

# **The Statute of the Orthodox Church in America**

2011 Edition

*Revised*

The Chancery

Syosset, New York

# THE STATUTE OF THE ORTHODOX CHURCH IN AMERICA

## **PREAMBLE**

In the Name of the Father and of the Son and of the Holy Spirit. Amen.

The *Orthodox Church in America* was originally founded as a mission and later became a diocese in the Orthodox Church of Russia, uniting in its fold Orthodox Christians of various national backgrounds and traditions. It subsequently developed into a self-governing Metropolitanate, the Russian Orthodox Greek Catholic Church of America. Confirmation as an Autocephalous Church was accomplished by the action of the Patriarch and Holy Synod of Russia on April 10, 1970. The *Orthodox Church in America* was proclaimed an Autocephalous Church on October 20, 1970, at the sessions of the All-American Council held at St Tikhon's Monastery in South Canaan, Pennsylvania.

## **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 the Commonwealth of Canada. Its doctrine, discipline, and worship are those of the One, Holy, Catholic, and Apostolic Church as taught by the Holy Scriptures, Holy Tradition, the Ecumenical and Provincial Councils, and the Holy Fathers. The Orthodox Church in America is referred to in this Statute as “the Church.”

## Article II

### The Holy Synod

#### **Section 1** *Definition and Authority*

The Holy Synod is the supreme canonical authority in the Church.

#### **Section 2** *Membership*

The Holy Synod includes, as voting members, all the diocesan bishops of the Church. The Metropolitan is ex officio Chairman of the Synod. In case of his absence, a Chairman shall be elected by the diocesan bishops present.

#### **Section 3** *Regular Sessions*

The Holy Synod shall meet twice annually, in the autumn and in the spring.

#### **Section 4** *Special Sessions*

Special sessions may be called by the Metropolitan on his own initiative, or at the request of at least three diocesan bishops.

#### **Section 5** *Quorum*

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

#### **Section 6** *Permanent Lesser Synod*

A Permanent Lesser Synod of at least three diocesan bishops, presided over by the Metropolitan, may receive from the Holy Synod a delegation of power to make necessary and provisional decisions on all matters, except those covered by points a,b,c,d,e,f,i,j,k, and I of Section 7. (Cf. Art. V, Sec. 1.)

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

The following matters are 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 election and consecration of bishops as provided by Article VI;
- c. The establishment of new dioceses, the definition of diocesan boundaries, and the acceptance of dioceses into the jurisdiction of the Orthodox Church in America;
- d. Transfer of bishops and their retirement in accordance with Article VI, Section 7;
- e. The acceptance of bishops from other jurisdictions;
- f. Bishops' leaves of absence;
- g. Bestowing honors upon bishops;
- h. Examination of annual reports by the Metropolitan and the bishops on the fulfillment of their pastoral duties;
- i. Solution of problems arising in the administration of individual dioceses and requiring the judgment of the entire episcopate;
- j. Determination in all complaints involving bishops;
- k. Acting as Supreme Church Court of Appeals for all matters involving bishops, clergy, and laity in accordance with Article XI, Section 6;
- l. Establishment of general policies in relation to other Orthodox Churches and non-Orthodox religious bodies;
- m. Appointment, upon recommendation by the Metropolitan Council, of the Chancellor, Secretary, Treasurer, and other officials whose competence or service extend beyond the boundaries of a single diocese;

- n.** Pastoral supervision over all Church organizations whose activity extends beyond the boundaries of a single diocese;
- o.** Appointment of committees on matters belonging to the competence of the Holy Synod;
- p.** General supervision over Armed Forces Chaplaincies, with the Metropolitan being particularly and immediately responsible in this field;
- q.** Decisions in cases involving non-Orthodox clergymen applying for admission into the Orthodox Church;
- r.** Supervision over theological schools;
- s.** Establishment of standards required for ordination;
- t.** Overseeing the missionary, educational, and social programs of the Church;
- u.** Supervision of ecclesiastical arts: architecture, iconography, choral music, and other applied arts.

## **Article III**

### **The All-American Council**

#### **Section 1 Authority**

The highest legislative and administrative authority within the Church is the All-American Council. (Cf. Article III, Section 12)

#### **Section 2 Composition**

- a. The Metropolitan and all bishops of the Church;
- b. The priests of each parish and an equal number of lay delegates;
- c. Priests not having parishes if accredited by the Metropolitan Council;
- d. One lay delegate from each parish not having a priest;
- e. The members and the alternate members of the Metropolitan Council, and the members of the Auditing Committee of the Church;
- f. Two delegates from each theological seminary;
- g. Members of the Pre-Conciliar Commission;
- h. One representative of each Church organization officially accredited by the Holy Synod;
- i. Additional persons may be invited by the Pre-Conciliar Commission with the approval of the Metropolitan to attend one or more sessions of the All-American Council, without the right to vote. Members of preparatory committees may be invited to attend and participate in the discussions of the subject upon which their committees report to the All-American Council;
- j. All lay members of the All-American Council shall have the same qualifications for membership as the parish delegates (Cf. Article III, Section 6).

#### **Section 3 Periodicity**

The All-American Council shall be convened periodically at intervals of three years. Each All-American Council shall decide the time and place of the next regular or extraordinary session. The time and place of the meeting may, for urgent reasons, be changed by action of the Metropolitan Council with the approval of the Holy Synod.

#### **Section 4 Requirements for Representation at the All-American Council**

Every parish which has remitted all established assessments determined by previous All-American Councils for the support of the Church is entitled to elect delegates. The assessment must be paid in full by July 1st of the year in which an All-American Council occurs in order to have lay representation.

