

# Diocese of the Midwest

## *Diocesan Bylaws*

### Preamble

The Diocese of the Midwest is a body of parishes, mission parishes, chapels and other institutions within a geographic territory defined by the Holy Synod of Bishops of The Orthodox Church in America. As an integral part of The Orthodox Church in America the Diocese is subject to the canonical rulings, directives and decisions of the Holy Synod of Bishops and the Statute of The Orthodox Church in America. The Diocese is also subject to the laws of the United States of America and the State of Illinois as they pertain to not-for-profit religious corporations, and to the laws of those states in which it operates.

Orthodox canonical tradition stipulates that diocesan life and welfare is contingent upon an appointed Bishop. The Diocese of the Midwest is under the authority of a Diocesan Bishop (or Archbishop), who is nominated by the Diocese and elected as such by the Holy Synod of Bishops of The Orthodox Church in America. His title is “Bishop (or Archbishop) of Chicago and the Midwest.” Working together with his clergy and laity, the Bishop regularly calls and oversees gatherings of the Diocesan Assembly and periodic meetings of the Diocesan Council. He also consults and obtains assistance from Diocesan Officers, the Bishop’s Council of Diocesan Deans, the Presbyter’s Council as well as professional and legal specialists as needed.

### Article I – Definitions

These words, as used in these Diocesan Bylaws, shall have the following meanings:

- a. “Bishop” means the Diocesan Hierarch, that is the Bishop or Archbishop of the Diocese of the Midwest. His title is “of Chicago and the Midwest.” In the event of his absence, or a vacancy in the office, the authority of the Bishop will be conducted by a *Locum Tenens* and a Diocesan Administrator, appointed by the Metropolitan and/or the Holy Synod of The Orthodox Church in America.
- b. “Diocese” means the Diocese of the Midwest.
- c. “Assembly” means the Diocesan Assembly.
- d. “Council” means the Diocesan Council.

e. "Parish" means both the parish as local Eucharistic community of The Orthodox Church in America and as the corporate body organized and existing under the laws of a particular state.

f. "Rector" means the Parish Priest who is the Priest in charge and presides over all liturgical and administrative duties in a Parish.

g. "Statute" means the Statute of The Orthodox Church in America, adopted at the Second All-American Council of The Orthodox Church in America held in October, 1971 and revised by the Eighteenth All-American Council held in July, 2015, effective November 1, 2015, as amended by subsequent All-American Councils.

h. "Bylaws" means these Diocesan Bylaws.

## Article II – The Diocese

The Diocese is comprised of the Deaneries, Parishes, Monasteries and other Institutions within the geography territory as delineated by the Holy Synod of Bishops at the Spring, 1978 meeting. The geographic territory of the Diocese currently encompasses the said separate bodies within the States of Illinois, Indiana, Ohio, Michigan, Missouri, Iowa, Wisconsin, Minnesota, Kansas, North Dakota and South Dakota.

The administration of the Diocese is conducted by the Bishop together with the Diocesan Officers. They fulfill and implement the resolutions of the Diocesan Assembly and Diocesan Council. Assisting the Bishop is the Bishop's Council, consisting of the Chancellor and Diocesan Deans.

The Diocese is a non-profit corporation chartered under the laws of the State of Illinois, incorporated on December 23, 1970 as "The Orthodox Church in America, Diocese of Chicago and Minneapolis." On May 25, 1979 the name was changed to "The Orthodox Church in America Diocese of the Midwest." The corporate officers of the Diocese are: the Bishop, the Diocesan Chancellor, the Diocesan Secretary and the Diocesan Treasurer. Their respective duties and responsibilities are defined in Article IV.

At present, the Diocesan Office is at 927 N. LaSalle Blvd., Chicago, IL 60610. Relocation of the Office is subject to decisions of the Bishop and the Council.

