



# Constitution

and

# By-Laws

of the

**ROMANIAN ORTHODOX EPISCOPATE  
OF AMERICA**

**1994**

*Adopted by  
The Romanian Orthodox Episcopate  
National Church Congress  
on July 2, 1994*

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## **PREAMBLE**

*Immigration of larger Romanian groups to the United States and Canada took place between 1900 - 1914. They organized into parishes, built churches and brought from the old country parish priests to minister to their religious needs.*

*After more than 25 years of relatively loose ties among themselves, the parishes appointed their priests and lay delegates who gathered in a general Church Congress, held in Detroit, Michigan, on April 25, 1929, and decided to establish the Romanian Episcopate of America.*

*The first Constitution and By-Laws of the Episcopate were adopted at the Church Congress held on October 30, 1932, in Cleveland, Ohio.*

*Under the leadership and with the advice of Bishop Policarp Morusca, a new Constitution and By-Laws were passed by the Church Congress, meeting in Youngstown, Ohio, on September 5-7, 1936.*

*The special Church Congress held on March 28, 1947, in Detroit, Michigan, resolved to abrogate the 1936 Constitution and re-enact, in substance, the By-Laws of 1932.*

*In conformity with this resolution, the Church Congress convened on July 4, 1947, at Vatra Românească, Grass Lake, Michigan, adopted the revised Constitution and By-Laws, particularly reasserting the autonomous character of the Diocese.*

*The right of the Episcopate's Congress to change its Constitution and By-Laws was tested also in the United States Federal Courts (Northern District of Ohio, Case No.27916- 1953, and the Court of Appeals, Sixth Circuit, of Cincinnati, Ohio) with the conclusion that the parish representatives convened in the Church Congress "were entitled to revoke their previous By-Laws and to re-establish the By-Laws of 1932."*

*The original By-Laws re-enacted in 1947 were subsequently revised, amended and updated by the Church Congress held in Canton, Ohio, on July 3-5, 1953, at the Vatra Romaneasca on June 30 - July 3, 1967, and again at the Vatra on June 30 - July 2, 1978.*

*Although certain amendments concerning the election of an Auxiliary were passed at the 1980 Church Congress, a printed revision was not issued at that time.*

*A major review of the Constitution and By-Laws was begun in the early 1990's. Work on the Constitution and By-Laws, Articles I-VIII, was done by the 1993 Congress held at the Vatra and the 1994 Congress held at St. George Cathedral, Southfield, Michigan, completed the revision with its work on Articles IX-XV.*

*The present Constitution and By-Laws became effective July 2, 1994.*

# CONSTITUTION

## ARTICLE I

### **The Name**

The name of this ecclesiastical organization shall be "The Romanian Orthodox Episcopate of America" in English and "Episcopia Ortodoxă Română din America" in Romanian. The Romanian Orthodox Episcopate of America is referred hereinafter as "The Episcopate".

## ARTICLE II

### **Purpose**

The purposes of the Episcopate are:

- (a) To assure the preservation, strengthening and propagation of the Orthodox Christian Faith;
- (b) To promote a more active and more effective influence of the Orthodox Christian Church and its teachings in the parishes and among their communicants; and in society in general;
- (c) To exercise, over all of its component parts, full canonical authority and such administrative powers as are prescribed by the Constitution and By-Laws;
- (d) To work toward the realization of a unified Orthodox jurisdiction in North America.

## ARTICLE III

### **Legal and Canonical Status**

- (a) The Episcopate derives its legal authority to function as a non-profit corporation by virtue of the Charter issued by the "Michigan Corporation and Securities Commission" of the State of Michigan, U.S.A. as filed on December 2, 1945, and as amended July 15, 1953, and November 30, 1954.

- (b) Spiritually, the Episcopate is under the jurisdiction and canonical authority of the Holy Synod of the Orthodox Church in America, an Autocephalous Church with territorial jurisdiction in North America.
- (c) Administratively, the Episcopate is and shall remain self-governing, having the right to legislate through the Episcopate Congress, and to administer and conduct its religious, cultural, educational and charitable affairs through its officers, duly elected by the Episcopate Congress.

#### ARTICLE IV

##### **Members and Jurisdiction**

- (a) The Episcopate is comprised of all Parishes, Auxiliary Organizations, Missions, Religious Institutions and communicants who have undertaken the act of acceptance of, and who adhere to, its purposes and to the teachings of the Orthodox Christian faith.
- (b) The act of seeking and accepting admission to the Episcopate or any of its component parts constitutes submission to the spiritual and adjudicative jurisdiction of the Episcopate.

#### ARTICLE V

##### **Administration**

- (a) The Constitution and By-Laws constitute the organizational and administrative authority of the Episcopate, its Parishes, Missions, Religious Institutions and its Auxiliary Organizations.
- (b) The head of the Episcopate is the Bishop, who is its highest spiritual authority. He shall be elected by the Episcopate Congress and will administer the Episcopate according to the teachings of the Orthodox Christian Church in all spiritual matters and the decisions of the Episcopate Congress.



- (c) The sole legislative and highest administrative authority in secular matters is the Episcopate Congress. It shall meet once a year in regular session, and as often as necessary, in special session.
- (d) The Episcopate Council is the executive body through which the Episcopate Congress exercises its administrative powers. It shall meet as often as necessary but not less than twice a year.

## ARTICLE VI

### **Funds and Properties**

- (a) The Episcopate, the Parishes, Missions, Religious Institutions and Auxiliary Organizations may own and acquire real and personal property, create funds, accept donations, gifts, testamentary gifts, grants, trusts and subsidies.
- (b) Church properties of any kind, nature and description cannot be sold, alienated, or mortgaged without the written permission of the Episcopate Council.

## ARTICLE VII

### **Amendments**

- (a) The Constitution and By-Laws may be amended only by the Episcopate Congress at a special legislative session called for that purpose. Proposed amendments must be submitted to the Episcopate Office (Chancery) 120 days prior to the Episcopate Congress. The final draft shall be mailed to delegates and parishes 60 days prior to the Congress.
- (b) Said legislative session shall be convened upon the resolution of the Episcopate Council, or upon request of one-third (1/3) of the delegates to the Episcopate Congress.

- (c) In order to be enacted, any amendment to the Constitution and/or By-Laws shall receive the affirmative vote of  $2/3$  of those present and eligible to vote at the meeting called for that purpose.

## **BY-LAWS**

### **ARTICLE I**

#### **THE BISHOP**

##### *Section 1*

The Episcopate is headed by the Bishop, who shall have the duties and prerogatives granted him by the Holy Canons of the Orthodox Christian Church. He shall supervise the religious affairs of the Clergy, the Laity, the Parishes, the Missions, the Auxiliary Organizations, and all other Religious Institutions which are under the jurisdiction of the Episcopate. He shall have the right to veto, interdict and nullify any action, resolution or decision which is contrary to the Holy Canons, teachings and traditions of the Orthodox Christian Church.

##### *Section 2*

The Bishop shall have the sole power to:

- (a) Distribute to all Parishes Holy Chrism;
- (b) Provide the Parishes with the Holy Antimensia, which he may withdraw in all cases where he has determined a departure from the Holy Canons, teachings and traditions of the Orthodox Christian Church;
- (c) Grant the charter initiating the activities of a Parish;
- (d) Ordain Deacons and Priests;
- (e) Consecrate churches;
- (f) Make canonical visits to the Parishes under his jurisdiction;
- (g) Grant dispensations;
- (h) Forgive religious transgressions;
- (i) Address pastoral and encyclical letters to the Clergy and Laity;
- (j) Bestow honors upon and elevate in rank, any person under his jurisdiction;
- (k) Judge appeals from the Spiritual Consistory;

- (l) Discipline Clergy and Laity in all cases not requiring the action of an Episcopate court.

*Section 3*

The Bishop shall also have the authority to:

- (a) Appoint, transfer and remove Parish Priests and Deacons;
- (b) Convene and preside over the Episcopate Congress and the Episcopate Council;
- (c) Administrate the Offices (Chancery) of the Episcopate;
- (d) Represent the Episcopate in its external relations;
- (e) Sign all official documents of the Episcopate;
- (f) Appoint referees, commissions, and members of departments;
- (g) Supervise the editing of the official organ, "SOLIA-The Herald", and all other publications of the Episcopate;
- (h) Initiate, authorize and supervise the editing and the printing of all books and publications used in the ritual of church services or in the realm of education;
- (i) Initiate a center of Mission activity (See Article X, Section 1).

*Section 4*

Befitting his office, the Bishop shall be entitled to:

- (a) An official residence and Offices (Chancery);
- (b) A salary;
- (c) Necessary personnel to conduct the business of the Episcopate;
- (d) Be held harmless from any personal liability in any cause of action involving the Episcopate, according to the pertinent provisions of the Constitution;
- (e) Vestments and all other appropriate items for the fulfilling of his hierarchical duties;

- (f) Transportation in the performance of his duties;
- (g) Proper medical and health care coverage;
- (h) Own and dispose of his real and his personal property;
- (i) In the event of voluntary retirement after age 60, or medically certified incapacity, if he has served the Episcopate including his pastorate as Bishop for a period of ten (10) years or more, he shall be entitled to a monthly pension, established by the Episcopate Council, necessary to ensure his physical existence and material well-being for the rest of his life; except in cases where he is deposed from his functions, either by unjustified absence from the Episcopate or upon his condemnation due to heresy.

### **Election and Installation of the Bishop**

#### *Section 5*

In the event of a vacancy in the Office of the Bishop, his successor shall be elected by the Episcopate Congress called in special session.

#### *Section 6*

The Office of the Bishop shall be deemed vacant upon the occurrence of any one of the following:

- (a) Death;
- (b) Voluntary retirement;
- (c) Permanent physical and/or mental incapacity, upon the medical certification of at least two physicians chosen by the Episcopate Council;
- (d) Unauthorized absence from the Episcopate for a period of one year;
- (e) Deposition for heresy, as determined and verified by the Holy Synod of the Orthodox Church in America upon and by due canonical process.

#### *Section 7*

The request for a medical examination or for a determination of whether he is guilty of heresy, shall be made by the Episcopate Council with the approbation of the Episcopate Congress. The Council shall be convened for this purpose by the Auxiliary Bishop, or by the Vicar, or in their absence, by the Secretary of the Episcopate Council.

*Section 8*

In the event of a vacancy in the Office of Bishop by the occurrence of any conditions in Section 6, the Episcopate Council shall meet and declare the Office of the Bishop vacant and shall announce such vacancy to the Metropolitan and to the Episcopate parishes.

*Section 9*

During the vacancy in the Office of the Bishop, the administrative affairs shall be conducted by the Episcopate Council presided by the Auxiliary Bishop, or if there is none, by the Vicar, and if there is neither, by the Secretary of the Episcopate Council who will work with the Locum Tenens. Spiritual matters, within the competence of the Bishop, shall be referred to the Locum Tenens appointed by the Metropolitan.

*Section 10*

Within three months from the date of vacancy in the Office of Bishop, the Episcopate Council shall meet in session for the purpose of placing nominations for the office.