#### **Section 5 The Pre-Conciliar Commission**

At least one year prior to the next All-American Council, upon nomination by the Metropolitan Council, the Holy Synod shall appoint a Pre-Conciliar Commission which shall be entrusted with the following responsibilities:

- a. To publish and distribute the agenda, notices, and arrangements for the All-American Council at least 60 days prior to the established date;
- b. To publish and distribute the proper credentials and certification forms at least 30 days prior to the All-American Council;
- c. To collect and certify the credentials of all delegates; To fix and collect the registration fees from each parish;
- d. To prepare the agenda and submit it to the Holy Synod and Metropolitan Council for approval (the agenda may be changed by vote at the All-American Council);
- e. To ascertain that all reports to the All-American Council be in written form and that they be distributed to every delegate at least 30 days prior to the established date.
- f. The Pre-Conciliar Commission shall establish those committees which may be necessary for the proper operation of the Council, such as a local functioning committee, a

resolutions committee, credentials committee, translations committee, etc.

**Section 6** *Election, Qualification, and Accreditation of Lay Delegates*

The lay delegates and alternates to the All-American Council must meet the following requirements to, be validly elected, qualified, and accredited:

- a. Be elected by a parish meeting;
- b. Be a voting member of the parish in good standing (Cf. Article X, Section 5), at least eighteen years of age, having received the Sacraments of Confession and Communion at least annually for the past three years at his home parish. (Like holders of all offices in the Church, he may not be a person under ecclesiastical interdict, who is in violation of moral standards, who is married outside the Church, who is a member of anti-Church and/ or secret societies.)
- c. The lay delegate or delegates will personally receive from their parish a uniform document supplied by the Central Church Administration. The parish rector shall forward to the Pre-Conciliar Commission the name and the address of the elected lay delegate or delegates and alternates two months prior to the All-American Council. The document of accreditation must be signed by the parish rector, or Dean in case of a vacancy in the parish, and the parish secretary, and sealed with the parish seal. In case of a vacant parish, the parish is entitled to one lay delegate. The delegates from a theological seminary, if laymen, shall be accredited by a similar letter to the Pre-Conciliar Commission by the dean of the theological seminary, immediately after their appointment.

**Section 7** *Language*

The official language of the All-American Council shall be English.

**Section 8** *Presiding Officers*

- a. The presiding officer of the All-American Council shall be the Metropolitan or, in the case of his absence or vacancy in office, a bishop appointed by the Holy Synod;
- b. Two vice-chairmen, one from the clergy and one from the laity, shall be elected by the All-American Council.

**Section 9** *Secretariat*

The Council shall elect a secretariat sufficient for its needs and which will perform its task under a chairman, also elected by the Council.

**Section 10** *Minutes*

The minutes of the Council shall be prepared by the secretariat, signed by the chairman, and submitted to the presiding officer. This should be done within 24 hours after the completion of the particular session. Any disagreements or disputes shall be submitted to the next session of the Council. If the Council has adjourned, the disagreement shall be referred to the newly-elected Metropolitan Council, which meets the following day. Within a period of not more than 60 days after the final adjournment of the Council, the official text of the minutes shall be mailed to each delegate.

**Section 11** *Services*

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

**Section 12** *Approval by the Hierarchy*

All resolutions adopted by the Council shall be examined by the bishops at the end of each session (morning, afternoon, or evening). No resolutions shall be valid unless approved by a vote of at least a majority of the bishops attending the Council. The approval of any particular resolution by the bishops shall be evidenced by a vote of the Holy Synod, reported to the presiding officer of the Council and transmitted to the Council at the beginning of the session

that immediately follows.

At the final session of the Council, a recess shall be taken for an appropriate period prior to the final adjournment in order that the bishops have an opportunity to act on the resolutions adopted at that session.

In case of a tie in the vote of the Holy Synod, the Metropolitan or other presiding bishop shall cast an additional vote in order to break the tie.

In case the Holy Synod shall disapprove any resolution adopted by the Council, it shall submit to the Council the reasons for such disapproval.

**Section 13** *Quorum*

At least a majority of the council members who have been accredited and are present at a given session shall constitute a quorum at any session.

**Section 14** *Voting*

A majority vote shall determine the decisions of the All-American Council. The Pre-Conciliar Commission, or the Council itself, may determine that voting in certain matters shall be by secret ballot.

**Section 15** *Auditing Committee*

An auditing committee consisting of three members shall be nominated and appointed by the Metropolitan Council at its first meeting following the election of Metropolitan Council members at the All-American Council. The term of service shall be from appointment to the end of the next All-American Council. Its duties shall be to audit all accounts of The Orthodox Church in America on a semiannual basis and review the audited accounts of all stavropegial institutions on an annual basis and to report same to the Metropolitan Council. The Chairman of the auditing committee shall attend sessions of the Metropolitan Council only to make the committee's reports. All auditors shall have relevant professional experience. An auditor shall succeed himself for only one additional term, and may only be removed for cause by a two thirds vote of the Metropolitan Council. Vacancies in the auditing committee are filled by the Metropolitan Council.



## Article IV

### The Metropolitan

#### Section 1 *The Metropolitan*

Among the bishops of the Church, the Metropolitan enjoys primacy, being the first among equals. He is the Primate of the Orthodox Church in America, and is the diocesan bishop of one of the dioceses of the Church and bears the title, "Metropolitan of All-America and Canada." He supervises the internal and external welfare of the Church and represents it in its relations with other Orthodox Churches, religious organizations, and secular authorities. The Metropolitan's name is mentioned during liturgical services by the other bishops of the Church. The Metropolitan mentions the names of the other heads of autocephalous Orthodox Churches.

#### Section 2 *Duties*

The Metropolitan:

- a. Consecrates and distributes the Holy Chrism;
- b. Provides the diocesan bishops with the Holy Relics necessary for the consecration of Church altars and Holy Antimensia;
- c. Convenes the All-American Council, presides over it, and promulgates its decisions;
- d. Convenes and presides over the meetings of the Holy Synod and of the Metropolitan Council;
- e. Issues pastoral letters addressed to the bishops, clergy, and laity of the Church;
- f. Reports to the Council concerning the life of the Church;
- g. Initiates action to fill vacancies in the office of diocesan bishop;
- h. Gives advice to his brother bishops, and in cases of necessity, submits their cases to the Holy Synod;
- i. Has the right of pastoral initiative and guidance, and when necessary the right of pastoral intervention, in all matters concerning the life of the Church within the framework of the holy canons;
- j. Receives petitions for admission of clergy from other Orthodox Churches.

