



# CATHOLIC APOSTOLIC CHURCH IN NORTH AMERICA

## CACINA

### Established 1949

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# **CODE OF CANONS**

The following Code of Canons (Canons) of the Catholic Apostolic Church in North America (CACINA) in conjunction with the Constitution of CACINA comprises the definition, norms procedures, and laws of CACINA. These Canons serve as guidelines to the CACINA community whose assent to the Constitution and the Canons act to preserve the harmony of the community.

Governing under the Canons of CACINA is overseen by the presiding bishop in communion with his fellow bishops and priests and laity of the church. Full participation takes place through the General Assembly (GA) of the church comprised of the College of Bishops (COB) and the House of Delegates (HOD) that is made up of lay members, clergy in the orders of priesthood and deacon, and religious either lay or clergy. As defined in the Constitution, the GA meets in shared sessions or as separate bodies to act and discuss matter pertaining to his/her respective duties and obligations

## **CANON 1. CONSTITUTION AND CODE OF CANONS**

### **CANON 1-1 Enactment of the Constitution and Canons**

- A. The Constitution and Canons of CACINA are enacted by a simple majority vote of the College of Bishops and the House of Delegates of the General Assembly of CACINA.
- B. The Constitution and Canons will become effective immediately upon enactment.
- C. Upon enactment, the Constitution and Canons will immediately supersede and replace all previous Constitutions and Canons of CACINA, rendering such predecessors void and invalid, and absolving all persons bound to obey them from all requirements for such obedience.
- D. The confirmation or approval of the enactment of the Constitution and Canons by any person whatsoever is not required for the Constitution and Canons to become effective, nor may its enactment be vetoed by any person whatsoever.

### **CANON 1-2 The Need for Obedience**

Obedience to the Constitution and Canons:

- A. All persons who will be ordained to the holy orders of deacon, presbyter, or bishop; or who will be admitted to profession in any religious order, or who will be incardinated in any capacity into CACINA will, on the occasion of each such ordination, profession, or incardination, solemnly and publicly promise obedience to the Constitution and Canons.
- B. Upon enactment of the Constitution and Canons, all persons then bound to obedience will be immediately obligated to obey the provisions of the Constitution and Canons. Specifically, all members of the clergy, as well as members of religious orders who have

professed the Evangelical Counsels or monastic profession, will be so bound. It will not be necessary for any person already bound to canonical obedience to formally reaffirm obedience to the Constitution and Canons. However, failure to conform to the provisions of the Constitution and Canons will subject the person so failing to the penalties prescribed herein.

- C. All parishes, lay institutes, religious orders, and lay members of CACINA, together with all such other organizations and individuals who may define him/herself as a part of CACINA, are bound by his/her membership within CACINA to obey the provisions of this Constitution. Willful disobedience and/or refusal to peacefully conform to the provisions herein will terminate membership within CACINA of the party so refusing as an operation of law. Adjudication of charges of this section will be within the authority of the diocesan bishop and are subject to appeal to the Chancellor, and subsequently to the College of Bishops.

Ignorance of the provisions of the Constitution and Canons will under no circumstances be considered a valid reason for its violation in any part.

### **CANON 1.3 Responsibility to Implement these Constitution and Canons**

- A. It will be the duty of the General Assembly together with the College of Bishops and the House of Delegates to assure the full implementation of these Constitution and Canons within CACINA. It will be the duty of each diocesan bishop to fully implement These Constitution and Canons in his/her respective dioceses. It will be the duty of the head of each religious order to fully implement this Constitution in his/her respective orders.
- B. It will be the duty of every member of the clergy, the head of every religious order, the officers of the House of Delegates, and the chairs of all national committees of the Church to familiarize him/herself with the provisions of the Constitution and Canons, to comply with its provisions, and to assure the compliance of all persons under his/her pastoral care or supervision.
- C. Willful refusal to implement the provisions of the Constitution and Canons will constitute grave canonical disobedience and will subject those failing to implement These Constitution and Canons to the procedures for clerical and religious discipline contained herein.

### **CANON 1.4 Amendment or Revision**

- A. Portions of the Constitution or Canons related to matters of faith and doctrine may be amended or revised only by unanimous vote of the College of Bishops. Portions of the Constitution or Canons related to the management and discipline of the clergy may be amended or revised by vote of the College of Bishops, not more than one bishop objecting or abstaining.
- B. All other portions of the Constitution or Canons may be amended or revised by procedures previously stated herein.

- C. The correction of typographical and grammatical errors and the clarification of ambiguous passages in the Canons may be accomplished at any time by the Chancellor and will not be considered substantive amendment or revision, so long as the meaning and intent are not altered by the corrections.
- D. Amendments and revisions to the Canons will take effect immediately upon passage.
- E. No amendment to or revision of the Canons will have *ex post facto* effect.
- F. Amendments and revisions to the Canons will be publicized to the President of the House of Delegates and to the clergy within thirty (30) days of passage.

### **CANON 1.5 Access to the Constitution and Canons**

- A. The Constitution and Canons will be accessible to all members of CACINA and no portion will be withheld from distribution upon request.
- B. The Chancellor will provide a current copy of these Constitution and Canons to the President of the House of Delegates and to each member of the clergy.
- C. Any member of CACINA may obtain a current paper copy of this Constitution by contacting the Chancellor, who will provide such copy upon receipt of payment of the cost of duplication and handling.
- D. These Constitution and Canons are the legally protected intellectual property of the Catholic Apostolic Church in North America. Notwithstanding any publication or distribution of this Constitution or Canons by CACINA to any person or organization, further duplication or reproduction, in whole or in part, by any format or medium, is prohibited without the express written consent of the Presiding Bishop.

### **CANON 1.6 Separability of the Provisions of These Constitution and Canons**

If a court of competent jurisdiction should hold one or more sections or a part of these Constitution and Canons invalid, such holding will not affect the validity of the remainder of these Constitution and Canons.

## **CANON 2. CHURCH GOVERNANCE**

### **CANON 2.1 The Governing Bodies of CACINA**

- National Officers of the Church
- College of Bishops (including the presiding bishop and the diocesan bishops)
- House of Delegates and its officers
- Executive Committee
- General Assembly (joint session of the College of Bishops and the House of Delegates)

## **CANON 2.2 National Officers of the Church:**

- The Presiding Bishop
- The Chancellor
- The President of the House of Delegates
- Vice President of the House of Delegates
- The Administrative Secretary
- The Treasurer
- The Internal Auditor

## **CANON 2.3 The College of Bishops**

The College of Bishops includes all persons who have received the sacrament of Holy Orders in the order of bishop (or who exercise equivalent duties in the Church: bishops-elect, or diocesan administrators), not on leave of absence or canonically debarred from exercising his/her Episcopal office, or otherwise prevented.

A bishop will be elected to his/her office. It is preferable that a bishop be elected by the People of God in the area in which he/she will serve. If elected by the People of God, the College of Bishops must independently confirm the election, by vote.

The College of Bishops may elect a bishop on his/her own with the consent of the people of the appropriate diocese.

After careful consideration and proper vetting, the College of Bishops, in its sole discretion, may incardinate an already existing bishop from another church/communion into membership within CACINA, providing that the vote is unanimous in the affirmative. In its further discretion, the College of Bishops may choose to grant an incardinated bishop membership in the College of Bishops, admission necessitating a unanimous vote in the affirmative.

The College may also, in its sole discretion, invite an abbot or superior general into non-voting membership on the College, admission necessitating a unanimous vote in the affirmative.

## **CANON 2.4 The House of Delegates of CACINA**

The House of Delegates is an elected group of priests, deacons, religious and laypersons who represent the parishes, missions and religious orders of the Church.

## **CANON 2.5 Executive Committee**

Permanent membership on the Executive Committee pertains to the office and not to the person who may, at any time, hold that office. The permanent members are:

- All members of the College of Bishops, including the Presiding Bishop, who is the Chair of the Committee
- The Chancellor of CACINA, who is Vice-Chair of the Committee
- The Administrative Secretary of CACINA

- The Treasurer of CACINA
- The President of the House of Delegates
- The Vice-President of the House of Delegates
- The first past president of the House of Delegates

## **CANON 2.6 General Assembly**

The General Assembly of CACINA consists of the House of Delegates and the College of Bishops, who as the People of God of CACINA consisting of lay, religious and clergy (bishops, priests, and deacons) meeting in plenary session to legislate for the Church on a national level.

## **CANON 2.7 Standing Committees**

### **A. Standing Committees of the College of Bishops**

- i. Liturgy – which will see to the creation, review, and update of the Liturgy of CACINA.
- ii. Ecumenism – which will see to the relations of CACINA with other ecclesial bodies.
- iii. Committee on Vocations – which advises the bishops on the suitability of applicants for Holy Orders or incardination in CACINA.

### **B. Standing Committees of the General Assembly**

- i. Parochial Education – which will initiate and maintain a standard education program for lay persons.
- ii. Charitable Outreach – which will coordinate national outreach programs and charitable activities. The number of members will be determined jointly by the Presiding Bishop and the President of the House of Delegates.
- iii. Budget Overseeing yearly budget of all ages. The number of members will be determined jointly by the Presiding Bishop and the President of the House of Delegates.

## **CANON 2.8 Internal Jurisdictions of the Church**

Internal to the Church are several jurisdictional areas which are regulated by these Canons. These areas are dioceses, parishes, missions, and residences of religious orders.

## **CANON 2.9 Dioceses**

- A. A diocese is a portion of the People of God which is entrusted for pastoral care to a diocesan bishop, under whose leadership with the clergy, parishes, and missions, constitutes a particular body in which the one, holy, catholic, and apostolic church is truly present and operative.

- B. As a rule, that portion of the People of God which constitutes a diocese is limited to a definite territory so that it comprises all the members of CACINA who inhabit that territory.
- C. A diocese comes into existence by a vote of the College of Bishops. The College of Bishops in exercising this responsibility will do so either upon the written petition by the People of God of the region of the proposed diocese or upon the perception of need by the College of Bishops.
- D. When the People of God request that a diocese be created, they do so by written petition to the College of Bishops. Generally, any such request which is reasonable should be honored, but the decision to create a diocese is solely within the discretion of the College of Bishops. To be considered reasonable, the petition must generally arise from not less than forty-five (45) adult persons, whose identity, regular attendance, participation, and financial support of an existing community(ies) of worship adhering to or seeking to join CACINA can be verified.
- E. When, for any suitable reason, a diocesan bishop determines the need to create a diocese from some portion of his/her See, he/she may request the College of Bishops to create a diocese there.
- F. When the College of Bishops perceives the need for a diocese, it may create a diocese on his/her own initiative upon a majority vote of the College of Bishops.
- G. No diocese will be created by the College of Bishops unless there are at least two functioning CACINA parishes within its boundaries nor will a diocese be approved unless there will exist not fewer than forty-five (45) active, participating, and financially supporting members, in total, in all the parishes/communities of worship within the proposed diocese.
- H. It pertains solely to the College of Bishops to define the boundaries of a diocese, which boundaries the College may alter from time to time as it deems appropriate in its sole judgment.
- I. A diocese may be suppressed (its existence may be terminated) by action of the College of Bishops when, in the sole judgment of the College of Bishops, there is sufficient reason to do so.
- J. If a diocese is suppressed for any reason, and there is at least one active CACINA parish within its boundaries, the territory of that diocese will be absorbed into another CACINA diocese as determined by the College of Bishops.
- K. A diocesan bishop whose diocese is suppressed for any cause, who remains resident within the former diocese will revert to the status of auxiliary bishop to the Ordinary assigned by the College of Bishops. His membership and right to vote in the College of Bishops is not affected by this change.

- L. Diocesan bishops must reside within the boundaries of his/her diocese. If a diocesan bishop relocates his/her residence outside his/her diocese, he/she ceases to be diocesan bishop immediately as an operation of law, and the diocesan See is vacant.

#### **CANON 2.10 Diocesan Administration**

- A. The diocesan bishop is personally responsible before God to the People of God he/she shepherds for the correct, accurate, orthodox, and efficient administration of the diocese. The College of Bishops acts as advocate for the People of God in assuring that the diocesan bishop is exercising this role in accordance with the Sacred Trust with which the office of diocesan bishop endows the incumbent.
- B. The internal organization and administration of any diocese will be accomplished as the diocesan bishop may direct, subject to the provisions and requirements of these Canons.

#### **CANON 2.11 Parishes**

- A. Each diocese will be divided as needed into distinct parts, called parishes, which exist to serve the pastoral needs of the People of God.
- B. A parish is governed by a pastor who will be at least in the order of presbyter or deacon. He/she may be assisted by additional clergy as needed. The pastor is subordinate to the diocesan bishop, and such other intermediary superiors as the diocesan bishop may assign, but exercises all ordinary, proper, and immediate authority appropriate to his/her office within his/her parish.
- C. A parish is created and/or suppressed upon direction, and in the discretion, of the diocesan bishop.
- D. Parishes will be organized and administered according to procedures established by the pastor subject to the direction and approval of the diocesan bishop.

#### **CANON 2.12 Monasteries, Convents, and Residences of Religious Orders**

- A. Wherever there is established a monastery, convent, or other residence house of a religious order such residence will be governed and organized as the Rule or Form of Life of the order may direct. If no specific regulation exists within a Rule or Form of Life of any order, the residence will be governed and organized as the head of the order may direct. All such residences are under the direct control of the lawful superiors of the order and are subject to overall supervision by the College of Bishops.
- B. The conduct of public ministry by religious is by grant of faculty from the Diocesan Bishop of the area and is regulated elsewhere herein.
- C. The major superior of the religious order should seek the permission of the Diocesan Bishop before establishing a religious house in a particular diocese as a matter of



courtesy. Such permission should be granted *pro forma* unless there is good and sufficient reason for withholding such permission. Failure to resolve this matter may be appealed to the College of Bishops.

### **CANON 2.13 Ordinary and Delegated Authority**

- A. Clergy has authority to perform his/her duties according to the needs of his/her office. Certain authority is ordinary in nature, meaning that it results from the possession of an office or a duty (e.g., the diocesan bishop has ordinary authority to administer any sacrament within his/her diocese). Delegated power or authority is granted by authorization of another who possesses ordinary authority (e.g. a diocesan bishop grants faculties to a presbyter to administer Confirmation because the confirmands are located at a distance which does not permit the diocesan bishop to administer the sacrament directly.)
- B. One who has ordinary power or authority may delegate such power or authority or portions thereof, in his/her discretion, subject to any restrictions imposed by sacramental requirements or these Canons.

### **CANON 2.14 The Ordinary**

Wherever herein the term Ordinary is used as a proper noun referring to a person such usage will be defined as one who is exercising the role of the diocesan bishop, with all rights and privileges appertaining thereto, as head of his/her own diocese.

## **CANON 3. AUTHORITY OF THE GOVERNING BODIES**

### **CANON 3.1 Limitations of Authority and Responsibility**

- A. No individual within CACINA, without respect to office or clerical rank, and no committee within CACINA, will assume or appropriate any duty, privilege, right, or responsibility with regard to the governance of the Church except as expressly granted by these Canons.
- B. Determination of the limits of the authority granted by these Canons to any individual or committee will be made by the Chancellor and may be appealed to the College of Bishops, as prescribed below.

