

BY-LAWS OF THE DIOCESE OF THE SOUTH
ORTHODOX CHURCH IN AMERICA

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Accepted July 31, 2013
With the blessing of His Eminence, Nikon
Archbishop of Boston and New England, the Albanian Archdiocese,
and Locum Tenens of the Diocese of the South

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By-Laws of the Diocese of the South
Orthodox Church in America

Preamble

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

These By-laws are established for the governance of the Diocese of the South, a territorial diocese of the Orthodox Church in America, (hereafter, the OCA), which is the local autocephalous Orthodox Church belonging to the world-wide communion of Orthodox Churches. The Orthodox Church in general, the OCA, and the Diocese of the South (hereafter, the Diocese) are hierarchical in structure. The primate of the Orthodox Church in America is the Archbishop of Washington and Metropolitan of All America and Canada. The ruling hierarch of the Diocese is the Bishop of Dallas and the South (hereafter, the Diocesan Bishop), canonically elected, installed and recognized by the Holy Synod of the OCA.

The Diocese is governed by Holy Tradition, that is, the whole body of teaching and practice of the One Holy, Catholic, and Apostolic Church. The Tradition is expressed first of all in Holy Scripture, and also in the dogmatic decisions and canons of the seven Ecumenical Councils, the canons of the provincial councils, the canons and writings of the holy Fathers and Doctors of the Church, in the liturgical life of the Church, in the Statute of the OCA as it presently exists or may hereafter be properly amended, and in these By-laws. The purpose of the regulations contained in these ByLaws is to apply Holy Tradition to the organization and daily life of the Diocese.

The By-laws consist of this Preamble and the ten Articles which follow.

Article I
Diocesan Hierarchy

1) The Diocese is governed by the Diocesan Bishop who, by virtue of his episcopal consecration and canonical appointment by the Holy Synod of the OCA, possesses full hierarchical and canonical authority within the Diocese, in accord with the holy canons and the provisions of **Article VIII** of the OCA Statute. In all matters, the decisions and

pronouncements of the Diocesan Bishop are final, except insofar as they are subject to appeal as provided in the holy canons and the Statute of the OCA.

2) The Diocesan Bishop shall receive from the Diocese an adequate and proper compensation commensurate with his position and responsibilities. The Diocese may provide an official residence for its hierarchs.

3) For the good of the Diocese, one or more Auxiliary Bishops may be appointed to the Diocese, with cities in the Diocese as their titular sees, on nomination of the Diocesan Bishop and the recommendation of the Diocesan Council, and subject to canonical election and ordination by the Holy Synod. The Auxiliary Bishops shall have their duties, responsibilities, and rights defined by the Diocesan Bishop, these By-laws and by the OCA Statute. They shall be members ex-officio of the Diocesan Council and voting members of the Diocesan Assembly. They shall receive adequate and proper compensation to be defined by the Diocesan Assembly on the recommendation of the Diocesan Council.

4) Should the office of Diocesan Bishop become vacant, the Locum Tenens appointed in accordance with the Statute of the OCA, **Article VIII, Section 7**, as it presently exists or may hereafter be properly amended, **shall fulfill the duties and responsibilities of a Locum Tenens as provided in the holy canons, and possess such other authority of a Diocesan Bishop as may be granted by the Holy Synod, as required by the best interest and continuing welfare of the Diocese.**

5) When a vacancy occurs in the office of Diocesan Bishop, the Holy Synod shall declare the vacancy in accordance with the provisions of **Article VIII, Section 7** of the OCA Statute, **and** a new Bishop shall then be nominated and elected in the following manner, and as provided in **said Article VIII, Section 7** of the OCA Statute:

a. As provided in the **Article VIII, Section 7**, of the OCA Statute, The Metropolitan of the OCA shall appoint a Bishop to serve as Locum Tenens. [~~Delete: **The Locum Tenens shall exercise all the functions and bear the responsibilities of the Diocesan Bishop as provided by the Statute of the OCA and these Bylaws.**~~]

b. In consultation with the Locum Tenens and the Holy Synod, the Diocesan Council shall establish a schedule and any additional procedures for the election of a Diocesan Bishop. The Diocesan Council shall serve as a committee to identify and interview candidates for the office. If not already a bishop, a candidate for the office of Diocesan Bishop must fulfill the canonical, moral, and educational requirements stated in **Article VIII, Section 6** of the OCA Statute. The Diocesan Council may not consider a candidate who is already ruling Bishop of another Diocese.