#### Section 3 *Vacancy in Office*

The office of Metropolitan shall be declared vacant by a vote of the Holy Synod in the event of death, voluntary retirement, medically certified incapacity, or deposition by due canonical process.

#### Section 4 *Election*

When a vacancy has occurred in the office of Metropolitan, the bishop senior by rank and date of consecration shall convene the Holy Synod. After the formal vote declaring the vacancy, the Holy Synod will proceed with the election of a locum tenens. Within a period not exceeding three months (unless some unavoidable necessity forces a prolongment of this period), the locum tenens will convene an All-American Council at which a successor shall be elected.

If not already a bishop, a candidate for the office of Metropolitan must fulfill the canonical, moral, and educational requirements stated in Article VI, Section 9.

The election shall take place according to the following order:

- a. The Council nominates candidates by secret ballot without previous discussion of names. A blank paper ballot shall be distributed to each member of the Council before the vote.
- b. On the first vote, one single name may be written on each ballot. If the name of a candidate is written on a number of ballots equal to at least two-thirds of the total number of members in attendance at the Council, his name shall be submitted to the Holy Synod for approval by majority vote; in case of rejection, the Holy Synod shall formally state

the reasons which motivated the rejection.

- c.** If no candidate receives a number of ballots equal to at least two-thirds of the total membership in attendance, or if the person receiving that number of ballots fails to receive the approval of the Holy Synod, a second vote shall be taken.
- d.** In 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 candidates who receive the highest number of ballots on the second vote shall be submitted to the Holy Synod for their choice by majority vote.
- e.** Upon his election, and before the dismissal of the All-American Council, the new Metropolitan will be enthroned according to the established ritual.

## Article V

### The Metropolitan Council

#### **Section 1** *Organization*

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 continuing its work between sessions. It shall consist of the Metropolitan as Chairman, the Chancellor, the Secretary, the Treasurer, two representatives from each diocese, one priest and one layman, to be elected by the Diocesan Assemblies; three priests and three laymen elected by the All-American Council. Vacancies occurring among diocesan representatives are filled by the respective dioceses. Two alternates are to be elected by the All-American Council, one priest and one layman, to fill vacancies occurring among members elected by the All-American Council.

Membership on the Metropolitan Council by election at All-American Councils shall be as follows: Two clergymen and two laymen shall be elected by the Fourth All-American Council for terms of six years and three years. The clergyman and layman receiving the highest number of votes will be elected for six years and those receiving the second highest votes will be elected for three years. At each succeeding All-American Council one clergy and one lay member will be elected for a six-year term. Members will be eligible for re-election after three years of non-membership on the Council. At each All-American Council one clergyman and one layman will be elected as alternates for a term of three years.

The Diocesan clergy and lay representatives will be elected for three years. Each may be re-elected for a second term and become eligible again after a three-year rest. It is recommended that the Diocese elect the clergy and lay representatives on alternate years to avoid replacement of both at the same time.

The Metropolitan Council may, between meetings, delegate a committee consisting of the Chancellor, Secretary, Treasurer and two other members to meet in conjunction with the Lesser Synod of Bishops upon their invitation, to discuss normal church administrative procedures. This committee shall report back to the Metropolitan Council concerning all actions and decisions.

#### **Section 2** *Quorum and Voting*

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

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

The Metropolitan Council shall meet at least twice a year.

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

The Metropolitan Council:

- a. Implements the decisions of the All-American Council and of the Holy Synod in the areas of its competence;
- b. Assists the Metropolitan and the Holy Synod in implementing decisions within the areas of its competence;
- c. Establishes the budget for the operations of the Church and examines all financial reports of the Church;
- d. Supervises the collection of the assessments and fees established by the All-American Council and determines the allocation of such funds;

- e.** Organizes plans for obtaining voluntary contributions for the satisfaction of the needs of the Church;
- f.** Provides for the maintenance of the central administrative bodies of the Church and for the allocation of the general Church funds;
- g.** Decides on the purchase, sale, or mortgaging of property of the Church, except in cases covered in Article X, Section 8;
- h.** Maintains an inventory of all properties of the Church;
- i.** Provides for the establishment and maintenance of institutions of charity and education, as well as for publications for the propagation of the Orthodox Faith;
- j.** Determines the forms and books necessary for the keeping of records and statistical data by the dioceses, requiring all statistics necessary for reports;
- k.** Appoints officers and committees on matters within its competence;
- l.** Initiates, prosecutes, and defends all legal matters affecting the interest of the Church;
- m.** May receive reports from any department in areas within the competence of the Metropolitan Council.

## **Article VI**

### **The Diocese**

#### **Section 1** *The Diocese*

The Diocese is the basic church body which comprises all the parishes of a determined geographical area. It is governed by the Diocesan Bishop with the assistance of a Diocesan Assembly and a Diocesan Council.

#### **Section 2** *Boundaries*

- a. The geographical boundaries of the diocese shall be determined by the Holy Synod of Bishops;
- b. The diocese may be divided geographically into deaneries, each headed by a dean elected according to the provisions of Article IX, Section 4.

#### **Section 3** *Establishment of Dioceses*

Dioceses shall be established by the Holy Synod whenever the growth of the Church demands it or wherever the boundaries of the existing dioceses need to be modified.

