

PROVINCIAL STATUTES

**The Third Order
The Society of St. Francis
Province of the Americas
Revised Fall 2018**

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Table of Contents

I. Government	
A. The Chapter	3
B. The Standing Committee	5
C. The Corporation	6
II. Ministers	
A. The Bishop Protector	7
B. The Minister General	7
C. The Provincial Leadership	7
D. The First Order Visitors	7
E. The Minister Provincial	8
F. The Secretary	9
G. The Fellowship Coordinator	10
H. The Formation Director	10
I. The Provincial Chaplain	11
J. The Bursar	12
K. Miscellaneous	12
III. Membership	
A. Postulants	13
B. Novices	13
C. Professed	14
D. General	16
IV. Meetings	
A. Convocations	17
B. Other Meetings	18
C. General	18
V. Other	18

I. GOVERNMENT

A. THE CHAPTER

1. The Chapter is the legislative body of the Order, and the ultimate authority in all that concerns its policy and work in this Province. It is entrusted with the responsibility of preserving the spirit of the Order as set forth in the *Principles*, in the life and work of the Province.

2. The Chapter has particular responsibility for the election of brothers and sisters to profession, for releasing a professed tertiary from the obligations of profession, for the emendation of the *Provincial Statutes*, for the election of a representative to the interprovincial and inter-Order bodies of the Society, and for the performance of the other duties assigned it by these *Statutes* and the *Constitution of the Third Order*.

3. The Chapter shall normally meet once each year. It is customary to meet during Francistide after October 4, but not traveling on October 4. The Standing Committee, or the members of the Chapter as defined in paragraph 6, may call extraordinary meetings if need requires. All professed tertiaries may have a voice in Chapter by contacting Chapter members. At least 3 months prior to a Chapter meeting, a notice shall be sent to all professed tertiaries, stating the date, and inviting them to present to the Minister Provincial or Secretary items for the agenda at least 2 months prior to Chapter meeting. Following the meeting, minutes are to be made available to all professed tertiaries.

4. The Minister Provincial shall normally chair meetings of the Chapter; but Chapter may select one of its members to preside in his or her absence. The Minister Provincial may give a casting ballot in any Chapter vote or election.

5. Actions reserved to the members of Chapter in these Statutes may be taken either at a meeting of the Chapter or via secure media and must be arrived at by a consensus when a quorum of ex officio and of elected members is present. If a quorum is not present, no action is to be taken. Presence may include all varieties of secure media. Financial matters may require majority vote rather than consensus.

6. The Chapter shall consist of the Minister Provincial, the Chaplain, the Formation Director, the Secretary, the Bursar, and the Fellowship Coordinator, ex officio; the representative elected by the Brazil Regional Chapter; and 7 elected brothers and sisters of the Order. Should an elected member of Chapter become an ex officio member of Chapter, or should a member of Chapter resign, the elected position would be declared vacant and would be offered to the person with the next highest number of votes in the most recent Chapter member election. The elected members shall serve for three years. The Ministers Provincial of the First Order are members of Chapter in a consultative capacity with voice but not vote. The First Order Visitor(s) are invited to attend Chapter, and may be given voice but not vote.

7. The members of the Chapter may, by consensus, co-opt any other member of the Society to participate in its deliberations with voice only. The Minister Provincial may co-opt any other member or invite any other person to participate in its deliberations with voice only.

8. Beginning in 2007 and every 3 years following, any professed brother or sister of the Order in this Province is eligible for election to Chapter. On January 15th of the year in which the terms of the Chapter members in office expire, each professed brother and sister has the right to nominate to the Secretary, on a form provided, up to 5 eligible brothers and sisters; but no elected member of Chapter may serve more than two full consecutive terms. The 10 receiving the highest nominations shall be candidates for Chapter. Should brothers and sisters be tied for the tenth position, all their names shall appear on the ballot. The Standing Committee may nominate up to 4 candidates. After reviewing the ballots, the Standing Committee nominations shall be communicated to Chapter members immediately.

9. By the fifteenth of April, a ballot containing all the candidates' names shall be circulated to all the professed. The ballots shall have a blank line to add the date on which the vote is cast. Local Fellowships and other Third Order groups shall undertake a full discussion of these candidates, and every effort shall be made to include all brothers and sisters of the Order in the discussions.