*Section 11*

- (a) Any nominee for the Office of Bishop must satisfy all the requirements of the Holy Canons pertaining to this highest of all ecclesiastical offices. In addition, it is preferable that the nominee have completed a course of study in a "Graduate School of Orthodox Theology" and be conversant in both the English and the Romanian languages.
- (b) According to the Holy Canons, candidates who are not already in the Episcopal rank, can be nominated only from among the Monastic or Celibate Clergy and Laity.
- (c) No Diocesan Bishop of the Orthodox Church in America shall be a candidate for nomination by the Episcopate Council.

#### *Section 12*

Immediately after the session called for nomination, the Episcopate Council shall submit the name or names and the documents of the nominees to the Metropolitan for canonical examination.

#### *Section 13*

Upon the approval of a nominee or nominees by the Holy Synod, the Episcopate Council shall call the Episcopate Congress into special session for the purpose of electing the Bishop. The written convocation shall list the name(s) of the nominee(s).

#### *Section 14*

The Episcopate Congress, convened for the purpose of electing the Bishop, shall be presided by the Locum Tenens appointed by the Metropolitan or, if he is unable to be present, by a Member of the Congress elected by the Assembly. A nominee for the Office of Bishop may not preside at this session.

#### *Section 15*

No nomination from the floor for the Office of Bishop shall be in order nor shall such nomination be accepted.

*Section 16*

At the session of the Episcopate Congress, convened for the purpose of electing the Bishop, two-thirds (2/3) of all members of the Congress shall constitute a quorum. If a quorum cannot be met, the Episcopate Congress shall be adjourned for thirty (30) days, after which time a quorum shall consist of one-half plus one (1/2 + 1) of all the members of the Congress.

*Section 17*

The election for the office of Bishop shall take place according to the following procedure:

- (a) All voting shall be by secret ballot;
- (b) One single name shall be written on the ballot. Any ballot with more than one name written on it shall not be counted. The nominee receiving a majority of votes of the members present and entitled to vote shall be declared elected. The same procedure shall apply in the case of a single nominee;
- (c) In the event there are three or more nominees and no one receives a majority of votes of those present, the name of the nominee receiving the smallest number of votes shall be eliminated from the next ballot. This procedure shall be followed until a single nominee receives a majority;
- (d) If no nominee receives the majority as required under paragraph (b) above, the electoral session shall be adjourned and the Office of Bishop shall remain vacant. The Episcopate Council shall then re-institute the procedure of nomination as provided by these By-Laws, Sections 10 and following;
- (e) The tellers, for the purpose of recording, shall certify to the Congress Secretary the results of the balloting. The



number of votes cast for any nominee shall not be publicly announced.

*Section 18*

The consecration and installation of the Bishop-Elect shall be done according to the following procedure:

- (a) Immediately after the nomination, the Metropolitan shall be notified by forwarding to him the minutes of the electoral session, certified by the Presiding Officer and the Secretary;
- (b) If the Bishop-Elect is not yet in the Episcopal rank, the date of his consecration shall be set with the concurrence of the Metropolitan within the period of sixty (60) days following the date of his election;
- (c) After the consecration or, if the Bishop-Elect is already in the Episcopal rank, the date of installation shall be set with the concurrence of the Metropolitan within thirty (30) days following the consecration or, in the latter case, his election;
- (d) The consecration and/or installation of the Bishop-Elect shall take place in the Cathedral of the Episcopate and shall be presided by the Metropolitan or by a Hierarch of the Holy Synod appointed by him.

ARTICLE II

**THE AUXILIARY BISHOP AND THE VICAR**

*Section 1*

- (a) An Auxiliary Bishop(s) may be elected in order to assist the Diocesan Bishop in the fulfillment of his Office.
- (b) The Auxiliary Bishop(s) shall act by delegation of the Bishop and in his place or in his absence as directed by the Bishop.
- (c) The Auxiliary Bishop(s) shall have the privilege of membership in the Episcopate Congress and the

Episcopate Council.

*Section 2*

The canonical examination of the nominee(s) and election of the Auxiliary Bishop shall follow the procedure set forth for the election of the Diocesan Bishop in accordance with the provision of Article I, Sections 11-18, inclusive.

*Section 3*

The Auxiliary Bishop(s) will have the priority of nomination for election as Diocesan Bishop when the Office of the Bishop shall be deemed vacant on the occurrence of conditions described in Article I, Section 6, of these By-Laws.

*Section 4*

The Vicar shall act in place of the Bishop or Auxiliary Bishop(s), in absence of both or by delegation by the Bishop.

*Section 5*

The Vicar shall be appointed by the Bishop from the Clergy of the Episcopate, with the advice and consent of a majority of the members of the Episcopate Congress.

*Section 6*

The Vicar shall have full privilege of membership in the Episcopate Council and the Episcopate Congress.

ARTICLE III

**THE EPISCOPATE CONGRESS**

### *Section 1*

The Episcopate Congress shall be comprised of:

- (a) The Bishop;
- (b) The Auxiliary Bishop(s);
- (c) The Vicar;
- (d) The Parish Priest and Assistant Priest(s);
- (e) Two (2) Lay Delegates elected by each Parish Assembly;
- (f) Two (2) Delegates from each of the Auxiliary Organizations of the Episcopate;
- (g) Priests under the jurisdiction of the Episcopate not having Parishes, Deacons, Abbots and Abbesses, if accredited by the Episcopate Council;
- (h) Members of the Episcopate Council in office, including Auxiliary Presidents "ex officio."

### *Section 2*

The Lay Delegates and Alternates shall be elected by their respective Parish memberships at their Annual Assembly for a two (2) year term. They cannot be elected either as Delegate or Alternate Delegate for a third consecutive two-year term. (The Episcopate Council may grant exceptions to this limitation with just cause. It is not in the competence of the Parish Council ever to elect any Delegate or Alternate Delegate. See Article IX, Section 29, (g)).

The Parish Assembly and/or the Parish Council may make suggestions to their Delegates but may not give them binding instructions as to their vote.

### *Section 3*

The certification of the Lay Delegates from the Parishes to

the Episcopate Congress shall be verified at the beginning of each session of the Episcopate Congress by a Credential Committee consisting of three (3) members of the Episcopate Council, one of whom shall be the Secretary of the Council.

*Section 4*

If the certification of a Lay Delegate is questioned, the Episcopate Congress, in session, shall decide upon the acceptance or rejection of the Delegate.

*Section 5*

The President of the Episcopate Congress shall be the Bishop, who may, during a session, appoint a presiding officer, "pro tem", from the membership of the Episcopate Congress to conduct the meeting. In the absence of the Bishop, the presiding officer shall be the Auxiliary Bishop or the Vicar, and, if there is neither, a member of the Congress elected by the Assembly.

*Section 6*

The Episcopate Congress shall meet annually in regular session and in extraordinary session as often as it is necessary.

*Section 7*

The Episcopate Congress shall be called into session by the Bishop. In the event the Office of the Bishop is vacant as defined in Article I, Section 6, the Episcopate Council shall call the Episcopate Congress into session.

*Section 8*

Notice of any session of the Episcopate Congress shall be

by publication in the official organ of the Episcopate ("SOLIA - THE HERALD"), or by letter sent to each Delegate by first-class mail not less than thirty (30) days prior to the date fixed for such session. The notice must include the date, time, place, and the agenda.

#### *Section 9*

The agenda of the Episcopate Congress shall be determined by the President upon consultation with the Episcopate Council.

#### *Section 10*

Other matters for inclusion in the agenda may be submitted through Parish Councils in writing to the President of the Episcopate Council but not less than sixty (60) days prior to the annual meeting of the Episcopate Congress.

#### *Section 11*

The officers of the Episcopate Congress shall be:

- (a) The President;
- (b) The Secretary of the Episcopate Council, Ex-officio;
- (c) One General Secretary;
- (d) Two Recording Secretaries;
- (e) Two Tellers;
- (f) One Parliamentarian appointed by the President at each Congress.

#### *Section 12*

- (a) Except where these By-Laws require a greater number, the Episcopate Congress shall be considered as legally constituted when one-half (1/2) of the members are present. (see Art. III, Section 1).
- (b) If the required number of authorized members is not present, the opening session will be convened one-half day later when the required number necessary to constitute a

quorum shall be one-third (1/3) of the authorized members. (Article III, Sec. 1 (a to h)).

*Section 13*

The quorum for the transaction of business by the Episcopate Congress shall be one-half plus one ( $1/2 + 1$ ) of the certified Delegates present at the opening session.

*Section 14*

Voting may be done by:

- (a) Raising of hands or voice vote;
- (b) Secret ballot;
- (c) Roll call;
- (d) By consent without objection.

*Section 15*

A secret ballot shall be used if voted upon by the majority present.

*Section 16*

A roll call vote shall be used in all cases of buying, selling, mortgaging or otherwise encumbering Episcopate properties.

*Section 17*

There shall be no voting by proxy in the Episcopate Congress.

*Section 18*

All meetings of the Episcopate Congress shall be public except when a majority of the members present vote that the

meeting be held in executive session. There shall be no minutes taken in the executive session, but the decisions taken shall be publicly announced and formally voted upon and introduced into the minutes of the Episcopate Congress while in open session.

*Section 19*

The minutes of the Episcopate Congress shall be prepared by the secretaries and the official text forwarded to the Episcopate Office (Chancery) no later than thirty (30) days from the date of the convening of the Episcopate Congress. The minutes of the Episcopate Congress shall be approved no later than at the following session.

*Section 20*

The following are strictly within the sole competence of the Episcopate Congress:

- (a) Elect the Bishop;
- (b) Elect the Episcopate Council;
- (c) Elect two (2) Lay members to the Episcopate Tribunal;
- (d) Examine and approve reports of activities of the Episcopate Council, and all other organizations affiliated with the Episcopate;
- (e) Examine and approve the budget;
- (f) Buy, sell, mortgage or otherwise encumber property of any kind, nature, and description belonging to the Episcopate;
- (g) Contract mortgages or any other debts secured or otherwise pertaining to Episcopate property;
- (h) Provide material means for the proper functioning of the Episcopate;
- (i) Create or dissolve Religious and Educational Institutions affiliated with the Episcopate;
- (j) Approve the Constitutions and By-laws of the Auxiliary Organizations, Religious Institutions and Parishes belonging to the Episcopate;
- (k) Amend the Constitution and By-laws of the Episcopate;
- (l) Establish the policy in external relations of the Episcopate;

- (m) Ratify the decisions of the Episcopate Council regarding the acceptance or exclusion of Clergy, Priests and Deacons and Parishes;
- (n) Establish and assess the dues and other contributions of the Parishes to the Episcopate;
- (o) Make the final, authoritative determination of the acceptance or rejection of Lay Delegates to be seated as voting members of that Congress;
- (p) Establish, enforce and amend, as necessary, obligatory Parish standards for Clergy remunerations.

#### ARTICLE IV

### THE EPISCOPATE COUNCIL

#### *Section 1*

The Episcopate Council shall consist of:

- (a) The Bishop;
- (b) The Auxiliary Bishop;
- (c) The Vicar;
- (d) Five Clergy (Priests and/or Deacons) and ten Laypersons elected by the Episcopate Congress;
- (e) The Presidents of the Episcopate Auxiliaries (ex officio).

