

**The Administrative Code of Canon Law
For The Governance of the
AMERICAN ORTHODOX CHURCH
and all her various dependencies**

CANON 1 - CORPORATE IDENTITY AND PURPOSE

- 1.1 The corporate name of this Faith community shall be The American Orthodox Church.
- 1.2 Within these canons it shall also be referred to as "the Church" or "The Church," the AOC.", and such other nomenclatures descriptive of any one or more of her various dependencies. The Church is an independent jurisdiction throughout the American continents that derive its roots from the church established in 1921 with Aftimios Orfiesh as its first hierarch.
- 1.3 The American Orthodox Church is a canonically chartered and autocephalous jurisdiction within the One Holy Catholic and Apostolic Church, founded by Jesus Christ, who is its Supreme Head, and composed of all true Christians throughout time and eternity.
- 1.4 The American Orthodox Church is incorporated in the State of Taxes and shall be incorporated elsewhere from the parent corporation by whatever nomenclatures as may be expedient, as a not for profit religious corporation.
- 1.5 The Church exists to give right worship, praise, and adoration to God, and to bring the saving message of the Gospel of Jesus Christ to the world. The Church shall establish dioceses, parishes, religious communities, charitable institutions, and other necessary institutions to fulfill this purpose.
- 1.6 To facilitate this purpose, The Church is empowered to purchase, own, and hold in perpetuity, property, both real and personal.

CANON 2 - DOCTRINE

- 2.1 The American Orthodox Church acknowledges, worships , praises, and gives adoration to the One True God revealed to mankind; +Father, +Son (Jesus the Christ), and Holy Spirit.
- 2.2 The American Orthodox Church acknowledges that God's self-revelatory actions are to be found in Holy Scripture and Sacred Tradition.

§1 The Holy Scriptures are defined as the Old and New Testaments of The Bible, including those books known as Deutero-Canonical. a) The primary four Gospels of the

Holy Bible is our primary FIRST CANON.

§2. The American Orthodox Church acknowledges that the Sacred Tradition is to be found in the Writings of the Fathers, and the Decrees of the Ecumenical Councils of the Undivided Church.

2.3 The American Orthodox Church accepts, without alteration, inclusion or interpretation, the Baptismal Creed commonly called Nicene.

§1 The standard English translation of the Creed used in The Church is:

I believe in one God the Father Almighty , maker of heaven and earth, and of all things visible and Invisible:

And in one Lord Jesus Christ, the only begotten Son of God; begotten of his Father before all worlds; God of God; Light of Light; very God of very God; begotten, not made; being of one substance with the Father, by whom all things were made. Who for us and for our salvation, came down from heaven, and was incarnate by the Holy Spirit of the Virgin Mary, and became man: And was crucified also for us under Pontius Pilate, he suffered and was buried, descending into Hell and on the third day he rose again according to the scriptures: and ascended into heaven, and sits on the right hand of the Father: and he shall come again, with glory, to judge both the quick and the dead; whose kingdom shall have no end.

And I believe in the Holy Spirit, the Lord and giver of life. who proceeds from the Father; who with the Father and the Son together is worshiped and glorified; who spoke through the prophets:

And I believe in One Holy Catholic and Apostolic Church: acknowledge one Baptism for the remission of sins: And I look for the Resurrection of the dead: and the life of the world to come. Amen.

2.3 The American Orthodox Church accepts the Apostles' Creed as a valid statement of faith, albeit a less complete formulary than that known as the Nicene.

2.4 The Church cannot alter, change, or revise the Creedal Formularies established and approved by the Ecumenical Councils of the Undivided Church.

2.5 The Church is subject to all of the dogmatic decrees defined by the Seven Ecumenical Councils of the Undivided Church; those being commonly known as: First and Second

Nicaea, First, Second and Third Constantinople , Ephesus, and Chalcedon.

§1. From time to time the Canon Law of the Undivided Church has changed depending upon historical reality and local custom. Therefore we venerate the Canons of the Ancient Churches, especially the collection known as "The Rudder", and are bound to honor them as historic and advisory documents created in, by, and for the Churches of Christ, insofar as they are in accord with current Use and Praxis.

CANON 3 - MEMBERSHIP

- 3.1 Any person baptized, confirmed, or received according to the approved liturgical rites is a full member of The Church.
- 3.2 A person may terminate their membership with The Church through reception within another faith community, or by submitting a letter of intention to the Pastor or Local Ordinary or the Primate of the National/International Jurisdiction.
- 3.3 All persons who are members of the Church acknowledge, automatically, by their membership via their participation that they accede to the rights, powers and duties of the local ordinary or Bishop of the Metropolia, Archdiocese or Diocese all that is contained hereinafter as incumbent upon them where applicable. (a) and, in some situations and instances, the Metropolitan, Archbishop or Bishop may suspend or lay aside certain code(s) for the needs of the Church only insofar as it does not detract from the overall faith; belief and practice(s) of the whole Church.

CANON 4 - MYSTERIES AND LITURGY

- 4.1 The American Orthodox Church acknowledges and celebrates all the Holy Mysteries of the ancient Church which, for present times have been described as seven Mysteries, (Sacraments) in which God's redemptive and sanctifying Grace are operant, those being, Baptism, Chrismation (Confirmation), The Eucharist (Holy Communion), Anointing of the Sick, Reconciliation (Confession and Absolution), Marriage and Holy Orders. While these are not all that constitute the many Holy Mysteries, they describe the primary basic Mysteries
- 4.2 The Mysteries of Baptism, Chrismation, and Holy Orders cannot be repeated since they impart an indelible character on the recipient. However, if after diligent investigation, moral uncertainty whether any of these Mysteries have been validly conferred, they may be conferred conditionally.

4.3 The liturgical texts approved by the Synod of Bishops, together with the rubrics and instructions concerning the services, are to be faithfully observed in the celebrations of the Rites and Mysteries of the Church

§1 A Bishop Ordinary may approve other Liturgical and Sacramental Rites for Use, or Trial, within his jurisdiction.

4.4 Clergy are forbidden to ask for any gift, monetary, personal or real, in exchange for the administration of the Mysteries . They may however accept honoraria (Stipends), freely offered, and in accord with guidelines established by the Local Ordinary.

4.5 Simony is a grievous sin against God and The Church, and is defined as the deliberate intention to, or the attempt to, buy or sell a spiritual reality, or the temporal thing joined to that spiritual reality for a temporal price. If the cleric must travel great distances, he may ask that some or all the expenses of the travel be covered. He cannot, however, refuse the service if the expenses cannot be reimbursed.

§1 Simonical conferral of any Mystery, or appointment to any church office, is de facto and de jure null, void, and of no effect.

§2. Simony is sufficient cause for deposition from the clerical estate.

4.6 Clergy of The Church licitly administer the Mysteries of Reconciliation/Penance, Eucharist and Anointing of the Sick to Orthodox Catholic Christians whose Faith Communities are not in full communion with this jurisdiction, if they ask on their own for the Mysteries and are properly disposed to receive them.

4.7 When necessity requires or the Care of Souls makes it expedient, and provided that the danger of confusion is avoided, members of The Church may receive the Mysteries of Reconciliation/Penance, Eucharist and Anointing of the Sick from clergy of any Orthodox jurisdiction or the Roman Jurisdiction of the Catholic Church whose Faith Communities are not in full communion with The American Orthodox Church, provided these jurisdictions have valid Mysteries and Orders.

CANON 5 - BAPTISM

5.1 Water Baptism in the Name of the +Father, and of The +Son and of the Holy +Spirit, is necessary for salvation and the act by which all people are: freed from sin, reborn as Children of God, and incorporated into the Church.

5.2 Infants and children are to be brought to The Church to receive the Mystery of Baptism as

soon as practicable.

§1. Developmental Disabilities, or Mental Illnesses, which impair the ability to Reason are to be equated with infancy; so far as Baptism is concerned.

5.3 Baptism is normally to be conferred by triple immersion. In cases of necessity it may be conferred by triple pouring of true water, together with the prescribed formulary. Sprinkling is insufficient for conferral of the Mystery.

5.4 The normal place for Baptism is in a church or oratory, but following the holy example of St Phillip, may be properly and licitly administered in any body of true water.

5.5 Normally, adults are to be Baptized in their own local parish church, and infants are to be Baptized in the parish church of their parents, unless a just cause pastorally suggests otherwise.

5.6 Outside of cases of necessity, Baptism may be conferred in private homes, without the permission of the Local Ordinary.

5.7 The ordinary minister of Baptism is a bishop, or priest in good standing, with due regard that the prescriptions of the proper authority be observed..

§1 In extremis, a deacon or any baptized Christian who intends to do what the Church does, and uses the proper matter and form, as per this Canon, may licitly and validly Baptize persons in the Name of the Father and of the Son and of the Holy Spirit. Baptisms performed under this Canon are to be immediately reported to the Local Parish or Mission, to be recorded in the official records of said Parish or Mission.

§2. Any person who receives Baptism per Canon 5.7 §1, and survives, must be brought to The Church as soon as possible for the completion of the Mysteries of Initiation.

5.8 To be Baptized, it is required that an adult have manifested the properly formed will to be Baptized, be sufficiently instructed in the Truths of Faith and in Christian obligations and be tested in the Christian life by means of the Catechumenate; the adult is also to be exhorted to have sorrow for personal sins.

5.9 Unless grave cause prevents it, an adult who is baptized should be Chrismated immediately after Baptism and participate in the celebration of the Eucharist, also receiving Communion.

CANON 6 - CHRISMATION

- 6.1 The Mystery of Chrismation impresses a character and by it , baptized persons continuing on the path of Christian initiation, are enriched by the gift of the Holy Spirit and bound more perfectly to the Church; it strengthens them and obliges them more firmly to be witnesses to Christ by word and deed and to spread and defend the faith.
- 6.2 The Mystery of Chrismation is conferred through the anointing with Holy Myron (Chrism), which is done by the imposition of hands, together with the words prescribed in the approved liturgical books.
- 6.3 The Chrism to be used in the Mystery must be consecrated by a bishop, even if the Mystery is administered by a presbyter.
- 6.4 It is desirable that the Mystery of Chrismation be celebrated in a church and during The Divine Liturgy, but for just and reasonable cause may be celebrated outside of the norm and in any worthy place.
- 6.5 The ordinary minister of the Mystery is a bishop or a presbyter delegated by the Local Ordinary.
- 6.6 Baptized persons who have not yet been chrismated, and only they, are capable of receiving the Mystery.
- 6.7 Following the norm and custom of the Ancient Orthodox Churches, infants may receive the Mystery immediately following Baptism, that they may be strengthened and empowered by the Holy Spirit to fulfill their Calling and Witness as children of God..

CANON 7 - EUCHARIST

- 7.1 The celebration of the Eucharist is the action of Christ Himself; in it Christ the Lord, by the ministry of a priest and the action of the Holy Spirit, offers Himself, substantially present under the forms of bread and wine, to God the Father, and gives Himself as spiritual food to the Faithful who are associated with His offering.
- 7.2 The Eucharist, when consecrated as the body and blood of Jesus Christ, shall not be distributed to those who are unknown to the celebrant but in attendance and therefore may set aside such as will be blessed for distribution (in some instances, known and called antidoran) to the unknown unless they have made themselves available and satisfied the celebrating priest as to being a member of this Jurisdiction of the One, Holy, Orthodox, Catholic and Apostolic Church, or of the Roman Jurisdiction of the Catholic Church or of the

Orthodox Anglican Church or such of those other churches of the Protestant persuasions who are faithful to the "Catholic" Confessions established in times of old.

(1) It must be remembered by all clerics that as Orthodox Catholic Christians of this Jurisdiction; we are called upon and must therefore be accountable to Our Lord and Savior on Judgment day, that we are no better or worse than those who have gone before us in the vineyard as honorable, even sainted ones; but that we are truly unworthy ones in both spirit and truth! Thus, our membership as true Orthodox Catholic Christians demands we know that as true spiritual strugglers for the faith once and for all delivered by Jesus Christ and His disciples who were, by Him, His Apostles, we are not a part of any "denomination" but that we are of the true Christian Church, being the root, ground and base of all things established by Him who is Our Lord and Our Savior, Jesus Christ! Therefore, we are a part of that which is oft times called as world wide Orthodoxy or "Orthodox" and not of a new religion but a part of the true Christian Church itself. The sick and invalid who were not able to attend, may be distributed the consecrated elements or species remaining after Divine Liturgy which is normally considered to be consecrated "antidoran" which is not the same as that defined in the above "7.1a".

7.2 The minister, who in the person of Christ can effect the Mystery of the Eucharist, is solely a validly ordained priest, or validly consecrated bishop or other hierarch in the jurisdiction.

a. Such action to celebrate Divine Liturgy and effect the sacrament of the Eucharist, must be done on the antimens which is the "portable altar" for those priests who have not a permanent altar within which lies a relic of a true Orthodox sainted one. Without such the celebration, unless extreme conditions exist, shall not be done.

b. Under extreme condition as noted hereafter as Canon 29, or as may appear elsewhere in these canons, the celebration (in abbreviated form or otherwise) may be accomplished by the priest (of with faculties by intent of the Bishop, the deacon) whereon a piece of paper even, a verse from memory of Holy Scripture may be written as a spiritual link to the Life and Teachings of Jesus Christ, or a portion of the Holy Bible and upon which the Eucharistic Celebration may be commenced for the needs of those in attendance. (NOTE: These conditions under abnormal situations were observed and reported in the Lives of the Saints, lives of those incarcerated for failure and refusal to break the Seals of the Confessional and those who eventually were, in error, by anti-Christians, put to death.) We therefore can do no better or worse under such circumstances, situations and/or conditions.

7.3 A priest or bishop who is not canonically impeded celebrates the Eucharist licitly, observing the prescriptions of the following canons.

