



Evangelical
Lutheran Church
in America

**CONSTITUTIONS,
BYLAWS, AND
CONTINUING RESOLUTIONS
of the
Evangelical Lutheran Church
in America®**

as adopted by the Constituting Convention
of the Evangelical Lutheran Church in America
(April 30, 1987)

and

as amended by subsequent
Churchwide Assemblies and Church Councils
of the Evangelical Lutheran Church in America

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INTRODUCTION

The *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* reflect the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news, and share the love of God in the world. Each expression of this church—churchwide, synod, and congregation—is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church.

These documents are the result of a process that saw the formation of the Evangelical Lutheran Church in America in 1988. They are rooted in Scripture, the Lutheran Confessions, and the experiences of predecessor church bodies. Intentionally connected to this past, they also have been amended over the years to address the current context in which we have been called to serve. They incorporate important provisions that unite us as this church, yet provide organizational flexibility to congregations and synods. As such, they should facilitate ministry, not inhibit it.

We, as members of this church, find ourselves consulting these documents frequently to guide, direct, and assist us in mission and ministry together. They remind us that this is not our church, but God’s church, and help us to live into our vision of a world experiencing the difference God’s grace and love in Christ make for all people and creation.

Secretary Sue E. Rothmeyer
August 12, 2022

RESTATED
ARTICLES OF INCORPORATION
OF
EVANGELICAL LUTHERAN CHURCH IN
AMERICA®

ARTICLE I

The name of this corporation shall be:

EVANGELICAL LUTHERAN CHURCH IN AMERICA

ARTICLE II

This corporation (sometimes referred to herein as the “Church”) is organized and shall be operated exclusively for religious purposes and, specifically, this corporation shall constitute a Lutheran church the purpose and functions of which shall be as specified from time to time in the Constitution of this corporation.

Within the framework and limitations of these purposes, the Church is organized and shall be operated exclusively for religious purposes and shall have such powers as are consistent with the foregoing purposes, including the power to acquire and receive funds and property of every kind and nature whatsoever, whether by purchase, conveyance, lease, gift, grant, bequest, legacy, devise, or otherwise, and to own, hold, expend, make gifts, grants, and contributions of, and to convey, transfer, and dispose of any funds and property and the income therefrom for the furtherance of the purposes of the Church herein above set forth, or any of them, and to lease, mortgage, encumber, and use the same, and such other powers which are consistent with the foregoing purposes and which are afforded to the Church by the Minnesota Nonprofit Corporation Act, and by any future laws amendatory thereof and supplementary thereto.

ARTICLE III

This corporation shall not afford pecuniary gain, incidentally or otherwise, to its members, and no part of the net income or net earnings of this corporation shall inure to the benefit of any member, private shareholder, or individual, and no substantial part of its activities shall consist of carrying on propaganda, or otherwise attempting to influence legislation. This corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

This corporation shall not lend any of its assets to any officer, director, or member of this corporation or guarantee to any other person the payment of a loan made to an officer, director, or member of this corporation.

All references in these Articles of Incorporation to sections of the Internal Revenue Code of 1954 include any provisions thereof adopted by future amendments thereto and any cognate provisions in future Internal Revenue codes to the extent such provisions are applicable to this corporation.

ARTICLE IV

The period of duration of corporate existence of this corporation shall be perpetual.

ARTICLE V

The registered office of this corporation shall be located at 405 Second Avenue South, Minneapolis, Minnesota 55401.

ARTICLE VI

The management and direction of the business of the Church shall be vested in a board of directors which shall be known and designated as the Church Council. The terms of office, method of election, powers, authorities, and duties of the members of the Church Council, the time and place of their meetings, and such other regulations with respect to them as are not inconsistent with the express provisions of these Articles of Incorporation shall be as specified from time to time in the bylaws of the Church, which shall be known to the Church as its Constitution.

ARTICLE VII

The voting members of the Church Council shall consist of the four churchwide officers, the chair of the Conference of Bishops, and at least 33 and not more than 45 other persons elected by the Churchwide Assembly.

ARTICLE VIII

Except as otherwise provided in the Church's Constitution, the Church shall have no members with voting rights.

Whenever, and to the extent that, the Church's Constitution provides that voting rights shall be exercised by individuals elected, appointed, or otherwise designated to serve as voting members of an assembly of the Church, then the voting members of this Church for purposes of the laws of the State of Minnesota shall be the persons who were most recently seated as the voting members of an assembly of the Church.

Members of congregations of the Church shall not, as such, have any voting rights with respect to this corporation.

ARTICLE IX

For purposes of the laws of the State of Minnesota, only the Church's Constitution shall be treated as the bylaws of this corporation, and none of this corporation's governing documents other than these Articles of Incorporation and the Church's Constitution need be subject to the procedures specified by law or otherwise for the amendment of articles of incorporation or bylaws.

ARTICLE X

Members of this corporation shall not be personally liable for the payment of any debts or obligations of this corporation of any nature whatsoever, nor shall any of the property of the members be subject to the payments of the debts or obligations of this corporation to any extent whatsoever.

ARTICLE XI

This corporation shall have no capital stock.

ARTICLE XII

These Articles of Incorporation may be amended from time to time in the manner prescribed by law.

ARTICLE XIII

In the event of the dissolution of this corporation any surplus property remaining after the payment of its debts shall be disposed of by transfer to one or more corporations, associations, institutions, trusts, community chests, or foundations organized and operated exclusively for one or more of the purposes of this corporation, and described in section 501(c)(3) of the Internal Revenue Code of 1954, in such proportions as the Church Council of this corporation shall determine. Notwithstanding any provision herein to the contrary, nothing herein shall be construed to affect the disposition of property and assets held by this corporation upon trust or other condition, or subject to any executory or special limitation, and such property, upon dissolution of this corporation, shall be transferred in accordance with the trust, condition, or limitation imposed with respect to it.

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CODIFICATION EXPLANATION

Constitutional provisions, bylaws, and continuing resolutions that pertain to the same matter have been placed together.

- a. Constitutional provisions are printed in **boldface** type. They are codified with two sets of numbers, the chapter number and a two-digit sequence number, each followed by a period. For example, 12.41. is a constitutional provision from chapter 12, the chapter related to the Churchwide Assembly.
- b. Bylaws are printed in lightface type. They are codified with three sets of numbers: the chapter number; the related constitutional provision number; and a two-digit bylaw number. For example, 12.41.11. is a bylaw related to the Churchwide Assembly.
- c. All continuing resolutions are printed in *italic* type. They also are codified with three sets of numbers, except that the third set is preceded by a capital letter indicating sequence and a two-digit number indicating the year of its adoption. For example, 12.41.A89. is the first continuing resolution related to the topic and was adopted in 1989.

Provisions in the *Constitution for Synods* are prefaced with “S;” required provisions are preceded by [†]. Provisions in the *Model Constitution for Congregations* are prefaced with “C;” required provisions are preceded by [*].

In these governing documents, with the exception of the “Restated Articles of Incorporation,” “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed.

(8-2022)

PREAMBLE

Convinced that the Holy Spirit is leading us toward unity in the household of God, we of The American Lutheran Church, The Association of Evangelical Lutheran Churches, and the Lutheran Church in America give thanks to God for the faith we share together in Christ and, by adopting this constitution, form a new church, in the name of the Father, the Son, and the Holy Spirit.

Chapter 1.

NAME, INCORPORATION, SEAL, AND LOCATION

- 1.01. The name of this church shall be Evangelical Lutheran Church in America.**
- 1.01.01.** The name, Evangelical Lutheran Church in America, as used herein, refers, in general references, to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name, Evangelical Lutheran Church in America, is also the name of the corporation of the churchwide organization to which specific references are made herein.
- 1.02. For the purposes of this constitution and the accompanying bylaws, the Evangelical Lutheran Church in America is hereafter designated as “this church.”**
- 1.11. The churchwide organization shall be incorporated.**
- 1.11.01.** The seal of the churchwide organization is a cross with three united flames emanating from the base of the cross and three entwined circles beside the cross. The year of the constituting convention of this church is included at the base of the cross. The name of this church forms the circular outer edge of the seal.



- 1.11.02.** The principal office of the churchwide organization shall be located in Chicago, Illinois.
- 1.11.03.** The churchwide organization may maintain offices in such other locations as the Churchwide Assembly or the Church Council shall determine.

Chapter 2.

CONFESSION OF FAITH

- 2.01. This church confesses the Triune God, Father, Son, and Holy Spirit.**
- 2.02. This church confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.**
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.**
 - b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.**
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God’s Spirit speaking through their authors, they record and announce God’s revelation centering in Jesus Christ. Through them God’s Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.**
- 2.03. This church accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.**
- 2.04. This church accepts the Apostles’, Nicene, and Athanasian Creeds as true declarations of the faith of this church.**
- 2.05. This church accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.**
- 2.06. This church accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.**
- 2.07. This church confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.**

Chapter 3.

NATURE OF THE CHURCH

- 3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this church are to be carried out under his rule and authority.**
- 3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.**
- 3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.**
- 3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.**

Chapter 4.

STATEMENT OF PURPOSE

- 4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.**
- 4.02. To participate in God's mission, this church shall:**
 - a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.**
 - b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.**
 - c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.**
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.**
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.**
- 4.03. To fulfill these purposes, this church shall:**
 - a. Receive, establish, and support those congregations, ministries, organizations, institutions, and agencies necessary to carry out God's mission through this church.**
 - b. Encourage and equip all members to worship, learn, serve, and witness; to fulfill their calling to serve God in the world; and to be stewards of the earth, their lives, and the Gospel.**
 - c. Call forth, equip, certify, set apart, and oversee a ministry of Word and Sacrament, a ministry of Word and Service, and such other forms of ministry that will enable this church to fulfill its mission.**

- d. Seek unity in faith and life with all Lutherans within its boundaries and be ready to enter union negotiations whenever such unity is manifest.
- e. Foster Christian unity by participating in ecumenical activities, contributing its witness and work and cooperating with other churches which confess God the Father, Son, and Holy Spirit.
- f. Develop relationships with communities of other faiths for dialogue and common action.
- g. Lift its voice in concord and work in concert with forces for good, to serve humanity, cooperating with church and other groups participating in activities that promote justice, relieve misery, and reconcile the estranged.
- h. Produce and publish worship materials for corporate, family, and personal use and resources for education, witness, service, and stewardship.
- i. Establish and maintain theological seminaries, schools, colleges, universities, and other educational institutions to equip people for leadership and service in church and society.
- j. Assure faithfulness to this church's confessional position and purpose and provide for resolution of disputes.
- k. Publish a periodical and make use of the arts and public communication media to proclaim the Gospel and to inform, interpret, and edify.
- l. Study social issues and trends, work to discover the causes of oppression and injustice, and develop programs of ministry and advocacy to further human dignity, freedom, justice, and peace in the world.
- m. Establish, support, and recognize institutions and agencies that minister to people in spiritual and temporal needs.
- n. Work with civil authorities in areas of mutual endeavor, maintaining institutional separation of church and state in a relation of functional interaction.
- o. Provide structures and decision-making processes for this church that foster mutuality and interdependence and that involve people in making decisions that affect them.
- p. Support the mission of this church by arranging for and encouraging financial contributions for its work, management of its resources, and processes of planning and evaluation.
- q. Provide fair personnel practices and adequate compensation, benefits, and pensions for those employed by this church.

Chapter 5.

PRINCIPLES OF ORGANIZATION

- 5.01. The Evangelical Lutheran Church in America shall be one church. This church recognizes that all power and authority in the Church belongs to the Lord Jesus Christ, its head. Therefore, all actions of this church by congregations, synods, and the churchwide organization shall be carried out under his rule and authority in accordance with the following principles:
- a. The congregations, synods, and churchwide organization shall act in accordance with the Confession of Faith set forth in Chapter 2 of this constitution and with the Statement of Purpose set forth in Chapter 4.
 - b. This church, in faithfulness to the Gospel, is committed to be an inclusive church in the midst of division in society. Therefore, in their organization and outreach, the congregations, synods, and churchwide units of this church shall seek to exhibit the inclusive unity that is God's will for the Church.
 - c. The congregations, synods, and churchwide organization of this church are interdependent expressions sharing responsibly in God's mission. In an interdependent relationship, primary responsibility for particular functions will vary among the expressions. Whenever possible, the entity most directly affected by a decision shall be the principal party responsible for decision and implementation, with the other entities facilitating and assisting. Each congregation, synod, and separately incorporated ministry, as well as the churchwide organization itself, is a separate legal entity and is responsible for exercising its powers and authorities.
 - d. Each congregation and synod in its governing documents shall include the Confession of Faith and Statement of Purpose and such components as are required in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. Beyond these common elements, congregations and synods shall be free to organize in such manner as each deems appropriate for its jurisdiction.
 - e. Except as otherwise provided in this constitution and bylaws, the appropriate office or unit of the churchwide organization, through the Church Council, shall establish processes that will ensure that at least 60 percent of the members of its assemblies, councils, committees, boards, and other organizational units shall be laypersons; that, as nearly as possible, at least 45 percent of the lay members of these assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men, and that the representation of rostered ministers shall include both men and

women. At least 10 percent of the members of these assemblies, councils, committees, boards, or other organizational units shall be persons of color and/or persons whose primary language is other than English. Processes shall be developed that will assure that in selecting staff there will be a balance of women and men, persons of color and persons whose primary language is other than English, laypersons, and persons on the rosters of this church. This balance is to be evident in the selection of staff consistent with the inclusive policy of this church.

- f. Except as otherwise provided in this constitution and bylaws, synods, through synod councils, shall establish processes that will ensure that at least 60 percent of the members of their assemblies, councils, committees, boards, and other organizational units shall be laypersons; that, as nearly as possible, at least 45 percent of the lay members of their assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men, and that the representation of rostered ministers shall include both women and men. Each synod shall establish processes that will enable it to reach a minimum goal that 10 percent of the membership of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.
- g. A layperson is a person who is not on the roster of Ministers of Word and Sacrament or the roster of Ministers of Word and Service of this church.
- h. Leaders in this church should demonstrate that they are servants by their words, lifestyle, and manner of leadership. Leaders in this church will recognize their accountability to the Triune God, to the whole Church, to each other, and to the organization of this church in which they have been asked to serve.
- i. As a steward of the resources that God has provided, this church shall organize itself to make the most effective use of its resources to accomplish its mission.
- j. Each assembly, council, committee, board, task force, or other body of the churchwide organization or any churchwide units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, task force, or other body.

- 5.01.A16.** *This church commits itself to ethnic and racial diversity. Each expression of this church shall annually assess its ethnic and racial diversity when compared to the demographic data of its community or territory. The churchwide organization will work with synods as they assist congregations to reach out to persons of color or whose primary language is other than English.*
- 5.01.B19.** *Each synod shall submit its goals and strategies to the appropriate churchwide unit or office and shall annually submit a report on progress toward its goals to such unit or office.*
- 5.01.C21.** *The term, “persons of color and/or persons whose primary language is other than English,” shall be understood to mean African American, African Descent, Black, Arab and Middle Eastern, Asian and Pacific Islander, Latino, American Indian, and Alaska Native people. This definition, however, shall not be understood as limiting this church’s commitment to inclusive participation in its life and work.*
- 5.01.D16.** *The Churchwide Assembly shall receive reports from the presiding bishop and the secretary that monitor this church’s progress toward meeting the commitment expressed in 5.01.A16.*
- 5.01.E19.** *The Church Council shall establish triennial percentage goals for this church to meet the commitment expressed in 5.01.A16. The minimum goal shall be that at least 10 percent of the members of this church shall be persons of color or whose primary language is other than English.*
- 5.01.F19.** *It is the goal of this church that at least 10 percent of the voting members of the Churchwide Assembly, Church Council, and churchwide boards and committees be youth and young adults. The Church Council shall establish a plan for implementing this goal. For purposes of the Constitution, Bylaws, and Continuing Resolutions of the ELCA, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.*
- 5.01.G19.** *To implement 5.01.g., those deacons elected as laypersons prior to the adoption of this provision may complete the term to which they were elected as a layperson. They would not be eligible for reelection as a layperson if such reelection were otherwise possible.*
- 5.01.H21.** *For purposes of the representational principles set forth in 5.01.e. and f., the percentage of laypersons that is not allocated to women or men may be allocated to persons who identify as gender non-binary, gender fluid, women, men, or other genders.*

Chapter 6.
MEMBERSHIP

- 6.01.** The members of this church shall be the baptized members of its congregations.
- 6.02.** Membership status and the obligations and rights of congregation members are determined by reference to Chapter 8 of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*.
- 6.03.** The synods of this church and the churchwide organization have no individual members except for those congregation members who serve as voting members of the synod corporations and churchwide corporation.
- 6.04.** The voting members of the synods and churchwide organization shall be those congregation members serving as members of the synod assemblies and the Churchwide Assembly respectively. Membership in a congregation does not, in and of itself, confer voting rights in these corporations.

Chapter 7.

MINISTRY

7.10. MINISTRY OF THE BAPTIZED PEOPLE OF GOD

7.11. This church affirms the universal priesthood of all its baptized members. In its function and its structure this church commits itself to the equipping and supporting of all its members for their ministries in the world and in this church. It is within this context of ministry that this church calls some of its baptized members for specific ministries in this church.

7.20. MINISTRY OF WORD AND SACRAMENT

7.21. Within the people of God and for the sake of the Gospel ministry entrusted to all believers, God has instituted the office of ministry of Word and Sacrament. To carry out this ministry, this church calls and ordains qualified persons.

7.22. A minister of Word and Sacrament of this church shall be a person whose commitment to Christ, soundness in the faith, aptness to preach, teach, and witness, and educational qualifications have been examined and approved in the manner prescribed in the documents of this church; who has been properly called and ordained; who accepts and adheres to the Confession of Faith of this church; who is diligent and faithful in the exercise of the ministry; and whose life and conduct are above reproach. A minister of Word and Sacrament shall comply with this church's constitutions, bylaws, and continuing resolutions.

7.23. The standards for acceptance and continuance of ministers of Word and Sacrament of this church shall be set forth in the bylaws.

7.24. The secretary of this church shall maintain a roster containing the names of ministers of Word and Sacrament who qualify on the basis of constitutional provisions 7.22., 7.23., and 7.31., and related bylaws.

7.25. Ministers of Word and Sacrament shall be subject to discipline as set forth in Chapter 20 of this constitution.

7.30. STANDARDS FOR MINISTERS OF WORD AND SACRAMENT

7.31. In accordance with the description stated in 7.22., ministers of Word and Sacrament shall be governed by the following standards, policies, and procedures.

7.31.01. Basic Standards. Persons admitted to and continued in the ministry of Word and Sacrament of this church shall satisfactorily meet and maintain the following, as defined by this church's constitutions, bylaws, and continuing resolutions and in policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council:

- a. commitment to Christ;
- b. acceptance of and adherence to the Confession of Faith of this church;
- c. willingness and ability to serve in response to the needs of this church;
- d. academic and practical qualifications for ministry, including leadership abilities and competence in interpersonal relationships;
- e. commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
- f. receipt and acceptance of a letter of call; and
- g. membership in a congregation of this church.

7.31.02. Responsibilities. Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and the synod; and
 - 6) encourage adherence to covenantal relationships with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

7.31.03. Preparation and Approval. Except as provided in 7.31.04., a candidate for the ministry of Word and Sacrament shall have:

- a. membership in a congregation of this church and registration, by its pastor and council, of the candidate with the candidacy committee;

- b. been granted entrance to candidacy by and under the guidance and supervision of the appropriate committee before being approved for call;
- c. satisfactorily completed the requirements for the Master of Divinity degree from an accredited theological school in North America or completed a program of study for those accepted into the TEEM program (Theological Education for Emerging Ministries), including practical preparation, as defined by the appropriate churchwide unit, such as internship and supervised clinical work;
- d. completed the expectations and outcomes established for Lutheran learning and formation in a seminary of this church or of the Evangelical Lutheran Church in Canada, except when waived by the appropriate committee in consultation with the faculty of a seminary of this church or of the Evangelical Lutheran Church in Canada;
- e. been recommended for approval by the faculty of a seminary of this church or of the Evangelical Lutheran Church in Canada or have received the waiver described in **7.31.03.d.**;
- f. been examined and approved by the appropriate committee according to criteria, policies, and procedures recommended by the appropriate churchwide unit, after consultation with the Conference of Bishops, and adopted by the Church Council;
- g. been recommended to a congregation or other entity by the bishop of the synod to which the candidate has been assigned for first call in accordance with the procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council; and
- h. received and accepted a properly issued and attested letter of call.

7.31.04. Approval under Other Circumstances. Candidates for the ministry of Word and Sacrament who by reason of (a) age and prior experience, (b) ordination in another Lutheran church body, or (c) ordination in another Christian church body, whether in North America or abroad, shall be approved by the candidacy committee for ordination or reception according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In preparing such criteria, policies, and procedures, the appropriate churchwide unit shall consult with the seminaries of this church and, as appropriate, with other churchwide units.

7.31.05. Roster status in more than one church body is precluded in the Evangelical Lutheran Church in America. As required by constitutional provision 7.22. and bylaw 7.31.01., ministers on the Word and Sacrament roster of the Evangelical Lutheran Church in America must accept and adhere to this church's Confession of Faith, as well as abide by this church's standards and policies for ministers of Word and Sacrament.

7.31.06. Reinstatement. A person seeking reinstatement as a minister of Word and Sacrament, whether having served previously in this church or in

one of its predecessor bodies, shall be registered by the pastor and council of the congregation of which such a person is a member with the candidacy committee of the synod in which the person was last rostered or, upon mutual agreement of the synod bishops involved, after consultation with and approval by the secretary of this church, with the candidacy committee of the synod of current residence. The person then shall be interviewed, examined, and approved for reinstatement by the candidacy committee under criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In this process, the committee shall review the circumstances related to the termination of earlier service together with subsequent developments. The person is reinstated after receiving and accepting a letter of call to serve as a minister of Word and Sacrament in this church.