#### *Section 2*

The Council shall implement the decisions of the Episcopate Congress and administer the affairs of the Episcopate. In addition, the Episcopate Council has the following authority and powers:

- (a) To convene the Episcopate Congress in the event of vacancy in the Office of the Bishop for the purpose of executing the necessary formalities for the election, consecration, and installation of the successor Bishop;
- (b) To propose amendments to the Constitution and By-Laws;
- (c) To authorize the Parishes to buy, lease, and sell real estate,



- and other Parish property and to contract mortgages or other encumbrances, where necessary, in conformity with other provisions of the By-Laws;
- (d) To study and approve the creation of Missions and new Parishes and Deaneries, and to determine their respective areas of jurisdiction;
  - (e) To receive petitions of Clergy, Priests and Deacons, and Parishes wishing to come under the spiritual, operational and adjudicative jurisdiction of the Episcopate, subject to the ratification by the Episcopate Congress;
  - (f) To examine and suggest changes in blue-prints and to authorize construction of new churches and church-related structures;
  - (g) To initiate and supervise the general activities of the Episcopate;
  - (h) To hire and establish the salaries of the employees of the Episcopate and the remuneration of the Bishop;
  - (i) To maintain an inventory of all Episcopate property;
  - (j) To prepare an annual budget, and to suggest to the Episcopate Congress means of meeting it;
  - (k) To provide for, and supervise the official publications of the Episcopate;
  - (l) To recommend to the Bishop the bestowal of honors and/or elevation in rank on persons under the jurisdiction of the Episcopate;
  - (m) To appoint delegates, as required, to represent the Episcopate;
  - (n) To exercise supervision over the financial operations of the Episcopate, its Missions, Auxiliary Organizations and Institutions;
- (o) To bring an action in the Episcopate Courts against any person or group alleged to have violated this Constitution and By-Laws;
  - (p) To request and receive an audit of the financial records of any official, department, fund, Parish, or Parish Auxiliary in question, in the event a charge of financial or administrative irregularity for cause is brought to its

- attention;
- (q) To provide for the maintenance of the archives of the Episcopate;
- (r) To carry out the activities relating to church property provided in these By-Laws including, but not limited to, Article IX, Sections 4, 10 and 11.

### *Section 3*

All meetings of the Episcopate Council shall be called by the Bishop upon two (2) weeks' written notice to the members of the Council. Such notice shall include the date, time, place of the meeting and agenda. This notice may be waived by the consent of a majority of the members of the Council.

A quorum for any meeting of the Episcopate Council shall consist of eight (8) elected members.

### *Section 4*

Decisions of the Episcopate Council may be made and resolutions passed by referendum, and the polling of the members of the Episcopate Council may be by letter, telegram, telefacsimile or special ballot. The results of such referendum shall be recorded in the minutes of the next meeting of the Episcopate Council.

## **Election of the Episcopate Council**

### *Section 5*

The election of the Episcopate Council shall be conducted in the following manner:

- (a) Members of the Episcopate Council shall be elected every two (2) years to terms concurrent to the terms of the Delegates to the Episcopate Congress. Only Clergy and

- Delegates to the Congress are eligible;
- (b) The Episcopate Council, at the meeting immediately preceding the session of the Episcopate Congress, shall appoint a nominating committee composed of one Priest and two (2) Lay Delegates;
  - (c) The nominating committee shall, during the session of the Episcopate Congress, present a slate of fifteen (15) willing nominees, consisting of five (5) Clergy, (Priests and/ or Deacons) and ten (10) Laypersons. One Clergy and two (2) Laypersons shall be added to the slate as alternates;
  - (d) Ineligible as candidates are: Those who do not meet the standard qualifications for Parish Council membership in Article IX, Section 33; those convicted of crimes; those who are under ecclesiastical interdict; members of subversive or anti- Christian organizations, and those who overtly and consciously work against the interests of the Episcopate or the Orthodox Church;
  - (e) Immediately after their election, the members of the new Council shall take and sign the following oath:

#### OATH

*"I do solemnly swear that I will fulfill my duties as a member of the Episcopate Council; that I will administer honestly the property of the Episcopate; that I will work without regard for my personal interests and without partiality toward others; that I will uphold and defend the Constitution and By-Laws of the Episcopate, and the spiritual authority of the Bishop. So help me God."*

No person shall serve as a member of the Episcopate Council unless he or she shall have taken and signed the Oath of Office.

- (f) Immediately following their election and installation as provided above, the newly elected members of the Episcopate Council shall convene for the purpose of electing the following officers:
  - A Secretary;
  - A Treasurer;

Two (2) Auditors, Parish members who need not be members of the Episcopate Council or Congress. The Auditors should have training or experience in financial accounting or auditing, or bookkeeping. In the alternative, the Council may resolve that during the term of office in question, all or any portion of the auditing function may be discharged by a public accountant under a regular retainer agreement. If not elected from the Council, the Auditors shall not have the right to vote;

- (g) In the event of the resignation or death or failure to serve by the Secretary, Treasurer or an Auditor of the Council during their term, an eligible successor shall be elected by the Council to fill the vacancy.

### **Secretary**

#### *Section 6*

In addition to performing the duties as Secretary of the Episcopate Congress, the Secretary of the Council shall:

- (a) Transmit the decisions of the Episcopate Congress and the Episcopate Council;
- (b) Sign and certify all documents as required by these By-Laws;
- (c) Perform those duties incumbent as the result of a vacancy in the Office of the Bishop, Auxiliary Bishop or Vicar;
- (d) Record the minutes of the Episcopate Council;
- (e) Receive and report any charges filed regarding the Bishop under Article XV, Section 25, below;
- (f) Perform other duties as assigned by the Bishop and by the Episcopate Council.

### **Treasurer**

#### *Section 7*

The Treasurer, who shall be bonded, shall be responsible for the financial operations and assets of the Episcopate. The Treasurer will act in concert with the President of the Council.

The functions of operation including the receipting and disbursement of funds, may be entrusted to an Assistant Treasurer or Treasurers who shall serve under an employment or contractor agreement with the Episcopate Council. The Assistant(s) shall serve under the rules and policies established by the Episcopate Council in consultation with the Treasurer and the Assistant Treasurer(s) shall give regular reports to the President and Treasurer.

In addition to the above, the following are duties of the Treasurer:

- (a) Be responsible for the financial records of the Episcopate;
- (b) Oversee, direct and control the assistant(s) who receive and pay out funds in accordance with the directives of the Episcopate Council;
- (c) Present a financial report at every meeting of the Episcopate Council and the Episcopate Congress;
- (d) Make available to the Episcopate's auditors all treasury records;
- (e) Prepare the annual budget for presentation to the Council;
- (f) Delegate, with the approval of the Episcopate Council, certain duties to employees of the Episcopate;
- (g) Maintain a current inventory of all Episcopate property, real and personal.

## **Auditors**

### *Section 8*

The Auditors, whether elected or retained, shall audit the financial records and assets of the Episcopate. For purposes of these By-Laws, "audit" shall be taken to include either a formal certified audit or such other audit function as the Council deems appropriate. The Auditors shall also do the following:

- (a) Audit the books of the Episcopate at least semiannually;
- (b) Verify the Treasurer's Report at the Annual Meeting of the Episcopate Congress;
- (c) Physically inspect and verify all the property of the

- Episcopate, real and personal;
- (d) It is recommended that they personally review any policy of insurance covering against loss, theft, destruction or other casualty, and against liability, for the purpose of confirming that the amount of insurance is adequate, and that the insurance is properly in force;
  - (e) They shall be responsible to notify the Episcopate Office (Chancery) in the event that they discover any improper or irregular administration, spending, investments or safekeeping of property or funds;
  - (f) If, however, the Auditor(s) are not members of the Episcopate Congress and are thus ineligible to be elected to the Episcopate Council, they may be called on to present reports to the Council although they do not share in any Council privileges, including that of voting.

### **Referees**

#### *Section 9*

The President of the Episcopate Council may designate certain individuals from the Council as referees or as committee chairpersons, to study and report on the problems and activities of the Episcopate as they arise. Members of committees need not be members of the Council or of the Congress.

### **Ex-Officio Members**

#### *Section 10*

The Episcopate Congress may appoint persons to the Episcopate Council as members by reason of their office, not to exceed in number, more than one-third (1/3) the total elected to the Council.

### **Honorary Members**

#### *Section 11*

The Episcopate Congress may designate certain individuals as honorary, non-voting members of the Episcopate Council.

## ARTICLE V

### **THE DEANERIES**

#### *Section 1*

The Episcopate Council, subject to ratification by the Episcopate Congress, may group the Parishes into Deaneries to function as administrative units of the Episcopate.

#### *Section 2*

The head of a Deanery shall be a Priest appointed by the Bishop with the knowledge of the Episcopate Council, and he shall have the following duties and authority:

- (a) At the direction of the Bishop, to transmit to the Parishes the directives of the Episcopate and to implement them;
- (b) To organize religious services, and temporary exchange of Priests in the Parishes;
- (c) In the case of a vacancy in a Parish and in consultation with the Bishop's Office (Chancery), to provide for temporary religious services according to usual Orthodox practice and tradition;
- (d) To supervise the religious activities of the Deanery and make a yearly report to the Episcopate;
- (e) To preside over the Peace Court of the Deanery;
- (f) To convene a conference of the Clergy of the Deanery not less than once a year;
- (g) To arrange for confessions of the Clergy and their families;
- (h) To organize spiritual retreats;
- (i) To conduct periodic seminars in pastoral theology and liturgical practices for all the Clergy of the Deanery;
- (j) To call general Deanery meetings consisting of Clergy, Delegates to the Episcopate Congress, Presidents and

- Officers of the Parish Councils and of the Parish Auxiliaries;
- (k) To coordinate the leadership and active participation of all Parishes in the Deanery in common programs with other Orthodox Christians.

## ARTICLE VI

### AUXILIARY ORGANIZATIONS

#### *Section 1*

The Episcopate Congress may authorize the establishment and functioning of Auxiliary Organizations of the Episcopate:

- (a) Such Auxiliary Organizations may operate under their own constitutions and by-laws provided they are not in conflict with this Constitution and these By-Laws, that they are subject to ratification by the Episcopate Congress, and they shall not function as separate legal entities unless mandated by law;
- (b) They must follow the spiritual directives of the Bishop;
- (c) They may receive and administer gifts, funds and properties;
- (d) The properties and funds of the Auxiliaries of the Episcopate shall be used only for religious, charitable, education, and cultural purposes;
- (e) The appropriate officers shall present an Annual Report on the activities and finances (of their organization) to the Episcopate Congress;
- (f) In the event of legal dissolution or disbandment of an Auxiliary of the Episcopate, and subject to Article IX, Sections 10 and 11, the real and personal property of the Auxiliary shall transfer to the Episcopate. The Auxiliary Constitution and By-Laws shall contain similar provisions regarding property of disbanded local chapters reverting to the patrimony of the Episcopate Auxiliary.

## ARTICLE VII



## **AFFILIATED INSTITUTIONS**

### *Section 1*

Affiliated Institutions, such as Monasteries, Libraries, Charitable Homes, Schools, Cemeteries, and other similar organizations may be maintained and operated by the Episcopate.

- (a) The Bishop shall be the head of all affiliated institutions.
- (b) With the approval of the Episcopate Congress, such institutions may be chartered as separate legal entities.

## **ARTICLE VIII**

### **"SOLIA - THE HERALD"**

#### *Section 1*

The official organ of the Romanian Orthodox Episcopate of America is the newspaper "*SOLIA - THE HERALD*". The editorial policy of the newspaper shall be determined by an Editorial Board appointed by the Bishop.