- 7.4 A priest or bishop may apply the Divine Liturgy for anyone, living or dead.
- 7.5 Priests or bishops may concelebrate the Eucharist, unless the welfare of the Faithful requires or urges otherwise.
- 7.6 A priest is to be permitted to celebrate the Eucharist even if said priest is unknown to the rector of the Church. Such priests must present a current letter of faculties or recommendation issued by their Local Ordinary or competent religious superior.
- 7.7 Remembering that the work of redemption is continually accomplished in the Mystery of the Eucharistic Sacrifice, priest and bishops are to celebrate frequently; indeed daily celebrations is strongly recommended, since even if the Faithful cannot be present, it is the act of Christ and the Church in which priests and bishops fulfill their principal function.
- 7.8 The pastor and parochial vicars, chaplains and the superior of a community of apostolic life have the right and duty to bring the Most Holy Eucharist to the sick in the form of Viaticum.
- 7.9 Any Baptized person, who is not prohibited by law, is properly disposed, and recognizes the Real Presence of Christ in the Mystery, may and must be admitted to Holy Communion.
- 7.10 The Most Holy Eucharist may be given to children and infants, per the Praxis of the Ancient Orthodox Church.
- 7.11 All the Faithful, after they have been initiated into the Most Holy Eucharist, are bound by the obligation of receiving Communion at least once per year.
- §1 The above precept must be fulfilled during the Easter season unless it is fulfilled for a just cause at some other time of the year.
- 7.12 The Christian Faithful, who are in danger of death, arising from any cause, are to be nourished by Holy Communion in the form of Viaticum.
- 7.13 The Most Holy Eucharistic Sacrifice, must be celebrated with bread and wine, according to the customs of the Rite being celebrated.
- 7.15 Holy Communion may be given under the form of bread alone or under both kinds in accord with the norm of the liturgical laws or even under the form of wine alone in case of grave necessity.
- 7.16 It is sinful, even in extreme necessity, to consecrate one matter without the other, or even both outside the celebration of the Eucharist.

- 7.17 In celebrating and administering the Eucharist, bishops, priests, and deacons are to wear, minimally, the liturgical vestments prescribed by the rubrics. *In extremis, a stole may be the only vestment necessary.*
- 7.18 The celebration and distribution of the Eucharist may take place on any day, and at any hour, except for those times excluded by liturgical norms.
- 7.19 The celebration of the Eucharist is to be celebrated in a sacred place, unless necessity demands otherwise; in which case the celebration may be done in any respectable place.
- 7.20 In sacred places where the Most Holy Eucharist is reserved, there must always be someone who has the care of it.
- 7.21 The Most Holy Eucharist is to be reserved regularly in only one tabernacle of a church or oratory. It is to be reserved in a ciborium or other suitable vessel in sufficient quantity for the needs of the Faithful; it is to be frequently renewed and the old pieces properly consumed.

CANON 8 - CONFESSION AND RECONCILIATION

- 8.1 Individual, auricular confession and absolution is always to be available to the faithful person who is aware of serious sin that he (she) may be reconciled to God and the Church.
- 8.2 In no case may individual auricular confession and absolution be required of the faithful.
- 8.3 Bishops and priests with jurisdiction, who are in good standing are the conduits of the Mystery of Reconciliation. It must be remembered and clearly articulated that it is Christ himself who stands with the priest and penitent and receives the confession, the priest is but a witness of all the sins confessed.
- 8.4 For the valid absolution of sins it is required that, the penitent is honest and true in his/her articulation of their sins; the priest witness is duly appointed to serve on behalf of the penitent and the penitent is able to do all in their power to not repeat the sin they have confessed..
- 8.5 Only the penitent themselves can receive a valid and licit absolution of their sins .
- 8.6 The Local Ordinary, as well as the competent religious superior, may revoke the faculties to celebrate the Mystery of Reconciliation from a priest for just cause.
- 8.7 When the faculty to hear confessions is revoked by his or her Local Ordinary or competent major religious superior, a cleric loses the right to hear confessions everywhere , except in

extremis. When the faculty to hear confessions is revoked by a positive act of another Local Ordinary or competent major religious superior, the cleric loses the faculty to hear confessions only as regards the subjects of that Ordinary's jurisdiction, except in extremis..

- 8.8 Other than revocation, the faculty to hear confessions ceases by loss of office, or excardination.
- 8.9 Even though a priest or bishop may lack the faculty to hear confessions, any priest or bishop validly and licitly absolves from any kind of censures and sins any penitent who is in danger of death, even if an approved priest or bishop is present.
- 8.10 In hearing confessions, the confessor acts as a judge as well as a healer and is placed by God as the minister of divine justice and mercy, concerned with the Divine Honor and the salvation of souls.
- 8.11 The confessor, in posing questions, is to proceed with prudence and discretion, with attention to the condition and age of the penitent, and that the confessor is to refrain from asking the name of an accomplice.
- 8.12 If the confessor has no doubt about the disposition of a penitent who asks for absolution, absolution is not to be refused or delayed.
- 8.13 The confessor is to enjoin salutary and suitable penance in keeping with the quality and number of the sins, but with attention to the condition and age of the penitent; the penitent is obliged to perform the penance personally.
- 8.14 The Ministerial Seal of the confessional is inviolable. Therefore it is a crime for a confessor, in any manner or form, to betray a penitent for any reason. Violation of the Seal is de facto and de jure sufficient cause for deposition from any and all offices held and deposition and expulsion from the clerical estate. This seal extends on behalf of the penitent even after death.
- 8.15 An interpreter, if needed, is also obliged, under penalty of Excommunication, to preserve the Secret even after the death of the penitent, and also all others to whom knowledge of sins from confession shall come in any way.
- 8.16 Even if every danger of revelation is excluded, a confessor is absolutely forbidden to use any knowledge about sins from confession when it may harm the penitent.

CANON 9 - MYSTERY OF ANOINTING

- 9.1 The Anointing of the Sick is conferred by anointing with oil while observing the words, the order, and the manner prescribed in the liturgical books; but in cases of necessity it is sufficient that one anointing be made of the forehead or even on another appropriate part of the body, while saying the entire formula.
- 9.2 The communal celebration of the Anointing of the Sick can be performed according to the prescriptions of the Ordinary of the diocese.
- 9.3 Every priest and bishop in good standing validly administers the Mystery of Anointing. In extremis, any priest or bishop may validly confer the Mystery.
- 9.4 The Mystery of Anointing can be administered again to a member of the Faithful, who, after a period of recovery begins to decline and once again becomes seriously ill.

CANON 10 - HOLY MATRIMONY

- 10.1 The matrimonial covenant, by which a couple establishes between themselves a partnership of the whole life, is by its nature ordered toward the good of the spouses; this covenant between Baptized persons has been raised by Christ the Lord to the dignity of a Mystery.
- 10.2 Marriage is brought about through the consent manifested between one man and one woman who are capable of giving consent. No human power can replace this consent.
- 10.3 All persons who are not prohibited by canon or civil law can contract Marriage.
- 10.4 Pastors and shepherds of souls are obliged to see to it that their own ecclesial community furnishes the Christian Faithful assistance so that the matrimonial state is maintained in a Christian spirit and makes progress towards perfection. This assistance is especially to be furnished through:
 - §1 Preaching and catechesis; so that the Christian Faithful may be instructed concerning the meaning of Christian Marriage and the duty of Christian spouses and parents.
 - §2 Personal preparation for entering marriage so that the parties may be predisposed toward the holiness and duties of their new state.
 - §3 Assistance furnished to those already married so that, while faithfully maintaining

and protected the conjugal covenant, they may come to lead holier and fuller lives.

- 10.5 If they can do so without serious inconvenience, Roman Catholics and all who may be Orthodox who have not yet received the Mystery of Confirmation are to receive it before being admitted into Marriage.
- 10.6 It is strongly recommended that those to be married approach the Mystery of Reconciliation and the Most Holy Eucharist so that they may fruitfully receive the Mystery of Marriage.
- 10.7 Before a Marriage is celebrated, it must be evident that no impediment to the valid and licit celebration of the Mystery exists.
- 10.8 All the faithful are obliged to reveal any impediments they are aware of to the pastor or to the Local Ordinary before the celebration of a Marriage.
- 10.9 A person must have completed their eighteenth year of age prior to entering into the Mystery of Marriage or, if younger, have the written consent of their parents or legal guardian.
- 10.10 A person who, for the purpose of entering Marriage with a certain person, has brought about the death of that person's spouse or one's own spouse, attempts such a Marriage invalidly.
- 10.11 Consanguinity in the direct line in any degree whatsoever invalidates Matrimony.
- 10.12 In the collateral line of consanguinity , Marriage is invalid up to and including the fourth degree. A dispensation can never be given from the impediment of consanguinity in the direct line. A dispensation can be given from the impediment of consanguinity in the fourth degree of the collateral line by the Local Ordinary only for grave reason.
- 10.13 Affinity in the direct line in any degree whatsoever invalidates Matrimony. Dispensation from the impediment of affinity in the direct line can be given by the Local Ordinary only for grave reason.
- 10.14 They cannot validly contract marriage between themselves who are related in any degree whatsoever in the direct line, or up to and including the fourth degree in the collateral line through a relationship arising from legal adoption.

§1 A dispensation can never be granted from the impediment of a relationship in the direct line arising from legal adoption.

§2 A dispensation from the impediment of a relationship arising from legal adoption in the fourth degree of the collateral line can be granted by the Local Ordinary only for a grave reason.

- 10.15 Those that lack sufficient use of reason are incapable of contracting Marriage.
- 10.16 Deception by fraud, perpetrated to obtain consent, concerning some quality in the other party which by its very nature can seriously disrupt the partnership of conjugal life, invalidates de jure and de facto any attempt to enter Marriage.
- 10.17 A marriage, which cannot be recognized or celebrated in accord with the norm of civil law, shall not be witnessed by a cleric of this Church. This Canon shall not be interpreted as prohibiting or invalidating Marriage between persons of differing race.
- 10.18 The internal consent of the mind is presumed to be in agreement with the words or signs employed in celebrating Matrimony.
- 10.19 Marriage can be contracted by means of an interpreter.
- 10.20 Only those Marriages are valid which are contracted in the presence of the Local Ordinary or the pastor or a priest and in the presence of two witnesses, according to the norms expressed in the following:
- §1 The one assisting at a marriage is understood to be only that person who, present at the ceremony, asks for the contractants' manifestation of consent and receives it in the name of the Church.
- 10.21 Unless they have been excommunicated, interdicted, or suspended from office or declared such, whether by sentence or decree, within the confines of their territory, the Local Ordinary or Pastor, by virtue of their offices validly Witness, on behalf of The Church, Marriages of their subjects as well as of non-subjects.
- 10.22 As long as they validly hold office, the Local Ordinary and Pastors can delegate to priests and deacons the faculty to assist at Marriages within the limits of their territory.
- 10.23 Outside of a case of necessity, the rites prescribed in the liturgical books approved by the Church or received through legitimate custom are to be observed in the celebration of Marriage.
- 10.24 If the Marriage was contracted in a parish where a spouse was not baptized, the Pastor of the place where it was celebrated is to send a notice of the contracted Marriage as soon as possible to the pastor where the baptism was conferred.

- 10.25 Local Ordinaries and other Pastors of souls are to see to it that the Orthodox Catholic spouse and children of an ecumenical Marriage do not lack spiritual assistance fulfilling their obligations and are to aid the spouses in fostering the unity of conjugal and family life.
- 10.26 Only for serious and urgent reasons can the Local Ordinary permit a Marriage to be celebrated secretly.
- 10.27 Parents have the most serious duty and the primary right to do all in their power to see to the physical, social, cultural, moral, and religious upbringing of their children.
- 10.28 Persons who are bound by a public vow of chastity invalidly attempt marriage.

§1. The impediment cited in Canon 10.28 ceases only after a dispensation from the vow has been granted by the appropriate authority. Also see ** in Canon 28

CANON 11 - DISSOLUTION OF THE MARITAL BOND AND SUBSEQUENT MARRIAGE

- 11.1 Recognizing the reality that some marital bonds may dissolve and cannot be reconciled, the Church does not believe that the Mysterial Grace can remain present in a marital relationship in which there is emotional or physical violence, permanent abandonment, or the proven inability to maintain marital fidelity. The Grace of the Mystery is not present in such relationships of pain and misery. Thus, the Church must allow persons the freedom to leave such relationships and to permit such persons the opportunity to invite Christ into a spirit-filled Marriage.
- 11.2 One may petition the Church to declare a Marriage non-binding and nullified for the following conditions:
- §1 Physical violence.
- §2 Psychological violence.
- §3 Permanent abandonment.
- §4 Proven inability to maintain marital fidelity.
- §5 Realization of true sexual orientation incompatible with the form of the Marriage.
- 11.3 One who wishes to enter into a subsequent Marriage must present documented evidence

of such conditions from their previous Marriage to their pastor prior to attempting such a Marriage.

- 11.4 Upon obtaining all necessary information, evidence, and documentation related to a petition, the pastor will investigate and ascertain the weight of the evidence and submit a recommendation to the Local Ordinary that a Grant of Dissolution be issued.

§1 A Grant of Dissolution cannot be issued prior to the finalization of a civil decree of divorce or dissolution.

§2 The Local Ordinary must respond to petitions for a Grant of Dissolution within one calendar month of receipt of petition.

§3 The Local Ordinary alone possesses faculties to issue a Grant of Dissolution.

- 11.5 Petitioners for a Grant of Dissolution, who have had two or more previous Marriages, must make their petition directly to the Local Ordinary. A Grant of Dissolution may only be given twice. A third marriage may not be validly entered into through the Church.
- 11.6 Petitioners who submit false or misleading information, or who omit relevant information on their applications will have their petitions for a Grant of Dissolution summarily dismissed.
- 11.7 Candidates for a subsequent Marriage must be provided with extended pastoral counseling prior to entering into the Mystery.
- 11.8 A dispensation from the provisions of Canon 11.2 can be given by the Local Ordinary only for a grave reason.

CANON 12 - HOLY ORDERS

- 12.1 By divine institution, some among the Christian faithful are constituted sacred ministers through the Mystery of Orders by means of the indelible character with which they are marked. Accordingly, they are consecrated and deputed to shepherd the People of God, each in accord with their own grade of Orders, by fulfilling in the person of Christ the Head the functions of teaching, sanctifying, and governing.
- 12.2 The Orders are the Episcopacy, the Presbyterate (Priest), and the Diaconate.
- 12.3 The Order of Deacon is open to both men and women, who have properly fulfilled the

required educational and formation processes. (a) Only men may advance to the Sacred Orders of Priest (Presbyter), and Bishop, per the Example and Will of the Undivided Orthodox and Catholic Church which is the base, root and ground of all things CATHOLIC and ALL THINGS Christian, not being a denomination whatsoever.

- 12.4 Orders are conferred by the imposition of hands and by the consecratory prayers, which the Ordinal prescribes for the individual Orders.
- 12.5 Ordination is to be celebrated within the solemnity of The Divine Liturgy. It may be celebrated on any day of the week, as expedient, but not during the preparatory and penitential Seasons of Advent (St. Philip's Fast) or Lent, save for the traditional Ember Saturdays, without grave cause.
- 12.6 Ordination is by nature a community event and is to be celebrated in a church and the clergy and other members of the Christian Faithful are to be invited so that a large congregation may be present for the celebration.
- 12.7 The minister of Sacred Ordination is a Bishop validly consecrated within the historic Apostolic Succession, who posses jurisdiction, either by right, or by delegation, per Canon 12.10.
- 12.8 The principal consecrating bishop in an Episcopal consecration is the Metropolitan Primate, or his designee. The Principal Consecrator is to associate with himself at least two other consecrating bishops; but if it is impossible for three bishops to be united together, a minimum of two bishops must be present. it is especially appropriate that all bishops who are present should participate in the consecration of the bishop-elect along with the bishops mentioned.