## Article III – The Bishop

1. The basis, functions and scope of responsibilities of the Bishop are defined in Article VIII of the Statute. In addition, and in specific regard to the Diocese, the Bishop shall:

- a. be keeper of the Diocesan seal;
  - b. appoint a Chancellor, a Secretary, and a Treasurer with the consensus of the Council, who shall perform such duties as assigned to them by the Bishop, the Assembly, and the Council. Additional positions may be designated by the Bishop and Council to ensure the efficient administration of the Diocese;
  - c. preside at the Assembly and at Council meetings. The Bishop may appoint a Vice Chair(s) at Assemblies and Council meetings; and
  - d. fulfill other responsibilities and exercise his authority in accordance with the Statute.
2. In the event that the office of Bishop is declared vacant by the Holy Synod of Bishops as described in Statute, Article VIII, Section 5:
- a. A new Bishop is nominated and elected in accordance with the process described in Article VIII, Sections 6 and 7 of the Statute. Qualifications for candidates for the episcopate are enumerated in these sections of the Statute.
  - b. When the office of the Bishop is vacant, the Chancellor shall safeguard the particular patrimony of the Diocese until a new Bishop is elected.

#### Article IV – Diocesan Officers

1. The corporate officers of the Diocese are:
  - a. Bishop as President;
  - b. Chancellor as Vice President;
  - c. Diocesan Secretary as Secretary; and
  - d. Diocesan Treasurer as Treasurer.
2. The Bishop (see Article III above).
3. The Chancellor shall:
  - a. act as a liaison between the Bishop, Council, deans, clergy, parishes, departments and committees;
  - b. implement as necessary the decisions of the Bishop, Assembly, and Council; and
  - c. coordinate, under the direction of the Bishop, the operation of the Chancery office and the administration of the Diocese.

4. The Secretary shall:
  - a. keep an accurate record of all Council meetings and all Assemblies;
  - b. notify all parishes of all such meetings; and
  - c. perform such other duties as may be assigned by the Bishop, Chancellor, the Assembly and the Council.
  
5. The Treasurer shall:
  - a. oversee the receipt, safekeeping, and proper disbursement of all money and other property of the Diocese entrusted into his/her care, according to the direction of the Assembly or Council;
  
  - d. provide a financial statement at the Assembly and at such other times as may be requested by the Council. The annual financial statement shall be audited and certified by Diocesan auditors;
  
  - e. keep a complete account of the finances of the Diocese on books which shall be and remain the property of the Diocese;
  
  - f. perform other duties as may be assigned by the Bishop, Chancellor, and/on are decisions of the Assembly and/or Council, and
  
  - g. be assisted and advised by the Diocesan Finance Committee, appointed by the Bishop and the Council.
  
6. Diocesan Officers shall:
  - a. work under the direct supervision of the Bishop and report to the Bishop, Assembly and the Council of which they are *ex officio* members;
  
  - h. implement the decisions of the Bishop, Assembly and Council under the supervision of the Bishop;
  
  - i. ensure the proper maintenance of both the active and archival records of the Diocese and assist parishes and institutions of the Diocese in the proper maintenance of their own active and archival records;
  
  - j. execute contracts, not included in the Diocesan Operating budget, and authorized by the Council with the signature of one of the following: The Bishop, Chancellor, Treasurer, or Secretary;
  
  - k. establish any financial accounts with no less than two signatures of the following: The Bishop, Chancellor, Treasurer, or Secretary.

Provided that proper financial safeguards, with checks and balances in place, payment of funds may be made with one signature.

7. Compensation of the Bishop and Diocesan Officers:
  - a. Salary and benefits, for the Bishop that are commensurate with his position and responsibilities, a suitable retirement plan, and a residence or a housing allowance, shall be developed by the Chancellor and Diocesan Finance Committee, with input from the Bishop and approved by the Council.
  - b. Annual adjustments to salary and benefits for the Bishop shall be made by the Diocesan Finance Committee with input from the Bishop and presented to the Council as components of the annual budget and approved by the Assembly.
  - c. The Chancellor shall receive salary and benefits commensurate with his position and responsibilities as determined by the Bishop and Diocesan Finance Committee, and approved by the Council and Assembly as components of the annual budget.
  - d. Salaries and/or stipends for officers, deans, and all other Diocesan employees shall be determined by the Finance Committee with input from the Bishop and Chancellor, and submitted to the Council as components of the annual budget for approval by the Assembly.

