in Article X, Section 8, and in the Diocesan Bylaws.

**ARTICLE X - THE DIOCESAN COUNCIL**

***Section 1: Definition***

The Diocesan Council, normally meeting under the presidency of the Diocesan Bishop, is the permanent executive body of the Diocesan administration which exists for the purpose of implementing the decisions of the Diocesan Assembly and continues the work of the Assembly between its sessions.

***Section 2: Composition***

The Diocesan Council shall consist of:

- a. The Diocesan Bishop, or Locum Tenens, ex officio;
- b. Auxiliary Bishop(s);
- c. The Diocesan Officers, ex officio;
- d. The Diocesan Representatives to the Metropolitan Council, ex officio; and
- e. Additional members as determined by the Diocesan Bylaws.

The Diocesan Bylaws may provide for the appointment of non-voting members to the Council.

The Diocesan Bishop, or Locum Tenens, shall be the chairman of the Diocesan Council, but in his absence, an Auxiliary Bishop or a priest designated by the Diocesan Bishop, or Locum Tenens, may preside at a particular meeting of the Council.

The Diocesan Council shall elect such other officers as may be needed to carry out its functions, as provided in the Diocesan Bylaws.

### ***Section 3: Periodicity***

- a. The Diocesan Council shall convene at least twice each calendar year.
- b. Extraordinary sessions of the Diocesan Council may be convened by the Diocesan Bishop, the Locum Tenens, or at the written request of at least one-half of the voting membership of the Council.

### ***Section 4: Terms of Office and Vacancies in Office***

Terms of office and the means of filling vacancies on the Diocesan Council shall be as provided in the Diocesan Bylaws.

### ***Section 5: Quorum and Voting***

- a. The Diocesan Bishop, or Locum Tenens, or another presiding officer designated by him, plus one-half of the Voting Members of the Diocesan Council shall constitute a quorum for the conduct of business.
- b. Decisions of the Diocesan Council shall be by majority vote of the members present and voting unless otherwise provided in the Diocesan Bylaws.
- c. All decisions of the Diocesan Council shall become effective upon approval by the Diocesan Bishop, or Locum Tenens.

### ***Section 6: Competence***

The following matters are within the competence of the Diocesan Council. The Diocesan Council shall:

- a. Consider and act on matters affecting the Parishes and institutions of the Diocese in accordance with the directives of the Diocesan Bishop and the decisions of the Diocesan Assembly;
- b. Consider matters submitted by the Diocesan Bishop and make recommendations regarding his further action;
- c. Implement the decisions of the Diocesan Assembly;

- d. Cooperate in implementation on the Diocesan and parochial levels of the decisions of the Holy Synod, the All-American Council, the Metropolitan Council, and other Church authorities;
- e. Oversee Diocesan Officers and administrative bodies as provided in the Diocesan Bylaws, and provide for the employment of such personnel as necessary for the efficient functioning of the Diocesan administration;
- f. Allocate Diocesan funds for the general benefit of the Diocese, including, as necessary, the allocation of Diocesan funds to Parishes or institutions of the Diocese;
- g. Supervise the collection of regular financial obligations fixed by the Diocesan Assembly, and initiate and oversee special fund-raising projects;
- h. Examine and verify the financial records and reports, including the reports of the Auditing Committee;
- i. Oversee the management of all Diocesan investments and property, real and personal; and supervise and approve the acquisition, encumbrance and disposition of the same;
- j. Attend to legal matters affecting the interests and welfare of the Diocese;
- k. Advise the Diocesan Bishop on the establishment of Parishes and deaneries;
- l. Render a final decision regarding the authenticity of the minutes of the Diocesan Assembly should a question arise concerning their accuracy;
- m. Provide for the establishment and maintenance of institutions or organizations of philanthropy and education within the Diocese;
- n. Oversee preparation for the Diocesan Assembly; and
- o. Maintain the religious, cultural, and historical patrimony of the Diocese, its Parishes, and institutions.

### ***Section 7: The Diocesan Officers***

The Diocesan Bishop shall appoint a Chancellor and a Treasurer, who shall perform such duties as assigned to them by the Diocesan Bishop, the Diocesan Assembly, and the Diocesan Council. The Diocesan Bishop shall appoint such other officers as may be provided for in the Diocesan Bylaws to ensure the efficient operation of the Diocesan Administration.