§1 Episcopal Consecrations performed by fewer than two bishops may be valid, but are deemed highly irregular, and may be viewed as valid only when a clearly demonstrable Canon of Necessity exists.

§2 Without a properly executed Mandate of Election, signed by the Metropolitan Primate and at minimum two other members of the Holy Synod of Bishops, no Episcopal Consecrations may be performed within this jurisdiction, unless a clearly demonstrable Canon of Necessity exists.

a. priest mandated for election under these guidelines must meet certain and specific standards of conduct in ministry, evangelizing and liturgical practice and have been actively engaged in the Church (this jurisdiction) for a minimum of two years per 12.8 §2 herein following.

b. No priest who has been mandated will be allowed Episcopal consecration unless he shall have shown that he has a ministry, is actively evangelizing and performing liturgical services for the faithful on either a daily or weekly basis in accordance with those norms already established.

c. No Priest may be elected for mandate unless he shall have obtained a minimum of three, non-related persons either to each other or to him, to present in writing a desire for that priest to be consecrated to the Episcopal rank.

d. All Mandates of Election, or as soon as one may be contemplated, shall be reviewed by the Core Advisors to the Metropolitan Primate and then to all Bishops of the Holy Synod by the Metropolitan Primate for purposes or presentments as to "yea" or "nay" and if "nay" as to why.

(1) All responses shall be to the Metropolitan Primate who shall issue a letter to the candidate, with a copy to his Ordinary (Bishop) as to the reason for refusal of right to Consecrate the candidate to Episcopal Orders.

12.9 Each candidate is to be ordained to the Presbyterate or Diaconate by their own Ordinary, or with legitimate dimissorial letters, from their bishop or major religious superior; notwithstanding the provisions of Canons 12.7 and 12.10.

12.10 A bishop without jurisdiction, or a bishop who is outside of his own jurisdiction, may confer the Mystery of Orders only with the written authorization of the Local Ordinary seconded by the Primate unless extreme conditions exist.

12.11 Only a Baptized and Chrismated candidate validly receives Sacred Ordination.

12.12 It is required that in the judgment of the same legitimate superior that a candidate for Sacred Ordination be considered useful for the ministry of the Church.

12.13 In order for a candidate to be ordained they must possess the required freedom.

§1 In the case of a candidate for Sacred Ordination, who is married, the written consent of the spouse is required for the licit reception of the Mystery.

12.14 Those who aspire to the Diaconate or Presbyterate are required to complete a prescribed program of formation, and theological education.

§1 In the case of candidates for Sacred Ordination, who are married, the formation

program shall include the spouse to the extent deemed necessary by the Local Ordinary.

§2 Candidates for the Diaconate or Presbyterate must be a full member of the Church prior to their consideration to enter into secular clerical formation.

12.15 As part of the application process to enter into secular clerical formation, candidates must complete the following:

§1 Provide documentation of their Baptism, Confirmation, and Marriage, if any.

§2 Provide documentation of the dissolution of any Marriage.

§3 Complete a criminal background check at the candidate's expense.

§4 Complete a standard psychological examination at the candidate's expense.

§5 Provide documentation of successful completion of required theological education, or declare their ability to meet all financial obligations for either the tuition and other expenses of a) an approved school of theology or b.) the approved Reading For Orders Study Program.

§6 All application forms

§7 Meet the residency requirements of the local diocese.

12.16 The diocesan Director of Vocations will empanel a review board of three clerics in good standing to consider the applications of all candidates and present their recommendations to the Local Ordinary. The decision of the Local Ordinary to accept or reject any candidate is final and not subject to review.

12.17 As part of their formation process, candidates for Ordination will enter into minimally the minor Orders of Lector, Acolyte, and Sub-deacon prior to being ordained to the Order of Deacon.

§1 The Sub-deaconate may be conferred at the discretion of the Local Ordinary, at any time following the conferral of the Order of Acolyte.

§2 In the case of a candidate for Ordination who has completed the required theological studies prior to beginning the prescribed program of clerical formation, the conferral of the Minor Orders shall be at the discretion of the Local Ordinary or competent major religious superior, after consultation with the candidate and the Diocesan Director of

Vocations.

12.18 Candidates will enter into the Order of Deacon just prior to the start of their internship. The Local Ordinary must evaluate the readiness of the candidate prior to the calling of the candidate to Orders.

§1 The length of the internship will be decided by the Local Ordinary.

12.19 The Order of Deacon cannot be dispensed for candidates to the Presbyterate.

12.20 After all circumstances have been taken into account in the prudent judgment of the Local Ordinary or the competent major religious superior, only those should be promoted to Orders who have an integral faith, motivated by right intention, possess the requisite knowledge, enjoy a good reputation, good morals, proven virtues, and other physical and psychological qualities which are appropriate to the Order received.

12.21 Only for canonical reason, even if it be secreted, may the Ordinary or competent major religious superior forbid access to Orders, with due regard for recourse in accord with the norm of law.

12.22 The Diaconate is not to be conferred upon those under the age of twenty three (23) and the Presbyterate is not to be conferred upon those under the age of twenty five (25), or who do not possess sufficient maturity; an interval of at least six months is to be observed between the Diaconate and Presbyterate Ordinations.

12.23 Unless special circumstances exist, candidates must complete their theological studies prior to entering into the Order of the Presbyterate.

12.24 In order to be promoted to the Order of Deacon or Presbyter, the candidate is to give to the Local Ordinary or competent major religious superior a signed declaration written in their own hand, testifying that they are about to receive Sacred Orders of their own accord and freely; and they will devote themselves perpetually to the ecclesiastical ministry. This declaration is also to contain their petition for admission to the reception of Orders.

12.25 In order for any priest or deacon to validly function within the Church, they must be granted faculties from their Ordinary. Letters of Faculties are a binding contract between the Church and its clergy. Priests and Deacons from religious congregations may petition for faculties through the office of their religious superior. All priests, secular and religious, serve within any given diocese at the discretion of the Local Ordinary.

§1 Prior to entering into Orders or Incardination, all secular and religious candidates

must sign the following letter of agreement:

"I, NAME OF CANDIDATE, hereby acknowledge that I understand and accept the Code of Canon Law of The American Orthodox Church and all of her dependencies. I hereby acknowledge and accept the responsibilities of any and all faculties granted to me by my Ordinary and that I further acknowledge and accept the fact that I serve at the discretion of the Ordinary.

I further swear and promise that should my faculties end, either through an official act of suspension by the Ordinary, or through an act of resignation or self-termination, or the Metropolitan Primate I will not attempt nor continue to engage in the pastoral activities granted to me through my former faculties, style myself as a cleric of The American Orthodox Church or any Religious Congregation or institution of these Jurisdictions nor promote myself as a legal representative of The American Orthodox Church or other Religious Congregations operating under her/them. Should I continue to engage in any of the above mentioned activities I shall be liable for breach of contract consequences and may, in addition, become subject to civil penalties in the state or territory in which I reside or have engaged in such unlawful activities of which the Metropolitan Primate shall be arbiter for bringing additional charges if necessary.

I make this pledge freely and without mental reservation." Followed by his signature, date and a competent witness not related to the candidate.

§2 Candidates for Orders or incardination who fail to sign this agreement cannot enter into Orders or be incardinated into the Church or into any Religious Congregation within The American Orthodox Church.

12.26 The following are irregular candidates to receive the Mystery of Orders:

§1 those with a history of mental illness, Developmental Disability, or other psychic defect which, after consultation with experts in the medical field, are judged to render the individual incapable of rightly carrying out the ministry.

§2 those with a history of apostasy, heresy, or schism within the Church.

§3 those with a history of voluntary homicide.

§4 those with a history of proven, by solid evidence, sexual assault. A civil conviction (Caesar's court) does not necessarily impede.

§5 those who belong to heretical groups, secret societies, or fraternities such as but not limited to the Freemasons.

- 12.27 A neophyte is simply impeded from receiving Orders, unless they have been sufficiently proven in the judgment of the Local Ordinary otherwise.
- 12.28 The faithful are obliged to reveal irregularities and impediments to Sacred Orders, if they know of any and can provide documentation ,to the Local Ordinary, competent major religious superior, or pastor before Ordination.
- 12.29 Ignorance of any irregularities or impediments does not exempt them from reception of Holy Orders.
- 12.30 For one to be promoted to Sacred Orders, the following documents are required:
- §1 Certification that the academic studies prescribed, have been successfully completed.
 - §2 Certification that the Diaconate has been received if it is a question of those to be ordained to the Presbyterate.
 - §3 Certification that Baptism,Chrismation, Marriage (if applicable), or any Grant of Dissolution have been received and that any additional ministries requested have been received if it is a question of those to be promoted to the Diaconate .
 - §4. The Ordinary (bishop), at his discretion, may exempt the individual from the above based upon his judgment that the individual has met the requirements of sound doctrine. a goodly life and is able to accept direction from those over him.
- 12.31 As regards the inquiry concerning the qualities required of candidates for Ordination, the following prescriptions are to be observed:
- §1 Testimonials from competent persons.
 - §2 In order that the inquiry may be properly conducted, the diocesan bishop or the competent major religious superior may employ other means which may seem useful in accord with the circumstances of time and place.
- 12.32 In order for a bishop to proceed to the Ordination of one who is not the bishop's subject, it is necessary that the required dimissorial (dismissal) letters declare that all necessary documents have been furnished, and that the inquiry has been conducted in accord with the norm of law and that the suitability of the candidate has been proved.
- 12.33 If, despite all the above listed considerations, the bishop has certain reasonable concerns

regarding the suitability of the candidate for Ordination ,the bishop is not to ordain the candidate.

CANON 13 - OF THE RELIGIOUS LIFE

- 13.1 Life consecrated by the profession of the evangelical counsels based on the teaching and example of our Lord and Savior Jesus Christ, are a divine gift, which the Church has received from the Lord and always preserves through His grace.
- 13.2 The intention of the Founder(s) and his/her/their determination concerning the nature, propose, spirit and character of the institute which has been ratified by competent ecclesiastical authority, as well as its wholesome traditions are to be faithfully observed by all members of the institute.
- 13.3 It falls to the Diocesan Bishop to approve and erect institutes of consecrated life within his Diocese by a formal decree, provided that the Metropolitan Primate has been consulted.
- 13.4 The Diocesan bishop shall ensure that any new rule of consecrated life conforms to the laws and spirit of The Church.
- 13.5 The Metropolitan Primate shall function as the Protector of all Institutes and Orders of Religious Life.
- 13.6 Members of institutes of consecrated life are subject to the authority of the diocesan bishop in whose territory they reside and work in all matters relating to the care of souls, the public celebration of the liturgy, and other external works of the apostolate.

§1 In exercising an external apostolate, religious are also subject to the authority of their own superior and the Local Ordinary of the Diocese in which they are located.
- 13.7 Religious Institutes that are presently known to be in existence are:

- Order of St Basil (OSB)
- Order of St. Nicholas (OSN)

CANON 14 - INCARDINATION OF CLERICS

- 14.1 Candidates for Clerical Incardination into The Church must be members of the One, Holy, Catholic and Apostolic Church prior to their application for Incardination. No application for Incardination shall be given prior to reception into the Church, except in

special circumstances.

- 14.2 As part of the application process of Clerical Incardination, candidates must fulfill the requirements of Canon 12.14.
- 14.3 If there is a pastoral need, the Local Ordinary may grant candidates for Clerical Incardination the title of "cleric in residence", and provide them with the necessary faculties to assist the bishop.
- 14.4 A candidate for Clerical Incardination will be subject to all of the requirements of Canon 12.
- 14.5 If it is determined that the candidate comes from a tradition that does not have valid Apostolic Succession and/or lacks the completion of the Rite of Orders, the Local Ordinary will supply the necessary Mysterial validity through the Imposition of Hands and the required consecratory prayers for the Order received. As a sign of respect, the requirements of valid Mysterial Ordination will be supplied in such a way as not to demean the dignity of the previous community or ministry.
- 14.6 Candidates for Clerical Incardination must possess a Master of Theology, Divinity or equivalent credits, or they must complete the required theological studies prior to being incardinated.
- 14.7 The length of time for the process of Incardination will be determined by the Local Ordinary, in consultation with the candidate and the clergy of the diocese.
- 14.8 Temporary Protection of displaced, retired or otherwise dispossessed clergy from other Faith Communities possessing valid Orders and Mysteries, may be granted at the discretion of the Local Ordinary, for a period up to six (6) months, while the process for Candidacy for Incardination is initiated.
- 14.9 The Primate, when addressed as to the matter of a local bishop's desire to extend temporary faculties under the Canon of Necessity, shall make such determinations as they may be applied to Deacons and Presbyters (Priests).

CANON 15 - EPISCOPAL INCARDINATION

- 15.1 Members of the Episcopacy of another Faith Community possessing Valid Orders and Mysteries are permitted to make application for Incardination into The Church.
- 15.2 Candidates for Episcopal Incardination must fulfill the requirements of Canons 12 and

14.

- 15.3 Candidates for Episcopal Incardination must make their applications directly to the Metropolitan Primate of The Church, who will then act as Episcopal Director of Vocations.
- 15.4 Once a candidate for Episcopal Incardination has been received into The Church, the Metropolitan Primate, may grant presbyterial faculties to such bishops who have begun the process of Incardination. Such bishops will be granted the title of "Bishop in Residence." While accorded all the respect and honor due their office, such bishops are not eligible to participate in the functions of the Synod of Bishops, nor can they act as spokesperson for the Church. If a candidate for Episcopal Incardination has not fulfilled the requirements of Canon 12, they must do so prior to making final petition for Episcopal Incardination.
- 15.5 Upon completion of a two year transitional period, the Synod of Bishops will make their decision, which is final and not subject to review, regarding the granting of full Episcopal faculties and duties to candidates for Episcopal Incardination in the Church.
- 15.6 Upon being Incardinated into the Church, such bishops will take their seat within the Synod of Bishops, and be given full Episcopal faculties and duties, with all the rights and privileges due their office.