#### *Section 2*

The administrative affairs of the "SOLIA" shall be supervised by the Episcopate Council.

#### *Section 3*

The financial books and records of the "SOLIA" shall be separately maintained and subject to audit by the Episcopate Auditors.

## **ARTICLE IX**

### **THE PARISH**

#### *Section 1*

The Parish is a local community of the Church under the jurisdiction of the Romanian Orthodox Episcopate of America,

having an appointed Priest who as Spiritual Leader cooperatively administers the Parish with the Parish Council which has been duly elected by its Parish Assembly.

#### *Section 2*

Each Parish shall carry the name of a Patron Saint or Holy Day from the Orthodox Christian Church calendar.

#### **Purposes**

##### *Section 3*

The main purposes of a Parish are:

- (a) To maintain, strengthen and propagate the Orthodox Christian faith;
- (b) To build and maintain buildings where due Orthodox worship is offered and to provide the facilities, staff and funding necessary for the religious education, cultural and charitable needs of its members;
- (c) To practice Christian charity as demanded by Holy Scripture and Tradition and to seek out and provide charitable assistance to those in need;
- (d) To promote a more active and effective influence of the Church and her teachings among her faithful and society at large.

#### **Properties**

##### *Section 4*

- (a) Each Parish shall be legally organized and incorporated or chartered to the extent allowed by law as a religious, nonprofit organization, and shall own and control its personal and real property. In administering this property, the parishioners, parish priest and the officers elected by them must administer according to the religious nature, purposes and goals of the Parish and act as trustees of God's property, not man's. The Parish serves God and cares for God's work in the world, as does the whole

Church, and all decisions concerning Parish administration must be inspired by that care and by the spiritual needs of the Church.

- (b) The Episcopate Constitution and By-Laws shall be incorporated into the Corporate Charter or Articles of each Parish by reference, and the Secretary of the Episcopate Council, or the local Dean, upon direction of the Council may record a memorandum or the actual Constitution and By-Laws in proper legal form as to each Parish within the Episcopate's jurisdiction. In the event of a conflict between the Articles or By-Laws of a Parish and the Episcopate's Constitution and By-Laws, the latter shall be controlling.
- (c) The Episcopate Council is authorized and shall have the power to certify in legal form and record either a memorandum or the actual text of applicable provisions of the Episcopate Constitution and By-Laws with the land title register or equivalent government official in the locality in which each Parish is located, and in such offices as records of personal property filings are made.

#### *Section 5*

The Church buildings, Parish Houses, funds and any other properties of the Parish can be used only for religious, educational, charitable, and cultural purposes.

#### *Section 6*

The assets of the Parish shall be administered by the Parish Council in concert with the Parish Priest in accordance with the Episcopate By-Laws and the laws of the State, Province, or Territory in which the Parish is located.

### *Section 7*

A current inventory of the assets of the Parish shall be recorded in a proper journal and shall be kept at the Parish Office. A copy shall also be filed at the Episcopate Office (Chancery).

### *Section 8*

All funds of the Parish shall be maintained in federally insured banks, savings and loan associations, or mutual banks and all disbursements are to be made by check. A minimum of two (2) signing officers are required for all disbursements or fund transfers.

### *Section 9*

All church properties shall be adequately insured and instruments of value shall be kept in a place of safety or bank safety deposit box. All holy articles and items used in Church ritual shall be in the trust of the Parish Priest.

### *Section 10*

- (a) In the event of the dissolution of a Parish, title to all of its properties, real and personal, including documents, official records of baptism, chrismation, marriage, burial and the like, religious objects, vestments, works of art, and any other articles used in conjunction with and for the purposes of the Parish shall immediately vest in and pass to the patrimony of the Episcopate. With regard to the actual conveyance of such properties, see Article XIII, Sections 1, 2, of these By-Laws.
- (b) As to those Parishes located in Canada, these By-Laws regarding property and its disposition are intended to operate to the fullest extent allowed by Federal, Provincial

or local laws and, to the fullest extent allowable by law, to supersede any and all legal provisions on the subject.

- (c) If, due to any law of the United States, or of Canada, or of any State, Province or locality, the Parish's property and funds may not pass outside the territory of the jurisdiction, then all of the properties and funds of the Parish in question shall pass in trust to the Dean where the Parish is located, or to such other Trustee as the Bishop shall appoint in writing with Episcopate Council consent.

#### *Section 11*

In the event of heresy, schism or defection from the Episcopate, that segment of the Parish, even if it be a single member, which remains loyal to, and determines to remain within the Episcopate, shall retain title to the Parish property of every kind, nature and description.

#### *Section 12*

The acquisition, sale, leasing, mortgaging or otherwise encumbering of church properties shall be decided by the Parish Assembly in strict accordance with the following procedure:

- (a) All decisions shall require a two-thirds (2/3) vote by roll call of those present and eligible to vote;
- (b) Decisions of the Parish Assembly held in accordance with this section shall not be final but shall only take effect upon the approval and ratification of the Episcopate Council.

### **Membership of the Body of the Church**

#### *Section 13*

By virtue of his or her baptism and chrismation, an individual is a member of the Holy Orthodox Church which is the Body of Christ, and as such is called to live in accordance with her teachings, traditions and religious services (rituals), and to regularly support the Church through the local Parish.

#### *Section 14*

- (a) To become/be a voting member of a Parish, a baptized and/or chrismated Orthodox Christian man or woman must:
  - (i) be at least eighteen years of age;
  - (ii) partake of the sacraments of confession and communion, at least once a year, ordinarily in one's home Parish;
  - (iii) have belonged to/attended the Parish for six months;
  - (iv) have accepted and adhere to the Constitution and By-Laws of the Romanian Orthodox Episcopate of America;
  - (v) fulfill such financial obligations as the Episcopate Congress and Parish establish.
- (b) Such an individual applies to the Parish Priest to become a voting member of the Parish. With the approval of the Priest and after consultation with the Parish Council, the person is enrolled on the list of voting members of the Parish.
- (c) Newly-enrolled members may exercise the right to vote in the Parish Assembly and to be elected to an office in the Parish:
  - (i) upon payment of all established financial obligations, and;
  - (ii) after having been so enrolled for more than six months prior to said assembly.
- (d) No person can be a voting member in two parishes.

#### *Section 15*

A voting member shall have the right:

- (a) To partake in and receive all religious services of a Priest, according to Orthodox canonical understanding, and all other benefits accorded by the Parish;
- (b) To transfer from one Parish to another upon presentation of a certificate of transfer issued by the Priest of the Parish

from which the member moved and shall enjoy all the rights of membership in the new Parish upon payment of the financial obligations.

#### *Section 16*

Membership rights may be lost, suspended or revoked in the following cases:

- (a) Deliberate disregard of spiritual duties and/or moral transgressions;
- (b) Proper adjudication by the Episcopate courts;
- (c) Non-payment of financial obligations;
- (d) Membership in a non-Christian religion or in a non-Orthodox Christian denomination.

If a Parish Priest is compelled, as a last resort and for the sake of the parish, to suspend a member's rights on spiritual grounds or for violating Church canons, or teachings, he shall issue a letter of suspension to the member after his own personal efforts to resolve the matter with the member in question have been unavailing. He shall inform the Parish Council. He shall address to the Bishop a confidential statement setting forth his efforts and reasons.

Any individual whose membership is denied for any of the above reasons may appeal any such decision to the Bishop.

#### *Section 17*

- (a) In the event a person loses membership status through nonpayment of financial obligations, that person can be reinstated upon paying those obligations for the previous

year. Delegates are reminded that payment of dues to the Episcopate is a parish obligation. A person so reinstated may exercise the right to vote in the Parish Assembly thirty (30) days after paying the financial obligations. A member in arrears for more than one year must apply to become a re-instated member according to the procedure for a new member.

- (b) The loss, transfer, or disavowal of status as enrolled member and a member's death, affect the Parish's responsibility to the Episcopate in addition to affecting the bond between communicant and parish. In answering to the Episcopate regarding its members, both spiritually and as regards "per capita" assessments, the following shall apply:
  - (i) A communicant who has satisfied the member financial obligation to the Parish, as in Section 25 (f), shall be accounted for to the Episcopate as a member.



- (ii) A member is recognized as such in the year he or she dies whether or not the member's financial obligation to the Parish for that year has been satisfied.
- (iii) In the year that any member either disavows or otherwise expressly withdraws from Parish membership, he or she is treated as a member only if the person's financial obligations had been satisfied.
- (iv) In the year that any member transfers to another Parish, he or she is treated as a member only if the member's financial obligations had been satisfied.

### **The Parish Priest**

#### *Section 18*

The Parish Priest, by virtue of his canonical ordination and Episcopal appointment, heads the local Parish of the Church. He has the right and the duty to perform all religious services in the Parish. He must follow and respect dogmas, Holy Canons, Teachings and Traditions of the Orthodox Church, as well as the directives of the Bishop.

According to the teaching of the Church, the Priest 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 and sees that all activities within the Parish serve the religious purposes of the Church.

No activities within the Parish should be initiated without

his knowledge and cooperation; neither should he do anything pertaining to the Parish without the knowledge of his parishioners and Parish officials elected by them, except where his priestly duties prohibit, so that always there may be unity, mutual trust, cooperation and love. He shall supervise the Parish activities and give special attention to the Church School, and contribute his knowledge, time and talent to its daily operations.

The Parish Priest shall have the following spiritual duties and administrative functions in addition to those directed by the Bishop:

- (a) Commemorate the name of the Bishop during the religious services;
- (b) Promote the religious education of the parishioners, in conjunction with the Parish Council;
- (c) Establish, with the Parish Council, the date and the time of religious services. All schedules shall conform with tradition, dogma and directives from the Bishop;
- (d) Administer the Holy Mysteries (Sacraments) and officiate at all religious services requested by the parishioners;
- (e) Preside over the Parish Assembly except in cases when the Bishop or Dean is present, or whenever a representative of the Episcopate is delegated for this purpose;
- (f) Be a voting member of the Parish Council as a matter of right, "ex officio";
- (g) Be the head of the Parish Office, in which capacity he shall be entrusted with the care, custody, and control of the archives of the Parish, together with the official Parish Seal, baptismal, chrismation, marriage and burial records;
- (h) Be responsible and care for all books, vestments, objects of veneration, and the sacred untouchable items: the holy Antimension, the tabernacle, and the sacred vessels used in the church services and ritual.

### *Section 19*

To be free from material preoccupations and fully

committed to his sacred ministry, the Priest is to be remunerated by the Parish, the amount of his remuneration being clearly agreed on at the time of his appointment.

The remuneration must comply with standards established by the Episcopate Congress. Exceptions are permitted only in those cases where the Parish Council, upon the direction of the Parish Assembly, makes application and where the Episcopate Office (Chancery) has found good cause that the Clergy Compensation standards be modified in that instance. The Priest's remuneration may not be withheld or lowered without the consent of the Bishop.