c. The Diocesan Council shall complete its work within a reasonable period of time, if possible within one year of the date that the vacancy is declared. At the conclusion of its work, in consultation with the Locum Tenens, the Diocesan Council shall convene a Diocesan Assembly, giving parishes and clergy at least sixty (60) days notice of the date of the Assembly. The announcement shall include the name or names of the candidates

whom the Diocesan Council shall present to the Assembly to be considered for nomination. The nomination shall take place at a Special Diocesan Assembly convened solely for that purpose. The Locum Tenens shall preside at the Diocesan Assembly, and shall appoint clergy and lay Vice-Chairmen, a Secretary for the Assembly, and sufficient tellers to count the votes under the Secretary's supervision.

d. The nomination shall take place according to the following order:

i.) The Diocesan Chancellor, on behalf of the Diocesan Council, shall present the name or names of the Council's proposed candidates to the Diocesan Assembly. There shall be no debate or discussion of proposed candidates.

ii.) A blank paper ballot shall be distributed to each member of the Diocesan Assembly and they shall write one name and one name only on the ballot. Any ballot with more than one name shall be declared invalid, and the tellers shall not count it.

iii.) If a single candidate receives a two-thirds majority of the total number of members in attendance at the Assembly, he shall be declared the nominee and his name shall be submitted to the Holy Synod for their approval and canonical election.

iv.) If the Diocesan Council proposed more than two candidates to the Assembly and no candidate received a two-thirds majority on the first ballot, a second vote shall be taken. The candidates shall be the two candidates who received the highest number of votes on the first ballot. A blank paper ballot shall be distributed to each member of the Diocesan Assembly and they shall write one name and one name only on the ballot. Any ballot with more than one name shall be declared invalid, and the tellers shall not count it. Any ballot which contains a name other than that of the one of the two highest candidates from the first ballot shall also be invalid and shall not be counted. The candidate who receives a majority of the votes on the second ballot shall be declared the nominee and submitted to the Holy Synod for their approval and canonical election.

v.) If the candidate nominated by the Diocesan Assembly shall be unacceptable to the Holy Synod, the Holy Synod **may elect another qualified candidate as Diocesan Bishop, or they may authorize another Diocesan Assembly to nominate**, in accord with **Article VIII, Section 7e.** of the OCA Statute.

vi.) Upon approval and canonical election by the Holy Synod, the date and location of the episcopal ordination of the candidate, if he is not already a bishop, and his enthronement shall be determined by the Holy Synod in consultation with the Locum Tenens and the Diocesan Council, and in accord with **Article VIII, Section 7h** of the OCA Statute.

Article II Diocesan Assembly

1) The Diocesan Assembly is the regular annual meeting and the occasional special meeting of the representatives of the clergy and laity of the Diocese. Time and place of

regular annual meetings shall be determined by the previous annual Diocesan Assembly. Special meetings may be called at any time and place as determined by the Diocesan Bishop and the Diocesan Council.

2) The Diocesan Assembly shall be composed of:

a. The Diocesan Bishop,

b. Auxiliary Bishops of the Diocese;

[Delete:

~~c. The senior priest of the Cathedral and the abbots and abbesses of monasteries;]~~

c. The priests and deacons of each parish assigned to and compensated by the parish, ex officio, and an equal number of lay delegates elected as provided for in the OCA Statute, **Article IX, Sections 5 and 7**, as they presently exist or may hereafter be properly amended;

d. Priests not having parishes or only attached to a parish, receiving no compensation from that parish, if accredited by the Diocesan Council;

e. The superiors of Diocesan monasteries;

f. One lay delegate from each parish not having a priest;

g. The members of the Diocesan Council and the members of its auditing committee;

h. Two delegates from each **Diocesan** theological seminary ~~in the diocese~~;

i. Retired bishops and priests residing in the diocese with the right to attend and the right of consultative voice, but without the right to vote;

j. Additional persons invited by the Diocesan Council with the approval of the Diocesan Bishop to attend the session or sessions of the Diocesan Assembly with or without the right to participate in the discussions but without the right to vote;

k. Members of the preparatory committees and commissions shall have the right to attend and participate in the discussions of the subject upon which their committees report to the Diocesan Assembly; appropriate credentials shall be issued to such persons by the Diocesan Council.

3) Parish lay delegates shall be elected by a Parish Meeting or the respective Parish Council from its membership, in accordance with the provisions of the OCA Statute, **Article IX, Sections 5 and 7**, as they presently exist or may hereafter be properly amended.

4) Any member of a parish of the Diocese may attend the Diocesan Assembly as an observer and, with the agreement of the majority of the delegates, may be permitted to address the Assembly, but not to vote.

5) Each parish shall receive notice of the convening of a Diocesan Assembly and the time and place of the meeting, together with the agenda, at least 30 days in advance.

6) The competence of the Diocesan Assembly shall be as defined by **Article IX, Section 4** of the OCA Statute.

7) All actions taken by the Diocesan Assembly except where otherwise indicated shall be by majority vote. Any questions of right to vote or manner of voting, as well as other

matters concerning the composition, action and competence of a Diocesan Assembly, shall be as defined in Article **IX** of the OCA Statute.

8) The Diocesan Bishop shall chair the Diocesan Assembly. The Assembly shall elect, on the Diocesan Bishop's nomination, one clergy and one lay member of the Assembly to be vice-chairmen. They shall preside over portions of the meetings and perform such other duties as the Diocesan Bishop shall direct.

9) The Diocesan Secretary **shall** see that complete and accurate minutes are kept of all annual and special Diocesan Assemblies. To assist him at the Assembly he may appoint assistants, with the approval of the Diocesan Bishop.

10) The actions of the Diocesan Assembly shall become effective upon approval by the Diocesan Bishop.

Article III Diocesan Council

1) The Diocesan Council shall consist of the Diocesan Bishop; any and all Auxiliary Bishops; the Diocesan Chancellor, Diocesan Secretary and Diocesan Treasurer; the two representatives, one priest and one layman, elected by the Diocesan Assembly to the Metropolitan Council; the Deans of the several Deaneries and one layman from each Deanery elected at each annual Diocesan Assembly. In all events the Diocesan Council shall include as members those designated for such membership by the OCA Statute, **Article X, Section 2**, as it presently exists or may hereafter be properly amended. The Missions Director of the Diocese shall be a member of the Diocesan Council with the right to participate in discussions, but without the right to vote. The Diocesan Bishop shall chair the Diocesan Council, but he may delegate that function to an Auxiliary Bishop, to the Diocesan Chancellor or to other Council members for various parts of meetings.

2) Lay members of the Diocesan Council elected from the Deaneries must be accredited delegates present at the Diocesan Assembly at which they are elected. At a time designated by the agenda of the Assembly, the clergy and lay delegates shall caucus by Deaneries. Each Deanery's delegates shall elect by majority vote from among the laymen present a representative and an alternate to serve on the Diocesan Council for the next year.

3) Should the regular lay representative from a Deanery resign or otherwise be unable to continue to fulfill the functions of the office, the alternate lay delegate from that Deanery shall become the representative and serve until the next Diocesan Assembly.

4) The competency of the Diocesan Council shall be as defined by Article **X, Section 6** of the OCA Statute. The actions of the Diocesan Council shall become effective upon approval by the Diocesan Bishop.

5) The Diocesan Council shall meet regularly twice each year to conduct business, at times to be determined ~~by the~~ by the Diocesan Bishop in consultation with the Diocesan Council. Meetings may be conducted in person, or by telephone or web conferencing. Meetings shall take place in a venue as convenient as possible to all members of the Council and conducive to the expeditious conduct of business.