The Diocesan Officers work under the direct supervision of the Bishop and report to the Diocesan Council of which they are ex officio members.

The Diocesan Officers shall implement the decisions of the Diocesan Council under the supervision of the Diocesan Bishop.

The Diocesan Officers shall assure the proper maintenance of both the active and archival records of the Diocese and assist Parishes and institutions of the Diocese in the proper maintenance of their own active and archival records.

When the office of the Diocesan Bishop is vacant, the Chancellor shall safeguard the particular patrimony of the Diocese until a new Diocesan Bishop is elected.

### ***Section 8: Auditing Committee***

The Auditing Committee, consisting of three persons with relevant professional experience, shall be elected by the Diocesan Assembly. The Auditing Committee shall audit annually the accounts of the Diocesan administration with respect to all Diocesan funds and the funds of all Diocesan institutions. The Auditing Committee shall report its findings to the Diocesan Council and the Diocesan Assembly. Members of the Auditing Committee may attend sessions of the Diocesan Council to make its report. Vacancies in the Auditing Committee shall be filled by the Diocesan Bishop in consultation with the Diocesan Council, pending the convening of the next Diocesan Assembly. Matters relating to terms of office, method of election, and further duties shall be as defined in the Diocesan Bylaws.

## **ARTICLE XI - THE DEANERY**

### ***Section 1: Definition***

A Deanery is a specified administrative district, within the boundaries of a Diocese, usually encompassing Parishes in a defined geographical area, and established by the Diocesan Bishop in consultation with the Diocesan Council.

### ***Section 2: The District Dean***

The District Dean is a priest who heads a deanery. He assists the Diocesan Bishop in the administration of the Deanery.

The District Dean shall be appointed by the Diocesan Bishop from among the Parish Priests of the Deanery in consultation with Deanery clergy or as provided for in the Diocesan Bylaws.

### ***Section 3: Competence of the District Dean***

The following are within the competence of the District Dean. The District Dean shall:

- a. Oversee Deanery matters and the activities of its clergy;
- b. Assist the Diocesan Bishop by giving direction and fraternal counsel to deanery clergy in areas of pastoral concern in a private and circumspect manner,

- whenever their personal conduct or manner of discharging their duties indicates the need for such counsel or action;
- c. Receive and investigate complaints against clergy and laity and against the decisions of Parish bodies and submit his report and recommendations to the Diocesan Bishop;
  - d. Participate in Parish meetings at the direction of the Diocesan Bishop;
  - e. Participate in Parish meetings at the request of the Parish Priest or the Parish Council with the permission of the Diocesan Bishop;
  - f. Provide for services during temporary absence of Parish Clergy with the consent of the Diocesan Bishop;
  - g. Assist the Diocesan Bishop in the planning and organization of new Parishes within the Deanery;
  - h. Convene periodic meetings of Deanery clergy and submit the minutes of the meetings to the Diocesan Bishop; and
  - i. Submit an annual report on the Deanery to the Diocesan Bishop and the Diocesan Assembly.

The District Dean shall fulfill other duties entrusted to him by the Diocesan Bishop.

***Section 4: The Dean of Orthodox Military and Veterans Administration Chaplains***

- a. The Dean of Orthodox Military and Veterans Administration Chaplains is appointed by and directly responsible to the Metropolitan.
- b. The competence and duties of the Dean of Orthodox Military and Veterans Administration Chaplains shall be the same as those of the District Deans as described above insofar as they are applicable.

## ARTICLE XII – THE PARISH

### *Section 1: Definition*

- a. The Parish is a local Orthodox Eucharistic community canonically established by and subject to the authority of the Diocesan Bishop. For purposes of the Statute, unless otherwise specified, the term Parish refers to Parishes, Missions, Provisional Missions, and Mission Stations.
- b. The organization and administration of a Parish are subject to the Statute, the statute or Bylaws of the Diocese, and the Parish Bylaws approved by the Diocesan Authority. The Orthodox Church in general and The Orthodox Church in America in particular are hierarchical in structure.
- c. A Chapel is a unique Orthodox Eucharistic community canonically established by and subject to the authority of the Diocesan Bishop. Although a Chapel is not a Parish, the Statute and this Article in particular apply to Chapels insofar as they are appropriate to their situation.