7.31.07. On Leave from Call. A minister of Word and Sacrament of this church, serving under a regularly issued letter of call, who leaves the work of that ministry without accepting another regularly issued letter of call, may be retained on the roster of Ministers of Word and Sacrament of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod of which the minister of Word and Sacrament is a member, under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. Normative Pattern: By annual action of the Synod Council in the synod of which a member, upon endorsement by the synod bishop, a minister of Word and Sacrament who is without a current letter of call may be retained on the roster of Ministers of Word and Sacrament of this church for a maximum of three years, beginning at the completion of an active call.
- b. Study Leave: By annual action of the Synod Council in the synod of which a member, with the approval of the synod bishop and in consultation with the appropriate churchwide unit, a minister of Word and Sacrament engaged in graduate study, in a field of study that will enhance service in the ministry of Word and Sacrament, may be retained on the roster of Ministers of Word and Sacrament of this church for a maximum of six years.
- c. Family Leave: A minister of Word and Sacrament may request leave for family responsibilities. By annual action of the Synod Council in the synod of which a member, upon endorsement by the synod bishop, such a minister of Word and Sacrament who is without a current letter of call and who requests leave for the birth or care of a child or children of the minister of Word and Sacrament or the care of an immediate family member (child, spouse, or parent) with a serious health condition may be retained on the roster of Ministers of Word and Sacrament of this church—under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops,

and adopted by the Church Council—for a maximum of six years, beginning at the completion of an active call.

- d. Exception to these limits for the purpose of serving the needs of this church may be granted in accordance with established policy of this church by the Synod Council in the synod of current roster after having received approval by the Conference of Bishops.

7.31.08. Ordination in Unusual Circumstances. For pastoral reasons in unusual circumstances, a synod bishop may provide for the ordination by another minister of Word and Sacrament of the Evangelical Lutheran Church in America of an approved candidate who has received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament. Prior to authorization of such an ordination, the bishop of the synod of the candidate's first call shall consult with the presiding bishop as this church's chief ecumenical officer and shall seek the advice of the Synod Council. The pastoral decision of the synod bishop shall be in accordance with policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

7.31.09. Invitation to Service. In accord with bylaw 8.63.01. and following, a minister of Word and Sacrament of a church body with which a relationship of full communion has been established by the Churchwide Assembly of the Evangelical Lutheran Church in America may serve contractually in a ministry setting of this church under a "Letter of Invitation to Service" upon the authorization of the bishop of the synod in which such service occurs.

7.31.10. Synod-authorized Ministry. When need exists to render Word and Sacrament ministry for a congregation or ministry of this church where it is not feasible to provide rostered ministers of Word and Sacrament, the synod bishop—acting with the consent of the congregation or ministry, in consultation with the Synod Council, and in accord with standards and qualifications developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council—may authorize a person who is a member of a congregation of the Evangelical Lutheran Church in America to offer this ministry. Such an individual shall be supervised by a minister of Word and Sacrament appointed by the synod bishop; such service shall be rendered during its duration under the sacramental authority of the bishop as the synod's pastor. Such an individual will be trained to fulfill this ministry for a specified period of time and in a given location only. Authorization, remuneration, direct supervision, and accountability are to be determined by the appropriate synod leadership according to churchwide standards and qualifications for this type of ministry. Authorization for such service shall be reviewed annually and renewed only when a demonstrated need remains for its continuation.

- 7.31.11.** No person who belongs to any organization such as a lodge or fraternal order which claims to possess in its teachings and ceremonies that which the Lord has given solely to the Church shall be called and received onto the roster of Ministers of Word and Sacrament or otherwise received into the ministry of this church, nor shall any person so called and received onto the roster of Ministers of Word and Sacrament or otherwise received by this church be retained in its ministry who subsequently joins or is discovered to be a member of such an organization.
- 7.40.** **CALLS FOR MINISTERS OF WORD AND SACRAMENT**
- 7.41.** **Letters of Call.** Letters of call to ministers of Word and Sacrament of this church or properly approved candidates for this church's roster of Ministers of Word and Sacrament shall be issued in keeping with this church's constitutions, bylaws, and continuing resolutions as well as policies regarding such calls developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council.
- 7.41.01.** **Service under Call.** A minister of Word and Sacrament of this church shall serve under a letter of call properly extended by a congregation, a Synod Council, a Synod Assembly, the Church Council, or the Churchwide Assembly.
- a. Calls may be extended for stated periods of time and for shared-time ministry by the appropriate calling body under criteria recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council for service in a congregation, synod, or churchwide unit, in an institution or agency of this church, or in another setting in a category of work as provided by continuing resolution 7.44.A19.
 - b. A pastor serving under call to a congregation shall be a member of that congregation. In a parish of multiple congregations, a pastor shall be a member of one of the congregations being served.
 - c. Ministers of Word and Sacrament serving in interim ministry appointed by the synod bishop may serve under a letter of call, according to policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council. A call to interim ministry shall be a term call extended by the Synod Council upon recommendation of the synod bishop.
- 7.41.02.** **Initial Call to Congregational Service.** Because the responsibilities of the office of the ministry of Word and Sacrament are most clearly focused in the congregational pastorate, experience in which is deemed by this church to be invaluable for all other ministry of Word and Sacrament, initial service of at least three years shall be in a congregation of this church or, with the approval of the synod bishop, a congregation of a church body with which a relationship of full communion exists. Exceptions to the three-year requirement may be granted under criteria and procedures recommended by the appropriate

churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- 7.41.03. Calls to Non-Congregational Service.** Calls to serve in institutions, agencies, and other entities inside and outside this church may be extended where there is an identifiable relationship of the work to the purpose of the ministry of Word and Sacrament. Such calls involve, for example, the care of the Word, the administration of the sacraments, pastoral care, and activities closely associated with those tasks including oversight in the church and in inter-Lutheran and inter-church agencies and institutions. Care is to be exercised so that positions in the church and in the world that can be filled adequately and appropriately by the laity not be filled by ministers of Word and Sacrament for their convenience or status. Synod councils and the Church Council may seek the advice of the Conference of Bishops in specific situations.
- 7.41.04. Non-Stipendiary Service Under Call.** When it is deemed necessary for the mission needs of this church, a letter of call may be issued by the Synod Council—according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—to a minister of Word and Sacrament for non-stipendiary service after the Synod Council has sought and received approval by the Conference of Bishops. Care is to be exercised so that positions in the church and in the world that can be filled adequately and appropriately by the laity not be filled by ministers of Word and Sacrament for their convenience, status, or personal preference. A call to non-stipendiary service is to be reviewed at least annually by the Synod Council and continued only as warranted for the ministry needs of this church. Such a call may be terminated by the Synod Council when it is no longer serving the mission needs of this church.
- 7.41.05. Calls to Serve in Unusual Circumstances.** When it is deemed to be in the interests of this church in the care of the Gospel, ministers of Word and Sacrament may be called for a stated period of time, not to exceed three years, to minister on behalf of this church while employed in an occupation outside the traditional range of the ministry of Word and Sacrament. Such calls may be extended by a Synod Council or the Church Council upon recommendation by the Conference of Bishops according to criteria and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. A call to serve in unusual circumstances is to be reviewed at least annually by the Synod Council or Church Council and continued only as warranted for the ministry needs of this church. Such a call may be terminated when it is no longer serving the mission needs of this church.
- 7.41.06. Calls in Predecessor Church Bodies.** Calls extended in predecessor church bodies that have not terminated are to be treated as current calls issued by and responsible to the appropriate expression of this church. Accountability for specific calls to service extended in predecessor

church bodies shall be exercised in compliance with the governing documents, policies, and procedures of this church.

7.41.07. Retirement. Ministers of Word and Sacrament may retire upon attaining the earlier of age 60 or 30 years on the roster of Ministers of Word and Sacrament of this church or one of its predecessor bodies, and continue to be listed on the roster of Ministers of Word and Sacrament of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Sacrament is listed on the roster.

- a. The policies and procedures for granting retired status on the roster of Ministers of Word and Sacrament shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If a minister of Word and Sacrament who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, or if there are no congregations of this church in the vicinity, other than a congregation previously served, the bishop of the synod in which the minister of Word and Sacrament is listed on the roster may grant permission for the minister of Word and Sacrament to hold membership in a congregation of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.41.08. Disability. Ministers of Word and Sacrament may be granted disability status and continue to be listed on the roster of Ministers of Word and Sacrament of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Sacrament is listed on the roster.

- a. The policies and procedures for designation of disability on the roster of Ministers of Word and Sacrament shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If a minister of Word and Sacrament who has been granted disability status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, or if there are no congregations of this church in the vicinity, other than a congregation previously served, the bishop of the synod in which the minister of Word and Sacrament is listed on the roster may grant permission for the minister of Word and Sacrament to hold membership in a congregation of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.41.09. Retention of Roster Records. When a minister of Word and Sacrament resigns or is removed from the roster of this church, the roster record shall be retained by the secretary of this church, and the synod bishop

shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.

7.42.

Each person on the roster of Ministers of Word and Sacrament of this church shall be related to that synod:

- a. to which the congregation issuing the call to the minister of Word and Sacrament is related;
- b. which issues a letter of call to the minister of Word and Sacrament;
- c. on whose roster the minister of Word and Sacrament was listed at the time of the issuance of a letter of call from the Church Council;
- d. on whose roster the minister of Word and Sacrament, if a seminary teacher or administrator, was assigned by the seminary board, subject to approval by the synod bishop and Synod Council of each affected synod, to promote proportionate representation of faculty and administration in each synod of its region;
- e. on whose roster the minister of Word and Sacrament was listed at the time of the issuance of a call to federal chaplaincy or on the roster of the synod of current address, if approved by the synod bishop and received by the Synod Council;
- f. in which the minister of Word and Sacrament, upon receiving a call from this church, serves as a deployed staff person or on the roster of one of the synods to which the minister of Word and Sacrament is deployed;
- g. on whose roster the minister of Word and Sacrament, if granted on-leave-from-call status, was listed when last called or the synod of current address, upon application by the minister of Word and Sacrament for transfer and the mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church;
- h. on whose roster the minister of Word and Sacrament, if granted disability status, was listed when last called or the synod of current address, upon application by the minister of Word and Sacrament for transfer and the mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church; or
- i. on whose roster the minister of Word and Sacrament, if granted retired status, was listed when last called or the synod of current address, upon application by the minister of Word and Sacrament for transfer and the mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church.

7.42.01.

If the service of a minister of Word and Sacrament who receives and accepts a letter of call from this church, under 7.42.c., would be enhanced through transfer of roster status from the previous synod of roster to the

synod of current address, such a transfer may be authorized upon mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church.

- 7.42.02. In certain circumstances for the sake of the ministry and mission needs of this church, the transfer of roster status of a minister of Word and Sacrament serving under call in the churchwide organization may be authorized, at the initiative of the presiding bishop of this church, upon mutual agreement of the synod bishops involved in such a transfer after consultation with and approval by the secretary of this church.

- 7.43. **A letter of call issued by a Synod Council or the Church Council to a minister of Word and Sacrament of this church shall be either coterminous with, or not longer than, the duration of the service or employment for which the call was issued. With the exception of persons designated as employees of a synod or the churchwide organization, such a call does not imply any employment relationship or contractual obligation in regard to employment on the part of the Synod Council or Church Council issuing the call. The recipient of such a call remains subject to this church's standards and discipline for ministry of Word and Sacrament, as contained in this church's constitution, bylaws, and continuing resolutions and in the policy and procedure documents of this church.**

- 7.43.01. When the Synod Council or the Church Council, as the calling source, determines that the service or employment no longer fulfills the criteria under which a call was issued, the Synod Council or the Church Council shall vacate the call and direct that the individual be placed on leave from call or, if such leave status is not granted, the individual shall be removed from the roster of Ministers of Word and Sacrament.

- 7.43.02. Ministers of Word and Sacrament previously under call to the churchwide organization or to a synod shall respect the integrity of the ministry in which they no longer serve and shall not interfere with or exercise the functions of the office or position in which they no longer serve unless invited to do so by the presiding bishop or Church Council in the churchwide organization or, in the synods, by the bishop or the Synod Council.

- 7.44. **Each synod shall maintain a roster containing the names of those ministers of Word and Sacrament who are related to it on the basis of 7.42. of this constitution. All additions, deletions, changes, and corrections to this roster shall be reported promptly to the Office of the Secretary.**

- 7.44.A19. **Sources of Calls for Ministers of Word and Sacrament**

a. *Principles for Sources of Calls*

- 1) *A "call" is an action by expressions of this church, as specified in the "Table of Sources of Calls for Ministers of Word and Sacrament," through which a person is asked to serve in a specified ministry. Such an action is attested in a "letter of call."*

- 2) *Interdependence within the body of this church suggests that any action of one of its entities affects other entities. Therefore, interdependence is expressed in all calls extended within this church.*
- 3) *A call expresses a relationship between this church and the person called involving mutual service, support, accountability, supervision, and discipline.*
- 4) *A letter of call is issued by that expression of this church authorized to do so which is most directly involved in accountability for the specified ministry.*
- 5) *Decisions on calls for ministries in unusual circumstances not otherwise provided for but deemed to be in the interests of this church's care of the Gospel are referred to the Conference of Bishops for recommendation to the appropriate calling body.*

b. *Table of Sources of Calls for Ministers of Word and Sacrament*

	Setting	Calling Body
1.0	Congregational ministry	
1.1	Single congregation	Congregation meeting
	1.11 Pastor	
	1.12 Senior pastor	
	1.13 Associate/assistant pastor	
	1.14 Co-pastor	
	1.15 Shared-time pastor	
1.2	Multiple-congregation parish	Congregation meetings, acting on a common proposal
	1.21 Pastor	One of the participating congregations
	1.22 Other pastoral arrangements	One of the participating congregations
1.3	Coalition and cluster ministry	Synod Council
1.4	Congregations beyond this church	
	1.41 Independent Lutheran congregation	Synod Council
	1.42 Overseas independent Lutheran congregation	Church Council upon request of appropriate churchwide unit
	1.43 Full communion congregation	Synod Council
	1.44 Other	Synod Council or Church Council
	1.5 Interim pastor	Synod Council
	1.6 Pastor in a synod-authorized ministry	Synod Council
2.0	Synod ministry	
2.1	Bishop	Synod Assembly

2.2	Assistant to bishop	Synod Council
2.3	Shared staff by two or more synods	Synod Council of one of the participating synods
2.4	Synod staff partially supported by grants from churchwide units	Synod Council
3.0	Regional ministry	
3.1	Staff	Church Council
3.2	Shared synod-churchwide staff	Church Council
4.0	Churchwide ministry	
4.1	Presiding bishop and secretary	Churchwide Assembly
4.2	Treasurer	Church Council
4.3	Staff of the churchwide organization	Church Council
5.0	Chaplaincy and institutional ministry	
5.1	Institution/agency related or unrelated to a synod	Synod Council
5.2	Institution/agency related to more than one synod	Synod Council of one of the synods
5.3	ELCA-related institution/agency	Church Council upon request of appropriate churchwide unit
5.4	Federal agency/institution	Church Council
5.5	Military	Church Council
6.0	Campus ministry	
6.1	Staff	Synod Council
7.0	Outdoor ministry	
7.1	Staff	Synod Council
8.0	Ecumenical/Inter-Religious ministry	
8.1	Related to a synod	Synod Council
8.2	Related to more than one synod	Synod Council of one of the synods
8.3	National/international organization	Church Council
9.0	Inter-Lutheran ministry	
9.1	Related to a synod	Synod Council
9.2	Related to more than one synod	Synod Council of one of the synods
9.3	National/International	Church Council
10.0	Educational ministry	
10.1	ELCA-related seminary chaplain/faculty/administrator	Church Council upon request of appropriate churchwide unit
10.2	Chaplain/faculty/administrator of seminary unrelated to ELCA	Church Council upon request of appropriate churchwide unit
10.3	ELCA-related college chaplain/faculty/administrator	Synod Council of the synod in which college is located

10.4	Chaplain/faculty/ administrator of a college unrelated to ELCA	Synod Council of the synod in which college is located
10.5	ELCA-related school chaplain/faculty/ administrator	Congregation of which the school is a part or, if related to several congregations, Synod Council of the synod in which the school is located
10.6	Chaplain/faculty of a school unrelated to ELCA	Synod Council of the synod in which school is located
10.7	Director/staff of a continuing education center related to a churchwide unit	Synod Council in which the main office of center is located upon the request of appropriate churchwide unit
11.0	Missionary ministry	
11.1	Outside United States	Church Council upon request of appropriate churchwide unit
11.2	Within United States	Church Council upon request of appropriate churchwide unit
12.0	Independent Lutheran Organization	Church Council upon request of appropriate churchwide unit
13.0	Separately Incorporated Ministry	Church Council
14.0	Other	
14.1	Non-stipendiary service under call	Synod Council upon approval by the Conference of Bishops
14.2	Unusual ministries (as in conjunction with occupations and in approved situations not otherwise specified)	Synod Council or Church Council upon recommendation by the Conference of Bishops

7.45. In keeping with the historic discipline and practice of the Lutheran church and to be true to a sacred trust inherent in the nature of the pastoral office, no minister of Word and Sacrament of this church shall divulge any confidential disclosure received in the course of the care of souls or otherwise in a professional capacity, nor testify concerning conduct observed by the minister of Word and Sacrament while working in a pastoral capacity, except with the express permission of the person who has given confidential information to the minister of Word and Sacrament or who was observed by the minister of Word and Sacrament, or if the person intends great harm to self or others.

7.46. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment**

which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor

to resume the ministry, either in the congregation last served or in another appropriate call.

- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

7.50. MINISTRY OF WORD AND SERVICE

7.51. This church calls and receives onto the roster qualified persons to provide a ministry of Word and Service, exemplifying the life of Christ-like service to all persons and creation: nurturing, healing, leading, advocating dignity and justice, and equipping the whole people of God for their life of witness and service within and beyond the congregation for the sake of God's mission in the world.

7.52. A minister of Word and Service of this church shall be a person whose commitment to Christ, soundness in the faith, aptness to serve, teach, and witness, and educational qualifications have been examined and approved in the manner prescribed in the documents of this church; who has been properly called and ordained; who accepts and adheres to the Confession of Faith of this church; who is diligent and faithful in the exercise of ministry; and whose life and conduct are above reproach. A minister of Word and Service shall comply with this church's constitutions, bylaws, and continuing resolutions.

- 7.53. **The standards for acceptance and continuance of ministers of Word and Service of this church shall be set forth in the bylaws.**
- 7.54. **The secretary of this church shall maintain a roster containing the names of ministers of Word and Service who qualify on the basis of constitutional provisions 7.52., 7.53., and 7.61., and related bylaws.**
- 7.54.01. Ministers of Word and Service shall be known as deacons.
- 7.54.A16. *Those persons previously rostered as associates in ministry, deaconesses, or diaconal ministers in the Evangelical Lutheran Church in America shall be retained as deacons of this church (except for removals in accord with the governing documents, criteria, policies, and procedures of this church). Accountability for specific calls shall be exercised according to the policies and procedures of this church.*
- 7.55. **Ministers of Word and Service of this church shall be subject to discipline as set forth in Chapter 20 of this constitution.**
- 7.60. **STANDARDS FOR MINISTERS OF WORD AND SERVICE**
- 7.61. **In accordance with the description stated in 7.52, ministers of Word and Service shall be governed by the following standards, policies, and procedures.**
- 7.61.01. **Basic Standards.** Persons admitted to and continued in the ministry of Word and Service of this church shall satisfactorily meet and maintain the following, as defined by this church's constitutions, bylaws, and continuing resolutions and in policies developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council:
- a. commitment to Christ;
 - b. acceptance of and adherence to the Confession of Faith of this church;
 - c. willingness and ability to serve in response to the needs of this church;
 - d. academic and practical qualifications for ministry, including leadership abilities and competence in interpersonal relationships;
 - e. commitment to lead a life worthy of the Gospel of Christ and in so doing to be an example in faithful service and holy living;
 - f. receipt and acceptance of a letter of call; and
 - g. membership in a congregation of this church.
- 7.61.02. **Responsibilities.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. be rooted in the Word of God, for proclamation and service;
 - b. advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for

the marginalized, and embracing and welcoming racially and ethnically diverse populations;

- d. equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. practice stewardship that respects God's gift of time, talents, and resources;
- g. be grounded in a gathered community for ongoing diaconal formation;
- h. share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
- i. identify and encourage qualified persons to prepare for ministry of the gospel.

7.61.03. Preparation and Approval. Except as provided in 7.61.04., a candidate who is to be called and received onto the roster as a minister of Word and Service shall have:

- a. membership in a congregation of this church and registration, by its pastor and council, of the candidate with the candidacy committee;
- b. been granted entrance to candidacy by and under the guidance and supervision of the appropriate committee before being approved for call;
- c. completed the academic and practical preparation according to criteria and procedures established by the appropriate churchwide unit, after consultation with the Conference of Bishops, and adopted by the Church Council;
- d. been examined and approved by the appropriate committee according to criteria, policies, and procedures recommended by the appropriate churchwide unit, after consultation with the Conference of Bishops, and adopted by the Church Council;
- e. been recommended to a congregation or other entity by the bishop of the synod in which the candidate is being considered for first call in accordance with the procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council; and
- f. received and accepted a properly issued and attested letter of call.

7.61.04. Approval under Other Circumstances. A candidate may, for reasons of age or prior experience, be granted approval under criteria and procedures which permit certain equivalencies as defined by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

7.61.05. No person who belongs to any organization such as a lodge or fraternal order which claims to possess in its teachings and ceremonies that which the Lord has given solely to the Church shall be called and received onto the roster of Ministers of Word and Service or otherwise received into the ministry of this church, nor shall any person so called and received onto

the roster of Ministers of Word and Service or otherwise received by this church be retained in its ministry who subsequently joins or is discovered to be a member of such an organization.

7.61.06. Roster status in more than one church body is precluded in the Evangelical Lutheran Church in America. As required by constitutional provision 7.52. and bylaw 7.61.01., ministers on the Word and Service roster of the Evangelical Lutheran Church in America must accept and adhere to this church's Confession of Faith, as well as abide by this church's standards and policies for ministers of Word and Service.

7.61.07. Reinstatement. A person seeking reinstatement as a minister of Word and Service shall be registered by the pastor and council of the congregation of which such a person is a member with the candidacy committee of the synod in which the person was last rostered or, upon mutual agreement of the synod bishops involved, after consultation with and approval by the secretary of this church, with the candidacy committee of the synod of current residence. The person then shall be interviewed, examined, and approved for reinstatement by the candidacy committee under criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council. In this process, the committee shall review the circumstances related to the termination of earlier service together with subsequent developments. The person is reinstated after receiving and accepting a letter of call to serve as a minister of Word and Service in this church.

