

**FIVE FRANCISCAN MARTYRS  
REGIONAL FRATERNITY**

**SECULAR FRANCISCAN ORDER – USA**

**ORDO FRANCISCANUS SAECULARIS**



Five Franciscan Martyrs Region - Logo

**REGIONAL FRATERNITY GUIDELINES**

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## **Introduction**

The Five Franciscan Martyrs Regional Fraternity of the Secular Franciscan Order – USA follows the Rule of St. Francis of Assisi as approved by the Roman Catholic Church, the General Constitutions, the International Statutes, the National Statutes (these four henceforth called “OFS governing documents”), the Ritual, and the Code of Canon Law. We are brothers and sisters of penance, working as a force for the good of the Church and the human community.

These Regional Fraternity Guidelines should be reviewed every three years or as the needs and the priorities of the region change. They may be amended by a simple majority vote of all the members of the Regional Fraternity Council present at the Annual Chapter Meeting. The guidelines function in conformity with the OFS governing documents and apply to the Local Fraternities as well as the Regional Fraternity unless otherwise stated.

References are made throughout this document to the Rule of the Secular Franciscan Order of 1978 (R or Rule), OFS General Constitutions of 2001 (GC), the National Statutes of 2013 (NS), these Regional Guidelines (RG or no abbreviation), the Regional Elections Procedure (REP), Guidelines for OFS Councils (GOFSC), Handbook for Spiritual Assistance (HSA), Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order (SSPA, 2009), and various other documents of the Conference of National Spiritual Assistants (CNSA) and National Executive Council (NEC), abbreviations for which are given in the article where they are used.

## **The Regional Fraternity – Structure and Operations**

### **Article 1. The Regional Fraternity**

1. The Five Franciscan Martyrs Regional Fraternity (henceforth called “the Regional Fraternity”), which was established by the National Fraternity of the OFS on October 23, 1992, is the representative organ of all the Secular Franciscan Fraternities existing within Florida, lower Georgia, and lower Alabama. These fraternities are represented most fully by the Regional Fraternity Council – that is, the Ministers of the Local Fraternities within the Region (RG 2).
2. The Regional Fraternity is divided into Families. The boundaries of the families should be redefined every three years as populations and the family councilors change.
3. Each Family is represented by a professed Secular Franciscan elected by the Regional Fraternity Council, preferably within the same Family (RG 6.6).

### **Article 2. The Regional Fraternity Council**

1. The Regional Fraternity Council includes the Ministers of the Canonically Established Local Fraternities of the Region, the Regional Executive Council, and the Regional Spiritual Assistant(s), each of whom may vote (HSA ch 1, p16).
2. The Regional Fraternity Council represents each Local Fraternity within the Region and has the responsibility of:
  - a. Gathering annually to promote the life of the Regional and Local Fraternities;
  - b. Conducting local visitation and elections to foster continued growth and maturity in the local fraternities;
  - c. Suggesting and approving policies to be implemented by the Regional Executive Council;
  - d. Approving the budget and the Fair Share or the annual contribution to be made to the Common Fund of the Regional Fraternity from the Common Fund of each Local Fraternity for each of its Active and Active-Excused professed members and candidates. (N.B. Lapsed, non-Active, and Affiliates are not required to contribute a fair share.); and
  - e. Voting on matters important to the life of the Regional and Local Fraternities.

### **Article 3. The Regional Executive Council**

1. The Regional Executive Council (REC) is composed of a duly elected Minister, Vice-Minister, Secretary, Treasurer, Formation Director, at least one Family Councilor, and the

Regional Spiritual Assistant (or President of the Conference of Regional Spiritual Assistants, if there are more than one).

2. Among the responsibilities of the REC are the following:
  - a. Animating, guiding and forming the Regional Fraternity and local fraternities;
  - b. Promoting knowledge of the Franciscan way of life and commitment to it;
  - c. Fostering cooperation and communion among the Local Fraternities and with other branches of the Franciscan family within the Region;
  - d. Convening at least three in-person meetings of the REC per year to discuss matters of importance to the Region and Local Fraternities;
  - e. Providing guidance to Local Fraternities in what their initial formation programs should contain;
  - f. Providing practical and fraternal interpretations and clarifying specific points in OFS governing documents, when necessary;
  - g. Assisting in the resolution of difficulties within the Local Fraternities in a spirit of reconciliation, when requested to do so or when it becomes clear that intervention is necessary;
  - h. Establishing and directing commissions and committees deemed necessary to achieve goals and objectives determined by the Regional Fraternity Council;
  - i. Convening an Annual Meeting;
  - j. Seeing that the decisions of the Regional Fraternity Council are carried out;
  - k. Administering the financial affairs of the Region;
  - l. Preparation of an annual budget for presentation to the Regional Fraternity Council at the Annual Meeting;
  - m. Conducting Chapters of Election for Local Fraternities;
  - n. Scheduling Fraternal and Pastoral Visitations of Local Fraternities as prescribed by OFS governing documents; and
  - o. Scheduling an audit of the Regional Fraternity's financial status to be conducted by a professed member, selected by the REC, who is not currently on the REC, prior to the expiration of the RECs term of office.
3. When not in session, the REC may conduct business electronically provided that any decisions and/or determinations made in this way are reviewed and ratified at the next

regular meeting of the REC. Special meetings of the REC may be called at the request of the Regional Minister or at the written request of two or more members of the REC.

### Article 4. Voting and Conduct of Regional Business

1. The Regional Fraternity Council shall meet at least once a year at a time and place determined by the REC to promote the life of the Regional and Local Fraternities. In preparation for the Annual Meeting:
  - a. The Regional Minister should provide written notice of the meeting with an agenda; and
  - b. The Regional Treasurer shall prepare a proposed budget and present it to the REC who, after discussion, will approve it. When approved, the proposed budget will be submitted to the Regional Fraternity Council with the Notice and Agenda for the Annual Meeting. The proposed budget shall be discussed at the Annual Meeting and then voted on for final ratification.
2. Appointed members of the Regional Executive Council may vote except on fiscal or election matters (see RG 6.7,8). No Regional Spiritual Assistant may vote on any question involving financial matters or in the Regional Chapter of Elections. The Minister of each Local Fraternity or his/her delegate, as representative of the Local Fraternity, has the primary responsibility for casting the vote on behalf of the Local Fraternity in all elections and on all business which may come before the Regional Fraternity Council.
3. The Local Fraternity Minister or his/her delegate is required to attend the Annual Meeting and is expected to attend any other gathering(s) scheduled by the REC unless a serious matter prevents him/her from doing so. The Local Fraternity Minister or delegate is also required to attend Family Gathering(s) unless a serious matter prevents him/her from doing so.
4. It is the responsibility of the Local Fraternity Minister to advise the Regional Minister in writing of his/her inability to attend an Annual Meeting, in which case the Vice-Minister of the Local Fraternity will be the delegate.
5. If both the local Minister and local Vice-Minister are unable to be present, then a member of the Local Fraternity Council, selected by that body, shall attend and exercise all of the powers of a delegate for the Local Fraternity, and the Regional Minister shall be informed in writing of the name of the delegate authorized to act on behalf of the Local Fraternity. The Local Fraternity Minister should also provide the delegate with the documents attendant to the gathering and his/her comments regarding proposed agenda items.
6. No official business may be transacted at the Annual Meeting unless a quorum is present. A quorum is defined as more than half of the number of those having the right to vote.

## Article 5. Regional Chapter of Elections

1. The Regional Fraternity Council meets for the purpose of electing its REC once every three (3) years. The Chapter will follow the norms presented in the OFS governing documents. The procedure for elections given for Local Fraternity Elections (RG 12) is to be followed here with proper adaptations unless noted differently in this article.
2. At least **six months** prior to the Chapter of Elections, the Regional Minister shall advise the National Minister and the Secretary of the Conference of National Spiritual Assistants of the date of the proposed Chapter and request that a Presider and an Ecclesial Witness be provided.
3. At least **six months** prior to the Chapter, the REC shall appoint a Chair for a Nominating Committee, whose task it will be to call for nominations from the professed members of the Local Fraternities. Once the nominations are received, the Nominating Committee will confirm that the nominees meet the requirements for the office for which they have been nominated (see RG 5.6 and 5.7).
4. The prospective nominee will then be notified and requested to advise the Nominating Committee whether he/she will accept the nomination. Once the slate of nominees is confirmed, the Nominating Committee will provide it to the Regional Fraternity Council two months prior to the date of the Chapter of Elections.
5. Nominees for Regional Minister and Regional Vice-Minister must be permanently professed for at least three (3) years, have attended Local Fraternity gatherings regularly, and will have completed these experience requirements:

Regional Minister:	completed at least one term as a member of a Local Fraternity Council; served at least one term on the Regional Executive Council.
Regional Vice-Minister:	completed at least one term as a member of a Local Fraternity Council.
6. Nominees for the positions of Regional Secretary, Regional Treasurer, Regional Formation Director, and Regional Family Councilors must be permanently professed for at least three (3) years, have attended Local Fraternity events regularly, and have served at least one term on a fraternity council.
7. It is the responsibility of the Nominating Committee (and, in local elections, the Presider of the Chapter of Elections) to assure that the requirements for the nominations have been met.
8. Elected Regional Executive Councilors may, at the same time, hold another elected office at the Local Fraternity level, except that the following are incompatible:

- a. The office of Minister at two different levels; for example, the regional minister cannot also be minister of a local fraternity.
  - b. Each person may only hold one office on the council at a local or regional level.
9. If there is a sufficient number of active professed members in the local fraternity, and it is possible, the Region highly suggests that the office of minister and vice-minister, as well as minister and treasurer not be held by persons who reside in the same household. This will provide the opportunity for others to serve and allow for diversity. This also provides a smoother transition period for the council if there is a reason one of the members of the couple is not able to continue.
10. The outgoing Regional Minister cannot succeed him/herself as Regional Vice-Minister.
11. Those nominated prior to the election must give their assent to the Nominating Committee. Those so nominated but who will not be present at the election must give this assent in writing prior to the election, which must include acceptance of the office should said person be elected. Those nominated from the floor who are present must give their assent, and if so given, their qualifications, such as proof of profession, must be confirmed before proceeding. If not present, assent may be given by electronic means (such as text, email, or video call) that is viewable by all those present at the election. Nominations from the floor will be accepted from voting members only. Other professed members wishing to make a nomination from the floor may suggest the name to the Regional Minister who, at his/her discretion, may make the nomination from the floor at the Chapter.
12. Absentee or proxy ballots are not permitted; only those physically present may cast a ballot.
13. After voting has taken place for a given position, the person elected must accept the election. If present this can be given orally. If not present, assent may be given by written or by electronic means (such as text, email, or video call) that is viewable by all those present at the election. In each of these means the person elected must agree to accept the election.

## Article 6. Duties of Regional Officers

1. The **Regional Minister**, as the primary person responsible for the Regional Fraternity:
  - a. Carries out the duties of the Office as determined by provisions of general and particular law and in accordance with the OFS governing documents;
  - b. Presides at meetings of the REC and the Regional Fraternity;
  - c. Is the spokesperson for the Regional Fraternity in all contacts with other Church and civil organizations as well as with the general public;

- d. May, as the outgoing Regional Minister, be asked to serve the REC in an advisory capacity (ex officio, unofficial and non-voting) if not elected to serve in another capacity on the REC; and
  - e. Together with the Treasurer, arranges for an audit at the end of three years.
2. The **Regional Vice-Minister**:
- a. Collaborates with and supports the Minister in a fraternal spirit in carrying out specific duties;
  - b. Exercises the functions entrusted to him or her by the Council and/or by the Assembly or Chapter;
  - c. Substitutes for the Minister in both duties and responsibilities in case of temporary absence or impediment; and
  - d. Assumes the functions of the Minister when the office becomes vacant.
3. The **Regional Formation Director**:
- a. Coordinates formation workshops for those involved in Local Fraternity formation;
  - b. Acts as a liaison for communication of formation issues and policies between the National and Local Fraternities;
  - c. Provides opportunities for retreats and Franciscan spiritual growth in collaboration with Family Councilors;
  - d. Organizes a REC retreat and family workshops for formation;
  - e. Coordinates workshops for developing Formation Fraternity Leadership skills with the assistance of the other members of the REC; and
  - f. Coordinates the Monthly Meditations for the Regional Website.
4. The **Regional Secretary**:
- a. Records minutes of and compiles a list of the official acts of the Regional Fraternity and of the REC and assures they are sent to their respective proper recipients;
  - b. Preserves important documents and correspondence of the Regional Fraternity;
  - c. Maintains the directory and distributes it to the REC;
  - d. Keeps the member records and the registers up to date and files them, noting admissions, professions, deaths, withdrawals, and transfers from each fraternity, a task which can be delegated to an appropriate technical person;

- e. Communicates relevant facts to the various levels of the Order and, if appropriate, disseminates them through the mass media; and
- f. Performs such other duties as the Regional Minister or REC requests.

5. The **Regional Treasurer:**

- a. Keeps a record of all financial transactions of the Regional Fraternity, unless otherwise determined by the REC;
- b. Deposits all monies of the Regional Fraternity into such bank accounts as the REC designates in the name of the Regional Fraternity;
- c. Pays out money, by check or other means approved by the REC, as the business of the Regional Fraternity may require, on order of the REC only;
- d. Prepares and is prepared to discuss financial reports submitted for approval at each regular meeting of the REC and Regional Fraternity;
- e. Prepares, in collaboration with the REC, the proposed Budget and Fair Share Contribution for approval by the Regional Fraternity Council;
- f. Sends out expense checks within 30 days of the request;
- g. Collects the reports and funds from the local fraternities and region for the Annual Report. The REC then ensures that the Region and the local fraternities are educated about and follow the national guidelines for any expenditures;
- h. Ensures that all donations specifically given to the Five Franciscan Martyrs Donor Fund or to the Secular Franciscan Order as a whole, with no other specific fraternity, purpose, or fund named within the Order, are kept in a separate account and managed according to the *Five Franciscan Martyrs Donor Fund Guidelines*;
- i. Ensures that the Regional Fraternity, which is organized exclusively for tax exempt purposes as that term is defined in Section 501(c)(3) of the Internal Revenue Code, shall not carry out any activities not permitted to be engaged in by an entity exempt from federal income tax under that section of the Code. See the *National Fraternity Statement of Purposes*;
- j. Assures that Fraternities, in accordance with IRS regulations for not-for-profit organizations, the *National Fraternity Statement of Purposes*, and the National Fraternity Internal Controls and Treasury Guidelines, do not spend these funds in the following manner:
  - Loans to fraternity members
  - Loans to fraternity members' relatives
  - Contributions to political candidates or their companions
  - Paying off fraternity members' debts

- Any personal gain or benefit for anyone in the fraternity.
6. **The Regional Family Councilors:**
    - a. Are liaison/contact persons between the REC and the Local Fraternities;
    - b. Participate in REC Meetings and Regional Fraternity gatherings;
    - c. Organize at least two family gatherings per year in their area(s);
    - d. Preside at Local Fraternity elections and/or Visitations, if so delegated;
    - e. Bring issues, questions, and/or problems of Local Fraternity Ministers to the attention of the Regional Minister and the other members of the REC; and
    - f. Perform other tasks as requested by Regional Minister or REC.
  7. If the office of Regional Minister becomes vacant, the Regional Vice-Minister will assume the office and duties until the end of the term for which the Regional Minister was originally elected. If the office of Regional Vice-Minister becomes vacant, one of the Councilors will be elected to the office by the members of the REC to serve until the next elective chapter.
  8. If, as a result of the filling of the vacancy of the position of Regional Vice-Minister, the number of Council members is reduced below seven, the REC may appoint a professed member of the Regional Fraternity to fill that vacancy. Appointed members of the REC, while able to express opinions about matters before the Council, do not have voting voice on the REC for fiscal matters and elections.

