



National Fraternity of the Secular Franciscan Order in the United States (OFS-USA)

Guideline: 2024-05

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Revision Date:

Subject: Guidelines for Suspension or Dismissal of a Member or Removal from Office

General Comments: Applies to all fraternities – local, regional, national.

Background: When elected to the council of a local fraternity, the primary responsibilities are to lead the fraternity in deepening the commitment to the Secular Franciscan Rule through building fraternity, forming new vocations and communicating with the broader family. At times, however, disciplinary issues do arise with members. Council members are charged with addressing the issues. The challenge is to do it with charity and prudence, both for the sake of the member and the fraternity as a whole. If the council member is the one in difficulty, removal from the office may also apply. If a person in initial formation is the one with difficult behavior, these provisions do not apply. However, a Council may choose to follow some steps as they discern whether that person has a vocation.

Key provisions that must be reviewed are:

General Constitutions¹:

Article 50.2 (b) and (c) Additional Duties of the Council

Articles 56 and 57 Temporary Provisions

Articles 58, 59 and 60 Definitive Provisions

Article 84 Removal

In most cases, disciplinary actions should be kept confidential. This means within the Council. When an issue is identified, the Council must discuss the issue with the fraternity member with the Spiritual Assistant present (if possible)². Information should be shared with all Council members. If necessary, a

¹ See language in Attachment 1.

² Note: If the fraternity does not have a spiritual assistant, contact the Regional Spiritual Assistant or one for a neighboring fraternity. If neither are available, then another member of the council should be involved with the interviews.

secret vote on action should be taken. Decisions must be documented³. Typically, this type of documentation is labeled confidential and kept separate from regular meeting minutes. These are for Council member eyes only. Council members of the higher levels would be able to review this documentation if necessary.

Options for discipline are suspension or dismissal. In the alternative, a member can decide to request temporary withdrawal (GC 56.1 and 56.3) or permanent withdrawal (GC 58.1), but those statuses are not considered “disciplinary” in nature. Removal from office (GC 84) may apply to a council member.

1. Suspension (per GC 56.2) may be an option if there is evidence of:

Repeated and prolonged failure to fulfil the obligations required for the life of the Fraternity and other conduct in serious conflict with the Rule.

What does “repeated and prolonged failure to fulfil the obligations required for the life of the Fraternity and other conduct in serious conflict with the Rule” mean?

“Repeated and prolonged” means more than once and the behavior continues to be demonstrated after Council intervention.

Examples of conduct that falls under “Failure to fulfil the obligations required for the life of the Fraternity and other conduct in serious conflict with the Rule” will come from the Rule itself and may include:

- a. Not living according to the teachings of the Catholic Church with refusal to remediate once fraternal correction has taken place.
- b. Dominating the discussion at meetings with a particular point of view.
- c. Lack of cooperation/collaboration with the Council.
- d. Use of email and social media to bully or badger fraternity members.
- e. Causing a lack of peace in the fraternity when their opinion is not accepted.
- f. Not fulfilling the most basic obligations found in our rule—supporting the fraternity financially and with personal presence despite repeated invitations to do so.

This conduct must be discussed by the Council in dialogue with the member exhibiting the conduct. Time should be allowed to determine if the conduct has been remediated. The Council should document the decision in writing and communicate the decision and timeframe with the member. The documentation should be retained in a confidential file in the council files.⁴

In the case of obstinacy or relapse, then the Council may decide, with a secret vote, to suspend the member. Again, the Council must communicate its decision in writing to the member concerned. The

³ “Documented” means a memorandum is prepared summarizing date and location of the meeting(s) and outcomes. This includes participants in the discussion and listing of who made and seconded motions and the decision when it comes to a council vote. If the vote was by secret ballot, that should be noted also.

⁴ See Attachment 2. Resources for Councils for examples of what to accomplish in meetings and sample questions. OFS-USA Guideline for Suspension or Dismissal of a Member or Removal from Office – September 21, 2024
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communication needs to be retained in the council files. The council should then notify the next higher council of its decision.

2. Dismissal (per GC 58.2) may be an option if there is “grave reason” which is external, imputable and juridically proven.

Grave – serious

External – outside of the Order

Imputable – attributable to the member

Juridically proven – evidence to prove the case

We do not expect many situations that meet these conditions. However, if such reason exists, the following steps are taken:

- a. Minister and the Spiritual Assistant of the local Fraternity, initiate a dialogue with the brother or sister concerned.
 - i. The conversation should be conducted with charity and prudence.
 - ii. The Minister and SA are to keep the Council informed.
 - iii. The member is given time to reflect and to discern, and eventually, if necessary, may be offered help from an external and competent expert. *[Note: The conclusions from the meetings, including the plan for correction, should be documented and shared with the member and the council. All definitive actions, previous attempts at correction and timelines should be included.]*
- b. If the time set aside for reflection passes without any resolution, the Council of the Fraternity makes a request to the Council of the higher level to dismiss the brother or sister from the Order. *[Note: The Council may vote on this by secret ballot. Any vote and the conclusions from the meeting(s) must be documented in confidential meeting minutes.]*
- c. The request must be accompanied by all the documentation relative to the case. *[Note: Documentation should be clearly laid out. A string of emails does not allow the higher level to understand the situation properly. Clarity should come from the level closest to the issue at hand.]*
- d. After having collegially examined the request with the relevant documentation and having verified that the guidelines of the Law and of the Constitutions have been observed, the Council of the higher level will issue a decree of dismissal.
 - i. In the case of the local fraternity recommending dismissal, the Regional Executive Council would be the Council to review. The REC votes on whether the documentation supports dismissal.
 - a) If the vote is to dismiss the member, then the REC will issue the decree of dismissal. **[Note: Although the decree of dismissal is “issued”, the decree of dismissal is not forwarded to the member at this time.]**
 - b) If the vote is against dismissing the member, then the REC reports to the local fraternity council the decisions not to dismiss the member.

- ii. In the case of the regional fraternity recommending dismissal, the National Executive Council would be the Council to review. The NEC votes on whether the documentation supports dismissal.
 - a) If so, then the NEC will issue the decree of dismissal and then confirm the decision and notify the member.
 - b) If the NEC is against dismissing the member, then the NEC reports to the REC the decision not to dismiss the member.
- e. All documentation must be sent to the National Council.
- f. The National Council reviews and will either:
 - i. Confirm the decision and thus the dismissal is effective or
 - ii. Does not confirm the decision and thus the dismissal is not effective.
- g. If confirmed,
 - i. The National Council issues a decree of dismissal and notifies the member and Regional Council.
 - ii. The member has three months from the date of notification to appeal (seek recourse regarding) the decision to the next higher level. (GC Art 59)
- h. If not confirmed, the National Council notifies the regional council of the decision, and the case is closed.
- i. Effective date of the dismissal.
 - i. If an appeal is not submitted within three months, the dismissal stands.
 - a) The request to have someone's Status changed to "Dismissed" must be made by the NEC to the Database Team after the time of appeal has expired without an appeal from the person.
 - ii. If the member submits an appeal within the three-month period, the dismissal is not yet effective.
 - a) If the Presidency upholds the dismissal, the member may submit an appeal to the Holy See.
 - 1. If the Presidency decision is not appealed within three months, the dismissal is effective.
 - 2. If the Presidency decision is appealed within three-months, the dismissal is not yet effective. The final decision is with the Holy See.
 - b) If the Presidency grants the appeal, the decision is not effective.

3. Removal (per Article 84) from the office may be necessary if a member of the Council is not fulfilling his or her duties. The following steps are followed:

- a. In the case in which the Minister does not fulfill his or her duties, the Council involved shares its concerns in a fraternal dialogue with the Minister. If this does not produce positive results, the Council should inform the Council of the higher level whose competence it is to examine the case and, if needed, by secret ballot, decide to remove the Minister.

b. For a serious, public and proven reason, the Council of a higher level, after a fraternal dialogue with the member concerned, may, by a secret ballot, order the removal of a Minister of a lower level.

c. In the case of other offices, when there is a serious reason to remove a member from office, it is the responsibility of the Council to which he/she belongs to reach a decision. It is made by a secret ballot after there has been a fraternal dialogue with the member involved.

d. An appeal, which suspends the action to remove a member from office, can be presented within thirty days to the Council of the level immediately higher than the one which imposed the sanction.

...

f. In the case of grave negligence or irregularity on the part of a Minister or a Council, the Council of the next higher level conducts a fraternal visit of the Council in question and, if necessary, requests a pastoral visit. With charity and prudence, it will evaluate the circumstances uncovered and decide on the best way to proceed. This can include the possibility of removal of the Council or leaders involved.

Attachment 1

Excerpts from OFS General Constitutions

General Constitution (GC)

Article 50

2. The duties of the Council are also:

...

b) to establish a fraternal dialogue with members in particular difficulties and to adopt subsequent measures;

c) to receive the request for withdrawal and to decide on the suspension of a member from the Fraternity;...

Article 56

1. Rule 23. Brothers and sisters who find themselves in difficulty may ask, with a formal act, temporary withdrawal from the Fraternity. The Council will evaluate the request with love and prudence, after a fraternal dialogue between the Minister and the Spiritual Assistant with the person concerned. If the reasons appear to be well founded, after the brother or sister in difficulty has been given time to reconsider, the Council agrees to the request.

2. Repeated and prolonged failure to fulfil the obligations required for the life of the Fraternity and other conduct in serious conflict with the Rule have to be discussed by the Council in dialogue with the person at fault. Only in the case of obstinacy or relapse may the Council decide, with a secret vote, to suspend someone. It communicates its decision in writing to the person concerned.

3. Voluntary withdrawal or the provision for suspension must be noted in the registers of the Fraternity. It involves exclusion from the meetings and activities of the fraternity, including the right of active and passive voice, but membership in the Order itself is not affected.