CANON 16 - OF BISHOPS AND THE HOLY SYNOD

- 16.1 Bishops within The Church are called forth in service and in leadership by the People of God, with the advice, and consent of The Holy Synod of Bishops.
- 16.2 Bishops shall serve the Church as either a Local Ordinary of a Diocese, Bishop Co-Adjutor or Auxiliary Bishop of a Diocese, as Prefect of a Vicariate, as a Metropolitan Archbishop or as the Metropolitan Primate.
- 16.3 Bishops are called forth because of a liturgical, ministerial, or pastoral need. Bishops are also called for their spiritual guidance, theological knowledge, academic ability, and pastoral care.
- 16.4 Candidates for the Episcopacy shall be priests who have been ordained or incardinated into the Church for a period of not less than five years, and are currently in good standing within the Church.
- a. Meet the requirements of Section 12.8 §2

- 16.5 Candidates for the Episcopacy must possess appropriate credentials which shall be determined by the Metropolitan Primate through examination, letters, and other forms.
- 16.6 For a just cause, a bishop may request a leave of absence from faculties. Such requests are made to the Metropolitan Primate, who shall grant such leaves for appropriate pastoral cause and shall appoint an Administrator for the period of the leave of absence, who will work directly with the Metropolitan Primate.
- 16.7 An Auxiliary Bishop requesting a leave of absence must apply to the Local Ordinary, who will submit the request to the Metropolitan Primate.
- 16.8 The Bishop of the Diocese or Local vicariate must reside within the jurisdiction to which they are appointed.
- 16.9 The Bishop of a Diocese or Vicariate possesses all the rights, prerogatives, and responsibilities inherent in that office, as long as they are not in violation of any Canons of the Church.
- 16.10 The Synod of Bishops shall be responsible for pastorally governing the Church in all matters regarding Theology, Doctrine, Christology, and Orthodoxy. In addition, the Synod of Bishops shall be responsible for ensuring that the Church functions in accord with the civil law. The Primate shall be the head of the Holy Synod of Bishops for life and shall act for the Synod except when there may be a "Conflict of Interest" and shall therefore appeal for advice to any one member or more of the Holy Synod of Bishops without the knowledge of any cleric under him.
- 16.11 All secular and religious order Bishops, with jurisdiction, including coadjutors and auxiliaries who are also in good standing in the Church shall be members of the Synod of Bishops.
- §1 All Bishops of The Church, who do not possess jurisdiction shall serve as Advisors to the Synod of Bishops, and shall have voice in the Synod, but not vote in all matters of governance.
- 16.12 The Synod of Bishops shall be responsible for the spiritual life of the Church and of all its members.
- 16.13 The Synod of Bishops shall be responsible for the collective adherence to the spirit and letter of the properly approved Canons and Policies of this Church.
- 16.14 The Synod of Bishops shall elect one of their peers to serve this Church as Metropolitan Primate for life through the process of electing the coadjutor to the Metropolitan Primate

who shall then have immediate right of succession to the office upon the resignation or death of the Metropolitan Primate currently holding said office unless violation of the Canons without merit occur, of which the Holy Synod shall make determination as to what constitutes 'without merit' if such should occur. The coadjutor shall also serve as the Chancellor of the AOC.

CANON 17 - PRIESTS SYNOD

- 17.1 All clergy who are on active status and in good standing in their Diocese or Religious community are members of the Priests Synod. In times when there exists a decrease in numbers of members of clergy, Clerics may be considered as members of the Synod of Bishops which shall constitute the "Holy Synod" of this Jurisdiction.
- 17.2 The Priests Synod shall actively involve themselves in matters concerning the Church, and shall make recommendations to the Synod of Bishops regarding matters of importance to the Church.
- 17.3 The Priests Synod shall be convened and presided over by the President of the House. In the absence of the President, the Vice President shall act as President of the House.
- 17.4 The President and Vice President of the Priests Synod shall be elected for two (2) year terms of office by the same Synod. No one may serve in either of these positions for more than four (4) consecutive years.
- 17.5 The President and Vice President of the Priests Synod shall serve as Advisors to the Local Ordinary and the Synod of Bishops.

CANON 18 - METROPOLITAN COUNCIL - DIOCESAN COUNCILS - PARISH COUNCILS

- 18.1 The American Orthodox Church shall have an Metropolitan Council to assist in promoting the welfare and good of the Church.
- 18.2 The Metropolitan Council for the Church shall be composed of the Metropolitan Primate and all other Metropolitans of the Church.
- 18.3 All Metropolitans are permanent members of the Metropolitan Council.
- 18.4 The Metropolitan Council shall convene and meet during the biennial Synod of Bishops, and at other times, as needed.

- 18.5 All meetings of the Metropolitan Council will follow the guidelines of Robert's Rule of Order, Revised.
- 18.6 All official documents of the Metropolitan Council shall have a master and a scanned/approved copy and the scanned copy will be sent to the AOC Chancellor as a record.
 - a. All official documents of the Metropolitan Council shall be made available to all members.
- 18.7 The Metropolitan Council, under the direction of the Metropolitan Primate, shall be charged to establish those committees which may be necessary for the proper operation of the Church, such as local functioning committee, resolutions committee, credentials committee, translations committee, Episcopal Appointments committee, etc.
- 18.8 Any member of the Metropolitan Council may petition the Metropolitan Primate to call a meeting of the entire council to discuss issues that may arise and need clarification in periods between the biennial meetings of the Holy Synod. Any decision they make during this interim shall be binding until the Holy Synod can meet and make a final decision.
- 18.9 Each Diocese of the Church shall have a Diocesan Council to assist in promoting the good and welfare of the Church. The Diocesan Council shall also have the responsibilities and faculties to act as Council for any and all non-parish missions within each diocese.
- 18.10 Each Diocesan Council of the Church shall be composed of the Local Ordinary, and other such members appointed from the ranks of clergy and laity.
- 18.11 All clerical and lay members of the Diocesan Council shall be appointed to serve terms of service for two years.
- 18.12 The Metropolitan Primate of the Church, through himself or through an appointed designee, shall enjoy the honor of being a consultative member of each Diocesan Council.
- 18.13 Only those members of the Diocesan Council, who have been fully and formally received into the Church, shall enjoy voting rights on the Diocesan Council.
- 18.14 All members of Diocesan Councils shall sign a contract accepting the Canonical and legal limitations of their office and will abide with the Canon Law of the Church.

- 18.15 The Diocesan Council shall convene and meet during the months of January and July of each year. The winter Board meeting may be done in person or via teleconferencing , or some other electronic method of communication.
- 18.16 All meetings of the Diocesan Council will follow the guidelines of Robert's Rules of Order, Revised.
- 18.17 Any member of the Diocesan Council who abuses their role in office may be dismissed from their position, by the Ordinary.
- 18.18 All official Diocesan Council documents shall have a Master and a scanned/approved copy and the copy shall be held in a separate location from the Master.
- a. All official Diocesan Council documents shall be made available to all members.
 - b. All official Diocesan Council documents shall be forwarded to the Metropolitan Primate, through his Chancellor, for inclusion and use by the Metropolitan Council.
- 18.19 Every parish and mission shall create a local parish council, to assist the pastoral team in promoting the welfare and good of the Church.
- § Local Parish and Mission Councils shall be created at the time of incorporation and reception into the American Orthodox Church, of said Parish or Mission.
- 18.20 The Local Ordinary shall serve as a consultative member of all Diocesan Parish and Mission Councils.
- 18.21 All members of Parish and Mission Councils shall sign a contract accepting the scope of their duties and accepting the Canonical and Legal limitations of their office.
- 18.22 All Parish and Mission Councils shall meet at least four times per year.
- 18.23 All meetings of Parish and Mission Councils shall follow the guidelines of Robert's Rules of Order, Revised.
- 18.24 Any member of a Parish or Mission Council who abuses their role in office will be dismissed from their position.
- 18.25 All official Parish Council documents shall have a Master and a scanned/approved copy and the copy shall be held in a separate location from the Master.
- a. All official Parish Council documents shall be made available to all members.
 - b. All official Parish Council documents shall be forwarded to the local Ordinary,

through his Chancellor, for inclusion and use by the Diocesan Council.

CANON 19 - DOCUMENTATION AND RECORDS

- 19.1 All clerics of The Church are responsible to keep accurate up-to-date financial records and books, as well as official church records, or assign a competent person to keep said books for the members of the church who are in their care.
- 19.2 The Church, together with all organized Diocese, Parishes, Missions, and Religious Institutes of the Church shall have, maintain, and use on all official records, a corporate Seal, which shall be well guarded.
- 19.3 Any cleric who is authorized to use the Church seal (corporate Seal) and/or Ecclesiastical Seal, must return the Seal to the Local Ordinary or to his superior should he leave the church or have reason for obtaining a leave of absence.
- 19.4 The official records of a cleric shall be copied and provided to his Local Ordinary who in turn shall provide a copy for the Metropolitan Primate .

CANON 20 - OFFICE OF THE METROPOLITAN PRIMATE

- 20.1 The office of Metropolitan Primate is for life or until he shall resign or become incapacitated by physical or mental illness or has gone to his repose (death).
- 20.2 The Metropolitan Primate, shall proactively serve as national and international spokesperson for the Church.
- 20.3 The Metropolitan Primate shall proactively evangelize the Gospels.
- 20.4 The Metropolitan Primate, in his role as Bishop Protector of Institutes of Consecrated Life, shall actively promote the creation of new religious orders, and to take care that they grow and flourish according to the spirit and charism of their Founder(s).
- 20.5 The Metropolitan Primate is responsible for convening meetings of the Synod of Bishops once at least every two years. Such meetings of the Synod may be done in person or via teleconferencing, or some other electronic method of communication. He shall also have the right to call a “Special” meeting of the Holy Synod in response to a petition from the Metropolitan Council.
- 20.6 The Metropolitan Primate is responsible for convening the National Synod at a location

accessible for all to attend. Only under unusual and extreme circumstances may this be accomplished via 20.4 as above.

- 20.7 The Metropolitan Primate shall appoint a member of the Synod of Bishops to serve as Vicar General. The Vicar General shall also serve the AOC as the Vice-Chancellor and shall assume the duties of Metropolitan Primate on a provisional basis should the office of Metropolitan Primate become vacant and there is no coadjutor in place to succeed him immediately. In the case a Coadjutor has been named, he shall assume the office of the Metropolitan Primate immediately upon a vacancy being declared.
- 20.8 The Vicar General shall have the responsibility to contact the members of the Synod of Bishops, the Metropolitan Council and the Priest's Synod regarding a vacancy in the office of Metropolitan Primate and the succession of his coadjutor.
- 20.9 The Vicar General shall perform other duties assigned by the Synod of Bishops.
- 20.10 During any such transitional period, the Vicar-General shall act as spokesperson for the Church; consulting with the Synod of Bishops before making any pronouncements binding upon the Church and its members.

CANON 21 - THE SUCCESSION OF THE METROPOLITAN PRIMATE

- 21.1 When a vacancy has occurred in the office of Metropolitan Primate, the coadjutor to the Primate immediately assumes the office.
- 21.2 Upon his assumption, and before the dismissal of the Synod of Bishops, the new Metropolitan Primate will be enthroned according to the established ritual.
- 21.3 When a vacancy has occurred in the office of coadjutor to the Metropolitan Primate, the Vicar-General shall convene the Synod of Bishops.
- 21.4 The election shall take place according to the following order:
 - §1 The Synod of Bishops shall be convened within three months to elect the new Coadjutor to the Metropolitan Primate. Should it be impossible for the bishops to meet, a ballot can be issued through electronic means allowing for anonymous voting.
 - §2 The Bishops will be given a ballot on which the names of all eligible bishops will be listed. The bishops will select one name on the list by placing a check mark on the ballot. The bishop receiving at least two thirds, plus one votes in the election

shall be named the new Coadjutor to the Metropolitan Primate.

§3 Should no one be elected on the first ballot, the bishops receiving the three highest votes shall be submitted on a second ballot. The process shall be repeated as in 21.4 §2.

§4 Should no one be elected on the second ballot, the bishops receiving the two highest votes shall be submitted on a third ballot. The bishop receiving a simple majority shall be elected.

21.5 Should there be no coadjutor to the Metropolitan Prime and should both offices be vacant at the same time, the election as described in Canon 21.4 shall be first held to elect the new Metropolitan Primate and then shall be repeated to elect his coadjutor.

CANON 22 - CLERICAL LEAVES OF ABSENCE

22.1 Upon written request to the Local Ordinary or competent major religious superior, clerics may petition for a leave of absence from their clerical functions and duties.

22.2 Upon receiving the permission of the Local Ordinary or the competent major religious superior to enter into a leave of absence, all clerical faculties are suspended, and no such cleric licitly functions publicly in a clerical role, such as stated in Canon 12.25.

§1 In the case of extreme emergency, any validly ordained member of the clergy may fulfill a responsibility of his office even if he has had his faculties suspended for a time.

22.3 A cleric shall be granted a six-month leave of absence, with the option of an additional six months. A serious review of the cleric's status with the Local Ordinary or competent major religious superior must be taken prior to the extension of the leave of absence beyond one year.

CANON 23 - CLERICAL SUSPENSION

23.1 If after a leave of absence of one calendar year, a cleric declines or refuses to discuss their future with the Local Ordinary or competent major religious superior, all their clerical faculties shall be suspended, with the possibility of canonical removal from office if the cleric should remain obdurate in disobedience.

23.2 Should any cleric remain steadfast in disobedience to Theology, Doctrine, Christology,

Orthodoxy, or Orthopraxis, despite the efforts of the Local Ordinary or competent major religious superior, such a cleric shall be placed under clerical suspension until they correct their error.

- 23.3 Any cleric who fails to fulfill their vow of obedience to their Local Ordinary regarding pastoral policies or directives and matters listed in Canon 23.2 shall be placed on clerical suspension until they correct their error and subject to Canon 12.25.
- 23.4 A suspended cleric who habitually declines to correct his or her error shall be canonically removed from office.

CANON 24 - CLERICAL RESIGNATION FROM THE CHURCH

- 24.1 Any cleric can petition to leave the Church by submitting a letter of resignation to the Local Ordinary or competent major religious superior, thus surrendering their clerical faculties from the Church, and all rights, privileges, and honors which they held with their office. Resigned Clerics are bound by Canon 12.25, including the written electronic forms in vogue or use wherein they have stated or declared their "retirement" or other such intention to no longer have faculties or participation in this Jurisdiction, the American Orthodox Church.
- 24.2 At the time a cleric tenders their resignation, they leave or are considered in western terms as being excommunicated and lose all clerical faculties, official positions and association with the Church as a cleric. The former cleric can, if they wish, remain a lay member of the Church if so requested of the Local Ordinary and approved by the Local Ordinary. The former cleric can petition the Local Ordinary to be re-appointed to any position, Board memberships, etc. they once held as a cleric within the Church, but such re-appointments as a layperson is problematic at best and not automatic.