10. By the fifteenth of July, each professed tertiary shall vote for up to 7 of these candidates, taking due regard for the representation of all geographical areas in

the Province, and return the ballot to the Secretary. The 7 candidates receiving the highest total number of votes shall be elected members of the Chapter. In the case of a tie for the seventh position, the Minister Provincial shall cast the deciding vote.

11. The ballots shall be opened on August 1st, and promptly tallied by a Chapter member appointed by the Minister Provincial, who is not a candidate for office. The results shall be promptly conveyed to the Minister Provincial, the Standing Committee, and the general membership upon completion of the tally.

12. All members of Chapter are entitled to retain their seats unless Chapter reaches a consensus to remove them. Cause for removal shall include issues of conduct and character, but willingness to serve the Order in other various roles (other than ex officio positions) shall not disqualify someone from serving as an elected member of Chapter.

B. THE STANDING COMMITTEE

1. The Standing Committee shall have the authority to deal with current activities and emergencies. The Standing Committee has no legislative powers, but the Chapter may by consensus authorize the Standing Committee to act on its behalf on specific questions.

2. Three members of the Standing Committee must be present for it to take action. The Standing Committee may act by consensus of the members present. All actions of the Standing Committee are subject to review by the members of Chapter, and any member of Chapter may call for a vote on a decision of the Standing Committee and come to an agreement about the decision by consensus. In this case that decision shall be of no effect until and unless it is ratified by the members of Chapter.

3. The Minister Provincial, the Chaplain, the Formation Director, the Secretary, the Bursar, and the Fellowship Coordinator, and one elected member of the Chapter chosen by the elected members of the Chapter, shall be members of the Standing Committee. Any Chapter representative elected to the Standing Committee shall serve a one-year term with no reelection during their three-year term on Chapter. The Standing Committee may by a simple majority vote of the

members present co-opt any other member of the Society to participate in its deliberations, with voice but not vote.

4. Ballots for the election of officers or Chapter members shall be reviewed by the Standing Committee.

C. THE CORPORATION

1. The Corporation of the Third Order is the legal entity for the Third Order, Society of Saint Francis, Province of the Americas. It was incorporated as the Third Order of the Society of St. Francis American Province, Inc. on July 12, 1968, under the incorporation laws of the State of New York. The Corporation gained tax-free status as a 501(c)(3) organization in July, 1968.

2. The members of the Corporation include all professed tertiaries. The Corporation Board is comprised of the Officers of the Corporation – President, Vice President, Secretary, and Treasurer. The Minister Provincial shall serve as President. The Vice President, Secretary and Treasurer shall be elected by the Chapter. In the event that none of the above referenced Provincial Officers is a resident of the State of New York, the Chapter shall elect an Officer-at-Large who is a resident of New York State.

3. The Treasurer of the Corporation shall prepare a balance sheet reflecting all of the assets and liabilities of the Corporation and present same to Chapter and the Board of Directors at the Annual Meeting. The Treasurer shall arrange for an annual audit in alternate years of all corporation financial records and accounts.

4. Corporate Funds shall be understood to be all accounts held in the name of the Third Order, Society of St. Francis, Province of the Americas or the Corporation. The disbursement of Corporate Funds shall be made by the Bursar in accordance with the budget as directed by the Corporate Officers. The Board of Directors will act on the recommendation and vote of the Provincial Chapter.

5. Chapter shall submit to the Board of Directors for ratification an annual budget to begin the next fiscal year, October 1st. Chapter may vote to authorize the President/Minister Provincial to approve non-budgetary expenses up to an agreed limit. Non-budgetary expenses exceeding that approval limit would require the

recommendation of a majority of the Standing Committee to submit to the Board of Directors for a vote.

6. Other points of corporate operation are defined in the Corporation By-laws most recently ratified by the Directors.

II. MINISTERS

A. THE BISHOP PROTECTOR

The Bishop Protector serves the Third Order of the Society of Saint Francis in the Province of the Americas. After consulting with the members of Chapter, the Minister Provincial shall nominate one or more candidates for election by Chapter. The Bishop Protector shall serve for an initial term of six years and may serve for additional three-year terms.

B. THE MINISTER GENERAL

The Minister General is the functional Head of the Third Order throughout the world, and its servant, and is responsible for ensuring that the *Constitution* the Third Order is carried out. The Minister General also calls the InterProvincial Third Order Chapter (IPTOC) meetings as specified in the TSSF Constitution.