## **CANON 4. DUTIES OF THE GOVERNING BODIES, NATIONAL OFFICERS OF THE CHURCH**

### **CANON 4.1 Duties of the Presiding Bishop**

- A. The Presiding Bishop is the Chief Executive Officer of CACINA. The Presiding Bishop is responsible for the administrative functions and record-keeping of the National Church and for maintaining a flow of communications within CACINA, and for communicating with such other bodies as may be necessary.
- B. The Presiding Bishop assures the clear and timely communications between the National Church and the parishes and dioceses of CACINA.
- C. The Presiding Bishop is responsible for the conduct of all administrative matters pertaining to the National Church except as otherwise herein prescribed, maintains a registry of the clergy, and assures the safe custody of the official archives of CACINA.
- D. The Presiding Bishop performs other administrative duties as directed by the College of Bishops or the General Assembly.
- E. The Presiding Bishop accomplishes all duties and tasks assigned to him/her by this Constitution or Canons and by action of the College of Bishops in a timely manner and without undue delay. Repeated failure to promptly fulfill his/her duties will be cause for his/her removal from office. He/she, therefore, will solicit the assistance of the College of Bishops in assuring that all duties imposed upon him/her or upon the College are promptly completed.
- F. Whenever the Presiding Bishop leaves office for any reason, he/she will see to the immediate transfer of all Church records in his/her possession to his/her successor. All records of CACINA in possession of the Presiding Bishop are the sole property of CACINA and must be surrendered on demand of the College of Bishops.

### **CANON 4-2 Duties of the Chancellor of CACINA**

- A. The Chancellor of CACINA acts as general counsel and chief judicial officer of CACINA and will be a member of the church.
- B. The duties of the Chancellor of CACINA will be to administer these Constitution and Canons, and render opinions on the meaning and content of them; to mediate and/or arbitrate disputes; to act as judge in national tribunals; to serve as parliamentarian of the General Assembly and of the College of Bishops; and to hear appeals from the dioceses.
- C. The Chancellor of CACINA presides at all national ecclesiastical courts and renders judgment in all circumstances except those reserved to other bodies by this Constitution.

- D. In circumstances in which the Chancellor of CACINA is him/herself suspended from his/her office while under disciplinary inquiry and/or penalty, the duties of the Chancellor of CACINA will devolve to the most senior member of the College of Bishops, by date of incardination into the episcopacy of CACINA, who is not also conflicted or under inquiry.
- E. The assumption of the duties of the office of Chancellor is limited in scope to the matters for which the Chancellor is recused and/or for the duration of the inquiry and/or any penalty imposed upon him/her.

#### **CANON 4-3 Duties of the President of the House of Delegates**

- A. The President of the House of Delegates is the presiding officer of the House of Delegates. The President is responsible for the administrative functions of the House of Delegates when in session at the General Assembly. The President is responsible for maintaining a flow of communications from the House of Delegates to the College of Bishops.
- B. The President presides over meetings of the House of Delegates and will report actions of the House of Delegates to the College of Bishops during the General Assembly.
- C. The President assists the Presiding Bishop in assuring clear and timely communications between the National Church, and the parishes and dioceses of CACINA.
- D. Between sessions of the General Assembly, the President has such administrative duties as may be specifically delegated by the Presiding Bishop or the General Assembly.
- E. The President accomplishes all duties and tasks assigned to that office by the Constitution or Canons, or by action of the House of Delegates, or the General Assembly in a timely manner and without undue delay. Repeated failure to promptly fulfill his/her duties will be cause for his/her removal from office.
- F. Whenever the President leaves office for any reason, he/she will see to the immediate transfer of all Church records in his/her possession to his/her successor. All records of CACINA in possession of the President are the sole property of CACINA, and must be surrendered on demand of the College of Bishops.

#### **CANON 4.4 Duties of the Vice President of Officers of the House of Delegates**

- A. The Vice President serves in the place of the President at any time when the President is unable or unwilling to carry out the duties of the office. When acting in the place of the President, the Vice President does so with the full authority and responsibility of the office of President
- B. The Vice President and other officers of the House of Delegates accomplish all duties and tasks assigned to his/her offices by this Constitution or by action of the House of

Delegates, or the General Assembly in a timely manner and without undue delay. Repeated failure to promptly fulfill his/her duties will be cause for his/her removal from office.

- C. Whenever the Vice President or other officers of the House of Delegates leaves office for any reason, he/she will see to the immediate transfer of all Church records in his/her possession to his/her successors. All records of CACINA are the sole property of CACINA and must be surrendered on demand of the College of Bishops.

#### **CANON 4.5 Duties of the Administrative Secretary of CACINA**

The Administrative Secretary supervises and is responsible for all official communications within and without CACINA, and all administrative matters pertaining the operation and functioning of the Church's national temporal responsibilities under the direction of the Presiding Bishop.

#### **CANON 4.6 Duties of the Treasurer of CACINA**

- A. The Treasurer supervises and is responsible for all financial matters of the Church's national office, and is to carry out such other fiscal duties as may be required by the laws and regulations of the civil jurisdiction(s) in which CACINA is incorporated.
- B. Either the House of Delegates or the College of Bishops may, at its discretion, require that the Treasurer be appropriately bonded or insured against malfeasance.

#### **CANON 4.7 Duties of the Internal Auditor**

- A. The Internal Auditor examines the financial records of the Church's national office at least annually, reporting his/her findings in writing to the President of the House of Delegates, the Presiding Bishop, and the Chancellor.
- B. Should the Internal Auditor report any irregularities in the financial records, the President of the House of Delegates and the Presiding Bishop will conduct an investigation, utilizing the services of a professional accountant, if necessary, and take such steps as he/she may deem necessary to resolve the irregularity.

#### **CANON 4.8 Duties of the Executive Committee**

- A. The Executive Committee will advise and assist the Presiding Bishop in the day-to-day administration of the Church for the General Assembly and will assure that all matters requiring the attention of the entire College of Bishops or General Assembly are brought to the appropriate body's attention.

- B. The Executive Committee may adopt legislation for CACINA between sessions of the General Assembly in matters that are not reserved to the College of Bishops. A report of all such actions will be reviewed and ratified by the next General Assembly.
- C. The Executive Committee may act in all matters pertaining to the operation of the national Church which are not reserved to the College of Bishops, the Presiding Bishop, or other officers of CACINA.

#### **CANON 4.9 Duties of the House of Delegates**

- A. The House of Delegates is the representative forum by which the clergy, religious and lay members of CACINA exercise the areas of governance accorded to him/her by the Constitution and Canons of CACINA.
- B. The House of Delegates provides a forum for the People of God in which all are free to express ideas and express concerns; to proclaim and model the inclusive message of Jesus Christ; to advocate for the faith community in matters of stewardship; to honor, support, and advise the College of Bishops in matters reserved to the College; and to engage in active communication with the College of Bishops and all members of the faith community.

#### **CANON 4.10 Duties of the College of Bishops**

- A. The members of the College of Bishops include those inherent in the office of bishop in CACINA and herein identified and described.
- B. The College of Bishops interprets, teaches, and preserves the tradition of the Church, and regulates the Holy Sacraments after consultation with the People of God through his/her representatives in the House of Delegates.
- C. Definition of matters of faith and doctrine, regulation of the sacraments, creation and suppression of dioceses; and direction, assignment, administration, adjudication, discipline, and regulation of the clergy are solely within the authority of the College of Bishops and do not require concurrence of the House of Delegates.
- D. The College of Bishops, as Chief Pastors and Teachers, is responsible for all matters relating to Faith and Doctrine, celebration of the Sacraments and Liturgy, directing and assigning the ministry of the clergy of CACINA; adjudicating issues regarding the discipline of the clergy; and administering all issues concerning those in the holy order of bishop.
- E. The College of Bishops supervises and adjudicates matters pertaining to the clerical discipline of those in the order of bishop, and to the discipline of other members of the clergy according to norms established within these Canons and Constitution.

- F. The College of Bishops elects and/or concurs in the election of all bishops of CACINA, whether by incardination of one already a bishop or of an applicant presbyter or deacon.
- G. The College of Bishops elects the Presiding Bishop.
- H. The College of Bishops is the appellate judiciary of CACINA.
- I. Additional duties as assigned to the College of Bishops by the Constitution or Canons.
- J. It is the duty, right, privilege, and responsibility of the College of Bishops to review the performance and behavior of candidates for holy orders, deacons, priests, and bishops, whether or not in religious orders, at such times and under such circumstances as the College may determine, and to offer recommendations or take such other steps as these Canons may provide to assure the welfare of the Church, the clergy, and the People of God.

#### **CANON 4.11 Duties of the General Assembly**

Within CACINA, the General Assembly, as herein defined and in the Code of Canons, exercises shared governance, enacts legislation, and provides administrative guidance for the Church.

It is the duty of the General Assembly to concur in the advisability and to selectively form formal intercommunion relationships and/or approve a negotiated merger of CACINA with other Church. A merger with another church takes the approval of two general assemblies.

### **CANON 5. PROCEDURES FOR LEGISLATIVE ACTION**

#### **CANON 5.1 Origin of Legislation**

Except as otherwise expressly stated, all legislation for CACINA originates in General Assembly, the College of Bishops, or the House of Delegates.

- A. Except as may be otherwise expressed, both houses of the General Assembly, acting independently, must concur on all legislation for it to become national law within CACINA. Concurrence will be demonstrated by vote under procedures defined below.
- B. Debate on a matter before the General Assembly may be accomplished in a joint or separate session, as the Assembly may determine, for each matter. When meeting separately, each house maintains a written record of his/her deliberations and votes.
- C. In cases where one house accepts a matter, and another rejects it, such matters are debated again in open session of the General Assembly and submitted for reconsideration once more. If rejected a second time, the matter will be considered rejected and may not be reconsidered during the current meeting of the Assembly, but may be submitted for reconsideration at some future meeting of the Assembly.

## **CANON 5.2 Non-Consensus**

When a consensus of the members of the House of Delegates cannot be reached on a legislative issue (i.e., the House of Delegates can neither accept nor reject the matter by vote), the College of Bishops may take action when, in its sole judgment, resolution of the matter is essential for effective governance of the Church. Such matters may be reviewed at a later date by the General Assembly.

## **CANON 5.3 Governance between Sessions**

Unless a matter has been approved or rejected by the General Assembly, the Executive Committee, can exercise governance and legislative authority for the Church between sessions of the General Assembly.

- A. Legislation so enacted which refers to any area reserved to the episcopate for action in its sole discretion by this Canon is final and guides our interactions upon enactment by the College of Bishops.
- B. All legislation so enacted, which is not reserved to the sole discretion of the episcopate by this Canon, will guide our interactions until the immediately subsequent meeting of the General Assembly; whereupon it will be placed before both Houses of the General Assembly or the Assembly as a whole without objection of 20% present for final approval. If the Assembly or both Houses separately do not concur in this approval, the legislation will stand repealed.
- C. Except in instances of extraordinary urgency, the College of Bishops will consult the Executive Committee prior to taking any action between sessions of the General Assembly when such action would ordinarily require the approval of the House of Delegates. In such extraordinary circumstances, the Presiding Bishop will notify the Executive Committee at the earliest reasonable opportunity explaining the justification for the action of the College of Bishops.

## **CANON 5.4 Role of Chief Pastor in a Diocese**

Provisions of Canon 1 notwithstanding, nothing in this Chapter is construed so as to preclude a diocesan bishop from exercising the role of chief pastor within and for its diocese, provided that such actions conform to the Law of God, the Beliefs and Principles of CACINA, the norms of Sacred Tradition, and to the provisions of the Constitution and the Code of Canons.

## **CANON 5.5 Actions of General Assembly**

Actions by the General Assembly are final and do not require confirmation by any person or agency. nor is it subject to review or veto by any person or group; within or without CACINA, notwithstanding provision herein for amendment and/or repeal.

## **Canon 5.6 When Legislation Takes Effect**

All legislation enacted by the General Assembly is effective immediately unless otherwise stated in its enactment, and guides the interactions of the members of CACINA under our shared desire for the harmony of the community.

## **CANON 6. MEETING PROCEDURES**

### **CANON 6.1 General Assembly**

- A. The Presiding Bishop of CACINA is the presiding officer of the General Assembly. In his/her absence, the Chancellor of CACINA will preside. The President of the House of Delegates will typically chair General Assembly meetings.
- B. The Chancellor is the parliamentarian.
- C. The Administrative Secretary of CACINA is the recording secretary for the General Assembly. Each House will appoint its own recording secretary for separate meetings and votes of that respective House.

### **CANON 6.2 Quorum Requirements for the General Assembly**

- A. All actions by the General Assembly require the presence of a quorum to be valid, that is, a quorum for both the College of Bishops and House of Delegates must be met.
- B. Quorum requirements apply to each session of the Assembly during its meetings and not simply to the first meeting of the Assembly.

### **CANON 6.3 Voting by Members of the General Assembly**

- A. Membership in the General Assembly is divided into two principal categories: members with vote, and members without vote.
- B. Members of the General Assembly with vote are all active members of the College of Bishops of CACINA, as defined in the Constitution, who are in good standing and neither inactive, suspended, the subject of current disciplinary debarment, in probationary status, or on leave of absence and voting members of the House of Delegates
- C. All other members of CACINA attending the General Assembly are members of the General Assembly without vote. Both members with vote and members without vote may address the assembly and participate in debates, provided such address and debate is conducted appropriately and respectfully.
- D. Voting by "absentee ballot;" by proxy or legate; by mail, or by electronic means essentially synonymous with mail in the General Assembly are prohibited. These restrictions are applicable only to the General Assembly. Their use is not prohibited by



the College of Bishops or the House of Delegates when not so assembled and/or the use of these or other means by such other Groups, Committees, or Commissions as may be established in CACINA.

#### **CANON 6.4 Agenda**

- A. For meetings of the General Assembly in ordinary circumstances, the Presiding Bishop or his/her designee will prepare and distribute an agenda for each session of the General Assembly. Such agenda will be distributed to all members of the General Assembly at least 30 calendar days in advance of the scheduled starting date of the General Assembly.
- B. In preparing the agenda for the General Assembly, the Presiding Bishop and President will solicit input from the College of Bishops, and the members of the House of Delegates.
- C. Any item requested to be placed on the agenda will be accommodated.
- D. During sessions of the General Assembly, the General Assembly may remove any proposed item from the agenda or add other items to the agenda by majority vote.
- E. When feasible, specific items or proposals will be provided to the Presiding Bishop or President in writing or in electronic format at least sixty (60) calendar days prior to the scheduled date of the General Assembly. If feasible, the Presiding Bishop or President, or his/her delegate will then distribute the proposals to the Church concurrently with the distribution of the Agenda.