#### **Section 4** *The Diocesan Bishop*

By virtue of his episcopal consecration and canonical appointment to his Diocese, the Diocesan Bishop possesses full hierarchical authority within his diocese. The Diocesan Bishop:

- a. Shall expound Orthodox Faith and morals and guide his flock in accordance with the teachings of the Church, and will issue pastoral letters to the clergy and laity;
- b. Has the right of initiative and authoritative guidance in all matters concerning the life of his diocese;
- c. Shall distribute the Holy Chrism consecrated by the Metropolitan, and the Holy Antimensia to all churches in his diocese;
- d. Shall ordain Orthodox seminary graduates to the Diaconate and Priesthood for his diocese. Candidates otherwise qualified must receive the approval of the Holy Synod; consideration ought to be given to the candidate's wishes as to time and place of ordination;
- e. Shall appoint and transfer parish priests and other parish clergy within the limits of his diocese;
- f. Shall exercise the right of pastoral action and discipline in reference to the diocesan clergy and laity in all cases not requiring the action of a Church Court;
- g. Shall make canonical visits to the parishes of his diocese;
- h. Shall erect parishes, missions, chapels in his diocese; Shall consecrate Antimensia and churches and erect permanent altars;
- i. Shall be a member of the Holy Synod of Bishops in accordance with the provisions of Article 11, Section 2;
- j. Shall convene and preside over the Diocesan Council and Diocesan Assembly;
- k. May appoint a diocesan chancellor and other diocesan officers from among the members of the Diocesan Council;
- l. Shall exercise the right of supervision over the monastic communities in his diocese and appoint their superiors;
- m. Shall approve the decisions of the Diocesan Assembly, Diocesan Council, deanery, and parish meetings; Shall have custody, in the name of the diocese, of the consecrated items;
- n. Shall reside within the limits of his diocese.

#### **Section 5** *Auxiliary Bishop*

If the good of the Church so require, auxiliary bishops may be appointed in order to assist diocesan bishops in the fulfillment of their functions. Candidates for the dignity of auxiliary bishop are nominated by the bishop of the diocese in which they are to serve, with the agreement

of the Diocesan Council, and are canonically elected by the Holy Synod.

**Section 6** *The Episcopal Benefice*

The Diocesan Bishop shall be entitled to adequate financial support from the diocese and an official residence and household.

**Section 7** *Vacancy in Office*

The office of Diocesan Bishop shall be declared vacant by the Holy Synod in the event of death, voluntary retirement, medically certified incapacity, transfer, or deposition by due canonical process.

**Section 8** *The Vacant See*

In the event of a vacancy in the office of diocesan bishop, a locum tenens, appointed by the Metropolitan, shall convoke and preside over the Diocesan Assembly whose sole purpose at this time shall be the election of a new diocesan bishop.

**Section 9** *Qualifications*

- a. The candidate for the office of diocesan bishop must satisfy all the requirements of the Holy Canons pertaining to this highest of all ecclesiastical offices. In addition, it is preferable that he have completed a course of study in a Graduate School of Orthodox Theology and that he be conversant in the English language.
- b. If he is not already a bishop, he can be nominated only from among the monastic or celibate clergy or laymen;
- c. If at the moment of his nomination he is a layman or a celibate or widowed priest, he shall pronounce at least the first monastic vows (rasophoria).
- d. Diocesan bishops of the Orthodox Church in America shall not be candidates for nomination by the Diocesan Assembly of another diocese.

**Section 10** *Election*

The election of the diocesan bishop shall proceed as follows:

- a. The Diocesan Assembly shall nominate a candidate and submit his name to the Holy Synod;
- b. If the Assembly fails to nominate a candidate acceptable to the Holy Synod, the Synod shall elect the bishop of the diocese;
- c. Upon the approval of a candidate by the Holy Synod, he shall be summoned to a session of the Holy Synod for the canonical election.

**Section 11** *Consecration and Installation*

- a. If the Bishop-Elect of the diocese is not yet in the episcopal rank, the date of his consecration shall be set within the period of the 30 days following the date of his acceptance by the Holy Synod;
- b. After the consecration, or if the Bishop-Elect is already in the episcopal rank, the date of installation shall be set within two weeks following the consecration or, in the latter case, the election to the Diocese;
- c. The installation of the newly-consecrated Bishop shall take place in the diocese and shall be officiated by the Metropolitan or by a senior Hierarch of the Holy Synod.

**Section 12** *Missions*

The diocesan bishop, by virtue of his episcopal office, is bound to propagate and expound Orthodox Faith and morals among all people within the diocesan boundaries. In order to accomplish this, he shall:

- a. Take measures to ensure that his clergy make an Orthodox witness in their communities;

- b.** Direct parish clergy to extend the limits of their pastoral activity in an approach to the unchurched;
- c.** Establish missions for the purpose of propagating the Orthodox Faith;
- d.** Take measures to provide the necessary funds for missionary activity within his diocese.

## Article VII

### The Diocesan Assembly

#### **Section 1** *Divine Liturgy*

The Diocesan Assembly shall be opened with the celebration of the Divine Liturgy and Prayer Service. The delegates are encouraged to receive the Holy Mysteries of the Church, manifesting their membership in the One Body of Christ and their commitment to live and act accordingly.

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

The Diocesan Assembly shall be composed of:

- a. The Diocesan Bishop;
- b. The senior priest of the Cathedral and the Abbots of monasteries;
- c. The priests and deacons of each parish, ex officio, and an equal number of lay delegates elected as provided for in Sections 6 and 7 of this Article;
- d. Priests not having parishes if accredited by the Diocesan Council;
- 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;
- g. Two delegates from each theological seminary in the diocese;
- h. Retired bishops and priests residing in the diocese with the right to attend and the right of consultative voice, but without the right to vote;
- i. Additional persons invited by the Diocesan Council with the approval of the Diocesan Bishop to attend the session or sessions of the Diocesan Assembly with or without the right to participate in the discussions but without the right to vote (members of the preparatory committees shall have the right to attend and participate in the discussions of the subject upon which their committees report to the Diocesan Assembly; appropriate credentials shall be issued to such persons by the Diocesan Council).