Remuneration shall include the following, as established from time to time by the Episcopate Congress:

- (a) A monthly salary and other remunerations determined by the Parish Assembly;
- (b) A Parish House or housing allowance including the payment of utilities;
- (c) Prepaid health and medical coverage for the Priest and his family;
- (d) Established remuneration in case of illness, accident or other disability shall be continued for a period of at least three (3) months after such disability;
- (e) After one (1) full year of service in the Episcopate, the Priest shall be entitled to a minimum of two (2) weeks vacation at full remuneration plus an additional week for each five (5) years of ordained and active service to a maximum of five (5) weeks, irrespective of the time served in the Parish;
- (f) The required parish contribution to the Clergy Pension Plan;
- (g) Payment of at least one-half of the Self-Employment Tax (S.S.) or its counterpart in Canada;
- (h) Payment of all reasonable expenses incurred in attending Episcopate Congresses and Deanery meetings;
- (i) Provide automobile allowance;
- (j) Payment of the Priest's premium for workers compensation

coverage.

### *Section 20*

In addition to the above, the Parish Priest shall observe and respect the following:

- (a) Perform religious services in other Episcopate Parishes only at the request or approval of the local Parish Priest or the Dean;
- (b) Perform no religious service in any Parish which is not under the jurisdiction of the Episcopate unless permitted by the Bishop's general directive or specific permission;
- (c) Permit Priests from other Dioceses or Jurisdictions to serve in his Parish only with the approval of the Bishop;
- (d) Notify the President of the Parish Council whenever an absence of up to three (3) consecutive days is intended. Absence in excess of three (3) consecutive days must have the approval of the Dean and with the knowledge of the President of the Parish Council;
- (e) While receiving a full remuneration from the Parish, a Priest shall not engage in any full-time/part-time non Parish occupation without prior written approval of both the Bishop and the Parish Council.

### **Request for Transfer Invoked by a Parish.**

### *Section 21*

The process for the request shall conform to the following:

- (a) Concerns about the pastorate of the Parish Priest should be registered with and through the Parish Council;
- (b) Representatives of the Parish Council shall meet with the Parish Priest to discuss the concerns and together, work and strive to overcome the concerns;

- (c) Should the concerns communicated continue and/or grow the Parish Council, by a majority vote, shall send written communication to the Bishop, documenting not only the concerns but the actions and efforts taken to resolve the concerns;
- (d) In kind, the Bishop shall respond within thirty (30) days to the Parish Council with guidance in resolving the concerns;
- (e) Should efforts continue to be fruitless and the concerns persist, the Parish Council, by a 2/3 majority vote, shall write to the Bishop invoking a "Request for Transfer." Documentation of the vote and minutes of the Parish Council meeting shall accompany the request;
- (f) Upon receipt of the "Request for Transfer" the Bishop shall respond to the Parish Council within sixty (60) days, indicating available dates by which he or his duly appointed representative will visit, in person, the Parish. The purpose of the visit, by the Bishop or his duly appointed representative shall be to meet with the members of the Parish Council, all authorized auxiliaries, those members in good standing who request a private audience, and the Parish Priest to discuss the concerns of the parish;
- (g) Upon meeting with the above mentioned parishioners, auxiliaries and Parish Priest, the Bishop shall respond, in a timely manner, either in person to the Parish Council, or in writing, concerning any actions to be taken in regard to the "Request for Transfer";
  
- (h) Should the "Request for Transfer" be denied, the Parish may petition the Bishop after a period of one (1) year from the time of his denial.

#### **Vacancy in the Office of Parish Priest**

## *Section 22*

The Office of Parish Priest shall be deemed vacant if any of the following occurs:

- (a) Death of the Parish Priest;
- (b) Voluntary resignation upon sixty (60) days' written notice to the Bishop and to the Parish Council;
- (c) Voluntary retirement;
- (d) Removal from office following adjudication by the Spiritual Consistory or by the Episcopate Tribunal;
- (e) Transfer or removal of the Priest by the Bishop.

When retired, resigned, transferred or removed from a Parish, the Priest shall turn over to his Dean or upon written direction of the Bishop to the Parish Council all the records of the Parish Office, all registers and an inventory of all furnishings, sacred vessels, liturgical books, vestments and all other property entrusted to him under these By-Laws.

### **Procedure to Fill the Vacancy in the Office of Parish Priest**

## *Section 23*

The Parish Council shall:

- (a) Call within thirty (30) days a Special Parish Assembly for the purpose of deciding the remuneration being offered. The Parish Assembly may delegate to the Parish Council specific authority to increase, negotiate, or otherwise change the offered Clergy Remuneration.
- (b) Inform the Bishop about the remuneration offered by the Parish Assembly by forwarding to the Bishop a certified copy of the Special Parish Assembly minutes.
- (c) Upon the determination that a candidate to the vacant Office of Parish Priest is available, the Bishop shall issue the Decree of Appointment.

## **Assistant Priests**

### *Section 24*

Should it be determined by a Parish that it needs an Assistant Priest, then it follows the same procedure as for the vacancy in the Office of a Parish Priest. The Assistant Parish Priest shall have such duties as entrusted to him by the Parish Priest and the Parish Council. The Assistant Priest shall be a voting member of the Parish Council as a matter of right, "ex officio".

## **The Parish Assembly**

### *Section 25*

The Parish Assembly is the general meeting of the voting members of the Parish. The calling and conducting of a Parish Assembly shall be done according to the following procedures:

- (a) The regular Parish Assembly shall be convened by the Parish Priest and the Parish Council within the first six (6) weeks of the calendar year;
- (b) Special Parish Assemblies shall be held when the Parish Priest and the Parish Council deem it necessary or when twenty percent (20%) of the voting members of the Parish request the calling of such a meeting by written petition to the Bishop stating its purpose;
- (c) All Parish Assemblies shall be held on a Sunday or a legal holiday in the church or Parish Hall;
- (d) Notice of any Parish Assembly shall be given not less than fifteen (15) days prior to such meeting by an announcement in church at the Sunday Service and by first class mail to each voting member or publication in the Parish Bulletin if it is mailed to each member. Such notices shall include the date, time, place and the proposed agenda of the meeting being called;
- (e) The agenda for each Parish Assembly shall be determined by the Parish Priest and the Parish Council. If the proposed agenda is to include any Parish Council recommendations, the notice of assembly shall state the actual text of every such recommendation. If the proposed agenda is to include

the buying, selling, leasing, mortgaging or otherwise encumbering of church property, the assembly notice shall expressly state so;

- (f) Voting rights in the regular Parish Assembly shall be granted to those members of the Parish who have met their financial obligations to the Parish prior to December 31. New members may exercise the right to vote at a Parish Assembly only if they have been enrolled for at least six (6) months;
- (g) The quorum for a Parish Assembly is that number of voting members in good standing of not less than the maximum allowable number of members of the Parish Council;
- (h) The Parish Priest shall preside over the Parish Assembly, or in his absence, the Parish Council President. Should the agenda include matters involving the jurisdiction of the Episcopate, or otherwise provided in these By-Laws, then a person appointed by the Episcopate shall preside;
- (i) At the time of the calling of each Parish Assembly, the Parish Council officers shall compile a membership roll with the names of all voting members and shall forward it, in typed form, and in triplicate, to the Episcopate Office (Chancery). The roll shall be prepared according to these By-Laws including by example Section 17 (b) above. The verified copy, returned by the Episcopate, shall constitute the official roster for the meeting;
- (j) The Secretary of a Parish Assembly shall be the Parish Council Secretary;



- (k) The minutes of the Parish Assembly shall be verified at the next meeting of the Parish Council following the Parish Assembly and shall be signed by the President of the Assembly and the Secretary. A certified copy shall be sent to the Episcopate Office (Chancery).

### **Voting**

#### *Section 26*

Voting in any Parish Assembly shall be in person and there shall be no voting by proxy or absentee ballot.

#### *Section 27*

In the following cases, a two-thirds (2/3) vote of those present and eligible to vote is required:

- (a) Buying, selling, leasing, mortgaging or otherwise encumbering church property;
- (b) Limiting or extending limits of debate;
- (c) Reversing a decision previously taken during the meeting or series of connecting meetings;
- (d) Matters involving the jurisdiction of the Episcopate or otherwise required by these By-Laws;
- (e) Adopting a motion for merger or dissolution of a Parish;
- (f) All other motions may be passed by a majority of those present and eligible to vote.

#### *Section 28*

Any member present and eligible to vote at a Parish Assembly may challenge the legality of the procedure of the meeting in the following manner:

- (a) By objecting to the procedure at the time of the alleged infraction;

- (b) If overruled by the chair, the member must, prior to the adjournment of the meeting, declare the intention to appeal to the Episcopate, so that the appeal can, and shall be recorded in the minutes;
- (c) Within ten (10) days, forward the appeal, in writing, signed by the member and three (3) other voting members present and eligible to vote, to the Episcopate which must rule on it within sixty (60) days.

Notwithstanding the above paragraph, any person may challenge the legality of either the method of convoking a Parish Assembly, the notice of a Parish Assembly, or the agenda thereof, only if on the day the challenge is made, he or she is eligible to vote at the meeting to be challenged, and only by making the challenge in the following manner:

- (a) Prior to the date of the meeting, announce the challenge in writing, with copies sent by Certified or Registered mail to both the Parish Office and the Episcopate Office (Chancery), stating the grounds for the challenge;
- (b) On the day of the meeting, after the roll has been called, state to the meeting his or her challenge, and if overruled by the chair, the challenging member shall follow the provisions of subsection (1) (b) & (c) above.

### **Authority and Duties of the Parish Assembly**

#### *Section 29*

The Parish Assembly shall have the following authority and duties:

- (a) Establish the remuneration for the Parish Priest;
- (b) Establish the compensation for all employees of the Parish;
- (c) Sell, purchase, lease, mortgage, or otherwise encumber church property as its sole right;

- (d) Approve all major construction programs, such as church buildings, church schools, cultural, business and social halls, cemeteries, and picnic areas, provided however, that no resolution for a Parish construction program shall be effective unless and until it is also approved by the Episcopate Council;
- (e) Establish member's financial obligations and stolar fees, i.e., marriage, baptism, funeral, religious services honorariums;
- (f) Elect the Parish Council;
- (g) Elect Lay Delegates and Alternate Delegates to the Episcopate Congress;
- (h) Approve the activities report and the recommendations of the Parish Council whenever necessary;
- (i) Approve the audited Treasurer's report;
- (j) Approve the budget;
- (k) Approve the audited financial and activity reports of the Parish Auxiliaries;
- (l) Vote on merger or dissolution of the Parish.

### **Finances**

#### *Section 30*

The fiscal year of the Parish shall be on a civil calendar year basis.

- (a) The Parish shall operate under a written itemized budget which shall be prepared and recommended by the Parish Council to the Parish Assembly for its approval at its annual meeting.
- (b) The Parish Council shall have the authority to allocate funds not included in the general budget, in the event of unforeseen and extraordinary circumstances of an emergency nature.

- (c) At the end of each fiscal year and before the Annual Parish Assembly, the Auditors shall audit the financial books of the Parish, and verify the income and expenditures made during the year, and shall make a physical inventory of all assets, a copy of which shall be sent to the Episcopate Office (Chancery).
- (d) All financial records, including invoices, receipts and evidence of disbursements, shall be preserved at the Parish Office for a period of ten (10) years or according to the Statute of Limitations of the State, Province, or Territory.
- (e) An internal accounting control questionnaire issued by the Episcopate Office (Chancery) shall be answered by the Parish Council Treasurer in consultation with the Auditors and it shall be submitted to the Episcopate Office (Chancery) during the Month of February in each year. The questionnaire shall be signed by the Parish Priest, Parish Council President, Treasurer, and the Auditors. Failure to complete and return the questionnaire would subject the Parish to an independent audit by a certified public or chartered accountant upon the direction of the Episcopate Council at the Parish's own cost and expense.