CANON 25 - ECUMENICAL RELATIONS

- 25.1 Dual affiliation of clerics of The American Orthodox Church with other denominations not in communion with The Church are prohibited. Faculties may be granted by the Local Ordinary for a cleric of The Church to pastorally function within another Christian community, for a designated period of time, only if they are of the following:
- a. Orthodox Catholic (ie: Greek, Russian, Roman Catholic or one of its affiliated churches, and such as may be approved by the local Ordinary or Primate.
- 25.2 A cleric of The Church may petition for permission from the Local Ordinary to provide

ecumenical pastoral assistance to a Christian community not in communion with The Church, which is without pastoral care, or is in transition and attempting to secure pastoral care from their denomination. In such cases, The Church and its clerics are forbidden from initiating any type of recruitment of that parish body. To do otherwise is a violation of the spirit of cooperative ecumenism.

- 25.3 A cleric of The Church may petition the Local Ordinary to provide pastoral care to a community that is not in communion with the Church, only if that faith community has formally expressed in writing their desire to discern the possibility of continuing their journey of faith with the Church.
- 25.4 It shall be the responsibility of the Local Ordinary to select a cleric suitable to assist such faith communities in their discernment process. It shall be the direct personal responsibility of the Local Ordinary to remain involved in this discernment process.
- 25.5 Clerics of the Church may freely celebrate or co-celebrate with a faith community which has entered into a formal covenant of intercommunion. Prior to celebrating with such communities, clerics of the Church must have the written permission of the Local Ordinary of the sister community.
- 25.6 Clergy of The Church are strongly encouraged to join and participate regularly in colleague support groups and clergy associations.
- 25.7 Clergy are not encouraged to enter into celebrations or co-celebrate with any faith community which violates the Seven Ecumenical Canons in their faith-belief-doctrine and dogmas. The discernment of who such communities may be shall be the Local Ordinary. Those faith communities that are involved in any practice, dogma, doctrine or activity that might, could, or would be considered as "synchrestic ecumenism" shall be shunned, including such other communities or organizations that promote a "One World Church" ideology for a "One World Church" shall not happen until the Second Coming of Jesus Christ as portrayed in the Holy Bible.

CANON 26 - DEALING WITH FUNERALS OF CLERGY

- 26.1 In the event of the death of a member of the hierarchy, the Coadjutor or Vicar General of the hierarch shall notify the Metropolitan Primate or his chancellor who then shall notify the other bishops and appropriate officers.
- 26.2 The Coadjutor shall immediately assume the responsibilities and duties of the deceased or, if there be no coadjutor, Vicar General of the diocese shall assume the responsibilities of the deceased prelate pro tempore until the appointment of an Apostolic Administrator by

the next immediate provincial hierarch.

- 26.3 Immediately upon assuming the duties of the hierarch, the former coadjutor or the pro tem prelate, shall proceed to the residence of the late hierarch to assist the family of the deceased and the local clergy with the necessary canonical funeral arrangements. He shall explain to the family the traditional customs involved but shall also take into consideration personal wishes of the family concerning certain details that are not in conflict with essential Orthodox norms. The rights of the family shall have precedence. The new hierarch or prelate pro tem shall not take control of the funeral arrangements unless directly expressed in writing by the next-of-kin.
- 26.4 All deceased Bishops should be properly embalmed according to civil law and vested in full Episcopal vestments including the miter. The customs of the particular Rite of the deceased prelate regarding his symbols of office shall be followed. The bishop's personal Antimens is ALWAYS buried with the prelate.
- 26.5 No Bishop should be buried with simple ceremonies from a funeral home chapel. He should be brought to his cathedral, if one is available, or to the nearest Church of the jurisdiction and there to repose in state at least two days prior to the funeral service. This same rule applies to all priests and deacons.
- 26.6 If the clergyman has served in the armed forces of the United States, the proper military honors may be included at the grave side services by appropriate military or veteran organization officials. The American Flag may be draped over the casket according to military tradition, but inasmuch as a bishop's, priest's, and deacon's casket should be a fully opened one due to the wearing of full vestments, the Flag is decently displayed on a small table near the casket, properly folded in accordance with the U.S. Flag Code, it is unfolded and draped over the casket at the time of final closing.
- 26.7 No private organization service shall be permitted within the church proper but may be performed at the grave following the Church's religious committal service.
- 26.9 The bishops and clergy should gather at the church of repose for Vespers or Panahida for the Dead on the evenings of repose and Divine Liturgy on the days of repose. The highest ranking prelate or the pro tem shall preside at all such services unless prevented by unusual circumstances, if so prevented he shall delegate the responsibility to a brother-bishop.
- 26.10 Properly attired honor guards of veteran or fraternal organizations may be permitted during the period of repose and during the funeral service at the church, said guards of honor be so placed by the Master of Ceremonies as to not interfere with the normal liturgical functions.

- 26.11 The casket containing the remains of a bishop, priest or deacon shall be placed in the center aisle of the church next nearest to the Altar, with the head facing the congregation and flanked by two standing candles. The Blessing Cross is placed in the hands of the deceased cleric and removed when the casket is closed.
- 26.12 If the funeral is held in the Cathedral of the bishop, the Bishop's throne is properly draped in mourning and is not used by any prelate, not even the Primate, during the funeral services. A separate chair shall be provided for the officiating Prelate.
- 26.13 The deceased Prelate's Coat of Arms shall be removed immediately from the Bishop's throne following the funeral services and presented to rector of the Cathedral to be hung on the wall of the Sanctuary to show the succession of bishop for that church. If a prelate, priest or deacon was a member of a fraternal organization that traditionally has the deceased wear some emblem of the order, it may not be displayed over or upon the vestments, but may be folded and placed under the main garment, or worn under the main garment, or folded and placed at the feet of the deceased. No emblem other than the Cross may be displayed on or above the casket; fraternal emblems may be displayed on floral memorials. Military medals and/or decorations shall not be pinned to the vestments of the deceased, except the Congressional Medal of Honor should the deceased be entitled to the same.
- 26.14 If a bishop, priest or deacon dies as a result of violent happening or as the result of any circumstance that prevents an open casket, either as a sanitary precaution or the art of cosmetics prevents a reasonable restoration of the remains, the casket shall remain closed during the entire period of official repose.
- 26.15 If a prelate or cleric is to be buried at a place where no church of this Jurisdiction is available, the pro tem shall seek the courtesy of another Orthodox Church or, if unavailable, a Church of the Roman Catholic or Episcopal Communion for the funeral service, only as a last resort may a funeral chapel be used, and if used the chapel must be so arranged as to reasonably resemble a liturgical church setting suitable for the proper conduct of the services involved. In such an event, the same customs that would prevail in a normal church setting are to be followed.
- 26.16 Prelates and/or clergy of other Communion attending funeral services of a prelate or cleric of this Jurisdiction shall be received with the proper honors due their clerical status and shall be seated properly in choir, or in a place of honor sufficiently removed so as to not interfere with the normal liturgical funeral service. Prelates and clergy not in communion with Holy Orthodoxy shall not participate in any portion of the funeral service; however, a prelate of the Roman Communion may be given the privilege of participating in the final absolutions and, if desired, be permitted to deliver a personal brief eulogy.

CANON 27 - CIVIL STRUCTURE OF ECCLESIAL ENTITIES

- 27.1 All Ecclesial Entities of the church shall be incorporated as a non-profit corporation in the state in which it exists.
- 27.2 The Metropolitan-Primate shall be the president of all AOC corporations. The Local Ordinary shall be the Vice-president of all AOC corporations within his geographical territory. The Abbot or Religious Superior shall be the Treasurer of the local monastery corporation. The Pastor or Parish Administrator shall be the Treasurer of the local parochial corporation.
- 27.3 All local state reports are to be prepared by the Treasurer and shall be forwarded, along with all supporting documentation, to the Office of the Local Ordinary who shall then make copies for local files and one copy to be forwarded to the office of the Metropolitan-Primate. The local Ordinary shall prepare all reports for a timely filing with the state offices in the particular locale.

CANON 28 - OF ECCLESIAL SUPPORT

- 28.1 Each mission, parish, religious community, ordinariate, and local diocese is expected to help to support the financial function of each aspect of the church both local and international.
- 28.2 A local tax of no more than \$10 per month (\$120 per year) is assessed on all missions, parishes, religious communities, ordinariates, and local diocese to the office which is next up in ecclesial structure.
- §1. A tax of \$10 per month (\$120 per year) shall be send from each active diocese or ordinariate to the Office of the Metropolitan-Primate to cover the expenses of the central chancery.
- §2. A tax of \$8 per month (\$96 per year) shall be send from each active parish to the local diocesan office to cover the expenses of the local chancery.
- §3. A tax of \$5 per month (\$60 per year) shall be send from each active mission or religious community top the local diocesan office to cover the expenses of the local chancery.

- 28.3 A financial report of each mission, parish, and religious community shall be produced and sent to the local chancery offices, once in July (semi-annual report: January to June) and again in January (annual report: January to December).
- 28.4 A financial report of each ordinariate or local diocese with summary information from each mission, parish, and religious community along with the detailed supporting documentation shall be produced and sent to the Metropolitan-Primate's chancery offices, once in July (semi-annual report: January to June) and again in January (annual report: January to December).

CANON 29 - OF ECCLESIASTICAL COURTS

- 29.1 There shall be an Ecclesiastical Court for the trial of a Priest or Deacon which shall be composed of two (2) Priests or Deacons elected by the Convention for a term of four (4) years and one (1) Lay Persons, who are chrismated adult communicants of this Church in good standing, elected by the Holy Synod for a term of three (3) years. No member of the Court may be a member of The Metropolitan Council. The Court shall appoint not less than one, nor more than three Lay Persons who are Chrismated adult communicants of this Church in good standing, learned in the law, as Assessors.
- 29.2 The death, disability rendering a person unable to act, resignation or declination to serve as a member of an Ecclesiastical Court shall constitute a vacancy on the Court. Notice of resignations or declinations to serve shall be given by members of the Court in writing to the Presiding Judge of the Court. If any Priest elected to the Ecclesiastical Court is elected a bishop, or if any lay person elected to the Ecclesiastical Court is ordained prior to the commencement of a Trial, that person shall immediately cease to be a member of the Ecclesiastical Court. If either event occurs following the commencement of a Trial, the person shall continue to serve until the completion of the Trial and the rendering of a Verdict thereon. Vacancies, other than for cause under subsection b of this Canon, occurring in any Ecclesiastical Court shall be filled by the remaining members of the Court until the next meeting of the Convention.
- 29.3 Members of the Ecclesiastical Court may be challenged by either the Accused or the Church Attorney for cause stated to the Court. The Court shall determine the relevancy and validity of challenges for cause. Vacancies caused by challenges determined by the Court shall be filled by majority vote of the court from persons otherwise qualified for election under these Canons. Vacancies filled by the Court shall be from the same order as the person challenged was when first elected to the Court.
- 29.4 Any member of the Ecclesiastical Court may recuse himself or herself from any Trial. Any vacancy caused by such recusal shall be filled by majority vote of the Court from

persons otherwise qualified for election under these canons. Vacancies filled by the Court shall be from the same order as the recused person was when first elected to the Court.

- 29.5 Within two (2) months following the Convention the Court shall organize itself to include the election of a Presiding Judge from among its members. The Court shall also choose a Clerk, and, if necessary, Assistant Clerks who shall be Priests or Deacons or adult confirmed communicants in good standing of this Church and who shall serve at the pleasure of the Court. The Ecclesiastical Court shall also appoint a Reporter who shall provide for the recording of the proceedings and who shall serve at the pleasure of the Court.
- 29.6 Three (3) members of the Court shall constitute a quorum.
- 29.7 The Assessors shall sit with the Court to advise it upon questions of law, procedure or evidence.
- 29.8 A Church Attorney shall be appointed by The Metropolitan Council or Synod of Bishops with the advice and consent of the Ecclesiastical Court for a term of three (3) years. The Church Attorney shall be a confirmed adult communicant of this Church in good standing, and learned in the law. The Church Attorney may not be the Chancellor or a Vice Chancellor of the Church or a member of The Metropolitan Council and may not be from the same law firm as the Chancellor, the Clergy Consultant, or any Lay Assessor.
- 29.9 A Clergy Consultant shall be appointed by The Metropolitan Council with the advice and consent of the Ecclesiastical Court for a term of three (3) years. The Clergy Consultant shall be a Priest, chaplain or other person familiar with the procedures, alternatives, requirements and consequences of the disciplinary Canons. The Clergy Consultant may not be the Chancellor or a Vice Chancellor of the Diocese or a member of The Metropolitan Council. The Consultant shall be available to consult with and advise the Priest or Deacon and his or her legal advisors at reasonable times prior to the issuance of a Presentment. The Consultant shall explain the rights of the Priest or Deacon and the alternatives available under this Canon. A Priest or Deacon shall be notified of the availability and identity of the Consultant at the earliest of (a) the communication to the Priest or Deacon of a Charge; (b) any interrogation or request for a statement; (c) the service of a Temporary Inhibition ; (d) submission to the Ecclesiastical Authority ; or (e) prior to the Execution of a Waiver and Voluntary Submission to Discipline. All communications between the Consultant and the Priest or Deacon, or his or her legal advisers shall be Privileged Communications. No Consultant shall be required to respond to any questions regarding any Priest or Deacon for whom the Consultant has acted as a Consultant. The expenses of the Consultant shall be the obligation of the Church.
- 29.10 In all proceedings under the disciplinary Canons, whenever a Priest or Deacon suspected

of an offense is required or permitted to appear, the Priest or Deacon shall have the right to be represented by counsel of her or his own choice. This right shall be in addition to the right to the advice and assistance of the Clergy Consultant. All expenses of such counsel are the obligation of accused.

- 29.11 Except as otherwise expressly provided by Canon, it shall be the duty of all Members of this Church to appear and testify or respond when duly served with a Notice or Citation by The Board of Directors or the Ecclesiastical Court in any matter arising under the disciplinary Canons of this Church.

CANON 30 - PRESENTMENT OF CHARGES, TRIALS, AND APPEALS

A. PRESENTMENTS

- 30.1 A Presentment to the Ecclesiastical Court may be issued only by The Diocesan Council or Metropolitan Council as provided in this Canon.
- 30.2 A Charge against a Priest or Deacon shall be in writing, verified and addressed to The Council of the Diocese wherein the Priest or Deacon is canonically resident, except as otherwise expressly provided in this Title. It shall concisely and clearly inform as to the nature of and facts surrounding each alleged Offense.
- 30.3 A Charge may be made:
- (a) by a majority of the lay Members of the Vestry of the Parish of which the Accused is the Rector; or
 - (b) by any three Priests canonically resident in the Diocese wherein the Accused is canonically resident or canonically resident in the Diocese wherein the Accused is alleged to have committed the Offense; or
 - (c) by any seven adult communicants in good standing in the Diocese wherein the Accused is canonically resident or in the Diocese wherein the Accused is alleged to have committed the Offense; or
 - (d) in a case where the alleged Offense is the violation of Ordination vows involving the disregard or disobedience of a Pastoral Direction issued by a Bishop, only by that Bishop or the Ecclesiastical Authority of that Diocese, or by another Bishop, if the Bishop who issued the Pastoral Direction has resigned, retired, or died or is unable to act; or
 - (e) in a case where the Offense alleged is a Charge specifying the Offenses of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of any alleged Victim who is under a disability, or (iii) the spouse or adult child of a Victim; or

- (f) in a case where the Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church only, by a majority of the members of The Council of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Accused is alleged to have committed the Offense; or
- (g) by a majority of The Council of the Diocese in which the Priest or Deacon is canonically resident or of the Diocese wherein the Accused is alleged to have committed the Offense whenever The Council shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense; or
- (h) the Ecclesiastical Authority of the Diocese in which the Accused is alleged to have committed the Offense, if different from the Diocese of canonical residence.