#### **Section 3** *Competence of the Diocesan Assembly*

The Diocesan Assembly:

- a. Elects the members of the Diocesan Council and elects the Auditing Committee of the Diocesan Council;
- b. Nominates candidates for Diocesan Bishop according to Article VI, Sections 9 and 10;
- c. Approves measures to strengthen the Orthodox Faith and piety, religious education, and charities of the Diocese;
- d. Discusses financial means to fulfill these aims and approves the budget and other related financial questions;
- e. Authorizes the Diocesan Council to acquire, encumber, or otherwise dispose of diocesan properties;
- f. Participates in the implementation of the All-American Council decisions on the diocesan and parochial levels.

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

The Diocesan Assembly shall be convened as determined by the Diocese. The place of the meeting is to be determined by the previous Diocesan Assembly. Extraordinary Diocesan Assemblies are convoked by the Diocesan Bishop or by decision of the Diocesan Council, or for the election of a diocesan bishop, by the locum tenens, as specified in Article VI, Sections 8 and 10.

#### **Section 5** *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 person or committee to make reports.



**Section 6** *Requirements for Representation at the Diocesan Assembly*

Every parish in the Diocese which has remitted all established assessments determined by previous All-American Councils for the support of the Church's central organization and all assessments determined by previous Diocesan Assemblies is entitled to elect lay delegates equal in number to the priests and deacons maintained by the parish. Parishes not having a priest are entitled to one lay delegate. The parish will cover the expenses connected with the participation of its priests and elected lay delegates in the Assembly.

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

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

- a. Be elected by a parish meeting or parish council;
- b. Be a voting member of the parish in good standing (Cf. Article X, Section 5), at least eighteen years of age, having received the Sacraments of Confession and Communion at least annually for the past three years at his home parish. (Like all holders of all offices in the Church, he may not be a person under ecclesiastical interdict, who is in violation of moral standards, who is married outside the Church, who is a member of anti-Church and! or secret societies.)
- c. The elected lay delegate or delegates will personally receive from their parish a uniform document supplied by the Diocesan Administration. The parish rector shall forward to the secretary of the Diocesan Council the name and address of the elected lay delegate or delegates two months prior to the date of the Diocesan Assembly. The document of accreditation must be signed by the parish rector, or dean in case of parish vacancy, and the parish secretary, and sealed with the parish seal. In case of a vacancy in the parish, it will be entitled to one lay delegate. The delegates from a theological seminary, if laymen, shall be accredited by a similar letter to the secretary of the Diocesan Council by the dean of the theological seminary immediately after their appointment.

**Section 8** *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 sent to all delegates at least three weeks prior to the date of the Assembly. The agenda may be changed by vote of the Diocesan Assembly.

**Section 9** *Presiding Officer*

The presiding officer of the Diocesan Assembly shall be the Diocesan Bishop, an Auxiliary Bishop; or a priest specifically appointed by him.

**Section 10** *Vice-Chairmen*

Two Vice-Chairmen, one from the clergy and one from the laity, shall be elected by the Diocesan Assembly and shall perform such functions as may be assigned to them, respectively, by the presiding officer.

**Section 11** *Secretariat*

The Diocesan Assembly shall elect as many secretaries as needed.

**Section 12** *Committee on Credentials*

A Committee on Credentials, appointed by the Diocesan Council with the approval of the Diocesan Bishop, shall pass on the qualifications of all members of the Diocesan Assembly and additional persons invited by the Diocesan Council.

**Section 13** *Committees*

The Diocesan Council shall establish those committees which may be necessary for the proper operation of the Assembly, such as local functioning committee, resolutions committee, credentials committee, translations committee, etc.

**Section 14** *Sessions*

The number of sessions shall be determined by the Diocesan Council with the approval of the Diocesan Bishop.

**Section 15** *Approval by the Diocesan Bishop*

No resolution of the Diocesan Assembly shall be valid unless it is approved by the Diocesan Bishop. Approval or disapproval is to be expressed before the closing of the Assembly.

**Section 16** *Minutes*

The minutes of the Assembly shall be prepared by the secretariat, signed by the Chairman, and submitted to the presiding officer for his written approval as to form and accuracy. Within a period of not more than 60 days after the final adjournment of the Assembly, the text of the minutes, approved by the presiding officer, shall be officially promulgated and mailed to each delegate.

**Section 17** *Quorum*

The quorum shall be constituted by a majority of accredited delegates.

**Section 18** *Voting*

The Diocesan Council, or the Assembly itself, may determine all voting procedures.

**Section 19** *Election of the Diocesan Bishop*

The candidates for the office of diocesan bishop shall be elected in the manner prescribed in Article VI, Section 10.

**Section 20** *Election of the Auditing Committee of the Diocesan Council*

The Auditing Committee of the Diocesan Council, consisting of three members, shall be elected by the Diocesan Assembly for three years. The duties of the Auditing Committee are defined in Article VIII, Section 7.

## **Article VIII**

### **The Diocesan Council**

#### **Section 1 *Composition***

The Diocesan Council is the permanent body of diocesan administration:

- a.** The composition of the Diocesan Council is determined by the Diocesan Assembly and shall include as ex officio members the two representatives, one priest, and one layman, elected by the Diocesan Assembly to the Metropolitan Council;
- b.** The Bishop, or in his absence, the Auxiliary Bishop or a priest appointed by the Bishop, shall be the chairman of the Diocesan Council;
- c.** The Council elects such officers as may be needed to carry on its functions.

#### **Section 2 *Periodicity***

- a.** The Diocesan Council convenes no less than twice annually;
- b.** Extraordinary sessions of the Diocesan Council are convened by decision of the Diocesan Bishop or at the request of at least one-half of the membership.

#### **Section 3 *Quorum and Voting***

- a.** Together with the Diocesan Bishop or other presiding officer, one-half of the members of the Diocesan Council shall constitute the quorum.
- b.** Majority vote shall determine the decisions of the Diocesan Council. In the event of a tie, the Diocesan Bishop or other presiding officer shall cast the deciding vote.

#### **Section 4 *Decisions***

All decisions of the Diocesan Council shall become effective upon approval by the Diocesan Bishop.