## Article 7. Relations with the National Fraternity

1. Once every three years, the Regional Minister, with the consent of the REC, must request a Fraternal/Pastoral Visitation of the Regional Fraternity from the National Minister and Secretary of the CNSA. A Fraternal Visit by the National Minister may also be requested at other times for important reasons.
2. The Regional Minister is a member of the National Fraternity Council (OFS-USA) and is to attend its meetings. If he/she is unable to attend the OFS-USA Annual Meeting, he/she shall be represented by the Regional Vice-Minister or, if necessary, by some other elected Regional Officer, and provide the National Minister, or his/her delegate, with a letter explaining reasons for the Regional Minister's inability to attend and the name of the individual delegated to act in his/her stead.
3. Monies from the Common Fund of the Regional Fraternity shall be used to pay the normal expenses of the Regional Minister or his/her delegate to attend the annual National Fraternity Council meeting.

4. The Regional Fraternity pledges its financial support of the National Fraternity on a Fair Share basis as called for by the directives of the National Fraternity Council (OFS-USA). It also pledges its cooperation in implementing the decisions and programs of OFS-USA.

## **Spiritual Assistance**

### **Article 8: The Spiritual Assistant**

#### Overview of Spiritual Assistance

1. Each fraternity, being an association of the faithful which shares the spirit and charism of the Franciscan family, is placed under the higher direction (*altius moderamen*) of that institute (see Canon 303; GC 1).

Each fraternity is bonded to a province of one of the obediences<sup>1</sup> of the Franciscan Friars. It is that province<sup>2</sup> which has the responsibility of oversight of the fraternity.

2. The purpose of this relationship is to guarantee the fidelity of the OFS to the Franciscan charism, communion with the Church, and union with the Franciscan family, values which represent a vital commitment for the Secular Franciscans (GC 85.2).
3. The *Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order* (SSPA, 2009) are promulgated by the General Ministers of the four obediences of friars and govern all aspects of spiritual assistance.
4. A Spiritual Assistant is a person appointed by the Provincial Minister or Provincial Spiritual Assistant<sup>3</sup> to serve the spiritual and pastoral needs of a fraternity, and is a concrete sign of communion and coresponsibility with the Order of friars (Rule 26). The Spiritual Assistant position is critical for the spiritual growth of all members.
5. Unless qualified, all references to Council in this article are to the Local Fraternity Council; likewise, all unqualified references to Fraternity are to the Local Fraternity.

#### Responsibilities of a Spiritual Assistant

6. The responsibilities of a Spiritual Assistant (see SSPA references) include:
  - a. Fostering communion within the fraternity, with the First Order and TOR, and with the Church through witness and sharing of Franciscan spirituality (SSPA 12.2) as well as expressing the fraternal affection of the religious towards the OFS;

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<sup>1</sup> This refers to the various Orders of friars (OFM, OFM Conventual, OFM Capuchin, TOR), each led by a General Minister.

<sup>2</sup> Each obedience is divided into provinces, usually geographically. The Provincial Minister leads a given province. FFMR is in the Our Lady of Guadalupe Province of the OFM.

<sup>3</sup> The Provincial Minister often delegates to a friar the authority to make these appointments. Such a one is referred to as the Provincial Spiritual Assistant for the OFS or a similar title. The Provincial Spiritual Assistant is also known as the OFS Animator.

- b. Fostering a deeper insight into Franciscan spirituality and, together with Council, collaborating in the initial and ongoing formation of members of the fraternity (SSPA 13.1);
- c. Serving as an active, voting member of Council and of the chapter of the fraternity to which s/he gives assistance and collaborating with it in all activities (SSPA 13.3). By right s/he is a voting member of the Council and may vote on any matter *except* those involving financial matters or in a Chapter of Elections (SSPA 12.3). S/he may speak about the spiritual dimensions of any decision, even if not allowed to vote;
- d. Animating liturgical celebrations and providing spiritual reflections during the meetings of the Council or of the Chapter (SSPA 13.3);
- e. Assuming the responsibility, together with the Council of the fraternity, for the formation of Candidates, including expressing his or her assessment of each of the candidates before profession;
- f. Assessing each candidate before profession (SSPA 24.1) and periodically meeting with candidates as they progress through formation; and
- g. Together with the Minister, meeting with brothers or sisters in difficulty, those who express a desire to withdraw from the fraternity, or those who act in serious opposition to the Rule (GC 24.2; SSPA 24.2; also see RG 16, 17).

### Appointment, Qualification, Training, Selection

- 7. The Provincial Minister or his delegate is solely responsible to appoint a “suitable and well prepared” spiritual assistant for each Local Fraternity bonded to his province, after consultation with its Council (Rule 26; SSPA 5.4, 15.1). Council’s consultative role may include dialogue about the person being considered as well as specific situations or concerns that may assist in a proper selection of an assistant.
- 8. An appointment is made in writing and for a limited time, not to exceed twelve (12) years accumulated (SSPA 15.3). The Provincial Minister or his delegate issues the Letter of Appointment: a hardcopy is given to the appointee, while an electronic copy to others concerned is sufficient. Once an appointment is made, Council should welcome and accept their new assistant, provided proper documentation is presented.
- 9. The Council may make recommendations or specific needs known to the friar making the appointment. Only the Provincial Minister or his delegate, however, has the authority and responsibility to appoint an assistant (SSPA 15.1, 23.1), and to determine if the person is suitable and well prepared.
- 10. In order that the Spiritual Assistant be a witness of Franciscan spirituality and of the fraternal affection of the religious toward the secular franciscans, and be a bond of

communion between his order and the OFS, he should preferably be a Franciscan religious, a member of the First Order or TOR (SSPA 12.2).

11. **Alternates.** When it is not possible to give the fraternity a Spiritual Assistant who is a member of the First Order or the TOR, the Provincial Minister or his delegate can entrust the service of spiritual assistance to:
  - Religious brothers or sisters of other Franciscan institutes;
  - Secular Franciscans, clerics or lay, specially prepared for such service;
  - Other diocesan cleric or non-Franciscan religious (GC 89.4; SSPA 15.4; RG 8.4).
12. **Requirements.** The requirements for becoming a Spiritual Assistant will follow the guidelines of the Conference of National Spiritual Assistants (CNSA). No one is a spiritual assistant simply by completing a course; appointment by a competent authority is required to have the title, which only lasts for the duration of the appointment.
  - a. Secular Franciscans must be professed for five (5) years and actively involved in a fraternity (HSA p7 #1) before being accepted into a spiritual assistant program. It is preferred, when one is available, that a Secular Franciscan use a regional program that provides more formation and interaction rather than a correspondence course.
  - b. A non-Franciscan religious or a cleric who is being considered for the role of Spiritual Assistant (GC 89.4) is required to take an approved spiritual assistant formation program.
13. **Training.** Spiritual Assistant formation and training may be given through a correspondence course provided by the Provincial Minister or his delegate, or through an approved spiritual assistance program established by the Region. Any such Regional course must have the approval of at least one of the Provincial Ministers or his delegate, and must include the required texts listed in the CNSA guidelines.
14. As part of the consultative process (RG 8.7), Council may suggest its own candidate for spiritual assistant. In choosing an appropriate candidate, Council should take into consideration the principles below.
  - a. The Minister is encouraged to consult with the Regional Spiritual Assistant or Regional Minister, as well as the Family Councilor, to determine who may be available and who has the requisite training.
  - b. The candidate must have the proper knowledge or training to fulfill the responsibilities of spiritual assistant (see RG 8.11-12, above). In particular, the candidate must be able to communicate Franciscan spirituality well and to cooperate in the initial and ongoing formation of the brothers and sisters.
  - c. The candidate should have or develop a good working relation with the Council as well as the fraternity members.

## Guidelines, Vacancies, Problems

15. Once a Spiritual Assistant has been appointed, the relationship should be built and nurtured, bearing in mind some guidelines and guardrails.
  - a. The assistant does not direct the Fraternity. This is the role of Council (SSPA 3.1), of which the assistant is a member.
  - b. In meetings of Council, as well as in elective and ordinary Chapters, the assistant is to be respectful of the responsibilities and roles of the Secular Franciscans, giving them priority with regard to the guidance, coordination, and animation of the fraternity (SSPA 13.2).
16. **Vacancy.** If the Spiritual Assistant position is vacant, the Minister should take steps to address this. Leaving the position vacant for an extended period harms the fraternity in that the purposes of spiritual assistance are no longer fulfilled (see RG 8.1-4, above).
  - a. The Minister must contact the Provincial Minister (or delegate) for the province to which the fraternity is bonded. Often this function is delegated to the Provincial Spiritual Assistant.
  - b. Should Council wish to search for and recommend a candidate of its own, the Minister is encouraged to consult with the Regional Spiritual Assistant or Regional Minister to determine who may be available.
  - c. The Provincial Minister (or delegate) makes the final appointment (see also RG 8.7ff above).
  - d. During a vacancy the Provincial Minister (or delegate) should appoint a cleric, religious, or other ecclesial person to act as Ecclesial Witness to allow an elective chapter to proceed.
17. **Problems.** If there is difficulty with the Spiritual Assistant, after a reasonable attempt to dialogue with the assistant, Council may seek recourse from the Provincial Minister (or delegate) for advice or with a petition to have the assistant removed.

## Article 9. Regional Spiritual Assistants

1. Article 8 applies to all Regional Spiritual Assistants, with “regional” replacing “local” as appropriate, except where superseded in this article.

### Responsibilities, Conference

2. The responsibilities of the Regional Spiritual Assistant(s) (see SSPA references) include:
  - a. Serving the REC and seeing to the spiritual assistance to the Regional Fraternity (GC 90.3.c);

- b. Exercising pastoral care and spiritual guidance in regard to the Regional Fraternity, including participation in the scheduled meetings of the Regional Fraternity and the REC (HSA, Ch. 1, pp 16-18);
  - c. Serving as an active, voting member of the REC and of the chapter of the Regional Fraternity and collaborating with it in all activities (SSPA 13.3). By right s/he is a voting member of the REC and may vote on any matter except those involving financial matters or in elections at any level (SSPA 12.3). S/he may speak about the spiritual dimensions of any decision, even if not allowed to vote;
  - d. Serving as Ecclesial Witnesses at Local Fraternity Chapters of Election or delegating this to another qualified person by a written letter of delegation (GC 76.2; SSPA 21.3.b; HSA p17 #4; RG 12.7.b);
  - e. Performing the Pastoral Visitation in coordination with the schedule for Fraternal Visitations or delegating this to another qualified person by a written letter of delegation (GC 95; SSPA 21.3.b; HSA p17 #3);
  - f. Coordinating the service of the spiritual assistance, the formation (ongoing and initial) of spiritual assistants, and fraternal union among the assistants (SSPA 21.3.c); and
  - g. Fostering the interest of the friars in the OFS and in the Franciscan Youth (SSPA 21.3.d).
3. **Conference of RSAs.** If there is more than one Regional Spiritual Assistant, they form a Conference of Regional Spiritual Assistants (CRSA), which consists of representatives of the First and Third Order Regular Provinces with jurisdiction within the Regional Fraternity, and give their service collegially (SSPA 3.2).

No one person should dominate or serve exclusively as the person representing the spiritual assistants at REC meetings. They should collegially determine which one of them is to be the voting member of the REC at any given time.

They coordinate the service of the spiritual assistance, the formation (ongoing and initial) of spiritual assistants, and fraternal union among the assistants (SSPA 21.3).

All references to Regional Spiritual Assistant within this article are to be read to include the CRSA.

### Request and Appointment

4. The REC requests a Regional Spiritual Assistant from each province indicated collegially by the Provincial Minister(s) with jurisdiction in the territory of the Region (GC 91.2.c). That person has the responsibility to make such an appointment. (See RG 8.11 and 8.8 for who may be appointed and term of appointment.)

5. For accountability, it is best that any single person be appointed only by the Provincial Ministers of one obedience. Otherwise, the REC would need to approach multiple parties for recourse.
6. Each Regional Spiritual Assistant is then appointed by the Provincial Minister or delegate after consultation with the REC (HSA, Ch. 1).
7. If the Regional Spiritual Assistant position is vacant, the Regional Minister must contact the Provincial Minister (or delegate) and request a new assistant (see RG 9.4 above). During the interim period, to permit Pastoral Visitations and local elections to proceed, the Provincial Minister (or delegate) may designate another person to act as Pastoral Visitor or Ecclesial Witness or do so himself.