- 30.4 If a complaint or accusation is brought to the Bishop by any adult who is (i) the alleged Victim, or (ii) a parent or guardian of an alleged minor Victim or of an alleged Victim who is under a disability, or (iii) the spouse or adult child of an alleged Victim of an Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the alleged Victim, the alleged Victim's spouse, or the alleged Victim's parent or guardian or adult child, may appoint an Attorney to assist those persons in understanding and participating in the disciplinary processes of this church, obtain assistance to formulate and submit an appropriate Charge and in obtaining assistance in spiritual matters, if the alleged Victim, spouse, parent or guardian or adult child so choose. Any alleged Victim or Complainant may be represented by an attorney and/or advocate of their choice.
- 30.5 Whenever the Bishop has sufficient reason to believe that any Priest or Deacon canonically resident in his Diocese has committed an Offense and the interests and good order and discipline of The Church require investigation by The Council, the Bishop shall concisely and clearly inform The Council in writing as to the nature of and facts surrounding each alleged Offense but without judgment or comment upon the allegations or guilt, and The Council shall proceed as if a Charge had been filed.
- 30.6 Any Priest or Deacon who deems himself or herself to be under imputation, by rumor or otherwise, of any Offense or misconduct for which he or she could be tried in an Ecclesiastical Court, may on his or her own behalf complain to and request of the Bishop that an inquiry with regard to such imputation be instituted. Upon receipt of such request by a Priest or Deacon, it shall be the duty of the Bishop to cause the matter to be investigated and to report the result to the Priest or Deacon.
- 30.7 Any Charge against a Priest or Deacon shall be promptly filed with the President of The Council.
- 30.8 Upon the filing of a Charge with The Council, The Council shall promptly communicate

the same to the Bishop and the Accused.

- 30.9 In a case of a Priest or Deacon convicted in a criminal Court of Record in a cause involving Immorality, or against whom a judgment has been entered in a civil Court of Record in a cause involving Immorality, the Priest or Deacon shall notify the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, in writing, of such conviction or entry of judgment , within thirty days thereof, whether or not any time for appeal has expired. It shall be the duty of the Ecclesiastical Authority to give notice of the conviction or entry of judgment to The Council of the Diocese in which the Priest or Deacon is canonically resident, in which case, or if The Council shall otherwise have knowledge of such conviction or judgment, it shall be the duty of The Council to institute an inquiry into the matter. If the conviction or judgment be established , The Council shall issue a Presentment against the Priest or Deacon for Trial.
- a. A civil judgment or conviction is not sufficient for ecclesiastical judgment or condemnation without solid physical evidence based on psychiatric and other medical evidence. Hearsay shall not be an acceptable form of judgment.
- 30.10 Within thirty days after the filing of a Charge, other than a Charge alleging a conviction in a criminal Court of Record in a cause involving Immorality or alleging the entry of a judgment in a civil Court of Record in a cause involving Immorality, The Council shall convene to consider the Charge. If after such consideration The Council determines that an Offense may have occurred if the facts alleged be true, The Council shall prepare a written general statement of the Charge and the facts alleged to support the Charge and transmit the same to the Church Attorney. a) May it be noted and observed that the Church has always held that "What is in the past, stays in the past!"
- 30.11 The Church Attorney shall promptly make an investigation of the matter.
- 30.12 Within sixty days after receipt of the statement from The Council, unless delayed for good and sufficient cause stated, the Church Attorney shall render a confidential Report to The Council of the findings of that investigation and as to whether or not an Offense may have been committed if the facts disclosed by the investigation be found to be true upon Trial, and with a recommendation as to the matter in the interest of justice and the good order and discipline of this Church and based upon such other matters as shall be pertinent. The Report of the Church Attorney shall be confidential for all purposes as between the Church Attorney and The National Council. Provided, however, The Council shall share the Report of the Church Attorney with the Bishop of the Diocese.
- 30.13 Within thirty days after the receipt of the Report of the Church Attorney, The Council shall convene to consider the Report and whether or not a Presentment shall issue. In its deliberations, The Council may consider the Church Attorney's Report, responsible

writings or sworn statements pertaining to the matter, including experts' statements, whether or not submitted by the Church Attorney. To assist in its deliberations. The Council may itself, or through a subcommittee of its members or others appointed by The Council. provide an opportunity to be heard to the Accused ,the alleged Victim, the Complainant or other persons and receive additional evidence which it in its sole discretion deems appropriate. The Council may issue a Presentment for an Offense when the information before it, if proved at Trial, provides Reasonable Cause to believe that (i) an Offense was committed, and (ii) the Accused committed the Offense.

- 30.14 The vote of a majority of all the members of The Council shall be required to issue a Presentment. No member shall disclose his or her vote or the vote of any member to any person not a member of The Council. In the event that, due to members who have been excused or vacancies in office. The Council does not have sufficient voting members to meet the requirements of this Section, the action of The Council shall be postponed until such time as there are sufficient members in office to fulfill the voting requirements of this Section.
- 30.15 If a Presentment be issued, it shall be in writing, dated, and signed by the President or the Secretary of The Council on behalf of The Council, whether or not that officer voted in favor of the Presentment. In the event that there be no President or Secretary, or they be absent, a member of The Council appointed for that purpose shall sign the Presentment. The Presentment also shall contain (i) a separate accusation addressed to each Offense, if there be more than one, and (ii) a plain and concise factual statement of each separate accusation sufficient to clearly apprise the Accused of the conduct which is the subject of the Presentment.
- 30.16 Promptly after the issuance of a Presentment, The Council shall cause the original to be filed with the Presiding Judge of the Ecclesiastical Trial Court with a true copy thereof served upon the Bishop, the Accused, the Clergy Consultant. the Church Attorney and each Complainant and, unless waived in writing, the alleged Victim, and the Ecclesiastical Authority of the Diocese in which the Accused is canonically resident, in which the Accused is licensed, and in which the Accused resides.
- 30.17 If The Council votes not to issue a Presentment, then that decision shall be in writing and shall include an explanation. A copy shall be served upon the Bishop who shall file it with the Secretary of the Convention of the Diocese, the Accused, the Clergy Consultant, the Church Attorney, each Complainant. and unless waived in writing, the alleged Victim.
- 30.18 Prior to the issuance of a Presentment or a determination not to issue a Presentment as the case may be, the matter shall be confidential, except as may be determined to be pastorally appropriate by the Ecclesiastical Authority.

30.19 Non-compliance with time limits set forth in this Canon shall not be grounds for the dismissal of a Presentment unless such non-compliance shall cause material and substantial injustice to be done or seriously prejudice the rights of an Accused as determined by the Trial Court on motion and hearing.

B. TRIALS

30.20 Ecclesiastical Courts shall governed by such procedural rules or determinations as the Ecclesiastical Court deems appropriate and not inconsistent with such Canons, and by The Federal Rules of Evidence in the conduct of the Trial.

30.21 The Ecclesiastical Court shall keep a record of the proceedings in each case brought before it and the record shall be certified by the Presiding Judge of the Court. If the record cannot be authenticated by the Presiding Judge by reason of the Presiding Judge's death, disability or absence, it shall be authenticated by a member of the Court designated for that purpose by majority vote of the Court.

30.22 The Ecclesiastical Court shall permit the Accused to be heard in person, and by the Clergy Consultant , and by counsel of the Accused's own selection. In every Trial the Court may regulate the number of counsel who may address the Court or examine witnesses .

30.23 (a) Upon receiving a Presentment, the Presiding Judge shall, within thirty days, send to each member of the Court a copy of the Presentment.

(b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding Judge's receipt of the Presentment, summon the Accused to answer the Presentment in accordance with the Rules of Procedure .

(c) The accused's answer or other response to the Presentment in accordance with the Rules of Procedure shall be duly recorded and the Trial shall proceed; Provided, that for sufficient cause the Court may adjourn from time to time; and Provided, also, that the Accused shall, at all times during the Trial, have liberty to be present, and may be accompanied by the Clergy Consultant or other counsel and one other person of his or her own choosing, and in due time and order to produce testimony and to make a defense.

(d) If the Accused fails or refuses to answer or otherwise enter an appearance , except for reasonable cause to be allowed by the Court, the Church Attorney may, no sooner than thirty days after the answer is due, move for Summary Judgment of Offense in accordance with the Rules of Procedure. If the motion is granted, the Accused shall be given notice that Sentence of Admonition, Suspension or Deposition will be adjudged and pronounced by the Court at the expiration of thirty days after the date of the Notice of Sentence, or at such convenient time thereafter as the Court shall determine. Sentence of Admonition, Suspension or of Deposition from the Ordained Ministry may, thereafter, be adjudged and pronounced by the Court.

- 30.24 In all Ecclesiastical Trials, the Church Attorney shall appear on behalf of The Council which shall then be considered the party on one side and the Accused the party on the other. Each Complainant or alleged Victim shall be entitled to be present throughout and observe the trial and for each to be accompanied by counsel or another person of his or her own choosing.
- 30.25 Before a vote is taken on the findings and in the presence of the Accused and counsel, counsel for the parties may submit requested proposed instructions. The Presiding Judge of the Ecclesiastical Court, after consultation with the Lay Assessors, shall declare which of the proposed instructions shall be issued and shall instruct the members of the court as to the elements of the Offense and charge them (i) that the Accused must be presumed not to have committed the Offense alleged until established by clear and convincing evidence, and unless such standard of proof be met the Presentment must be dismissed, and (ii) that the burden of proof to establish the the Accused's commission of the Offense is upon the Church Attorney in the name of The National Council.
- 30.26 A separate vote shall be taken first upon the findings as to the commission of an Offense by the Accused. The Presiding Judge shall cause the accused, the Clergy Consultant, the Church Attorney, each Complainant , and, unless waived in writing, the alleged Victim to be advised of and provided with a copy of the findings of the Court.
- 30.27 For a Judgment that the Accused has committed an Offense.the affirmative vote of two-thirds of the Members of the Ecclesiastical Court then serving for that Trial shall be necessary. Failing such two-thirds vote, the Presentment shall be dismissed.
- 30.28 No vote shall be taken on the Sentence to be imposed until at least thirty days after the Priest or Deacon, the Clergy Consultant, the Church Attorney, each Complainant and, unless waived in writing, the Victim have been informed of the Judgment and each has had a reasonable opportunity to offer matters in excuse or mitigation or to otherwise comment on the Sentence. All matters in excuse or mitigation or comments on the Sentence shall be served on the Accused, Church Attorney, Complainants and, unless waived in writing, the Victim. The Court shall provide a reasonable time for response to the Court which shall also be served as provided above. The Court may schedule hearings on the submissions. The Members of the Court shall vote upon the Sentence.
- 30.29 The concurrence of not less than two-thirds of the members of the Ecclesiastical Court then serving for that Trial shall be necessary to adjudge and impose a Sentence upon a Priest or Deacon found to have committed an Offense. The Court shall then vote upon a Sentence to be adjudged and imposed upon the Priest or Deacon and the decision so signed shall be recorded as the Judgment of the Court. The decision of the Court as to all the Charges shall be reduced to writing, and signed by those who assent to it.

30.30 The Judgment and any Sentence adjudged on a Judgment shall be communicated promptly to the Bishop of the Diocese wherein the Trial was held, the Ecclesiastical Authority, if there be no Bishop, The National Council, the Ecclesiastical Authority of the Diocese in which the Priest or Deacon is canonically resident, the Priest or Deacon, the Clergy Consultant, the Church Attorney , each Complainant. and, unless waived in writing, the Victim.

C. TEMPORARY INHIBITIONS

30.31 If a priest or deacon is charged with an Offense or Offenses or serious acts are complained of to the Bishop that would constitute the grounds for a Charge of an Offense and, in the opinion of the Bishop, the Charge is supported by sufficient facts, the Bishop may issue a Temporary Inhibition.

30.32 Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense or Offenses charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

30.33 A Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon.

30.34 Any Priest or Deacon against whom a Temporary Inhibition has been issued, modified, or extended may request a hearing concerning the Temporary Inhibition before The Council, which shall hear the same at the earliest possible time, but not later than fourteen days after the date of receipt of the request. The National Council by a two-thirds vote may dissolve or modify the Temporary Inhibition. The Bishop, the Clergy Consultant and the Church Attorney shall be given notice of such hearing and shall be permitted to attend and be heard or to designate a representative to attend and be heard.

30.35 At any time, a Bishop may dissolve or modify the terms of a Temporary Inhibition.

30.36 A Temporary Inhibition shall continue in full force and effect until the earlier of
(i) the withdrawal of the Charge or the allegations,
(ii) the refusal of The Council to make a Presentment on the Charges alleged,
(iii) dissolution of the Temporary Inhibition,
(iv) imposition of Sentence following a voluntary submission to discipline , or
(v) a period of ninety days measured from the date of service of the Temporary Inhibition; provided, however, the ninety-day period may be extended by the Bishop for additional ninety-day periods upon good cause.

30.37 In the event the Temporary Inhibition is dissolved or reduced or otherwise expires, the Ecclesiastical Authority shall so notify all persons to whom notice of the issuance of the Temporary Inhibition was given.

30.38 If a Presentment has been made by The Council against a Priest or Deacon, or if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving Immorality , or if a judgment has been entered against a Priest or Deacon in a civil Court of Record in a cause involving Immorality ,the Bishop may issue an Inhibition to the Priest or Deacon until after the judgment of the Ecclesiastical Court becomes final.

D. PRESENTMENTS AGAINST AND TRIALS OF BISHOPS

30.39 If a Presentment is brought against a Bishop of The Church, all of the preceding rules and procedures shall apply, except that either a Diocesan Council, or the National Council shall be authorized to bring a Presentment, and that The Synod of Bishops (or in the case of an Archdiocese, the Synod of Clergy) shall constitute the Ecclesiastical Court of Original Jurisdiction.