#### Article V – The Diocesan Assembly

- A. General Provisions
  1. The Assembly is the annual corporate meeting of the Diocese. It is the highest legislative and administrative authority within the Diocese, and assists the Bishop in its governance. The Assembly brings together the various elements of the Diocese to bear witness to her identity, unity, and mission.
  2. The Assembly shall be conducted as provided in Article IX of the Statute.
  3. The composition of the Assembly shall be as provided in Article IX of the Statute, except that the delegates from each Parish shall consist of its assigned Parish clergy, *ex officio*, and an equal number of duly elected lay delegates.
  4. Parishes without a Rector can, with the blessing of the Bishop, be represented by the appointed Administrator or Priest in

charge. Additionally, such Parishes can be represented by a duly elected lay delegate.

5. Parishes who have not remitted all of their financial obligations determined by the All-American Council and by previous Assemblies are not entitled to be represented at the Assembly. In cases where special circumstances precluded the fulfillment of financial obligations, upon careful review of the situation, exemption to participate in the Assembly can be made by the Bishop.
6. Each Parish shall assume the expenses incurred by its delegates in attending the Assembly.

B. Date and Location of the Assembly

1. The Assembly shall meet annually on dates established by the Bishop and/or the Council and announced at the previous Assembly.
2. The Assembly will take place at the location determined by the previous Assembly, or if necessary by the Council.
3. The dates or location of the Assembly may be changed, if necessary, by the Bishop and/or the Council.
4. The Bishop, in consultation with the Council, may convoke special assemblies as necessary to address Diocesan issues appropriate for assembly consideration that arise between Assemblies.
5. As provided in Article VIII, Section 7 of the Statute, a *Locum Tenens* appointed by the Metropolitan in the event of a vacancy in the office of Bishop shall convoke and preside over a special assembly for the sole purpose of nominating a candidate as Diocesan Bishop. The special assembly shall conduct the nomination as provided in the Statute and Article III, Section 2 of these Bylaws.

C. Voting

1. All resolutions and other decisions of the Assembly shall be approved by majority vote, except as otherwise provided for in these Bylaws.
2. No resolution or other action of the Assembly or of a special assembly shall be effective until it has been approved by the

Bishop, or by the *Locum Tenens* in the case of a special assembly called for the sole purpose of nominating a candidate as Bishop. Approval or disapproval shall be announced before the adjournment of the Assembly or special assembly.

D. Agenda and Quorum

1. The agenda for the Assembly shall be as fixed by the Council and approved by the Bishop, and shall have been provided to all delegates at least three weeks in advance of the Assembly. The agenda may be changed by vote of the Assembly.
2. The agenda shall include at least the following:
  - a. determination of a quorum;
  - b. election of Assembly officers;
  - c. approval of the Nominating Committee;
  - d. adoption of rules of procedure for the conduct of business;
  - e. reports;
  - f. Auditing Committee report;
  - g. approval of the annual budget;
  - h. determination of the annual Diocesan stewardship;
  - i. election of Council Representatives;
  - j. election of Diocesan Representatives to the Metropolitan Council (if necessary);
  - k. election of the Auditing Committee;
  - l. location of the next Assembly; and
  - m. Episcopal approval or disapproval of resolutions or other actions of the Assembly.
3. A majority of the accredited and registered members of the Assembly shall constitute a quorum.

E. Officers of the Assembly

1. The Bishop, or an auxiliary Bishop or priest specifically appointed by the Bishop, shall be the presiding officer of the Assembly.
2. The Assembly may elect two vice-chairpersons, one priest or deacon and one layperson, who shall perform such functions as may be assigned to them by the presiding officer.
3. The Secretariat shall consist of the Secretary of the Diocese, and two members elected by the Assembly. The Secretariat shall prepare and sign the minutes of the Assembly, and submit them to the presiding officer for his written acceptance as to form and accuracy within 30 days after the final adjournment of the Assembly.

F. Election of Diocesan Council Representatives

1. The Assembly shall elect clergy and lay representatives to staggered three-year terms on the Council as necessary to fill the five clergy and five lay positions on the Council.
2. The second-place clergy and lay candidate shall respectively serve as alternates who would fulfill the remainder of a vacant term of a clergy or lay representative to the Council.