C. THE PROVINCIAL LEADERSHIP

The Ministers Provincial of the First Order and the Minister Provincial of the Third Order serve the Society of St. Francis in the Province of the Americas and together are responsible for maintaining the unity of the whole Society in the Province of the Americas.

D. THE FIRST ORDER VISITORS

1. The First Order Visitors are to be a liaison between the First and Third Orders. They are to report regularly to the First Order Ministers Provincial on their observations of the life and work of the Third Order, and, in turn, report to the Third Order Chapter the activities of the First Orders.
2. The Visitors are invited to visit regional Convocations, Fellowships and individual tertiaries, and are encouraged to apply to the Minister Provincial for provision toward travel expenses.

3. The Visitor or Visitors shall be appointed by the First Order Ministers Provincial.

E. THE MINISTER PROVINCIAL

1. The Minister Provincial of the Third Order in the Province of the Americas is responsible, under the Minister General, for the administration of the Third Order.

2. The Minister Provincial is particularly responsible for the preparation of the agenda for the Chapter and Standing Committee, for presiding at their meetings, and for ensuring that their decisions are carried out.

3. Any professed brother or sister is eligible for the office of Minister Provincial. The term of office is 3 years. No person shall serve more than 3 full consecutive terms.

4. By the first of April of the year of the second annual Chapter meeting following the election of Chapter members, a dated nomination form shall be sent to each professed member to stand for election. The nominee must have been contacted beforehand to make certain that the nominee is willing to stand for election. In addition, the Standing Committee may nominate 2 candidates.

5. Nominations will close on the 1st of July. The list of all nominees will be electronically forwarded to all members of Chapter who will each vote for three candidates. The candidates receiving the top three number of votes will be invited to Chapter, and any candidate not on Chapter will have their expenses covered. Local Fellowships and other Third Order groups shall undertake a full discussion of the nominees, and every effort shall be made to include all brothers and sisters of the Order in the discussions.

6. At the second annual Chapter meeting following the election of Chapter members, the Minister Provincial shall be elected by ballot by Chapter members at its annual meeting. The candidate receiving the highest number of votes shall be Minister Provincial. In case of a tie, a second ballot, with the names of those tied, shall be circulated. An unresolved tie shall be referred to the Bishop Protector for decision.

7. The Minister Provincial shall take office at the termination of the Chapter meeting at which he or she is elected.
8. In the event of a vacancy in the office of Minister Provincial during a 3-year term, the members of Chapter shall elect a Minister Provincial, at a meeting or by mail, to complete the remainder of that term. The Chapter may extend such short term for a period of less than 18 months, by a two-thirds vote of Chapter members present and by voting at a meeting, or two-thirds of total Chapter members when voting by mail.
9. The Minister Provincial will select a professed brother or sister to fill each of the ex-officio positions on Chapter according to the election schedule specified in the *Statutes* below. The Minister Provincial will notify all members of Chapter of her/his nominee no later than August 1 of the respective election year, requesting reactions, consultation and input. Should the Minister Provincial find resistance to the nominee, she/he would seek advice from all Chapter members regarding a nominee upon which the majority of them could agree. The person nominated must receive confirmation by a majority of Chapter members present and voting.
10. Should an officer, in the opinion of the Minister Provincial, become unable or unqualified to carry out the responsibilities of the Office, the Minister Provincial will first consult with the Provincial Chaplain and the Bishop Protector. The Minister Provincial and the Chaplain will then counsel the officer in question. In the absence of a voluntary resignation, the Minister Provincial and the Chaplain will jointly request Chapter to remove the officer only when a consensus for that removal is reached by those present. Presence may include all varieties of secure media.
11. Officers serve at the behest of the Minister Provincial on a term-by-term basis.

F. THE SECRETARY

1. The Secretary of the Third Order in the Province of the Americas shall assist the Minister Provincial in the discharge of his or her responsibilities. In particular, the Secretary shall be responsible for the mailing of all ballots, the compilation of the Third Order's directory, and the preparation and distribution of the minutes of

the Chapter and the Standing Committee meetings. The Secretary may, with the approval of the Minister Provincial, appoint clerks to assist in his or her duties.

2. At the first annual meeting following the election of Chapter members, the Secretary shall be elected according to the procedures outlined in II. E. 9.
3. The Secretary shall serve for 3 years, beginning and terminating on the 1st of December. No person shall serve more than 3 full consecutive terms as Secretary.