### *Section 2: The Diocesan Bishop and the Parish*

- a. The Bishop is the spiritual leader of all Parishes within his Diocese. In consultation with the Diocesan Council, he shall establish, territorially define, consolidate with another Parish, or suppress a Parish. He appoints Parish Clergy, maintaining a relationship with them that is at once hierarchical and conciliar, marked by obedience and collaboration. He has the obligation and right of visitation to the Parish and receives and approves regular reports on Parish life. In case of conflict and disorder within the Parish, he takes all necessary measures to resolve them consistent with the Sacred Canons and the Statute.
- b. For the establishment of a Parish, a local group of faithful must demonstrate that it is stable and has the potential to become self-supporting and self-sustaining, and that it agrees that its corporate charter and Bylaws will be consistent with canonical requirements and the Statute. No corporate charter or Bylaws of any Parish shall be effective unless approved by the Diocesan Authority.
- c. When the Bishop deems it appropriate, in consultation with the local group of faithful, he dedicates the new Parish to a feast day or places it under the protection of a patron saint.

d. Additional signs of the canonical status of the Parish and the sacramental communion that exists between it and the Bishop are the Holy Antimension given by the Bishop and the commemoration of the Bishop during liturgical services.

### ***Section 3: The Parish Priest***

a. The Parish Priest, also referred to as rector or priest-in-charge, by virtue of his ordination and canonical appointment, serves as the spiritual father and teacher of that portion of the flock of Christ entrusted to him, the first among the Parish Clergy, and presides over liturgical worship in accordance with the tradition and the norms of the Church.

b. By virtue of the authority delegated to him at his appointment by the Diocesan Bishop, the Parish Priest, as head of the Parish, shall:

- i. Teach, sanctify, and edify the faithful entrusted to his spiritual care with no partiality;
- ii. Provide for the administration of the sacraments and the celebration of all liturgical services;
- iii. Ensure that all educational, philanthropic, social, and cultural activities within the Parish or of the Parish are consistent with the mission of the Church;
- iv. Head and administer the Parish in a manner consistent with the provisions of the Statute, the governing documents of the Diocese and Parish, and the directives of the Diocesan Authority in cooperation with the Parish Council. No activities in the Parish can be initiated without his knowledge, approval, and blessing; neither should he do anything pertaining to the Parish without the knowledge of the appropriate Parish bodies, so that always and everywhere there may be mutual trust, cooperation, unity, and love;
- v. Normally preside over the Parish Assembly and Parish Council, except in cases when the Bishop is present or when the Bishop's delegate is present for this purpose;
- vi. Head the Parish office and be entrusted with the care, custody, and maintenance of sacramental and administrative records, inventories, and the official Parish seal; and
- vii. Represent the Parish before local civil and judicial authorities and other third parties, either personally or through his delegate.

c. The Parish shall compensate the Parish Priest. His compensation shall be determined according to established Diocesan procedures and norms. His compensation is to be clearly agreed upon prior to his appointment.

d. The Parish Priest possesses the rights and exercises the responsibilities stipulated by the Sacred Canons, the Statute, and the directives of the Holy Synod and the Diocesan Authority.

e. The Parish Priest cannot vacate his Parish, change his status, or seek to transfer to another Parish or Diocese without the permission of the Diocesan Bishop.

#### ***Section 4: Other Parish Clergy***

a. An Associates Priest is a Priest who has been appointed to a Parish by the Diocesan Bishop, receives compensation from the Parish, and carries out ministries within the Parish as directed by the Parish Priest in consultation with the Parish Council. His role in the governance of the Parish is determined by the established Diocesan procedures and norms.

b. An Assigned Deacon is a Deacon who has been appointed by the Bishop to service within a Parish, receives compensation from the Parish, and carries out ministries within the Parish as directed by the Parish Priest in consultation with the Parish Council. His role in the governance of the Parish is determined by the established Diocesan procedures and norms.

c. Attached clergy are priests or deacons who are canonically attached to a Parish by the Bishop without necessary compensation from the Parish and without involvement in Parish governance.

d. Like the Parish Priest, all Parish Clergy, including those in minor orders, possess the rights and exercise the responsibilities stipulated for their order by the Sacred Canons, the Statute, and the directives of the Holy Synod and the Diocesan Authority.

e. Parish Clergy cannot vacate the Parish to which they are assigned or attached, change their status, or seek to transfer to another Parish or Diocese without the permission of the Diocesan Bishop.