E. IMPLEMENTATION

30.40 Implementation of all provisions of Canons 29 and 30 will begin immediately upon certification by The Metropolitan Primate that sufficient options exist to accomplish such implementation. Pending such certification, all provisions of the aforementioned Canons shall be fulfilled insofar as is possible.

F. APPEALS

30.41 Appeals of all Trails and sentences imposed may be appealed to the Synod of Bishops. The Synod of Bishops shall be the Ecclesiastical Court of final appeal.

G. TIMELY EFFECTIVENESS

30.42 No charges, presentments or other actions may be taken on such allegations or charges that are more than one (1) year old except and unless such allegations or charges have been brought by action of civil law, in which event, good cause being merited, all provision of Canons 29 and 30 shall become effective and implemented .

CANON 31 - ACCEPTANCE, INTERPRETATION, AND AMENDMENT OF CANONS

31.1 These Canons will take effect immediately upon approval of a two-thirds (2/3) majority vote of the Synod of Bishops, replacing any and all previous canons.

- 31.2 The Synod of Bishops, in consultation with the Primate, or the President and Vice President of the Priests Synod shall have exclusive authority to interpret these canons.
- 31.3 These Canons may be, from time to time, amended, upon approval of a two-thirds (2/3) majority vote of the Synod of Bishops.
- 31.4 Inasmuch as previous Canons of the AOC are presently in force until full vote to accept this newer Code of Canons, and after such vote shall have been presumed to of been favorable, all prior amendments and/or "Minutes of Meetings" involving actions taken regarding persons, places, institutions, acceptance of and/or excardination of persons and institutions, acceptance of actions that had been taken; shall be and is hereby fully accepted as though the same wee fully set forth herein.

SPECIAL CIRCUMSTANCES AND SITUATIONS

The Resolutions of His Holiness the Patriarch [Tikhon], of the Sacred Synod and Higher Ecclesiastical Council of the Russian Orthodox Church 20/7 November 1920, having come before the American Orthodox Church has been reviewed and is incorporated herein for the same intents and purposes that might, could or would exist in the United States of American and other countries of North and South America. Therefore, with minor adjustments or alterations we do therefore incorporate the following:

With the blessing of His Holiness the Patriarch [Tikhon], the Sacred Synod and the Higher Ecclesiastical Council united together, have deliberated concerning the necessity, supplementary to the instructions already given in the encyclical letter of His Holiness the Patriarch in case of the cessation of the activity of the diocesan councils, of giving to the diocesan bishops just such instructions in the event of the severance of relations between the diocese and the Higher Church Administration or the cessation of the activity of the latter and, on the basis of past decisions, we have resolved:

By an encyclical letter in the name of His Holiness to give the following instructions to the diocesan bishops for their guidance in necessary cases:

- 1). In the event that the Sacred Synod and the Higher Ecclesiastical Council for any reason whatever terminate their ecclesiastical administrative activity, the diocesan bishop, for instructions in directing his ministry and for the resolution of cases in accordance with rules which go back to the Higher Church Administration, turns directly to His Holiness the Patriarch or to that person or institution indicated by His Holiness the Patriarch. [In this regard, it is to the Primate or Metropolitan Primate of the American Orthodox Church, and all her dependencies.

- 2). In the event a diocese, in consequence of the movement of the front [during the Russian Civil War], changes of state borders, etc., finds itself completely out of contact with the Higher Church Administration, or if the Higher Church Administration itself, headed by His Holiness the Patriarch, for any reason whatsoever ceases its activity, the diocesan bishop immediately enters into relations with the bishops of neighboring dioceses for the purpose of organizing a higher instance of ecclesiastical authority for several dioceses in similar conditions (in the form either of a temporary Higher Church government or a Metropolitan district, or anything else). [In regard to the American Orthodox Church and her dependencies, such may involve war within the borders of North America, or such other issue or problem of national consequence such as economic or natural disaster].

- 3). Care for the organization of a Higher Church Authority as the objective of an entire group of dioceses which find themselves in the position indicated in paragraph 2, is the

indispensable obligation of the senior bishop of such a group.

4). In the case of the impossibility of establishing relations with bishops of neighboring dioceses, and until the organization of a higher instance of ecclesiastical authority, the diocesan bishop takes upon himself all the fullness of authority granted him by the canons of the Church, taking all measures for the ordering of Church life and, if it seem necessary, for the organization of the diocesan administration, in conformity with the conditions which have arisen, deciding all cases granted by the canons to episcopal authority, with the cooperation of existing organs of diocesan administration (the diocesan assembly, the diocesan council, et al., or those that are newly organized); in case of the impossibility of constituting the above indicated institutions, he is under his own recognizance.

5). In case the state of things indicated in paragraphs 2 and 4 takes on a protracted or even a permanent character, in particular with the impossibility for the bishop to benefit from the cooperation of the organs of the diocesan administration, by the most expedient means (in the sense of the establishment of ecclesiastical order) it is left to him to divide the diocese into several local dioceses, for which the diocesan bishop:

a). grants his right reverend vicar bishops, who now, in accordance with the Instruction, enjoy the rights of semi-independent bishops, all the rights of diocesan bishops, with the organization by them of administration in conformity to local conditions and resources;

b). institutes, by conciliar decision with the rest of the bishops of the diocese, as far as possible in all major cities of his own diocese, new episcopal Sees with the rights of semi- independent or independent bishops.

6) A diocese divided in the manner specified in paragraph 5 forms an ecclesiastical district headed by the bishop of the principle diocesan city, which commences the administration of local ecclesiastical affairs in accordance with the canons.

7). If, in the situation indicated in paragraphs 2 and 4, there is found a diocese lacking a bishop, then the Diocesan Council or, in its absence, the clergy and laity, turns to the diocesan bishop of the diocese nearest or most accessible to regards convenience or relations, and the aforesaid bishop either dispatches his vicar bishop to administer the widowed (i.e. vacant) diocese or undertakes its administration himself, acting in the cases indicated in paragraph 5 and in relation to that diocese in accordance with paragraphs 5 and 6, under which, given the corresponding facts, the widowed diocese can be organized into a special ecclesiastical district.

8). If for whatever reason an invitation from a widowed diocese is not forthcoming, the

diocesan bishop indicated in paragraph 7 undertakes the care of its affairs on his own initiative.

9). In case of the extreme disorganization of ecclesiastical life, when certain persons and parishes cease to recognize the authority of the diocesan bishop, the latter, finding himself in the position indicated in paragraphs 2 and 6, does not relinquish his episcopal powers, but forms deaneries and a diocese; he permits, where necessary, that the divine services be celebrated even in private homes and other places suited therefore, and severs ecclesiastical communion with the disobedient.

10). All measures taken in places in accordances with the present instruction, afterwards, in the event of the restoration of the central ecclesiastical authority, must be subject to the confirmation of the latter.

11). In so far as liturgies for the needs of the people and/or clerics is to be considered; they must conform to those already approved by the Holy Synod of Bishop and the Primate. Yet, it must be understood that where necessity requires as determined by the Primate or diocesan bishop; the very basics may need to be performed as pertaining to constraints of time, place and/or other reasonable causes. A priest may perform Divine Liturgy using only a stole and an abbreviated Liturgy from those approved of in the case of necessity without obtaining permission from the local Ordinary (Bishop).

APPENDIX

Pastoral Sexual Ethics

I. INTRODUCTION

O Lord my God, I am not worthy that you should come under my roof, yet you have called your servant to stand in your house, and to serve at your altar. Enlighten my understanding with the light of your Holy Spirit; and may all the desires of my heart and will center in what you would have me do. Make me an instrument of your salvation for the people entrusted to my care, and grant that I may by my life and teaching set forth your true and living Word.

The Church has always recognized that those who are chosen for ordained ministry bear a particular responsibility to pattern their lives according to Jesus' example. Not only are bishops, priests and deacons regarded by the faithful as examples of what a Christian life should be but any moral offense by clerics or by laity entrusted with pastoral and educational ministries is especially hurtful because it betrays that trust committed to them by the Church to nurture and care for every member.

In recent years, it has become clear that some clergy and lay ministers have engaged in sexual misconduct, which has hurt those very persons entrusted to their care. Unfortunately, in the past, instances of sexual misconduct were often denied by church authorities or dealt with secretly.

Frequently, offenders were sent on to another congregation or diocese while victims were neglected or even blamed and congregations ignored. Such a response fails to implement the standards of justice and Christian love that God requires of the Church, and prevents the healing that is necessary so that new life may be known.

The Church desires to confront the fact of sexual misconduct by its trusted leaders. In part, the change in the Church's attitude has been the result of greater awareness in American society of the problems of sexual abuse and harassment. Several states have enacted legislation that makes sexual misconduct by certain professionals, including clergy, grounds for criminal or civil action. The growth in tort liability litigation has had an effect and some actions against churches have succeeded in obtaining large amounts of money as damages.

Many denominations are responding to the issue of sexual misconduct. Parishes will be held accountable for sexual misconduct as defined in this Canon by all those who are in their employ, if any, and all who are non-paid and/or volunteers. This Canon developed by The American Orthodox Church is required reading for all such church leaders. This Canon is commended as well to the people of The Church. It has as its purpose education on the issues related to sexual

misconduct, with special concern for the prevention of incidents, and the protection of potential victims.

For the purposes of the policy in this Canon, "pastoral relationships" are defined broadly as those situations in which trust is given to a religious leader-- i.e.: the Pastor of a parish or the adult leader of a youth group. Pastoral counseling or spiritual direction involve the more intense, one-on-one relationships in which the pastoral relationships are complicated by psychological transference.

As a public representative of The Church, a cleric is advised that their actions speak louder than words. A cleric acknowledges that they publicly witness to a reality larger than themselves, and so must be aware of the philosophy of the organizations and clubs to which they belong and especially in which they hold a leadership role. A CHURCH cleric may not accept or hold a leadership position in any organization or club that endorses, openly or implicitly, illegal, licentious, or unbridled and degrading sexual behavior.

THE BASIC POLICY OF THE AMERICAN ORTHODOX CHURCH IS SIMPLY STATED: SEXUAL MISCONDUCT IS HARMFUL, GRIEVOUSLY SINFUL AND UNACCEPTABLE BEHAVIOR, AND WILL NOT BE TOLERATED IN THE AMERICAN ORTHODOX CHURCH.

II. SEXUAL MISCONDUCT DEFINED

A. Sexual misconduct may constitute sexual abuse, sexual harassment or sexual exploitation.

1. Sexual Abuse

For the purposes of this Canon, sexual abuse is sexual involvement or contact by a cleric or lay leader with a person who is a minor or who is legally incompetent. This definition includes rape. Sexual abuse is a criminal offense in most states and must be reported to law enforcement officials. It is the policy of The Church to make such reports immediately and to cooperate fully with law enforcement officials in investigating any allegations of sexual abuse only to the degree that it does not cause an impediment to the pillars of the Beliefs such as, for Example, the Seals of the Confessional.

2. Sexual Harassment

For the purposes of this Canon, sexual harassment is an unacceptable form of employment discrimination.

Unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- ii. Submission to or rejection of such conduct by individuals is used as the basis for employment decision affecting such individual.
- iii. Such conduct has the purpose or effect of unreasonable interference with an individual's work performance, or creates an intimidating, hostile or offensive work environment.
- iv. Sexual harassment includes, but is not limited to, unwelcome and/or persistent sexually- oriented humor or language, questions or comments about sexual behavior, preference or orientation, unwelcome or undesired physical contact, inappropriate comments about clothing or physical appearance , or repeated requests for social engagements or interaction, in a situation where there is an employment , mentor or colleague relationship between the people involved, including aspirants, postulants and seminarians sponsored by, or working in, this Church.

3. Sexual Exploitation

For the purposes of this Canon, *sexual exploitation* is a betrayal of trust in a pastoral, professional or ministerial relationship. Sexual exploitation is also contact of a physical nature between adults in an unequal power relationship that may involve inappropriate touching, embraces or assault. Sexual exploitation includes activity such as dating during the course of a counseling relationship, kissing, touching breasts or genitals, verbal suggestions of sexual involvement or sexually demeaning comments by a leader, or sexual intercourse.

Clergy should be aware that due to the imbalance of power existing between them and parishioners, the development , or the attempted development, of a sexual or romantic relationship between a religious leader and a person with whom the leader has a pastoral relationship has the potential of becoming sexually exploitive.

When a single, divorced or widowed cleric begins a dating relationship with a parishioner, supervisee, or any other person with whom the cleric has a pastoral relationship, the couple shall inform the bishop and the pastor or other supervisor that this relationship has begun. The cleric shall terminate the pastoral role with the person he or she is dating, and shall support the person in seeking pastoral care from another cleric.

III. PROHIBITION AND STRICTURE

The American Orthodox Church strictly prohibits interaction with children or youth by anyone with a civil or criminal record of child sexual abuse or who has admitted prior sexual abuse or anyone known to have a paraphilic diagnosis (e.g. pedophilia, exhibitionism, voyeurism) as

defined by the American Psychiatric Association.

Understanding the importance of training and hiring qualified personnel for the Church's work, The American Orthodox Church will comply with guidelines requiring background checks on all aspirants, postulants and candidates for ordination, as well as those clergy involved in the parish deployment process.

Background checks will be made of all volunteers who regularly supervise youth activities (excluding unpaid Sunday School teachers) , and employees, within the confines of permissible law, prior to employment, to determine current or historic allegations, criminal records or paraphilic behavior.

Because of the extreme sensitive nature of relationships between a priest or other clergy with that of parishioners and those in training, it becomes necessary to understand that there have been and are clergy, although not most common , who have protected the Seals of the Confessional by accepting a civil plea bargain in which the clergyman may have been erroneously convicted of pedophilia (sexual abuse of a minor) or some other sex offense. It becomes therefore necessary that the above C1 be implemented. The Church is a spiritual hospital for sick souls, even clergy, and therefore in these special situations and circumstances, a clergyman should not be cut *off* for his or their action to protect the Seals of the Confessional, one of the primary pillars of the Orthodox Church Catholic.

The place for ascertaining the degree to which the Seals of the Confessional shall apply is to be discerned by a 'closed' tribunal of the highest tribunal of the Church, as implemented in Canon 28 and 29 or, in the alternative, verifiable proof submitted to two bishops of the Church who are above reproach in the instance presented.

IV. POLICY FOR RESPONDING TO COMPLAINTS OF CLERGY SEXUAL MISCONDUCT

If any person has a complaint against clergy of The American Orthodox Church, they are advised to notify the Bishop.

If members of the clergy receive accusations of unethical conduct against them, they are advised to report them promptly to the Bishop..