## **The Local Fraternity**

### **Article 10: The Local Fraternity**

1. The Local Fraternity is the heart of the Region. It is animated and guided by a Council composed of a duly elected Minister, Vice-Minister, Formation Director, Secretary, and Treasurer, and a Spiritual Assistant, and is organized and functions in conformity with the Code of Canon Law and the OFS governing documents. Local Fraternities have the option of electing additional Councilors.
2. All fraternities are required to have face to face gatherings at least 12 times per year unless a national or regional emergency exists. Fraternities who wish to hold remote gatherings are to follow the *Teleconference Usage Guidelines* (see appendix) for regular fraternity gatherings as well as for meetings with those persons in initial formation.
3. Every fraternity gathering should contain at least these four elements: prayer, ongoing formation, fraternal time, and business. Although the amount of time allotted to these elements may vary from one gathering to the next, each of these elements should be present at every gathering of the fraternity. Priority should ordinarily be given to ongoing formation to help the brothers and sisters grow in their Franciscan vocation (cf. GC 44.3).
4. If the Local Fraternity is facilitating or conducting a retreat or a day of recollection, the presenter should be a professed Franciscan and the topic should clearly relate to Franciscan Spirituality.
5. If a priest or deacon desires to enter the OFS, the complete formation process needs to take place within the normative time frame, according to the Formation program of the Order.

### **Article 11. Voting and Conduct of Local Fraternity Business**

1. The members of the Local Fraternity Council meet at least monthly at a time and place determined by its members to discuss issues important to the life of the Local Fraternity. This would include, among other things, the movement of those in initial formation from one phase to another. When not in session, the Local Fraternity Council may conduct business electronically, provided that any decisions and/or determinations made in this way are reviewed and ratified at the next monthly meeting of the Local Fraternity Council.
2. Initial formation meetings are not to take the place of fraternity gatherings. Those in initial formation are required to attend monthly gatherings with the local fraternity as they progress through the formation process in addition to their formation meetings.
3. All members of the duly elected Local Fraternity Council may vote. No Spiritual Assistant may vote on any question involving financial matters or in the Local Fraternity Chapter of Elections.

4. If the office of Minister becomes vacant, the Vice-Minister will assume the office. When the office of Vice-Minister becomes vacant, one of the elected Councilors will be elected by the members of the Local Fraternity Council to the position of Vice-Minister.
5. If, as a result of the filling of the vacancy of the position of Vice-Minister because of death, resignation, or incapacitation of the Minister, the number of Council members is reduced below five, the Local Fraternity Council may appoint a professed member of the Local Fraternity to fill that vacancy. Appointed members of the Local Fraternity Council, while able to express opinions about matters before the Local Fraternity Council, do not have voting voice on the Local Fraternity Council.
6. A proposed annual budget shall be prepared by the Treasurer and presented to the Local Fraternity Council who, after discussion, will approve it. When approved, the proposed budget is submitted to the Local Fraternity, at which time they can discuss any issues.
7. No official business requiring a vote by the professed members may be transacted at the Local Fraternity gathering unless a quorum is present. A quorum is defined as the presence of more than half of active members who have not been excused from attendance (NS 18.6).

Although a member who has been excused from attendance is not counted when determining quorum, such a member, if physically present, retains the right to cast a vote, which will affect the number needed for a majority.

8. Candidates, as well as professed members, of the Local Fraternity are expected to contribute according to their means to the Local Fraternity's Common Fund (Rule 25; CIOFS directive approved in 2013). The common fund of the Local Fraternity provides for the expenses necessary for the life of the Local, Regional, National, and International Fraternity and is supported through contributions of each member.
9. An audit of the Local Fraternity's financial status shall be conducted by a professed member of the fraternity, selected by the Local Fraternity Council, who is not currently a member of that Council, at least once before the expiration of the Local Fraternity Council's term of office.

## Article 12. Local Fraternity Chapter of Elections

### Preliminaries, Policies, Requirements, and Restrictions

1. The Local Fraternity meets for the purpose of electing its Council once every three (3) years. The Chapter will follow the norms presented in the OFS governing documents and these Regional Guidelines.

The Local Council may request an early election for whatever reasons it deems necessary.

In extraordinary circumstances and with the approval of the Local Council and the consent of the Regional Executive Council, an election may be delayed for a limited time, not to exceed one year.

2. Requirements and restrictions
  - a. Nominees for Local Fraternity Minister, Vice-Minister, and Formation Director must be permanently professed and should have been so for at least two (2) years and attend gatherings regularly. Nominees for all other positions must be permanently professed and should have been so for at least one (1) year. Nominees for Minister must have served on a local council for at least one year. These time requirements may be waived for a recently canonically established fraternity by request of the Local Fraternity Council and advance permission of the Regional Minister.
  - b. Members must be included on the National Database within the Region, be part of that fraternity, and have been part of that fraternity for a minimum of (1) year, before they can be considered for any office. If a member transferred in, the date of the transfer request is used for purposes of this requirement (RG 14.3.e). If the fraternity was recently canonically established, the date the member became part of the emerging fraternity is used.
  - c. A member who has been absent from fraternity life for a majority of the twelve (12) months prior to an election (seven (7) face-to-face monthly gatherings), shall not be considered for nomination to serve on the Local Fraternity Council (GC 30.2).
  - d. No member can hold more than one elected position at a given level at the same time. If a fraternity is in difficulty, one of the elected Council members may be appointed to perform other duties, but with only one vote.
  - e. No member can hold the office of Minister at two different levels at the same time.
  - f. An outgoing Minister may not be elected to the office of Vice-Minister.
3. All nominees must meet the requirements for office by the date of the election. (see RG 12.7.d if done by Nominating Committee, RG 12.11.a if done by Presider).
4. All nominees must affirm their willingness to accept the responsibility of the position to which they are nominated and to serve if elected. Absentee nominees are permitted, provided they submit such affirmation in writing (see RG 12.7.d and RG 12.11.a).
5. Only those professed members who are physically present may cast a ballot; absentee or proxy ballots are not permitted. Active-Excused professed members can vote (GC 77.2) and their presence is included in determining absolute majority and 2/3 vote (RG 12.10.c). Lapsed members cannot vote.

6. The quorum for an election is more than one-half of the number of active, perpetually professed members (GC 18.6, 77.4; NS 9.1) as shown in the National Database. Active-Excused and Lapsed members are not considered when determining a quorum.

### Six Months Before the Election

7. The following steps are to be taken at least six months before the election.
  - a. The Local Fraternity Minister shall advise the Family Councilor of the date of the proposed Chapter and respectfully request that they provide a Presider. If the Presider is not the Regional Minister, the Regional Minister shall issue a letter of delegation appointing that person as Presider and send it to the Local Minister.
  - b. The Local Fraternity Minister shall contact the Regional Spiritual Assistant and request he be present as Ecclesial Witness. If he cannot attend, s/he shall delegate this to the Local Spiritual Assistant or another qualified person of his choosing. If there is no Local Spiritual Assistant the Family Councilor, the Local Fraternity Minister, and the Regional Spiritual Assistant collaborate to find one who will be willing to act as Ecclesial Witness on the day of the elections. If the role of Ecclesial Witness is delegated, the Regional Spiritual Assistant shall promptly issue a letter of delegation and send it to the Local Minister. A professed member cannot act as Ecclesial Witness for his/her own fraternity's election<sup>4</sup>.
  - c. The Local Fraternity Council shall decide on the number of councilors the fraternity needs. It shall then appoint a Nominating Committee.
  - d. The Nominating Committee will call for nominations from the professed members of the fraternity (NS 11.1). It will then confirm that the nominees meet the requirements for the office (see RG 12.2, NS 11.2). Each prospective nominee will then be notified and requested to advise the Nominating Committee whether s/he will accept the nomination.

Every effort should be made so there are at least two nominees for each position, and every effort should be made so that the Minister and Treasurer do not reside in the same household.

Once the list of nominees is established, the Nominating Committee will provide it to the professed members of the fraternity approximately two months prior to the date of the Chapter. Positions cannot be added after the slate has been established.

- e. The Local Minister should make sure the Fraternity has the proper prayers, Creed, and songs for use both before and after the election.

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<sup>4</sup> A general principle is that one cannot oversee or witness oneself. This is reflected in other parts of both these Guidelines and higher governing documents. See GC 76.2-3, GC 67.2.e-f, GC 63.2.b-c, REP p1 introduction, NS 28, SSPA 21.3.b, HSA p17 #3,4, RG 12.7.a, initial part of 12.7.b, RG 19.3,4, RG 20.

- f. Read and be familiar with pages 115 & 116 in the book *Franciscan Family Connections* titled “Regional Spiritual Assistant Witnessing Elections” as well as articles 76 to 83 of the OFS General Constitutions.

### Two Months Before the Election

8. The following steps are to be taken at least two months before the election:
  - a. The Nominating Committee shall distribute the list of nominees to the Local Council and to the professed members.
  - b. The Local Minister shall provide to the Presider a copy of the fraternity roster which shows active and excused members who are professed and the list of nominees.
  - c. The database manager shall provide the Presider a roster printout from the National Database showing active and excused members who are professed.
  - d. The Presider and Local Minister are to reconcile any discrepancies between these reports before the election. This will be the “roll call” list to be used at the election.

### Just Before the Election

9. The following are to be taken just before the election:
  - a. The Presider shall appoint a Secretary of Elections and two Tellers from among the members or affiliates of the fraternity (GC 76.4). Set up a table and two chairs for the Secretary of Elections and Ecclesial Witness with the election report paper and pens ready. (Ecclesial Witnesses do NOT vote.) Both are to record votes by tally marks and fill out the remainder of the report and sign it.

Normally the Secretary of Elections is not yet professed, but if there is no one in Initial Formation a professed member may be asked.

- b. Set up another table and two chairs with enough ballots for holding more than one voting for each office, one or two baskets or boxes for collecting the votes, and additional pencils. Place some type of board so everyone can see the hash marks the second witness will make for each vote.
- c. Separate voters from nonvoters and rearrange seating if necessary to facilitate distribution and collection of ballots.

### Presider Actions at Start of the Election

10. The following steps are to be followed before voting begins:
  - a. The Presider greets the assembled members and, if applicable, reads the Letter of Delegation. The Presider then introduces the Ecclesial Witness; if applicable, s/he

reads the Letter of Delegation. The Presider then recognizes the outgoing Council and thanks them for their service.

- b. The Secretary of Elections reads the list of members eligible to vote (“roll call”), verifies they are eligible to vote, verifies that all those eligible to vote were called, assures that there is a quorum (GC 77.4, RG 12.6), and assures “the broadest elective base” (GC 77.2.).
- c. The Presider establishes the number of votes needed for an absolute majority – half plus one rounded up (RG 12.11.c and footnote 1) – and the number needed for a 2/3 vote. S/he then directs one of the Tellers to write those numbers where all can see them clearly. (Ex: 15 votes, 11 are cast, majority is 6, absolute majority gives 9.)
- d. Reviews with the electorate which positions on the council are being filled during this election.
- e. Announces that should someone have a question about the fairness of what takes place they should speak up immediately, not after all is said and done.
- f. Reminds everyone (1) that the election will begin with prayer after which there should be silence, (2) that if someone needs to leave the room during the election, they need to inform the Presider, at which time absolute majority and 2/3 vote numbers must be recalculated, and (3) asks all to hold applause until the election is confirmed by the Presider.
- g. The Presider calls for silence; then follows the Ritual, Part II, Chapter Three: Celebration of the Fraternity’s Chapter of Elections (following all directives in proper order).

### During the Election

11. For each elective office the Presider performs the following steps. The order of the election shall begin with the Minister’s position and the Vice-Minister’s position and shall immediately be followed by the Formation Director’s position. These are then followed by elections to the positions of Secretary, Treasurer, and Councilor(s), if any.
  - a. The Presider calls for nominations from the floor three (3) times. After the third and final time, the Presider announces that the nominations are closed. If someone is nominated from the floor, the Presider must ask if they accept the nomination as well as determine if the person meets the requirements to be elected to that office (see RG 12.2). If the person nominated is not present and has not already submitted a letter of acceptance (see RG 12.4), the Presider, after determining if the requirements have been met, may, at his/her option, ask the person by a means that is visible to all if s/he will accept the nomination.

- b. The Presider asks one of the Tellers to write the names of those nominated on the board. The Secretary of Elections and Ecclesial Witness each write those names on their Ballot and Vote Count form.
- c. All positions must receive an absolute majority vote (see RG 12.10.c, footnotes 1, 2). If after two inconclusive ballots, the two nominees with the highest number of votes or, if more than two are running, the two oldest by profession are voted for on the third ballot. If the vote is a tie, the older by profession is considered elected (GC 78.1, REP p5 20).

If a Minister or Vice-Minister has already served two terms and is not elected by a 2/3 vote on the first ballot, his/her name is removed from the list of candidates for subsequent ballots (GC 79.1).

- d. One Teller counts out the number of ballots required, out loud. The Presider then asks the Tellers to distribute a ballot to each eligible voter. After ballots are completed, the Tellers collect them in a basket. One of the Tellers then counts all ballots, including blanks, out loud without opening them, as they are taken out of the basket; this is to assure the validity of the vote. Lastly, one Teller reads the names aloud, while the other Teller double checks that the name is that of a nominee for that position, writes it on the board, and adds a hash mark beside it. Blank or incorrect ballots are ignored. The Secretary of Elections and the Ecclesial Witness each keep a tally of the number of votes each nominee receives. All three should have noted the same number of ballots for each nominee.

If the required number of votes is not attained by any nominee, another ballot is taken (see 12.11.c).

- e. After the count, and someone receives the proper number of votes, the Presider announces that an election has occurred. The Secretary of Elections reads from the Ritual page 42 and the Presider continues to read from page 42. The Presider asks the newly elected Council member to stand and asks if he/she accepts the election. The Presider then confirms the election. The Secretary of Elections records each election on the Report of Election. (Remind members that applause must be held until after the Presider reads the final confirmation of each elected person.).
- f. The elections continue, following the same procedure as above for the positions of Vice-Minister, Formation Director, Secretary, Treasurer, and Councilor(s), if any.

### After the Election

12. After an election has been completed, perform the following steps, of which a-e are to be done on the same day:
  - a. Before the Ritual of Installation of the newly elected, ask for a motion to destroy the ballots and announce that there will be a short break so that the witnesses may

sign the appropriate papers which verify the election was correctly conducted. During the socialization, members may speak.