#### **CANON 6.5 Minutes of the Meetings of the General Assembly**

- A. When meeting in a joint session, the Presiding Bishop will record a detailed summary of the discussions, votes, and other actions that transpire during any such joint meeting of the General Assembly.
- B. When meeting separately, each House of the General Assembly will record a detailed summary of the discussions, votes, and other actions that transpire during any such meeting.
- C. Minutes will be forwarded to the Presiding Bishop or the president or his/her delegate to be distributed to the members of the General Assembly within 60 days of the conclusion of the General Assembly.
- D. The Presiding Bishop or the President will arrange that the minutes be archived in safe storage as a permanent record of the actions of the General Assembly.
- E. Minutes of both houses and of the General Assembly will be made available to any member of CACINA on request, provided that the College of Bishops may seal any part

of its minutes when, in the sole judgment of the College, it is pastorally appropriate to do so. Such sealing of records will not be subject to appeal.

#### **CANON 6.6 Conduct of Meetings of the General Assembly**

- A. When the General Assembly meets in joint session, the Chancellor will serve as parliamentarian. In the absence of the Chancellor, the Presiding Bishop will appoint a parliamentarian for the General Assembly.
- B. The Presiding Bishop will preside while the President will ordinarily chair the joint meetings of the general assembly keeping good order and progressing with voice vote or show of hands of all present, unless twenty percent (20%) of selected voters request a formal weighted vote on serious matters.
- C. When the College of Bishops meets alone, the Chancellor if present will serve as parliamentarian. The College of Bishops generally will vote informally unless a secret ballot is requested. On matters of faith and doctrine, the vote must be unanimous.

#### **CANON 6.7 Procedures for Consideration and Action During Sessions of the General Assembly**

- A. The Presiding Bishop, the President of the House of Delegates, and the Chancellor, acting jointly, may devise specific rules and procedures for the conduct of the business of joint meetings of the General Assembly.
- B. Such rules and procedures may include, but not necessarily be limited to:
  - i Deadlines and formats for the submission of motions, resolutions, reports, and other business.
  - ii Length of debate and number of times that any member may speak to a question.
  - iii. Circumstances under which the Presiding Bishop or President of the House of Delegates may speak to a question without relinquishing the chair.
- C. A motion for the adoption of such rules, if any are proposed, will be the first order of business of the General Assembly following the call to order and determination of a quorum.

#### **CANON 6.8 Attendance at Sessions of the General Assembly Required**

- A. All voting members of the General Assembly will attend each meeting of the General Assembly unless excused for sufficient reason.
- B. All voting members of the laity who are not able to attend the Assembly should inform the President of the House of Delegates three weeks prior to Assembly.

- C. Clergy and religious who are not voting members of the General Assembly will attend all meetings of the General Assembly unless excused by his/her lawful superior as herein defined.
- D. Members may be excused from attending for good cause by the Presiding Bishop (for all members of the College of Bishops), or the diocesan bishop (for priests and deacons). Sufficient reason will generally be limited to family emergencies, health, and specific identifiable demands, which preclude attendance.
- E. Voting members, except bishops, who cannot attend will be replaced by alternates selected by the jurisdiction he/she represents.
- F. It is the duty of each voting member of the General Assembly, and members of the clergy and religious orders, to arrange his/her financial affairs so that can have the necessary resources to permit his/her attendance at the regular sessions (i.e. those held in ordinary circumstances) of the General Assembly. For this reason, lack of funds is not generally an acceptable excuse for not attending such meetings.
- G. In consideration of the service rendered to individual parishes by clergy and lay leaders, each parish will provide sufficient funds to enable clergy and lay leaders to attend the annual General Assembly of CACINA. In cases where an individual parish is unable to provide these funds, the House of Delegates and/or the College of Bishops through the offices of the presiding Bishop and President of the House of Delegates and the Treasurer may authorize use of funds from the national church treasury for this purpose and subject to the availability of such funds.
- H. The College of Bishops may provide financial assistance to members of the clergy and to clergy candidates of CACINA to enable his/her attendance at the General Assembly when, in its collective judgment, it is pastorally appropriate to do so. Such decisions will be final and not subject to appeal.
- I. The House of Delegates may provide assistance to lay members of CACINA to enable his/her attendance at the General Assembly when, in the judgment of its officers, it is pastorally appropriate to do so. Such decisions will be final and not subject to appeal.
- J. Such assistance will be paid from the St. Charles Fund at the written instruction of the Presiding Bishop and counter-signed by the President of the House of Delegates.
- K. The names and details of persons receiving financial assistance will, to the fullest possible extent, be kept confidential.

## **CANON 6.9 House of Delegates**

- A. A quorum for the House of Delegates will consist in the establishment of a simple majority.

- B. In the absence of a quorum in the House of Delegates, requirements herein for concurrence by the House of Delegates to actions of the General assembly are postponed until Quorum is present. In the event that there is no Quorum by the end of that General assembly, the matter is referred to the Executive Committee for final action.
- C. When the House of Delegates meets alone, the President of the House of Delegates may appoint a parliamentarian. In meetings, the House of Delegates may proceed as in the General Assembly with voice vote by acclamation (a voice vote, in which the voting group is asked who favors and who opposes the motion and, in the event of a lack of opposition, the motion is carried) or a show of hands by a simple majority vote. With 20% of the formal voting members concurring, various tools for consensus voting may be used.
- D. The House of Delegates will elect a president according to procedures established below.
- i. The President of the House of Delegates is elected to office by the House of Delegates by simple majority vote for a term of 4 years and may be reelected to office. The term of office will change to 3 years if the General Assembly returns to yearly meetings and reelection remains the same.
  - ii. The President may be removed from office at any time by three-fifths majority voter of the House of Delegates, with the concurrence of the College of Bishops.
  - iii. The President may be removed from office by majority vote of the College of Bishops, not more than one bishop objecting or abstaining, for conduct to the prejudice of sound faith and doctrine or as outlined in a written statement of cause if deemed to be substantiated.
  - iv. No president shall be removed from office without first being presented with a clear and detailed written statement of cause and being given the opportunity to respond before the College of Bishops of the Church to the items enumerated therein.
  - v. The Vice President and other officers are elected to office by the House of Delegates by simple majority vote for a term of 4 years and may be reelected to office for no more than two consecutive terms. The term will change to 3 years under the same conditions in “i.” above.
  - vi. The House of Delegates may elect such other officers and assign them such duties and responsibilities as it deems necessary and appropriate to the conduct of its business, provided that such elections, duties, and responsibilities do not conflict with, supplant, or circumvent other provisions of these Canons.

- E. Members of the House of Delegates consists of the following:
- i. Lay representatives selected from each parish of the Church. (Missions are not afforded representation at General Assembly.)
    - a). Each parish may select one voting lay representative to the House of Delegates for each ten (10) registered adult members of the parish who are reported annually at the time the parish assessment is paid to the national treasury, rounded upwards to the next exact increment of ten (10).
    - b) No parish will have less than one (1) lay representative nor more than three (3) regardless of the size of the parish. (For the purposes of establishment of a quorum, if a parish has not sent at least one (1) voting representative, the voting privileges for that parish will be suspended for that specific General Assembly.)
    - c) The selection of parish representative(s) will be established by each respective parish.
  - ii. In addition, each diocese shall be afforded three (3) voting members, selected by the Ordinary, regardless of their membership in a religious order and regardless of their clergy, lay status.
  - iii. A voting member may not simultaneously vote under more than one membership.
- F. Unless specifically defined in the Canons, the College of Bishops and the House of Delegates, as the General Assembly, will typically conduct sessions with all present voting by acclamation (a voice vote, in which the voting group is asked who favors and who opposes the motion and, in the event of a lack of opposition, the motion is carried). If there is opposition, a vote by show of hands of voting members will be taken, and a simple majority of voting members will be needed to pass a motion or action. With 20% of the formal voting members concurring, various tools for consensus voting may be used.
- G. Minutes the meeting of the House of Delegates will be made available to any member of CACINA on request, provided that the College of Bishops may seal any part of its minutes when, in the sole judgment of the College, it is pastorally appropriate to do so. Such sealing of records will not be subject to appeal.

#### **CANON 6.10 College of Bishops**

- A. The Presiding Bishop is the presiding officer of the College of Bishops. In his/her absence, the Chancellor of CACINA will preside.
- B. A quorum for the College of Bishops will consist of not less than one half the eligible members of the College of Bishops, including the Chancellor whether he/she be a voting member of the College or not.
- C. In the absence of a Quorum in the College of Bishops, no action of any kind can be taken by the General Assembly.

D. It is the duty of the College of Bishops to elect and/or concur in the election of all bishops of CACINA, whether by incardination of one already a bishop or of an applicant presbyter or deacon.

E. It is the duty of the College of Bishops to elect the Presiding Bishop.

### **CANON 6.11 Executive Committee**

- A. Every member of the Executive Committee who is not already a member of the College of Bishops, shall be afforded one vote at General Assembly, the President's vote (or the Vice-president's, in the absence of the President) alone to be included in the determination of a quorum.
- B. Except as provided herein for legislation in areas reserved to the College of Bishops, legislation enacted by the Executive Committee between assemblies will be submitted to the floor of the General Assembly for final approval at the next session of the General Assembly.

## **CANON 7. REGULATION OF THE LITURGY AND THE SACRAMENTS**

### **CANON 7.1 What Is Liturgy?**

The Liturgy is the act of communal prayer and worship of the Church. Liturgical actions are, therefore, public in its nature even when celebrated without the presence of persons other than the minister. Specific norms for each of the Sacraments are found either in this document or in the Book of Rites Volumes 1 and 2 of Novus Ordo or in the Ritual books themselves.

### **CANON 7.2 Participation**

Whenever feasible, the presence and active participation of the People of God in the celebration of the Liturgies and Rites of the Church is strongly encouraged. Strictly private celebrations, particularly for ordinations or weddings, are discouraged. Priests or bishops celebrating private masses, and clergy or laity holding family or individual communion services should, whenever possible, invite the participation of others.

### **CANON 7.3 Role of College of Bishops**

The College of Bishops defines, approves, and promulgates liturgies and rites, including liturgical books, for the celebration of the sacraments and other acts of worship throughout the Church.

### **CANON 7.4 Regulation of Liturgy**

Within the norms established by the College of Bishops, diocesan bishops regulate the liturgy within and for his or her own diocese. Diocesan bishops ensure that the norms approved by

the College of Bishops are followed within the diocese and that the liturgy is celebrated reverently and prayerfully.

### **CANON 7.5 Church Liturgist**

The Presiding Bishop, with the concurrence of the College of Bishops, will appoint a Liturgist for the Church. The role of the liturgist is to advise and recommend to the College of Bishops the selection of liturgical practices and rites for use in CACINA liturgies and assist in the selection of liturgical books to be used in liturgies. The liturgist assists the preparation of ordinations, consecrations, and oversees special liturgical functions (i.e. the General Assembly). He/she will also provide and keep up to date the yearly liturgical church calendar for remembering important national church dates. The liturgist will help assure consistency in our liturgical practices.

### **CANON 7.6 Additional Regulation of the Sacraments by the Diocesan Bishop**

Diocesan bishops may impose additional regulations to those of these Canons concerning the celebration of the sacraments and other acts of worship within and for his/her dioceses. They may do so by limitation or extension of faculties, or by diocesan regulation. Such additional regulations may not mitigate or lessen the regulations stated here except as may have been expressly authorized.

## **CANON 8: DISPUTE RESOLUTION AND DISCIPLINARY MATTERS**

### **CANON 8.1 Mediation**

Disputes within the Church that cannot be resolved at local or diocesan levels will be referred by the College of Bishops for internal mediation whenever possible. Such mediation will follow procedures to be adopted by the College of Bishops.

### **CANON 8.2 Arbitration**

If disputes cannot be resolved by mediation, then the Chancellor of CACINA will act as arbitrator and will issue a binding resolution.

### **CANON 8.3 Appeals**

The results of mediation and/or arbitration may be appealed to the College of Bishops, whose decision is final and binding.

### **CANON 8.4 Adjudication of Disciplinary Matters**

Disciplinary matters concerning the clergy of CACINA will be adjudicated by procedures herein defined.

## **CANON 9. ST. CHARLES INSTITUTE MATTERS**

### **CANON 9.1 Authority and Responsibility of St. Charles Institute**

There is hereby created an educational institution (The St. Charles Institute) that will have the authority and responsibility to:

- Prepare training curricula for candidates for the orders of deacon (both permanent and transitional) and presbyter.
- Present the curricula to the College of Bishops for review and approval.
- Devise, prepare, and administer coursework within the frameworks of the approved curricula.
- Review the academic credentials of all candidates for ordination to deacon (both permanent and transitional) or presbyter and determine those portions of the curricula that must be completed by the candidates prior to ordination.
- Guide, supervise, oversee, and direct the education and training of all candidates for ordination.
- Prepare, administer, and score a General Ordination Examination (or series of exams) for candidates for ordination to deacon and presbyter at the conclusion of or during his/her training.
- Counsel and advise the College of Bishops on matters related to the education and training of candidates for ordination, when requested to do so.

### **CANON 9.2 Director of Institute**

The Director of the St. Charles Institute will be a member of the clergy or a qualified lay person who is appointed by the Presiding Bishop and serves at the pleasure of the College of Bishops.

### **CANON 9.3 Assistant Director of Institute**

Subject to review by the College of Bishops, the Director of the St. Charles Institute may appoint an Assistant Director and designate consultants, both within and outside CACINA, to assist in the work of the Institute.

### **CANON 9.4 Institute's Role in Determining Acceptability**

Except for the responsibilities enumerated in Canon 1 of this Canon, and any other responsibilities that may be designated by the College of Bishops, the St. Charles Institute will have no responsibility for determining the acceptability of any candidate for ordination other than advising completion of the curricula.

### **CANON 9.5 Role of the College of Bishops in Institute**

The College of Bishops may supervise, regulate, and modify the work of the St. Charles Institute at any time.



## **CANON 10. MATTERS CONCERNING THE LAITY OF CACINA**

### **CANON 10.1 Definition of Laity**

All members of CACINA, who are not members of the clergy, are lay members of CACINA, also known as the laity. (Note: members of religious orders may be clergy or lay).

### **CANON 10.2 Rights of the Laity**

- A. The laity has the right to participate in the worship of the Church.
- B. Lay members share governance and temporal and administrative matters as envisioned in the Constitution and the Canons. Pastors are the spiritual head of his/her respective parishes and direct all sacramental and liturgical acts occurring within his/her parishes under the direction of the diocesan bishop in cooperation with the lay ministers of the parish.
- C. The laity has the right to be heard by his/her pastor and his/her diocesan bishop and to participate in matters pertaining to the organization and governance of the diocese and parish to which he/she belongs, and to be consulted in all matters related to the financial and temporal administration of the parish, diocese, and national Church.
- D. The laity has a right to participate in the General Assembly of CACINA as herein specified.
- E. The laity has the right to control matters pertaining to the financial affairs of the parish in conjunction with the pastor and diocesan bishop in accord with the governance of the church in these Canons.
- F. The laity has the right to elect his/her diocesan bishops, bishop coadjutors, and auxiliary bishops who may exercise authority over him/her.
- G. A member of the laity may serve as a pastoral associate in a role analogous to a pastor and exercise other pastoral offices in the absence of clergy in cases of necessity and if appointed by the diocesan bishop. They may not, however, perform those functions which require ordination as a deacon or priest. The diocesan bishop should install pastoral associates and specify his/her authority in his/her appointment letter. They should be installed as Acolytes or Eucharistic Ministers. (See Canon 10.4)
- H. The laity has the right to membership in lay institutes, third orders, and lay members of religious orders subject to the Rule and Regulations approved for those institutes and orders.
- I. The laity has the right to full intellectual and spiritual freedom.