#### ***Section 5: Parishioner***

a. A Parishioner is one who, by virtue of Baptism and Chrismation, is a member of the Body of Christ and incorporated into a local Parish community as a Parish member.

b. A Parishioner has a reasonable expectation for pastoral care in accordance with the Orthodox tradition. He or she enjoys full benefits of participation in Parish life. He or she has

the duty to sustain, strengthen and witness to the Orthodox Faith; to live according to the teaching of the Church; to participate in the religious services; to partake of the Holy Sacraments; to fulfill acts of Christian mercy; to support and help the Church.

c. Parish membership may be suspended or revoked by the Parish Priest or the Diocesan Bishop for due cause, such as:

- i. Open rejection of the Orthodox Faith;
- ii. Public and open defamation of, defiance of, or rebellion against ecclesiastical authority;
- iii. Grave moral transgression; or
- iv. Formal association with a non-Orthodox religious body.

d. A Voting Member of the Parish is a Parishioner who:

- i. Is at least eighteen years of age;
- ii. Receives the Sacrament of Confession at least once a year in the Parish or, with the permission of the Parish Priest, elsewhere;
- iii. Receives Holy Communion at least once a year in the Parish;
- iv. Has been a Parishioner for a period of time fixed by the Diocesan Authority; and
- v. Fulfills financial obligations as established by the All-American Councils, Diocesan Assemblies, and the Parish.

Voting Membership shall be denied if these criteria are not met.

e. A Voting Member has accepted the right, privilege, and responsibility to vote in Parish Assemblies. A Voting Member may be considered for election to office in appropriate Parish bodies. A Voting Member is eligible for election as a delegate to the Diocesan Assembly and the All-American Council.

### ***Section 6: Financial Obligation***

Each year, the Parish shall remit to the Diocesan Treasurer its minimum financial support to the Diocese and through it to The Orthodox Church in America as determined by the All-American Council and in conformity with local civil law.

### ***Section 7: The Parish Assembly***

a. The Parish Assembly, sometimes known as the Parish Meeting, meets annually to consider matters pertaining to the life of the Parish and to conduct necessary elections relating to the Parish as a whole. The Parish Assembly is comprised of the Voting Members of

the Parish, and such additional persons as shall be provided for by Diocesan and Parish Bylaws, established procedures and norms, normally meeting under the presidency of the Parish Priest, or the Diocesan Bishop or the Bishop's delegate. The Parish Priest together with the Parish Council may invite additional persons with or without the right to speak but without the right to vote.

b. The Parish Priest together with the Parish Council, or the Diocesan Bishop, may call a special Parish Assembly to consider matters of specific concern.

c. Procedures for the call, conduct, and recording of the annual and any special Parish Assemblies shall be provided by the Diocesan and Parish Bylaws.

d. The following matters are within the competence of the Parish Assembly. The Parish Assembly shall:

- i. Hear and approve annual or special reports by committees and Parish organizations;
- ii. Consider and decide on matters concerning the purchase, improvement, or sale of real property; investment of Parish funds (other than in savings accounts); and the transfer of any interest in or change of ownership and the incurring of indebtedness or otherwise encumbering Parish funds or property, subject to the approval of the Diocesan Authority;
- iii. Approve the annual operating budget submitted by the Parish Council;
- iv. Provide for the adoption and amendment of Parish Bylaws, if this is not otherwise provided for; and
- v. Elect members of the Parish Council, the auditing committee, and the lay delegates to the Diocesan Assembly and to the All-American Council, if the latter is to meet during that current year.

e. In case the Parish Priest disagrees with one or more decisions of the Parish Assembly, his reasoned opinion shall be recorded in the minutes and the matter submitted to the Bishop. So also, if an officer of the Parish Council disagrees with one or more decisions of the Parish Assembly, his or her motivated opinion shall be recorded in the minutes and the matter submitted to the Bishop. The manner in which further dissent is recorded and possibly transmitted to the Bishop shall be dealt with by Diocesan and Parish Bylaws and established procedures and norms.

f. No Parish Assembly, either annual or special, shall take any action which is contrary to or not in accord with the Statute. Should there be any such conflict, the Statute shall

prevail. Should there be a question whether an action of a Parish Assembly is valid or lawful under the Statute, the issue shall be submitted to the Diocesan Authority for determination.