### **Delegates to the Episcopate Congress**

#### *Section 31*

Each Parish shall be represented in the Episcopate Congress by its Parish Priest or Administrator and two (2) Lay Delegates and two (2) Alternates elected by the Parish Assembly for a term of two (2) years. In order to be eligible for election as a Delegate or Alternate Delegate, a person must have been an enrolled member for at least one (1) year.

The election of the Delegates and Alternates shall be certified to the Episcopate by the President and the Secretary of the Parish Assembly and the documentation sent to the Episcopate Office (Chancery).

#### *Section 32*

Failure of a Parish to send Delegates to the Episcopate Congress shall not excuse the Parish from abiding by and being bound by the decisions of the Episcopate Congress. Non-payment of assessments to the Episcopate constitutes grounds for depriving the Parish Delegates of being seated at and of the right to vote in the Episcopate Congress.

### **Parish Council**

#### *Section 33*

- (a) The Parish Council is the body which, together with the Parish Priest, implements the decisions of the Parish Assembly, and shall administer the secular and financial affairs of the Parish.
- (b) The Orthodox Christian Church teaches that there should be an active cooperation between Clergy and Laity on all levels of church life. Because the Parish Council is the main parish organ of such cooperation, none of its meetings may be held without the knowledge of the Parish Priest who, as the Spiritual Leader of the Parish, must take part in the discussion and solution of all parish affairs. Although the Priest is the head of the Parish, it is not necessary for him to preside over Parish Council meetings. The Lay President usually presides.

To be eligible for nomination and election to the Parish Council, a person must satisfy the requirements of Section 14 (c) (ii) of this Article above and have been an enrolled member of the Parish for at least six (6) months at the time of his or her election.

In addition to the above technical qualifications, the Nominating Committee should nominate, and the Parish Assembly should elect to the Parish Council, only those members who regularly receive the Holy Mysteries, actively work for the Parish's spiritual and material advancement, exhibiting a strong desire to work for the building up of God's Holy Orthodox Church.

Nomination and election to the Parish Council should not be accorded to any member who fulfills merely the minimum

requirements for receiving the Sacraments, who is not regularly in attendance at the Parish's services, who promotes division and disunity within the Parish, or who is absent from the elections for Council without honorable cause.

- (c) The number of persons to be elected shall be determined by the number of voting members according to the following schedule:

<b>Parish Size</b>	<b>Number in Council</b>
100 or fewer members:	Not less than 7 Not more than 15
101 to 200 members:	Not less than 11 Not more than 25
201 or more members:	Not less than 15 Not more than 30

*Section 34*

The following procedure for electing members to the Parish Council shall be strictly followed:

At a meeting of the Parish Council at least one month prior to the Parish Assembly, the Council shall appoint a Nominating Committee consisting of the Parish Priest and three (3) Council members which shall prepare for presentation to the Parish Assembly a slate of willing, qualified candidates. No nominations or changes to the slate, whether by way of consensus or otherwise, shall be in order. If the slate does not receive a majority vote, nominations from the floor will then be in order.

*Section 35*

Immediately after the election of the Council, the Parish Priest/President of the Assembly shall administer the oath of office. No person may serve as a member of the Council until that person has taken the oath of office.

The oath is the following:

#### OATH

*"I do solemnly swear that I will fulfill my duties as a member of the Parish Council; that I will administer honestly the property of the Parish; that I will work without regard for my personal interests and without partiality toward others; that I will uphold and defend the Constitution and By-Laws of the Episcopate, and the spiritual authority of the Bishop. So help me God."*

The Parish Priest or Administrator shall call a meeting of the newly-elected Parish Council within seven (7) days of its election, for the purpose of electing a President, a Vice President, a Secretary, a Treasurer, two Epitrops and two Auditors. Immediately after their election, the new officers shall receive all the records, property and keys, from the outgoing Parish Council.

#### Section 36

In addition to those elected to the Parish Council by the Parish Assembly, the following shall serve as "ex-officio" members with the right to vote:

- (a) The Priest, Assistant Priest(s), Deacon(s);
- (b) The two (2) Lay Delegates to the Episcopate Congress;
- (c) The President of the Women's Auxiliary;
- (d) The President(s) of the A.R.O.Y. Chapter(s);
- (e) The president of such other auxiliaries as the Episcopate Congress may authorize;
- (f.) The immediate Past President of the Parish Council first year out of office.

If they are eighteen (18) years old, and if the Parish Assembly requires them to pay dues, Lay "ex-officio" members may exercise their vote if their financial obligations have been paid.

*Section 37*

One half plus one ( $1/2 + 1$ ) of the total number of elected members in the Parish Council shall constitute a quorum for any meeting.

*Section 38*

The Parish Council shall ordinarily meet once a month, but it shall not meet less than once every two (2) months.

*Section 39*

The President and the Secretary of the Parish Council, with the knowledge of the Parish Priest, shall call meetings of the Parish Council on one (1) week's notice to the elected and "ex-officio" members. Notice of regular meetings shall be sent, in writing, by mail. This notice may be waived by unanimous consent of the members of Council.

*Section 40*

In the event of the resignation, death, deposition upon due process of these By-Laws or incapacity, of the President, Vice President, Secretary, Treasurer, an Epitrop or Auditor of the Parish Council during a term of office, a successor shall be elected by the Council from among its members.

*Section 41*

No person shall occupy more than one office in the Parish



Council, nor shall the Office of President and Treasurer or Auditor be occupied by any two (2) persons who, at any time during their terms are or become related as parent and child, spouses, siblings, in-laws, grandparents and grandchild. No person shall hold the same office consecutively for a period in excess of four (4) years.

*Section 42*

Absence of any elected or "ex-officio" member of the Council without good cause from three (3) consecutive meetings of the Council in one (1) year, shall be deemed as a resignation from membership and from any office on Council.

**Authority and Duties of the Parish Council**

*Section 43*

The Parish Council, all of whose members shall be bonded, shall have the authority and duty to:

- (a) Implement the decisions of the Parish Assembly and together with the Priest, administer and manage the affairs of the Parish;
- (b) Study and make recommendations to the Parish Assembly for the purchasing and selling, leasing, mortgaging or otherwise encumbering, if necessary of church properties;
- (c) Recommend plans for construction following the established procedure for approval of such plans, of securing proper construction plans and competitive bids, and receiving approval from the Episcopate Office (Chancery) and Council;
- (d) Prepare and submit the annual budget to the Parish Assembly;
  
- (e) Present an annual report of its activities to the Parish Assembly, which report shall include charitable activities, church school/religious education programs, and maintaining active Episcopate auxiliaries;
- (f) Acknowledge reception of new members and the transfer

- of members from another Parish;
- (g) Establish the agenda of the Parish Assembly;
- (h) Have the sole authority to raise and solicit funds for the Parish and for its purposes;
- (i) Exercise its competence under Section 23, above.

### **Duties of the President of the Parish Council**

#### *Section 44*

The President of the Parish Council shall:

- (a) Together with the Secretary and with the knowledge of the Parish Priest, call and preside over meetings of the Council;
- (b) Sign, together with the Secretary, all contracts, deeds, mortgages, and other legal documents;
- (c) Co-sign with the Treasurer all checks; this may be delegated to the Vice-President;
- (d) Together and in cooperation with the Priest, represent the Parish in its external affairs.

### **Duties of the Vice President of the Parish Council**

#### *Section 45*

In the absence of the President, the Vice President/First Vice President shall perform the duties of the President, and such other duties as are assigned to him by the President and Parish Council.

### **Duties of the Secretary of the Parish Council**

#### *Section 46*

The Secretary of the Parish Council shall:

- (a) Take minutes of the meetings of the Parish Council and of the Parish Assemblies;
- (b) Sign, together with the President, contracts, deeds, mortgages and other legal documents;
- (c) Keep a current list of the names, addresses and telephone numbers of enrolled Parish members;
- (d) Give notice of all meetings as required by these By-Laws;
- (e) At the same time that notice of the Annual Parish Assembly is mailed, prepare and send to the Episcopate:
  - (i) Three (3) typewritten copies of the enrolled members/address roster for certification;
  - (ii) The Parish Assembly agenda;
- (f) Prepare and send to the Episcopate:
  - (i) The Treasurer's audited financial report and inventory of church funds and properties;
  - (ii) A copy of the Treasurer's Fidelity Bond or certificate;
  - (iii) The financial accounting questionnaire in conformity with this Article IX, Section 30(e).

#### **Duties of the Treasurer of the Parish Council**

##### *Section 47*

The Treasurer of the Council shall:

- (a) Be bonded\* by a Fidelity Bond in the Parish's name;
- (b) Be entrusted with the safekeeping of all church funds, negotiable instruments, and any other instruments of value;

- (c) Be responsible for maintaining an accounting of all church funds and property, and specifically that property inventory referred to in Article IX, Section 7;
- (d) Give a complete written financial report at the Annual Meeting of the Parish Assembly, and at the meetings of the Parish Council and account for all assets and expenditures under his or her control;
- (e) Co-sign, together with the Council President, all checks; or with the Vice President if so delegated;
- (f) Make available to the Auditors, the Parish Council or Episcopate Council all records in his or her custody immediately upon request.

\* The Bond shall be issued to equal or exceed the largest sum of liquid short-term assets, (accounts, cash, notes, etc.) held by any Parish Treasurer at any time in the preceding three (3) years.

#### **Duties of the Eпитrops of the Parish Council**

##### *Section 48*

The duties of the First Eпитrop shall be:

- (a) To receive contributions, member's financial obligations, donations and offerings;
- (b) To transmit to the Treasurer all money collected and copies of all receipts issued by him or her for these monies;
- (c) To sell candles used during religious services;
- (d) To arrange that all necessary items used in connection with the church and worship services be maintained, cared for and available;
- (e) All Eпитrops shall be bonded by Fidelity Bond in the Parish's name.

The duties of the Second Epitrop shall be to perform those duties of the First Epitrop which are assigned to him or her by the First Epitrop or by the President. Assistants may be appointed with the consent of the Council but the Council bears the legal financial responsibility for all actions of such assistants.

### **Duties of the Auditors of the Parish Council**

#### *Section 49*

The Auditors should have training or experience in financial accounting, auditing or bookkeeping and shall audit the financial records and assets of the Parish.

- (a) They shall conduct their audits as often as they see fit, but not less than twice a year.
- (b) They shall verify the report of the Treasurer at the Annual Meeting of the Parish Assembly.
- (c) In their audit, they shall physically inspect and verify all the physical property of the Parish, real and personal.
- (d) In their audit, they shall personally review all policies of insurance covering against loss, theft, destruction, or other casualty and against liability, for the purpose of confirming that the amount of insurance is adequate, and that the insurance is properly in force.
- (e) They shall be responsible to notify the Episcopate Office (Chancery), and the Parish Council, and if necessary, to file a case in the Episcopate Courts, in the event that they discover any improper or irregular administration, spending, investment or safekeeping of the Parish property or funds.