### **CANON 10.3 Duties of the Laity**

- A. The laity has the duty to follow the Teachings of Christ in the Gospel and together with his/her clergy evangelize the world. Included is the duty to educate him/herself and his/her children in matters of faith, spirituality, and morality so as to always conduct him/herself according to the teachings of Christ.
- B. The laity has the duty to financially support his/her parish, diocese, and CACINA.
- C. The laity has the duty to emotionally and spiritually support his/her fellow Christians, pastors, and bishops.
- D. The laity has the freedom to regularly attend and share in all aspects of the worship and activities of the parish or mission to which he/she belongs.
- E. The laity has the duty, by Word and example, to encourage others to come to CACINA and to Christ.

#### **CANON 10.4 Ministries of the Laity**

- A. The laity may participate in the lay liturgical ministries of Acolyte (or Eucharistic Minister), Lector (or Reader) and Cantor (or Music Minister or Musician) as described below. The former ministries of Acolyte and Eucharistic Minister have been combined into one permanent ministry adapted to the needs of each particular parish. Additional roles for the laity can include Parish Office (such as Parish Council Representative), Catechist, Visitor to the Sick and Homebound, Evangelist, Parish Historian, and certain elected national offices are also available to the laity. Other liturgical services are Greeter and Server.
- B. Admission to the three liturgical Ministries: Acolyte (Eucharistic Minister), Lector (Reader), Cantor (Music Minister, Musician) is by request to the pastor, or request by the pastor. With acceptance to ministry, a person should have a firm will to give faithful service to God and the Church and be present at a ceremony of blessing for that ministry. All ministries and roles of the laity are open to all lay persons with the approval of the pastor.
- C. Pastors and ministers of the parish will assist and instruct new ministers in his/her duties according to the liturgical books of the Church.

#### **CANON 10.5 Altar Servers**

An altar server assists the priest and/or deacon in the celebration of Liturgy by performing tasks at the altar. An altar server must have received the sacraments of Baptism and First Holy Eucharist, be at least seven (7) years of age, and possess a mature and dedicated attitude to his/her duties.

#### **CANON 10.6 Lector or Reader**

A Lector is one who reads the Word of God in the liturgical assembly according to the norms of the liturgy contained in the rituals and in conjunction with the practice of the parish.

#### **CANON 10.7 Acolyte or Eucharistic Minister**

This ministry is for the assistance of celebrating liturgies. It is meant to assist the deacon if there is one, and to minister or assist the priest. The ministry is to be adapted and used in accordance with the needs and wishes of each parish but following the norms contained in the liturgical books of the Church. Visiting the sick and shut-ins is also a part of this ministry.

#### **CANON 10.8 Cantor or Music Minister or Musician**

- A. A cantor is one who sings the Word of God or leads in the singing of hymns. As such he/she directs the participation of the people in musical elements of liturgy and may wear an alb and cross or choir robe proclaiming his/her function.
- B. All of us are commissioned by our Savior Jesus Christ to use our talents and to go and make disciples of all the world. Those members who possess the skills of singing or playing music are invaluable to the joyous celebration of the liturgy. We ask that if the Lord has blessed someone with this gift, that he/she, please come forward and volunteer his/her talents.

#### **CANON 10.9 Catechists and Evangelists**

- A. Persons with skills as teachers may be employed in the role of Catechist to teach the message of Christ to his/her brothers and sisters, to those who are preparing to receive the sacraments of Christian Initiation, those who are inquiring into the Church, and to the faithful who are already members of the Church.
- B. Evangelists are those who seek to bring the Good News of Christ and the story of CACINA to those who have not heard it or responded to it. While all Christians and members of CACINA are called to this role, members of the laity are particularly valuable in this capacity.

#### **CANON 10.10 Visitors to the Sick, Elderly, and Prisoners**

The Gospel of Matthew, Chapter 25:31-46 enjoins all Christians to care for his/her brothers and sisters for in doing so he/she is caring for Christ. Each parish and mission should take special care to establish a program of visitation to the sick, elderly, homebound, and prisoners who reside in and near the parish and who accept such visits. Furthermore, each parish and mission should establish a committee to administer and coordinate charitable activities by the parish.

#### **CANON 10.11 Elected Parish or National Representatives**

The shared governance structure of CACINA at all levels would not be possible without volunteers willing to serve his/her Church in parish, diocesan, and National offices. This is yet

another way for members of the laity to participate in the life of the Church. See Canon 6-9 House of Delegates for further information pertaining to lay representation.

## **CANON 11. MATTERS OF THE CLERGY**

### **CANON 11.1 The Clergy defined**

All members of CACINA who have received the sacrament of Holy Orders in the order of deacon, presbyter, or bishop, and who are in good standing, are members of the clergy.

### **CANON 11-2 Regulation of Clergy**

- A. Members of the clergy are subject to the regulations of the Constitution and Canons, and such other regulations as his/her bishop, and/or his/her lawful superior, if he/she is in religious orders, may impose.
- B. All members of the clergy who are not members of a religious order will be Incardinated within a diocese of CACINA in order to exercise public ministry.
  - i. Members of religious orders who are clergy may exercise public ministry within a diocese only with the approval of the diocesan bishop of that diocese.
  - ii. Members of religious orders who are clergy standing may minister privately within and for his/her own communities according to the norms of his/her respective order's Rule and internal regulations.
- C. All clergy accused of civil criminal conduct which alleges a felony or any charge that may include the possibility of incarceration of any duration whatsoever will immediately disclose such accusation to his/her diocesan bishop, religious superior, or to the College of Bishops if the accused is a diocesan bishop. The accused may not be questioned about his/her guilt or innocence. However, all details of the accusation against the member of the clergy must be made known to the diocesan bishop, and to the College of Bishops, for those in the office of diocesan bishop, for appropriate action.
- D. CACINA clergy, even if he/she receives some financial compensation, generally serves in a voluntary capacity and is not an employee of CACINA. CACINA, therefore, has no duty to supervise its clergy as an employer, nor is it responsible for his/her conduct; nor does CACINA have a duty to collect or account for taxes for its clergy; nor does CACINA have an obligation to provide employment benefits or unemployment, workers compensation, or other insurance.

### **CANON 11-3 Concerning the Selection and Admission of Clergy**

- A. The College of Bishops has created a National Vocations Office which administers the application process for CACINA. The selection and admission of candidates for ordination will be conducted in a manner as described herein.

- B. No diocesan bishop will have the authority to add to, delete from, or in any way modify the selection and admission process.
- C. Notwithstanding the requirements of the selection and admission process, the decision to ordain or not ordain any candidate for the order of presbyter or deacon ultimately resides with the diocesan bishop in whose diocese the candidate resides.
- D. CACINA recognizes and encourages vocation to the permanent diaconate as an enduring clerical state. Those who feel called to the permanent diaconate may apply for holy orders through a process created by the vocations director and the director of the St. Charles Institute. The process shall be approved by the College of Bishops and final decisions of ordination are left to the prerogative of the local ordinary. Provision is hereby made in this canon for a local vocations committee to function in the place of the national vocations committee when the need for discernment to the permanent diaconate is requested by the local ordinary, who will have responsibility for determining its membership. In all such cases, the local vocations committee will follow the procedures as set out by the national vocations committee in the administration of its duties. It is further provided in this canon that no local vocations committee shall function as a standing committee of the national church.
- E. No currently serving person who has been ordained or incardinated into the order of deacon, presbyter, or bishop within CACINA shall accept ordination or incardination into another Christian Church or ecclesial community without the express unanimous approval of the College of Bishops.

#### **CANON 11.4 Conduct and Comportment of Clergy**

- A. Members of the clergy, in whatever order and or office, will at no time, by public statements or actions, impugn, demean, or otherwise disparage the Constitution and Code of Canons of CACINA, and/or any part thereof, and/or Amendments or other legislation as may, from time to time, be enacted by the legislative bodies defined by this Constitution.
- B. Members of the clergy in whatever order will at no time by his/her public statements or actions impugn, demean, or otherwise disparage the orthodoxy, personal integrity, professional competence, or sacramental validity of any member of the clergy of CACINA or of CACINA, itself.
- C. For purposes of this Canon, a statement or action will be considered to be public if it is made in such a manner as to be known or knowable to any person not charged with governing the Church by the Constitution or Canons of CACINA
- D. Members of the clergy found to have violated this Canon will be guilty of an offense against the unity and harmony of the Church and upon conviction thereof by a

Disciplinary Judicial Tribunal as provided in the Canons of CACINA, will be subject to such penalties as the said Tribunal will impose.

- E. Statements made during debate or consideration of legislation before legislative and governing bodies of the Church, as established in the Constitution and Code of Canons of CACINA, are expressly exempt from the provisions of this Canon.
- F. Statements made in conjunction with presenting formal charges or official allegations of improper conduct against members of the clergy of CACINA are expressly exempt from the provisions of this Canon.
- G. Official findings, decrees, judgments, and/or actions issued and/or published by those charged with legislating, adjudicating, or otherwise governing the Church by the Constitution or Canons of CACINA are expressly exempt from the provisions of this Canon.
- H. Statements made to civil law enforcement officials, attorneys, and/or judicial officers in connection with the official conduct of respective offices or functions are expressly exempt from the provisions of this Canon.

#### **CANON 11.5 Titles, Manner of Address, and Rank of Clergy**

- A. No title except deacon, presbyter, priest, or bishop will be adopted or granted to any member of the clergy of CACINA, except those which pertain to offices established by the Constitution or Canons (e.g. diocesan bishop, pastor, etc.) or authorized for an office in a religious order (e.g. Minister General, Novice Master, Abbot, etc.).
- B. The honorific of Monsignor of all grades applicable to priests is not used in CACINA.
- C. The title of Archbishop or Metropolitan pertaining to bishops is not used in CACINA.
- D. Bishops will employ the title *The Most Reverend* in formal written address. Recipients of the Cross of St. Charles of Brazil may employ the title *The Very Reverend* in formal written address. Presbyters, priests, and deacons will employ the title *The Reverend* in formal written address.
- E. Bishops will be verbally addressed as simply "Bishop". Deacons will be addressed as "Deacon". Presbyters who are male will be addressed as "Father". Presbyters who are female will be addressed either as "Mother" or as "Reverend" in his/her personal discretion.

#### **CANON 11.6 Awards for Outstanding Service**

- A. The College of Bishops may periodically award to members of the presbyterate an award of recognition for extraordinary service which will be called the Cross of Saint Charles of Brazil. Candidates for this award will be proposed by his/her diocesan bishops. The

awardee, if any, will be selected by secret ballot of the College. Award of The Cross of Saint Charles of Brazil will be coincident with every third annual meeting of the General Assembly of CACINA. This will hereinafter be referred to as an award cycle. Not more than one recipient may be selected in any award cycle. Recipients of the Cross of Saint Charles of Brazil may employ the title *The Very Reverend* in formal written address. Criteria for this award will be that the recipient will have shown extraordinary dedication to ministry to the People of God in CACINA over a period of at least six (6) years.

- B. The lay members of CACINA serve the People of God in too many ways even to mention. Without the extraordinary service of the many volunteers, CACINA would not exist. In recognition of this type of outstanding service on the part of lay members of CACINA, the College of Bishops grant the Prisca and Aquila Award for service to the People of God. The process will be the same as set forth in Section A above, although it may be given to an individual, couple, or family.
- C. It is not required that any award be made during an award cycle.
- D. Any or all of the provisions of this Canon may be waived by express consent of the College of Bishops, not more than one bishop dissenting or abstaining.

#### **CANON 11.7 Celibacy of Clergy**

- A. The right to marry is a gift of God. CACINA imposes no requirement of celibacy or permanent chastity on its clergy.
- B. Marriage will not be an impediment to the valid reception of the sacrament of Holy Orders in CACINA, nor to incardination into any jurisdiction of CACINA; nor will marriage be required for the reception of Holy Orders or incardination.
- C. Holy Orders will not be an impediment to the valid reception of the sacrament of Matrimony in CACINA.
- D. No person will impose or require as a condition of the sacrament of Holy Orders, of granting faculties to clergy, or of incardination of clergy in any jurisdiction that any person be required to promise, vow, or live in a state of celibacy, or permanent chastity, nor that he or she remains unmarried.

#### **CANON 11.8 Sexual Conduct of Clergy**

- A. Members of the clergy will not engage in or attempt sexual activity which:
  - i. Is harassing or unwelcome in character, and/or;
  - ii. Is physically, mentally, or emotionally abusive, and/or;
  - iii. Is attempted or conducted with a person who has not attained the legal age at which consent to sexual conduct is permissible in the controlling civil law, and/or;

- iv. That exploits the status of the individual as clergy or lay member of CACINA to facilitate or obtain sexual conduct.
- B. Conduct which violates this Canon is never acceptable by a member of the clergy of CACINA.
- C. Violation of the provisions of this Canon will, upon conviction of these acts by a disciplinary tribunal as herein defined, be cause for the dismissal from CACINA of the accused member of the clergy and/or revocation or suspension of faculties for the public celebration of the Sacraments.
- D. Allegations of criminal sexual misconduct by members of the clergy will be immediately referred to civil law enforcement authorities for investigation and adjudication according to competent civil law.

### **CANON 11.9 Financial Compensation of Clergy**

- A. No member of the clergy will require or request payment of money or other valuable consideration in payment for the celebration of any sacrament. Donations may be accepted so long as the said donation is voluntary and inures to the benefit of the Church, a diocese, a Parish, a religious order, or some subordinate organization of one of the foregoing and not to an individual. It is permitted when asked, for the clergy to indicate an exact amount which is appropriate for such donation.
- B. Freely given stipends or gifts, regardless of type, may be accepted as a gratuity for the special celebration of the Mass so long as they are not in any way a condition for the celebration of the sacraments or the Mass.
- C. Under no circumstances will a member of the clergy withhold administration of the sacraments or pastoral care on the basis of the inability of the requester to give a stipend to the clergy person. This provision does not prevent a parish or diocese from charging a reasonable fee for the use of its facilities or denying the use of its facilities on the basis of inability to pay. Parishes and dioceses are, however, admonished to treat all persons with generosity and consideration for personal circumstances in this regard.
- D. When necessary and appropriate, travel, food, and lodging expenses of the clergy may be paid by those for whom a sacrament is celebrated.
- E. The clergy may receive salary and/or other formal compensation from any diocese or Parish he/she serves. Salary and/or other compensation, and all stipends and gratuities received must be reported to the appropriate civil authorities for tax purposes.
- F. CACINA does not employ clergy and is not responsible for maintaining financial records for any money paid to clergy in compensation for his/her services as clergy. When compensation is paid by a parish or diocese, that entity is itself solely responsible for such financial records and reporting.