7.61.08. On Leave from Call. A minister of Word and Service of this church, serving under a regularly issued letter of call, who leaves the work of that ministry without accepting another regularly issued letter of call, may be retained on the roster of Ministers of Word and Service of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod of which the minister of Word and Service is a member, under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. Normative Pattern: By annual action of the Synod Council in the synod of which a member, upon endorsement by the synod bishop, a minister of Word and Service who is without a current letter of call may be retained on the roster of Ministers of Word and Service of this church for a maximum of three years, beginning at the completion of an active call.
- b. Study Leave: By annual action of the Synod Council in the synod of which a member, with the approval of the synod bishop and in consultation with the appropriate churchwide unit a minister of Word and Service engaged in graduate study, in a field of study that will enhance service in the ministry of Word and Service in this church, may be retained on the roster of Ministers of Word and Service of this church for a maximum of six years.
- c. Family Leave: A minister of Word and Service may request leave for family responsibilities. By annual action of the Synod Council in the

synod of which a member, upon endorsement by the synod bishop, such a minister of Word and Service who is without a current letter of call and who requests leave for the birth or care of a child or children of the minister of Word and Service or the care of an immediate family member (child, spouse, or parent) with a serious health condition may be retained on the roster of Ministers of Word and Service of this church—under policy developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—for a maximum of six years, beginning at the completion of an active call.

- d. Exception to these limits for the purpose of serving the needs of this church may be granted in accordance with established policy of this church by the Synod Council in the synod of current roster after having received approval by the Conference of Bishops.

7.61.A16. *Any person removed from the roster of Ministers of Word and Service that existed on December 31, 1987, as cited herein, who seeks to return to active roster status must apply for acceptance to a roster of this church under the standards, criteria, policies, and procedures that apply to the official roster of Ministers of Word and Service. This same requirement shall apply to those certified during the period of January 1, 1988, through September 1, 1993, as associates in ministry of this church.*

7.61.B16. *A person on the roster of a previous church body or a person on the roster of associates in ministry of this church, who was so certified during the period between January 1, 1988, and September 1, 1993, shall relinquish such a roster category upon being received and accepted on another roster of this church.*

7.70. CALLS FOR MINISTERS OF WORD AND SERVICE

7.71. Letters of Call. Letters of call to ministers of Word and Service of this church or properly approved candidates for this church's roster of Ministers of Word and Service shall be issued in keeping with this church's constitutions, bylaws, and continuing resolutions as well as policies regarding such calls developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and approved by the Church Council.

7.71.01. Service under Call. A minister of Word and Service of this church shall serve under a letter of call properly extended by a congregation, a synod council, a synod assembly, the Church Council, or the Churchwide Assembly.

- a. Calls may be extended for stated periods of time and for shared-time ministry by the appropriate calling body under criteria recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council for service in a congregation, synod, or churchwide unit, in an institution or agency of this church, or in another setting in a category of work as provided by continuing resolution 7.74.A21.

- b. A minister of Word and Service serving under call to a congregation shall be a member of that congregation. In a parish of multiple congregations, a minister of Word and Service shall be a member of one of the congregations being served.

7.71.02. Non-Stipendiary Service Under Call. When it is deemed necessary for the mission needs of this church, a letter of call may be issued by the Synod Council—according to criteria, policies, and procedures recommended by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council—to a minister of Word and Service for non-stipendiary service after the Synod Council has sought and received approval by the Conference of Bishops. A call to non-stipendiary service is to be reviewed at least annually by the Synod Council and continued only as warranted for the ministry needs of this church. Such a call may be terminated by the Synod Council when it is no longer serving the mission needs of this church.

7.71.03. Calls in Predecessor Church Bodies. Calls extended in predecessor church bodies that have not terminated are to be treated as current calls issued by and responsible to the appropriate expression of this church. Accountability for specific calls to service extended in predecessor church bodies shall be exercised in compliance with the governing documents, policies, and procedures of this church.

7.71.04. Retirement. Ministers of Word and Service may retire upon attaining the earlier of age 60 or 30 years on a roster of this church or one of its predecessor bodies, and continue to be listed on the roster of Ministers of Word and Service of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Service is listed on the roster.

- a. The policies and procedures for granting retired status on the roster of Ministers of Word and Service shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If a minister of Word and Service who has been granted retired status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, or if there are no congregations of this church in the vicinity, other than a congregation previously served, the bishop of the synod in which the minister of Word and Service is listed on the roster may grant permission for the minister of Word and Service to hold membership in a congregation or parish of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.71.05. Disability. Ministers of Word and Service may be granted disability status, and continue to be listed on the roster of Ministers of Word and Service of this church, upon endorsement by the synod bishop, by action of the Synod Council in the synod in which the minister of Word and Service is listed on the roster.

- a. The policies and procedures for designation of disability on the official roster of Ministers of Word and Service shall be developed by the appropriate churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.
- b. If a minister of Word and Service who has been granted disability status resides at too great a distance from any congregation of this church to be able to sustain an active relationship with that congregation, or if there are no congregations of this church in the vicinity other than a congregation previously served, the bishop of the synod in which the minister of Word and Service is listed on the roster may grant permission for the minister of Word and Service to hold membership in a congregation of a church body with which a relationship of full communion has been declared and established by the Evangelical Lutheran Church in America.

7.71.06. Retention of Roster Records. When a minister of Word and Service resigns or is removed from the roster of this church, the roster record shall be retained by the secretary of this church, and the synod bishop shall invite the person at the time of resignation or removal to provide, annually, appropriate current information for the roster record.

7.72. Each person on the roster of Ministers of Word and Service of this church shall be related to that synod:

- a. to which the congregation issuing the call to the minister of Word and Service is related;
- b. which issues a letter of call to the minister of Word and Service;
- c. on whose roster the minister of Word and Service was listed at the time of the issuance of a letter of call from the Church Council;
- d. on whose roster the minister of Word and Service, if a seminary teacher or administrator, was assigned by the seminary board, subject to approval by the synod bishop and Synod Council of each affected synod, to promote proportionate representation of faculty and administration in each synod of its region;
- e. in which the minister of Word and Service, upon receiving a call from this church, serves as a deployed staff person or on the roster of one of the synods to which the minister of Word and Service is deployed;
- f. on whose roster the minister of Word and Service, if granted on-leave-from-call status, was listed when last called or the synod of current address, upon application by the minister of Word and Sacrament for transfer and the mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church;
- g. on whose roster the minister of Word and Service, if granted disability status, was listed when last called, or the synod of current address, upon application by the minister of Word and Service for transfer and the mutual agreement of the synod

bishops involved after consultation with and approval by the secretary of this church; or

- h. on whose roster the minister of Word and Service, if granted retired status, was listed when last called, or the synod of current address, upon application by the minister of Word and Service for transfer and the mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church.**

7.72.01. If the service of a minister of Word and Service who receives and accepts a letter of call from this church, under 7.72.c., would be enhanced through transfer of roster status from the previous synod of roster to the synod of current address, such a transfer may be authorized upon mutual agreement of the synod bishops involved after consultation with and approval by the secretary of this church.

7.72.02. In certain circumstances for the sake of the ministry and mission needs of this church, the transfer of roster status of a minister of Word and Service serving under call in the churchwide organization may be authorized, at the initiative of the presiding bishop of this church, upon mutual agreement of the synod bishops involved in such a transfer after consultation with and approval by the secretary of this church.

7.73. **A letter of call issued by a Synod Council or the Church Council to a minister of Word and Service of this church shall be either coterminous with, or not longer than, the duration of the service or employment for which the call was issued. With the exception of persons designated as employees of a synod or the churchwide organization, such a call does not imply any employment relationship or contractual obligation in regard to employment on the part of the Synod Council or Church Council issuing the call. The recipient of such a call remains subject to this church's standards and discipline for ministry of Word and Service, as contained in this church's constitution, bylaws, and continuing resolutions and in the policy and procedure documents of this church.**

7.73.01. When the Synod Council or the Church Council, as the calling source, determines that the service or employment no longer fulfills the criteria under which a call was issued, the Synod Council or the Church Council shall vacate the call and direct that the individual be placed on leave from call or, if such leave status is not granted, the individual shall be removed from the roster of Ministers of Word and Service.

7.73.02. Ministers of Word and Service previously under call to the churchwide organization or to a synod shall respect the integrity of the ministry in which they no longer serve and shall not interfere with or exercise the functions of the office or position in which they no longer serve unless invited to do so by the presiding bishop or Church Council in the churchwide organization or, in the synods, by the bishop or the Synod Council.

7.74. Each synod shall maintain a roster containing the names of those ministers of Word and Service who are related to it on the basis of 7.72. of this constitution. All additions, deletions, changes, and corrections to this roster shall be reported promptly to the Office of the Secretary.

7.74.A21. Sources of Calls for Ministers of Word and Service

- a. Principles for Sources of Calls
 - 1) A “call” is an action by expressions of this church, as specified in the “Table of Sources of Calls for Ministers of Word and Service,” through which a person is asked to serve in a specified ministry. Such an action is attested in a “letter of call.”
 - 2) Interdependence within the body of this church suggests that any action of one of its entities affects other entities. Therefore, interdependence is expressed in all calls extended within this church.
 - 3) A call expresses a relationship between this church and the person called involving mutual service, support, accountability, supervision, and discipline.
 - 4) A letter of call is issued by that expression of this church authorized to do so which is most directly involved in accountability for the specified ministry.
 - 5) Decisions on calls for ministries in unusual circumstances not otherwise provided for but deemed to be in the interests of this church’s care of the Gospel are referred to the Conference of Bishops for recommendation to the appropriate calling body.

b. Table of Sources of Calls for Ministers of Word and Service

	Setting	Calling Body
1.0	Congregational ministry	
1.1	Single congregation	Congregation meeting
1.2	Multiple-congregation parish	Congregation meetings, acting on a common proposal, with one of the participating congregations issuing the call
1.3	Coalition and cluster ministry	Synod Council
1.4	Congregations beyond this church	
1.41	Independent Lutheran congregations	Synod Council
1.42	Full communion congregation	Synod Council
1.43	Deacon in a synod-authorized ministry	Synod Council
1.44	Other	Synod Council
2.0	Synod ministry	
2.1	Assistant to the Bishop	Synod Council

2.2	Shared staff of two or more synods	Synod Council
2.3	Staff partially supported by grants from churchwide units	Synod Council
3.0	Regional ministry	
3.1	Staff	Church Council
3.2	Shared synod- churchwide staff	Church Council
4.0	Churchwide ministry	
4.1	Secretary	Churchwide Assembly
4.2	Treasurer	Church Council
4.3	Staff of the churchwide organization	Church Council
5.0	Institutional ministry	
5.1	Institution/agency related or unrelated to a synod	Synod Council
5.2	Institution/agency related to more than one synod	Synod Council of one of the synods
5.3	ELCA-related institution/agency	Church Council upon request of appropriate churchwide unit
5.4	Other	Church Council
6.0	Campus ministry	
6.1	Staff	Synod Council
7.0	Outdoor ministry	
7.1	Staff	Synod Council
8.0	Ecumenical/Inter-Religious ministry	
8.1	Related to a synod	Synod Council
8.2	Related to more than one synod	Synod Council of one of the synods
8.3	National/international organization	Church Council
9.0	Inter-Lutheran ministry	
9.1	Related to a synod	Synod Council
9.2	Related to more than one synod	Synod Council of one of the synods
9.3	National/International	Church Council
10.0	Educational ministry	
10.1	ELCA-related seminary	Church Council upon request of appropriate churchwide unit
10.2	Seminary unrelated to ELCA	Church Council upon request of appropriate churchwide unit
10.3	ELCA-related college	Synod Council of the synod in which college is located
10.4	College unrelated to ELCA	Synod Council of the synod in which college is located
10.5	ELCA-related school	Congregation of which the school is a part or, if related to several congregations, Synod Council of the synod in which the school is located

10.6	School unrelated to ELCA	Synod Council of the synod in which school is located
10.7	Director/staff of a continuing education center related to a churchwide unit	Synod Council in which the center's main office is located upon the request of appropriate churchwide unit
11.0	Missionary ministry	
11.1	Outside United States	Church Council upon request of appropriate churchwide unit
11.2	Within United States	Church Council upon request of appropriate churchwide unit
12.0	Independent Lutheran Organization	Church Council upon request of the appropriate churchwide unit
13.0	Separately Incorporated Ministry	Church Council
14.0	Other	
14.1	Non-stipendiary service under call	Synod Council upon approval by the Conference of Bishops
14.2	Unusual ministries (as in conjunction with occupations and in approved situations not otherwise specified)	Synod Council or Church Council upon recommendation by the Conference of Bishops

7.75. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:**
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;**
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;**
 - 3) inability to conduct the office to which they have been called effectively in that congregation in view of local conditions;**
 - 4) inability to conduct the office effectively in view of disability or incapacity of the minister of Word and Service;**
 - 5) suspension of the minister of Word and Service through discipline for more than three months;**
 - 6) resignation or removal of the minister of Word and Service from the roster of Ministers of Word and Service of this church;**

- 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one non-rostered person, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one non-rostered person.
 - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee must address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. **If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.**
- f. **If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.**

Chapter 8.

RELATIONSHIPS

- 8.10. RELATIONSHIP OF CONGREGATIONS, SYNODS, THE CHURCHWIDE ORGANIZATION, AND THE LUTHERAN WORLD FEDERATION**
- 8.11. This church shall seek to function as people of God through congregations, synods, and the churchwide organization, all of which shall be interdependent. Each part, while fully the church, recognizes that it is not the whole church and therefore lives in an interdependent relationship with the others.**
- 8.12. The congregation shall include in its mission a life of worship and nurture for its members, and outreach in witness and service to its community.**
- 8.13. The synod shall provide for pastoral care of the congregations, ministers of Word and Sacrament, and ministers of Word and Service within its boundaries. It shall plan for, facilitate, and nurture the life and mission of its people and shall enlarge the ministries and extend the outreach into society on behalf of and in connection with the congregations and the churchwide organization. Conferences, clusters, coalitions, other area subdivisions, or networks shall serve to assist the congregations and synods in exercising their mutual responsibilities.**
- 8.14. The churchwide organization shall implement the extended mission of the Church, developing churchwide policies in consultation with the synods and congregations, entering into relationship with institutions of higher education and with governmental, ecumenical, and societal agencies in accordance with accepted resolutions and/or in response to specific agreed-upon areas of responsibility.**
- 8.15. The three expressions of this church—congregations, synods, and the churchwide organization—all share in the responsibility to develop, implement, and strengthen the financial support program of this church.**
- 8.16. In faithful participation in the mission of God in and through this church, congregations, synods, and the churchwide organization—as interdependent expressions of this church—shall be guided by the biblical and confessional commitments of this church. Each shall recognize that mission efforts must be shaped by both local needs and global awareness, by both individual witness and corporate endeavor, and by both distinctly Lutheran emphases and growing ecumenical cooperation.**
- 8.17. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission, and the fulfillment of the purposes of this church as described in Chapter 4, and do not imply or describe**

the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

8.18. This church shall not, in any manner, be responsible for the debts or liabilities of other religious or charitable organizations, institutions, or agencies, whether independent of or affiliated with this church, or whether denominated as Lutheran or related to any Lutheran church body.

8.19. This church affirms the relationship established through The Lutheran World Federation as a communion of churches that confess the triune God, agree in the proclamation of the Word of God, and are united in pulpit and altar fellowship.

8.19.01. The bylaws on ecumenical availability of ministers of Word and Sacrament under relationships of full communion shall apply to such service within this church of such ministers of other member churches of The Lutheran World Federation.

8.19.02. The bylaws on ecumenical availability of ministers of Word and Sacrament under relationships of full communion shall apply to such ministers of churches who have established a full communion relationship with a member church of The Lutheran World Federation provided that church is a member of a Christian World Communion that has a member church that is in full communion with this church.

8.20. RELATIONSHIP WITH INSTITUTIONS AND AGENCIES

8.21. Seminaries. This church shall sponsor, support, and provide for oversight of seminaries for the preparation of persons for rostered leadership and other ministries and for continuing study on the part of rostered ministers and laypersons.

8.21.01. Each seminary of this church shall be separately incorporated or, if unincorporated, shall be a school, department, or unit of a college or university of this church. Whether separately incorporated or not, seminaries of this church shall be governed consistent with policies established by the Church Council upon recommendation of the appropriate unit of the churchwide organization. Seminaries may be organized into groupings, known as clusters, for the purposes of cooperation, interaction, and support.

8.21.02. Amendments to the governing documents of each separately incorporated seminary and each seminary cluster shall be submitted, upon recommendation of the appropriate unit of the churchwide organization, to the Church Council for approval. Amendments to the governing documents of a college or university of this church that affect the authority or integrity of an unincorporated seminary of this church associated with that college or university shall be submitted, upon recommendation of the appropriate unit of the churchwide organization, to the Church Council for approval.

8.21.03. The board of directors of each separately incorporated seminary shall be nominated and elected to terms as specified in the governing

documents of the respective seminaries, and shall consist of 12 to 30 members, as follows:

- a. at least one-fifth nominated, in consultation with the seminaries, by the appropriate churchwide unit and elected by the Church Council;
- b. two members elected by the bishops of the supporting synods from among their number; and
- c. the remaining members elected by the supporting synods, in consultation with the seminaries, with the number to be elected by each synod set forth in the governing documents of the seminary.

Elections shall be so arranged that the terms of all directors of any given seminary elected in any year shall commence simultaneously.

8.21.04. Each unincorporated seminary shall have an advisory council or board distinct from the board of directors of the college or university of which the seminary is a school, department, or unit. The seminary advisory council or board shall relate to the Church Council through the appropriate churchwide unit. The members of the unincorporated seminary's advisory council or board shall be elected as specified in the governing documents of the related college or university, and shall consist of 12 to 30 members, as follows:

- a. at least one-fifth nominated by the Church Council upon recommendation of the appropriate churchwide unit after consultation with the seminary's advisory council or board;
- b. two members nominated by the bishops of the supporting synods from among their number;
- c. one member, who shall serve as chair of the advisory council or board and as a voting member of the board of directors of the college or university, nominated by the Church Council, upon recommendation of the appropriate churchwide unit after consultation with the seminary's advisory council or board; and
- d. the remaining members to be from the supporting synods, nominated by the seminary's advisory council or board in consultation with the supporting synods.

8.21.05. In accordance with the governing documents of each separately incorporated seminary, the board of directors shall elect the president of the seminary in consultation with the presiding bishop of this church and the appropriate churchwide unit. The board shall exercise all other normal governance functions, including the appointment of tenured faculty, and shall have authority to recruit students throughout this church.

8.21.06. Each unincorporated seminary shall have a chief administrative officer, such as an academic dean, seminary provost, or vice president, who is on the roster of Ministers of Word and Sacrament of this church. In the appointment or election of the chief administrative officer of the seminary, the college or university shall consult with the seminary advisory council or board, the presiding bishop of this church, and the appropriate churchwide unit. The college or university board shall exercise all other normal governance functions, including the

appointment of tenured faculty, in consultation with the seminary's advisory council or board, and shall have authority to recruit students throughout this church.

8.21.07. The seminaries shall receive churchwide and synod financial support. The amount of such support shall be determined through a consultation process involving seminaries, synods, and the appropriate churchwide unit. To implement financial support by this church, synods shall be assigned to specific seminaries in such manner as to attain equitable distribution of synods. Normally, all synods in a given region will be assigned to one seminary. Churchwide funds shall be distributed according to a formula developed by the appropriate churchwide unit and approved by the Church Council. Seminaries shall provide for their remaining financial requirements through tuition, fees, endowment income, and fundraising programs. Fundraising in the congregations of supporting synods, however, shall be conducted only upon approval of the synods.

8.21.08. Aid to students preparing for the ministries of this church shall be administered by the seminaries under guidelines developed by the appropriate churchwide units in consultation with the presidents of the seminaries.

8.22. **Colleges and Universities. This church shall relate to its colleges and universities in their mission to educate students for vocations in the Church and the world. The churchwide organization, through the appropriate churchwide unit, shall support an association of this church's colleges and universities.**

8.22.01. The relationship of this church to its colleges and universities shall be guided by policies fostering educational institutions dedicated to the Lutheran tradition wherein such institutions are an essential part of God's mission in the world; faithful to the will of God as institutions providing quality instruction in religion and a lively ministry of worship, outreach, and service; diligent in their preparation of leaders committed to truth, excellence, and ethical values; and pledged to the well-being of students in the development of mind, body, and spirit.

8.22.02. Each college and university of this church shall establish a relationship with:

- a. a synod or synods;
- b. a corporation whose voting members are elected or appointed by a synod or synods, other organizational units (conferences, clusters, etc.), or congregations; or,
- c. a corporation
 - 1) that has voting members, at least a majority of whom shall consist of members of the Churchwide Assembly or the Church Council, and
 - 2) that shall hold the meeting of such a corporation in conjunction with the Churchwide Assembly or the Church Council for the purpose of approving amendments to the articles of incorporation, and approving amendments to other governing

documents which affect the relationship between the college or university and this church. A majority of the members of the board of a corporation that meets in conjunction with the Churchwide Assembly or Church Council shall be members of this church or of a church body with which this church is in a relationship of full communion, but under no circumstances shall fewer than forty (40) percent of the members of such board be members of this church.

8.22.03. Responsibility for the size and composition of a college or university's board of directors, including recruiting and electing board members, belongs to each college or university of this church. This responsibility shall be exercised congruent with the form of relationship, as provided in 8.22.02., established by the college or university with this church.

8.22.04. Responsibility for governance and governance documents rests with each college or university of this church. This responsibility shall be exercised congruent with the form of relationship as provided in 8.22.02., established by the college or university with this church.

8.22.05. In addition to and consistent with the above provision 8.22. and bylaws 8.22.01. through 8.22.04., colleges and universities of this church where a school, department, or unit of that institution is a seminary of this church must comply with all requirements, policies, procedures, and standards specified in provision 8.21. and bylaws 8.21.01. through 8.21.08.

8.23. **Institutions and Agencies. This church shall seek to meet human needs through encouragement of its people to individual and corporate action, and through establishing, developing, recognizing, and supporting institutions and agencies that minister to people in their spiritual and temporal needs.**

8.23.01. Social ministry organizations affiliate with this church through criteria and policies developed by the appropriate churchwide unit and through membership in Lutheran Services in America.