### ***Section 8: The Parish Council***

a. The Parish Council is the executive body that assists the Parish Priest in administration of the Parish and normally meets under his presidency. The Parish Council is comprised of the Parish Priest, ex officio, and members elected by the Parish Assembly and any ex officio and appointed members as may be provided for by Diocesan or Parish Bylaws. The Parish Council seeks to foster the spiritual and material welfare of the Parish.

b. The number of members of the Parish Council and their terms of office shall be determined by Diocesan and Parish Bylaws. The mode of election, terms of office, titles, and duties of Parish Council officers shall also be determined by Diocesan and Parish Bylaws. All members of the Parish Council shall be installed by the Parish Priest according to Diocesan procedures and norms.

c. Periodicity of meetings and procedures for the normal conduct of business for the regular and special Parish Council meetings shall be provided by the Diocesan and Parish Bylaws.

d. The following matters are within the competence of the Parish Council. The Parish Council shall:

- i. Exercise fiduciary responsibility for the Parish;
- ii. Implement within its competence the decisions of the Parish Assembly, the Diocesan Authority, and the All-American Council;
- iii. Formulate, implement, and direct stewardship programs;
- iv. Oversee implementation of the budget adopted by the Parish Assembly;
- v. Authorize any fundraising activity within the Parish;
- vi. Manage, inventory, and maintain Parish properties, both real and personal;
- vii. Regulate use of Parish facilities;
- viii. Maintain and verify the official roster of the Parish's general and voting membership;
- ix. Oversee and regularly receive reports from Parish ministries and organizations;
- x. Prepare reports on aspects of Parish life within its competence for the annual Parish Assembly;

- xi. Propose an annual budget for consideration at the annual Parish Assembly; and
- xii. Set a date and propose an agenda for Parish Assemblies.

e. No regular or special meeting of the Parish Council shall be held without the knowledge and blessing of the Parish Priest. If the Parish Priest is unable to preside over a meeting of the Parish Council, the senior elected officer of the Parish Council shall preside with the blessing of the Parish Priest or the Bishop. In case the office of Parish Priest is vacant, until the appointment of the new Parish Priest, the senior elected officer of the Parish Council shall preside, unless the Bishop or his delegate is present.

f. The official minutes of all meetings of the Parish Council shall, in accordance with Diocesan or Parish Bylaws, be approved, signed, properly maintained, and made available as appropriate.

g. In case the Parish Priest disagrees with one or more decisions of the Parish Council, his reasoned opinion shall be recorded in the minutes and the matter referred to the Diocesan Authority.

### ***Section 9: Parish Property***

a. The Parish corporation holds legal title to all Parish property, assets, and funds. In administering them, the Parishioners and the officers elected by them must always remember the religious nature, purposes, and goal of the Parish and act as trustees of such property dedicated to the service of God and the use of the Church.

b. All Parish property, assets and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of The Orthodox Church in America of which it is a part. This provision shall not limit the authority of the Parish or Parish corporation in its administration of such property, assets, and funds in accord with the faith, governance, and discipline of The Orthodox Church in America.

c. In the event the Diocese shall be dissolved or attempt to disaffiliate from The Orthodox Church in America in a disorderly manner, all Parish property, assets and funds of such Diocese are and shall remain subject to the use, purpose, and benefit of The Orthodox Church in America.

d. If the Parish is canonically suppressed or otherwise ceases to exist, its real and personal property shall be disposed of in accord with Section 9, b, above. In all cases, the sacred and untouchable items, viz. the Holy Antimension, the Tabernacle, and the Sacred Vessels, as well as all Parish records, shall be surrendered to the Diocesan Bishop or his designee.