G. Election of Diocesan Representatives to the Metropolitan Council

1. The Assembly shall elect one clergy and one lay representative to staggered three-year terms on the Metropolitan Council.
2. The second-place clergy and lay candidate shall respectively serve as alternates who would fulfill the remainder of a vacant term of a clergy or lay representative to the Metropolitan Council.

H. Auditing Committee

1. The Auditing Committee shall consist of three members with relevant professional experience elected for staggered three-year terms.
2. Each year the Assembly shall elect one member to the Audit Committee.



3. The senior member (the person in the final year of their term) shall be the chairperson of the committee.
  4. The Auditing Committee shall review the financial operations of the Diocese and make a written report to the Assembly; this report shall be mailed to the parishes at least 30 days prior to the Assembly.
- I. Nominating Process
1. A Nominating Committee of three members shall be selected by the Council and approved by the Assembly.
  2. The Nominating Committee shall:
    - a. assemble a list of candidates nominated by the members of the Assembly prior to each election to be conducted by the Assembly; and
    - b. maximize the number of candidates running for the open positions.
  3. The members of the Nominating Committee shall not endorse or recommend any candidate for any election, and are disqualified from being a candidate for any election.
  4. Candidates for each election may also be nominated from the floor.
  5. Only accredited delegates who are present at the Assembly may be nominated as candidates for any election.

## Article VI – The Diocesan Council

### A. General Provisions.

1. The Council is the permanent executive body of the Diocesan administration. The composition, proceedings, and competencies of the Council are as provided by the Statute.
2. The voting members of the Council shall consist of the following:
  - a. the Bishop, or *Locum Tenens*, *ex officio*;
  - b. Auxiliary Bishop(s);

- c. the Officers, *ex officio*;
  - d. the Diocesan Representatives to the Metropolitan Council, *ex officio*; and
  - e. the Council Representatives.
3. The Diocesan Deans shall be non-voting members of the Council.
  4. Committee members and others invited or permitted to make reports to or attend meetings of the Council are not members of the Council and shall have no vote.
  5. The Diocesan Officers shall serve as the officers of the Council.
- B. Council Representatives.
1. There shall be five clergy and five lay Council representatives elected by the Assembly to staggered three-year terms.
  2. No one shall serve as a Council representative for more than six consecutive years.
  3. A Council representative who has served for six consecutive years shall not be eligible to serve again for one year.
- C. Removal from the Council.
1. All Council members must continue to fulfill the qualifications for membership on the Council, as mandated by the Assembly, during their entire tenure of office. Council members whose membership status in a Diocesan parish changes due to Sacramental participation, etc. are subject to removal.
  2. Council members whose parish membership changes because of a move outside the boundaries of their parish and the Diocese must resign their position.
  3. Three (3) absences from Council meetings between Assemblies may be considered a resignation from the Council.
  4. All actions regarding removal are subject to the final decision of the Bishop.
- D. The Council shall select the Assembly's three-member Nominating Committee, subject to approval by the Assembly.

- E. The Council shall fix the agenda for the Assembly, which shall include at least the items enumerated in Article V, Section D above, and submit it to the Bishop for approval prior to the Assembly.

## Article VII – Diocesan Deaneries

### A. Definition

Deaneries in the Diocese are specified administrative districts, within the boundaries of the Diocese, and normally encompass parishes in a defined geographical area, established by the Bishop in consultation with the Chancellor, Bishop’s Council and with the consensus of the Council.

### B. The Dean

1. The Dean is a priest who heads a deanery. He assists the Bishop in the administration of the Deanery. The Dean is normally appointed by the Bishop in consultation of the Deanery clergy for a term of service to be determined.

2. Bishop’s Council: All Deans are *ex officio* members of the Bishop’s Council which meets periodically (usually in conjunction with Diocesan Council meetings) or as deemed necessary by the Bishop. The purpose of the Bishop's Council is to offer support and assistance to the Bishop in the administration of the Diocese. Members of the Bishop’s Council also attend and participate in Diocesan Council meetings, but without the privilege of voting.

### C. Secretary and Treasurer

1. If deemed necessary, a Deanery Secretary and Treasurer may be appointed by the Bishop, or elected by the Deanery clergy and approved by the Bishop.

2. The Deanery Secretary takes minutes of Deanery meetings, and distributes them to Deanery clergy, and working in consultation with the Dean, announces meetings, special Deanery services, and events to Deanery clergy.