8.30. **SPECIAL INTEREST CONFERENCES**

8.31. **This church cherishes the diversity of cultural and linguistic groups as they are brought together in the geographic synods, recognizing, however, that certain groups, for historical reasons, may be able to meet needs and share resources through special interest conferences, which for the present cannot occur in the regular life within the geographic synods.**

8.31.01. Because of both official and informal international contacts with other churches, the Danish Special Interest Conference, Finnish (Suomi) Special Interest Conference, German Lutheran Conference in North America, and Hungarian Special Interest Conference shall relate to this church under the authority of the presiding bishop of this church through an executive or designated unit as determined by the presiding bishop. Official contacts and relationships of the special interest conferences with leaders and

representatives of other churches shall be coordinated through the Office of the Presiding Bishop.

8.40. RELATIONSHIP WITH OTHER LUTHERAN ORGANIZATIONS

8.41. This church may establish relationships with Lutheran organizations, institutions, or agencies whose purposes are compatible with its mission and ministry. Policies and procedures to create and implement these relationships shall be adopted by the Church Council.

8.50. RELATIONSHIP WITH INTERCHURCH AGENCIES, INSTITUTIONS, AND COUNCILS

8.51. The congregations, synods, social ministry institutions and agencies, and churchwide organization may establish or affiliate with interchurch agencies and councils in relationships that will reflect this church's objectives of sharing with other faith communities in study, dialogue, and common action, in accordance with adopted policies governing such associations.

8.51.01. Policies governing ecumenical, inter-Lutheran, and interfaith activities shall be recommended by the presiding bishop of this church to the Churchwide Assembly for its adoption.

8.51.02. Formal membership in interchurch agencies and/or councils shall be by action of the Churchwide Assembly in all relationships involving national or international involvement, by the Synod Assembly in its geographic area, and by congregations in community settings, with each affiliation by any congregation, synod, or churchwide organization to be in accordance with the policies of this church.

8.60. OFFICIAL CHURCH-TO-CHURCH RELATIONSHIPS

8.61. This church may establish official church-to-church relationships and agreements. Establishment of such official relationships and agreements shall require a two-thirds vote of the voting members present and voting in a Churchwide Assembly.

8.62. Policies and procedures to implement church-to-church relationships of full communion established by action of a Churchwide Assembly may be recommended by the appropriate officer or churchwide unit, reviewed by the Conference of Bishops, and adopted by the Church Council.

8.63. The provisions governing ecumenical availability and service of ministers of Word and Sacrament and ministers of Word and Service shall be set forth in the bylaws.

8.63.01. A minister of Word and Sacrament of this church or a minister of Word and Service, serving temporarily in a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America, may be retained on the roster—upon endorsement by the synod bishop and

by action of the Synod Council in the synod in which the minister is listed on the roster—under policies developed at the direction of the presiding bishop and secretary, reviewed by the Conference of Bishops, and adopted by the Church Council.

- a. A letter of call may be issued to a minister of Word and Sacrament of this church, serving temporarily in such a church body, by the Church Council of the Evangelical Lutheran Church in America or a Synod Council, in accord with the Table of Sources of Calls (7.44.A19.b.).
- b. A letter of call may be issued to a minister of Word and Service of this church, serving temporarily in such a church body, by the Church Council of the Evangelical Lutheran Church in America or a Synod Council, in accord with the Table of Sources of Calls (7.74.A21.b.).
- c. A letter of call issued by the Church Council or a Synod Council for service in a church body with which a relationship of full communion has been established by the Churchwide Assembly shall be governed by provision 7.43. and bylaw 7.43.01.

8.63.02. A minister of Word and Sacrament of a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America may be authorized by the synod bishop to serve in a congregation or employing entity of this church. Such service shall be rendered under a contract between the congregation or employing entity and the minister of Word and Sacrament in a form proposed by the synod bishop and approved by the congregation or employing entity. Any such service shall be in accord with churchwide policies developed at the direction of the presiding bishop and secretary, reviewed by the Conference of Bishops, and adopted by the Church Council of the Evangelical Lutheran Church in America.

8.63.03. Whenever a rostered minister of the Evangelical Lutheran Church in America is to serve or is serving in a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly, or whenever a minister of Word and Sacrament of a church body with which a relationship of full communion has been so declared and established is to serve or is serving in this church, a full sharing of relevant information concerning such rostered minister's experience and fitness for ministry is expected between the synod bishop (or other appropriate office or entity) of this church and the appropriate person, office, or entity in the other church. Relevant information related to fitness for ministry shall include, but is not limited to, any information concerning disciplinary proceedings or allegations that could result, or could have resulted, in disciplinary proceedings.

8.63.04. A minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America may be granted the privilege of both voice and vote in the Synod

Assembly during the period of that minister's service in a congregation of this church, in accord with bylaw 8.63.02.

8.63.05.

The availability of a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America shall be understood normally in three categories: availability to serve in an occasional situation; availability to meet an extended need, including service in "yoked parish" settings; and availability for a transfer of roster status.

- a. *Occasional service:* An occasional situation is defined as one in which a minister of Word and Sacrament of a church body with which a relationship of full communion exists may be asked to preach or administer the sacraments in a congregation of this church on an occasional basis with the authorization of the synod bishop.
- b. *Extended service:* A minister of Word and Sacrament of a church body with which a relationship of full communion exists may be invited to serve as the pastor of a congregation of this church for an extended period of time, yet remain a minister of Word and Sacrament of the minister's present church body. Such a person would be expected to preach, teach, and administer the sacraments in a congregation of this church in a manner that is consistent with the Confession of Faith of the Evangelical Lutheran Church in America and to live in a manner consistent with the ministerial policy of this church. Such service shall be rendered only as authorized by the synod bishop in order to serve the ministry and mission needs of this church in a given situation.
- c. *Transfer:* A minister of Word and Sacrament of a church body with which a relationship of full communion exists who seeks to serve indefinitely within the ministry of Word and Sacrament of the Evangelical Lutheran Church in America may apply for admission to the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America and be approved through the candidacy process for admission to the roster. Such a minister would then become a minister of Word and Sacrament of this church upon receipt and acceptance of a regular call and installation in a congregation or other setting in this church .

8.63.06.

Rostered ministers of the Evangelical Lutheran Church in America, while serving in an ecumenical setting, remain subject to the standards, policies, and discipline of the Evangelical Lutheran Church in America. A minister of Word and Sacrament of a church body with which a relationship of full communion exists is understood by the Evangelical Lutheran Church in America as subject to the standards, policies, and discipline of the church body in which the minister is rostered or holds ministerial membership. Such a minister, while serving in a congregation or other ministry of this church, is expected to abide by the standards and policies of this church related to ministers of Word and Sacrament.

- 8.63.07.** When a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by a Churchwide Assembly of the Evangelical Lutheran Church in America completes a contract for extended service, the synod file on that minister shall be sent to and retained by the Office of the Secretary.
- 8.64.** **This church, in accord with constitutional provision 2.05., acknowledges as one with it in faith and doctrine all churches that accept the teaching of the Unaltered Augsburg Confession and understands that altar and pulpit fellowship with congregations and other entities of such churches may be locally practiced. Local practice of altar and pulpit fellowship, in accord with churchwide constitutional provision 2.05., is subject to the approval of the Synod Council, upon endorsement by the synod bishop. Notice of such approval is to be given to the presiding bishop as the chief ecumenical officer of the Evangelical Lutheran Church in America.**
- 8.64.01.** The approval is granted initially for one year only and must be reviewed and approved annually by the Synod Council. Any time that the local practice of altar and pulpit fellowship no longer serves the mission and ministry needs of this church, the synod bishop may withdraw endorsement and the Synod Council may withdraw the approval.
- 8.64.02.** A minister of Word and Sacrament of a church body not in full communion with this church, while serving in a ministry involving the local practice of altar and pulpit fellowship with a congregation of this church is understood to be subject to the standards, policies, and discipline of the church body in which the minister is rostered or holds ministerial membership. Such a minister, while serving a congregation or other ministry of this church, is expected to abide by the standards and policies of this church related to ministers of Word and Sacrament. A minister of Word and Sacrament of this church, while serving in a ministry involving the local practice of altar and pulpit fellowship with a non-ELCA congregation, remains subject to the standards, policies, and discipline of the Evangelical Lutheran Church in America.
- 8.65.** **Synods of the Evangelical Lutheran Church in America and units of the churchwide organization are encouraged to engage in cooperative work, wherever possible, with churches that accept the teachings of the Unaltered Augsburg Confession. Units engaging in this work shall advise the presiding bishop of such developments.**

Chapter 9.

CONGREGATIONS

9.10. DEFINITION

9.11. A congregation is a community of baptized persons whose existence depends on the proclamation of the Gospel and the administration of the sacraments and whose purpose is to worship God, to nurture its members, and to reach out in witness and service to the world. To this end it assembles regularly for worship and nurture, organizes and carries out ministry to its people and neighborhood, and cooperates with and supports the wider church to strive for the fulfillment of God's mission in the world.

9.20. CRITERIA FOR RECOGNITION AND RECEPTION

9.21. This church shall recognize, receive, and maintain on the roster those congregations which by their practice as well as their governing documents:

- a. preach the Word, administer the sacraments, and carry out God's mission;**
- b. accept this church's Confession of Faith;**
- c. agree to the Statement of Purpose of this church;**
- d. agree to call pastoral leadership from the roster of Ministers of Word and Sacrament of this church in accordance with the call procedures of this church, except in special circumstances as defined in the bylaws accompanying this provision, and with the approval of the synod bishop;**
- e. agree to be responsible for their life as a Christian community;**
- f. agree to support the life and work of this church; and**
- g. adhere to the additional commitments expressed in this chapter of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.***

9.21.01. Approval of the synod bishop, as required in 9.21.d., involves the bishop's attesting that a candidate for the roster of Ministers of Word and Sacrament of this church has been approved, in conformity with the governing documents and policies of this church, through the synod candidacy process for first call as a seminary graduate or for call in this church through approval for reception into this church from another Lutheran church body or another Christian church body. Consultation with the synod bishop in accordance with the call procedures and governing documents of this church and the synod is required for the calling of pastoral leadership from among persons on the roster of Ministers of Word and Sacrament of this church or persons who are approved as eligible candidates for the roster of Ministers of Word and Sacrament of this church.

9.21.02. Under special circumstances, subject to the approval of the synod bishop and the concurrence of the congregation, a minister of Word and

Sacrament of a church body with which this church officially has established a relationship of full communion by action of a Churchwide Assembly may serve temporarily under contract as pastor of a congregation of this church.

- 9.22. **In addition to this Chapter 9, all congregations of this church shall abide by the provisions of 6.01., 7.46., and 7.75., and bylaws 20.41.01. through 20.41.11.**
- 9.23. **In accord with constitutional provision 9.21.d. and its accompanying bylaws and without invoking the provisions of Chapter 20, a congregation that calls or otherwise maintains as its pastor a person who is neither:**
- a. **on this church's roster of Ministers of Word and Sacrament; nor**
 - b. **approved for the roster of Ministers of Word and Sacrament and called pursuant to bylaw 9.21.01.; nor**
 - c. **authorized as a minister pursuant to bylaw 7.31.10.; nor**
 - d. **a minister of Word and Sacrament of a church body with which this church has established a relationship of full communion and contracted with pursuant to bylaw 9.21.02.;**
- may be removed from the roster of congregations of this church by the Synod Council upon recommendation of the synod bishop.**
- 9.24. **A recognized and received congregation that is part of this church shall, when legally possible, be incorporated and may, in its sole discretion:**
- a. **own property and be responsible for its care; and**
 - b. **call or employ staff.**
- 9.25. **A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:**
- a. **Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of this constitution.**
 - b. **Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of this constitution and the Constitution for Synods of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of the synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, may be adopted as described in Chapters 17 and 18 of the *Model Constitution for Congregations*.**
 - c. **Accept the commitments expected of all congregations of this church as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.**

- 9.26. Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the roster of congregations.
- a. If a congregation is a member of another church body, the leadership of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should contact the synod bishop or synod staff in this church where the congregation is located.
 - b. The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the congregation to assure its understanding and acceptance of commitment to and affiliation with the Evangelical Lutheran Church in America.
- 9.27. Each congregation, except those which are in relationship with the Slovak Zion Synod, shall establish a relationship with the synod in whose territory it is located.
- 9.30. RESERVATION OF AUTHORITY
- 9.31. Congregations of this church shall have authority in all matters that are not assigned by the constitution and bylaws of this church to synods and the churchwide organization.
- 9.40. FUNCTIONS
- 9.41. The congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily life and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of the synod and the churchwide organization.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization.

- i. Foster and participate in ecumenical relationships consistent with churchwide policy.

9.50. GOVERNANCE

9.51. Each congregation shall structure itself in such a way as to involve its members in fulfilling the definition, purpose, and functions of a congregation of this church.

9.52. The governing documents of congregations recognized at the establishment of this church shall continue to govern such congregations until amended. When such a congregation wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b. The synod responsible for the review of such amendments may permit, for good cause, a congregation to retain particular unamended provisions in the congregation's governing documents that were in force at the establishment of this church.

9.53. Each congregation shall have governing documents, no terms of which shall conflict with provision 9.21. Subject to the provisions of 9.52., these documents shall contain the elements listed in the bylaws. The judgment on whether a congregation meets the criteria listed in 9.21. shall be made by this church through the synod of this church to which the congregation relates.

9.53.01. The governing documents of congregations shall include:

- a. the Confession of Faith;
- b. the Statement of Purpose;
- c. provisions describing the congregation's relationship to this church;
- d. a process for calling a rostered minister;
- e. a listing of the duties of a rostered minister;
- f. provisions describing the role of the rostered minister in the governance of the congregation;
- g. a process for removal of a rostered minister;
- h. provisions regulating the disposition of property;
- i. a legislative process;
- j. an enumeration of officers with definition of authority and functions of each;
- k. a definition of each organizational component (e.g., committees, boards); and
- l. a process for the discipline of members.

9.53.02. A *Model Constitution for Congregations* shall be provided by this church. Amendments to the *Model Constitution for Congregations* shall be made in the same manner as prescribed in Chapter 22 for amendments of the bylaws of this church. Congregations are expected to resolve conflicts between their current governing documents and the *Model Constitution for Congregations*.

9.53.03. Each congregation shall provide a copy of its governing documents to the synod. All proposed changes in the constitution or incorporation

documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate, consistent with this chapter.

- 9.53.04. Each congregation shall take the necessary steps to protect its members and this church from liability, including incorporation as indicated in 9.24, appropriate insurance coverage, and similar actions.
- 9.53.05. Congregations shall normally maintain a fiscal year of January 1 through December 31.
- 9.53.06. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.
- 9.53.07. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action.
- 9.53.08. Congregations shall have the right to petition this church. Such petitions will be presented as resolutions or memorials in the form prescribed by the secretary of this church. Any resolution or memorial shall be addressed to the synod to which the congregation relates for response by the synod. By action of the Synod Council or Synod Assembly, resolutions or memorials may be forwarded to the Church Council or Churchwide Assembly.

9.60. TERMINATION OF RELATIONSHIP

- 9.61. **The relationship between a congregation and this church is terminated in one of the following ways:**
 - a. **The congregation takes action to dissolve.**
 - b. **The congregation ceases to exist.**
 - c. **The congregation is no longer recognized by this church under the disciplinary provisions of Chapter 20.**
 - d. **The congregation terminates its relationship according to the procedure outlined in 9.62.**
 - e. **The congregation is removed by the synod pursuant to 9.23.**
 - f. **The synod takes charge and control of the property of the congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. The congregation shall have the right to appeal the decision to the next Synod Assembly.**
- 9.62. **A congregation may terminate its relationship with this church by the following procedure:**
 - a. **A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special**

meetings of the congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless the bishop and/or the bishop's designees are voting members of the congregation, they shall have voice but not vote at the meeting.

- b. Within 10 days after the resolution has been voted upon, the secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation.
- c. If the resolutions was adopted by a two-thirds vote of the voting members present at the meeting, the bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
- d. If the congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless the bishop and/or the bishop's designees are voting members of the congregation, they shall have voice but not vote at the meeting.
- e. Within 10 days after the resolution has been voted upon, the secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the meeting, the relationship between the congregation and this church shall be terminated, subject to Synod Council approval as required by paragraphs g., h., and i. below.
- f. Unless this notification to the bishop also certifies that the congregation has voted to affiliate with another Lutheran denomination, the congregation shall be deemed an independent or non-Lutheran church, in which case 9.71.e. shall apply.
- g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing

provisions in 9.62. shall be required to receive Synod Council approval before terminating their membership in this church.

- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in 9.62., to receive synod approval before terminating their membership in this church.
- i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in 9.62., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- j. If a congregation fails to achieve the required two-thirds vote at the congregation's first meeting as specified in paragraph a. above, another first meeting as specified in paragraph a. above to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of 9.62. and may begin no sooner than six months after that second meeting.
- k. Notice of a congregation's termination of its relationship with this church shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.

9.70.

OWNERSHIP OF PROPERTY

9.71.

Subject to the provisions of 9.52., the following shall govern the ownership of property by congregations of this church:

- a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.
- b. Title to the undisposed property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.
- c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.
- d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. and has voted to relate to another Lutheran church body shall continue to reside in the congregation.
- e. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of

9.62. and has voted to become independent or to relate to a non-Lutheran church body shall continue to reside in the congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of this church. In neither case does title to the congregation's property transfer to the synod.

9.80. UNION OR FEDERATED CONGREGATIONS

9.81. A synod of the Evangelical Lutheran Church in America may authorize a particular congregation or recognized ministry related to the synod to form a federated congregation or union congregation with a congregation or recognized ministry of a church body with which a relationship of full communion has been established by a Churchwide Assembly of the Evangelical Lutheran Church in America, or a synod may organize a federated congregation or union congregation, with the synod acting in concert with a comparable ecclesiastical entity of another church body or church bodies with which a relationship of full communion has been established by a Churchwide Assembly of the Evangelical Lutheran Church in America.

9.81.01. A union congregation is one congregation that is formed and maintained with the approval of both the synod in which the congregation is located and the comparable ecclesiastical entity of one or more church bodies with which a relationship of full communion has been established. A union congregation shall conduct its life and work under a plan of agreement adopted by the union congregation in accord with policy of the synod in which the union congregation is located and the comparable entity or entities of a church body or church bodies with which a relationship of full communion has been declared by the Evangelical Lutheran Church in America, in accord with 8.61. and 9.81.

- a. The plan of agreement shall follow, as clearly as is practicable, the model provisions developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and the Conference of Bishops. Such a plan of agreement shall be subject to the constitutions of each church body involved.
 - 1) Whenever the constitutions of the respective church bodies differ, the mandatory provisions of one shall apply in all cases when the others are permissive.
 - 2) Whenever conflicting mandatory provisions or conflicting permissive provisions exist, petition shall be made to the appropriate governing bodies of the church bodies involved

to resolve the conflict under the internal procedures of the respective church bodies.

- b. The plan of agreement of a union congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in America in church-to-church resolutions and documents for the continuing relationship of full communion.
- c. The plan of agreement of each union congregation shall be subject to review and ratification by the Synod Council of the synod in which the union congregation is located.
- d. Implementation of the plan of agreement of a union congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, reviewed by the Conference of Bishops, and approved by the Church Council of the Evangelical Lutheran Church in America.
- e. A union congregation shall be incorporated, when legally possible, under the laws of the state of location. A union congregation shall take the necessary steps to protect its members and the related church bodies from liability.

9.81.02. A federated congregation may be formed by two or more separate congregations that shall continue to exist as separate but cooperating entities. The separate congregations in a federated congregation shall be related to their respective church bodies that have established a relationship of full communion in accord with 8.61. and 9.81. A federated congregation shall conduct its life and work under a plan of agreement approved by the two or more separate congregations upon recommendation of the synod in which the congregation is located, with the synod acting in concert with the comparable ecclesiastical entity of a church body with which a relationship of full communion exists.

- a. The plan of agreement of a federated congregation shall follow, as clearly as is practicable, the model provisions of such a plan of agreement developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and the Conference of Bishops. Such a plan of agreement for a federated congregation shall be subject to the constitutions of each church body involved.
- b. The plan of agreement of a federated congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in America in church-to-church resolutions and documents for the continuing relationship of full communion.
- c. The plan of agreement of a federated congregation shall be subject to review and ratification by the Synod Council of the synod in which the federated congregation is located.
- d. Implementation of the plan of agreement of a federated congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, and reviewed by the Conference of Bishops.

- e. Each congregation in a federated congregation shall take the necessary steps to protect its members and the related church body from liability.

Chapter 10.

SYNODS

10.01. The territory of this church shall be divided into geographic synods, except the Slovak Zion Synod, the names and boundaries of which shall be determined by the Churchwide Assembly and included in the bylaws.

10.01.01. Names and Boundaries. The names and boundaries of the synods shall be:
Synod 1.A—Alaska. The state of ALASKA.

Synod 1.B—Northwest Washington. The counties of Island, King (north), San Juan, Skagit, Snohomish, Whatcom in the state of WASHINGTON; the congregation Bethany, Kitsap County, in the state of WASHINGTON.

Synod 1.C—Southwestern Washington. The counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King (south), Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum in the state of WASHINGTON.

Synod 1.D—Northwest Intermountain. The state of IDAHO; the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima in the state of WASHINGTON; the counties of Lincoln and Teton, in the state of WYOMING; the congregation St. Paul, Malheur County, in the state of OREGON.

Synod 1.E—Oregon. The state of OREGON; and the city of Tulelake in the state of CALIFORNIA.

Synod 1.F—Montana. The state of MONTANA; and the counties of Big Horn, Park, Sheridan, and Washakie in the state of WYOMING.

Synod 2.A—Sierra Pacific. The counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba in the state of CALIFORNIA; the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, White Pine and the consolidated municipality of Carson City in the state of NEVADA.

Synod 2.B—Southwest California. The counties of Kern, Los Angeles, San Luis Obispo, Santa Barbara, Ventura in the state of CALIFORNIA.

Synod 2.C—Pacifica. The counties of Imperial, Orange, Riverside, San Bernardino, San Diego in the state of CALIFORNIA; the congregations St. Andrew, Salem Evangelical, Shepherd of the Hills, and Good Shepherd Evangelical, Los Angeles County, in the state of CALIFORNIA; the state of HAWAII; the territories of the U.S. in the Pacific Ocean.

Synod 2.D—Grand Canyon. The state of ARIZONA; the counties of Clark, Esmeralda, Lincoln, Nye in the state of NEVADA; the congregation New Promise, Washington County, in the state of UTAH.

Synod 2.E—Rocky Mountain. The states of COLORADO; NEW MEXICO; UTAH; the counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Presidio, Reeves, Ward, Winkler in the state of TEXAS; the counties of Albany, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Platte, Sublette, Sweetwater, Uinta, Weston in the state of WYOMING.