## ARTICLE XIII – MONASTICISM

### *Section 1: Definition*

a. A monastery is a local Orthodox Eucharistic community of men or women who have willingly chosen to live the monastic life and which functions under the immediate canonical supervision and pastoral care of the Bishop, who is the canonical and spiritual leader of the monastery. For purpose of the Statute, unless otherwise specified, the term monastery refers to and includes monasteries, monastic communities, sketes, metochia, and cells.

i. The Metropolitan shall be the canonical and spiritual leader of all stavropegial monasteries.

ii. The Diocesan Bishop shall be the canonical and spiritual leader of all Diocesan monasteries within his Diocese.

b. The organization of monastic life and the administration of the monasteries are subject to the Sacred Canons, the Statute, regulations for monasteries and monasticism as developed by the Holy Synod, the statute or Bylaws of a Diocese, where applicable, and the monastery's own statutes or Bylaws approved by the Bishop, in consultation with the Holy Synod. The Orthodox Church in general and The Orthodox Church in America in particular are hierarchical in structure.

### *Section 2: Monastery Leadership*

a. The Bishop supervises all the monasteries under his canonical supervision. In all matters related to the administration of monasteries, he seeks only the welfare of the monasteries. He appoints or confirms monastery superiors, maintaining a relationship with them that is at once hierarchical and conciliar, marked by obedience and collaboration. He ordains and appoints monastic clergy at his discretion. He has the obligation and right of visitation to the monastery and receives from it and approves annual reports on the life of the monastery. In cases of conflict or disorder within the monastery, he takes all necessary measures to resolve them consistent with the Sacred Canons and the Statute.

b. By virtue of the authority delegated at his or her appointment or confirmation by the Bishop, the superior of the monastery is responsible for all administrative and spiritual matters of the monastery, being assisted by monastic councils and assemblies as provided for in monastic regulations and statutes or Bylaws.

### ***Section 3: Establishment of a Monastery***

Establishment, suppression, or other significant alterations in the status or operation of a monastery shall be initiated by, and require the approval of, the Bishop who is the canonical and spiritual leader of the monastery. The Bishop shall, in taking such action, give careful and thorough assessment of the reasons, material base, necessary monastic personnel, and local missionary conditions which bear on his decision. He shall consult in such matters with the Holy Synod, and the appropriate Council (the Diocesan Council in the case of a monastery whose canonical and spiritual leader is the Diocesan Bishop and the Metropolitan Council in the case of a monastery whose canonical and spiritual leader is the Metropolitan) with respect to any matters within the competence of that Council.

### ***Section 4: Monastic Property***

a. The monastery corporation holds title to all its own monastery property, assets, and funds, whether of a legal or equitable character. In administering them, the monastery leadership must always remember the religious nature, purposes, and goal of the monastery and act as trustees of such property dedicated to the service of God and the use of the Church.

b. All monastic property, assets and funds, whether of a legal or an equitable character, are and shall be owned and held by the monastery in trust for the use, purpose, and benefit of the Diocese of The Orthodox Church in America of which it is a part and in trust for the use, purpose, and benefit of The Orthodox Church in America.

c. In the event that a Diocese of The Orthodox Church in America shall be dissolved or attempt to disaffiliate from The Orthodox Church in America in a disorderly manner, all monastery property, assets and funds of such Diocese, whether of a legal or an equitable character, are and shall remain subject to the use, purpose, and benefit of The Orthodox Church in America.

d. If a monastery of which the Diocesan Bishop is the canonical and spiritual leader is canonically suppressed or otherwise ceases to exist, its real and personal property, whether of a legal or an equitable character, shall be disposed of in accordance with the directives of the Diocesan Bishop. The Diocesan Bishop shall consult with the Holy Synod in the formulation of his directives in this regard and he shall moreover consult with his Diocesan Council with regard to any matters within its competence which may be implicated in or by his directives.

e. If a monastery of which the Metropolitan is the canonical and spiritual leader is canonically suppressed or otherwise ceases to exist, its real and personal property, whether of a legal or an equitable character, shall be disposed of in accordance with the directives of the Metropolitan. The Metropolitan shall consult with the Holy Synod in the formulation of his

directives in this regard and moreover he shall consult with the Metropolitan Council with regard to any matters within its competence which may be implicated in or by his directives.

f. In all monastic establishments of The Orthodox Church of America, the founders, donors and benefactors of any monastic establishment shall have no right or privilege, whether legal or equitable, of ownership, use, or interference in their management, their administration, or their spiritual life. Moreover, none of those who have made donations or contributed financially or materially toward the construction, alteration, expansion or maintenance of any monastic establishment shall have any right, whether in law or in equity, to the return of any donated property, whether real or personal, or its monetary equivalent.