- b. The Presider completes the Chapter of Elections with the Ritual of Installation with appropriate prayers as suggested in the Ritual. (Bring copies of the prayers, the Creed, and the song to the Holy Spirit.) Since the Rite of Installation is part of the ritual for a Chapter of Elections it cannot be conducted on a different day.
- c. The Secretary of Elections completes the Report of Election with the name, address, phone number and email address of each new Local Fraternity Council member. The report is then signed by the Secretary of Elections, the Presider, the Ecclesial Witness, and the Tellers.
- d. The Ballot and Vote Count form is attached to the Report of Election.
- e. The Secretary of the Election provides a hard copy of the Report of Election, including the Ballot and Vote Count form, to the Presider. (Note: if a copy machine is not available, a second original can be made.) The original Report of Election, including the Ballot and Vote Count form, is retained by the Local Fraternity.
- f. The Presider, as soon as possible, emails the Report of Election to (1) the members of the Regional Executive Council, (2) each member of the Conference of Regional Spiritual Assistants, (3) the Provincial Spiritual Assistant to whom the Fraternity is bonded, (4) the database manager and (5) the web site manager. This can be done by scanning the original, or by typing out the information.
- g. The Presider, as soon as possible, mails the hard copy of the Report of Election, with the attached Ballot and Vote Count form, to the Regional Secretary.

### After the Election - Regional Secretary Duties

13. The Regional Secretary has the following additional responsibilities:

- a. Ensures that the new Local Fraternity Minister and Vice-Minister are invited to join the appropriate email list for the Region, provides them with information relative to joining the list, and later verifies that they have joined their respective lists. Such persons should be contacted first as a courtesy. Typically, the Vice Minister is added only upon request.
- b. After confirming that the new Minister has joined the email list, announces the new Minister to the Regional Fraternity via the list.
- c. Contacts the Database Manager to update the Local Fraternity's information in the National Database, i.e., names of newly elected Council and Date of Election. This can be delegated to the Family Councilor.
- d. Updates the Regional Directory.

## Election Footnotes

(1) Absolute majority is referenced in the General Constitutions (art 78) and in Code of Canon Law (119) but not defined. In external resources it is defined as more than one-half of the possible votes, regardless of how many are cast. In the National Statutes (2013) (art 9.2) it is defined as more than one-half of the votes cast, which is also the regular definition of majority. In the Regional Elections Procedure (p5, step 20) there is a requirement for absolute majority but no definition. It does have a reference to NS 14.4, which in turn refers to GC 78.1. Current practice by Presiders in both Regional Elections and local elections is to use one-half of the possible votes plus one rounded up. For odd numbers of votes this makes absolute majority one larger than what would otherwise be required. (Ex: 15 votes, 11 are cast, majority is 6, absolute majority is 8, current practice gives 9.) Until this is clarified we will use the existing practice.

(2) The requirement of election by absolute majority for all positions avoids confusion which may be caused by conflicting or ambiguous requirements between the General Constitutions (art 78), National Statutes (2013) (14.4 and 9.2), and Regional Elections Procedure (p5, step 20). The GC only requires absolute majority for Minister and Vice-Minister, permitting relative majority for the other positions if absolute majority is not achieved on the first ballot. It also allows stricter requirements for particular statutes. NS 14.4 does not impose a stricter requirement; it only refers to GC 78.1. The Regional Elections Procedure requires absolute majority for all positions with no mention of subsequent ballots being different and states that this is a requirement of NS 14.4 which, however, 14.4 does not do. Until this is clarified, the Region will use the stricter standard for all positions.

## Article 13. Duties of Local Fraternity Councilors

1. The duties of the Councilors of the Local Fraternity are clearly set forth in Articles 50, 51, and 52 of our General Constitutions, and are incorporated herein by reference.

## **Member Transfer, Status, Withdrawal, and Reinstatement**

### **Article 14. Transfers into a Local Fraternity**

1. Local fraternities should warmly greet those members of the Order – professed or candidates – who wish to transfer into a fraternity. Transfers are most often requested when the member moves and can no longer participate in their fraternity or when the local fraternity to which they belong has been deactivated. Members are encouraged to seek a transfer into a nearby fraternity whenever they move so they always remain part of an active fraternity. Those requesting a transfer for reasons other than the above should first discuss their situation with the Council, including the Spiritual Assistant of the fraternity of which they are a member.
2. Procedure
  - a. The professed member or candidate requesting transfer obtains the National Fraternity’s current Transfer Form, completes relevant sections of Page 2 of the form, retains a copy for themselves, and sends the entire 4-page form to the Minister of the Fraternity from which they are transferring (Fraternity of Origin).
  - b. The Minister of the Fraternity of Origin completes Page 3, retains a copy for the fraternity records and sends all 4 pages of this form to the Minister of the Fraternity to which the member wishes to transfer (Receiving Fraternity).
  - c. If the Fraternity of Origin does not have a record of the member but sufficient information is available to establish profession status, etc., that information may be used and its source properly noted on the form. Acceptable sources include the National Database, the fraternity of profession (if different), or a profession certificate. If no documentation can be located the Receiving Fraternity Council should discuss with the transferee that s/he repeat the candidate phase, during which period the transferee’s knowledge of the other phases of initial formation can be ascertained.
  - d. The Minister of the Receiving Fraternity must consult with the Minister of the Fraternity of Origin to obtain additional details about the transferee not contained in the transfer request.
  - e. The Council of the Receiving Fraternity will interview the transferee and, after a suitable period, hold a vote on whether to accept the transfer. If accepted, the Minister of the Receiving Fraternity informs the member, completes Page 4 of the form, retains a copy for the fraternity files, and sends a copy to the Minister of the Fraternity of Origin and the Minister(s) of the Region(s) involved.
  - f. Both fraternities involved update their respective registers and inform the database manager of the Region(s) so the National Database can be updated.

- g. If questions or difficulties arise during this process the Family Councilor, Regional Executive Council(s), and if necessary, the National Executive Council, should be consulted.
3. Policies
- a. After a transfer request is received the Receiving Fraternity's Council, after an initial interview with the transferee, should take some time to discern if the transfer should be approved. This discernment period is at the Council's discretion, but 3-6 months is recommended. During this period the transferring member is expected to attend all gatherings and participate in activities of the fraternity. In addition, the transferee and Receiving Fraternity get to know each other. The Council may have a second interview with the transferee if some questions arise about suitability. After Council has discerned it proceeds with approval or disapproval of the transfer.
  - b. Certain facts should cause Council to investigate further to determine the reasons and incorporate this into their discernment. These include, but are not limited to, the transferee not being Active status, four or more unexcused absences in the past year, and no participation in fraternity life. As a condition of accepting the transfer, Council may require the transferee to attend additional formation instruction for a period of time not to exceed twelve months.
  - c. A fraternity is not required to accept a transfer request if its Council determines it would not be in the best interests of the fraternity, its members, or the transferee.
  - d. After a transfer has been accepted the Receiving Fraternity assumes the responsibility of the Fair Share payment for the transferee.
  - e. For purposes of satisfying the length of time requirement (RG 12.5), the date the transfer request was received should be used.
  - f. Electronic transmission of the Transfer Form is an acceptable means to facilitate the transfer procedure as long as signatures of the transferee and ministers are preserved.
4. A member may request a transfer due to a move that makes travel to gatherings impractical, deactivation or suspension of a fraternity, or other reasons acceptable to the Receiving Fraternity's Council. Care should be taken that a member does not transfer frequently or for improper purposes. To protect the Receiving Fraternity, its Council should give special discernment to those transferring from a deactivated fraternity if this was due to actions or lack thereof by the member.
5. If the Receiving Fraternity Council does not accept the transfer, it must provide the member with a reason and inform the Fraternity of Origin of its decision. The member remains a member of the Fraternity of Origin. The member may appeal to the Receiving Fraternity Council, request a review by the Regional Executive Council(s) to which the two fraternities belong or, if necessary, the National Executive Council (GC 59; RG 20.1).

## Article 15. Member Statuses

1. There are two categories of statuses: membership status and profession status<sup>5</sup>. The statuses listed below are currently those in use in the National Database and may change as the Database is updated<sup>6</sup>.

2. Membership status:

Active	One who is attached to a fraternity and regularly attends and participates in the life of that fraternity (GC 53.3; NS 18.7.a).
Lapsed	One who no longer attends fraternity gatherings, does not financially support the fraternity, and has not been excused by the council from doing so (NS 18.7.b; RG 18.6ff).
Deceased	One who has died.
Active-Excused	One who has been excused from one or more requirements of active life by a vote of the council (NS 18.7.a; RG 18.1-6, 15.5 below). Also referred to as Excused.
Temporary Withdrawal	One who has, by written request approved by Council, temporarily withdrawn from a fraternity but not from the Order (GC 56.1, RG 16.6).
Definitive Withdrawal	One who has, by written request approved by Council, definitively, permanently withdrawn from the Order (GC 58.1, RG 16.8). This is not reversible.
Suspended	One who has been removed from the fraternity for serious cause by vote of the Council and is excluded from all fraternity gatherings and activities (GC 56.2, RG 17.4). This does not remove them from the Order.
Dismissed	One who has been removed from the fraternity and from the Order for serious cause by vote of the Council (GC 58.2-4, RG 17.6).
Asked to leave	One whose life or behavior is incompatible with the life of the fraternity (RG 17.2).

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<sup>5</sup> See Classification of Members, from National Fraternity 8-22-2022; also see Profession and Membership Status Primer, URL <https://ofsusadb.org/wp-content/uploads/2023/09/ProfessionStatus-1.pdf>

<sup>6</sup> At one time Inactive was used as a membership status; this practice has been discontinued. No member can now have a status of Inactive, although a Visitor or Affiliate can be assigned that status.

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|----------------------|---|
| Leave of absence     | One who is in Initial Formation and cannot, at this time, participate in the life of the fraternity for some reason acceptable to the council (RG 16.2). Does not apply to those who are professed. |
| Voluntary withdrawal | One who is in Initial Formation and has decided that the Order is not for them, either permanently or at the current time, and so withdraws from the formation process (RG 16.4).                   |
3. Profession status:
- |                     |   |
|---------------------|---|
| Visitor             | One who is not in initial formation nor an Affiliate but who attends gatherings for a limited period by permission of the council while discerning whether or not to apply. |
| Aspirant            | One who is in the Orientation phase of Initial Formation.   |
| Inquirer            | One who is in the Inquiry phase of Initial Formation, following a Welcoming Ceremony.   |
| Candidate           | One who is in the Candidate phase of Initial Formation, following a Rite of Admission.  |
| Professed           | One who has completed Initial Formation, has undertaken the Rite of Permanent Profession and is now a full, permanent member of the Order.                                  |
| Affiliate           | One who is not in initial formation but who, by permission of the council, attends gatherings and is a part of the fraternity life (see RG 15.7 below).                     |
| Temporary professed | One who has completed Initial Formation and has undertaken the Rite of Temporary Profession (GC 56).  |
4. Only Active (which includes Candidates) and Active-Excused members of the fraternity are counted when determining the “fair share” total for which the Local Fraternity is responsible (NS 18.7, RG 2.2.d).
5. Active-Excused members are professed members who cannot actively participate in community life on a regular basis because of health, family, work or distance and have been excused from doing so by Council (GC 53.3; NS 18.10). See RG 18.1-6 for details. The Local Council needs to maintain regular contact.
6. Professed Members may leave the fraternity in the following ways: Deceased, being Asked to leave, or being classified as Lapsed, Withdrawn (Temporary or Definitive) , Suspended, or Dismissed. See GC 55-59, NS 18.7.b, NS 20, and RG 16 for details.

7. **Affiliates** are those who, while not belonging to the Order and not necessarily Catholic, wish to participate in the fraternity's life and activities (GC 53.5 and 103.1) according to Franciscan principles and teachings. They may be welcomed by the Local Fraternity, so as to make their communion living and effective.

Individuals wishing to become affiliates should make their desire known by a written request to the Local Fraternity Council, which makes a decision regarding the request. They should be entered in the rolls of the local fraternity as well as the National Database. A recognition ceremony is permitted as long as it cannot be confused with any ceremonies proper to members of the Order.

These affiliate brothers and sisters will have no juridical bond with the Secular Franciscan Order and are, therefore, persons welcomed to love and be loved "as a gift of the Lord and an image of Christ" (Rule Art. 13). They may share the experiences and activities of the fraternity, without the right to vote.

In order that the identity of the fraternity not be altered, the number of affiliates may not exceed 40% of the number of active professed members of a fraternity (NS 18.13.c).

## Article 16. Withdrawals and Leave of Absence

1. There are three types of withdrawal status as defined in the National Database and enumerated in Article 15 of this document: voluntary, temporary, and definitive. There is also a Leave of Absence, which differs from a withdrawal. The meaning and processes laid out in this article are based on the General Constitutions (GC 56 and 57) and The Rule (R 23). All references to Council in this article are to the Local Fraternity Council and include the Spiritual Assistant if there is one.

A change to any of these statuses or a return from them to active participation in the fraternity needs to be requested by the member in writing to the Council along with reason(s) for the request. In all cases Council is to evaluate the request with charity and prudence. If Council acts to make any of these changes, Council must clearly communicate it to the member, by certified mail with return receipt if necessary, and make an appropriate entry in the fraternity's register.

If the status change request to no longer be active with the fraternity is granted, the person is no longer permitted to attend fraternity functions or have a voice in fraternity matters (GC 56.3). Council may request that the person return materials given him/her by the fraternity, including any official symbol.

A request for Leave of Absence and Voluntary Withdrawal can only be made while in Initial Formation and not a Candidate. If the member returns to being actively involved with the fraternity from these two statuses, s/he must restart the phase of Initial Formation in which they participated before the change.

A request for Temporary Withdrawal can only be made by a member of the Order (Candidate or Professed). A request for Definitive Withdrawal can only be made by a professed member.

2. A **Leave of Absence** (GC 56.1) is initiated by one who is an Aspirant, Inquirer, or Affiliate, and who cannot, at this time, participate in the life of the fraternity for some reason acceptable to the Council. Council should have an open communication with the person to determine the reasons for the request. The person submits a written request for Leave of Absence to the Council, along with reason(s), which Council then evaluates and acts upon. A Leave of Absence cannot be requested by one who is a Candidate or is professed; such a one should consider a Temporary Withdrawal. Use of this status is discouraged if the person's behavior or personality is the reason to seek a separation; rather, Council should pursue an Asked to leave action (RG 17.4).

If granted, the Leave is considered to be temporary, so the fraternity needs to continue to maintain communication with the person. If the leave is to become permanent, the person should make a request for Voluntary Withdrawal or may change this request to Voluntary Withdrawal.

Council may permit such an individual to attend gatherings and take part in activities on a limited basis if s/he applies to be a Visitor or an Affiliate. To do so the person must make a written request to continue to attend gatherings in one of these roles and include the reasons for doing so, which Council must act upon for it to be allowed (RG 15.8).