## **ARTICLE X**

### **MISSIONS AND NEW PARISHES**

#### *Section 1*

The Bishop may initiate a center of Mission activity through the Department of Missions:

- (a) After determining that a sufficient number of faithful are present in a given area;
- (b) By sending a representative from the Episcopate to meet with the interested parties to verify the feasibility of forming a Mission community.

*Section 2*

A new Mission community shall be organized in strict accordance with the following procedures:

- (a) The interested parties, by name and complete address, shall sign a petition requesting the establishment of a new mission, and send it to the Episcopate;
- (b) After having received the petition, the Bishop shall call a General Meeting of the signatories and delegate a Representative of the Episcopate to preside over the meeting;
- (c) The Delegate of the Episcopate shall explain these Constitution and By-Laws, together with Episcopate policy and practices and the Holy Canons which relate to and regulate the life of the Orthodox Church in general and of the Parish in particular. Upon the acceptance of and submission to the Canons, Constitution and By-Laws, by a majority vote taken by roll call, the organizing group shall elect a Provisional Council, nominated from the assembly floor, which shall consist of a President, a Secretary, Treasurer, two (2) Epitrops and two (2) Auditors;
- (d) The Provisional Council shall, promptly invite anyone of the Orthodox Christian faith to join the new mission if they are not already affiliated with another parish and are otherwise qualified to be enrolled as members as set forth in these By-Laws;

- (e) When the Episcopate Office (Chancery) has determined that the organizing group has a sufficient number of supporting members to sustain the life of the mission, it shall give its approval to the organizing group to proceed with the legal formalities of incorporating the mission, according to the laws of the State, Province, or Territory in which it is located and according to this Constitution and By-Laws.

The Parish Articles of Incorporation shall include these Constitution and By-laws by reference, the supremacy of which shall be acknowledged. The Articles of Incorporation shall also include among its purposes the promotion of religious, educational, cultural and charitable activities. A certified copy of the Articles of Incorporation shall be forwarded to the Episcopate Office (Chancery);

- (f) Upon receipt of a certified copy of the Articles of Incorporation, the Bishop may accord to it canonical authority to function as a mission, including investing the Parish with a charter and the Holy Antimension and assigning a Priest.

## ARTICLE XI

### **AFFILIATED PARISHES**

#### *Section 1*

In the event that a group referred to in Article X is unable to organize a sufficient number of members to sustain a Mission, they may form an affiliated Parish which will be attached to the nearest existing Parish by mutual agreement and with the consent of the Episcopate.

#### *Section 2*

An Affiliated Parish shall be organized and/or dissolved in the same manner as a Parish.

*Section 3*

The agreement between the Affiliated Parish and its Mother Parish shall be in writing and be approved by their respective General Assemblies and ratified by the Episcopate.

*Section 4*

An Affiliated Parish which subsequently meets the requirements for the establishment of a new Parish may, by a majority vote of its members, and with prior approval and ratification of the Episcopate, become a Parish under Articles IX and X.

*Section 5*

In the event an Affiliated Parish is dissolved, all its assets shall automatically become part of the patrimony of the Episcopate.

**ARTICLE XII**

**MERGER OF PARISHES**

*Section 1*

In the event two (2) Parishes in close proximity wish to merge, the following procedure shall be strictly followed:

- (a) With the approval of the respective Parish General Assemblies, each Parish Council shall name a committee to meet with its counterpart to negotiate the merger;
- (b) In the event of concurrence by the two (2) committees, the agreement shall be presented to their respective Parish Assemblies for ratification and adoption;
- (c) Ratification of the merger shall be by two-thirds (2/3) vote of those present and eligible to vote. Said ratification shall not become effective until it is also approved by the Episcopate;



- (d) A copy of the minutes of each Ratification Assembly shall be forwarded to the Episcopate Office (Chancery) which will then call a joint General Meeting of the two (2) Parishes. It shall be presided over by a Delegate of the Episcopate. To constitute a quorum for this Assembly, there must be present a number equal to the total membership of both Parish Councils. At this Assembly, the members of the Councils of the Parishes shall submit their resignations and a single Council shall be elected from nominations from the Assembly floor. Those Council members not present shall be deemed to have also resigned;
- (e) The corporate existence of the merged Parish shall conform to the laws of the State, Province or Territory where it is located and to this Constitution and By- Laws;
- (f) Upon the merger of two (2) Parishes, the two (2) Parish Priests shall be deemed to have automatically resigned. the Bishop will appoint a Priest to the Parish.

### ARTICLE XIII

#### **DISSOLUTION OF A PARISH**

##### *Section 1*

When the Episcopate is aware that a Parish cannot fulfill its purposes and maintain the active, full life associated with that of a Parish, the Parish may be dissolved at a special meeting of the parishioners called for that purpose by the Episcopate, and presided over by a Delegate of the Episcopate.

##### *Section 2*

By virtue and under authority of these By-Laws, once the resolution to dissolve is adopted, it shall be deemed to constitute the Episcopate Delegate as the Parish's Attorney- in-fact with full authority, right and duty to convey title of all Parish property to the Episcopate, or its designee under Section 10 of Article IX. The certified Assembly minutes, together with the Bishop's certificate of delegate and these By-Laws, Article IX, Section 10, and Article XIII, Section 1, shall be sufficient for filing with registers of deeds and all other title registration authorities.

*Section 3*

As Archpastor of the Church, the Bishop may, in consultation with the Episcopate Council, determine that for the greater good of the Church, the dissolved Parish properties be devoted to service and administered as a Mission, Shrine, Chapel, Refuge, or for any such other use as permitted by the Holy Canons of the Church.

ARTICLE XIV

**MISCELLANEOUS PROVISIONS**

*Section 1*

The Episcopate Congress unanimously decided that the present Constitution and By-Laws as amended in the Legislative Session of July 2, 1994, become effective on that date.

*Section 2*

The Episcopate shall be the final authority as to the interpretation of the Constitution and By-Laws.

*Section 3*

While this Constitution and By-Laws may be published in the Romanian language as well as in the English language, the English language text shall constitute the official version.

*Section 4*

In the absence of specific procedures or regulations prescribed by these By-Laws, and/or laws of the State, Province or Territory having jurisdiction, Robert's Rules of Order shall apply.

*Section 5*

The catch lines/titles of Articles, Sections and Subsections are for convenient reference only and are not part of the Constitution or By-Laws and may not be used to construe the provision more broadly or more narrowly than the text indicates.

ARTICLE XV

**THE CHURCH COURTS**

*Section 1*

The judicial system of the Episcopate consists of the following:

- (a) A Juridical Referee;
- (b) A Deanery Peace Court;
- (c) A Spiritual Consistory;
- (d) An Episcopate Tribunal;
- (e) The Hierarchical Authority.

**The Judicial System**

*Section 2*

Jurisdiction of the Episcopate Judicial System shall extend over the following matters and persons:

- (a) Adjudging alleged transgressions from the dogmatic teachings, traditions, practices and discipline of the Orthodox Christian Church; allegations of un-Orthodox

beliefs, breaches of canonical or moral discipline, marital problems, disputes over Parish Institutions, and any other matter involving the good order of the Church;

- (b) Allegations of violation of or nonconformity with the Constitution and/or By-Laws of the Episcopate;
- (c) Conflicts between individuals, persons, whether Clergy or Laity arising out of church matters or between individuals and any component part of the Episcopate expressly including failure of a Clergy member and Parish or Individual to honor obligations to the other, whether contractual, moral, spiritual or civil;
- (d) Dereliction of duty on the part of any of the elected or appointed officers of any organization under the jurisdiction of the Episcopate;
- (e) Acts detrimental to the Church, including, but not limited to, extreme expressions of disrespect toward or disregard for spiritual authority;
- (f) Irregularities in the administration or management of church properties and funds;
- (g) The adjudicative jurisdiction of the Episcopate and its justice system shall extend to every person, Clergy or Layperson, who seeks and accepts admission to the Episcopate or any of its component parts. Further to every individual whose actions in relation to the Episcopate are regular and systematic, or who, in a particular instance, causes consequences to any of the constituent members or parts of the Episcopate, that it would be reasonable that the matter be adjudicated by the Church court justice system of the Episcopate. Jurisdiction shall not be impaired or divested by any parties, withdrawal from the Episcopate, resignation, transfer or disavowal of membership.

### *Section 3*

Due canonical procedure and due process of law shall be

the right and entitlement of every person, Clergy and Lay, subject to the adjudicative system of the Episcopate.

### **The Juridical Referee**

#### *Section 4*

The Juridical Referee, appointed by the Bishop, shall have the following duties:

- (a) To receive complaints directed to the Episcopate court justice system ("Church Courts" below);
- (b) To determine as a threshold matter whether both:
  - (i) that the complaint is not filed for any improper purpose, such as to harass, to seek personal advantage or pursue personal animosity, and
  - (ii) that the complaint is based on just cause, being well grounded in fact and warranted under this Constitution and By-Laws and Christian propriety.

### **The Deanery Peace Court**

#### *Section 5*

The Deanery Peace Court is a court of mediation and dispute resolution; it shall be composed of the Dean and two (2) Laypersons selected by the Dean for each case. It shall hear and decide only those cases within its own Deanery. One of the panelists should, if practical, be an attorney.

### **The Spiritual Consistory**

#### *Section 6*

The Spiritual Consistory shall only hear and decide cases involving dogmatic and canonical matters. It shall consist of three (3) Priests, one of whom shall be the President, another the Secretary, and the third the Investigator. The members shall be appointed by the Bishop for a term of two (2) years. In the event that a member of the Spiritual Consistory dies, resigns, or otherwise does not serve, the Bishop shall appoint a successor to serve the unexpired balance of the predecessor's term.

### **The Episcopate Tribunal**

#### *Section 7*

- (a) The Episcopate Tribunal shall hear all appeals from the Deanery Peace Court, on a "de novo" basis, and shall have original jurisdiction in all other cases within the church court jurisdiction, including, but not limited to, those relating to the administration of the Episcopate, its Parishes, its Auxiliaries, and its Affiliated Institutions.
- (b) It shall consist of the three (3) members of the Spiritual Consistory and two (2) Laypersons elected by the Episcopate Congress for a term of two (2) years and of (2) alternate Layperson members. In the event that a member of the Episcopate Tribunal dies, resigns, or otherwise does not serve, the Bishop shall appoint a successor with the advice and consent of the Episcopate Council from among the Delegates to the Episcopate Congress to serve the unexpired balance of the predecessor's term. The alternates shall be appointed to comprise a full Tribunal panel in the event that a regular member excuses himself or herself or otherwise is unavailable to participate in a case. The alternates may also serve on a rehearing panel under Section 16 below.

- (c) The President of the Episcopate Tribunal shall be the President of the Spiritual Consistory, and a Layperson shall fill the post of Secretary.
- (d) The Tribunal shall meet as often as necessary.
- (e) When at least one (1) party to a dispute is domiciled in Canada, a special panel of the Episcopate Tribunal shall be constituted upon the Bishop's appointment:
  - (i) Where all parties live in a single Province, as many members as practical, both clergy and laity, should be residents of that Province;
  - (ii) If any respondent is Canadian, as many members as practical, both clergy and laity, should be Canadian.