## **ARTICLE XIV – STAVROPEGIAL INSTITUTIONS**

### ***Section 1: Definition***

The term stavropegial refers to certain monasteries, theological schools, institutes, chapels and organizations that are under the immediate canonical supervision and pastoral care of the Metropolitan in his capacity as Primate of the Church, inasmuch as the purpose, mission and activities of these institutions typically extend beyond the limits of a single Diocese to the entire Church.

The purpose, mission and activities of a Stavropegial Institution, including any auxiliary or affiliated operations, shall be consonant with the teachings, canonical tradition and moral principles of the Orthodox Church.

### ***Section 2: Regulation***

Establishment, suppression, or significant change in purpose of a Stavropegial Institution requires approval by the Holy Synod, acting at the request of the Metropolitan, after consultation with the Metropolitan Council concerning any matters within its competence. Stavropegial Institutions are regulated by the Statute, by such regulations as may be established by the Holy Synod, and by their own charters and governing documents. Every Stavropegial Institution shall incorporate as a religious, non-profit corporation in accordance with applicable civil law, and shall submit copies of the relevant documentation to the Metropolitan, who deposits them in the Church archives and fully and accurately reports on the matter to the Holy Synod and the Metropolitan Council.

### ***Section 3: Accountability***

Every Stavropegial Institution shall submit an annual written report to the Metropolitan, and through him to the Holy Synod and the Metropolitan Council, concerning institutional life and activities.

Every Stavropegial Institution shall submit on an annual basis audited financial accounts, including those of any auxiliary and affiliated operations, for review by the Church's Auditing Committee.

## **ARTICLE XV – ECCLESIASTICAL COURTS**

### ***Section 1: The Right to Canonical Process***

Every member of the Church, whether cleric, monastic, or lay, is entitled to canonical process in the Courts of the Church and can defend and vindicate their legitimate rights in the competent ecclesiastical forum according to the norm of law.

### ***Section 2: Standards, Norms and Procedures***

The Holy Synod, as the highest canonical authority within the Church, shall establish standards, norms, and procedures to be observed in all matters involving cases presented before the Courts of the Church at all levels.

The standards, norms, and procedures established by the Holy Synod and observed in the Courts of the Church shall be those set forth in the Sacred Canons and traditions of the Holy Orthodox Church and shall include, but not be limited to:

- a. The determination by the Court of the accuser's good and irreproachable character and lack of motivations stemming from personal advantage or personal animosity;
- b. The right of the accused that accusations against the accused be in a writing addressed to the Diocesan Bishop of the accused;
- c. The right of the accused to a written summons to the relevant Church Court setting forth the name of the accuser and the nature of the accusation;
- d. The right of the accused to the advice and assistance of any third-party in connection with all procedures of the Church Court;
- e. The right of the accused to a reasonable time for the preparation of a defense before any hearing in a Church Court;

- f. The right of the accused to be present at and participate in the proceeding of the Church Court except in extraordinary and unusual circumstances; and
- g. The right of the accused to present a defense to any accusation, including the presentation of documents on behalf of the accused, the hearing of witnesses designated by the accused, and the presentation of the testimony of experts acceptable to the Court.

In all instances, the accused shall have the right to testify on his or her own behalf.

The standards, norms, and procedures approved and promulgated by the Holy Synod shall remain in effect until they are amended or abrogated by the approval and promulgation of subsequent texts by the Holy Synod.

### ***Section 3: The Diocesan Court***

The Diocesan Court shall be established by the Diocesan Bishop and shall be the Court of first instance in all matters concerning clergy and laity of the Diocese or otherwise under the authority of the Diocesan Bishop.

### ***Section 4: Competence of the Diocesan Court***

The Diocesan Court shall be competent to adjudicate cases involving allegations of unorthodox belief or teaching, breaches of canonical or moral discipline, issues relating to marriage, disputes between individuals, administration of Parish and other Diocesan institutions, and other matters involving good Church order.