Synod 3.A—Western North Dakota. The counties of Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Sheridan, Sioux, Slope, Stark, Ward, Wells, Williams in the state of NORTH DAKOTA; the congregation Leeds Evangelical, Benson County in the state of NORTH DAKOTA; the congregation Lemmon, Perkins County, and the congregation Ralph, Harding County in the state of SOUTH DAKOTA; the congregation Trinity, Wibaux County, in the state of MONTANA.

Synod 3.B—Eastern North Dakota. The counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, LaMoure, Nelson, Pembina, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh in the state of NORTH DAKOTA; the congregations Martin Luther and Emmanuel, Logan County, in the state of NORTH DAKOTA.

Synod 3.C—South Dakota. The state of SOUTH DAKOTA; the congregation Union Creek, Plymouth County, in the state of IOWA.

Synod 3.D—Northwestern Minnesota. The counties of Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Todd, Traverse, Wadena, Wilkin in the state of MINNESOTA.

Synod 3.E—Northeastern Minnesota. The counties of Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Mille Lacs (part), Morrison, Pine, St. Louis in the state of MINNESOTA.

Synod 3.F—Southwestern Minnesota. The counties of Benton, Big Stone, Blue Earth (part), Brown, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac qui Parle, Lincoln, Lyon, McLeod, Martin, Meeker, Mille Lacs (part), Murray, Nicollet, Nobles, Pipestone, Pope, Redwood, Renville, Rock, Sherburne (part), Sibley, Stearns, Stevens, Swift, Watonwan, Wright (part), Yellow Medicine in the state of MINNESOTA.

Synod 3.G—Minneapolis Area. The counties of Anoka, Carver, Hennepin, Isanti, Scott, Sherburne (part), Wright (part) in the state of MINNESOTA.

Synod 3.H—Saint Paul Area. The counties of Chisago, Dakota, Ramsey, Washington in the state of MINNESOTA; the congregations St. Mark, Our Savior's, and Living Waters in Anoka County, the congregation

Spring Lake, Isanti County, and the congregation Christiania, Scott County, in the state of MINNESOTA.

Synod 3.I—Southeastern Minnesota. The counties of Blue Earth (part), Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Le Sueur, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, Winona in the state of MINNESOTA.

Synod 4.A—Nebraska. The state of NEBRASKA.

Synod 4.B—Central States. The states of MISSOURI and KANSAS.

Synod 4.C—Arkansas-Oklahoma. The states of ARKANSAS and OKLAHOMA.

Synod 4.D—Northern Texas-Northern Louisiana. The counties of Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Limestone, Lipscomb, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltrie, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Roberts, Rockwall, Runnels, Rusk, San Saba, Scurry, Shackelford, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Van Zandt, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, Young in the state of TEXAS; the parishes of Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Tensas, Union, Webster, West Carroll, Winn in the state of LOUISIANA; the congregation Trinity, Curry County, in the state of NEW MEXICO.

Synod 4.E—Southwestern Texas. The counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crane, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Lee, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Milam, Nueces, Pecos, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Upton, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, Zavala in the state of TEXAS.

Synod 4.F—Texas-Louisiana Gulf Coast. The counties of Anderson, Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Cherokee,

Colorado, Fayette, Fort Bend, Freestone, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, Wharton in the state of TEXAS; the parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, LaFourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana in the state of LOUISIANA.

Synod 5.A—Metropolitan Chicago. The counties of Cook, DuPage, Kane, Lake in the state of ILLINOIS.

Synod 5.B—Northern Illinois. The counties of Boone, Bureau, Carroll, De Kalb, Grundy, Henderson, Henry, Jo Daviess, Kendall, Knox, La Salle, Lee, McHenry, Mercer, Ogle, Putnam, Rock Island, Stephenson, Warren, Whiteside, Will, Winnebago in the state of ILLINOIS.

Synod 5.C—Central/Southern Illinois. The counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Kankakee, Lawrence, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Williamson, Woodford in the state of ILLINOIS.

Synod 5.D—Southeastern Iowa. The counties of Appanoose, Benton, Boone, Cedar, Clarke, Clinton, Dallas (east), Davis, Decatur, Des Moines, Henry, Iowa, Jackson (south), Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Muscatine, Polk, Poweshiek, Scott, Story (south), Tama (south), Van Buren, Wapello, Warren, Washington, Wayne in the state of IOWA; the congregation St. John Lutheran Church, Schuyler County, in the state of MISSOURI.

Synod 5.E—Western Iowa. The counties of Adair, Adams, Audubon, Buena Vista, Calhoun, Carroll, Cass, Cherokee, Clay, Crawford, Dallas (west), Dickinson, Emmet, Fremont, Greene, Guthrie, Hamilton (west), Hancock (west), Harrison, Humboldt, Ida, Kossuth, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Ringgold, Sac, Shelby, Sioux, Taylor, Union, Webster, Winnebago (west), Woodbury, Wright (west) in the state of IOWA.

Synod 5.F—Northeastern Iowa. The counties of Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Franklin, Grundy, Hamilton (east), Hancock (east), Hardin, Howard, Jackson (north), Mitchell, Story (north), Tama (north), Winnebago (east), Winneshiek, Worth, Wright (east) in the state of IOWA.

Synod 5.G—Northern Great Lakes. The counties of Florence, Forest, Iron, Marinette, Oneida, Vilas in the state of WISCONSIN; the counties in the Upper Peninsula in the state of MICHIGAN.

Synod 5.H—Northwest Synod of Wisconsin. The counties of Ashland, Barron, Bayfield, Buffalo (north), Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson (north), Marathon (west), Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau (north), Washburn, Wood (northwest corner) in the state of WISCONSIN.

Synod 5.I—East-Central Synod of Wisconsin. The counties of Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon (east), Marquette, Menominee, Oconto, Outagamie, Portage, Shawano, Waupaca, Waushara, Winnebago, Wood (southeast) in the state of WISCONSIN; the congregation Redeemer, Sheboygan County, in the state of WISCONSIN.

Synod 5.J—Greater Milwaukee. The counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, Waukesha in the state of WISCONSIN; the congregations of Cross and St. Matthew, Jefferson County, and the congregations St. Olaf and Zion, Dodge County, in the state of WISCONSIN.

Synod 5.K—South-Central Synod of Wisconsin. The counties of Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth in the state of WISCONSIN; the congregation Trinity, Adams County, in the state of WISCONSIN, and the congregation Jefferson Prairie, Boone County, in the state of ILLINOIS.

Synod 5.L—La Crosse Area. The counties of Adams, Buffalo (south), Crawford, Jackson (south), Juneau, La Crosse, Monroe, Trempealeau (south), Vernon in the state of WISCONSIN; and congregations in or near the towns of La Crescent, Caledonia, and Spring Grove in the state of MINNESOTA.

Synod 6.A—Southeast Michigan. The counties of Genesee, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Shiawasee, Washtenaw, Wayne in the state of MICHIGAN; the congregation Trinity, Sanilac County, in the state of MICHIGAN.

Synod 6.B—North/West Lower Michigan. The counties of Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Midland,

Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, St. Joseph, Saginaw, Sanilac, Shiawassee, Tuscola, Van Buren, Wexford in the state of MICHIGAN.

Synod 6.C—Indiana-Kentucky. The state of INDIANA and the commonwealth of KENTUCKY.

Synod 6.D—Northwestern Ohio. The counties of Allen, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot in the state of OHIO; the congregation St. James, Jay County, in the state of INDIANA.

Synod 6.E—Northeastern Ohio. The counties of Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Holmes, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, Wayne in the state of OHIO.

Synod 6.F—Southern Ohio. The counties of Adams, Athens, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Miami, Monroe, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, Washington in the state of OHIO; the congregation St. Mark, Auglaize County, in the state of OHIO, and the congregation Bethel, Greenup County, in the commonwealth of KENTUCKY.

Synod 7.A—New Jersey. The state of NEW JERSEY.

Synod 7.B—New England. The states of CONNECTICUT; MAINE; NEW HAMPSHIRE; RHODE ISLAND; and VERMONT; the commonwealth of MASSACHUSETTS; and the counties of Clinton, Essex, and Franklin in the state of NEW YORK.

Synod 7.C—Metropolitan New York. The counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester in the state of NEW YORK.

Synod 7.D—Upstate New York. The counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Columbia, Cortland, Delaware, Erie, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, Yates in the state of NEW YORK.

Synod 7.E—Northeastern Pennsylvania. The counties of Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Wayne, Wyoming in the commonwealth of PENNSYLVANIA.

Synod 7.F—Southeastern Pennsylvania. The counties of Bucks, Chester, Delaware, Montgomery, Philadelphia in the commonwealth of PENNSYLVANIA.

Synod 7.G—Slovak Zion. A non-geographic synod consisting of congregations distinctively Slovak in language or antecedents.

Synod 8.A—Northwestern Pennsylvania. The counties of Armstrong (part), Cameron, Clarion, Crawford, Elk, Erie, Forest, Indiana (part), Jefferson, McKean, Mercer, Potter, Venango, Warren in the commonwealth of PENNSYLVANIA.

Synod 8.B—Southwestern Pennsylvania. The counties of Allegheny, Armstrong (part), Beaver, Butler, Fayette, Greene, Indiana (part), Lawrence, Washington, Westmoreland in the commonwealth of PENNSYLVANIA.

Synod 8.C—Allegheny. The counties of Bedford, Blair, Cambria, Centre, Clearfield, Huntingdon, Somerset in the commonwealth of PENNSYLVANIA; the congregation Christ, Garrett County, in the state of MARYLAND.

Synod 8.D—Lower Susquehanna. The counties of Adams, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, York in the commonwealth of PENNSYLVANIA; the Klingerstown Lutheran Parish in Schuylkill County in the commonwealth of PENNSYLVANIA.

Synod 8.E—Upper Susquehanna. The counties of Clinton, Columbia, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Tioga, Union in the commonwealth of PENNSYLVANIA; the congregation Trinity, Luzerne County, and the congregation Zion, Pillow, Dauphin County, in the commonwealth of PENNSYLVANIA.

Synod 8.F—Delaware-Maryland. The state of DELAWARE; the city of Baltimore and the counties of Allegany, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Washington, Wicomico, Worcester in the state of MARYLAND; the congregation of Holy Trinity, Prince George's County, in the state of MARYLAND; the congregation of Mt. Joy, Adams County, in the commonwealth of PENNSYLVANIA; the counties of Accomack, Northampton in the commonwealth of VIRGINIA.

Synod 8.G—Metropolitan Washington, D.C. The District of Columbia; the counties of Calvert, Charles, Montgomery, Prince George's, St. Mary's in the state of MARYLAND; the counties of Arlington, Fairfax, Loudoun, Prince William, and the independent cities within the territory of these counties in the commonwealth of VIRGINIA; BERMUDA.

Synod 8.H—West Virginia-Western Maryland. The county of Garrett in the state of MARYLAND; the state of WEST VIRGINIA; the congregation Mount Calvary, Allegany County, the congregations Holy Trinity Memorial and Salem, Washington County in the state of

MARYLAND; the congregation Fairview, Frederick County, in the commonwealth of VIRGINIA.

Synod 9.A—Virginia. The counties of Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Grayson, Greene, Greenville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe, York, and the independent cities within the territory of these counties in the commonwealth of VIRGINIA; the congregation of Immanuel in Mercer County in the state of WEST VIRGINIA; the congregation Lakeside in Halifax County in the state of NORTH CAROLINA.

Synod 9.B—North Carolina. The state of NORTH CAROLINA.

Synod 9.C—South Carolina. The state of SOUTH CAROLINA.

Synod 9.D—Southeastern. The states of ALABAMA; GEORGIA; MISSISSIPPI; and TENNESSEE.

Synod 9.E—Florida-Bahamas. The state of FLORIDA; the BAHAMAS.

Synod 9.F—Caribbean. The commonwealth of PUERTO RICO; the territory of the U.S. VIRGIN ISLANDS.

- 10.01.02.** The Slovak Zion Synod shall continue as a non-geographic synod of this church. In all other respects it shall be bound by the provisions of the constitutions, bylaws, and continuing resolutions of this church. In addition, it shall enter into relationships with geographic synods in order to provide opportunities for congregations, rostered ministers, and other leaders to share in the programmatic services of such synods, workshops, and conferences. It shall also periodically review and evaluate its ministries to ascertain their continuing effectiveness.
- 10.01.03.** Any congregation in a border area desiring to change its synod relationship may do so upon approval of the synod assemblies of the synods concerned, which shall report any such change to the Churchwide Assembly through the Office of the Secretary.
- 10.01.04.** Within the territory of each geographic synod, the synod—in keeping with criteria, policies, and procedures proposed by the secretary of this church, after consultation with the appropriate churchwide unit or units, and approved by the Church Council—may acknowledge certain authorized worshiping communities such as developing ministries, preaching points, or chapels as related to the synod and part of the synod’s life and mission. Such authorized worshiping communities of the synod shall accept and

adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

10.10. INCORPORATION AND CONSTITUTION

10.11. Each synod shall be incorporated. The articles of incorporation of each synod in existence on January 1, 1988, shall continue to govern such synods. The articles of incorporation of each synod organized after December 31, 1987, shall be submitted to the Church Council for ratification before filing. Amendments to the articles of incorporation of all synods shall be submitted to the Church Council for ratification before filing.

10.11.01. Any synod contemplating amending articles of incorporation or undertaking other fundamental changes such as dissolution, merger, partition into multiple synods, creating a new synod corporation, incorporating in another jurisdiction, or any similar or related action, especially those that may affect relationships with other expressions of this church, must first consult with the Office of the Presiding Bishop, the Office of the Secretary, and with the bishops of any synods affected before seeking ratification by the Church Council.

10.12. Each synod shall have a constitution, which shall become effective upon ratification by the Church Council. Amendments thereto shall be subject to like ratification, provided, however, that an amendment which is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption and the Church Council shall be given prompt notification of its adoption.

10.13. The *Constitution for Synods* contains mandatory provisions that incorporate and record therein provisions of the constitution and bylaws of this church. Amendments shall be made in accordance with the required provisions in Chapter 18 of the *Constitution for Synods*. Non-mandatory provisions shall not be inconsistent with the constitution and bylaws of this church.

10.20. PURPOSE

10.21. Each synod, in cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:

- a. Provide for pastoral care of congregations and rostered ministers in the synod;**
- b. Plan for, facilitate, and nurture the mission of this church through congregations;**
- c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners; and**

d. Interpret the work of this church to congregations and to the public on the territory of the synod.

10.21.01. The responsibilities of the synod include the following:

- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
 - 1) approving candidates for the ministry of Word and Sacrament in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
 - 2) authorizing ordinations and ordaining ministers of Word and Sacrament on behalf of this church;
 - 3) approving ministers of Word and Service, which may be done through multi-synod committees;
 - 4) authorizing ordinations and ordaining ministers of Word and Service on behalf of this church; and
 - 5) consulting in the call process for rostered ministers.
- b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
- c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this constitution; and
- d. providing for archives in conjunction with other synods.

10.21.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

- a. developing new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
- b. leading and encouraging of congregations in their evangelism efforts;
- c. assisting members of its congregations in carrying out their ministries in the world;
- d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
- e. providing resources for congregational life; and

- f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.

10.21.03. In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical and global companions, the responsibilities of the synod include the following:

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into mutually beneficial relationships with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;
- d. supporting relationships with and providing funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing funding on behalf of seminaries and continuing education centers;
- f. fostering relationships with camps and other outdoor ministries;
- g. fostering relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global companions; and
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

10.21.04. In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;
- c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which assisted in the development of the statement, and suggestion of social study issues; and
- d. providing ecumenical guidance and encouragement.

10.22. **In the event that this church or any synod of this church is charged with liability for any contingent debt, liability, or obligation arising or resulting from acts or omissions of any synod of the Lutheran Church in America, or The Association of Evangelical Lutheran Churches, or district of The American Lutheran Church, occurring prior to January 1, 1988, the Church Council is authorized and empowered to determine whether and to what extent this church or such synod of this church shall be indemnified or reimbursed for any such debt, liability, or obligation by one or more synods of this church. In**

making its determination with respect to indemnification or reimbursement, the Church Council shall consider the nature of the activity which gave rise to the debt, liability, or obligation, the situs of that activity, and such other factors as the Church Council deems appropriate under the circumstances in order that such debt, liability, or obligation may be discharged in a manner that is fair and equitable to this church's congregations, synods, and churchwide organization. For purposes of this provision, a "contingent" debt, liability, or obligation means a debt, liability, or obligation (a) the amount of which had not been ascertained by the Evangelical Lutheran Church in America on December 31, 1987, or (b) the existence of which was unknown to the Evangelical Lutheran Church in America on December 31, 1987.

10.30. OFFICERS

10.31. The officers of each synod shall be a bishop, a vice president, a secretary, and a treasurer.

- a. As the synod's pastor, the bishop shall:**
- 1) Oversee and administer the work of the synod.**
 - 2) Preach, teach, and administer the sacraments in accord with the faith of this church.**
 - 3) Provide pastoral care and leadership for the synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.**
 - 4) Advise and counsel its related institutions and organizations.**
 - 5) Be its chief ecumenical officer.**
 - 6) Direct and guide the work of the other officers.**
 - 7) Preside at all meetings of the Synod Assembly and be the chief executive officer of the synod; provide for the preparation of the agenda of the Synod Assembly, Synod Council, and the Executive Committee; see to it that the constitution and bylaws of the synod are duly observed, and that the actions of the synod in conformity therewith are carried into effect; coordinate the work of all synod staff members; and appoint all committees for which provision is not otherwise made.**
 - 8) Coordinate the use of the resources available to the synod as it seeks to promote the health of this church's life and witness in the areas served by the synod.**
 - 9) Exercise solely this church's power to ordain (or provide for the ordination by another synod bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of this church); and to ordain (or provide for the ordination of) approved candidates who have received and accepted a**

properly issued, duly attested letter of call for service as a minister of Word and Service (and as provided in the bylaws of this church); and to install (or provide for the installation of) rostered ministers whose calls the bishop has attested.

10) Be *ex officio* a member of the Churchwide Assembly and a member of all committees and any other organizational units of the synod.

11) Submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work.

12) Interpret and advocate the mission and theology of the whole church.

b. The vice president shall chair the Synod Council. In the event of the death, resignation, or disability of the bishop, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the conduct of the duties of the bishop until a new bishop shall be elected, or, in the case of temporary disability, until the bishop resumes full performance of the duties of the office.

10.31.01. The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of this church. The bishop may have as many assistants as the synod shall authorize.

10.31.02. The presiding bishop of this church, or a bishop appointed by the presiding bishop of this church, shall preside for the installation into office, in accord with the policy and approved rite of this church, of each newly elected synod bishop.

10.31.03. The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall not receive a salary for the performance of the duties of the office.

10.31.04. The secretary shall be elected by the Synod Assembly. The secretary may be either a layperson or a rostered minister.

10.31.05. The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer may be either a layperson or a rostered minister.

10.31.06. The bishop of the synod shall be elected to a term of six years and may be re-elected. The other officers shall be elected to a term as defined by each synod, but not to exceed six years, and may be re-elected.

10.31.07. Each officer shall be a voting member of a congregation of the synod, except that the bishop need not be a member of a congregation of the synod at the time of election.

10.31.A19. *When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.*

10.32. The procedures governing matters of potential conflicts of interest for synod bishops shall be set forth in the bylaws.

10.32.01. Whenever a synod bishop determines that a matter of the kind described in 10.32.02. may require the bishop's determination or action with respect to a related individual as defined in 10.32.03., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.

10.32.02. Matters include any proceedings under Chapter 20, proceedings under provision 7.46. (†S14.18.), candidacy, reinstatement, and similar matters where determinations or actions by the synod bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the rosters of this church.

10.32.03. A related individual is one who, with respect to the synod bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families, and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

10.40. SYNOD ASSEMBLY

10.41. Each synod shall have a Synod Assembly, which shall meet at least triennially. Special meetings may be called as needed. With the exception of ministers on the rosters of synods other than their synod of residence, each member of the Synod Assembly, the Synod Council, a board, committee, or other organizational unit of the synod shall be a voting member of a congregation of the synod.

10.41.01. Membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:

- a. All ministers of Word and Sacrament under call on the roster of the synod in attendance at the Synod Assembly shall be voting members.
- b. All ministers of Word and Service under call on the roster of the synod shall be voting members in the Synod Assembly.
- c. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to the synod, typically one of whom shall be a man and one of whom shall be a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, at least 45 percent of the lay

members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.

d. Voting membership shall include the officers of the synod.

10.41.02. Synods may establish processes that permit retired rostered ministers, or those granted disability status, on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01.

10.41.03. Synods may establish processes that permit rostered ministers who are on leave from call on the roster of the synod to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01.

10.41.04. Synods may establish processes that permit representatives of synod-authorized worshiping communities, under bylaw 10.01.04., to serve as voting members of the Synod Assembly, consistent with bylaw 10.41.01.

10.41.05. Synods may establish processes that permit Synod Council voting members who are not otherwise serving as voting members of the Synod Assembly the privilege of both voice and vote as members of the Synod Assembly.

10.50. **SYNOD COUNCIL**

10.51. Each synod shall have a Synod Council, which shall be its board of directors, and which shall serve as the interim legislative authority between meetings of the Synod Assembly, except that it may not take any action which is reserved exclusively for the Synod Assembly or which is in conflict with action taken by the Synod Assembly.

10.52. The Synod Council shall consist of the four officers of the synod, 10 to 24 other members, at least one young adult, and at least one youth, all elected by the Synod Assembly. Each person elected to the Synod Council shall be a voting member of a congregation of the synod, with the exception of ministers on a roster of the synod who reside outside the territory of the synod. The process for election and the term of office when not otherwise specified herein shall be determined by each synod. A member of the Church Council of the Evangelical Lutheran Church in America from the synod, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.

10.60. **CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS**

10.61. Each synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and organizations as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other affiliates.