G. THE FELLOWSHIP COORDINATOR

1. The Fellowship Coordinator, under the direction of the Minister Provincial, shall be responsible for the formation and coordination of Fellowships.
2. At the first annual meeting following the election of Chapter members, the Fellowship Coordinator shall be elected according to the procedures outlined in II. E. 9.
3. The Fellowship Coordinator shall serve for three years, beginning and terminating on the 1st of December following the election of Chapter members. No person shall serve more than three full consecutive terms as Fellowship Coordinator.
4. The Fellowship Coordinator may appoint Assistant Fellowship Coordinators to assist in the work.
5. The Fellowship Coordinator shall respond to the Fellowship reports in a timely manner.

H. THE FORMATION DIRECTOR

1. The Formation Director, under the direction of the Provincial Chaplain, shall be responsible for the general pastoral care and direction of the novices and postulants.
2. In particular she or he shall be responsible for overseeing the formation program, for supervising the progress of those in formation, for approving postulants for admission as novices, and recommending novices for profession.

The Formation Director may appoint Assistant Formation Directors and counselors to assist in his/her work.

3. At the second annual meeting following the election of Chapter members, the Formation Director shall be elected according to the procedures outlined in II. E. 9.

4. The Formation Director shall serve for 3 years, beginning and terminating on the 1st of December. No person shall serve more than 3 full consecutive terms as Formation Director.

I. THE PROVINCIAL CHAPLAIN

1. The Provincial Chaplain of the Third Order in the Province of the Americas is responsible to the Minister Provincial for the pastoral care of the Order.

2. The Chaplain may appoint one or more Assistant Chaplains to help in the work of general pastoral supervision, subject to the approval of Chapter. The Chaplain may also appoint brothers and sisters to serve as Area Chaplains.

3. The particular responsibilities of the Chaplain are facilitating and supervising the reporting of members in profession, granting mandates for profession, appointing assistant chaplains and area chaplains, overseeing the admission of persons professed in other Christian communities, overseeing the work of the formation team, initiating ballots to Chapter for release from vows, and supporting all members in their spiritual journeys.

4. At the third annual meeting following the election of Chapter members, the Chaplain shall be elected according to the procedures outlined in II. E. 9.

5. The Chaplain shall have a term of 3 years effective from the 1st of December following his/her election. No person shall serve more than 3 full consecutive terms as Chaplain.

6. The Chapter may extend the term for a period of less than 18 months, by a two-thirds vote of Chapter members present and voting at a meeting, or two-thirds of total Chapter voting by mail.

J. THE BURSAR

1. The Bursar, under the direction of the Provincial Minister, is responsible for receiving the contribution cards and the contribution monies of the Third Order members, as well as all other incoming funds.
2. The Bursar shall maintain the provincial accounts, pay bills, and make other reimbursements as directed.
3. At the third annual meeting following the election of Chapter members, the Bursar shall be elected according to the procedures outlined in II. E. 9.
4. The Bursar shall serve for a term of 3 years beginning and terminating on the 1st of December following the election of Chapter members. No person shall serve more than three full consecutive terms as Bursar.

K. MISCELLANEOUS

1. After 15 years of consecutive service, Ministers Provincial will hold no office nor serve on Chapter for a period of three years. They may be elected to Chapter or to an office after this three-year break in service.
2. All other members of Chapter shall serve no more than 9 continuous years on Chapter in any capacity. After a two-year break, they may then be eligible to hold a Chapter office or be elected to Chapter.
3. The third representative from Chapter to the InterProvincial Third Order Chapter (IPTOC) shall be elected for a 6-year term by majority vote of the Chapter in the year preceding the IPTOC meeting. Should the elected IPTOC representative cease to be a member of Chapter, Chapter will elect a new IPTOC representative.
4. An officer who has served more than half of a three-year term is considered to have served a full term.
5. Whereas these *Statutes* establish a time by which notification shall be sent to the membership, reasonable effort shall be made to insure timely notification of members for whom mail service is very slow.

6. Elected Chapter members shall serve no more than two consecutive three-year terms. After a three-year period of not serving as an elected member of Chapter, they may again be eligible to stand for re-election.

III. MEMBERSHIP

The Third Order, Society of St. Francis, Province of the Americas affirms that Christ indwells all persons. Membership is open to all persons regardless of race, gender, ethnicity, age, sexual orientation, gender identity, disability or socioeconomic condition.