### ***Section 5: The Stavropegial Court***

The Stavropegial Court shall be established by the Metropolitan and shall be the Court of first instance in all matters within its competence concerning the clergy and laity canonically assigned or attached to, or who freely associate themselves with, Stavropegial Institutions.

### ***Section 6: Competence of the Stavropegial Court***

The Stavropegial Court shall be competent to adjudicate cases involving allegations of unorthodox belief or teaching, breaches of canonical or moral discipline, issues relating to marriage, disputes between individuals, administration of Stavropegial Institutions, and other matters involving good Church order.

### ***Section 7: The Synodal Court***

The Synodal Court, comprised of the members of the Holy Synod and presided over by the Metropolitan, shall be convened at regular sessions of the Holy Synod and at other times, as

necessary, to address judicial matters that are within its competence. If judgment requires the augmentation of the number of bishops, Diocesan Bishops from other Orthodox Churches shall be invited to participate.

***Section 8: Competence of the Synodal Court***

The Holy Synod shall act as the Court of first instance in all matters involving a bishop and as the regular Court of final instance in all matters involving a bishop, a member of the clergy, or a member of the laity. The Synodal Court shall never act as Court of first instance in cases within the competence of Diocesan or Stavropegial Courts. The judgments of the Holy Synod are not subject to appeal, except those cases which involve the deposition of a bishop or those cases which the Sacred Canons reserve to the judgment of the worldwide communion of Orthodox Churches.

***Section 9: Standing Committee for Canonical Procedure***

The Holy Synod may in its discretion establish a Standing Committee for Canonical Procedure to which it may appoint experts in canon law, civil law, and other relevant disciplines in order to provide assistance and advice to Ecclesiastical Courts, including Diocesan, Stavropegial, and Synodal Courts. Any Standing Committee for Canonical Procedure may be charged by the Holy Synod to recommend to it for its approval and adoption of general rules for canonical procedure for use and application in all or several Courts of the Church. The Holy Synod may also charge any Standing Committee for Canonical Procedure to recommend to it for its approval and adoption special rules of canonical procedure as may be warranted by particular circumstances, provided however that no such special rules may be promulgated for use in application in any specific, individual case then pending.

**ARTICLE XVI – NATIONAL GROUPS**

When the good of the Church requires that particular national groups receive an assurance of identity, the Holy Synod may establish Dioceses and/or deaneries and set standards for their participation in the life of The Orthodox Church in America by mutual agreement with the group and until such time as the Diocesan structure of the Church can be organized on an exclusively territorial basis. If a given group is organized as a Diocese, the bishop of this Diocese is a member of the Holy Synod and receives an episcopal title defined territorially. The Statute shall constitute the fundamental law for the existence of all such groups within The Orthodox Church in America.

## **ARTICLE XVII - AMENDMENTS**

### ***Section 1***

The Statute may be amended by a regular All-American Council or an extraordinary All-American Council called for that purpose. An amendment can be proposed by the Holy Synod, the Metropolitan Council, Diocesan Assemblies, Diocesan Councils, Deaneries, Parish Assemblies, Parish Councils, Monasteries, and Seminaries.

### ***Section 2***

A proposed amendment must be submitted to the Commission on Canons and Statute at least ninety (90) days prior to the date set for the convening of an All-American Council. The Commission on Canons and Statute shall consider proposed amendments and may either approve, consolidate, or return proposed amendments.

### ***Section 3***

Final drafts of proposed amendments, together with recommendations of the Commission on Canons and Statute, shall be disseminated at least sixty (60) days prior to the date set for the convening of the All-American Council.

### ***Section 4***

An amendment of the Statute requires a two-thirds majority of the delegates of an All-American Council present and voting.

### ***Section 5***

Upon adoption, amendments take effect immediately upon final adjournment of the All-American Council unless otherwise indicated in the amendment itself.

## **ARTICLE XVIII – EFFECTIVE DATE**

The Statute shall become effective on November 1, 2015. Upon its effective date, the Statute replaces and supplants all previous versions, which shall then stand repealed.

Dioceses, Parishes, monasteries, institutions, offices, and organizations of the Church shall review their governing documents and administrative practices and conform them to the Statute by December 31, 2017.

Should a conflict arise following the effective date, November 1, 2015, between or among presently governing documents and the Statute, the Statute shall govern.

GLORY TO GOD FOR ALL THINGS!