Article 57

1. In the case of voluntary withdrawal or of suspension from the Fraternity, the Secular Franciscan may ask to be readmitted by submitting an appropriate written request to the Minister.

2. After examining the reasons offered by the person involved, the Council evaluates whether the causes which led to the withdrawal or suspension can be considered resolved. If the conclusion is affirmative, the Council readmits him or her and the decision is recorded in the proceedings of the Fraternity.

Article 58

1. The brother or sister who intends to withdraw definitively from the Order, communicates his/her intention in writing to the Minister of the Fraternity. The Minister and the Spiritual Assistant of the local Fraternity, with charity and prudence, will initiate a dialogue with the person concerned and keep the Council informed. If the brother or sister confirms the decision in writing, the Council will act upon it and communicates it in writing to the person concerned. The definitive withdrawal is recorded in the register of the Fraternity and communicated to the Council of the higher level.

2. For grave reasons, that are external, imputable and juridically proven, the Minister and the Spiritual Assistant of the local Fraternity, with charity and prudence, initiate a dialogue with the brother or sister concerned and keep the Council informed. The brother or sister is given time to reflect and to discern, and eventually, if necessary, may be offered help from an external and competent expert. If the time set aside for

reflection passes without any resolution, the Council of the Fraternity makes a request to the Council of the higher level to dismiss the brother or sister from the Order. The request must be accompanied by all the documentation relative to the case. After having collegially examined the request with the relative documentation and having verified that the guidelines of the Law and of the Constitutions have been observed, the Council of the higher level will issue a decree of dismissal.

3. The brother or sister who publicly renounces the faith, or is no longer in communion with the Church, or upon whom an excommunication is imposed or declared, by virtue of the very fact, ceases to be a member of the Order. This does not exonerate the Council of the local Fraternity from initiating a dialogue with the person concerned and offering fraternal help. The Council of a higher level, upon request of the Council of the local Fraternity, collects the evidence and officially declares that the person has ceased to be a member of the Order.

4. The Decree of Dismissal or 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 Council to whom all the documentation will be sent.

Article 59

If anyone is convinced that he or she has been wronged by a decision reached by the Council, that person may appeal within three months to the Council of the higher level to the one that reached the decision, and continue to make successive appeals to other levels up to the Presidency of CIOFS and, in the final instance, to the Holy See.

Article 84

1. In the case in which the Minister does not fulfil his or her duties, the Council involved shares its concerns in a fraternal dialogue with the Minister. If this does not produce positive results, the Council should inform the Council of the higher level whose competence it is to examine the case and, if needed, by secret ballot, decide to remove the Minister.

2. For a serious, public and proven reason, the Council of a higher level, after a fraternal dialogue with the person concerned, may, by a secret ballot, order the removal of a Minister of a lower level.

3. In the case of other offices, when there is a serious reason to remove a person from office, it is the responsibility of the Council to which he/she belongs to reach a decision. It is made by a secret ballot after there has been a fraternal dialogue with the person involved.

4. An appeal, which suspends the action to remove someone from office, can be presented within thirty days to the Council of the level immediately higher than the one which imposed the sanction.

5. The removal of the General Minister is in the jurisdiction of the Conference of the General Ministers of the First Order and the TOR.

6. In the case of grave negligence or irregularity on the part of a Minister or a Council, the Council of the next higher level conducts a fraternal visit of the Council in question and, if necessary, requests a pastoral visit. With charity and prudence, it will evaluate the circumstances uncovered and decide on the best way to proceed. This can include the possibility of removal of the Council or leaders involved.

Attachment 2 Resource for Councils

A. Steps for the Meeting and Conversation to Address Difficulty Situations

- 1) State the reason for the conversation clearly, getting straight to the point. Let the individual know the purpose is fraternal correction with the goal of keeping them in the fraternity and in the Secular Franciscan Order.
- 2) State the impact on the fraternity and include specific details on what, when and where the actions took place.
- 3) Listen to their side of the story without interrupting.
- 4) Work together to come up with a plan of correction that includes specific actions and completion dates.

B. Sample steps for meeting

- 1) Reason: “We are meeting today to discuss the ongoing disruptions and interruptions in our monthly fraternity gatherings. We hope to come up with a plan to help with correction to keep you as an active member of our fraternity.”
- 2) Impact: “In our last three-monthly gatherings you have caused disruption to the fraternity by interrupting your brothers and sisters as they shared their thoughts during our ongoing formation (give dates and specific examples.) For example, in our October gathering on 10/8/2023, you interrupted the formation session by becoming argumentative with others as they were sharing. When you were asked to stop interrupting, you continued to do so repeatedly. At the November gathering on 11/12/2023, you raised your voice and interrupted a sister that was sharing and spoke over her. After being politely reminded to let others share without interrupting, you continued to do so as the next person shared. The disruptive behavior continued as our December gathering on 12/10/2023.”
- 3) Listen: Actively listen to their side of the story
Develop Plan for correction: Start by asking the person for their ideas on how to correct the actions from happening in the future. Dialogue and come up with an agreed upon plan.