#### **Section 5 *Competence***

The Diocesan Council shall be competent:

- a.** To implement the decisions of the Diocesan Assembly;
- b.** To consider and act on matters affecting parishes and all diocesan institutions in accordance with the directives of the Diocesan Bishop and the decisions of the Diocesan Assembly;
- c.** To consider and act on other matters submitted by the Diocesan Bishop;
- d.** To attend to legal matters affecting only the interest of the diocese;
- e.** To forward diocesan legal matters to the Central Office of the Church Administration;
- f.** To examine the financial reports of the diocese;
- g.** To determine the allocations, when necessary, of general diocesan funds to parishes, monasteries, convents, missions, or other diocesan institutions;
- h.** To supervise the collection of assessments fixed by the Diocesan Assembly;
- i.** To render a final decision regarding the authenticity of the minutes of the Diocesan Assembly when a discrepancy arises;
- j.** To delineate the boundaries of parishes and deaneries;
- k.** To take the initiative in diocesan fund-raising projects;
- l.** To provide for the establishment and maintenance of institutions of charity and education within the diocese;
- m.** To provide for the maintenance of diocesan administrative bodies and the allocation of general diocesan funds;
- n.** To make preparations for the Diocesan Assembly.

#### **Section 6 *The Diocesan Chancery***

The Diocesan Chancery shall function in order to implement the decisions of the Diocesan Council under the management of the Diocesan Bishop. The Bishop may, if he desires, appoint a

Diocesan Chancellor to assist him.

**Section 7** *Auditing Committee*

The Auditing Committee shall audit semi-annually the accounts of the Treasurer or of the diocesan administration with respect to all diocesan funds of all Church-related institutions within the Diocese and report to the Diocesan Council. Members of the Auditing Committee attend sessions of the Diocesan Council only to make their reports. Vacancies in the Auditing Committee are filled by the Diocesan Bishop.

## **Article IX**

### **The Deanery**

#### **Article 1 *Deaneries***

Deaneries are specified districts within the boundaries of a diocese which are established by the Diocesan Council (Cf. Article VIII, Section 5), with the exception of the Dean of Orthodox Military Chaplains, who is appointed by, and directly responsible to, the Metropolitan (Cf. Article II, Section 7b).

#### **Article 2 *The District Dean***

The District Dean is the priest who is the head of a deanery. While subordinated to the Diocesan Bishop, he has the responsibility of leading the life of the deanery and is the first instance of appeal when disputes arise.

#### **Article 3 *Competence and Duties***

Subject to the instructions of the Diocesan Bishop, the District Dean has competence in:

- a. Directing the affairs of the deanery;
- b. Supervising the activities of the clergy of the deanery;
- c. Giving directives and explanations in matters of pastoral services, with the right to direct, counsel, and admonish, in a strictly private and circumspect manner, rectors and clergymen within his deanery when ever their personal conduct or manner of discharging duties indicates the need of such action;
- d. Receiving and investigating complaints against rectors or other clergymen, as well as protests against the decisions of the parish bodies, which complaints or protests he submits with his report to the Diocesan Bishop;
- e. Convoking deanery meetings;
- f. Filling temporary vacancies in parish clergy with the consent of the Diocesan Bishop;
- g. Receiving the minutes of parish meetings held within his deanery, with the right to make recommendations to the Diocesan Bishop;
- h. Taking part in parish meetings upon commission of the diocesan authority or the request of the rector or the parish council;
- i. Aiding and planning the organization of new parishes within his deanery;
- j. Acting on all other matters submitted to him by the Diocesan Bishop;
- k. Submitting the minutes of every meeting of the clergy of the deanery to the Diocesan Bishop;
- l. Submitting an annual report on the status of his deanery to the Diocesan Bishop and Diocesan Assembly, stating not only the achievements, but also instances of serious negligence;
- m. Negotiating with the parish and the assigned priest the salary and fringe benefits needed by the priest in agreement with the ability of the parish to meet these requests;
- n. The competence and duties of the Dean of Orthodox Military Chaplains will be the same as above insofar as this is applicable to the military structure.

#### **Article 4 *Election***

The District Dean is elected from among the rectors of the deanery and confirmed by the Diocesan Bishop for a term of three years.

## **Article X**

### **The Parish**

#### **Section 1 *The Parish***

The parish is a local community of the Church having at its head a duly appointed priest and consisting of Orthodox Christians who live in accordance with the teachings of the Orthodox Church, comply with the discipline and rules of the Church, and regularly support their parish. Being subordinate to the Diocesan Authority, it is a component part of the Diocese.

#### **Section 2 *Governing Statute***

The organization and administration of a parish are subject to this Statute as adopted at the Second All-American Council of October 19th-21st, 1971, or as amended at any subsequent Council.

#### **Section 3 *Parish and Diocese***

The parish is established by decision of the Diocesan Bishop within whose diocese it is constituted and after the local group petitioning him has satisfied the Bishop that it is self-supporting and stable and that its charter and by-laws are consistent with canonical requirements and the Statute of the Church. Every parish charter or set of by-laws must provide the mechanics for implementing all decisions of the All-American Council. No charter or by-laws of a parish shall be effective unless approved by the Diocesan Authority. According to the teaching of the Orthodox Church, the Bishop is the head of all parishes which constitute his diocese. He appoints parish clergy, has the obligation and right of regular and special visitations to the parish, approves received reports on parish life, and in case of conflicts and disorders within the parish, takes all necessary measures consistent with the Holy Canons.

#### **Section 4 *Rector***

At the head of the parish is its Rector. According to the teachings of the Church, he is the spiritual father and teacher of his flock and the celebrant of the liturgical worship established by the Church. He teaches and edifies the People of God entrusted to his spiritual care “with no partiality”(James 2:1) and sees to it that all activities within the parish serve the religious goals of the Church. He is appointed by the Diocesan Bishop and cannot leave his parish without the permission of the Bishop. 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 his parishioners and parish organs elected by them, so that always and everywhere there may be unity, mutual trust, cooperation, and love. In conformity with his teaching office, the Rector shall have final authority over the church school. To be free from material preoccupations and wholly committed to his sacred ministry, the priest must be compensated by the parish, the amount of his compensation being clearly agreed upon at the time of his appointment.