3. One whose status is Leave of Absence may make a written request to return as an active member of the fraternity and include reasons for the request (GC 57.1). After Council and Spiritual Assistant meet with the person and examine the reasons offered, Council evaluates whether the causes which led to the leave can be considered as overcome (GC 57.2) and assesses if there are any other reasons which may have arisen since the Leave was granted that would impede the person's return. If so, it may readmit him/her and the decision is recorded in the proceedings of the fraternity. If the person was an Aspirant or Inquirer, s/he returns to the beginning of that phase of Initial Formation in which s/he was prior to withdrawing.
4. A **Voluntary Withdrawal** (GC 56.1) is initiated by one who is an Aspirant or Inquirer and has decided s/he, at this time, does not have a vocation to the Order, or has insurmountable difficulties in pursuing a vocation, and so desires to withdraw from the formation process, either temporarily or permanently. Council should make every effort to help the person through this stage, and through open communication determine why the person wants to leave and if this could be changed. If the person wishes to proceed with the withdrawal, s/he makes a written request to Council that s/he wishes to withdraw from Initial Formation, and specifies if the request is permanent or just for the current time. Council considers and acts upon the request and notes the change in the fraternity's register.

Council may permit such an individual to attend gatherings and take part in activities on a limited basis if s/he applies to be an Affiliate. To do so the person must make a written

request to continue to attend gatherings in that role and include the reasons for doing so, which Council must act upon for it to be allowed (RG 15.8).

5. One whose status is **Voluntarily Withdrawn** may make a written request to return as an active member of the fraternity and include reasons for the request (GC 57.1). After examining the reasons offered by the person involved, Council evaluates whether the causes which led to the withdrawal can be considered as overcome (GC 57.2). If so, it may readmit him/her and the decision is recorded in the proceedings of the fraternity. The person returns to the beginning of that phase of Initial Formation in which s/he was prior to withdrawing.
6. A **Temporary Withdrawal** (GC 56.1) is initiated by a Candidate or a professed member who, after consulting with the Minister and/or Spiritual Assistant, believes it necessary to temporarily withdraw from fraternity life because of work-related or family responsibilities or other reasons acceptable to Council. If granted, this written request withdraws the member from the fraternity but not from the Order. The Council should maintain frequent communication with the member to assist Council in determining whether an appropriate formative process will be necessary for this individual once s/he is able to return to active fraternity life. The Council will review this status annually.
7. A member whose status is **Temporary Withdrawal** (GC 57.1) may ask to return and be readmitted to the fraternity by addressing an appropriate written request to the Minister, who then has a dialogue with the person as to why s/he left and why s/he wishes to return. After examining the reasons offered by the person involved, the Council evaluates whether the causes which led to the withdrawal can be considered as overcome. If the conclusion is affirmative, it readmits the member and the decision is recorded in the proceedings of the fraternity.

If the member has been temporarily withdrawn for more than 12 months, Council will direct the member to undergo an appropriate formative process using the current formation materials recommended by OFS-USA and the Region. During this time, the individual will faithfully attend all fraternity gatherings and participate in fraternity life. The Local Fraternity Council will, after fraternal dialogue with the individual and discussion among themselves, vote to determine whether the professed person's request should be accepted or declined. The Local Fraternity Minister will then advise the individual of the Local Fraternity Council's decision and record it in the proceedings of the fraternity.

8. A **Definitive Withdrawal** (GC 58.1) is a permanent separation of a professed member from the Order. The member who intends to withdraw definitively from the Order communicates this in writing to the Minister. The Minister and Spiritual Assistant of the fraternity, with charity and prudence, discuss the matter with the person concerned and keep the Council informed. If the member confirms the decision in writing, Council takes notice of it and communicates the decision in writing to the person concerned and records it in the proceedings of the fraternity. The Definitive Withdrawal is recorded in the register of the fraternity.

Council is to maintain records of the initial request, all communications with the member, the Council's decision, and the member's confirmation of the decision. These documents are also transmitted to the Regional Minister, who retains a copy and forwards them to the National Council (GC 58.1). The declaration that the person has ceased to be a member of the Order, in order to become effective, must be confirmed by the National Executive Council to whom all the documentation will be sent (GC 58.4). If confirmed, the National Database is then updated to reflect the person as Definitively Withdrawn. This is not reversible; however, see 9 below.

9. A person whose status is Definitively Withdrawn is no longer a member of the Order. If such a person wishes to return to the Order s/he must first make a written request of the local Council, as would a person who has never been a member of the Order. This request must lay out the circumstances of the original withdrawal and why the reasons for the withdrawal no longer apply. Council may consider this and consult the REC in its deliberations. Council should exercise its wisdom and set conditions to be met for the person's full return, the intent being that such a return is in the best interests of the fraternity, its members and the person.

If the request is accepted, the person must undergo all stages of Initial Formation, during which time Council will have regular fraternal dialogue with the person. Council is to communicate its decision on the request, whether it is granted or denied, to the person. The Regional Minister and Family Councilor should also be kept fully informed of this request and its disposition.

## Article 17. Suspensions, Dismissals, and Asked to leave

1. All statuses described in this article are actions of the local Council in response to matters involving a member that cannot be allowed to continue without harm to the fraternity. The meaning and processes laid out in this article are based on the General Constitutions (GC 58) and The Rule (R 23). All references to Council in this article are to the Local Fraternity Council, of which the Spiritual Assistant is an integral member, who must be included in all discussions. If the fraternity lacks a Spiritual Assistant, the Regional Spiritual Assistant or a designated alternate person may substitute for consultation purposes but without a vote on Council.

An action contemplated by this article originates with the Council. If Council acts to make any of these changes, its decision must be in writing, clearly communicated to the member by certified mail with return receipt, and Council must make an appropriate entry in the fraternity's register. A request to return from these statuses to active participation in the fraternity must be made by the person in writing to the Council along with reason(s) for the request.

In all cases, Council, mainly through the Minister and Spiritual Assistant, must always seek dialogue with the member in difficulty or considered for possible sanction, and evaluate the considered action or request with love and prudence. Fraternal dialogue is fundamental in the OFS and permeates every aspect of the Order's life. Dialogue must be

effective and concrete, with personal meetings, not simply formal (GOFSC IV.b,c, p8). It is a fundamental responsibility of the Council, however, to protect and safeguard the fraternity (GC 50, NS 18.9) lest a disruptive member cause harm to the whole.

If the action to change a member's status is taken, the person is no longer permitted to attend fraternity functions or have a voice in fraternity matters (GC 56.3). If not professed, the Council may ask the member to return materials given him/her by the fraternity, including any official symbol.

2. A **Suspension** may be considered by Council after the repeated and prolonged default in the obligations of the life of the fraternity, disruption of the cohesiveness of the fraternity, conduct in serious opposition to the Rule (GC 56.2), or other serious causes (see RG 17.8) only after these are discussed by Council in dialogue with the person at fault. This status is only for Candidates or those who are Professed. Alternatives to suspension should be considered by Council. Only in the case of obstinacy or relapse may Council decide, with a secret vote, to suspend someone. This suspension must be for a specified period, and Council must communicate its decision in writing to the person concerned (GC 56.2). This period may be shortened if the member applies to return to the fraternity, leaves, or takes steps to withdraw (RG 16). The period may be extended by Council.

During the period of suspension, the member is excluded from the gatherings and activities of the fraternity, including the right of active and passive voice, but membership in the Order itself is not affected. Since the purpose of suspension is for the member to change his/her conduct or fulfill obligations of life in fraternity, Council should maintain regular contact with the member.

3. A member whose status is Suspended and who desires to return to active life with the fraternity must make a written application to Council, who will discuss the request and its reasons with the member, then review the request, evaluate it with charity and prudence, and, by secret ballot, vote whether or not to accept the request. If not accepted, the member is informed in writing, preferably with a reason for the action, and the member remains suspended. Council may either extend the suspension period or consider Dismissal (see RG 17.6).

If the request is accepted, the member is invited to rejoin the fraternity and participate in fraternity life for a period of time set by Council. During this probationary period, the member will faithfully attend all fraternity gatherings and participate in fraternity life. If a member has been suspended for more than 12 months, Council will, in addition, direct the member to undergo an appropriate formative process using the current formation materials recommended by OFS-USA and the Region.

At the end of this period, Council will once more, after fraternal dialogue with the individual and discussion among themselves, vote in secret to determine whether the member's request should be accepted, extended, or declined. If accepted, the suspension is totally lifted and the member lovingly welcomed back; if extended, the probationary period is extended for a period of time set by Council; if declined, the member remains

suspended and is once more not permitted to attend any fraternity functions. In all cases the member is informed in writing of the decision.

4. A person may be **Asked to leave** if Council determines that that person's life or behavior is incompatible with the life of the fraternity. This status is only for Visitors, Aspirants, Inquirers, or Affiliates. This action excludes the person from the fraternity. Council votes in secret on this action and informs the person in writing of the action.
5. A person whose status is **Asked to leave** and seeks to return to their previous status should make a written application to Council. The Council shall consider the individual's request and discern if the behavior, incompatibility, or cause of the earlier action has ended or is removed, that a return is appropriate, and that a return is in the best interests of the fraternity and its members. Council then votes in secret on this request and informs the person in writing of its decision.

If the person was previously a Visitor, s/he may return to that status. Since Visitor is a temporary, transitional status, however, it is not contemplated that a return to Visitor status is appropriate.

If the person was previously an Aspirant or Inquirer, s/he will restart formation at the beginning of that phase. If the previous status was Affiliate, s/he may return to that status.

If a return is approved, the individual is to faithfully attend all fraternity gatherings and participate in fraternity life.

6. The **Dismissal** of a member may only be considered in case of serious causes, provided that they are external, imputable, and juridically proven. The Minister and the Spiritual Assistant, with charity and prudence, are to discuss the matter with the member concerned and keep Council informed. The member is given time to reflect and to discern. Examples of serious causes are given in section 8 of this article.

If the time set aside for reflection passes without any result, Council may, by secret vote, decide whether or not to initiate Dismissal of the member. If the decision is to dismiss, Council informs the member in writing, then requests the council of the higher level to dismiss the member from the Order. The request must be accompanied by all the documentation relative to the case.

The council of the higher level will issue the Decree of Dismissal after having collegially examined the request with the relative documentation and having verified observance of the directives of the Law and of the Constitutions (GC 58.3). In order to become effective the Decree of Dismissal must be confirmed by the National Executive Council, to whom all the documentation will be sent (GC 58.4). If confirmed, the person who has been dismissed ceases to be a member of the Order. Council communicates the decision in writing to the person concerned and records it in the proceedings of the fraternity. The Dismissal is recorded in the register of the fraternity, and the National Database is then updated to reflect the member as Dismissed.

7. A person whose status is Dismissed is no longer a member of the Order. If such a person wishes to return to the Order s/he must petition the local Council. The petition must lay out the circumstances of the original dismissal, why the reasons for the Decree of Dismissal should no longer apply, and evidence to support this. These are to be provided in writing to the Local Fraternity Council, which is to include a letter from the individual's Pastor or the Ordinary of his/her (Arch) Diocese, if appropriate.

Council may consider the petition and should consult the REC and the record of the Dismissal action in its deliberations. Council should exercise its wisdom and set conditions to be met for the person's full return, the intent being that such a return is in the best interests of the fraternity, its members, and the person. Whatever decision is made must be communicated to the person in writing.

If the petition is accepted, the person must undergo all stages of Initial Formation, during which time Council will have regular fraternal dialogue with the person to determine if readmission is in the best interest of the fraternity and the individual. Council is to communicate its final decision on the petition, whether it is granted or denied, to the person writing.

The Regional Minister and Family Councilor should also be kept fully informed at all stages of this petition through its final disposition.

8. Serious causes include, but are not limited to:
  - a. The member who publicly rejects the faith, or defects from ecclesiastical communion, or upon whom an excommunication is imposed or declared, by the fact itself ceases to be a member of the Order. This does not mean, however, that the council of the fraternity should not discuss the matter with the person concerned or offer fraternal help (GC 58.3).
  - b. A member is not following the teaching of the Catholic Church. The member who publicly rejects the faith or defects from ecclesiastical communion, or who upon whom an excommunication is imposed or declared, by the fact itself ceases to be a member of the Order (GC 58.3).
  - c. Same Sex Civil Unions. Entering into a same-sex civil union is a public statement which is opposed to the teachings of the Catholic Church and, therefore, not in keeping with the Rule of the OFS. Those who have entered into a same-sex civil union cannot be admitted to, or continue in, the OFS (CNSA: *Clarification on Same Sex Attraction and Sexual Identity Issues*, 21 Jul 2020, p2). Profession in the OFS is a solemn ecclesial act, a public commitment within the Church (GC 42.1; Ritual of the Secular Franciscan Order, English Edition, 1985, preface 3.3).
  - d. Sexual Identity Issues. The pursuit or effecting of gender reassignment poses a serious threat of scandal and distress in a fraternity. The obvious and openly expressed intent to change one's sexual identity is an impediment to seeking or continuing a vocation as a Secular Franciscan (*Clarification*, p3).

- e. Serious crime. A member who has been convicted of a serious crime, such as a felony.

## Article 18. Active-Excused and Lapsed

1. The two membership statuses, other than Active, which are commonly used in local fraternities are Active-Excused and Lapsed (NS 18.7, RG 15.2).

A change to Active-Excused needs to be requested by the member in writing to the Council along with reason(s) for the request. A change to Lapsed may be initiated by Council. A return from either status to active participation in the fraternity must be requested in writing. In all cases Council is to evaluate the request or proposed action with charity and prudence. If Council acts to make any of these changes, Council must clearly communicate it to the member, by certified mail with return receipt if they believe it to be prudent, and make an appropriate entry in the fraternity's register.

All references to Council in this article are to the Local Fraternity Council and include the Spiritual Assistant if there is one.