- 10.62.** Each synod may establish such boards, committees, task forces, and other organizational forms as it deems necessary to carry out effectively the functions assigned to the synod.
- 10.63.** Each synod shall have an Executive Committee, a Consultation Committee, an Audit Committee, and a Committee on Discipline. Each synod also shall establish a Mutual Ministry Committee to provide support and counsel to the bishop.
- 10.70.** **FISCAL POLICY**
- 10.71.** Each synod shall remit to the churchwide organization a percentage or amount of all donor-unrestricted receipts contributed to it by the congregations of the synod. The actual percentage or amount shall be determined through individual consultations with each synod. Consultations may recognize and include receipts other than unrestricted receipts in establishing and reporting the synod's remittance to the churchwide organization.
- 10.71.01.** The percentage or amount determined by consultation shall be acted upon by the synod assembly as part of the adoption of the synod's budget. Should the synod assembly not approve the agreed upon percentage or amount, the synod and the churchwide organization should engage in a new consultation process to reach a mutually agreed upon percentage or amount of donor-unrestricted receipts or other receipts.
- 10.71.02.** The percentage or amount determined by consultation shall be reported to the Church Council.
- 10.72.** Each synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm selected by the Synod Council. The audited annual financial report shall be submitted by the synod to the churchwide Office of the Treasurer and to the congregations of the synod. Synod financial reports shall be in a format approved by the churchwide Office of the Treasurer in order to attain uniformity in reporting.
- 10.73.** Each synod shall have the fiscal year of February 1 through January 31.
- 10.74.** Each synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.
- 10.80.** **CONFERENCE OF BISHOPS**
- 10.81.** The Conference of Bishops shall be composed of the bishops of the synods, the presiding bishop of this church, and the secretary of this church.
- 10.81.01.** The Conference of Bishops shall consult with and advise the Church Council. It may make recommendations to the presiding bishop of this church and to the Church Council, respond to referrals from the Church Council, and refer concerns and proposals to the Church Council. At each

meeting the Conference of Bishops shall receive a report from the Church Council brought by the vice president of this church.

10.81.02. The conference shall meet at least two times each year.

10.81.03. The responsibilities of the Conference of Bishops shall be enumerated in a continuing resolution. The resolution may be amended by majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council. Should the conference disagree with the action of the Church Council, it may appeal the decision to the Churchwide Assembly.

10.81.A16. *Responsibilities of the Conference of Bishops*

The Conference of Bishops of the Evangelical Lutheran Church in America shall provide opportunities for worship, spiritual renewal, and theological enrichment for those elected to the office of bishop of a synod, the presiding bishop of this church, and the secretary of this church, and it shall offer advice and counsel to the Church Council and the churchwide organization. To fulfill these responsibilities, the Conference of Bishops shall:

- a. be a forum in which goals, objectives, and strategies may be developed and shared concerning pastoral leadership, care, and counsel for the synods;*
- b. review recommendations from the appropriate churchwide unit or office pertaining to standards for the admission to the rosters of this church, and for their retention on those rosters;*
- c. review recommendations and foster programs, in consultation with the appropriate churchwide unit or office, pertaining to policies related to ministers of Word and Sacrament, and ministers of Word and Service, and their families for pastoral care in such areas as call review, guidance, mobility, intervention, discipline, rehabilitation, and spiritual growth;*
- d. work with the appropriate churchwide unit or office in the processes for first call for candidates for the ministry of Word and Sacrament of this church, first call for candidates for the ministry of Word and Service of this church, mobility of rostered ministers, and pastoral care;*
- e. offer programs for orientation and continuing education for bishops, officers, and their spouses;*
- f. assist the bishops in their role as teachers by being a forum for serious reflections on the theological and ethical implications of issues that affect the life of this church;*
- g. participate in the development and study of ecumenical documents and assist the bishops to promote the unity of this church through leadership and ecumenical worship, fellowship, and interaction; and*
- h. assist the bishops in their role as leaders in fostering support for the work of this church by being a forum for discussion of annual mission-support plans and serving as a means of providing advice and counsel to the Church Council in the council's responsibility for approval of those plans.*

10.81.B14. *Organization of the Conference of Bishops*

The Conference of Bishops may establish committees as the members, from time to time, may determine to assist in fulfillment of assigned responsibilities. Quadrennially, the Conference of Bishops shall elect a chair and vice chair to preside at meetings and serve as ex officio members of the executive committee of the conference with the presiding bishop and secretary. The Conference of Bishops shall establish criteria and terms for three synod bishops to be elected by the conference as members of the executive committee.

10.81.C20. *Staff Services for the Conference of Bishops*

Staff services for meetings of the Conference of Bishops shall be provided by the Office of the Secretary. The executive for synod relations shall coordinate the operation of the Conference of Bishops.

Chapter 11.

CHURCHWIDE ORGANIZATION—DEFINITION AND PURPOSES

11.10. DEFINITION OF THE CHURCHWIDE ORGANIZATION

11.11. The Evangelical Lutheran Church in America shall have a churchwide organization that shall function interdependently with the congregations and synods of this church. The churchwide organization shall serve on behalf of and in support of this church's members, congregations, and synods in proclaiming the Gospel, reaching out in witness and service both globally and throughout the territory of this church, nurturing the members of this church in the daily life of faith, and manifesting the unity of this church with the whole Church of Jesus Christ.

11.12. The churchwide organization shall be an instrument for accomplishing the purposes of this church, as defined by Chapter 4 of this constitution, that are shared with and supported by the members, congregations, and synods of this church. In keeping with this church's purposes, it shall develop churchwide policy, set standards for leadership, establish criteria for this church's endeavors, and coordinate the work of this church. It shall be a means for the sharing of resources throughout this church, and shall provide programs and services as determined by this church.

11.20. PURPOSES OF THE CHURCHWIDE ORGANIZATION

11.21. In fulfillment of the purposes of this church, the churchwide organization shall:

- a.** Undergird the worship life of this church as the Word of God is preached and the sacraments are administered.
- b.** Provide resources to equip members to worship, learn, serve, and witness in their ministry in daily life.
- c.** Support and establish policy for this church's mission and coordinate planning and evaluation for that mission throughout the world, including participation with other churches.
- d.** Witness to the Word of God in Christ by united efforts in proclaiming the Gospel, responding to human need, caring for the sick and suffering, working for justice and peace, and providing guidance to members on social matters.
- e.** Foster interdependent relationships among congregations, synods, and the churchwide organization to implement the mission of this whole church.
- f.** Provide for the rostered ministries for this church.
- g.** Oversee and establish policy for this church's relationship to seminaries, colleges, universities, schools, and other education endeavors, and provide support as appropriate.

- h. Establish and reflect this church's ecumenical stance and its relationship to other churches, and direct this church's policy for relationship with persons of other faiths.
- i. Develop and administer policies for this church's relationship to social ministry organizations and cooperate with public and private agencies that enhance human dignity and justice.
- j. Determine and implement policy for this church's relationship to governments.
- k. Provide for a comprehensive financial support system for this church's mission and for the administration of financial resources necessary for fulfillment of the particular responsibilities of the churchwide organization.
- l. Provide planned giving opportunities for the financial support of this church, its congregations, synods, agencies, and institutions through the establishment of a foundation.
- m. Provide pension and other benefits plans for this church.
- n. Provide a church publishing house.
- o. Provide archives for the retention of its valuable records, and coordinate archival activity in the synods, regions, institutions, and agencies of this church.
- p. Provide and monitor a system of discipline, appeals, and adjudication.
- q. Establish and operate other programs and activities, as determined by this church, on behalf of and in support of the congregations and synods of this church.

11.30. DESCRIPTION OF THE CHURCHWIDE ORGANIZATION

- 11.31.** The legislative function of the churchwide organization shall be fulfilled by the Churchwide Assembly as described in Chapter 12 of this constitution.
- 11.32.** The Church Council shall exercise interim legislative authority and shall serve as the board of directors of the churchwide organization.
- 11.33.** Leadership of this church shall be vested in the churchwide officers, the Churchwide Assembly, the Church Council, the Conference of Bishops, and executive directors of churchwide units. The full-time officers shall be the presiding bishop, secretary, and treasurer. The vice president shall serve as chair of the Church Council, may perform such other tasks for the benefit of this church as the Church Council directs, and may be compensated as the Church Council determines.
- 11.34.** The churchwide organization shall carry out its duties through units and offices. Units and offices shall be responsible to the Churchwide Assembly and to the Church Council in the interim between regular meetings of the assembly.
- 11.34.01.** Proxy and absentee voting shall not be permitted in the actions of boards, committees, task forces, or other decision-making bodies.

11.40. GENERAL FISCAL POLICIES

11.41. Within the limits established by the Churchwide Assembly in the constitution, bylaws, and continuing resolutions, the Church Council, as the board of directors, shall establish the fiscal policies of the churchwide organization.

11.41.01. A single treasury shall be maintained for the receipt and disbursement of unrestricted funds for the churchwide organization and its units receiving budgetary support, except as otherwise provided in the constitution and bylaws or as approved by the Church Council. Restricted and designated funds are maintained separately.

11.41.02. Within the policies established by the Churchwide Assembly and the Church Council, the management and investment of the funds of the churchwide organization and its units receiving budgetary support shall be the responsibility of the Office of the Treasurer.

11.41.03. On the basis of estimated income, and upon advice of the Office of the Presiding Bishop and the Office of the Treasurer, in consultation with the units receiving support from the churchwide budget, the Church Council shall authorize expenditures within the budget for the fiscal year and the units may incur financial obligations up to the specified amounts. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Church Council, upon the advice of the Office of the Presiding Bishop and the Office of the Treasurer.

11.41.04. The Church Council shall establish a working capital fund to be administered by the Office of the Treasurer within the policies established by the Church Council.

11.41.05. The fiscal year for the churchwide organization shall be February 1 through January 31.

11.41.06. No churchwide appeal to congregations or individuals of this church for the raising of funds shall be conducted by the churchwide organization or churchwide units without the consent of the Churchwide Assembly or the Church Council, following consultation with the Conference of Bishops. No appeal to selected congregations and individuals of this church for the raising of funds shall be conducted by the churchwide organization or churchwide units without the consent of the Church Council, following consultation with either the Conference of Bishops or specific synods as appropriate. Proposals for such special appeals shall be presented to the Church Council through the appropriate council committee with recommendations by the Office of the Presiding Bishop.

11.41.07. This church shall not, in any manner, be responsible for the debts or liabilities of other Lutheran organizations, institutions, or agencies, whether independent of or affiliated with this church.

Chapter 12.

CHURCHWIDE ASSEMBLY

- 12.10. DESCRIPTION AND AUTHORITY OF THE CHURCHWIDE ASSEMBLY**
- 12.11. The Churchwide Assembly shall be the highest legislative authority of the churchwide organization and shall deal with all matters which are necessary in pursuit of the purposes and functions of this church. The powers of the Churchwide Assembly are limited only by the provisions of the Articles of Incorporation, this constitution and bylaws, and the assembly's own resolutions.**
- 12.12. Any matter for which adoption by a vote of two-thirds of those voting in a prior Churchwide Assembly was required by the constitution or bylaws of the Evangelical Lutheran Church in America shall require a two-thirds vote to be amended or repealed by a subsequent Churchwide Assembly.**
- 12.12.01. A social statement of the Evangelical Lutheran Church in America shall be developed pursuant to a policy approved by the Church Council, following consultation with the Conference of Bishops. The text of a proposed social statement shall be reviewed by the Conference of Bishops and approved and recommended to the assembly by the Church Council. A proposed social statement shall require for adoption a vote of two-thirds of those voting members present and voting in a Churchwide Assembly.**
- 12.20. DUTIES OF THE CHURCHWIDE ASSEMBLY**
- 12.21. The Churchwide Assembly shall:**
- a. Review the work of the churchwide officers, and for this purpose require and receive reports from them and act on business proposed by them.**
 - b. Review the work of the churchwide units, and for this purpose require and receive reports from them and act on business proposed by them.**
 - c. Receive and consider proposals from synod assemblies.**
 - d. Establish churchwide policy.**
 - e. Adopt a budget for the churchwide organization.**
 - f. Elect officers, board members, and other persons as provided in the constitution or bylaws.**
 - g. Establish churchwide units to carry out the functions of the churchwide organization.**
 - h. Have the sole authority to amend the constitution and bylaws.**
 - i. Fulfill other functions as required in the constitution and bylaws.**
 - j. Conduct such other business as necessary to further the purposes and functions of the churchwide organization.**

12.30. MEETINGS OF THE CHURCHWIDE ASSEMBLY

12.31. The assembly shall meet triennially. Special meetings may be called by a two-thirds vote of the Church Council. The purpose for a special meeting shall be stated in the notice.

12.31.01. The time and place of the Churchwide Assembly shall be determined by the Church Council. The time and place for the next regular assembly normally shall be announced at the preceding assembly.

12.31.02. The secretary shall give notice of the time and place of each regular assembly by publication thereof at least 60 days in advance on this church's website and in this church's periodical. The secretary shall give written notice of a special assembly to the bishop of each synod upon the issuance of a call thereof and shall publish the same on this church's website and in this church's periodical at least 30 days in advance of the special assembly. Notice shall be provided to all voting members or voting members-elect not more than 30 days or less than 10 days in advance of any meeting. Notice may be provided electronically for voting members or voting members-elect who have provided email addresses, unless the voting member or voting member-elect has requested that written notice be mailed.

12.31.03. At least 20 days prior to an assembly the secretary shall prepare and distribute to each congregation and to the voting members-elect a bulletin of reports. Distribution to congregations may be accomplished by posting the report on the website of this church. Distribution to voting members-elect may be accomplished electronically to those who have provided email addresses. A written copy of the bulletin of reports will be mailed to any voting member-elect who does not provide an email address and to any congregation or voting member-elect who requests a written copy.

12.31.04. The arrangements for agenda, program, and worship shall be under the supervision of the presiding bishop.

12.31.05. Logistical arrangements for churchwide assemblies shall be made by the secretary or by an assembly manager working under the secretary's supervision. Such committees as may be necessary to facilitate the planning for and operation of the assembly may be established by the secretary in consultation with the presiding bishop.

12.31.06. The churchwide organization shall be responsible for the costs of the Churchwide Assembly, including reasonable costs for travel, housing, and board for voting and advisory members.

12.31.07. At least one-half of all persons elected as voting members must be present at a meeting to constitute a quorum for the legal conduct of business. If such a quorum is not present, those voting members present may adjourn the meeting to another time and place, provided that only those persons eligible to vote at the original meeting may vote at the adjourned meeting.

12.31.08. Proxy and absentee voting shall not be permitted at a Churchwide Assembly.

12.31.09. The Churchwide Assembly shall use parliamentary procedures in accordance with *Robert's Rules of Order*, latest edition, unless otherwise ordered by the assembly.

12.40. MEMBERS OF THE CHURCHWIDE ASSEMBLY

12.41. The voting members of the Churchwide Assembly shall be the voting members of this corporation. The requirements for voting members of the assembly and other members shall be specified in the bylaws.

12.41.10. VOTING MEMBERS

12.41.11. Each synod shall elect one voting member of the Churchwide Assembly for every 6,000 baptized members in the synod. In addition, each synod shall elect one voting member for every 50 congregations in the synod. The synod bishop, who is *ex officio* a member of the Churchwide Assembly, shall be included in the number of voting members so determined. Unless otherwise determined by the synod, the synod vice president shall serve as an *ex officio* member of the Churchwide Assembly and be included in the number of the synod's voting members. The voting members elected by each synod shall comply with the principles of organization, commitment to inclusiveness, and interdependence as specified in Chapter 5 of this Constitution.

In addition, each synod shall elect one additional voting member who is a youth or young adult at the time of the election and one additional voting member who is a person of color or a person whose primary language is other than English. The Church Council may allocate up to 10 additional voting members among synods, but no single synod may be allocated more than two additional voting members. The secretary shall notify each synod of the number of assembly members it is to elect.

12.41.12. The secretary of each synod shall submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly. If a voting member elected by the Synod Assembly is unable to serve, the name of an eligible person chosen by the Synod Council shall be submitted by the secretary of the synod to the secretary of this church. If a vacancy occurs or exists within 30 days or less of the convening of the Churchwide Assembly or during the meeting of the Churchwide Assembly, the synod bishop may submit the name of an eligible person to the secretary of this church. The individual whose name is submitted to the secretary of this church shall be registered and seated by the Credentials Committee as a voting member from the synod.

12.41.13. Each voting member of the Churchwide Assembly shall be a voting member of a congregation of this church. Any such voting member (except a rostered minister described in 7.42. or 7.72.) shall cease to be a member of the assembly if no longer a voting member of a congregation of this church within the synod from which elected.

- 12.41.14.** Voting members elected through the process of 12.41.11. through 12.41.13. shall begin serving with the opening of a regular Churchwide Assembly and shall continue serving until voting members are seated at the next regular Churchwide Assembly.
- 12.41.15.** Except as defined in 12.41.16., employees of the churchwide organization or of a separately incorporated ministry, including those serving under call, appointment, employment agreement, or contract, shall not be eligible for election and service as voting members of the Churchwide Assembly.
- 12.41.16.** ***Ex Officio Members.*** The officers of the churchwide organization, the members of the Church Council, and the bishops of the synods shall serve as *ex officio* members of the Churchwide Assembly. Unless otherwise determined by a synod, the synod vice presidents shall also serve as *ex officio* members of the Churchwide Assembly. *Ex officio* members shall have voice and vote.
- 12.41.17.** ***Advisory Members.*** Executive directors of units of the churchwide organization, the executive for administration, and other persons from the churchwide organization designated by the presiding bishop shall serve as advisory members of the Churchwide Assembly. The Church Council also may designate other persons as advisory members of the Churchwide Assembly. Advisory members shall have voice but not vote.
- 12.41.18.** ***Other Non-Voting Members.*** Other categories of non-voting members may be established by the Churchwide Assembly.
- 12.41.A89.** *Presidents of the colleges, universities, and seminaries of this church, unless elected as voting members of the assembly, shall have voice but not vote.*
- 12.41.B07.** *Faculty Resource Persons. A representative of the faculty of each seminary of the Evangelical Lutheran Church in America shall be appointed by the president of each seminary to serve as a seminary faculty resource person for each Churchwide Assembly of the Evangelical Lutheran Church in America. In addition, a teaching theologian who is a member of a congregation of this church and who is teaching at a college or university of the Evangelical Lutheran Church in America may be appointed by the steering committee of the Association of Teaching Theologians in the Evangelical Lutheran Church in America to serve as a faculty resource person. Faculty resource persons shall have voice, if so granted in the assembly's rules, but not vote in plenary sessions of the assembly. Travel, food, and housing costs for the faculty resource persons shall be an expense of the assembly. Other expenses will be the responsibility of the individual or sending institution.*
- 12.41.C21.** *Congregation Observers. Each congregation of the Evangelical Lutheran Church in America may register with the secretary of this church one congregation observer for the Churchwide Assembly prior to May 31 in the year of a Churchwide Assembly.*
- a. *Provision shall be made for such an individual to have reserved seating in the observers section of the plenary hall. Such*

congregation observers will have access to the report of recommendations for assembly action and also materials distributed to voting members, advisory members, and non-voting members during the assembly. Such observers shall have neither voice nor vote in plenary sessions of the assembly.

- b. A registration fee shall be established by the secretary of this church for registration and related costs, including enabling observers to receive the same meals as are provided for voting members.*
- c. Transportation costs, housing, other meals, and related expenses shall be the responsibility of the registered observer or sending congregation.*

12.50. COMMITTEES OF THE CHURCHWIDE ASSEMBLY

12.51. The Churchwide Assembly shall have a Reference and Counsel Committee, a Memorials Committee, a Nominating Committee, and an Elections Committee. The description of these committees shall be in the bylaws. The Churchwide Assembly may authorize such other committees as it deems necessary.

12.51.01. Reference and Counsel Committee. A Reference and Counsel Committee, appointed by the Church Council, shall review all proposed changes or additions to the constitution and bylaws and other items submitted that are not germane to items contained in the stated agenda of the assembly.

12.51.02. Memorials Committee. A Memorials Committee, appointed by the Church Council, shall review memorials from synod assemblies and make appropriate recommendations for assembly action.

12.51.03. Nominating Committee. A Nominating Committee, elected by the Churchwide Assembly, shall nominate at least one person for each position for which an election will be held by the Churchwide Assembly in accordance with Chapter 19 of this constitution.

12.51.04. Elections Committee. An Elections Committee, appointed by the Church Council, shall be responsible for the conduct and supervision of elections.

Chapter 13. OFFICERS

13.10. OFFICERS

13.11. The officers shall be the presiding bishop, vice president, secretary, and treasurer. Each officer shall be a voting member of a congregation of this church.

13.20. PRESIDING BISHOP

13.21. The presiding bishop shall be a minister of Word and Sacrament of this church who, as its pastor, shall be a teacher of the faith of this church and shall provide leadership for the life and witness of this church. The presiding bishop shall:

- a. Be the president and chief executive officer of the corporation, overseeing the work of the churchwide organization.**
- b. Be the chief ecumenical officer of this church and its primary representative in the national and international interchurch agencies in which this church holds membership.**
- c. Preside at the Churchwide Assembly.**
- d. Provide leadership and care for the bishops of the synods.**
- e. Oversee the work of the other officers.**
- f. Provide for the preparation of the budget for the churchwide organization.**
- g. Nominate and direct the work of the executive for administration.**
- h. Appoint and supervise the executive directors of churchwide units.**
- i. Appoint members of all churchwide committees for which election procedures are not provided.**
- j. Relate, through the appropriate churchwide unit, to the chaplaincies of this church in federal agencies, institutions, and armed forces.**
- k. Serve as an advisory member, with voice but not vote, on all committees of this church and all boards or designate a person to serve as the presiding bishop's representative.**

13.22. The presiding bishop shall be elected by the Churchwide Assembly to a six-year term and serve until a successor takes office.

13.22.01. The presiding bishop shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.

13.22.02. The presiding bishop shall be a full-time, salaried position.

13.30. VICE PRESIDENT

13.31. The vice president shall be a layperson who shall serve as chair of the Church Council and, in the event the presiding bishop is unable to do so, as chair of the Churchwide Assembly. The vice president shall serve under the presiding bishop of this church, providing leadership as specified in provision 11.33. of this constitution.

13.32. The vice president shall be elected by the Churchwide Assembly to a six-year term and serve until a successor takes office.

13.32.01. The vice president shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.

13.32.02. The vice president may perform such other tasks for the benefit of this church as the Church Council directs, and may be compensated as the Church Council determines.

13.32.03. Staff services for the work of the vice president shall be provided by the Office of the Presiding Bishop and the Office of the Secretary, as needed.

13.40. SECRETARY

13.41. The secretary shall serve under the presiding bishop of this church, providing leadership, as specified in Chapter 11 of this constitution, and shall fulfill the normal functions of the secretary of a corporation.