If members of the Parish or Mission Council have become concerned that actions of their clergy may have ethical implications that threaten the well-being of the parish or mission, they are encouraged to ask the assistance of the Bishop in investigating the matter.

Charges of sexual misconduct by clergy or laity that come to the Bishop shall be referred by him to The National Council.

The National Council shall thereafter proceed in accordance with the provisions of Canon 29, "*Presentment of Charges, Trials, and Appeals* "

All Charges of Sexual Abuse shall also be referred to appropriate law enforcement officials having jurisdiction.

V. PROCESS FOR CLERGY SCREENING

Every clergy person of The American Orthodox Church shall read the Policy on Clergy Screening and sign the Acknowledgment in order to continue to be counted amongst the clergy.

Every candidate on a search committee's short list will receive the American Orthodox Church's Policy on Clergy Screening and the Acknowledgment and will be required to complete the Acknowledgment before they can continue in the search process.

Candidates on a search committee's list of persons they wish to visit will be checked through the previous diocese of record.

Candidates invited into the final interview stage of a search will be checked in a bishop-to-bishop check in the present diocese and the previous diocese of record.

When a Parish or Mission Council votes to extend a call, the recipient of the call will undergo a criminal background check and complete the behavior screening questionnaire before the call is announced. If a previous check has been done by another diocese within six (6) months and the documentation of that check is available for review, an additional check may not be required.

Any clergy person currently serving in the American Orthodox Church and moving to a new ministry in the Church will undergo the entire checking process outlined above and in The Church's Policy on Clergy Screening.

Clergy coming into the Church to do interim ministry will undergo the same screening process as clergy accepting a call.

VI. CLERGY WELLNESS - RESPONSIBILITIES OF CLERGY FOR SELF

As Clergy we have promised to pattern our lives (and those of our families, households, or communities) in accordance with the teaching of Christ, so that we may be wholesome examples. One part of this commitment is to care for God's gift which we embody in ourselves and thus to proclaim in deed as well as word the Gospel of Jesus Christ by fashioning our lives in accordance with its precepts. The following are suggestive of some of the ways that we express

this care:

- a. We give adequate attention to our spiritual health, we observe daily times for prayers, scripture reading, and meditation, and regular retreats with Daily Offices as the guide in our tradition.
- b. We give adequate attention to our physical health, including regular check-ups, regular exercise, healthy eating habits, and moderation or abstinence in any use of tobacco, alcohol, or other drugs.
- c. We give adequate attention to our emotional health and when there is need, identified by ourselves, our friends or colleagues, will seek professional help.
- d. We observe at least one and a half days off work each week and endeavor to enlist our parishioners' support in honoring these times of rest.
- e. We take two full weeks each year for vacation as time for recreation and renewal, plus a week after Christmas and Easter.
- f. We make every effort to reach mutual agreement with our congregations and ecclesiastical authority to plan for periodic sabbatical leave for refreshment, renewal and growth.
- g. We maintain a regular program of continuing education in consultation with clergy colleagues, bishop and congregational representatives. At least every 5 years we give concerted effort to an examination of our professional and vocational development.
- h. We maintain regular contact with other clergy through ecumenical and colleague groups.
- i. We spend intentional and significant time with our family, household or community.
- j. We seek avenues of community involvement and/or friendships which allow us to relate to others where we are not priest/congregation leaders.
- k. We practice responsible stewardship of our financial resources. We accept the tithe as a minimum standard of giving, and if we are not already tithing adopt a systematic plan of moving towards that minimum to the Local Ordinary and the ones over him.

VII. The Inviolability of the Seal of the Confessional - Reconciliation

When abuse by a cleric is reported or discussed in the confines of the Mystery of Reconciliation, that Mystery is inviolable and no matter brought up in that Mystery may or will be divulged to any person or secular authority by the Confessor. The penitent making such statements and allegations in the Mystery of Reconciliation fully accepts the limitations placed on the Confessor by the Church and may not seek civil, legal, or ecclesial damages when no civil report is made.

§1 Notwithstanding the above, the Confessor who ascertains any such report in the context of the Mystery of Reconciliation, will offer Godly Counsel, in the strongest possible terms, that the penitent report such occurrences to civil and ecclesial authorities, even to the extent of withholding Absolution pending same.

VIII. Applicability

All portions of this Canon, including Introductory and explanatory matter are considered integral portions of this Canon. Violation of any portion of this Canon, can and will result in the invocation of the provisions of Canon 29, *"Presentment of Charges, Trials, and Appeals"*.

STATEMENT ON SEXUAL MISCONDUCT IN THE CHURCH

The Holy Synod of Bishops recently adopted a Statement entitled *"Dealing With Sexual Misconduct in the Church"*. We readily agree that a similar statement was issued by SCOBA (Standing Conference of Canonical Orthodox Bishops in the Americas, of which we are not members) but which we also adopt it in part. Although we are autocephalous and autonomous, not being under a Patriarch by such autocephaly and autonomy, we do share in similarity as to our Orthodoxy.

The Statement expresses the seriousness with which this jurisdiction of the Orthodox Church treats the issue of Sexual Misconduct within the Church in a united voice, while also offering pastoral guidelines concerning sexual misconduct by members of the clergy and all who work in the Church. This Statement is not intended to supersede any specific jurisdictional guidelines.

Dealing with Sexual Misconduct in the Church

"O God, great in power and inscrutable in wisdom, wondrous in counsels above the sons of men: Yourself, O Lord, fill with the gift of Your Holy Spirit this man, whom You are pleased to advance to the priestly ministry, that he may be worthy to stand blamelessly before Your Altar, to proclaim the Gospel of Your Kingdom, to minister sacredly the word of Your truth, to offer to You spiritual gifts and sacrifices, and to renew Your people through the Font of Regeneration, that when he shall go to meet You at the Second Coming of our great God and Savior Jesus Christ, Your Only-begotten Son, he may receive the reward of a good stewardship of his rank, according to the multitude of Your goodness." (The prayer of ordination)

Sexual abuse or misconduct will find no safe haven within this jurisdiction of the One, Holy, Orthodox, Catholic and Apostolic Church. We, as hierarchs and clergy of the Church and this jurisdiction, commit ourselves and the resources at the our disposal to ensure that every child of God, of whatever age or sex, may be safe and secure within the bosom of the Church, and that sexual predators will find no place within her to carry out their crimes. Sin thrives where there is darkness and secrecy, but it cannot stand the light of truth and openness. By pursuing truth and justice, by standing by the victims of crime, by ensuring fair and due process for everyone concerned; the accused and the accuser, and by facilitating repentance unto salvation, the Church will be true to the God she serves and to her faithful people.

While this statement concentrates on pastoral guidelines concerning sexual misconduct by members of the clergy--bishops, priests and deacons--as the most visible representatives of the Church, it should be understood that our concerns apply to all those, who work and worship in the Church. Individual jurisdictions may wish to adopt specific guidelines concerning others who work and worship in the Church and especially those who represent it.

Those who are given the gift of ordination by God and His Church are chosen from the Body of Christ, the community of faith, as persons who have committed themselves to live in accordance with the Gospel and who are willing to bear the heavy responsibility to Christ for His flock. They are responsible for their flock as a shepherd is for his sheep, and to be good shepherds they must be willing to lay down their lives for the flock even for the sake of protecting the Pillars of the Church which is the Life and Teachings of Jesus Christ, the Seven Ecumenical Councils and holy patristic fathers.

When a member of the clergy chooses to follow his own way rather than the way of the Shepherd, by sacrificing his flock to his own desires, he becomes a wolf in shepherd's clothing, betraying Christ and the flock the Church has entrusted to his care. Furthermore, he betrays society at large, for the Church is given to us for the life of the world. It is for this reason we apply ourselves to both misconduct by both clergy and faithful alike, especially those who represent this jurisdiction.

The Church of Christ is the battleground for the unseen warfare of which the Fathers wrote. We are called to "be perfect. as our Father in heaven is perfect." (Matt. 5:48). Yet, we also know that "there is no one who lives and does not sin." The Church is the spiritual hospital where we confront and heal sin, transfiguring and transforming us to be Christ's image and likeness. Through the healing power of Christ, the Church brings sanctification and salvation to a world fallen in sin. The Church makes available the unchanging and eternal truth of Christ, so that all those who belong to the Church may walk in His light be they clergy or faithful.

The temptation to sexual misconduct is one battleground of this unseen warfare, made more acute within a sex-saturated society where sexuality and sexual images are used everywhere for entertainment, for selling products, and for recreation. Christ's Church, the clergy, and all those in positions of Church leadership and trust have the moral responsibility of safeguarding the sanctity of human sexuality. It is the particular responsibility of the clergy to aspire to a life of purity and holiness, so that the light of Christ may shine through them for the needs of the faithful and other clergy alike.

The Gift and Responsibility of Sexuality

Orthodox Christians understand human sexuality to be one important aspect of the whole mystery of human personhood. As is evident from Holy Scripture, human sexuality is intended to be a sublime means of expressing mature and self-giving love between a man and a woman

united in marriage, of deepening that love in a communion of two lives, and of enabling a couple to participate with God in the wondrous and sacred work of creation of new life. It is indeed a holy and good gift of our holy and good God.

As such, it must be treated as holy to the Lord, and as something which has great potential either for good or for harm.

To ensure that we use our sexuality for our good and to minimize its potential for harm, God has revealed through Holy Scripture its proper use: that sexual expression is God-pleasing within the larger framework of the freely agreed to, life-long, committed relationship between a man and a woman which is the mystery of marriage.

The Orthodox Church witnesses with the Holy Scriptures and Holy Tradition that outside the community of marriage the God-pleasing use of our sexuality is found in the free choice of abstinence. For some, this may be a temporary state awaiting the formation of the mystical union of marriage. For others, this may be the narrow and demanding way of life-long commitment to chastity.

Each of these God-pleasing ways of expressing the sexual aspect of our human nature demands that we humbly, freely and joyfully embrace the "narrow way." As in so many areas of human life, choosing God's way may be difficult and continually calls for our radical repentance; nonetheless, God's way is ultimately liberating and enables us to realize our full human potential as children of God conformed to His image and likeness.

Conversely, choosing the way of self-centered, undisciplined and unbridled sexual indulgence ultimately is life-destroying rather than life-affirming in that sinfulness, in whatever guise it takes, always leads us away from God, the Source of Life. Sexual activity becomes destructive and sinful whenever it is aimed primarily at self-gratification rather than the good of the other; whenever it is not within the committed relationship of marriage between a man and a woman; or whenever it is not entered into freely. This has affected both those who work and worship in the Church as we have been witness to.

It is necessary to uphold and protect the bond of marriage between a man and a woman by their actions in prohibiting themselves from sexual misconduct outside the bond of the marriage vow between them.

Equally so, it is necessary that we understand that sometimes there are those, be they parishioners and/or clergy who, being either married or celibate, find themselves later in life and even sometimes after divorcement proceedings, to have alternate attitudes regarding their own lifestyles. The church must take a "don't ask, don't tell" approach only for so long as their lifestyle does not reach public proportions in that their activity in public involves unseemly sexual activities. What goes on in the home behind their own door remains by and between them

and God for so long as the same is not pursued publicly whereby a scandal might, could or would arise.

The Clergy and Sexual Misconduct

While sexual misconduct is sinful and harmful for any Christian, it is especially grave and painful when the perpetrator is a clergyman, because it so often entails a serious abuse of the legitimate authority of the clergy within the community of the Church, and because it constitutes a betrayal of the trust placed in the person by God, by God's people, and by the Church's hierarchy. While every Christian is called to the highest standard of conduct in every aspect of life, the clergy- bishops, priests and deacons -traditionally have been held most strictly to this standard by Holy Tradition and the Church's canons. A serious sin by a clergyman is not simply a personal matter; it is an assault on the integrity of the entire Church. As to the faithful, it is a matter that must be treated as one finds a weak link which can weaken the whole if left unchecked.

Clergy sexual misconduct carries even greater potential for harm to its victims because of the special identity of the perpetrator. The relationship of the clergyman to his parishioners is one of a spiritual father to his spiritual children. The clergyman's authority carries with it an inherent and often unrecognized power. Its depth in this relationship is such that the victim, of whatever age, never truly acts freely. Because the predator is a clergyman, the healing ministry of the Church to those victimized, so based on trust and love, is undermined. The victim's very relationship with God and faith itself can be severely shaken. The harm to the victim is physical, psychological and spiritual.

We resolve to educate ourselves, our clergy and laity about how we, as the Church, can help victims receive healing. It is our hope and prayer that by dealing swiftly and surely with all those who have committed offenses and by responding in a loving and appropriate manner to the injured, we will encourage and aid the survivors of abuse to continue their relationship with God in Christ's Holy Church.

We commit ourselves to the healing of parishes wounded by clergy sexual misconduct. When a clergyman acts inappropriately, he inflicts harm not only on his victim but also his own family, the victim's family and other members of the church and the community. We will give the best possible support to all those traumatized by such misconduct.

The spiritual needs of the offending clergyman must also be addressed. The Church will not turn her back on these former clerics, if they repent of their destructive behavior and receive forgiveness, even though they can no longer openly serve as clergy or allowed to be placed in other positions of authority to the faithful or parishioners. While energetically protecting victims, the Church will work for the healing and salvation of all who are affected.

We are aware that we need to examine carefully how we choose and educate our clergy and faithful, with the goal of preventing those who are likely to offend from being ordained.

At the same time we need to vigorously pursue avenues that do not encompass the errors of Caesar (Government) whereby allegations alone are, on the basis of hearsay, enough to convict. All seminarians should be educated with respect to the proper boundaries and professional standards that a clergyman must maintain.

It is recommended that seminaries conduct background and criminal investigations on all applicants. Criminal and background checks will also be conducted on those who apply for ordination. Parishes should be recommended to conduct criminal and background checks on all persons considered for all professional or volunteer positions in the parish. Yet, we shall proceed cautiously because we also are aware of the fact that the Church is often attacked without provocation on the basis of false and misleading claims based on the personal agenda of some who desire vengeance, fame or fortune as has been proven time and again by the electronic new media. Thus, it must be recognized that 'hearsay' is often, through civil law, a means to create scandal against the Church. We therefore demand and require that all clergymen shall abide by the rule of two by two wherein no clergyman may be without the aide and assistance of another clergyman or qualified parishioner to ensure no false witness and 'hearsay' propaganda may be erroneously discharged against our own as a means to continue in providing the Holy Mysteries to the faithful.

All these steps must be taken to ensure that the Church as the Body of Christ will remain faithful to her Lord in ministering to her people. We reiterate the goal of this statement that sexual abuse or misconduct will find no safe haven within the Holy Orthodox Church. We affirm that this statement reflects our common mind, and we will make every effort to ensure its implementation through the enactment of appropriate policies in our respective jurisdictions.

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