### **CANON 11.10 Financial Obligations of Clergy to CACINA**

Each member of the clergy of CACINA will provide financial support to the conduct of the temporal administration of the Church in a manner determined annually by the General Assembly as stated in these Canons.

### **CANON 11.11 Possession of Church Property by Members of the Clergy**

- A. All property, which may be held in the possession of a member of the clergy, which was purchased or otherwise obtained by or for the Church or any subordinate jurisdiction of the Church is the sole property of the Church or jurisdiction for which it was purchased and not the private or personal property of the member of the clergy.
- B. The foregoing notwithstanding, the clergy may own, and retain as personal property: private chapels in his/her place of residence, or other suitable private location, vestments, chalices, and other liturgical supplies, etc. which were purchased with his/her own funds, or which he/she received as gifts.

### **CANON 11.12 Resignation and Expulsion of Clergy**

- A. Members of the clergy may resign from the clergy of CACINA at any time without stating a reason. Resignation will automatically excardinate the member of the clergy and will release him/her from the clergy of CACINA.
- B. Resignation is accomplished solely by submitting the resignation in written form to the competent superior of the member of the clergy seeking to resign. DUPLICATE BELOW
- C. A member of the clergy of CACINA who resigns from the clergy of CACINA or ceases to perform his/her duties as a member of the clergy in a manner analogous to resignation will be deemed to have requested excardination from the clergy of CACINA and his/her respective jurisdiction, and will be sent a Letter of Excardination, which will automatically terminate all faculties, and release that person from the clergy of CACINA.
- D. The act of expelling or releasing someone from the clergy of CACINA automatically excardicates that person from all jurisdictions of CACINA in which he/she is then incardinated or ordained.

### **CANON 11.13 Leave of Absence of the Clergy**

- A. A leave of absence excuses a member of the clergy from the regular and ongoing duties and responsibilities of ministry and from such other duties and responsibilities as may be stipulated in the granting of the leave.

- B. A leave of absence, whether voluntary or involuntary, is not a disciplinary action and does not revoke the faculties of the individual. Revocation or alteration of faculties is a separate action by the diocesan bishop or the College of Bishops, undertaken in accord with the provisions of these Canons.
- C. A member of the clergy may request a leave of absence at any time from his/her diocesan bishop. Such a request will be accepted in all cases.
- D. A diocesan bishop may place a member of the clergy, under his/her jurisdiction, on an involuntary leave of absence for the good of the Church, or the welfare of the respective member of the clergy.
- E. The duration of a voluntary leave of absence, as well as any conditions which must be met in order for the member of the clergy to return to active status, will be jointly determined by the individual and the diocesan bishop.
- F. It is the responsibility of the diocesan bishop to determine whether or not to accept the return from an involuntary leave of absence of a member of the clergy for his/her diocese.
- G. Notwithstanding other provisions of these Canons, a member of the clergy who has been placed on involuntary leave, or has been refused permission to return from leave by his/her diocesan bishop may appeal that decision to the College of Bishops which, by simple majority vote, may affirm, modify, or vacate the action of the diocesan bishop.
- H. The Chancellor of CACINA may place diocesan bishops or the Presiding Bishop on a voluntary leave of absence upon his/her request. In such circumstances, the Chancellor of CACINA will consult the College of Bishops who will, in collaboration with the respective bishop, determine the duration of the leave together with, circumstances, and conditions under which he/she may return from the Leave of Absence.
- I. The College of Bishops may impose an Involuntary Leave of Absence on any bishop if it determines such leave to be necessary for the good of the Church, or the spiritual welfare of the respective bishop. Except as may be provided elsewhere herein, the College of Bishops will determine the duration of the leave, the conditions of the leave, and when and under what circumstances the person so placed on leave may return to active status.
- J. At the conclusion of a leave of absence, the member of the clergy, regardless of order or position, must either return to active status, resign from the clergy of CACINA, or be released from the clergy of CACINA.

#### **CANON 11.14 Obedience of Clergy**

- A. Obedience to the Constitution and Canons and to his/her respective lawful superior(s), as established by his/her area of ministry and defined herein, is required of every member of the clergy as a condition of his/her status as clergy.
- B. Failure to provide such obedience will be grounds for disciplinary action, as defined herein, and may result in suspension from ministry or expulsion from the clergy of CACINA.
- C. Each member of the clergy will, on the occasion of his/her ordination to each order and/or his/her Incardination into CACINA, solemnly and publicly promise obedience to These Constitution and Canons and to his/her lawful superior(s), both verbally and in writing.
- D. The formula to be employed in the Promise of Obedience will be devised by the Chancellor of CACINA and approved by the College of Bishops.

#### **CANON 11.15 Information to be Supplied by the Clergy to Competent Authority**

- A. Each member of the clergy in the holy order of deacon, presbyter, and bishop will provide certain information to his/her diocesan bishop and to the Chancellor of CACINA for the records of the National Office. Such information will be maintained as current by the respective member of the clergy.
- B. The required information is as follows:
  - i. A residence address to be defined as the street address, including apartment number where applicable, at which he/she physically resides.
  - ii. In this regard, a Post Office Box, or any address essentially similar in nature to a Post Office Box, will not be sufficient. Use of such boxes to receive correspondence is permitted, but an actual physical residence address is required to meet this requirement.
  - iii. A telephone number at which the member of the clergy may be customarily reached.
  - iv. An electronic mail address, if the member of the clergy has one.
  - v. The name of the member of the clergy's employer and a description of the type of work performed.
  - vi. Their current marital status and name of spouse or partner.
- C. Dates of reception of the sacraments of Christian Initiation, and ordination to each order ordaining prelate and place of ordination.
- D. Diocesan bishops will provide this information to the Chancellor of CACINA upon ordination, incardination, or when the information changes.

- E. Pastors will provide to the national office registrations of all Marriages, Baptisms, and Confirmations performed in the parish. Reporting will be done semi-annually, preferably in digital format.
- F. Diocesan Bishops will provide to the Chancellor registrations of all ordinations performed in the diocese within ten days of the ordination for inclusion in the Clergy Database and a hard copy transmitted to the national archives.

#### **CANON 11.16 Incardination of Clergy Defined**

- A. The process by which clergy from one ecclesiastical jurisdiction is brought under the authority of another jurisdiction is called Incardination.
- B. By virtue of the sacrament of Holy Orders, any person receiving Ordination to the order of presbyter or deacon is automatically incardinated into the diocese for which he/she is ordained.
- C. Installation to the office of diocesan bishop, or auxiliary bishop automatically incardines the one installed into the diocese he/she is to serve, and concurrently excardines him/her from all other jurisdictions.

#### **CANON 11.17 Incardination from a Diocese of CACINA**

- A. Any presbyter or deacon desiring to be incardinated into a diocese of CACINA from another diocese of CACINA will present a letter from his/her current bishop excardining him/her from that diocese stating that, at the time of Excardination, the member of the clergy seeking transfer was in good standing, free of any disciplinary issues.
- B. Any diocesan bishop will, upon request by a member of the clergy possessing a current letter of Excardination from a diocese of CACINA, incardinate such clergy into his/her diocese. If such a requested incardination is not granted within 30 days of the request, such incardination will be deemed granted.
- C. Excardining bishops will be responsible for assuring the incardinating bishops that the member of the clergy seeking new incardination is a worthy candidate, free from disciplinary issues, and in good standing with CACINA.
- D. The act of expelling or releasing someone from the clergy of CACINA automatically excardines that person from all jurisdictions of CACINA in which he/she is then incardinated or ordained.

#### **CANON 11.18 Incardination of Presbyters and Deacons from Churches in Communion with CACINA**

- A. The procedure to be followed for incardination of clergy from Churches in Communion with CACINA is the same as that for incardination from another diocese of CACINA.
- B. When incardinating clergy from another church, the term "churches in communion with CACINA" will be defined as those ecclesiastical bodies which established formal intercommunion agreements with CACINA, and are approved for this purpose by the College of Bishops.
- C. Without respect to Communion with CACINA, as defined in Para. B, above, clergy seeking incardination from outside CACINA will complete the same application and selection process, including successful writing of the General Ordination Examination, as is required of those seeking ordination. The College of Bishops may waive writing of the General Ordination Examination as a requirement for incardination, not more than one bishop dissenting or abstaining.

#### **CANON 11.19 Incardination of Presbyters and Deacons From other Churches**

- A. In addition to a letter of Excardination from the Church that he/she is leaving, clergy desiring Incardination from Churches must submit documents attesting to the valid reception of the sacrament of Holy Orders to the highest order he/she has attained, and documentation which proves the valid Apostolic Succession of the person who ordained him/her to each order.
- B. A diocesan bishop may, upon request by a presbyter or deacon possessing a letter of Excardination and other required documentation, and who meets the qualifications for his/her holy order established in this Constitution, incardinate or decline to incardinate that member of the clergy into his/her diocese from any Church.
- C. Clergy seeking incardination from outside CACINA will complete the same application and selection process, including successful writing of the General Ordination Examination, as is required of those seeking ordination. The College of Bishops may waive writing of the General Ordination Examination as a requirement for incardination, not more than one bishop dissenting or abstaining.

#### **CANON 11.20 Incardination of Bishops outside a merger of CACINA with another Church**

- A. After careful consideration and proper vetting, the College of Bishops, in its sole discretion, may incardinate an already existing bishop from another church/communion into membership within CACINA, providing that the vote is unanimous in the affirmative. In its further discretion, the College of Bishops may choose to grant an incardinated bishop membership in the College of Bishops, admission necessitating a unanimous vote in the affirmative.

Since we believe that ordination or consecration as bishop imparts a permanent charism, bishops will not be incardinated as deacons or presbyters. Incardinating bishops will serve a probationary period, as well as meeting the same requirements as current CACINA clergy. Specifically, he/she has been a member of the clergy of CACINA for at

least five years, and served as a pastor of a CACINA parish for at least one year, and be elected by the people he/she will serve. All bishops in CACINA have agreed to submit ordination decisions (in and for CACINA, or outside of CACINA) to the College of Bishops.

- B. Documentation of Apostolic Succession, which must trace the complete Succession, from the bishop to be incardinated to the origin of the Succession, will be provided. Standard reference materials that sustain the claim of Apostolic Succession will be employed in substantiating Succession.
- C. Incardinating clergy in the order of Bishop will also meet with the Standing Committee on Vocations, as is required of all candidates for incardination in CACINA, for his/her recommendation as to incardination.
- D. During a probationary period, a bishop to be incardinated, will be granted only presbyterial faculties. The College of Bishops will carefully examine all such candidates to determine his/her acceptability for CACINA.
- E. Upon completion of a probationary period, the College of Bishops will again vote to admit or reject the candidate. The role such bishop will exercise, within the Church as bishop, will later be established after five years by the College of Bishops.
- F. Bishop candidates for incardination who do not possess Duarte-Costa Succession may require consecration *ad cautelam* to impart that Succession. Such Consecration will not occur prior to joining the College of Bishops.
- G. *Ad Cautelam* consecration under the provisions of this Canon serves solely to impart the Duarte-Costa succession and will not be construed to imply the invalidity or questionable validity of the original consecration or sacramental acts performed under the original consecration or ordination.

#### **CANON 11.21 Incardination of Bishops and Clergy Due to Merger of CACINA with Another Church**

- A. Whenever CACINA would decide to merge with another Catholic Church, procedures to be followed to incardinate the bishops and clergy of the other Church into CACINA will be negotiated by the College of Bishops as part of the process of merger.
- B. Bishops received into CACINA, as the result of such a merger whose Apostolic Succession cannot be verified or which does not include the Duarte-Costa lineage, will be consecrated *ad cautelam* to impart the Duarte-Costa succession.

#### **CANON 11.22 Conduct of Clergy**

- A. Because of the great trust placed in the clergy by the People of God, CACINA has the right to ecclesiastically discipline and censure any member of the clergy whose public conduct is such that it may bring discredit upon the Church. CACINA may also ecclesiastically discipline or censure clergy of CACINA who violate any provision of this Constitution or Canons or who are disobedient in matters Canonical to his/her lawful superiors, regardless of his/her rank or position in CACINA.
- B. The public conduct of the clergy is to be above reproach. He/she is to avoid places and entertainment which would scandalize the People of God, he/she is to restrain his/her use of profanity, he/she is to be an example of Christian charity and love to all. He/she is to adhere to the divine law, this Constitution, and the civil law.
- C. Conduct by the clergy, which is contrary to the law of God or CACINA, is never sanctioned by the Church. When such conduct is discovered, immediate action will be taken to address the misconduct.

#### **CANON 11.23 Dress of Clergy**

- A. Whenever he/she is acting in his/her capacity as clergy of CACINA, the clergy will wear appropriate clerical clothing.
- B. Clergy will not wear clerical attire while performing his/her secular employment unless permitted to do so by his/her employer.
- C. Members of religious orders may wear the habit appropriate for his/her order. The color and style of the habit of religious orders will be determined by the order when the order is accepted by the College of Bishops.
- D. Members of religious orders who are bishops may adopt the dress of "secular" clergy in the order of bishop when not in residence in a house or monastery of his/her order. He/she may wear his/her religious habits and the pectoral cross, Episcopal ring, and "zucchetto." He/she may also use mitre and crozier if appropriate to his/her function in the liturgy.
- E. The traditional color of all formal street clerical attire in CACINA is gray. Black is also acceptable.

#### **CANON 11.24 Disciplinary Processes**

- A. Whenever a member of the clergy violates the provisions of the Constitution or Canons, or commits an offense against the unity of the Church, including but not limited to, heresy, apostasy, or schism, fails to render obedience to a lawful superior, or is convicted or pleads guilty to a civil crime, which may include incarceration as a penalty, he/she will be subject to disciplinary action by CACINA.

- B. Whenever disciplinary action or action due to mental illness or addiction is contemplated against a member of the clergy, an inquiry into the facts of that allegation will be conducted as quickly as practical by the diocesan bishop, or if the one under inquiry is a diocesan bishop, or the Presiding Bishop, by the College of Bishops.
- C. Allegations against any member of the clergy will be brought only upon presentation of a sworn statement by the accuser detailing the nature of the charge and sufficient evidence of the alleged offense that a reasonable person applying contemporary standards would conclude that the offense charged probably occurred and that the accused probably committed the alleged offense.
- D. Sworn statements alleging misconduct will be provided to the Chancellor of CACINA for review, or to the Presiding Bishop if the Chancellor is the accused. The Chancellor may seek counsel from persons within or without CACINA, if she/he deems it appropriate, to assist her/him in determining whether the charges are sufficient to warrant further action.
- E. If the Chancellor determines that charges warrant further action or investigation, the Chancellor will present a Bill of Indictment against the accused to the accused and to the accused's diocesan bishop, or to the College of Bishops if the accused is a bishop. The diocesan bishop, or the College of Bishops will then hear the evidence in the matter in the manner herein specified.
- F. Clergy, in the order of deacon or presbyter, will be judged by a tribunal consisting of three (3) clergy in the order of presbyter, deacon, or bishop. The diocesan bishop will preside. The evidence in support of the allegation will be presented in open session by a member of the clergy. The accused will have the right to discover evidence held by others that may be relevant to the indictment, present evidence which is exculpatory, to confront his/her accuser, and the right to compel testimony on his/her behalf, to the extent of CACINA's ability to compel it. The three (3) members of the court will decide if the evidence presented sustains the allegation by vote. The diocesan bishop will impose a penalty for those found guilty of misconduct, or determine actions for those found to be mentally ill, incapacitated, or addicted.
- G. If sufficient clergy cannot be obtained to form a tribunal as described in the foregoing, the Chancellor will appoint additional members of the clergy, as required. Tie votes will be adjudged in favor of the one under inquiry.
- H. Clergy in the order of Bishop will be judged by the College of Bishops. The Chancellor of CACINA will preside. The evidence in support of the allegation will be presented in open session by a member of the clergy. The accused will have the right to discover evidence held by others that may be relevant to the indictment, present evidence which is exculpatory, to confront his/her accuser, and the right to compel testimony in his/her behalf, to the extent of CACINA's ability to compel it. The College of Bishops, by vote, will determine if the evidence presented sustained the allegation and will impose a penalty for those found guilty of misconduct or determine actions for those found to be



mentally ill, incapacitated or addicted. Tie votes will be adjudged in favor of the one under inquiry.