A. POSTULANTS

1. Those who feel called to a life within the Third Order of the Society of St. Francis may seek admission as Postulants by submitting certain requested material including but not limited to a reference from a member of one of the three Orders of the Society of St. Francis, parish priest, or spiritual director; and by preparing a personal Rule of Life based on the Third Order Rule, submitting it to the Formation Director, who may consult with them concerning its revision. Submission of the first report following the acceptance of the Rule constitutes acceptance as a Postulant. The Hispanic and Brazilian Formation procedures may follow a different process.
2. The Formation Director, in consultation with the Chaplain, may admit persons under 17 years of age to the formation program.
3. Postulants shall report monthly as instructed by the Formation Director on their observance of the personal Rule of Life, and more generally, of the Franciscan life.
4. A postulant may withdraw from formation at any time. A postulant may be asked by the Formation Director to withdraw at any time.

B. NOVICES

1. Normally, six months or more after their acceptance, Postulants may apply to the Formation Director or designated assistant for admission to the Order as a Novice. The Formation Director or designated assistant shall review their manner of life, and proposed personal Rule of Life, and recommend that they continue or

discontinue as Postulants for some more definite period of time, or accept the Postulants as Novices.

2. The Formation Director or designated assistant shall notify Postulants of their admission as Novices and shall advise them concerning their admission ceremony.
3. During the novitiate, Novices shall pursue the course of training prescribed by the Formation Director. The Novices shall report to their counselor on their observance of their personal Rule of Life and, more generally, of the Franciscan life.
4. Novices may withdraw from the Order at any time, upon notification to their Formation Director. The Formation Director, in consultation with the Chaplain, may dismiss a Novice from the Third Order at any time and shall notify him/her of the dismissal.

C. PROFESSED

1. Normally, after at least a two-year novitiate, the Novice may be invited to request profession in the following manner: Novices shall submit their own written request for profession to the Formation Director. Novices shall request letters of support to be sent to the Formation Director from their novice counselor and, where applicable, from the local Fellowship, or individual designated by the Formation Director. The Formation Director shall be responsible for presenting these documents, together with his/her own recommendation to the members of Chapter for a vote on the application. Any exception to the above provisions must be reviewed by the Provincial Chaplain and approved by Chapter.
2. A Novice may receive a vote of "Yes", "No", or "Not at this time". After a vote of "Not at this time", the Novice shall be asked to remain a novice for a specific period of time as determined by Chapter. A Novice who is not elected to profession shall normally cease to be a member of the Third Order. However, he or she may request of the Standing Committee reconsideration of the application at the next meeting of the Chapter. If the request is granted, he or she shall remain a Novice until such reconsideration takes place.

3. The Provincial Chaplain shall notify the Novices of their election to profession and shall send each candidate a profession mandate, a profession cross, and the name of his/her Area Chaplain. The Chaplain shall consult with each candidate concerning the profession itself. The person accepting the profession vows should normally be a professed tertiary. The professed person may wear the cross as a sign of his/her Franciscan commitment. The profession cross is the only form of a "habit" recognized by the Third Order.

4. Professed brothers and sisters shall normally report at least once each year, with the option of reporting more often if they wish, on the observance of the Franciscan way of life and their own Rule of Life. The newly professed shall normally report four times during the first two years and then review the frequency of reporting with their Area Chaplains.

5. All professed brothers and sisters shall renew their profession annually on or near the Feast of St. Francis. Any professed brother or sister, or, if necessary, any available priest, may receive this annual renewal without further mandate.

6. Professed brothers and sisters are expected to report yearly, to renew their vows annually, and to contribute financially to the Third Order annually. A financial contribution is expected but, in case of financial hardship or necessity, an alternative arrangement may be made.

7. Professed brothers or sisters may apply to the members of Chapter, through the Chaplain, for release from their vows of profession, stating their reasons for desiring release. The Provincial Chaplain will communicate with the brother or sister concerning the request. Where grave cause exists, including, but not limited to, failure to report, renew, or contribute annually, and after attempts to counsel the brother or sister, the Chaplain, with the Minister Provincial's consent, may apply to the members of Chapter for the release of a professed brother or sister from his/her Third Order vows. One month prior to the vote by Chapter, the Chaplain or Minister Provincial shall notify the brother or sister of this intent. His or her reply, or a note that no reply was received, shall be presented to members of Chapter for a vote to release the professed brother or sister from his/her vows.