2. **Active-Excused** status (often referred to informally as Excused) describes a member who has been excused from one or more requirements of active life by a vote of Council (NS 18.7.a; RG 18.3,4 below). Active-Excused is a subcategory of Active in that there is regular, ongoing contact with the member, and the member retains rights to attend gatherings, participate, and vote, unless specifically restricted in these Guidelines.
3. A member, by his/her profession, promises to strive to meet, as a part of his/her life in this world, a set of obligations outlined in the Rule. Council has the authority to excuse a member from certain of these obligations; namely, those that deal with the local fraternity (NS 18.7, Rule 24 and 25). These obligations are:
  - Attend Fraternity gatherings (Rule 24). This may be due to health, family obligations, death of an immediate family member, work obligations, distance to gathering location, ability to travel, or some combination of these.
  - Participate in the life of the Fraternity (Rule 24; GC 30). These include activities such as leading discussions, sharing stories of witness of the Gospel with other members, serving on Fraternity committees, and participating in one or more apostolates. This may be due to serious and disabling medical conditions that impair movement or ability to communicate.
  - Contribute, as resources and circumstances allow, to the Fraternity common fund for the operation of the Fraternity, apostolates as designated by Council, and support of the Order (Rule 25). This may be due to loss of job or income or some other financial hardship.
4. A change to Active-Excused is almost always initiated by a member (Candidate or Professed) who believes that s/he cannot at this time fully participate in the life of the fraternity yet wishes to maintain a connection with the fraternity as well as the Order. This

differs from Temporary Withdrawal (RG 16.6) in that the member in the latter withdraws from fraternity life altogether. The process for being granted this status is laid out below.

- a. The member submits a written request for a change in status to Active-Excused, specifies the obligation(s) from which the s/he wants to be excused, the reason(s) for the request, and the duration of the excusal – temporary (for a fixed period) or permanent.
  - b. Council meets and considers the member's request. Council is the sole and final authority that may determine the validity of a request and the extent to which it may be granted, which may differ from the terms requested by the member.
  - c. If Council grants the request, either in its original or modified form, the Minister shall inform the member in writing of the request's status. The Secretary shall make the proper entry in the fraternity's records, to include the obligation(s) from which the member is excused and, if excusal is granted for a limited duration, the date of its expiration.

If the excusal is from attendance, Council is to set up a method to maintain regular contact with the member, keep him/her as part of the community and not isolated, assist in whatever ways they can, and regularly invite the member back into full participation (GC 53.3, NS 18.10). Council should review the excusal at least annually.
  - d. If the request is not granted, the Minister shall inform the member in writing of the denial, and the member remains under the same obligations as existed prior to the request. Council may, in a separate action, determine to change a member's status to Lapsed. The member may also resubmit the request after a reasonable interval has elapsed or upon material changes in circumstances.
  - e. In the special case in which a member may not be able to act on his/her own behalf, the Minister, with Council's consent, may temporarily excuse a member from certain obligations, said excusal not to exceed six months, after which the member must formally request to be placed on Active-Excused status or resume full participation in the life of the local fraternity. As above, the Minister shall inform the member in writing of the change of status. An example of this is a debilitating yet temporary medical condition.
  - f. In the special case in which a member may not be able to act on his/her own behalf, Council may, after considering all the elements of the matter, excuse a member from certain obligations. As above, the Minister shall inform the member in writing of the change of status. An example of this is a long-term absence from gatherings due to medical reasons and a decreased ability to act on one's own behalf.
5. An Active-Excused member may not be elected to or hold any office if s/he is excused from attendance, has not attended a majority (7) of the gatherings in the twelve (12) months prior to the election, or has had significant absences (RG 12.2.c).

6. A member wishing to return from Active-Excused to Active status must make a written request of Council to be considered Active. Council will consider the request, taking into account the member's recent actions, changed circumstances of the member's life, and the original reasons for the excusal. If granted, the member is expected to once more fulfill all obligations of an Active member; if not granted, the same conditions and excusal from obligations as applied with the previous excusal continue. The Minister shall inform the member in writing of the decision.
7. **Lapsed** status describes a member who has not fulfilled one or more of the requirements of active life (RG 18.3 above), has not requested to be excused from those requirements (NS 18.7.b; RG 18.9 below), and who, after repeated personal invitations to return to the fraternity, consciously and deliberately rejects or ignores the invitations.

Council initiates the process to change to this status only after engaging with the member in dialogue to determine the reason for the absence or disengagement and how the member might be brought back to full participation. There must be a minimum of three attempts to contact the member before this action is taken.

8. The criteria below are to be used to evaluate if a member should be classified as Lapsed; all criteria must be met. They are intended to be objective, written, specific, fair, and to conform to the National Statutes and General Constitutions. They should, however, be implemented with charity.
  - Member has not attended a gathering in the past three months.
  - Member has missed six (6) or more gatherings in the preceding year.
  - Member has not given a valid reason for absences, nor made anyone on Council aware of extenuating circumstances.
  - Member has not communicated with anyone on Council, or to Council's knowledge, with anyone in the fraternity, for the past three months, about the absences or, having communicated with Council, member has not accepted invitations to return to life with the fraternity, indicated a willingness to do so, or indicated the absence is for a limited duration.
  - If member has requested a change to Active-Excused status, Council has already considered that request and rejected it.
9. The process to change a member's status to Lapsed is listed below.
  - a. Council notices the member is absent without reason for an extended period.
  - b. Council, or someone on behalf of Council, attempts to contact the member and bring him/her back into full participation. The member either declines to do so or cannot be contacted. At least three different attempts must be made.
  - c. Council evaluates the criteria in RG 18.8 above. If all are satisfied, proceed to the next step.

- d. Council sends a written communication to the member expressing their concern and laying out the possibility of being changed to Lapsed. This will often cause the member to respond and dialogue can start.
  - e. If the member responds, enter into dialogue to determine the best path forward that leads to full participation. This resets the timer for the criteria.
  - f. If the member does not respond, or if the dialogue is not fruitful, then after a suitable period, with three attempts to contact the member already having been made, Council may vote on changing the member's status to Lapsed. If Council makes this change the Minister informs the member in writing, stating the action taken and the reasons for doing so, but always inviting the member back into the fraternity family. The Minister also informs the person within the Region who is responsible for updating the National Database, and the Secretary updates the fraternity's records to reflect the changed status.
10. A Lapsed member remains a member of the Order but cannot vote on any matters, may not hold or be elected to any office, may not serve on any committee, and is no longer obligated to provide financial support (NS 18.6,7). If a Lapsed member attends a gathering or a fraternity activity, s/he should be welcomed back and encouraged to renew ties with the fraternity. None of these restrictions should be interpreted as prohibiting communication with the lapsed member.
  11. A member wishing to return from Lapsed to Active status must make a written request of Council to be considered Active. Council will consider the request, taking into account the member's recent actions, changed circumstances of the member's life, and the original reasons for having been changed to Lapsed. If granted, the member is expected to once more fulfill all obligations of an Active member; if not granted, the member remains Lapsed. The Minister shall inform the member in writing of the decision.
  12. Only Active (which includes Candidates) and Active-Excused members of the fraternity are counted when determining the "fair share" total for which the Local Fraternity is responsible (NS 18.7, RG 2.2.d).
  13. Only members who have a status of Active or Active-Excused may vote in decisions put to the entire membership (GC 77.4; NS 18.6; RG 11.7).
  14. Although an Active-Excused member is not counted when determining quorum, such a member retains the right to cast a vote in an election (RG 12.5, 6).

## **Interaction of Local Fraternity and the Region**

### **Article 19. Stipends for Visitation and Elections**

1. Local Visitations and Elections take place every three years, though usually not in the same year. The term “Visitor” will be used for all roles in this article where there is no difference.

For purposes of stipends and visitations, Secular Franciscan Spiritual Assistants are to be treated in the same manner as Friar Spiritual Assistants and other non-OFS Spiritual Assistants.

2. Fraternities and groups are to provide a stipend in accordance with the Region’s current policy (NS 18.8, 26.2). The local Fraternity Treasurer writes one check of the proper amount, made payable to “Secular Franciscan Order,” and mails it to the Regional Treasurer. This will cover the travel expenses for the Visitor(s). In a separate transaction, the Region will reimburse each of the Visitors for their travel expenses and, if necessary, lodging expenses, from its budget. Each Visitor should file a request for reimbursement with the Regional Treasurer within 30 days.

If there are multiple Visitors they should travel together whenever possible. If two or more Visitors come separately, the mileage for the farthest person will determine the stipend amount. See the FFMR document *Visitation & Election Mileage Stipend* for current stipend amounts. Changes to this stipend schedule must be approved by the Regional Fraternity Council. The Local Fraternity should budget for these expenses in the years they are required, which are usually different years. The Local Fraternity is encouraged to arrange for overnight lodging, if needed.

The fraternity may include an additional contribution to the Region to help defray overall expenses associated with Visitations and Elections. Additionally, the fraternity may make a second check payable directly to the Pastoral Visitor or Ecclesial Witness in appreciation of his services.

If providing a stipend is a hardship for the Local Fraternity, they should work with their Family Councilor to create a payment schedule. No fraternity should delay an election or visitation because they cannot afford to provide a stipend.

3. A **Fraternal Visitation** is done by the Regional Minister alone or by another REC member (either is Visitor) who represents him/her (GC 94, 63.2.c). The Regional Minister may ask a second REC member to accompany the Visitor for training purposes, although this is not common.

A **Pastoral Visitation** is done by the Regional Spiritual Assistant or his delegate (either is Visitor) (GC 95, RG 9.2.e).

4. For an **Election**, there will be two Visitors: a Presider and an Ecclesial Witness.

The Order's role in an Election is handled by the Regional Minister alone or by another REC member (either is Visitor) who represents him/her (GC 76.2). The Regional Minister may ask a second REC member to accompany the Visitor for training purposes, although this is not common.

The Church is represented by an Ecclesial Witness, who is the Regional Spiritual Assistant or his delegate (GC 76.2, RG 12.7.b).

## Article 20. Communication Within the Order

1. Every fraternity member always has the right to communicate with members of the National, Regional, and Local Council. The following guidelines are provided in order to promote cooperation, rapport, and community within the entire Order and to strengthen communication within each local fraternity and family extension. At all levels above the Local Minister and Council, written or email communication is necessary to provide a complete explanation of the issue and adequate documentation on the decisions made.

In keeping with the principle of subsidiarity, an issue is to be resolved at the lowest level of the Order at which it can be addressed. A member should first contact the Local Minister for his/her fraternity, who communicates the question or concern to the Local Council if action is necessary. The Local Council should resolve most challenging situations even if it takes several discussions. If it cannot be resolved, at the local level, the Local Minister brings it to the Family Councilor. Together they seek a reasonable resolution, consulting the Rule, Constitutions, Statutes, and these Guidelines. If still unresolved, the Family Councilor raises the matter with the Regional Minister, who may be able to resolve it, or may want the input of the Regional Executive Council. Finally, if the matter is still unresolved, the Regional Minister explains the question or situation to the National Minister, who makes the final decision.

At whatever level a resolution or decision is made, that level communicates it to the next lower level, and finally to the Local Minister, who informs the member.

2. If a Local Fraternity Minister has a problem, either within the fraternity that Council cannot resolve, within Council itself, or with another fraternity, s/he should first talk with the fraternity's Family Councilor. If there is no satisfactory resolution, the next step depends on the nature of the problem. For fraternal, personnel, and administrative matters, s/he should take the matter to the Regional Minister and after that to higher levels, as described in #1 above. For formation matters the next step is to go to the Regional Formation Director. If it is about a Spiritual Assistant, s/he should next go to the Regional Spiritual Assistant.
3. Local Fraternity Ministers should participate, or delegate to someone else on the Local Council, in the Region's Family Gatherings. By this means fraternities within a given family of fraternities can maintain better communication with their Family Councilors and other local ministers, share problems and their resolutions, obtain advice, and strengthen one another in their Franciscan life. (see RG 1.3, 4.3, and 6.6)

4. Local Fraternity Ministers should strive to stay in touch with nearby fraternities. This can lead to shared activities, support of one another's apostolates, and other ways in which fraternities can demonstrate their shared calling to a Franciscan life.
5. In addition to publishing their own newsletter, a local fraternity should contribute news, stories and pictures to The Joyful Messenger, the Region's newsletter, and TAU-USA.
6. A local fraternity, when hosted by a local parish, should maintain cordial relations and ongoing communication with that parish, as well as surrounding parishes.

### Article 21. JPIC Award

1. As Secular Franciscans, we are reminded of our responsibility to be bearers of peace (Rule 19). We are also reminded of our responsibility to "individually and collectively be in the forefront of promoting justice by the testimony of our lives" (Rule 15).

Mindful of both responsibilities and based on the resolution at the OFS-USA Gathering in the fall of 2010, held in Arizona, we will present an annual Five Franciscan Martyrs Regional Fraternity Justice, Peace, and Integrity of Creation Award.

2. To be consistent with the JPIC Commission of OFS-USA, the same three guidelines apply:
  - a. Led by the Holy Spirit, fraternity members, collectively and individually, should work for peace and justice on all levels, locally, nationally, and internationally.
  - b. It is recommended that local fraternities recognize members who actively participate in activities that meet the needs of the poor, marginalized, infirm, and voiceless.
  - c. Each fraternity is encouraged to submit a candidate for the Annual Regional JPIC Award.
3. Qualities and actions of the nominee for JPIC Award to be considered:
  - a. Should be of known good moral character and exhibit no political agenda.
  - b. Must be professed OFS and a member of the Five Franciscan Martyrs Region.
  - c. Should have made significant efforts in the generally defined areas of Justice, Peace, and the Integrity of Creation, including but not limited to:
    - Working for respect life from birth to natural death
    - Developing solidarity with those he/she is defending
    - Supporting programs that care for the environment
    - Actively supporting family and community development
    - Filtering social and political decisions through their impact on the poorest and most vulnerable
    - Promoting everyone's right to work

- d. Current JPIC activities are to be given more weight than past activities.
4. These procedures are to be followed to submit a nomination for the JPIC award:
    - a. The JPIC Chair designates and publishes a deadline for submissions; submissions after this date are not considered.
    - b. Each Local Fraternity is encouraged to make one nomination and submit it directly to the JPIC Chair. Multiple nominations by a fraternity are permitted.
    - c. A nomination consists of three parts: a) the name of the possible recipient; b) the reasons why this person should be considered; c) the name of the fraternity making the nomination.
    - d. After the deadline has passed the JPIC Chair distributes the nominations to all REC members.
    - e. Each REC member will have 10 points which they may award to any combination of one or more nominees. The nominee receiving the greatest number of points will receive the award. In case of a tie, all nominees who received fewer votes are removed from consideration and another vote is taken on the remaining tied nominees. If a tie remains the nominee who is older by years of profession receives the award.
    - f. The award will be announced and presented at the next scheduled Regional Annual Meeting.