#### **Section 5 *Parishioners***

- a. Parishioners are those who, by virtue of their Baptism and Chrismation, are members of the Body of Christ and strive to live in accordance with their high calling (Eph. 4:1) as Orthodox Christians. No one can be a member of the parish if he openly betrays the teaching of the Orthodox Church, or if he leads a life or acts in a manner condemned by the Holy Canons as incompatible with the name of Orthodox Christian.
- b. A "voting member" of the parish is a member [as defined in Article X, Section 5(a)] at least eighteen years of age, who receives the Sacrament of Confession at least once a year in his home parish or, with the permission of the parish priest, elsewhere; who receives Holy Communion at least once a year in his home parish; has belonged to the parish for a period as may be fixed by the parish; and regularly fulfills such financial obligations as may be established by the All-American Councils, Diocesan Assemblies, and parish.

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

Each year the parish shall remit to the Diocesan Treasurer its minimum financial support to the Diocese and to the Orthodox Church in America. This minimum financial support shall be determined by the number of parishioners of the parish [as defined in Article X, Section 5(a)] who are eighteen years of age and over. The parish is also responsible for submitting annually, by January 31st, a census containing the names (first and last) and addresses of such parishioners to the Diocesan Bishop. Additions and/ or deletions shall be reported as they occur.

### **Section 7** *The Parish Meeting*

- a. Since, according to the universal teaching of the Church, all members of the Body of Christ are responsible for the preservation of the Faith and the edification of the Church, the by-laws of each parish shall provide for regular or special meetings of voting parishioners in good standing. At these meetings all matters pertaining to the life of the parish may be discussed and acted upon, all necessary measures for the spiritual and material welfare of the parish initiated and approved, and officers and members of the Parish Council and other parish bodies provided for in the parish by-laws nominated and elected. All regular and special parish meetings must be announced by the parish priest from the Ambo on three consecutive Sundays and published in the church bulletin. The parish Rector presides at the parish meeting.
- b. The Rector is the intermediary between the parish and the Diocesan Authority, and, in case of his disagreement with one or several decisions of the parish meeting, his motivated opinion must be recorded in the minutes and the whole matter submitted to the Diocesan Bishop. Parish officers may state their motivated opinion, first to the District Dean, then to the Diocesan Bishop.

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

- a. The parish meeting shall elect a Parish Council to assist the Rector in the administration of the parish and to execute the decisions of the parish meeting. The Parish Council shall consist of as many officers and members as provided for in the parish by-laws. Their mode of election and their terms of office shall also be determined by the by-laws regularly adopted.
- b. All officers and members of the Parish Council shall, after their election at the parish meeting and approval of the Diocesan Authority, be duly installed by the Rector, making a solemn commitment to uphold their office.
- c. The Orthodox Church teaches that there should be an active cooperation between clergy and laity on all levels of Church life. And since the Parish Council is the main parish organ of such cooperation, none of its meetings may be held without the knowledge and blessing of the Rector who, as the head of the parish, must take part in the discussion and solution of all parish affairs. While the priest is the head of the parish, he does not have to be Chairman of meetings. Laymen may be Chairmen. The minutes of all meetings of the Parish Council shall be signed by the Rector and the senior elected officer of the parish. In the case of the Rector's disagreement with one or several decisions of the Parish Council, his motivated opinion shall be recorded in the minutes and the matter referred to the parish meeting.
- d. The Parish Council shall be responsible not only for the spiritual and material needs of the parish, but also for the parish's unity and connection with the Diocese and the Church, for each parish is called to be a living cell and a member of the Body of Christ, and each carries responsibility for the whole Church.

### **Section 9** *The Parish Property*

- a. The parish or parish corporation is the sole owner of all parish property, assets, and funds. In administering them, however, the parishioners and the officers elected by them

must always remember the religious nature, purposes, and goals of the parish and act as trustees of God's, not man's, property. The parish, as the whole Church, serves God and cares for God's work in the world, and all decisions concerning parish property must be inspired by that care and by the spiritual needs of the Church.

- b.** If the parish is abolished, its property is disposed of following the provisions of the parish bylaws. If no such provisions exist, the property is at the disposition of the Diocesan Authority. In all cases, the sacred and untouchable items: the Holy Antimension, the Tabernacle, and the Sacred Vessels, must be surrendered to the Diocesan Bishop.



## Article XI

### Church Courts and Canonical Procedure

#### Section 1 *Church Courts*

Every member of the Church is entitled to due canonical procedure in the courts of the Church.

#### Section 2 *The Diocesan Court*

The Diocesan Court is composed of four voting members: two members of the clergy and two members of the laity, appointed by the bishop from among the members of the Diocesan Council. The Diocesan Bishop himself, or a member of the clergy appointed by him, shall preside over the court as a non-voting member. In cases involving accusations against members of the clergy, the court shall be restricted in its membership to members of the clergy.

#### Section 3 *Competence of the Diocesan Court*

The Diocesan Court shall act as a court of first instance in cases where the accused is a priest, a deacon, or a member of the laity. It shall be competent to judge cases involving allegations of unorthodox belief, breaches of canonical or moral discipline, marital problems, disputes involving clergy and parish officers, disputes over parish institutions, and any other matter involving the good order of the Church.