6) Special meetings of the Diocesan Council may be called by the Diocesan Bishop or by written request of at least eight members of the Council conveyed to the Diocesan Chancellor. Prior to all such meetings, written notice of at least two weeks shall be given to all Council members.

7) A majority of members shall constitute a quorum of the Diocesan Council for the conduct of business. All actions of the Diocesan Council shall be by majority vote of the members present. However, if a special meeting cannot be scheduled with a quorum in time to address an issue, a vote of members of the Diocesan Council may be conducted at the direction of the Diocesan Bishop by either regular or electronic mail or by telephonic or other electronic means. The Diocesan Secretary shall collect and compile the results from the members, report them to all the members and record the results in the minutes of the next Diocesan Council meeting.

8) Members of the Diocesan Council who move outside of the territorial boundaries of the Diocese are deemed, by that fact alone, to have resigned from the Diocesan Council and shall immediately submit their resignation from the Council to the Diocesan Secretary. Members of the Council found to be in heresy or in serious and manifest violation of Christian morals and ethics may be removed from the Council by the Diocesan Bishop. In such cases the Diocesan Bishop's decision shall be final, except insofar as appeal is permitted by the holy canons or the Statute of the OCA.

9) The Diocesan Council may establish committees for specific purposes and activities, according to the needs of the Diocese, as they deem necessary and proper. Members of such Committees need not be members of the Diocesan Council. Committee chairmen may attend Diocesan Council meetings at which their activities are discussed, but without the right to vote. Appointment of all Committees and their Chairmen shall be made by the Diocesan Bishop.

Article IV Administration

1) By virtue of his office the Diocesan Bishop is the chief administrative officer of the Diocese in both spiritual and secular affairs. Nothing may be done without his knowledge, approval and blessing. No action of any Diocesan committee, official body or organization is valid without his approval.

2) The Diocesan Chancellor shall manage the Diocesan office and coordinate the activities of Diocesan officers, departments and committees, under the direction of the Diocesan Bishop. He shall be appointed by the Diocesan Bishop and shall serve at his pleasure.

3) The Diocesan Secretary shall be responsible for maintaining the records of the Diocese. He shall perform the duties of his office under the direction of the Diocesan Bishop and the Diocesan Chancellor. He shall be appointed by the Diocesan Bishop and shall serve at his pleasure.

The Diocesan Secretary shall:

- a) compile, preserve and distribute as appropriate the official minutes of the Diocesan Council and the Diocesan Assembly;
- b) notify in a timely fashion the Parishes, the members of the Diocesan Council and of the Diocesan Assembly of upcoming meetings;
- c) perform such other duties as the Diocesan Bishop or the Diocesan Chancellor shall direct.

4) The Diocesan Treasurer shall serve as the chief financial officer of the Diocese. He shall perform the duties of his office under the direction of the Diocesan Bishop, in cooperation with the Diocesan Chancellor. He shall be appointed by the Diocesan Bishop and shall serve at his pleasure.

The Diocesan Treasurer shall:

- a) be responsible for collection, safekeeping and disbursement of all Diocesan funds;
- b) be responsible for timely deposit and investment of Diocesan financial assets, with the blessing of the Diocesan Bishop, and shall report all such dispositions to the Diocesan Council;
- c) maintain in conformity with standard accounting procedures timely, accurate and complete records of all financial activities and an inventory of all Diocesan properties;
- d) provide to each meeting of the Diocesan Council and the Diocesan Assembly a complete statement of the current financial position of the Diocese and a summary of receipts and expenditures compared to budget for the current fiscal year to date.

5) The Auditing Committee shall be composed of three members, one clergy and two laymen, elected by the Diocesan Assembly from among nominees approved by the Diocesan Bishop and the Diocesan Council. They should have accounting or bookkeeping experience.

The Auditing Committee shall:

- a) perform the annual internal audit of the financial records of the Diocese;
- b) perform an annual audit of the financial records of all Committees of the Diocesan Council and all auxiliary Diocesan organizations;
- c) review the scope of any audit to be performed by an external auditor;
- d) discuss the results of an external audit with the external auditor and establish a plan for the implementation of any recommendations provided by the external auditor, to be submitted to the Diocesan Council.