- I. A detailed record of the evidence presented in a tribunal, both for and against the accused, will be made and maintained by the diocesan bishop, for presbyters and deacons, and by the College of Bishops for bishops. This record will be made available to the appropriate appellate jurisdiction, as herein defined in the event of an appeal by the accused of the findings and/or penalty. A complete record of all proceedings will be retained in the archives of CACINA.
- J. If the Clergy member admits the allegations made are true, the process will continue without trial with the same penalties possible according to the judgment of competent authority.

### **CANON 11.25 Disciplinary Penalties of the Clergy**

The penalties which may be assessed against a member of the clergy found guilty of misconduct may include, but are not limited to: reprimand, suspension from the clergy, removal from office, and/or expulsion from the clergy of CACINA. Other penalties may also be imposed at the discretion of those authorized to impose a penalty by the Constitution and Canons.

- A. A clergy member found guilty, by a tribunal, of a minor offense against the Constitution and Canons or of a minor instance of willful Canonical disobedience to a lawful superior will be penalized as the Ordinary or College of Bishops may decide but not more than suspension from the clergy of CACINA for a period of not more than one (1) year.
- B. A clergy member found guilty, by a tribunal, of a serious offense against the Constitution and Canons, such as serious, willful Canonical disobedience to a lawful superior, or a serious offense against the unity of the Church will be penalized as the Ordinary or College of Bishops may decide but not more than suspension from the clergy of CACINA for a period of not more than five (5) years.
- C. A clergy member found guilty, by a tribunal, of a grave offense against the Constitution and Canons, grave willful Canonical disobedience to a lawful superior or a grave offense against the unity of the Church will be penalized as the Ordinary or College of Bishops may decide, including expulsion from the clergy of CACINA.

### **CANON 11.26 Actions in Cases of Alleged Civil Criminal Conduct by the Clergy**

- A. Any clergy accused of civil criminal conduct which alleges a charge conviction of which may include the possibility of incarceration of any duration whatsoever will immediately disclose such accusation to his/her diocesan bishop, religious superior, or to the College of Bishops if the accused is a diocesan bishop. The accused may not be questioned about his/her guilt or innocence. However, all details of the accusation against the member of the clergy must be made known to the diocesan bishop, or to the College of Bishops, for those in the office of diocesan bishop.

- B. Any clergy member accused of civil crimes which include the possibility of a penalty of incarceration will be automatically placed on suspension from the clergy of CACINA until such time as his/her civil case is adjudicated
- C. Any clergy member found guilty, or who pleads guilty to any civil misdemeanor(s), which include a penalty of incarceration, even if such incarceration is suspended in whole or in part, will be deposed from any offices which he/she then holds and will remain suspended until such time as his/her civil penalty is concluded and, subsequently, his/her diocesan bishop, or the College of Bishops, may, in its sole discretion, reinstate his/her to active ministry.
- D. A clergy member found guilty, or who pleads guilty to any civil felony involving violence, misappropriation of funds or property, or sexual misconduct, will be deposed from all Church offices that he/she then holds, and will be expelled from the clergy of CACINA and all faculties for his/her celebration of the sacraments permanently revoked. Conviction of other felonies will result in penalties at the discretion of the diocesan bishop, or the College of Bishops when the accused is a diocesan bishop, but will include deposition from all offices in CACINA and suspension until such time as any penalty imposed by civil law is satisfied.

#### **CANON 11.27 Confidentiality in Clerical Discipline**

- A. All information arising from the conduct of disciplinary actions within CACINA will be held in strict confidence by all participants and will not be divulged to any person not directly involved in such disciplinary action without the authorization of the College of Bishops unless and to the extent that such release is mandated by civil law.
- B. To ensure privacy and fairness, every effort will be made to limit knowledge of a disciplinary inquiry to those directly involved, including, but not limited to: the respective member of the clergy of CACINA under inquiry; his/her respective diocesan bishop (where applicable), and/or religious superior (where applicable); the presiding officer, advocates, and members of any Disciplinary Judicial Tribunal convened in the matter; those entities charged by the Constitution and Canons of CACINA acting as appellate judiciary in cases where the decision of a Tribunal is appealed; the accusers; victims; witnesses; and attorneys for any party.
- C. In circumstances where an allegation of misconduct by a member of the clergy has become known to persons not authorized by this Canon, the outcome of the inquiry into those allegations will be made known to those same persons by a simple declarative statement that the allegations were sustained or not sustained and that disciplinary actions were or were not taken. No further comment or information may be disseminated in any way to any person without approval by the College of Bishops of CACINA unless and to the extent that such release is mandated by civil law.

- D. The foregoing notwithstanding, the Chancellor of CACINA and the Presiding Bishop of CACINA will be advised in writing of the outcome and actions taken in all disciplinary inquiries within the Church.
- E. Copies of all documents generated as a result of disciplinary actions will be sealed and placed in the Archives of the Church. Once sealed, such documents will not be viewed by any person whatsoever except those authorized to do so by civil law or by a majority vote of the College of Bishops of CACINA.
- F. Any member of the clergy who will knowingly violate the provisions of this Canon will be guilty of serious or grave Canonical disobedience, and upon conviction thereof in the manner prescribed by the Constitution and Code of Canons of CACINA, and will be subject to disciplinary action in accordance with these Canons.

#### **CANON 11.28 Actions in Cases of Mental Illness and Addiction in the Clergy**

- A. Mental illness, for purposes of this Canon, will be defined as any psychological defect or pathology that deleteriously impairs the cognitive and/or judgmental faculties, emotional, or interpersonal abilities of the respective member of the clergy as determined by a qualified professional.
- B. Addiction, for purposes of this Canon, will be defined as dependence upon chemical substances that deleteriously impairs the cognitive and/or judgmental faculties of the respective member of the clergy as determined by a qualified professional.
- C. If it is determined by an investigation that a priest, deacon, or bishop is mentally ill, incapacitated, or addicted in any way, the diocesan bishop having jurisdiction may take whatever steps the bishop deems appropriate with the intention of healing the addicted member of the clergy, being ever mindful of his/her duty to care for the souls entrusted to him/her, and the wellbeing of the Church.
- D. If it is determined by the College of Bishops that a diocesan bishop, or the Presiding Bishop, is mentally ill, incapacitated, or addicted in any way, the College of Bishops may take whatever steps the College deems appropriate with the intention of healing the addicted bishop, being ever mindful of its duty to care for the souls entrusted to the bishop, and the wellbeing of the Church.
- E. If, in the opinion of the competent authority, as herein defined, the mental illness, incapacity, or addiction of the member of the clergy, is debilitating such that the member of the clergy is unable to fulfill his/her respective duties to the People of God, he/she may be placed on involuntary leave of absence until such time as he/she is again able to resume his/her duties, in the sole discretion of the authority who originally placed him/her on leave, or his/her lawful successor.
- F. If the alleged addicted, or mentally ill member of the clergy declines to receive treatment, or repeatedly relapses into his/her condition, he/she may be released from the clergy of

CACINA by the competent authority herein defined without prejudice for the pastoral good of the People of God and the good of the Church.

### **CANON 11.29 Right of Appeal**

- A. Any member of the clergy on whom any reprimand, penalty, or any adverse decision or action is imposed, will have the right to appeal that judgment.
- B. In appeals of disciplinary actions, only the one subject to a penalty (i.e., the defendant or accused may appeal a judgment). In other matters, appeal may be initiated by either party.
- C. Appeals will first be heard by the Chancellor of CACINA in his/her role as arbiter of the Canons. He/she may sustain or reject the appeal. Rejected appeals may be further appealed to the College of Bishops.
- D. The College of Bishops, acting in its appellate role, may decide appeals by review of the record or may take testimony in its sole discretion.
- E. The Presiding Bishop will preside at all appeals to the College of Bishops.
- F. During the appeal, all actions against the appellant, except involuntary leave of absence, will be held in abeyance. A majority vote will be sufficient to sustain or reject the appeal.
- G. In an appeal, the decision of the College of Bishops is final and binding.

### **CANON 11.30 The Bishop**

- A. A bishop is one who has received the sacrament of Holy Orders in the order of bishop from another bishop who possesses valid Apostolic Succession. In the conferral of this holy order, bishops receive the fullness of the sacrament of Holy Orders, are made pastors of Christ's Church, successors of the Apostles, and teachers of the Holy Faith.
- B. As Christ established twelve Apostles and not just one, so it is that each bishop, as a successor to the Apostles, exercises a ministry which is his/hers by right of ordination, and not as a delegation of some other prelate. Auxiliary bishops may be subordinate in function to the diocesan bishop and owe him/her obedience as the head of the diocese, but he/she is, nevertheless, equal in sacramental authority and episcopal dignity. The relationship of bishops, one to another, is always cordial and collegial.

### **CANON 11.31 Qualifications of Bishops**

Qualifications for CACINA College of Bishops are:

- A. No person will be in the College of Bishops in CACINA who has not attained thirty-five (35) years of age.
- B. No person will be in the College of Bishops in CACINA who has not validly received the sacraments of Christian Initiation and holy orders in the order of deacon, and the order of presbyter. In cases of incardination from jurisdictions with valid Apostolic Succession, where there is direct election and ordination, or consecration to the Order of Bishop, this requirement is waived.
- C. No person will be in the College of Bishops in CACINA, who has not functioned as a priest in CACINA for at least five (5) years.
- D. No person will be a diocesan bishop in CACINA, who has not served as a Pastor of a Parish or Mission within CACINA for at least one (1) year.
- E. No person will be a bishop in the College of Bishops in CACINA, who has not been elected to the order of bishop or an incardinated bishop elected after his probationary period.
- F. No person will be a bishop in CACINA who has been convicted of a crime, except minor traffic violations, without the express review and approval of the candidate by College of Bishops, not more than one (1) bishop dissenting or abstaining.
- G. No person will be a bishop in CACINA who is actively addicted to any substance.
- H. No person will be a bishop in CACINA who has an active mental illness.
- I. No person will be a bishop in CACINA who is given to violent behavior.
- J. No person will be a bishop in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.
- K. No person will be incardinated as a bishop within CACINA from a jurisdiction other than an internal CACINA jurisdiction who has not completed a period of five years' probation and has followed the incardination process described elsewhere herein. Furthermore, incardinating clergy in the order of bishop will meet all requirements imposed on other CACINA clergy before full admission to the College of Bishops. Until such time, the candidate will not function in an episcopal capacity within CACINA without the express concurrence of the College of Bishops.

### **CANON 11.32 Election of Bishops**

- A. A bishop will be elected to his/her office. It is preferable that a bishop be elected by the People of God in the area in which he/she will serve. If elected by the People of God, the College of Bishops must independently confirm the election, by vote. The College of Bishops may elect a bishop on its own with the consent of the people of the appropriate diocese.

- B. Procedures for election to Episcopal duties of those already in the holy order of bishop are exactly the same as those who are not yet in that order except that he/she does not require ordination or consecration to the holy order of bishop.
- C. In the context of these procedures, the term "People of God", will be construed to include all persons who are members of CACINA: lay, clergy, and religious, who will be under the care of the candidate, if he/she is elected. In this context, persons who are not members of CACINA, even if he/she receives ministry from CACINA clergy and/or persons who will not receive pastoral care from the candidate if he/she is elected, may not initiate, or vote in the election of a bishop.
- D. Actions, in connection with the election of a bishop herein assigned to any individual, or group, will be performed as a Sacred Trust to be accomplished expeditiously, fairly, and without prejudice, vindictiveness, malice, favoritism, or preference. Failure to perform these Sacred roles in a manner in keeping with the spirit of these Canons will be deemed a grave violation of obedience, and an offense against the unity of the Church.
- E. A candidate or bishop may decline election without stating a reason.
- F. The election of a candidate to the order of bishop by the People of God ought not to be rejected by the College of Bishops except for serious cause. Grounds for rejection of a bishop-elect by the College of Bishops will be limited to:
  - i. Proven moral turpitude;
  - ii. Heresy, apostasy, schism, suspension or other disciplinary action imposed by CACINA in effect at the time of election;
  - iii. Allegation or conviction of a civil felony or misdemeanor with a penalty of incarceration (even if such incarceration was suspended);
  - iv. Proven coercion or fraud in the election;
  - v. Lack of qualification of the candidate for the order of bishop as defined herein or;
  - vi. Any sufficiently grave matter which, in the opinion of the College of Bishops warrants rejection of the election.
- G. The confirmation of the election by the People of God of a candidate to the order of bishop by the College of Bishops, is final and not subject to confirmation or veto by any person or group whatsoever.
- H. Signatures on a Document of Election which are fraudulent, coerced, or which cannot be verified will be void, and the total of the vote will be adjusted as if they were not cast. However, they will not, individually, invalidate the entire election. The election will be invalid only if a simple majority of the votes cast are determined to be invalid or fraudulent or if the candidate was complicit in the fraud or coercion.
- I. A Document of Election of a bishop will include:
  - i. A request that a bishop be consecrated or installed in a named position (e.g., diocesan bishop, or auxiliary bishop, or coadjutor bishop);

- ii. The name of a specific candidate;
- iii. The request, position, and candidate's name will appear on each page of the Document of Election.;
- iv. The Document will include space for each person voting to sign his/her name, print his/her name, and include his/her telephone number and address;
- v. It will also include space for the person voting to indicate his/her acceptance or rejection of the candidate.

### **CANON 11.33 Election of a Bishop in Ordinary Circumstances**

In most circumstances, the election of a bishop will occur with the concurrence of the College of Bishops, and the people of God, working together.

### **CANON 11.34 Conduct of the Election of a Bishop**

- A. When a bishop is elected and confirmed by a vote of the People of God, the procedure above will be followed.
- B. The Chancellor will conduct the election, and the treasurer will count the ballots.