3. The Deanery Treasurer is the steward of all funds received from Deanery parishes and events in support of Deanery activities and expenses. He works in consultation with the Dean. He reports on the Deanery treasury at regularly scheduled deanery meetings or by other accepted means.

#### D. Competence of the Dean

Within the competence of the Dean are:

1. overseeing Deanery matters and the activities of its clergy;
2. assisting the Bishop by giving direction and fraternal counsel to Deanery clergy in areas of pastoral concern in a private and circumspect manner, whenever their personal conduct or manner of discharging their duties indicates the need for such counsel or action;
3. receiving and investigating complaints against clergy and laity, and against decisions of parish bodies, and submitting reports and recommendations to the Bishop;
4. participating in parish meetings at the direction of the Bishop;
5. participating in parish meetings at the request of the Parish Priest or Parish Council with the permission of the Bishop;
6. providing for services during temporary absences of parish clergy with the consent of the Bishop;
7. assisting the Bishop in the planning and organization of new parishes within the Deanery;
8. establishing an agenda and convening periodic meetings of Deanery clergy and submitting the minutes of such meetings to the Bishop;
9. submitting an annual report on the Deanery to the Bishop and the Diocesan Assembly; and
10. fulfilling other duties assigned and entrusted to him by the Bishop.

### Article VIII – Parishes

#### A. The Parish

1. The parishes of the Diocese are subject to the authority, mandates and recommendations of the Bishop, and to the decisions of the Bishop, Assembly, Council and any recognized Diocesan Authority.

2. The Parish is under the immediate supervision of the Rector, who is appointed by the Bishop and is subject to his authority.
3. The life of the Parish is regulated by the established liturgical and canonical traditions of the Orthodox Church, following the directives of the Holy Synod and the Bishop. Those traditions guide the times and sequences of all pastoral and sacramental needs (baptisms, marriages, funerals etc.), as well as the Parish's social functions. Exceptions to the established traditions or changes that may occur for pastoral reasons are to receive the blessings and approval of the Bishop.
4. The Parish is encouraged to play an active role in charitable outreach and community programs in its local city and region.
5. Parishes should be financially self-sustaining by their parishioners. Fund-raising programs are acceptable if they do not violate canons or promote activities that are morally questionable or harmful.
6. On-going business programs in Parishes should not include activities that are morally questionable or harmful. Financial reports from such programs are to be sent to the Diocese together with the Parish's reports. Such programs must have the Bishop's blessing before being initiated.
7. When the Parish is considering buying or selling property, major renovations or improvements, building projects other than maintenance issues, large scale iconographic projects, changes in the style and size of the iconostasis, changes or modifications in the sanctuary or other large projects, it must obtain the blessing of the Bishop.

## B. The Rector

1. The Rector serves at the pleasure of the Bishop, who assigns, disciplines, rewards and transfers the Rector.
2. The duties, responsibilities and compensation of the Rector are defined in the Statute (Article XII, Sec. 3) as well as in the Uniform Diocesan Parish Bylaws (Article III, Sec. 1 – 3).
3. As the presiding liturgical celebrant of the Parish, the Rector supervises and manages all facets of liturgical life. While he may designate others to assist in these aspects, he is responsible for the general oversight of liturgical life including, but not limited to, the

order and sequence of liturgical services, liturgical celebrants, choir, scriptural reading, training and management of altar servers, liturgical vestments, liturgical vessels, and sacristy supplies.

4. As administrator of the Parish, the Rector takes part in the administrative, financial and organizational life of the parish. He may designate others to assist him but his involvement is critical in administration of the Parish including, but not limited to, the Parish Meeting, the Parish Council, Parish Education, Finance Committee, outreach and evangelization programs.

5. The Rector is *ex officio* member of all parish organizations and committees.

6. The Rector represents the Parish at all official Diocesan events where his presence is required.

7. The Rector represents the Parish at meetings of his Deanery, where his presence is required.

8. When the Parish does not have a Rector, or in other special cases, the Bishop may appoint an Administrator to fulfill such duties as assigned by the Bishop.