#### Section 4 *General Procedure*

- a. Accusers shall present their accusations in writing to the Bishop of the Diocese of the accused.
- b. Before examining the case, the court shall establish the accuser's good and irreproachable character. The accuser shall agree in advance in writing that the decision of these courts is final and non-appealable to the civil courts. If the court is not satisfied in these matters, or considers that the accuser, by lodging his accusation, pursues personal advantage or acts out of personal animosity, the case shall be dismissed.
- c. If the court determines that there is probable cause to come to trial, the accused shall be summoned in writing by the court. The summons shall specify the nature of the accusation and the name(s) of the accuser(s), and the accused shall be given appropriate time to prepare his defense. If he does not answer two successive summonses, the court shall try the case in absentia.
- d. The accused is entitled to request that a third party act as his defense. Both the accuser and the accused may request the testimony of experts and witnesses acceptable to the court.
- e. The Diocesan Bishop, by his own judgment, is empowered to impose temporary suspension upon clerics, and temporary excommunication upon members of the laity. The accused has the right to trial in court within 30 days of the day when the penalty is pronounced by the bishop.
- f. The decision of the court shall be made by unanimous vote, approved by the Diocesan Bishop, and communicated to the accused in writing within 30 days. If the decision is not unanimous, upon the request of either party the Diocesan Bishop shall appoint a court of four new members, according to the procedure specified in Section 2. The new court shall make a decision by a majority vote, approved by the bishop. If the bishop rejects the decision of the court, upon the request of either party the case shall be referred to the Holy Synod, in accordance with the provisions of Section 6 (c).
- g. Penalties imposed by the court (against persons judged guilty after trial as well as against false accusers) are prescribed by the canons of the ecumenical and local councils and the holy fathers. Their application is subject to approval by the Diocesan Bishop who must use the pastoral discretion which belongs to his office in applying penalties.
- h. If one of the parties is not satisfied with the judgment of the Diocesan Court, he may appeal to the Holy Synod, as the Supreme Court of Appeals of the Church, within 30

days of receipt of said judgment. Judgments requiring the final deposition (defrocking) of clerics are effective only upon their confirmation by the Holy Synod.

- i. Those protesting canonical penalties imposed by presbyters in the normal course of their pastoral responsibilities may appeal to the Diocesan Bishop within 30 days of the day when the penalty was pronounced.
- j. Those protesting canonical penalties imposed or confirmed by bishops in the normal course of their pastoral responsibilities may appeal to the Holy Synod of Bishops, as the Supreme Court of the Church, within 30 days of the day when the penalty was pronounced.
- k. Trials are held subject to any other procedural rules as established by the Holy Synod.
- l. No one shall be brought to trial more than once for the same alleged offense.

#### **Section 5** *Special Procedure for Marital Problems*

- a. Whenever the parish priest is unable, through pastoral counseling, to prevent the dissolution of a marriage and the conflict results in a civil divorce and if the interested persons themselves seek from the Church a definition of their status as divorcees, a petition is filed with the Diocesan Court, which examines the documents and makes a new attempt at reconciling the parties.
- b. If the reconciliation fails, the court shall come to a final decision. In issuing its opinion, the court may recommend that penance be imposed by the bishop upon the guilty party / ies. On the basis of this court decision, the bishop issues the following statement:

*"Having heard the conclusion of the Diocesan Court of the \_\_\_\_\_ Diocese concerning the judgment of \_\_\_\_\_ divorce rendered by the \_\_\_\_\_ Court of \_\_\_\_\_ dissolving the marriage between (Name) \_\_\_\_\_ and (Name) \_\_\_\_\_ celebrated at \_\_\_\_\_ on I, \_\_\_\_\_, Bishop of \_\_\_\_\_ hereby acknowledge the conclusion of the civil court as final. [Invoking God's mercy and compassion, I, allow (Name) \_\_\_\_\_ to enter into a new marital union with (Name) \_\_\_\_\_ and receive the sacraments of the Church starting on \_\_\_\_\_."*

#### **Section 6** *The Holy Synod as Supreme Court of Appeals*

- a. The Holy Synod shall act as the Church's Supreme Court of Appeals.
- b. If a person, clerical or lay, is dissatisfied with the judgment rendered in his case by a Diocesan Court, he may file an appeal addressed either to the Metropolitan or to the Secretary of the Holy Synod through the Chancery of the Church.
- c. The Holy Synod shall take up the case at its regular session, provided the appeal has been filed at least a month before the session.
- d. The accused shall be entitled to the rights specified in Section 4 (d).
- e. The Holy Synod shall never act as a court of first instance in cases which are within the competence of Diocesan Courts.
- f. The rulings of the Holy Synod are final, except for those instances which the canons reserve to the judgment of the universal Church.

#### **Section 7** *The Holy Synod and the Judgment of Bishops*

- a. Accusations against bishops are referred directly to the Holy Synod, which is the court of first instance empowered to pass judgment in such cases.
- b. If the accusations are considered to have substance either by the Metropolitan or by at least three members of the Holy Synod, and after the accuser's good character, irreproachable standing in the Church, and motivation have been established, the accused shall be summoned and judged by the Holy Synod in closed session. In cases of grave accusations involving the possibility of canonical deposition, the accused shall be called through a formal summons presented to him in person by three bishops.
- c. If the accused refuses to appear after receiving three summonses, the Holy Synod shall

suspend him from his duties and judge him in absentia.

- d.** Penalties against bishops judged guilty after trial, as well as against false accusers, are prescribed by the canons of the ecumenical and local councils and the holy fathers.
- e.** A judgment of deposition or defrocking of a bishop has final validity only when signed by at least 12 bishops. (If such need arises, bishops may be invited from neighboring ecclesiastical provinces to complete the quorum.)
- f.** The judgments of the Holy Synod are final, except for those instances which the canons reserve to the judgment of the universal Church.

## **Article XII**

### **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 XIII**

### **Amendments**

**Section 1** This Statute may be amended by an All-American Church Council. Proposed amendments must be submitted to the Church 90 days prior to an All-American Council. The parishes must have all proposed amendments to be acted upon by the All-American Church Council in their possession 60 days prior to the Council.

**Section 2** A final draft of all proposed amendments from the parishes shall be mailed, together with recommendations of the parishes and the Statute Commission, 60 days prior to the All- American Council.

## **Article XIV**

### **Effective Date**

This Statute shall be in effect immediately upon its adoption by the Second All-American Council of October 19th-21st, 1971.

**NOTE** All amendments through the Fourteenth All-American Council (2005) are included in this text. Appropriate editorial changes have been made where needed.