## **Establishing and Deactivating Fraternities and Cells**

### **Article 22. Establishing a New Fraternity**

#### Phase I: Newly Forming Groups

1. Newly forming groups are those who are exploring the possibility of establishing a new OFS fraternity.

Most of this article is taken from the joint CNSA/NEC document *Guide to Canonical Establishment of a Secular Franciscan Fraternity (Guide)*, approved April 16, 2021, which should be read in its entirety by those contemplating establishing a new fraternity and considered jointly with this article.

- a. There must be at least five people in the group, though prudence would dictate that more are needed for long-term viability. These may be any combination of professed and not professed (*Guide* p6). If professed they must be active members of their fraternity(ies) .
  - b. Those wishing to form a new group must submit a written request to the REC for “newly forming group” status. The REC then acts on the request. If approved, the group is given the status of a “newly forming group” and the REC assigns to it a Sponsoring Fraternity within the Region. If any of the professed members of the “newly forming group” are members of other fraternities, the Minister of the Sponsoring Fraternity informs those fraternities and obtains their official transfer to the Sponsoring Fraternity.  
  
Any professed members of the “newly forming group” who do not belong to the Sponsoring Fraternity must request a transfer into that fraternity; ministers of the two fraternities are encouraged to expedite the transfer.
  - c. If no Local Fraternity is available as a sponsor for a “newly forming group,” the Regional Fraternity – in extraordinary circumstances – acts as the Sponsoring Fraternity (GC 62.2.b). In such a case, the REC carries out all that is ordinarily expected of the Local Fraternity Council of a Sponsoring Fraternity.
  - d. All formation of upcoming members is under the guidance and approval of the Sponsoring Fraternity (GC 46.2).
2. Once the “newly forming group” is approved, it takes the actions listed below. In addition:
    - a. Chooses one of its members as a leader and begins to meet on its own to build community.
    - b. Selects one of its members as a liaison person to the Local Fraternity Council of the Sponsoring Fraternity who will attend the Local Fraternity Council’s meetings as an observer. The liaison person of the “newly forming group” does not attend

- any REC meeting, but meets regularly with the Regional Minister or his/her delegate, who is also on the REC.
- c. Selects an appropriate ecclesial location (parish church, friary, etc.) to meet.
  - d. In the initial stages of the “newly forming group”, the Spiritual Assistant of the Sponsoring Fraternity serves as their spiritual assistant (*Guide* p7). If a Spiritual Assistant is not available, the Sponsoring Fraternity confers with the REC. (See RG 22.7.g for requesting a Spiritual Assistant as an emerging fraternity.)
  - e. The Sponsoring Fraternity or REC will provide a qualified formator. The formation of new members in the “newly forming group” will be overseen by the formation team of the Sponsoring Fraternity.
  - f. Sends quarterly reports to the Council of the Sponsoring Fraternity.
  - g. Participates in the gatherings and activities of the Sponsoring Fraternity. All members should attend most of the Sponsoring Fraternity gatherings to experience a sense of life in fraternity and ongoing formation.
  - h. Builds a sense of community as a semi-autonomous section of the Sponsoring Fraternity. Included in the gatherings will be the structures and procedures necessary for its operation, including prayer, formation, socializing, and business. Opportunities will be sought for interaction within the fraternity gathering and regular interaction outside the fraternity gathering and regular interaction with other Franciscans during this time. These structures and procedures are to be approved by the Council of the Sponsoring Fraternity with an accompanying system for accountability and evaluation.
  - i. Keeps attendance records and minutes of their gatherings.
  - j. Obtains required documentation from each member in initial formation and submits it directly to the formation team of the Sponsoring Fraternity.
  - k. Maintains a Roster of members and provides it quarterly to their Sponsoring Fraternity as part of their reporting.
3. Professed members of the “newly forming group” have voting rights in the Sponsoring Fraternity as they are members of the Sponsoring Fraternity. They should not, however, serve on its Council as this can lead to conflicts of interest.

The “newly forming group” does not have voting rights at the Regional Fraternity elections as they are represented by their Sponsoring Fraternity.

4. Rites of Welcoming, Admission, and Profession of new members will be approved by the Sponsoring Fraternity’s Council and will be received by the Minister of the Sponsoring Fraternity. These members, as well as any transfers, are entered in the roster of the Sponsoring Fraternity.

5. Once the “newly forming group” has five *professed* members it must operate for at least a full year before it seeks to become an “emerging fraternity.” To do so, it first obtains the approval of the Sponsoring Fraternity Council, then submits a written request to the REC that it be placed in the status of “emerging fraternity.” The REC shall conduct a Fraternal and Pastoral Visitation before they act upon the request.

## Phase II: Developing Emerging Communities/Fraternities

6. If the request for status as an “emerging fraternity” is approved by the REC, it must then undertake actions listed below.
  - a. The “emerging fraternity” chooses its own Council, which must be approved by the REC. Upon approval, the Regional Minister issues a letter certifying the appointment of the new Council, which is to be retained in their records. Any changes to the new Council must also be approved by the REC. The “emerging fraternity” also selects a fraternity name and submits it to the REC for approval.

The “emerging fraternity” starts to function like a fraternity, with fraternity gatherings, Council meetings, keeping minutes, records, and financial accounts. It is also highly recommended that the new Council receive training such as a “Nuts and Bolts of a Council” workshop.

- b. The newly appointed Council of the “emerging fraternity” enters into a formal written agreement with the Friar Province for the “*altius moderamen*” and the formal appointment of a Spiritual Assistant. The “emerging fraternity” chooses the Friar Province bonded to the sponsoring Local Fraternity unless the Regional Fraternity is the sponsor.
- c. The Provincial Minister or his delegate informs the local (Arch) Bishop about the existence of an “emerging fraternity” in his (Arch) Diocese.
- d. The appointed minister of the “emerging fraternity” is a non-voting member of the Local Fraternity Council of the Sponsoring Fraternity.
- e. The newly appointed Formation Director, who must be a qualified professed member of the group, works with the formation team of the Sponsoring Fraternity to develop a program for initial and ongoing formation.
- f. Admissions and professions of new members are approved by the Council of the “emerging fraternity” and confirmed by the Council of the Sponsoring Fraternity. The Minister of the Sponsoring Fraternity has the responsibility of receiving admissions and professions according to the Ritual, but ordinarily delegates this responsibility to the appointed minister of the “emerging fraternity.”
- g. The Council of the “emerging fraternity” continues to provide a written quarterly report for the Sponsoring Fraternity and the REC.



This can be done online with IRS<sup>7</sup> or by submitting IRS form SS-4<sup>8</sup>. Both methods will require not only the mailing address of the “emerging fraternity” but also the name, address and SSN of the requesting individual; this is for contact purposes. The appointed minister of the “emerging fraternity,” as its civil representative, is the one who must do this.

If there are questions about the form or online process, contact the Regional Treasurer or National Treasurer.

- c. If the EIN is requested online, print the page with the assigned EIN; also save it as a PDF file so it can be easily duplicated. If requested by mail with the SS-4, make or scan a copy of the letter. Send a copy to the Regional Treasurer for safekeeping, and retain the original in the files of the “emerging fraternity.”
- d. Obtain a letter from the National Treasurer that the “emerging fraternity” is a subordinate organization and is tax exempt. The Regional Minister will have already informed the National Treasurer of the existence of the “emerging fraternity.”
- e. If not already provided, obtain a copy of the National Fraternity’s exemption letter. The Regional Treasurer may have a copy of this on file as a convenience.
- f. Choose a bank. Inquire of the bank what policies, statements, or actions are required of a not-for-profit 501(c)(3) unincorporated organization in order to open an account. In a formal meeting of the Council of the “emerging fraternity” take those actions and record them in the minutes.

Typically a bank will require some document that shows the Council is the body authorized to represent the “emerging fraternity;” see letter from 7.a. After this, the bank will need documents from Council that show it passed a resolution that selects the bank, authorizes the opening of a checking account at that bank, specifies who is to have signature authority over the account, and how many signatures are to be required.

- g. Open the checking account. Go to the bank with the above letters, the IRS letter, and a copy of the minutes showing the required action(s). Open a checking account as an unincorporated 501(c)(3) association.
- h. No annual tax or informational filings with IRS are needed since there is an exception for churches and the National Fraternity has its exemption through the USCCB. This is true as long as all income is from donations and related to their tax-exempt status. If there is ever income from other operations, such as renting out

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<sup>7</sup> This can be done online with IRS at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>.

<sup>8</sup> Download IRS form SS-4 and its instructions from <https://www.irs.gov/forms-pubs/about-form-ss-4>.

a property, a return may be required. Avoid these types of operations whenever possible and seek appropriate tax advice if they must be undertaken.

9. After the completion of at least three years, the Council of the “emerging fraternity” and the Council of the Sponsoring Fraternity shall jointly evaluate the “emerging fraternity” using the Readiness for Canonical Establishment checklist (*Guide p13*).
10. If the evaluation is positive, the “emerging fraternity” requests both a Fraternal and Pastoral Visitation. The visits are to ascertain its permanent viability for life in fraternity, its faithful observance of the Rule and Constitutions, and its proper compliance in regards to minutes, records, registers, and finances.
11. If the visitations are favorable, the “emerging fraternity” Council submits a formal written request to the REC for its Canonical Establishment.

### Phase III: Canonically Establishing a Fraternity

12. The REC votes on the formal request of the “emerging fraternity” to be Canonically Established. If approval is given, the following steps are taken (*Guide p13*):
  - a. An official register is procured by the new fraternity.
  - b. The Regional Minister contacts the executive secretary of the Conference of National Spiritual Assistants (CNSA) to request five copies of the Formal Document of Establishment, providing the necessary information.
  - c. Once the forms arrive, the Regional Minister signs the forms and sends them, with two stamped, properly addressed envelopes (one to the Bishop and one to the Regional Minister) to the Friar Provincial Minister (or his delegate).
  - d. The Friar Provincial Minister (or his delegate), in turn, signs the forms and forwards them to the (Arch) Bishop, again with the stamped, addressed envelope, to obtain his written permission to establish the new fraternity in his (Arch) Diocese. The (Arch) Bishop, after signing the forms, returns them to the Regional Minister in the envelope that was provided.
  - e. The “emerging fraternity” arranges for the Ceremony of Canonical Establishment in conjunction with the REC, the Friar Provincial Minister (or delegate), and, where customary, the (Arch) Bishop. All five of the signed documents are to be brought to the canonical establishment ceremony.
  - f. The REC confirms, for one year, the existing Council of the “emerging fraternity” as the first Local Council of the new fraternity.
13. The Ceremony of Canonical Establishment is celebrated, with due solemnity, according to the Ritual. During the ceremony **each** copy of the Document is signed and dated by the delegate of the Friar Minister Provincial and by the witnesses. After the ceremony:

- a. The Regional Minister informs the National Executive Council of the Canonical Establishment of the new fraternity.
  - b. The Regional Minister retains one copy of the signed Formal Document of Establishment to be kept in the Region's archives, sends the second copy to the National Executive Council for its archives, the third copy is sent to the archives of the Friar Province, the fourth to the (Arch) Diocesan Chancery for filing. The fifth copy is preserved in the newly established fraternity's records.
14. One year after the Canonical Establishment, the new fraternity holds its first Chapter of Elections for its Local Fraternity Council (see RG 12 for process). The Regional Minister (or delegate) presides at the Chapter of Elections and the Regional Spiritual Assistant (or delegate) witnesses the election (GC 76.2, RG 12.7.a,b).

### Article 23. Deactivating an Established Fraternity

1. When a Canonically Established Fraternity no longer has the viability and stability to maintain its OFS life, fraternity, and mission, it may be declared deactivated by the Provincial Spiritual Assistant of the Friar Province to which the fraternity is bonded.

The document *Guide for Deactivation of a Local Secular Franciscan Fraternity*<sup>9</sup> (*Deactivation*) is hereby included by reference. Its criteria and procedures are to be used by the Region. Some additional guidelines are listed below.

2. Below is a list of conditions that should be considered “red flags” that a fraternity is struggling. These are not meant to be exhaustive. A fraternal and/or pastoral visitation should be considered when the fraternity:
  - No longer has at least five active professed members, the number necessary for a complete elected council (Rule 21 & 22, GC 46.2, 49.1);
  - No longer has regular monthly fraternity gatherings (Rule 24, GC 53);
  - No longer participates in the activities of the Regional Fraternity nor cooperates with the REC (Rule 24, GC 30.2, 61.1, 93.2);
  - No longer contributes to the Common Fund or supports the higher level fraternity (Rule 25, GC 30.3);
  - Has not had a new perpetual profession for at least three years (Rule 23, Ritual p. 24);
  - Has not sought a Pastoral or Fraternal Visitation for at least five years (Rule 26, GC 92.2); and

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<sup>9</sup> Approved jointly by the Conference of National Spiritual Assistants and the National Executive Council, Feb 1, 2022, URL <https://www.secularfranciscansusa.org/wp-content/uploads/Guide-for-Deactivation-of-a-Local-Secular-Franciscan-Fraternity-2-21-2022.pdf>

- No longer has a sense of its Franciscan Ecclesial and Apostolic mission as a fraternity (Rule 22, GC 1.3, 3.3, 50).

### 3. Fraternal Accompaniment<sup>10</sup>

- a. When a fraternity is unable to elect a new council at the end of a term, or the elected council can no longer function, the Region, in consultation with the Province to which the fraternity is bonded, may grant a grace period of two years to allow time for the fraternity to rebuild. During this time an accompanying fraternity is assigned to all the functions proper to the local council, including formation and decisions on admission and profession. The REC regularly reviews the progress of the struggling fraternity. If progress is shown, the grace period can be extended. Such a grace period should only be considered if the members of the struggling fraternity have the desire to continue, and the potential to rebuild exists (*Deactivation* p1).
  - b. Other than the responsibilities associated with the process of Canonical Establishment, the responsibilities of an accompanying fraternity in such a relationship are much the same as that of a sponsoring fraternity with a newly forming group (see RG 22.2-4; *Deactivation* p2). The emphasis of ongoing formation, however, should be building servant leadership in the accompanying fraternity, since the goal is to bring the fraternity to a place where they can elect a council, and become a viable, vibrant fraternity.
  - c. The reporting responsibilities are different from those of a sponsor of a newly forming fraternity in that the members of the accompanied fraternity do not transfer to the accompanying fraternity. Thus, they remain responsible for reporting to and financially supporting the Region. The accompanying fraternity would offer assistance and guidance as needed.
  - d. Also, the accompanying fraternity would be responsible for reporting progress of the accompanied fraternity to the REC on a regular basis as determined by the REC.
4. Failing accompaniment, a Canonically Established Fraternity can be deactivated for any of the reasons listed in section 2 above. The official deactivation of a fraternity happens in the manner described in the document referenced earlier (*Deactivation* pp1-2).
  5. When a fraternity is deactivated, all members, including those excused or homebound, must transfer into an active fraternity. The REC should take steps to ensure that there remains a connection with the members.
    - a. Provision will be made, with the help of the REC, for the remaining members to transfer their membership to the nearest active fraternity (GC 55) or to one of a member's choice;

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<sup>10</sup> The term used in the Deactivation document is “sponsoring fraternity”, which could be confused with a similar, but different, concept in connection with a newly forming fraternity. The term “accompanying fraternity” is used in these guidelines instead to provide a better sense of the relationship.