### **CANON 11.35 Consecration/Ordination of Bishops**

- A. All bishops of CACINA will be Ordained to the order of bishop according to the Roman Pontifical Rite of Ordination with the addition of the words which define the Liturgy of CACINA as a faith community, as otherwise stipulated herein.
- B. Consecration to the Episcopacy imparts a permanent Charism. While a bishop may resign, retire, be deposed, and/or removed from exercising his/her ministry, he/she, nevertheless, never ceases to be a bishop, once validly consecrated.
- C. At least three (3) bishops from the College of Bishops of CACINA will act as consecrating bishops, according to ancient custom, except in extraordinary circumstances where a single bishop from the College of Bishops may ordain.
- D. The consecration and/or installation of a bishop is an occasion of rejoicing for the whole Church and will be celebrated as such. Except in compelling circumstances, all the bishops of CACINA will attend each consecration and/or installation. Priests, deacons, and laity from the entire Church will be encouraged to attend. In no instance will a consecration and/or installation be considered a private or diocesan ceremony even though the bishop is being consecrated or installed to serve a particular diocese.
- E. The responsibility to plan and organize the consecration and/or installation of a bishop will be the responsibility of the Liturgist, who will consult with the College of Bishops and the bishop-elect in so doing.

### **CANON 11.36 Duties, Rights, and Privileges of Bishops**

- A. Bishops have the duty to minister the sacraments for which he/she is the ordinary minister, in addition to those of the presbyterial order, Confirmation, and Holy Orders.
- B. Bishops have the duty to lead, guide, and shepherd the People of God
- C. Bishops have the duty to celebrate the Holy Eucharist at least once each week on Sunday for the intention of the People of God under his/her Episcopal Care
- D. Bishops have the duty to teach the Gospel.
- E. Bishops have the duty to consecrate articles and implements used in worship
- F. Bishops have the duty to preside in ecclesiastical disciplinary proceedings of presbyters and deacons, to judge in disciplinary proceedings of bishops, and to affix a penalty to all who are found guilty in either type of proceeding.
- G. Bishops have the duty to attend all meetings of the College of Bishops and to vote as a member of the College of Bishops in matters of his/her jurisdiction.
- H. Within the scope of his/her jurisdiction, bishops have the duty to implement the Constitution and Canons and all legislation enacted by the Church.
- I. Bishops have the unrestricted right to be heard and consulted in all matters concerning the governance of the Church. According to his/her assigned ministry, he/she may have additional rights, authority, and privileges.
- J. By virtue of its ordination to the orders of presbyter and deacon, bishops retain all rights, privileges, and duties of those orders.

#### **CANON 11.37 The Diocesan Bishop**

- A. The head of a diocese is the diocesan bishop. In this capacity, he/she is also known as the Ordinary. The diocesan bishop is the visible manifestation of the Church within the diocese and serves as administrator, teacher, and chief pastor in all matters pertaining to that diocese. The actions, legislation, and decisions of the diocesan bishop are subject to review and revocation only by the College of Bishops, if formally appealed under provisions herein defined, and/or under circumstance in which the diocesan bishop's orthodox teaching is questioned or he/she is alleged to be in violation of the Constitution or Canons, or such other national legislation as the College of Bishops may enact, or there are allegations of misconduct or addiction other mental illness or incapacity by the diocesan bishop.
- B. All duties, rights, and privileges of bishops apply to diocesan bishops.



- C. A diocesan bishop will reside within the boundaries of his/her diocese. If a diocesan bishop relocates his/her residence to a place that is outside his/her own diocese, he/she ceases to be a diocesan bishop. In so doing he/she relinquishes all duties, rights, and privileges appertaining to the office of diocesan bishop which is granted by right of sacramental ordination.
- D. If the new residence of a former diocesan bishop, who has relocated his/her residence outside his/her prior diocese, is within the boundaries of another diocese, he/she immediately becomes subordinate to the diocesan bishop of the diocese into which he/she has relocated, and may exercise ministry there only with grant of faculty from the diocesan bishop having jurisdiction. Such faculties will be presbyterial unless the diocesan bishop requests that the newly arrived bishop assume the duties of auxiliary or bishop, and such request is approved by the College of Bishops.
- E. The place of residence of a diocesan bishop will be defined as that location which is his/her residence for purposes of civil law. Such residence will be reported and maintained current with the Presiding Bishop and the Chancellor of CACINA.
- F. No person will hold the office of diocesan bishop, auxiliary, or coadjutor bishop in more than one diocese simultaneously. However, diocesan bishops may function as Ordinary in a diocese other than his/her own while remaining diocesan bishop when he/she is acting as diocesan Administrator during a vacancy in the office of diocesan bishop of another diocese.
- G. By virtue of office, diocesan bishops possess faculties for all sacraments within his/her own diocese.
- H. Diocesan bishops are ranked by date of consecration or incardination into CACINA, whichever is later, and are next behind the Presiding Bishop in precedence. Within his/her own diocese, however, the diocesan has right of precedence over all bishops.
- I. A diocesan bishop is elected to his/her post by the procedures contained in these Canons for such election.
- J. The diocesan bishop has the duty to promote the continued professional development of clergy within the diocese. Each diocesan bishop will, therefore, work with the St. Charles Institute to create and maintain a program of initial and continuing education for members of the clergy.
- K. All diocesan bishops will be personally engaged in active ministry to the People of God within its diocese. Such ministry must include the regular celebration of the Holy Eucharist at his/her Cathedral parish.
- L. Each diocesan bishop will designate one CACINA parish under his/her jurisdiction to be its Cathedral parish at which he/she will celebrate the Holy Eucharist and preach not less than one Sunday each month.

- M. The term of office of a diocesan bishop shall be the remainder of the bishop's life unless the bishop will earlier resign, retire, or be deposed.
- N. In and for his/her own diocese, a diocesan bishop possesses the right to appoint and depose subordinates to/from its respective duties, and ministries in its sole discretion, subject to such restrictions as may be imposed on such appointments and depositions by this Constitution and such national legislation as may be enacted by the College of Bishops.
- O. Diocesan bishops will visit each parish in his/her diocese located within 250 miles of his/her residence at least once each year. Parishes located at distances greater than 250 miles from his/her residence, will be visited at least biennially. Parishes will provide financial support to its diocesan Bishop to facilitate accomplishing these visits if needed.
- P. Additional duties, enumerated elsewhere in the Canons, are imposed by these Constitution and Canons on diocesan bishops.

#### **CANON 11.38 Vacancy in the Office of Diocesan Bishop**

- A. When the office of diocesan bishop falls vacant for any cause whatsoever, the coadjutor bishop with right of succession, who has been previously elected by the People of God, automatically assumes the office of diocesan bishop as a matter of right and by operation of law.
- B. In the absence of a coadjutor bishop, the most senior auxiliary bishop, by date of incardination to the Episcopacy of CACINA, assumes the duties of diocesan Administrator and will proceed to elect a new diocesan bishop, according to procedures set forth herein for the election of a diocesan bishop, within thirty (30) calendar days of the date on which the office of diocesan bishop fell empty. The only difference being that the ballot lists all eligible candidates for the office within the diocese.
- C. In the absence of an auxiliary bishop, the nearest diocesan bishop will assume the duties of diocesan Administrator, and will proceed to elect a new diocesan bishop, according to procedures set forth herein for the election of a diocesan bishop, within thirty (30) calendar days of the date on which the office of diocesan bishop fell empty.

#### **CANON 11.39 Auxiliary Bishops**

- A. An auxiliary bishop is a coadjutor bishop without right of succession. Auxiliary bishops may be selected by a diocesan bishop. Upon such selection, the procedures for the election of an auxiliary bishop will be followed.
- B. Auxiliary bishops are ranked by date of incardination into the episcopacy of CACINA. Regardless of his/her date of incardination into the episcopacy of CACINA, auxiliary bishops rank in precedence after diocesan and coadjutor bishops.

- C. Auxiliary bishops are subordinate to their diocesan bishop, and the duties of auxiliary bishops are assigned and faculties granted by the diocesan bishop.
- D. The term of office of an auxiliary bishop will be the remainder of the bishop's life unless the bishop will earlier be reassigned, resign, retire, or be deposed.

#### **CANON 11.40 Parochial Vicars (Associate Pastors/Assistant Pastor/Curate)**

- A. A parochial vicar is a priest or deacon who has been assigned to assist a Pastor in the care of the People of God. This office is also known as Assistant Pastor or Curate.
- B. A parochial vicar is appointed to this role by the diocesan bishop and serves at the direction and is subordinate to the Pastor.
- C. All duties, responsibilities, and privileges appertaining to priests or deacons (as applicable to the individual's holy order) apply to parochial vicars.

#### **CANON 11.41 Pastors**

- A. A Pastor is one who possesses at least the sacrament of Holy Orders in the order of presbyter or deacon and who has been given the responsibility of leading the People of God within a certain portion of a diocese called a Parish.
- B. The term Rector in relation to the priest in charge of a cathedral parish is essentially synonymous with pastor.

#### **CANON 11.42 Duties, Rights, and Privileges of Pastors**

- A. Pastors, being members of the clergy of CACINA appointed to the pastoral office by the diocesan bishop, possess all ordinary, proper, and immediate power and authority necessary for its office, except those powers and authority reserved to some other ecclesiastical office; and subject to faculties granted by the diocesan bishop.
- B. Pastors have the duty to lead, guide, and shepherd the People of God within his/her care
- C. Pastors have the duty to minister the sacraments for which he/she is the ordinary minister, in addition to those of the Diaconate: Reconciliation, and Anointing the Sick.
- D. Pastors have the duty to celebrate the Holy Eucharist at least once each week on Sunday for the intention of the People of God under his/her Pastoral Care
- E. Pastors have the duty to teach the Gospel.
- F. Pastors have the duty, within the scope of his/her authority, to implement the Constitution and Canon, and all legislation enacted by procedures herein defined.
- G. Pastors possess the unrestricted right to be heard by his/her diocesan bishop.

- H. Pastors rank in precedence next behind auxiliary bishops by date of ordination or incardination into CACINA.
- I. Pastors will celebrate the Holy Eucharist within his/her parish at least twice each month.
- J. Subject to the approval of the diocesan bishop and to the provisions of the Constitution and Canons and such other legislation as may be enacted according to the norms herein, Pastors possess the right to organize, structure, and govern his/her parish.
- K. Pastors are the spiritual head of his/her respective parish, and direct all sacramental and liturgical acts occurring within said parish according to norms set forth herein, or by directives of the College of Bishops, and/or the respective diocesan bishop. While he/she may also have operational responsibility in his/her parish, it is hoped that he/she will foster and promote lay leadership to assume those functions.
- L. Lay persons will exercise all pastoral offices appropriate to him/her even in the presence of members of the clergy of CACINA who may be available. It is preferable to use Eucharistic Ministers of the parish to assist the Celebrant in the Liturgy, even when there are additional clergy present.
- M. All duties, rights, and privileges appertaining to priests apply to Pastors as well. Additional duties are assigned to Pastors by this Constitution.

#### **CANON 11.43 Appointment of Pastors**

- A. Pastors are appointed to his/her office by the diocesan bishop. The term of office of a Pastor is the remainder of his/her life unless he/she is reassigned, resigns, retires, or is removed from his/her office by the diocesan bishop or in accordance with the provisions of this Constitution.
- B. In selecting priests for the office of Pastor, the diocesan bishop will seek candidates who are proven shepherds: persons of tact, holiness, skill, and love of God, God's People, and the sacraments.

#### **CANON 11.44 Priests**

- A. A priest is one who has received the sacrament of Holy Orders in the order of presbyter.
- B. Ordination to the order of presbyter imparts a permanent Charism. While a priest may resign, retire, be deposed, and/or removed from exercising his/her ministry, he/she nevertheless, never ceases to be a priest once ordained.
- C. Priests possess all ordinary, proper, and immediate power and authority necessary for his/her duties, except those powers and authority reserved to some other ecclesiastical office, and subject to the faculties granted him/her by his/her diocesan bishop.

- D. By virtue of his/her ordination to the order of deacon, priests retain all duties, rights, and privileges of that order.
- E. Priests are appointed to his/her duties by his/her diocesan bishop. In appointing a priest to a duty, the diocesan bishop will not impose any financial, spiritual, familial, or other burden upon the priest without his/her free consent. The diocesan bishop may reassign priests to other duties at any time in his/her sole discretion, subject to the foregoing restriction.

#### **CANON 11.45 Duties, Rights, and Privileges of Priests**

- A. Priests have the duty to lead, guide, and shepherd the People of God under his/her care
- B. Priests have the duty to minister the sacraments for which he/she is the ordinary minister, in addition to those of the diaconal order: Reconciliation, and Anointing the Sick.
- C. Priests have the duty to celebrate the Holy Eucharist at least once each week usually on a Sunday, or the principle day of worship of a particular faith community.
- D. Priests have the duty to teach the Gospel.
- E. Priests have the duty to obey his/her lawful superior in all matters pertaining to CACINA.
- F. Priests possess the unrestricted right to be heard by his/her diocesan bishop.
- G. By virtue of his/her ordination, priests who are in good standing have the right to celebrate the sacraments of which he/she is the Ordinary Minister, subject to the faculties granted by his/her diocesan bishop.
- H. By virtue of his/her ordination, a priest has the right to reserve the Most Blessed Sacrament in his/her private chapel or oratory for any legitimate purpose. Priests will exercise due care and caution in exercising this right and will arrange for the proper disposition of the Most Blessed Sacrament in the event of his/her death.
- I. Priests may not celebrate the sacraments in a diocese not his/her own without the approval of the diocesan bishop having jurisdiction in that place. Such approval may be verbal or written and, when granted, constitutes temporary faculty. The diocesan bishop will determine any restrictions as to time, place, or sacrament for which he/she grants such temporary faculty in his/her sole discretion. Permission to publicly celebrate any sacrament may be withheld by the diocesan bishop from any clergy upon a statement of cause.

#### **CANON 11.46 Qualifications and Training of Priests**

CACINA priests will meet the following qualifications:

- A. No person will be a priest in CACINA who has not attained twenty-five (25) years of age.
- B. No person will be a priest in CACINA who has not validly received the sacraments of Christian Initiation.
- C. No person will be a priest in CACINA who has not successfully completed the screening process, and course of study prescribed by the Constitution and Canons.
- D. No person will be a priest in CACINA who has not been found worthy of the order of presbyter by due trial and examination.
- E. No person will be a priest in CACINA who has been convicted of a crime, except minor traffic violations, without the express review approval of the candidate for orders by the College of Bishops, not more than one (1) bishop dissenting or abstaining.
- F. No person will be a priest in CACINA who is actively addicted to any substance.
- G. No person will be a priest in CACINA who has an active mental illness or incapacity.
- H. No person will be a priest in CACINA who is given to violent behavior.
- I. No person will be a priest in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.