6) The Diocesan Council may authorize the employment of such office assistants and staff to aid the Diocesan Chancellor, Diocesan Secretary and Diocesan Treasurer as may be necessary for the efficient operation of the Diocesan office. Staff personnel shall be

hired and dismissed by their immediate supervisor with the approval of the Diocesan Chancellor.

7) The execution of contracts shall require two signatures: that of the Diocesan Bishop and the Diocesan Chancellor, Diocesan Secretary or Diocesan Treasurer.

8) All financial accounts and records and all minutes of meetings and other records of the Diocese are and always remain property of the Diocese. Financial records are open to inspection by qualified persons as provided by the relevant Federal and Texas statutes governing non-profit religious corporations.

Article V Deans and Deaneries

1) The Diocesan Bishop, in consultation with the Diocesan Council, shall divide the Diocese into specified districts, called Deaneries.

2) Each Deanery shall be headed by a District Dean, elected for a term of three years by the priests of the Deanery from among the rectors **or priests-in-charge of missions** of the Deanery and confirmed by the Diocesan Bishop. Under the direction of the Diocesan Bishop, the District Dean shall have the responsibility of leading the life of the Deanery, in consultation with the priests of the Deanery. He shall be the first instance of appeal when disputes arise within Parishes. His other duties and responsibilities shall be as set forth in the Statute of the OCA, Article **XI**, Section 3.

Article VI The Parishes

1) "Parish" for purposes of these By-laws shall mean Parishes, Missions, **Provisional Missions**, and Mission Stations. Mission Stations shall be elevated to **Provisional Missions, Provisional Missions to Missions**, and Missions, in turn, to the rank of Parishes on decision of the Diocesan Bishop.

2) The Parish is a local community of the Diocese having at its head a duly appointed priest and consisting of Orthodox Christians who live in accordance with the teachings of the Orthodox Church, comply with the discipline and rules of the Church, and regularly support their parish. Being subordinate to the Diocesan Authority, it is a component part of the Diocese. The parish is established by decision of the Diocesan Bishop on the petition of a local group who have satisfied him that they meet the canonical and other requirements for parish status which he has established. The Diocesan Bishop shall also confirm the name and dedication of the new Missions and Parishes.

3) All Parishes of the Diocese shall be governed by the provisions of Article **XII** of the OCA Statute, and the Uniform Parish By-laws of the Diocese promulgated by the Diocesan Authority. Exceptions to provisions of the Uniform Parish By-laws may be granted to individual Parishes only with the written consent of the Diocesan Bishop.

Mission Stations, **Provisional Missions**, and Missions may be governed by special regulations promulgated by the Diocesan Authority.

Article VII Provisions Regarding Civil Law

- 1) For purposes of civil law the Diocese is a non-profit religious corporation, created by filing a Certificate of Formation with the Secretary of State of the State of Texas, and subject to the applicable provisions of the statutes of the State of Texas and to the US Internal Revenue Code, Section 501(c)3.
- 2) The Diocese may do and perform any actions permitted to a non-profit corporation by the applicable statutes of the State of Texas and by the U. S. Internal Revenue Code, including distribution of funds and other assets to other Section 501(c)3 corporations. The Diocese shall not engage in any activity prohibited to non-profit organizations under the relevant State and Federal statutes.
- 4) For purposes of civil law, the Diocesan Bishop shall be the president, the Diocesan Secretary or such other officer as the Diocesan Bishop shall direct shall be the secretary, and the Diocesan Council shall be the board of directors of the corporation.
- 5) The principal office of the Diocese is located in the City and County of Dallas, Texas, at 4208 Wycliff Avenue, or such other place as may be designated by the Diocesan Bishop.