- b. The goods of the fraternity, its library and records, are acquired by the REC and kept in the Regional Fraternity's archives (GC 48.1);
  - c. The Common Fund and other assets are either to be disposed of according to the decision of the remaining members or are put in an interest-bearing escrow account managed by the REC (Canon 122-123), provided that no individual receives any part of the funds and all funds are transferred to another fraternity within the Order or to a 501(c)(3) organization;
  - d. A copy of the Document of Establishment (with the date of deactivation recorded on it) and a copy of the last list of active members are to be sent to the archives of the Friar Province to which the fraternity is affiliated, to the archives of the Regional Fraternity, and to the archives of the appropriate Diocese.
6. Satellite of an Active Fraternity

In cases where attending fraternity gatherings in another fraternity are not practical, either because of distance or inability to travel, the REC may consider a request by the members of a deactivated fraternity to become a satellite of another (sponsoring) fraternity; see *Deactivating* p3 sidebar for criteria and process.

## Article 24. Reactivating an Established Fraternity

1. As a juridic person, according to Canon Law, a Canonically Established Fraternity of the OFS remains "alive" and cannot be dissolved until one hundred (100) years after the death of its last member (cf. Can. 120).
2. Any fraternity which has been deactivated or suspended may be reactivated during these 100 years:
  - a. Either by at least five of the former members of the active fraternity themselves; or
  - b. By a new group of at least five active professed members who are willing to assume the juridic personality of the previously Established Fraternity.
3. To reactivate a fraternity, a minimum of five professed members is to:
  - a. Meet together and fulfill the necessary requirements just as though they were a "newly forming group" and then an "emerging community" according to the accepted guidelines for establishing new fraternities (RG 22);
  - b. Fulfil any requirements of probation or censure if the fraternity to be reactivated was suspended, before the process of reactivation is officially begun; and
  - c. Formally request, in writing to the REC, to be officially reactivated as an already Established Canonical Fraternity.

The REC may, at its discretion, shorten the minimum period of reactivation.

4. If the REC, after conducting a Fraternal and Pastoral Visitation, accedes to the request, then:
  - a. The Regional Minister verifies the Canonical Establishment (either by the Official Document or by sworn and notarized affidavit) and the past existence of the deactivated fraternity, and asks the Friar Province, to which it was bonded, to issue a decree of reactivation;
  - b. The Provincial Spiritual Assistant issues the decree, with copies to the fraternity, to the REC, and to the local (Arch) Bishop;
  - c. The REC returns the remaining goods, the financial assets, the records and registers, the Official Documents, and the library to the reactivated fraternity (GC 48.2); and
  - d. A public ceremony of reactivation is celebrated liturgically and socially.

### Article 25. Establishing a Cell

1. Where the situation and the needs of the members require it, sections or groups, referred to as cells, may be established within the Local Fraternity under the guidance of the one Local Fraternity Council (GC 34; NS 18.5.a). Examples of such situations are:
  - When the Local Fraternity is too large to accommodate all members.
  - When, due to the distance members have to travel, it is more convenient to meet at a different location.
  - To satisfy particular needs.
  - To share common interests.
2. Such cells are constituent parts of the Local Fraternity and remain subject to it (NS 18.5.b) and under the guidance of one Local Fraternity Council (GC 34). Its members continue to belong to the Local Fraternity, are carried on its register, and are responsible for contributions to the Local Fraternity's Common Fund and its Fair Share obligations. They must continue to participate fully in the Local Fraternity's fraternal and apostolic life (NS 18.5.a). They do not have officers, nor do they conduct initial formation.

Such cells may give themselves specific norms relative to their gatherings and activities (GC 34).

3. The following steps should be followed in establishing a cell.
  - a. Its members petition the Local Fraternity Council, hereinafter referred to as Council, to form the cell. The petition must include the reason(s) to form, a list of their initial members, and where and when they propose to meet, which must be an ecclesial location (church, shrine, etc., as in RG 22.2.c).
  - b. After Council approves the request, it appoints a leader for the cell from among their number who will act as their initial liaison to Council. Should the cell later

select someone else to be their liaison, the change must be approved by Council. The cell does not have officers of its own.

- c. The cell works out its program for the monthly gathering. Requests can be made to the local formation team or Spiritual Assistant for a monthly conference with reflection questions, outside speakers can be invited, or a text can be followed with discussion, preferably on the Scriptures and Franciscan Spirituality.
  - d. The cell is to select a qualified professed member of the group, to be approved by Council, as facilitator of formation who acts in collaboration with the formation team of the Local Fraternity (as in RG 22.2.e). If no one qualifies for this role, the Local Fraternity will provide a suitable person.
  - e. The Cell must meet at least twice a year with the Local Fraternity;
  - f. The cell may select someone, who must be approved by Council, to collect and disburse funds specific to the cell. All funds collected and not used for expenses specific to the cell are to be forwarded to the fraternity's Treasurer for deposit. Likewise, expenses of the cell are to be reported to and reimbursed by the fraternity's Treasurer. Cell members are responsible for contributing to the Common Fund in order to provide for the financial needs of the fraternity, which includes the Fair Share obligations of the Fraternity.
  - g. Once the cell is established the Council must inform the Regional Minister and its Family Councilor.
  - h. The Minister and the Spiritual Assistant from the Local Fraternity are to visit the cell twice a year;
4. Transferring a Cell to a new Fraternity
- a. The transfer of a Cell from the care of one fraternity to another must be made by written request from the cell's members to the current Council and the Council of the proposed new fraternity.
  - b. If both Councils approve of the transfer, and the REC agrees, the transfer process may begin. Each member of the cell submits a transfer request (RG 14) to the current Council. When all such requests are approved by both Councils the cell is completely transferred.
5. If a cell discerns that it should become a fraternity, it must follow the process described in these guidelines (RG 22).

## Article 26. Suspending a Canonically Established Fraternity

1. A Canonically Established Fraternity can be suspended for the following reasons:

- a. The repeated and prolonged or habitual default of the members in their corporate obligations for life in fraternity, of observance of the Rule, or fidelity to the Franciscan Charism (GC 56.2);
  - b. Serious opposition or obstinacy toward the mandates of the OFS Rule, General Constitutions, and particular statutes (GC 56.2);
  - c. The communal public rejection of the faith or the communal defection from Ecclesial Communion (GC 58.3); or
  - d. A communal act which is grave, external, imputable, officially documented, and juridically proven (GC 58.2).
2. The suspension of the fraternity is officially incurred in the following manner:
- a. The Regional Spiritual Assistant/s takes the initiative to conduct a Pastoral Visitation and the REC takes the initiative to conduct a Fraternal Visitation;
  - b. As a result of the Visitation, if the reason for suspension is not corrected by dialogue and personal presence, the REC issues three warnings signed by the Regional Minister and the Regional Spiritual Assistant/s, each one at least three (3) months after the preceding warning;
  - c. If the warnings produce no positive results, the REC discerns whether to request suspension from the Provincial Spiritual Assistant of the Friar Province to which the fraternity is bonded and records its discernment in its minutes;
  - d. The Regional Minister communicates, in writing, the request and advice of the REC to that Provincial Spiritual Assistant; and
  - e. The Provincial Spiritual Assistant of the Friar Province to which the fraternity is bonded enacts the decree of suspension and sends it to the Fraternity Minister, with copies to the Regional Minister and the local (Arch) Bishop.
3. When a fraternity is suspended:
- a. Provision will be made, with the help of the REC, for the fraternity members to transfer their membership to the nearest active fraternity (GC 55) unless:
    - i. the individual member/s is to be temporarily suspended from life in the fraternity (GC 56.2; RG 17.2); or
    - ii. the individual member/s is to be dismissed from the OFS (GC 58.2,3,4; RG 17.6).
  - b. The goods of the suspended fraternity, its library, and records are acquired by the REC and kept in the Regional Fraternity archives (GC 48.1);

- c. The Common Fund and other assets of the suspended fraternity are to be frozen in a separate interest-bearing escrow account managed by the REC (Canon 122-3);
- d. A copy of the Document of Establishment (with the date of suspension recorded on it) and a copy of the last list of active members are to be sent to the archives of the Friar Province to which the fraternity is bonded, to the archives of the Regional Fraternity, and to the archives of the Diocese; and
- e. The Local Ordinary of the (Arch) Diocese where the fraternity has been established is to be notified by the Provincial Spiritual Assistant of the suspension and the reasons for it.



## **Policies and Procedures**

## **Five Franciscan Martyrs Donor Fund Guidelines**

(Approved by the Five Franciscan Martyrs Regional Council on April 29, 2017)

### **A) Definition of Terms**

The Five Franciscan Martyrs Regional Council (Regional Fraternity) is composed of both the Ministers of the canonically established Local Fraternities of the region and the Regional Executive Council.

The Regional Executive Council (REC) is composed of a duly elected Minister, Vice-Minister, Secretary, Treasurer, Formation Director, and at least two Family Councilors.

The Five Franciscan Martyrs Donor Fund (Donor Fund) will be composed of all donations given specifically to the Five Franciscan Martyrs Donor Fund or to the Secular Franciscan Order as a whole with no other specific fraternity, purpose, or fund named within the Order. This fund will be distributed according to the guidelines below.

### **B) Authority to Spend**

Only the entire Regional Fraternity, when convened for its Annual Meeting, may authorize an expenditure from the Donor Fund. The expenditure must carry an absolute majority. However, see Item D for “Restrictions on Spending.”

### **C) Maintenance of the Account**

The REC Treasurer, with its Finance Committee composed of at least one person with investment portfolio experience, shall maintain this money in a separate account and report on the progress of this account, at least once a year, at the Annual Meeting when the entire Regional Fraternity is convened. Intermediate reports shall be given to the REC whenever it convenes. An audit shall be executed at least once every three years.

### **D) Restrictions on Spending**

To ensure the long-term life of this restrictive account:

- 1) The Regional Fraternity may not spend the principal at any time. It may only spend the income earned during the past calendar year.
- 2) The money management must include only wise, safe, low-risk investing as decided by the REC Treasurer and its Finance Committee.

### **E) Suggested Priority of Spending**

The Regional Fraternity membership shall prioritize the spending as follows:

- First — Other Secular Franciscan Brothers and Sisters in the world who are enduring a hardship.  
Second — Those who are homeless and hungry in this land of plenty.

Third — Our Christian neighbors in the Holy Land, etc., who are being persecuted.

### F) Emergency Spending

If there is a State Disaster such as a hurricane, and all other avenues for state aid (Red Cross, Catholic Welfare, etc.) have been exhausted, the affected Brother or Sister may petition the Regional Executive Council for assistance from this fund by completing the Request for Emergency Funds. The Regional Executive Council will then forward the form by email to the Regional Fraternity for authorization to disburse the money. An absolute majority vote is required. This vote will then be reaffirmed at the next Annual Meeting.

### G) How Donations May Be Made

Donations may be made to the Five Franciscan Donor Fund by anyone.

- ❖ by remembering the fund in their will.
- ❖ by stipulating that the donation is being made specifically to the Franciscan Donor Fund.
- ❖ by giving the donation to any Secular Franciscan member who will then forward it to the REC Treasurer for deposit.

**Checks** should be made to the **Five Franciscan Martyrs Regional Donor Fund**

Mailing Address:

The National Fraternity of the Secular Franciscan Order, USA  
1615 Vine Street  
Cincinnati, OH 45202-6400  
[www.OFS-USA-sfo.org](http://www.OFS-USA-sfo.org)

## Teleconference Usage Guidelines

(Last updated by the Five Franciscan Martyrs Regional Fraternity Council on May 19, 2023)

### **Preface:**

This guideline outlines appropriate uses of teleconference technologies and their use within the context of fraternal life. A balance between pastoral need to keep our homebound brothers and sisters connected to their fraternities and mutual witness, prayer, and support is desirable.

The Coronavirus (COVID-19) crisis indicated that it was necessary and prudent to access and use teleconference technologies to exercise safety precautions in the care and feeding of our brothers and sisters because it was a way to have fraternity gatherings in a safe manner.

Not only was it found that these tools could be used to conduct the business of running the Order safely, but it soon became apparent that our brothers and sisters could continue connecting with each other and in a manner that was similar to the sharing that occurred during regular in person gatherings.

Post 2020 it became normative for fraternities and councils at various levels to conduct business via telecommunications. This presents new challenges

### **1) Appropriate use of teleconference technology in conducting fraternal life:**

Teleconference technology may be used for fraternal life in the following cases:

- A) In the circumstance where the health and safety of its members would be in danger of life and health.
- B) Where a brother or sister is homebound, excused, and not able to attend physically due to physical disability.
- C) Where a brother or sister is ill, as it is not the intent that someone who is ill should come to the gathering and put their brothers and sisters at risk.

### **2) Inappropriate use of teleconference technology in conducting fraternal life:**

Teleconference technology should NOT be seen, or adopted, as a suitable replacement for normative communal life within the fraternity for anyone in the fraternity, with the sole exception of the brother or sister who is homebound by reason of physical disability.

It is permissible for members who are ill to excuse themselves from the gathering, both in love and in charity, to exercise self-care and for the protection of their brothers and sisters. If they are able, then attending via teleconference may be edifying for both the community and the brother or sisters who is ill. This should, however, only occur for one month, and they should let someone on the fraternity council know in advance as soon as they are able.

Teleconference technology should never be seen as an avenue to conduct initial formation under any circumstance with the sole exception of danger to the immediate health of the fraternity members.

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