## B. Other Clergy

1. The assignment and function of other clergy to a Parish are defined in the Statute (Article XII, Sec. 4) and in the Uniform Diocesan Parish Bylaws (Article III, Sec. 4).

2. Associate Priests, assigned by the Bishop to a particular parish, are compensated by the Parish in a manner that is agreed upon by the Bishop, the Parish Meeting, the Parish Council, and the Associate Priest. His liturgical and administrative functions are under the supervision of the Rector. His visitations to and involvement in other parishes, community organizations and events are subject to the approval of the Rector.

3. Other priests may be attached to the Parish. These include, but are not limited to, full-time working priests, ill or retired priests, or those temporarily stationed in the area. These priests do not have any administrative authority in the Parish and their liturgical service and functions are subject to the Rector.

4. A Deacon assigned to a Parish serves at the pleasure of the Bishop who blessed him to fulfill specific liturgical and other functions in the

Parish under the supervision and authority of the Rector. He may be compensated in a manner that is agreed upon by the Bishop and the Parish Meeting. Other Deacons can be attached to a Parish, formally or informally, without any compensation and with no expected liturgical or other responsibilities.

#### C. Parish Councils

1. The character and competence of the Parish Council are articulated in the Statute (Article XII, Sec. 8) and in the Uniform Diocesan Parish Bylaws (Article V).
2. The number of Parish Council members, their terms of office, the selection and terms of office of Executive Officers, etc., are set by each Parish, written into their Parish Bylaws which are approved by the Bishop and then become the governing practice of the Parish.
3. Parish Council members are elected at the Parish Meeting.
4. Parish Council executive officers can be elected for their positions at the Parish Meeting or by the Parish Council.
5. Disagreements between the Rector and members of the Parish Council are covered in the Uniform Parish Bylaws (Article V, Sec. 7, h.) Resolution to disagreements and conflicts are addressed in the following Section E.

#### D. Parish Organizations

Parish organizations are accountable to the Parish Council and to the Rector, who is *ex officio* member of all such organizations. The bylaws and activities of such organizations must be consistent with these Bylaws, and with the Diocesan Uniform Parish Bylaws which contain the pertinent guidelines regarding parish organizations.

#### E. Conflicts and Resolutions

1. Disagreements and conflicts have occurred from the very beginning of the Church (e.g., Acts 15). Disagreements and conflicts within a Parish are part of community life. These may involve a disagreement between the Rector and the Parish Council, or between the Rector and a parishioner or a group of parishioners. They can also arise between the Rector with the Parish Council and a parishioner or group of parishioners. When these occur, every effort should be made for resolution within the Parish itself, through prayer, respectful consideration by the opposing parties of each other's

opinions, compromise and mutual forgiveness. Ideal guidelines are Scriptural passages that are found among St. Paul's Epistles: "Let all bitterness and wrath and anger and clamor and slander be put away from you, with all malice, and be kind to one another, tenderhearted, forgiving one another, as God in Christ forgave you" (Eph. 4.32). "Put on, as God's chosen ones, holy and beloved, compassion, kindness, lowliness, meekness, and patience, forbearing one another and, if one has a complaint against another, forgiving each other; as the Lord has forgiven you" (Col. 3.13). If disagreements cannot be resolved within the Parish the following guidelines should be followed.

2. If the disagreements are directed from Council members toward the Rector, their concerns should be conveyed to the Dean. This should be done in the form of a letter, with a copy to the Bishop. The same manner of communication applies in cases where parishioners have disagreements with the Rector and/or the Parish Council.
3. After consultation with the Bishop, the Dean should contact the Rector and obtain his version of the conflict. As a follow up the Rector shall summarize his response in a letter to the Dean, with a copy to the Bishop.
4. After further consultation, the Bishop and the Dean may decide that a conversation between the conflicting parties should take place. Or a special meeting may be called either of the entire Parish or the Parish Council. The Bishop himself may take part in this or he may appoint the Dean or another Diocesan priest to do so. Minutes or notes of these are to be taken and presented to the Dean and the Bishop.
5. The results of such meetings are examined by the Bishop in consultation with the Dean or with other Diocesan priests. The Bishop's decision is written into an official letter that is sent to the Rector and Parish. The Bishop's decision is to be considered final.
6. If the Rector feels that either a Parish Council member(s) or another parishioner(s), are in flagrant violation of Church canons or policies, or that their actions are disruptive to the point of causing disturbance in the Parish, and thus are to be subject to disciplinary action, he must contact and write to the Dean, with a copy of the letter to the Bishop. The imposition of disciplinary actions, such as removal from the Parish Council or temporary exclusion from the sacraments must be decided upon after consultation and with the approval of the Bishop.