13.41.01. The secretary, as the recording officer of this church, shall keep the minutes, have responsibility for rosters, records, and reporting of congregation statistics, oversee the archives, attest to all documents that require such signature, be the custodian of the seal, and perform other duties as prescribed by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

13.41.02. The secretary shall:

- a. Be responsible for the minutes and records of the Churchwide Assembly, Church Council, Executive Committee, and Conference of Bishops, and shall receive complete minutes for permanent record of all boards and committees of the churchwide organization.
- b. Maintain the rosters of ministers, congregations, and synods.
- c. Provide for the publication of official documents and policies of this church; assembly reports; assembly minutes; a directory of congregations, rostered ministers, and entities of this church; and other informational and statistical material.
- d. Receive the annual report of the congregations in a form devised by the secretary, summarize the information, and make the summary available to this church.
- e. Oversee the general counsel and coordinate the use of legal services by the churchwide organization.
- f. Be responsible for the archives of this church.
- g. Implement and operate a records management system for the churchwide organization.
- h. In collaboration with the presiding bishop and the leadership of each group, provide for the preparation of the agenda for the Churchwide

Assembly, Church Council, Executive Committee, and Conference of Bishops.

- i. Arrange for and manage churchwide meetings, including the Churchwide Assembly, Church Council, Conference of Bishops, and others.

- j. Have custody of the seal, maintain a necrology, and attest documents.

13.41.03. The secretary, in consultation with the presiding bishop, shall be responsible for preparation and research of amendments to the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, as well as the *Constitution for Synods* and the *Model Constitution for Congregations*, to be proposed by the Church Council for action by the Churchwide Assembly in accordance with provisions of Chapter 22.

13.41.04. The secretary shall prepare interpretations, as necessary, of the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If a board (including a board of a separately incorporated ministry), committee, or synod disagrees with the interpretations, as rendered, the objecting entity may appeal the secretary's interpretation to the Church Council.

13.41.05. The secretary may, upon two successive unexcused absences of a member of the Church Council, board, or committee of the churchwide organization, declare that member's position vacant.

13.41.06. The secretary shall provide staff services to the Nominating Committee of the Churchwide Assembly and the nomination process of the Church Council; shall be responsible for declaring an interim vacancy resulting from the resignation, death, removal, disqualification, or disability of a member of a board (including a board of a separately incorporated ministry), committee, or council; and shall arrange for an election by the Church Council to fill the vacancy consistent with Chapter 14.

13.42. **The secretary shall be elected by the Churchwide Assembly to a six-year term and serve until a successor takes office.**

13.42.01. The secretary shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.

13.42.02. The secretary shall be a full-time, salaried position.

13.50. **TREASURER**

13.51. **The treasurer shall serve under the presiding bishop of this church, providing leadership as specified in Chapter 11 of this constitution, and shall fulfill the normal functions of the treasurer of a corporation.**

13.51.01. The treasurer shall propose policy for review and action by the Church Council and provide for the implementation, within such policies, of the financial, accounting, investment, and money management systems, and related services for the units of the churchwide organization.

13.52. **The treasurer shall be elected by the Church Council to a six-year term and serve until a successor takes office.**

- 13.52.01.** The treasurer shall be elected as provided in Chapter 19 and shall take office on the first day of the third month after election.
- 13.52.02.** The treasurer shall be a full-time, salaried position.
- 13.52.03.** The Church Council, by a two-thirds vote, may dismiss the treasurer for cause.
- 13.60.** **DEATH, RESIGNATION, OR DISABILITY OF AN OFFICER**
- 13.61.** Should the presiding bishop die, resign, or be unable to serve, the vice president shall convene the Church Council to arrange for the appropriate care of the responsibilities of the presiding bishop until an election of a new presiding bishop can be held or until the presiding bishop is able to serve again. The term of the successor presiding bishop, elected by the next Churchwide Assembly, or a special meeting of the Churchwide Assembly called for the purpose of election, shall be six years, with the subsequent election to take place at the assembly closest to the expiration of such a term.
- 13.62.** Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the presiding bishop, with the approval of the Executive Committee of the Church Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or until the officer is able to serve again. The term of the successor vice president or secretary, elected by the next Churchwide Assembly, shall be six years. The Church Council shall elect the successor treasurer for a term of six years.
- 13.63.** The Executive Committee of the Church Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Church Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior notice of the meeting shall be given to the officer in question.
- 13.70.** **OFFICERS OF PREDECESSOR CONTINUING CORPORATIONS**
- 13.71.** Whenever an existing but inactive corporate entity that previously functioned as a predecessor or more remote predecessor of this church or as an incorporated board, agency, or synod related to such predecessors, and such entity is otherwise without officers or directors, the officers of this church shall constitute the directors of such entity and shall hold the same office as they hold in this church.

Chapter 14.
CHURCH COUNCIL

14.10. PURPOSE AND MEETINGS

14.11. The Church Council shall exercise interim legislative authority and shall serve as the board of directors of the churchwide organization.

14.12. The Church Council shall meet at least two times each year.

14.12.01. The Church Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

14.12.02. The Church Council shall use parliamentary procedure in accordance with *Robert's Rules of Order*, latest edition, unless otherwise ordered by the council.

14.12.03. Proxy and absentee voting shall not be permitted at meetings of the Church Council.

14.13. "Interim legislative authority" is defined to mean that between meetings of the churchwide assemblies, the Church Council may exercise the authority of the Churchwide Assembly, including dealing with all matters which are necessary in pursuit of the purposes and functions of this church, so long as:

a. the actions of the Church Council do not conflict with the actions of and policies established by the Churchwide Assembly; provided, however, that nothing in this constitution and bylaws precludes the Church Council from establishing policies concerning areas where the Churchwide Assembly has not acted; and

b. the Church Council is not precluded by the Articles of Incorporation or this constitution and bylaws from taking action on the matter.

14.14. The Church Council shall elect the treasurer.

14.15. The Church Council of the Evangelical Lutheran Church in America may remove for cause a voting member of the Church Council, other than an officer or the chair of the Conference of Bishops, at a duly held regular meeting by the affirmative vote of two-thirds of the voting members of the Church Council, provided that at least 30 days written notice shall be given to each voting member of the Church Council that removal of a specific member of the Church Council will be on the agenda for such a meeting. The Church Council may remove an advisory member for cause, provided notice has been given as specified in this provision, by a majority vote of the voting members of the council.

14.20. RESPONSIBILITIES OF THE CHURCH COUNCIL

14.21. The specific duties of the Church Council shall be listed in the bylaws.

- 14.21.01.** The Church Council shall act on the policies proposed by churchwide units, when requested by the presiding bishop or the churchwide unit. The Church Council shall ensure that the actions of the Churchwide Assembly are implemented by the applicable unit or office.
- 14.21.02.** The Church Council shall receive from the Office of the Presiding Bishop regular reports on the programs and procedures of the churchwide units. The Church Council, through the presiding bishop, shall ensure that the purposes, policies and objectives of this church are being fulfilled.
- a. Specific policies identified in this constitution and bylaws, developed by the appropriate churchwide unit, and reviewed by the Conference of Bishops, shall be submitted to the Church Council for approval.
 - b. Separately incorporated ministries of this church, as defined in Chapter 17, shall submit a report to the Church Council on their policies and programs. The Church Council shall act to approve those policies and programs as required in this constitution and bylaws.
- 14.21.03.** The Church Council shall review all recommendations from churchwide units for possible consideration by the Churchwide Assembly and determine which, if any, should be forwarded to the Churchwide Assembly for action.
- 14.21.04.** The Church Council may adopt policies in accord with this church's constitutions, bylaws, and continuing resolutions.
- 14.21.05.** The Church Council, upon recommendation of the presiding bishop, shall submit budget proposals for approval by the Churchwide Assembly and authorize expenditures within the parameters of approved budgets.
- 14.21.06.** The Church Council shall adopt personnel policies for the churchwide organization. Salary structures of churchwide units shall be within the personnel policies of the churchwide organization, unless exceptions are granted by the Church Council.
- 14.21.07.** The Church Council shall report its actions to the Churchwide Assembly.
- 14.21.10. OTHER DUTIES OF THE CHURCH COUNCIL**
- 14.21.11.** The Church Council shall consult with and refer matters to the Conference of Bishops as well as receive reports from it. The Church Council shall act on resolutions from Synod Councils.
- 14.21.12.** The Church Council shall provide for the installation of the churchwide officers. At the installation of a newly elected presiding bishop of this church, the presiding minister shall be the previous presiding bishop of this church or, where that is not possible, a synod bishop designated by the Church Council.
- 14.21.13.** The Church Council shall establish ranges for the salaries for the presiding bishop, secretary, and treasurer.
- 14.21.14.** The Church Council may direct the churchwide organization to exercise the corporate social responsibility of this church by filing shareholder resolutions, casting proxy ballots, and taking other actions as it deems appropriate.

- 14.21.15. The Church Council shall establish the criteria and policies for the relationship between the churchwide organization and independent, cooperative, and related Lutheran organizations. The policies adopted by the Church Council shall be administered by the appropriate unit of the churchwide organization. The determination of which organization shall relate to a specific unit of the churchwide organization shall be made by the Church Council.
- 14.21.22. The Church Council shall arrange the process for all elections as specified in this constitution and bylaws for churchwide units to assure conformity with established criteria.
- 14.22. **The Church Council shall fulfill responsibilities for elections as provided in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and, in the event that a vacancy on the council or on a board (including the board of a separately incorporated ministry) or committee of the churchwide organization is declared by the secretary, the Church Council shall elect an individual to serve the balance of the term.**
- 14.22.01. Before electing an individual to fill a vacancy on a board (including the board of a separately incorporated ministry) or committee, the Church Council shall consult with the board or committee.
- 14.30. **COMPOSITION OF THE CHURCH COUNCIL**
- 14.31. **The voting members of the Church Council shall consist of the four churchwide officers, the chair of the Conference of Bishops, and at least 32 and not more than 45 other persons elected by the Churchwide Assembly.**
- 14.32. **With the exception of youth members, Church Council members shall be elected by the Churchwide Assembly to one six-year term and shall not be eligible for consecutive re-election. Youth members of the Church Council shall be elected by the Churchwide Assembly to one three-year term.**
- 14.32.01. The Church Council shall have as liaison members nine synod bishops, each elected by the Conference of Bishops to one four-year term. One bishop shall be elected from each region.
- 14.32.02. Liaison members of the Church Council shall have voice but not vote.
- 14.32.03. Any Church Council members appointed to fill a vacancy of less than three years in a Church Council position not restricted to a specific synod shall not be deemed to have served a term and are eligible for election to a full term if they otherwise satisfy the criteria for election.
- 14.32.A13. *A member of the Church Council, upon invitation, may serve as a liaison for a board of trustees of a separately incorporated ministry.*
- 14.33.01. **Advisory Members.** Categories of advisory members may be designated by the Church Council. These categories shall be set forth in continuing resolutions. Advisory members shall have voice but not vote.

14.33.A22. *The Church Council shall have as advisory members each president, or the designated representative of the president, of the ELCA ethnic associations, as well as a representative of Reconciling Works. Advisory membership of the Church Council shall be reviewed each triennium.*

14.40. CHURCH COUNCIL COMMITTEES

14.41. The Church Council shall establish committees and nominate or elect such persons as necessary to carry out the functions assigned to it. The description of such committees shall be set forth in the bylaws and continuing resolutions.

14.41.01. Executive Committee. The Church Council shall have an Executive Committee composed of the churchwide officers, the chair of the Conference of Bishops, and eight members of the Church Council elected by the council. The vice president of this church shall chair this committee. The Executive Committee shall:

- a. perform those functions of the Church Council assigned to it by the Church Council, which shall include acting for the Church Council between meetings of the council;
- b. transmit resolutions from synods to the appropriate unit or units of the churchwide organization;
- c. fulfill the responsibilities of the Church Council related to nominations, with staff services for the nomination and election processes of the Church Council provided by the Office of the Secretary;
- d. provide advice and counsel for the officers;
- e. review the work of the officers and, with the absence of the salaried officers from such deliberations, set salaries of the presiding bishop, secretary, and treasurer within the ranges established by the Church Council;
- f. demonstrate concern for the spiritual, emotional, and physical well-being of the officers of this church; and
- g. when necessary, serve as members of the U.S.A. National Committee of The Lutheran World Federation.

14.41.02. Liaison bishops, ecumenical guests, and other advisors to the Church Council may serve as advisory members to the council's committees with voice but not vote.

14.41.A15. Budget and Finance Committee

A Budget and Finance Committee shall be composed of members of the Church Council elected by the council. The treasurer of this church shall serve as an ex officio member of the committee. This committee shall have staff services provided by the Office of the Presiding Bishop and the Office of the Treasurer. The committee shall prepare and present a comprehensive budget to the Church Council for its consideration and presentation to the Churchwide Assembly. The committee shall relate to the work of the Office of the Treasurer.

14.41.B22. *Christian Community and Leadership Committee*

A Christian Community and Leadership Committee shall be composed of members of the Church Council elected by the council. This committee shall relate to the work of the Christian Community and Leadership unit, and have staff services provided by the Christian Community and Leadership unit. This committee shall receive reports from the Christian Community and Leadership unit, act upon policies and strategies recommended from this unit to the Church Council, and provide periodic review of this unit.

14.41.C22. *Faith, Society, and Innovation Committee*

A Faith, Society, and Innovation Committee shall be composed of members of the Church Council elected by the council. This committee shall relate to the work of the Office of the Presiding Bishop and the Innovation unit, and have staff services provided by the Office of the Presiding Bishop and the Innovation unit. This committee shall assist the presiding bishop in coordinated, strategic planning for the work of the churchwide organization. Further, in consultation with the executive for administration, this committee shall evaluate and report annually to the Church Council and to the Churchwide Assembly on how the churchwide organization complies with and implements commitments and policies adopted by the Churchwide Assembly and the Church Council. This committee shall be responsible for reviewing policies related to ecumenical, inter-Lutheran, and inter-religious activities, and make recommendations to the Church Council and the Churchwide Assembly. It shall provide ongoing review of the development of this church's social teaching documents and act upon recommendations from the Office of the Presiding Bishop. All churchwide policies and strategies recommended by the Office of the Presiding Bishop that have implications for congregations, synods, other churchwide units, or institutions and agencies of this church shall be considered by this committee for recommendation to the Church Council. This committee also shall receive reports from the Innovation unit, act upon policies recommended from the Innovation unit to the Church Council, and provide periodic review of the Innovation unit.

14.41.D22. *Legal and Constitutional Review Committee*

A Legal and Constitutional Review Committee shall be composed of members of the Church Council elected by the council. The secretary of this church shall serve as an ex officio member of the committee. This committee shall have staff services provided by the Office of the Secretary. This committee shall provide ongoing review of legal and constitutional matters. It shall review all proposed amendments to the constitutions, bylaws, and continuing resolutions.

14.41.E22. *Service and Justice Committee*

A Service and Justice Committee shall be composed of members of the Church Council elected by the council. This committee shall relate to

the work of the Service and Justice unit, and have staff services provided by the Service and Justice unit. This committee shall receive reports from this unit, act upon policies and strategies recommended from this unit to the Church Council, and provide periodic review of the Service and Justice unit.

14.41.F22. Audit Committee

An Audit Committee—composed of five to seven members appointed by the Budget and Finance Committee and approved by the Church Council for two-year, renewable terms—shall assist the Budget and Finance Committee and the Church Council in fulfilling oversight of the churchwide organization’s accounting and financial reporting, internal control systems, and audit functions, consistent with its responsibilities as specified in the charter recommended by the Audit Committee, reviewed by the Budget and Finance Committee, and approved by the Church Council. A minimum of two members of the Audit Committee shall be members of the Budget and Finance Committee. The chair of the Audit Committee shall be a member of the Budget and Finance Committee and shall be appointed by the chair of the Budget and Finance Committee. In consultation with the executive for administration, the Audit Committee approves the selection of and dismissal of the internal auditors.

14.41.G22. Board Development Committee

A Board Development Committee—composed of six to eight members, at least one of whom shall be a member of the Executive Committee, and of which at least two shall be from each elected class of the Church Council—shall be appointed by the Executive Committee of the Church Council for three-year, renewable terms to assist the presiding bishop and the Church Council in developing and implementing efforts to help members of the Church Council to demonstrate a comprehensive understanding of the council’s role and fiduciary responsibility as the board of directors of the Evangelical Lutheran Church in America. The executive for administration shall relate to this committee, with staff services provided by the Office of the Secretary. Members appointed to the Board Development Committee shall be eligible for service on other committees of the Church Council.

14.41.H22. Resource Development Committee

A Resource Development Committee—composed of eight to ten members, at least one of whom shall be a member of the Budget and Finance Committee, and appointed by the Executive Committee – shall assist the Budget and Finance Committee and the Church Council in developing strategies related to funding initiatives and churchwide appeals. This committee shall oversee how to grow resources to support the ministries and priorities of the churchwide organization. The treasurer and executive for development shall serve as ex officio members of the committee. Church Council members shall be appointed for three-year terms, renewable for so long as they are on Church Council. Non-Church Council members, who shall be members of an ELCA congregation, shall

be appointed for three-year terms with the possibility of two consecutive re-appointments. No member shall serve more than nine consecutive years. This committee shall have staff services provided by the Office of the Presiding Bishop and the Office of the Treasurer. Church Council members appointed to the Resource Development Committee shall be eligible for service on other committees of the Church Council.

Chapter 15.

CHURCHWIDE ADMINISTRATION AND OFFICES

15.10. OFFICES AND ADMINISTRATION

15.11. **An office of the churchwide organization is directly related to and under the authority of a full-time officer of this church. Each office is related to the Church Council through the officer, who reports to the Church Council in the interim between regular meetings of the Churchwide Assembly. Each office may have executive assistants to undergird the officer in the performance of specified functions that are the responsibility of that officer.**

15.11.01. There shall be the following offices:

- a. Office of the Presiding Bishop;
- b. Office of the Secretary; and
- c. Office of the Treasurer.

15.11.A20. *The work of the offices shall be coordinated through the Operations Leadership Team.*

15.11.02. **Administrative Team.** The presiding bishop, secretary, treasurer, and executive for administration, along with the executive directors of the churchwide units, shall function as an administrative team, directed by the presiding bishop. The presiding bishop may appoint up to two additional members to the administrative team for terms of one year with the possibility of reappointment. This administrative team shall assist the presiding bishop in providing leadership, planning, oversight, management, supervision, and coordination in the operation of the churchwide organization.

15.11.B20. **Leadership Teams**

Three leadership teams shall complement the work of the Administrative Team in providing collaborative leadership for planning, oversight, and management of the churchwide organization and other churchwide efforts. Each team may be composed of a combination of churchwide staff, synod leadership, and representatives from congregations, networks, and/or affiliated ministries, appointed by the presiding bishop.

- a. *Strategic Leadership Team: The Strategic Leadership team, convened by the presiding bishop, shall set, lead, and evaluate the strategic framework to achieve and support priority goals and initiatives of this church.*
- b. *Operations Leadership Team: The Operations Leadership team, convened by the executive for administration, shall provide efficient and effective leadership, planning, oversight, management, and coordination of the daily operations of the churchwide organization, including infrastructure and resource management (human and financial) and governance-related matters.*
- c. *Innovation Leadership Team: The Innovation Leadership team, convened by the executive director for innovation, shall assess,*

implement, and evaluate experimental ideas and initiatives to further this church's shared mission.

15.12. OFFICE OF THE PRESIDING BISHOP

15.12.01. Responsibilities of the Office of the Presiding Bishop, in addition to those specified in the bylaws, shall be set forth in continuing resolutions.

15.12.A22. *Responsibilities of the Executive for Administration*

The executive for administration shall be accountable to the presiding bishop and shall serve as chief administrator of the churchwide organization. The executive for administration shall be elected by the Church Council upon nomination of the presiding bishop and shall serve coterminous with the term of the presiding bishop. At the direction of the presiding bishop, the executive for administration shall:

- a. supervise the day-to-day functioning of the churchwide organization and coordinate the work of churchwide units;*
- b. facilitate the interdependent functioning of churchwide units in the fulfillment of the responsibilities assigned to them;*
- c. coordinate the strategic planning and day-to-day staff activities within the Office of the Presiding Bishop and the functioning of the administrative team;*
- d. develop the budget for the churchwide organization and report to the Church Council and the Churchwide Assembly through the Budget and Finance Committee of the Church Council with regard to the preparation of the budget;*
- e. provide staff services and documentation to the Faith, Society, and Innovation Committee and the Board Development Committee of the Church Council.*
- f. oversee churchwide strategic communications, including branding, messaging, and content development; and*
- g. provide for building management and coordinate central services for the churchwide organization.*

15.12.B21. *Responsibility for Ecumenical and Inter-Religious Relations*

Responsibility for ecumenical and inter-religious relations shall be exercised by the Office of the Presiding Bishop.

- a. The presiding bishop shall appoint an executive who shall coordinate the ecumenical, inter-Lutheran, and inter-religious activities of this church, and shall recommend, through the presiding bishop, policies to the Church Council and the Churchwide Assembly. To fulfill these responsibilities, the executive shall:*
 - 1) assist the presiding bishop of this church in carrying out the presiding bishop's role as the chief ecumenical officer of this church;*
 - 2) administer the ecumenical, inter-Lutheran, and inter-religious discussions (including bilateral dialogues) in which this church is involved;*

- 3) *provide active support of the membership of this church in ecumenical organizations, such as World Council of Churches, National Council of the Churches of Christ in the U.S.A., and The Lutheran World Federation;*
 - 4) *guide the process of reception of theological agreements and give advice in matters of fellowship and unity with other Lutheran churches; and*
 - 5) *assist synods, congregations, and churchwide units in carrying out their ecumenical, inter-Lutheran, and inter-religious responsibilities by giving guidance and by preparing guidelines for action.*
- b. *From time to time as necessary, the Executive Committee of the Church Council shall convene as the U.S.A. National Committee of The Lutheran World Federation. The U.S.A. National Committee also consists of the members of this church who serve as voting members of the council of The Lutheran World Federation. An ELCA advisor to the council of The Lutheran World Federation and/or the executive for ecumenical and inter-religious relations shall serve as consultants to the U.S.A. National Committee of The Lutheran World Federation.*
 - c. *Ecumenical representatives shall be chosen by the presiding bishop of the Evangelical Lutheran Church in America in consultation with the Executive Committee of the Church Council. These representatives include members of delegations to national and international inter-church entities in which this church holds membership and members of inter-Lutheran, inter-faith, and ecumenical discussions, including bilateral dialogues and conversations, in which this church participates. All such appointments shall be reported to the Church Council as information.*

15.12.C21. Responsibility for People Solutions and Diversity, Equity, and Inclusion
Responsibility for people solutions and diversity, equity, and inclusion shall be exercised by the Office of the Presiding Bishop, which shall develop and manage the personnel policies and procedures for the churchwide organization, including policies and procedures regarding equal-employment opportunity; recruitment, interview, and selection of staff; compensation and benefits; employee-assistance programs; just and equitable employee-relations practices; performance evaluation; maintenance of personnel records; and training. In accordance with bylaw 14.21.06., the Church Council shall adopt personnel policies upon recommendation of the Office of the Presiding Bishop. The presiding bishop shall appoint an executive who shall be responsible for people solutions and this church's commitment to diversity, equity, and inclusion.