### **The Procedure**

#### *Section 8*

All actions shall be commenced by presenting to the Episcopate Office (Chancery) a written complaint which must include the following:

- (a) An enumeration of the reasons for the complaint, stating all of the facts that petition relies upon;
- (b) The names, addresses and telephone numbers of all parties and witnesses which the complainant claims are involved in the matter;
- (c) All documents, instruments or other writings and signed statements of the witnesses;
- (d) The complainant's signed statement confirming submission to the exclusive jurisdiction of the Church Courts, agreeing that their decision is final and non-appealable to the civil courts, and that the complainant has read the complaint, that he or she has made reasonable inquiry, that the complaint states truly and completely all of the facts of the matter, and that the complaint is not filed for any improper purpose such as harassment, pursuit of personal advantage, or personal animosity.

*Section 9*

All complaints received by the Episcopate Office (Chancery) shall be registered and forwarded to the Juridical Referee for preliminary review under this Article.

*Section 10*

As a preliminary matter, the Juridical Referee shall determine the complainant's good character as well as possible motive for the filing of the complaint. The referee shall direct an insufficient cause of action back to the proper person or area of jurisdiction giving the reason for his or her determination. This procedure shall be known as Summary Disposition and shall be without prejudice to refiling a complaint unless the proper court, ratifying such a recommendation by the Referee, orders that the dismissal be with prejudice. The Referee's memorandum of Summary Disposition shall state the reason for his or her determination including but not limited to:

- (a) The complaint is not in the proper form under this Article;
- (b) There is reasonable cause to conclude that the complaint is filed out of improper motive as provided in this Article;
- (c) The complaint does not establish reasonable cause for proceeding to trial;
- (d) The Church Courts lack jurisdiction over either the subject matter or over the person(s) or both. Should the Referee determine that there is reasonable cause for the case to proceed to trial, he or she shall forward the complete file to the court of proper jurisdiction for issuance of written process summoning the parties and for further action.

**Cases Referred to the Deanery Peace Court**



### *Section 11*

In cases referred to the Deanery Peace Court, within thirty (30) days following receipt of the complete file from the Referee, the Deanery Peace Court shall issue written summons to the parties to the dispute, and proceed to investigate the matter.

When the investigation is completed, the Deanery Peace Court shall hold a hearing with notice demanding presence of the parties for the purpose of mediating the dispute. The Deanery Peace Court shall submit its findings in writing to the parties and to the Referee within a reasonable period of time, but not to exceed eight (8) weeks after the mediation hearing.

### *Section 12*

In the event either side is not satisfied with the findings of the referee's Memorandum of Summary Disposition or the Deanery Peace Court, he or she may appeal, as a matter of right, the case to the Episcopate Tribunal within thirty (30) days of receipt of the findings. Under its general rule-making authority, the Episcopate Council may promulgate rules by which complainants may file applications for permission to file appeals to the Episcopate Tribunal after the 30 days has expired for appeals by right.

After the thirty (30) day appeal period has expired from a decision of the Deanery Peace Court, the Peace Court decision shall stand as the final adjudication of the Church Courts.

## **Cases in the Episcopate Tribunal**

### *Section 13*

- (a) In all cases brought before the Episcopate Tribunal, an investigation shall be conducted by a member of the Tribunal appointed by the President. If travel expenses are necessary, such expenses and other related expenses shall be charged to the party involved.
- (b) Both the complainant and the respondent/accused are entitled to appoint a third party to act as his or her counsel. All parties may request the testimony of experts and witnesses acceptable to the Tribunal.

#### *Section 14*

The Investigator shall file his or her report with the Tribunal as soon as practical. Upon receipt of the Investigator's report, the presiding officer shall set the case for trial at the next session of the Tribunal.

If the complainant or the appellant or any other party requests that the case be adjudicated immediately, and if the Tribunal grants the request, such party shall pay the travel expenses of the Tribunal members, together with all other administrative costs necessitated by such request.

#### *Section 15*

- (a) Summons and notice of the date and the place where the court is to meet shall be sent, by certified mail to all those who are directly involved. The Court's said process shall be served on the respondent/appellee with a return receipt requested and service restricted to the addressee, or by personal service. If the addressee does not accept delivery, the Tribunal President may enter an Order for such Substituted Service as is reasonably intended to give the addressee actual notice of the proceedings and an opportunity to respond. Failure of a person to enter an appearance before the Court will not affect the Court's jurisdiction nor shall it stop such Court from rendering its decision which shall be binding on all parties.

- (b) There shall not exist any adjudication as default judgment in the Church Courts. Where a respondent or appellee fails to appear or otherwise defend, the Court shall enter that party's default and shall receive such evidence as it shall deem sufficient before rendering its decision.
- (c) All Church Courts, except the Deanery Peace Court, shall be courts of record, and an audiotape record shall be made of proceedings and that record shall be preserved with the documentary record for at least one year after the decision is rendered.

#### *Section 16*

- (a) A majority of the votes will be required to render and constitute a decision. In case of a tie vote, the presiding judge shall cast the deciding vote.
- (b) In any original proceeding where the Tribunal's decision was not unanimous, the aggrieved party may claim an appeal as a matter of right within thirty (30) days after the decision is issued. Where the Tribunal's decision was unanimous, it shall stand as the final decision of the Church Courts provided, however, that the Bishop may grant an application for permission to appeal from such a decision.
- (c) In those situations where a decision of the Tribunal is appealed, whether by right or upon permission granted, the Tribunal Appellate Division shall be constituted of the two (2) Layperson Tribunal Alternates and the Bishop shall appoint two (2) Clergy members and, if the President cast the deciding vote in the decision being appealed, the Bishop shall appoint a Clergyman as President of the Appellate Division. Otherwise, the President of the Episcopate Tribunal shall be the President of the Appellate Division.

### *Section 17*

All decisions of the Episcopate Tribunal shall be recorded in a journal kept for this purpose, and a signed, certified copy of the decision in each case shall be forwarded to each interested party and to the Episcopate Office (Chancery) within seven (7) days after the decision.

### *Section 18*

In addition to, and complementing, the judgments prescribed by the Ecumenical and Local Councils and the Holy Fathers of the Orthodox Church, the Episcopate Tribunal has the power and authority to render the following judgments as to persons judged guilty or responsible after trial as well as to false accusers:

- (a) Private reprimand;
- (b) Public reprimand;
- (c) Restitution of monetary damages;
- (d) Temporary or permanent suspension from office;
- (e) Estoppel of the individual from membership in any committee and from holding office in the Episcopate, or any of its constituent parts;
- (f) Suspension of all rights to vote in any constituent part of the Episcopate including a Parish for a period of one (1) year;
- (g) Expulsion and/or suspension from Parish membership.

### *Section 19*

All decisions of the Episcopate Tribunal are final once the time for any additional appeal has expired, except in those cases where otherwise provided by the Holy Canons of the Orthodox Christian Church.

## **Cases in the Spiritual Consistory**

### *Section 20*

- (a) The Bishop, by his own judgment rendered in conformity with Canon Law, is empowered to impose temporary suspension upon Clerics and Monastics, and temporary or permanent excommunication upon members of the Laity. The accused has the right to claim trial in Church Court within eight (8) weeks of the date when the penalty is pronounced by the Bishop.
- (b) In cases where the Church Courts affirm the Bishop's pronouncement of penalty, any appeal lies with the Holy Synod of Bishops of the Orthodox Church in America.
- (c) Members of the Clergy or Monastics accused of infractions or of offenses involving Canon or other church laws of heresy or dereliction of spiritual duty, shall first be brought before the Spiritual Consistory, which court shall follow the same procedure as prescribed for in the Episcopate Tribunal.

### *Section 21*

The decisions of the Spiritual Consistory may be appealed directly to the Bishop if the appeal is filed within thirty (30) days after the appellant received the Consistory's decision. The decision of the Bishop may be appealed to the Holy Synod of Bishops of the Orthodox Church in America pursuant to the rules for appeals to that body.

### *Section 22*

In addition to, and complementing, the judgments prescribed by the Ecumenical and Local Councils and the Holy Fathers of the Orthodox Christian Church, judgments which may be rendered by the Spiritual Consistory are the following:

- (a) Private reprimand;
- (b) Public reprimand;

- (c) Transfer;
- (d) Declared denial of the right to be considered for transfer to a Parish for a period of up to one (1) year;
- (e) Suspension of the right to vote in the Episcopate Congress;
- (f) Suspension of the right to membership in the Episcopate Council for an indefinite period of time;
- (g) Removal from the Office of Parish Priest or Administrator;
- (h) Recommendation to the Bishop the suspension of the privilege to administer the Holy Sacraments;
- (i) Recommendation to the Bishop the deposition of the accused.

#### *Section 23*

In cases of extreme gravity when the unity and proper functioning of the Parish or the Episcopate are in jeopardy, the Juridical Referee may recommend to the Bishop that the accused be temporarily suspended from any office which he or she may hold and/or from any privileges which he or she may hold and/or from any privileges to which he or she may be entitled, until the matter is finally adjudicated.

#### *Section 24*

The Episcopate Council may initiate, on its own, an action in the Episcopate Tribunal.

#### *Section 25*

All complaints against the Bishop must be forwarded directly to the Episcopate Council by delivery to its Secretary. Those complaints concerning substantially secular, administrative matters, shall be referred to the Episcopate Congress for proper determination. All other matters properly within the jurisdiction of the Holy Synod of Bishops of the Orthodox Church in America, including but not limited to spiritual matters, shall be referred to the Office (Chancery) of the Metropolitan.

#### *Section 26*

Any person having a direct interest in any cause, or any degree of kinship with the parties involved, will not be eligible to serve as judge or investigator. The Judicial body having original jurisdiction shall have the power to fill such vacancy either from among the Tribunal alternates or in case of need, from among the entire congregation of individuals subject to the adjudicative jurisdiction of the Episcopate.

*Section 27*

Consistent with Section 13 (b), of this Article, parties may select qualified clergy or laity as counsel from persons properly admitted to plead before the Spiritual Consistory or the Episcopate Tribunal.

Qualified Clergy and Laypersons may be admitted to plead before the Spiritual Consistory or the Episcopate Tribunal by submitting their applications to the Episcopate Council for approval.

*Section 28*

No person, Clergy or Lay, subject to these By-Laws and adjudicative jurisdiction of the Episcopate shall avail himself or herself of the civil courts in any matter concerning the Episcopate, its Parishes, Missions, Institutions, or Auxiliaries except as otherwise provided by law and no such person shall avail himself or herself of the civil courts in any such matter until he or she first has exhausted all the procedures described herein. The Episcopate has the express right and authority to file a motion and to intervene in any civil court for the purpose of securing dismissal of any such action and to enforce its exclusive jurisdiction under the Constitution and By-Laws.

*Section 29*

Generally, the Federal Rules of Evidence will be applied to the extent practical in Church Court cases except:

- (a) Where the Canon Law of the Orthodox Christian Church makes different provision regarding admissibility, sufficiency, burden of proof, or any other aspect of evidence, the Canon Law shall control;
- (b) The Church Courts shall have the authority to apply such other rules of evidence as shall serve the timely administration of justice in the Church, avoid unreasonable expense or delay, or otherwise serve the ends of fairness and discerning the truth;
- (c) In cases arising substantially under the laws of Canada or its Provinces or Territories, the Church Courts should, as a matter of policy and, subject to the other provisions of this Section 29, apply those rules or that Code of Evidence which would be applied in that governmental court where the action would otherwise be brought.