7. If, during Confession or in private counseling, the Rector determines that a parishioner should abstain from the Holy Eucharist for a period of time in the spirit of penitential discipline, he does so only with the voluntary acknowledgement of said parishioner. If there is disagreement between the Rector and such a parishioner, the Rector may refuse to pronounce Absolution but must then report the matter to the Bishop.

## Article IX – Diocesan Assets & Properties

### A. Diocesan Property and Assets

The Diocese is the sole owner and/or holds legal title to all Diocesan property, assets, and funds, subject to any and all limitations on its rights of ownership imposed by the Statute.

### B. Transaction of Property and Assets

The Diocese may purchase real property, or sell, mortgage, or otherwise encumber its real property, only upon approval of a two-thirds (2/3) majority vote of the Assembly, or of a special assembly convened for that purpose in accordance with these Bylaws.

### C. Special Bequests

All special bequests, gifts and devises should be used by the Diocese for the purpose for which they were intended, to the extent that it is reasonable and practical. If the purpose of such gifts, devises or bequests are not feasible or practical, as so determined by the Bishop and Council, changes can be made upon consultation with the donor or the estate representative.

### D. Dissolution

Upon the dissolution of a Parish and the delivery of the sacred and untouchable items, such as the Antimension, the Tabernacle, and the Sacred Vessels, as well as the Parish records, to the Diocesan Bishop or his designee, the Bishop shall assume possession of such items and records and make use of them in keeping with his authority under the Statute.

After satisfying all encumbrances on the property of the Parish, the Bishop shall distribute the remaining Parish property, whether real, personal, or mixed, or the proceeds from the sale thereof, to institutions or charities of The Orthodox Church in America, preferably within the Parish's state of incorporation, or within the local Deanery.

## Article X – General Provisions

### A. Amendments

1. These Diocesan Bylaws may be amended by a regular Diocesan Assembly or a special assembly called for that purpose. An amendment may be proposed by the Bishop, Council, Assembly, Deaneries, Parish meetings, Parish Councils, or Diocesan monasteries.
2. A proposed amendment must be submitted to the Bishop, and/or Chancellor 90 days prior to the date set for the convening of the Assembly. The Bishop and Chancellor shall consider proposed amendments and may either approve, and consolidate amendments for presentation at the Assembly, or return proposed amendments to those submitting them.
3. Final drafts of proposed amendments, together with recommendations of the Bishop, Chancellor and/or Council shall be disseminated at least sixty (60) days prior to the date set for the convening of the Assembly.
4. An amendment of the Bylaws requires a two-thirds majority of the delegates of an Assembly.
5. Upon adoption, amendments take effect immediately upon final adjournment of the Assembly unless otherwise indicated in the amendment itself.

### B. Procedures

For matters not covered by these Bylaws the Assembly may enact procedures and regulations to meet the need of a particular situation in the Diocese. Such additional procedures and regulations shall not take effect unless approved by the Bishop.

### C. Scope of rights

Notwithstanding any provisions in these Bylaws or any provisions that might be assumed from the civil law concerning not-for-profit or religious corporations, nothing in these Bylaws or any such civil law provisions shall be deemed to have granted any one deanery, parish, individual parishioner or group of parishioners any rights, as members of the present corporation, that are in conflict with, or at variance with, or superior to those recognized in the Statute or bylaws.

#### D. Adoption

These Diocesan Bylaws were accepted at the 57<sup>th</sup> Annual Diocesan Assembly held on the 9<sup>th</sup> day of October 2018, at which the appropriate quorum was present, the Diocesan Clergy and Lay Delegates having been duly notified, and have become effective on the 9<sup>th</sup> day of October, 2018, by the approval of His Grace, Bishop PAUL. They revoke, supplant and replace any and all Diocesan bylaws, whether corporate or not, previously in use.