#### **CANON 11.47 Deacons: Definition, Duties, Rights and Privileges**

- A. A Deacon is one who has received the sacrament of Holy Orders in the order of deacon. Deacons are subordinate directly to the diocesan bishop only, unless assigned duties which are subordinate to another, such as a Pastor of a parish.
- B. Deacons are appointed to his/her duties by his/her diocesan bishop. In appointing a deacon to a duty, the diocesan bishop will not impose any financial, spiritual, family, or other burden upon the deacon without his/her free consent. The diocesan bishop may reassign deacons to other duties at any time, subject to the foregoing restriction.
- C. Deacons are ministers of service, Word, and Sacrament.
- D. Deacons have the duty to be an ordinary minister of Holy Communion.
- E. Deacons have the duty to prepare the altar and the elements for the celebration of the Holy Eucharist.
- F. Deacons have the duty to minister the cup during the celebration of the Holy Eucharist
- G. Deacons have the duty to Baptize solemnly and to Anoint the Sick.
- H. Deacons have the duty to officiate at Marriages.

- I. Deacons have the duty to proclaim the Gospel solemnly. The Deacon always proclaims the Gospel in all liturgical services.
- J. Deacons have the duty to preach when granted faculties by the diocesan bishop and permitted by
- K. By virtue of his/her ordination, deacons who are in good standing have the right to celebrate the sacraments of which he/she is the Ordinary Minister subject to faculties granted by his/her diocesan bishop.
- L. Deacons possess the unrestricted right to be heard by his/her diocesan bishop and any pastor or other lawful superior under whom he/she serves. He/she has the duty to give obedience and respect to his/her lawful superiors in all matters pertaining to service in CACINA.

#### **CANON 11.48 Qualifications and Training of Deacons**

CACINA Deacons will meet the following qualifications:

- A. No person will be a deacon in CACINA who has not attained twenty-one (21) years of age.
- B. No person will be a deacon in CACINA who has not validly received the sacraments of Christian Initiation.
- C. No person will be a deacon in CACINA who has not successfully completed the screening process and course of study prescribed by this Constitution.
- D. No person will be a deacon in CACINA who has not been found worthy of the order of deacon by due trial and examination.
- E. No person will be a deacon in CACINA who has been convicted of a crime, except minor traffic violations, without the express review approval of the candidate for orders by College of Bishops, not more than one (1) bishop dissenting or abstaining.
- F. No person will be a deacon in CACINA who is actively addicted to any substance.
- G. No person will be a deacon in CACINA who has an active mental illness.
- H. No person will be a deacon in CACINA who is given to violent behavior.
- I. No person will be a deacon in CACINA who has demonstrated an inability to manage his/her personal and professional affairs.

#### **CANON 11.49 Faculties of Deacons**

The right to publicly celebrate the sacraments or preach by deacons is granted by the diocesan bishop. No deacon will presume to publicly celebrate the Sacraments without permission of the diocesan bishop having jurisdiction over the place of celebration.

## **CANON 12. REGULATION OF RELIGIOUS ORDERS**

### **CANON 12.1 Definition and Relationship with Diocese**

- A. Life consecrated by the profession of the Evangelical Counsels or Solemn Monastic Vows is a form of living, by which members of the faithful, following Christ more closely under action of the Holy Spirit, are totally dedicated to God, Who is loved most of all so that, having dedicated him/herself to God's honor, the up-building of the Church, and the salvation of the world, by a special title, he/she strives for the perfection of charity in service to the Kingdom of God and, having become an outstanding sign in the Church, he/she may foretell the heavenly glory.
- B. Christian faithful, who profess the Evangelical Counsels of chastity, poverty, and obedience by vows or promises according to the proper laws of institutes, freely assume this form of living in institutes of consecrated life Canonically erected by competent Church authority. Through the charity toward which these counsels lead, he/she is joined to the Church and its mystery in a special way.
- C. It belongs to the competent authority of the Church to interpret the Evangelical Counsels; to regulate his/her practice by laws, so as to constitute stable forms of living by Canonical approbation; and for its part, to take care that the institutes grow and flourish according to the spirit of his/her respective founder(s).
- D. A Diocesan Bishops may erect or suppress institutes of consecrated living for his/her own territory by a formal decree. The College of Bishops may do so by formal decree for the entire Church.
- E. Each institute, keeping in mind its own character and purposes, will define in its Rule of Life and/or Constitutions the manner in which the Evangelical Counsels will be observed for its way of living and will further define the manner of its governance and administration.
- F. Members of religious orders who are clergy exercise public ministry within any diocese in consultation with the diocesan bishop and require a grant of faculties from the diocesan bishop for the public celebration of any Sacrament or the Holy Eucharist.
- G. Diocesan bishops may not interfere in the internal governance or administration of an order. When a diocesan bishop is concurrently the head of a religious order, his/her actions in regard to the internal governance of that order are limited by the scope of authority which the office of Superior of that order supplies.



- H. The College of Bishops will supervise the conduct of national religious orders and may suppress an order for just cause. The diocesan bishop creating a diocesan religious order does so for the order(s) he/she creates.
- I. No religious order however constituted will adopt any rule, establish, or condone any practice that violates the provisions of these Canons. In any putative conflict between these Canons and the Rule or Constitution of a religious order, the provisions of the Canons will, without exception, prevail. Such conflicts will be adjudicated by the Chancellor with the right of appeal to the College of Bishops, as otherwise provided herein. The decision of the College of Bishops will be final in all cases.

### **CANON 12.2 Procedures for Instituting a Religious Order**

- A. Persons desiring to form a national religious order in CACINA must present a Rule or Form of Life for the proposed order to the College of Bishops, through his/her diocesan bishop for approval. The Rule or Form of Life for a religious order which exists and ministers solely within a diocese requires approval only by the diocesan bishop of that diocese.
- B. The diocesan bishop, or the College of Bishops may approve, disapprove, or alter the proposed Rule.
- C. The College of Bishops will act on the proposed Rule or Form of Life at the next regularly scheduled College, failure to act within that time frame will constitute acceptance of the Rule or Form of Life.
- D. Orders which do not include clergy among his/her members will provide for the availability of a member of the clergy of CACINA to act in the capacity of Spiritual Director. Such Director will not be the diocesan bishop. Orders which include clergy among his/her members will provide for Spiritual Direction from within his/her membership.

### **CANON 12.3 Lay Institutes, Third Orders, and Oblates**

- A. Members of the laity may affiliate in confederations which seek to advance holiness of the members while not requiring a profession of the evangelical counsels. These groups may be independent lay institutes or be affiliated with an existing religious order (a "Third" Order or Oblate status). Procedures for establishing such institutes are the same as that for religious orders. Once an Order is established in CACINA, it may further develop Third Orders, or other forms of affiliation in accordance with his/her own Constitutions and founding documents.
- B. Oblates and members of third orders and lay institutes are not religious and do not change his/her current membership category within CACINA to the religious category by virtue of such membership.

- C. Diocesan clergy, who become Oblates or members of third orders, remain in the status of diocesan clergy, subordinate to his/her respective diocesan bishop.

#### **CANON 12.4 The Evangelical Counsels as Interpreted by CACINA**

Definition of the Evangelical Counsels for the religious of CACINA will be provided by the respective order's Rule and/or Constitution.

#### **CANON 12.5 Discipline and Censure of Members of Religious Orders**

Members of religious orders will be disciplined according to procedures in his/her respective Rule or Constitution. If no such procedures exist, he/she may be disciplined or censured as the head of the order may direct. Additionally, members of religious orders who are also clergy may be disciplined by procedures established in this Constitution for the discipline of the clergy.

#### **CANON 12.6 Appeals of Disciplinary Actions by Members of Religious Orders**

- A. Any member of a religious order on whom any disciplinary censure or penalty is assessed under this Constitution or his/her respective order's Rule or Constitution, and any religious placed on an involuntary leave of absence, regardless of cause, will have the right to appeal such action.
- B. All appeals of disciplinary action or imposition of involuntary leave of absence will first be heard by the Chancellor of CACINA in his/her role as arbiter of this Constitution. The Chancellor of CACINA may sustain or reject the appeal.
- C. If the order or the religious member is dissatisfied with the ruling by the Chancellor of CACINA, either side has the right to appeal the issue to the College of Bishops, who may hear the appeal in person, by mail, or by telephone.
- D. During the appeal, all actions against the appellant, except suspension, will be held in abeyance. A majority vote will be sufficient to sustain or reject the appealed

#### **CANON 12.7 Dispensation from Vows**

- A. The diocesan bishop of any religious may dispense that religious from his/her vows upon his/her voluntary application for such dispensation in his/her sole discretion. If the religious is not in Orders, he/she reverts to the lay state. If the religious is in Orders, he/she reverts to the status of diocesan clergy.
- B. A diocesan bishop will notify the religious superior of any religious he/she dispenses from Vows in writing within ten calendar days of such dispensation.
- C. If the superior of any religious order is also concurrently a bishop, he/she may exercise the same authority granted in this Canon to diocesan bishops.

## **CANON 12.8 Ministry by Members of Religious Orders**

- A. Members of religious orders who are clergy may minister to members of his/her own community, and to guests of that community, without grant of faculty by the diocesan bishop. Sacramental ministry in this circumstance expressly excludes the sacraments of Christian Initiation and Matrimony and also excludes presiding at funeral services for persons who are not members of the order.
- B. Religious clergy who conduct ministry within his/her religious orders is supervised by his/her respective superior in the order unless the respective order's Rule or Constitution directs otherwise.
- C. Heads of religious orders will closely coordinate the activities of his/her members engaged in ministry within a diocese with the diocesan bishop, recognizing that the bishop bears ultimate responsibility for the pastoral care of the People of God within such diocese, and will comply with the bishop's procedures and requirements at all times.
- D. No religious order will presume to engage in public ministry, nor to establish a monastery, convent, center, or other residence of religious of the order, without the express written permission of the diocesan bishop of that diocese.
- E. Diocesan bishops will grant permission for ministry and the establishment of houses of religious orders except in extraordinary circumstances. Any such refusal will be immediately reported to the College of Bishops in writing together with written, detailed specific reasons for such denial.

## **CANON 12.9 Concerning a Retirement Age**

- A. All clergy who are not bishops will, on the occasion of his/her 75th birthday, consult with his/her diocesan bishop to determine whether to continue and in what manner as active clergy of CACINA or in retirement. The bishop's determination will be final.
- B. Bishops, on the occasion of his/her 75th birthday, will consult with the presiding bishop to determine whether to continue and in what manner as active clergy of CACINA or in retirement. The presiding bishop's determination will be final.
- C. The College of Bishops will decide whether, and at what point, the resignation due to the age of a diocesan bishop, or presiding bishop is accepted and implemented.
- D. All such resignations due to age, as defined in this amendment, will upon his/her acceptance, and implementation by the competent authority herein defined, transfer the one resigned to the status of retired clergy in good standing.
- E. Retired clergy in good standing will retain all faculties for the sacraments he/she possessed at the time of his/her retirement unless such faculties are expressly altered or revoked by competent authority as defined in the Constitution or Canons of CACINA.

- F. By the act of retiring from office bishops relinquish the faculty for the administration of the sacrament of Holy Orders for CACINA as a matter of law, unless such faculty is granted expressly by a diocesan bishop, or the College of Bishops for a specific ordination.
- G. Retired bishops retain his/her right to serve as ordaining bishop for other communions with the consent of the College of Bishops,
- H. Retired diocesan bishops are designated diocesan bishops Emeritus.
- I. Retired bishops are designated bishops Emeritus.
- J. Retired pastors are designated pastors Emeritus.

## **CANON 13. VOCATION ADMINISTRATION**

### **CANON 13-1 The Vocations Director and Vocations Office**

- A. The College of Bishops will establish an office for the fostering and encouragement of candidates for admission to Holy Orders, or incardination in CACINA. This office will be known as the Vocations Office.
- B. The Vocations Office will be headed by the Vocations Director who will be a member of the clergy.
- C. The Vocations Director will be appointed by the Presiding Bishop to an indefinite term and will serve at the pleasure of the College of Bishops, who may terminate his/her tenure at any time by majority vote.
- D. The Vocations Director, in collaboration with the Presiding Bishop, the Chancellor, the Standing Committee on Vocations, and with the approval of the College of Bishops, will devise an orderly and efficient process for the processing of applications for ordination and incardination. This process will be reviewed at intervals and revised as necessary.

### **CANON 13.2 The Standing Committee on Vocations (SCov)**

- A. The House of Delegates will elect the members to the Standing Committee on Vocations to advise the Vocations Director and the Diocesan Bishops in the selection of suitable candidates for ordination to the clergy of CACINA.
- B. The Standing Committee on Vocations will consist of six (6) members: three (3) from the clergy, and three (3) from the laity elected for staggered three (3) year terms through a process to be determined by the House of Delegates.

- C. The Standing Committee on Vocations will elect a chairperson at each General Assembly to serve for a term of one (1) year. The chairperson may be reelected indefinitely throughout the individual's term of election to the Committee. Members of the Standing Committee on Vocations, will upon election and confirmation to the Committee, execute an Oath of Confidentiality and Pledge of Service prepared by the Chancellor.
- D. Notwithstanding the election of the Standing Committee on Vocations by the House of Delegates, the Standing Committee on Vocations is a committee of the College of Bishops and not of the House of Delegates.

### **CANON 13.3 Duties of the Standing Committee on Vocations (SCoV)**

- A. It will be the duty of the Standing Committee on Vocations (SCoV) to interview every applicant for ordination or incardination into the orders of deacon (transitional) and presbyter of CACINA prior to the applicant's selection by the Diocesan Bishop.
- B. Each applicant will be interviewed by at least two members of the SCoV. Except in circumstances of extraordinary exigency, such interviews will be conducted in person rather than by telephone or any other electronic method.
- C. Prior to each interview, the Vocations Director will provide to the members of the SCoV a complete copy of the individual's application, the results of criminal background record checks, credit checks, and a summary of the findings of a psychological assessment. Members of the SCoV will hold this information in the strictest confidence and will not reveal it to or discuss it with any persons outside the Committee except the Vocations Director and the appropriate diocesan bishop.
- D. Following each interview, the chairperson of the SCoV will prepare and submit to the Vocations Director and the appropriate diocesan bishop a report of its findings and its recommendation that the applicant be accepted or rejected for candidacy. The report will state clearly the basis for the recommendation.

### **CANON 13.4 Duties of the Diocesan Bishop Regarding the Standing Committee on Vocations (SCov)**

- A. The diocesan bishop is the ultimate arbiter of who will and who will not receive the sacrament of ordination to the orders of deacon or presbyter. The diocesan bishop's authority in this regard is final and not subject to appeal.
- B. Mindful that sacred tradition maintains that vocations to holy orders ought to be assented to and confirmed by the people of God, the Diocesan Bishop is obligated to consider thoughtfully and prayerfully the recommendations of the SCoV prior to making a decision to accept or reject any candidate for ordination.

- C. No diocesan bishop will make a decision to accept or reject an applicant for ordination in contradiction to the recommendation of the SCoV without first discussing the matter in detail with the members of the SCoV and with the College of Bishops.
- D. In the event that a Diocesan Bishop makes a decision regarding an applicant in contradiction to the recommendation of the SCoV, the bishop will provide to the Committee, to the College of Bishops, and to the Vocations Director a written statement of reason(s) for doing so.
- E. All communications, oral or in writing, between the Vocations Director, the SCoV, and the Diocesan Bishop will be held in strictest confidence by all the parties. Copies of all written communications will be sealed by the Vocations Director and preserved in the archives of CACINA.