



A Resolution of the Holy Synod of the Orthodox Church in America

Be it resolved by the Holy Synod of the Orthodox Church in America at its regular meeting assembled pursuant to the provisions of Section 3 of Article II of the Statute of the Orthodox Church in America (2011 Edition) in the City of Detroit, Michigan on October 21, 2015, as follows:

To provide temporary guidance in the conduct of Church Courts and to establish provisional standards of canonical procedure pending any future adoption of more permanent general rules for canonical procedure for use and application in all or several Courts of the Church as contemplated in Section 9 of Article XV (Ecclesiastical Courts) of the Statute of the Orthodox Church in America as approved, adopted and ratified by the All-American Council through its action in Atlanta, Georgia, on July 21, 2015, the following general procedural standards are adopted and approved by the Holy Synod for use and application in all or several Courts of the Church until further direction by this Holy Synod:

*“General Procedure for Use and Application in the Ecclesiastical Courts
of the Orthodox Church in America*

- a. Accusers shall present their accusations in writing to the Bishop of the Diocese of the accused.
- b. Before examining the case, the court shall establish the accuser's good and irreproachable character. The accuser shall agree in advance in writing that the decision of the court is final and non-appealable to the civil courts. If the court is not satisfied in these matters, or considers that the accuser, by lodging his accusation, pursues personal advantage or acts out of personal animosity, the case shall be dismissed.
- c. If the court determines that there is probable cause to come to trial, the accused shall be summoned in writing by the court. The summons shall specify the nature of the accusation and the name(s) of the accuser(s), and the accused shall be given appropriate time to prepare his defense. If he does not answer two successive summonses, the court shall try the case in absentia.
- d. The accused is entitled to request that a third party act as his defense. Both the accuser and the accused may request the testimony of experts and witnesses acceptable to the court.
- e. The Diocesan Bishop, by his own judgment, is empowered to impose temporary suspension upon clerics, and temporary excommunication upon members of the laity. The accused has the right to trial in court within 30 days of the day when the penalty is pronounced by the bishop.
- f. The decision of the court shall be made by unanimous vote, approved by the Diocesan Bishop, and communicated to the accused in writing within 30 days. If the decision is not unanimous, upon the request of either party the Diocesan Bishop shall appoint a court of four new members, according to the procedure specified in Section 2. The new court shall make a decision by a

majority vote, approved by the bishop. If the bishop rejects the decision of the court, upon the request of either party the case shall be referred to the Holy Synod.

- g.** Penalties imposed by the court (against persons judged guilty after trial as well as against false accusers) are prescribed by the canons of the ecumenical and local councils and the holy fathers. Their application is subject to approval by the Diocesan Bishop who must use the pastoral discretion which belongs to his office in applying penalties.
- h.** If one of the parties is not satisfied with the judgment of the Diocesan Court, he may appeal to the Holy Synod, as the Supreme Court of Appeals of the Church, within 30 days of receipt of said judgment. Judgments requiring the final deposition (defrocking) of clerics are effective only upon their confirmation by the Holy Synod.
- i.** Those protesting canonical penalties imposed by presbyters in the normal course of their pastoral responsibilities may appeal to the Diocesan Bishop within 30 days of the day when the penalty was pronounced.
- j.** Those protesting canonical penalties imposed or confirmed by bishops in the normal course of their pastoral responsibilities may appeal to the Holy Synod of Bishops, as the Supreme Court of Appeals of the Church, within 30 days of the day when the penalty was pronounced.
- k.** Trials are held subject to any other procedural rules as established by the Holy Synod.
- l.** No one shall be brought to trial more than once for the same alleged offense.”

And be it further resolved that, pursuant to its general canonical authority and the provisions of Section 9 of Article XV (Ecclesiastical Courts) of the Statute of the Orthodox Church in America as approved, adopted and ratified by the All-American Council through its action in Atlanta, Georgia, on July 21, 2015, the Holy Synod of the Orthodox Church in America does hereby establish a Standing Committee for Canonical Procedure to which it may hereafter appoint experts in canon law, civil law, and other relevant disciplines, in order to provide assistance and advice to Ecclesiastical Courts, including Diocesan, Stavropegial, and Synodal Courts. This Standing Committee for Canonical Procedure is charged by the Holy Synod to recommend to it for its approval and adoption general rules for canonical procedure for use and application in all or several Courts of the Church. Further, this Standing Committee for Canonical Procedure is charged to recommend to the Holy Synod for its approval and adoption special rules of canonical procedure as may be warranted by particular circumstances, provided however, that no such special rules may be promulgated for use and application in any specific, individual case pending at the time of any such recommendation by the Standing Committee for Canonical Procedure.

DONE this 21st day of October, 2015, in the City of Detroit, Michigan