8. A request for re-admission to the Third Order from someone who was previously professed and released from vows by Chapter, shall be referred to the Provincial Chaplain, who will determine what period of formation, if any, shall be appropriate. Upon approval of Chapter, the candidate may be readmitted in the Third Order.

9. a. If a professed brother or sister shall leave the Episcopal Church, or a Church in communion with the See of Canterbury, and expresses a desire to the Provincial Chaplain to remain in the Third Order, the request shall be referred to the Bishop Protector, who shall exercise his/her discretion in accord with the *Constitution* of the Order.

b. If a professed brother or sister shall leave the Episcopal Church or a Church in communion with the See of Canterbury, without notifying the Provincial Chaplain of his/her desire to remain in the Third Order, the Chapter shall release the person from his/her vows.

10. A request for admission to the Third Order of the Society of St. Francis from someone who was professed in any religious community in communion with the See of Canterbury and dispensed from this vow shall be referred to the Provincial Chaplain, who will determine, in consultation with the Formation Director, a period of formation of not fewer than twelve months, appropriate to the applicant's situation. Upon approval of Chapter, the candidate may be professed in the third Order.

11. A request for admission to the Third Order of the Society of St. Francis from someone who was professed in any Christian religious community outside of the Anglican Communion and dispensed from this vow shall be referred to the Provincial Chaplain, who will determine, in consultation with the Formation Director and the Bishop Protector, a period of formation not fewer than twelve months, appropriate to the applicant's situation. Upon approval of Chapter, the candidate may be professed in the Third Order.

D. GENERAL

The procedure for persons not in communion with the See of Canterbury who may be in TSSF formation or desire to enter formation is as follows:

1. The individual makes request or application to the Formation Director.

2. The Formation Director consults with the Provincial Chaplain and the Minister Provincial; they may seek out additional input at their discretion.
3. With the agreement of the Minister Provincial and the Chaplain, the matter is referred to the Bishop Protector as per the *Constitution* of the Order.
4. The person to be accepted should be willing to receive communion at Third Order gatherings.
5. The person should have a perceived call to a Third Order vocation, regardless of church affiliation. The person should be willing to live the Rule of the Third Order (*TSSF Constitution, Principles, and Order for Admissions and Renewals*).
6. The procedure will be approached on a case-by-case basis.

IV. MEETINGS

A. CONVOCATIONS

1. A Convocation is a meeting for the discussion of the Franciscan life, and especially the life of the Third Order. A Convocation has no legislative powers, but Chapter shall consider its recommendations and suggestions. All brothers and sisters of the Order are encouraged to attend Convocations. Members of Chapter should make every attempt to attend Convocations, in order that they may gain insight into the needs and concerns of the brothers and sisters of the entire Province.
2. New Convocations must be approved by the Fellowship Coordinator.
3. Regional Convocations are normally under the sponsorship of area Fellowships and in consultation of the Fellowship Coordinator. One brother or sister present shall be designated to report to the Fellowship Coordinator.
4. A Provincial Convocation is one occurring on a periodic basis to bring together tertiaries from throughout the Province of the Americas.

B. OTHER MEETINGS

1. Tertiaries should make every effort to communicate and meet together for worship, study and fellowship. Such common activities express their life as an Order, rather than individuals living under Rule.

2. When three or more Professed tertiaries are able to fulfill the responsibilities of a Fellowship, they shall contact the Fellowship Coordinator concerning their desire and ability to form a Fellowship. A proposed Fellowship shall recommend one or more of their Professed members to the Fellowship Coordinator to be ratified as Convener for a term which extends between Francistides. A proposed name for the Fellowship also shall be submitted. An Annual Report shall be submitted by June 30th. The Fellowship Coordinator shall notify the Secretary, Chaplain, Formation Director, and First Order Visitors of the formation of new Fellowships.

3. Where there is no regular Fellowship, periodic gatherings of tertiaries are encouraged. A report of the meeting shall be sent to the Fellowship Coordinator.

4. Tertiaries may participate in virtual fellowship meetings.

C. GENERAL

At all Third Order functions (Fellowship meetings, Convocations, etc.) where alcoholic beverages are served, non-alcoholic beverages must be also readily available and as attractively served as the alcoholic beverages.

V. OTHER

Changes to these Statutes shall be made at a Chapter meeting by a consensus of all members of Chapter.