Article VIII General Provisions

- 1) The Diocesan Chancery, the Diocesan Council and the Diocesan Assembly, acting under the supervision and authority and with the blessing of the Diocesan Bishop, shall constitute the Diocesan Authority for purposes of these By-laws.
- 2) The Diocesan Authority in all its actions is subject to the Holy Tradition and the Canon Law of the Orthodox Church and to the Statute of the Orthodox Church in America, any provision of these By-laws to the contrary notwithstanding. In the event of conflict the decision of the Holy Synod of the OCA shall prevail.
- 3) For purposes of these By-laws, all notifications of meetings or other necessary written communications required of the Diocesan Secretary or any other officer of the Diocesan Administration may be made by U. S. Postal Service, courier service, or electronic mail.
- 4) The geographical area of the Diocese is defined by the Holy Synod of Bishops of the Orthodox Church in America. All parishes, mission parishes, missions, chapels and institutions of the OCA within that area are under the jurisdiction of the Diocese except those assigned by the Holy Synod to non-geographical dioceses of the OCA or designated stavropegial.

5) Monasteries and Sketes for men and women may be established by the Diocesan Bishop, **as provided for and governed by the appropriate provisions of the Statute of the OCA, Article XIII**. Their ruling superiors shall be appointed by the Diocesan Bishop upon nomination by the tonsured members of the community. Should a monastery or skete become a cause of scandal to the faithful, and the superior fail to take corrective action, the Diocesan Bishop may intervene. The Diocesan Bishop may investigate serious spiritual lapses and impose necessary penance (Typikon of Theodora Palaiologina), "that monks in every city and country be subject to the Bishop" (Fourth Ecumenical Council, canon 4; Typikon of Michael VIII Palaiologos). Clergy attached to monasteries remain under the authority of the Diocesan Bishop (Fourth Ecumenical Council, canon 8).

6) Diocesan organizations may be established by the Diocesan Bishop. Any organization using the name of the Diocese shall submit an annual report of its activities and financial situation to the Diocesan Chancellor and the Diocesan Authority.

7) The Diocesan Bishop may charter and establish pastoral schools and seminaries for the education of clergy in accord with the needs of the Diocese. These schools shall have such affiliations and accreditations as shall best enable them to fulfill their purpose.

8) Should the Diocese ever be divided into two or more Dioceses, the Diocesan Assembly shall provide for the distribution of the Diocese of the South's assets and liabilities in a reasonable and equitable manner, and in a manner consistent with the provisions of Section 501(c)3 of the U.S. Internal Revenue Code, on the recommendation of the Diocesan Council. If the Diocese is dissolved or ceases to exist, all assets held in the name of the Diocese shall become the property of the Orthodox Church in America, a non-profit corporation under the provisions of Section 501(c)3 of the U. S. Internal Revenue Code.

9) The financial basis of the Diocese shall be the tithe of income of the Parishes. Giving as a proportion of income is the basis of Orthodox Christian stewardship and is encouraged at all levels of Diocesan life - by the individual to his or her Parish, by the Parish to the Diocese and by the Diocese to the **Synodal administration**.

Article IX Amendments

1) Amendments to these By-laws may be proposed by the Diocesan Council on its own initiative or on petition of the Annual Meeting of a Parish. After approval and adoption by the Diocesan Council and approval by the Diocesan Bishop, the proposed amendment shall be submitted to the next Diocesan Assembly for ratification. Notice and text of the proposed amendment shall be mailed to all parishes at least sixty (60) days before the Assembly.

2) Approval by a two-thirds vote of the Diocesan Assembly shall be necessary for ratification of the proposed amendment.

Article X
Adoption

1) The provisions for the nomination of a new Diocesan Bishop in Article I, Section 5 above were adopted by the Diocesan Assembly held at Christ the Savior Cathedral, in Miami, Florida, on July 18, 2012.

2) The remaining provisions of these By-laws become effective with their adoption by a Diocesan Assembly duly called and constituted and upon their approval by the Diocesan Bishop, and as of the date of their approval by the Diocesan Bishop.

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Accepted July 31, 2013
With the blessing of His Eminence, Nikon
Archbishop of Boston and New England, the Albanian Archdiocese,
and Locum Tenens of the Diocese of the South

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