15.12.D21. Responsibility for Theological Discernment
Responsibility shall be exercised in the Office of the Presiding Bishop for serving the Church's theological work by promoting, coordinating,

and facilitating theological discernment of the Church's message and its theological foundations in collaboration with all who share in the responsibilities to be teachers of the faith in the Church, including the Conference of Bishops, the seminary faculties, the convocation of teaching theologians, networks such as Lutheran ethicists and women theologians, the editorial staff of the publishing ministry and publications, and all rostered ministers. This responsibility for serving the Church's theological work also shall encompass theological work in and commitment to discern, understand, and respond to racism, classism, and sexism and issues of justice for women in the Church and in society in order to advance full participation, equal opportunity, and justice for all. To fulfill these responsibilities, the presiding bishop shall appoint an executive who will assist the presiding bishop and coordinate the service of staff groups that provide theological resources and assistance in programmatic implementation.

15.12.E21. Responsibility for Development

Responsibility for planning, coordination, and management of the execution of this church's fundraising efforts and donor communications shall be exercised by the Office of the Presiding Bishop. To fulfill these responsibilities, the presiding bishop shall appoint an executive who, in collaboration with the Endowment Fund of the ELCA, shall:

- a. guide strategy and development of marketing communications;*
- b. provide for Mission Support interpretation and consultations in collaboration with the Office of the Treasurer;*
- c. develop and execute programs to seek current gifts, major and deferred gifts, bequests, and endowment funds to support ministries of this church;*
- d. engage members, congregations, synods, and agencies and institutions of this church in efforts to raise financial support for the ministries of this church;*
- e. provide advice to the Office of the Treasurer in the recommendation and establishment within that office of policies and procedures for gift acceptance and management;*
- f. manage constituent data of the church; and*
- g. coordinate its programs with other stewardship and financial resource development activities of this church and in alignment with its mission objectives.*

15.13. OFFICE OF THE SECRETARY

15.13.01. The responsibilities of the Office of the Secretary, in addition to those specified in the bylaws, shall be set forth in continuing resolutions.

15.13.A10. Responsibility for Risk Management

The Office of the Secretary, in collaboration with the Office of the Treasurer, shall provide and manage insurance (exclusive of life and

health) programs for the churchwide organization and shall make available insurance programs to congregations, synods, regions, and related institutions, agencies, and organizations. Recommendations on standards for adequate, continuous insurance coverage to be maintained by synods, as required in constitutional provision 10.74., may be provided.

15.13.B20. Responsibility for Synod Relations

The Office of the Secretary, in collaboration with the Office of the Presiding Bishop, shall coordinate the relationships between the churchwide organization and synods, render support for synod bishops and synod staff, and provide staff services for the Conference of Bishops.

15.13.C20. Responsibility for Governance

The Office of the Secretary, in collaboration with the Office of the Presiding Bishop, shall provide staff services for the Churchwide Assembly, the Church Council, and the Executive Committee.

15.14. OFFICE OF THE TREASURER

15.14.01. The responsibilities of the Office of the Treasurer, in addition to those specified in the bylaws, shall be set forth in continuing resolutions.

15.14.A20. Responsibilities of the Office of the Treasurer

- a. This office shall be related to the treasurer, who shall be its full-time executive officer.
- b. This office shall have the sole authority and responsibility to establish and maintain banking relationships for the churchwide organization.
- c. This office shall have the authority to borrow; issue bonds, notes, certificates, or other evidence of obligation; or increase contingent liabilities within the overall limits determined by the Churchwide Assembly and the more restrictive limits established by the Church Council. No churchwide board shall make a commitment that binds the churchwide organization to an outside lending or other similar institution or which creates a liability of this church to such an institution without prior approval of the Office of the Treasurer.
- d. This office, through the Budget and Finance Committee of the Church Council, shall recommend to the Church Council a certified public accounting firm to audit the financial records of the churchwide organization. Synod financial reports shall be submitted to this office for compilation.
- e. This office shall provide for internal audit procedures of the churchwide organization.
- f. This office shall provide legal documents pertaining to the financial and property management matters of the churchwide organization. These legal documents shall be signed by the officers authorized by the Church Council.
- g. This office shall be authorized, within policies established by the Churchwide Assembly and the Church Council, to purchase or otherwise acquire title to real property; to mortgage, lease, sell,

or otherwise dispose of the same; and otherwise to act on behalf of the churchwide organization regarding real property.

- h. This office shall provide for a common system of financial reporting from synods and regions.*
- i. This office, within the policies established by the Church Council, shall assure the implementation of a donor gift acknowledgment process.*
- j. This office, in consultation with the Endowment Fund of the Evangelical Lutheran Church in America, shall recommend:*
 - 1) policy for the valuation process for noncash gifts;*
 - 2) the management of assets of its life-income agreements;*
 - 3) gift acceptance policies for the establishment and management of memorial funds administered by the Endowment Fund of the ELCA in cooperation with the Office of the Presiding Bishop; and*
 - 4) the distribution of earned-income payments to remainder beneficiaries as regulated by the life-income, trust, and other fiduciary donor agreements held by the churchwide organization.*
- k. This office shall provide for the management of capital funds.*
- l. This office shall manage capital loan funds established by the Church Council. The management shall be within policies established jointly by the Office of the Treasurer and other affected churchwide units.*
- m. This office, in collaboration with the Office of the Secretary, shall examine the risk management and insurance needs of the churchwide organization and synods.*

15.14.B21. Responsibility for Information Technology

The treasurer shall provide for information technology in support of the work of the churchwide organization. The treasurer shall appoint an executive who shall be responsible for the development and review of guidelines and policies for computer standards, security of electronic data, application development, data storage and data retrieval, and shall enable use of electronic technologies for churchwide staff to assist in support of congregations, synods, and related institutions and agencies of this church.

15.20. STAFF

15.21. The churchwide organization shall employ staff according to churchwide policies.

15.21.01. The presiding bishop shall recommend to the Church Council the personnel policies of the churchwide organization. Such policies shall be binding unless exceptions are granted by the Church Council or specified in the constitution, bylaws, and continuing resolutions.

15.21.02. In consultation with the executive for administration, the presiding bishop shall authorize all staff positions in the churchwide organization.

Chapter 16.

UNITS OF THE CHURCHWIDE ORGANIZATION

16.10. CHURCHWIDE UNITS

16.11. A unit of the churchwide organization is assigned leadership responsibility for major, identified portions of the mission and ministry of this church.

16.11.A21. *As it pertains to the churchwide organization, a unit may also be described as a home area.*

16.11.01. In conformity with this church's commitment to inclusive practice, churchwide units and offices will assure that staff include a balance of women and men, persons of color and persons whose primary language is other than English, laypersons, and rostered ministers.

16.11.B20. Identity of Units

Units of the churchwide organization, which shall function through cooperation, coordination, and collaboration, are the following:

- a. Christian Community and Leadership unit;*
- b. Innovation unit;*
- c. Operations unit; and*
- d. Service and Justice unit.*

Each unit, except the Operations unit, shall have an executive director.

16.12. Each unit shall report to the Churchwide Assembly and will report to the Church Council in the interim.

16.12.01. The responsibilities of the units shall be described in continuing resolutions.

16.12.02. Executive directors of each unit shall be appointed by the presiding bishop to a four-year term. The presiding bishop, as chief executive officer, shall arrange within the personnel policies of the churchwide organization for an annual review of each executive director. A unit executive director shall be eligible for re-appointment. The employment of the executive director may be terminated in accordance with the personnel policies of the churchwide organization.

16.12.A21. Responsibilities of the Christian Community and Leadership Unit

The Christian Community and Leadership unit shall foster and facilitate the work of synods, congregations, the churchwide organization, and others in reaching and welcoming more people into the Christian faith. It energizes and engages the core membership and works with the whole of this church to recruit, develop, and deploy lay and rostered leadership to fulfill the Church's purpose. It works across all expressions of this church to accomplish these goals domestically and internationally.

This unit shall:

- a. create and revitalize congregations and ministries;*
- b. enhance evangelism and discipleship;*
- c. oversee the development of multicultural ministries and collaborate on the commitment of this church to diversity and inclusivity;*
- d. support efforts to reach new people, young people, and to become more economically diverse;*

- e. *foster relationships with educational institutions, including participation in and support of the Network of Colleges and Universities of this church;*
- f. *recruit, train, and help to deploy lay and rostered leaders;*
- g. *support the candidacy and assignment processes;*
- h. *coordinate the work of Young Adults in Global Mission and the ELCA Youth Gathering;*
- i. *oversee the chaplaincies of this church in domestic specialized ministry settings as well as federal chaplaincies both at home and abroad; and*
- j. *support the worship ministry of this church by overseeing the development and review of worship resources intended for use throughout this church, and recommend, through the presiding bishop, policies related to worship and sacramental practices to the Church Council and the Churchwide Assembly.*

This unit shall relate to Lutheran Men in Mission, National Lutheran Campus Ministry, Inc., Educational and Institutional Insurance Administrators, Inc., and the Evangelical Lutheran Education Association.

16.12.B20. Responsibilities of the Innovation Unit

The Innovation unit shall promote, coordinate, and facilitate organizational collaboration, culture, and development, including innovation processes and leadership development for churchwide organization staff, members of this church, and others. This unit shall:

- a. *provide, manage, and design experiments and processes (including related goals, metrics, and measurement) to assist this church to develop and evaluate new and existing programs and initiatives;*
- b. *be responsible for leadership development through teaching and promoting innovation culture, skills, and tools within the churchwide organization and throughout this church; and*
- c. *equip the churchwide organization and this church to conduct relevant research, data collection, analysis, and evaluation to make data-informed decisions; in collaboration with the Office of the Secretary, provide for required reporting and other items related to policies established by the Church Council and the Churchwide Assembly.*

16.12.C20. Responsibilities of the Operations Unit

The Operations unit shall comprise the following:

- a. *the Office of the Presiding Bishop;*
- b. *the Office of the Secretary; and*
- c. *the Office of the Treasurer.*

16.12.D21. Responsibilities of the Service and Justice Unit

The Service and Justice unit shall foster and facilitate this church's engagement in service and promote efforts to call and act for justice. It shall engage in mission, service, and justice in accompaniment with churches and organizations in other countries; serve as the means through which churches in other countries engage in mission to this

church and society; engage with communities, coalitions and networks, congregations, and synods in service and justice work within the territorial jurisdiction of this church; and provide guidance to members on matters of social justice.

The Service and Justice unit shall support the freedom of Christians to love and serve their neighbor through the following areas:

- a. Peoples and Communities: maintain global church-to-church relationships and mutual endeavors for evangelical witness and sharing of mission personnel; oversee the work of the ethnic specific ministries and collaborate on multicultural ministries and the commitment of this church to diversity and inclusivity;*
- b. Building Resilient Communities: meet human need and enhance human dignity; work to overturn oppression and injustice; and engage collaboratively toward the flourishing of human community and creation through advocacy, development, and disaster response programming internationally and domestically; and*
- c. Witness in Society: empower members to engage with systems and processes to promote the well-being of the human community and creation in the public square, local and federal government, and the international community; equip and encourage members to seek dignity and peace; advance justice in response to human suffering, marginalization, and exclusion; and promote equality, justice, and respect for the value of every person to reduce the systemic injustices impacting communities and societies; to advance corporate social responsibility through environmental, social, and justice principles to create a just and sustainable society.*

The Service and Justice unit shall relate to those Independent Lutheran Organizations and other social ministries that engage in efforts related to service, justice, and global mission; the service, justice, and global mission efforts of full communion churches; and the Deaconess Community of the ELCA.

The Service and Justice unit shall develop personnel policies for long-term and other missionaries in consultation with the Office of the Presiding Bishop and administer such policies after their approval by the Church Council.

Chapter 17.

SEPARATELY INCORPORATED MINISTRIES

- 17.10.** This church may fulfill some of its purposes, as described in Chapter 4, through separately incorporated ministries.
- 17.11.** Each member of the board of directors of a separately incorporated ministry described in this chapter shall be a voting member of a congregation of this church, unless otherwise specified in the constitution, bylaws, and continuing resolutions of this church.
- 17.11.01.** A board of a separately incorporated ministry described in this chapter may remove a director or trustee from the board, if done in accordance with the governing documents of such corporation after at least 30 days' prior notice to the secretary of this church. The decision to remove a director or trustee shall be reported to the Church Council by the secretary, who shall then declare a vacancy.
- 17.11.02.** The nominations and elections processes for separately incorporated ministries shall be more fully specified in Chapter 19.
- 17.11.03** When used in Chapters 17 and 19, the term "board" shall include the boards of separately incorporated ministries unless expressly excluded. When used other than in Chapters 17 and 19, the term "board" shall not include the boards of separately incorporated ministries unless expressly included.
- 17.20.** **This church shall have a separately incorporated ministry, known as the Board of Pensions of the Evangelical Lutheran Church in America, to provide church retirement and other benefits, and complementary services within and beyond this church. The president of the corporation shall serve as its chief executive officer.**
- 17.20.01.** The Churchwide Assembly shall:
- a. approve amendments to the ELCA Philosophy of Benefits that have been referred by the Church Council; and
 - b. refer any amendments to the ELCA Philosophy of Benefits initiated by the Churchwide Assembly to the Board of Pensions for recommendation before final action by the Church Council, assuring that no amendment shall abridge the rights of sponsored members in the ELCA Retirement Plan.
- 17.20.02.** The Church Council shall:
- a. review policy established by the board and take action on any policy that would change significantly the documents establishing and governing the Pension and Other Benefits Program.
 - b. approve any changes in the Pension and Other Benefits Program when there is to be:
 - 1) a significant increase in cost to ELCA employers or sponsored members; or

- 2) a significant decrease in benefits to sponsored members in the Pension and Other Benefits Program.
- c. refer any amendments to the Pension and Other Benefits Program initiated by the Church Council to the board for recommendation before final action by the Church Council, assuring that no amendment shall abridge the rights of sponsored members in the ELCA Retirement Plan.
- d. approve any changes to the ELCA Philosophy of Benefits.
- e. refer, as it deems appropriate, proposed amendments to the ELCA Philosophy of Benefits to the Churchwide Assembly for final action.

Provisions a., b., and c. of this bylaw do not apply to benefit programs offered by the Board of Pensions to entities other than the ELCA, its separately incorporated ministries, its synods, and its congregations.

17.20.03. The Board of Pensions shall have a board of trustees composed of 14–18 persons elected by the Churchwide Assembly for three-year terms with the possibility of two consecutive re-elections. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly.

- a. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. The board of trustees of the Board of Pensions shall include persons with expertise in investments, insurance, and retirement plans, and at least four persons who are members of the plan, at least one of whom shall be a lay plan member or lay recipient of plan benefits and at least one of whom shall be a rostered minister who is a plan member. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.
- b. The presiding bishop shall serve as an advisory member of the board of trustees, with voice but not vote, or shall designate a person to serve as the presiding bishop’s representative as provided in constitutional provision 13.21.
- c. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of trustees with voice but not vote.
- d. The treasurer of this church shall serve as an advisory member of the board of trustees with voice but not vote.

17.20.04. The board shall organize itself as it deems necessary.

17.20.05. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and 16.11.01. shall apply to the operation of this organization.

17.20.06. The president shall be elected by the board of trustees of the Board of Pensions to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop,

shall arrange for an annual review of the president. The president shall be eligible for re-election. The board shall establish the compensation of the president with the concurrence of the presiding bishop. The president may be terminated at any time jointly by the board of trustees of the Board of Pensions and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.

17.20.07. The specific responsibilities of the Board of Pensions shall be enumerated in continuing resolutions.

17.20.A21. *Responsibilities of the Board of Pensions of the Evangelical Lutheran Church in America*

The Board of Pensions of the Evangelical Lutheran Church in America—also known as Portico Benefit Services—shall:

- a. manage and operate the Pension and Other Benefits Program for this church and plans for other non-profit organizations having a formal affiliation with a church or a religious organization, and invest the assets according to fiduciary standards set forth in the plans and trusts.*
- b. provide retirement, health, and other benefits for the benefit of eligible members working within the structure of this church and other non-profit organizations having a formal affiliation with a church or a religious organization.*
- c. provide summary plan descriptions outlining all benefits to be provided as a part of the Pension and Other Benefits Program.*
- d. provide complementary services within and beyond this church.*
- e. report to the appropriate committee of the Church Council on the financial effect of changes to the Pension and Other Benefits Program.*
- f. report to the Churchwide Assembly through the Church Council, with the Church Council making comments on all board actions needing approval of the Churchwide Assembly.*
- g. maintain appropriate communication with other units of this church.*
- h. be self-supporting, except for certain ELCA minimum pensions and post-retirement health benefits of certain ELCA retirees, with all costs being paid from the administrative and management charges to the employers and members utilizing the plans and from investment income.*
- i. manage its finances in a manner that assures an efficient and effective administration of the plans for retirement and other benefits. The board shall maintain its own accounting, data processing, personnel, and other administrative functions essential to the ongoing work of this organization.*
- j. not be responsible, nor assume any liability for, health-insurance programs provided by this church through voluntary employees' beneficiary associations or similar arrangements.*

- k. *manage and operate those portions of The American Lutheran Church and Lutheran Church in America plans requiring continuation in this church.*
 - l. *provide an appeal process with the Board of Pensions to enable members in the plans to appeal decisions.*
 - m. *make editorial and administrative changes and routine modifications to the benefits programs, as well as changes required to comply with federal and state law.*
 - n. *set contribution rates for the ELCA Survivor Benefits Plan, the ELCA Disability Benefits Plan, and the ELCA Medical and Dental Benefits Plan, and establish interest crediting rates for the ELCA Retirement Plans.*
 - o. *manage assets, as requested, for this church and other organizations operated exclusively for religious purposes.*
- 17.20.B11.** *The Corporate Social Responsibility Committee of the Board of Pensions shall receive advice and counsel from the churchwide organization and, within the context of fiduciary responsibility for ELCA assets, make appropriate recommendations to the board.*
- 17.30.** **This church shall have a separately incorporated ministry, known as the Mission Investment Fund of the Evangelical Lutheran Church in America, to provide investment opportunities to individuals, congregations, synods, institutions, agencies, and organizations, and administer loans to congregations, synods, the churchwide organization, and other organizations and institutions that are related to this church. The president of the corporation shall serve as its chief executive officer.**
- 17.30.01.** The Mission Investment Fund of the Evangelical Lutheran Church in America shall have a board of trustees composed of 9–12 persons elected by the Churchwide Assembly to one six-year term and shall not be eligible for consecutive re-election. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.
- a. The presiding bishop shall serve as an advisory member of the board of trustees, with voice but not vote, or shall designate a person to serve as the presiding bishop’s representative as provided in constitutional provision 13.21.
 - b. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of trustees with voice but not vote.
- 17.30.02.** The president shall be elected by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America to a four-

year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president of the Mission Investment Fund shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for re-election. The employment of the president may be terminated jointly by the board of trustees of the Mission Investment Fund of the Evangelical Lutheran Church in America and the presiding bishop of this church, following recommendation by the Executive Committee of the board of trustees. The Executive Committee of the board of trustees, with the concurrence of the presiding bishop, shall establish the compensation of the president.

17.30.03. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., 14.21.06., and 16.11.01. shall apply to the operation of this organization.

17.30.04. The specific responsibilities of the Mission Investment Fund of the Evangelical Lutheran Church in America shall be enumerated in continuing resolutions.

17.30.A21. *Operation of the Mission Investment Fund of the Evangelical Lutheran Church in America*

The Mission Investment Fund of the Evangelical Lutheran Church in America shall:

- a. have primary responsibility for the development, administration, promotion, and sale of investment obligations.*
- b. develop and administer a loan program, including management responsibilities for the underwriting, legal, accounting, reporting, servicing, marketing, and other related functions.*
- c. provide expertise for management of real property and execute all necessary documents for the acquisition and disposition of such property.*
- d. relate to the Christian Community and Leadership unit, which may request real estate acquisition for new and existing ministries within the limits of the capital funds available and within established criteria.*
- e. confer with the Christian Community and Leadership unit on any loans to developing ministries.*

17.40. This church shall have a separately incorporated ministry, the Publishing House of the Evangelical Lutheran Church in America, to carry out the publishing ministry of the Evangelical Lutheran Church in America. The president of the corporation shall serve as its chief executive officer.

17.40.01. This publishing house shall have a board of trustees composed of 11–15 persons elected by the Churchwide Assembly for three-year terms with the possibility of two consecutive re-elections. The terms of members of the board of trustees elected by the Churchwide Assembly shall begin at the commencement of the first board meeting following the assembly.

- a. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. Laypersons on the board of trustees shall include persons with expertise in publishing, education, business management, finance and investment. Rostered ministers shall include persons with expertise in rural, urban, and suburban ministry in small and large congregations and in advanced theological study. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.
- b. The presiding bishop shall serve as an advisory member of the board of trustees, with voice but not vote, or shall designate a person to serve as the presiding bishop's representative as provided in constitutional provision 13.21.
- c. The Conference of Bishops shall elect one bishop to serve as an advisory member of the board of the publishing house with voice but not vote.
- d. The board of trustees of the publishing house shall serve as the board of any separate corporation of this church's publishing house and the president of the publishing house shall be the chief executive officer of any such corporation.

17.40.02. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and 16.11.01. shall apply to the operation of this organization.

17.40.03. The president shall be elected by the board of trustees of the Publishing House to a four-year term in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president shall be made jointly by the presiding bishop and the search committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for re-election. The board shall establish the compensation of the president with the concurrence of the presiding bishop. The president may be terminated at any time jointly by the board of trustees of the Publishing House and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees.

17.40.04. The specific responsibilities of this publishing house shall be enumerated in continuing resolutions.

17.40.A19. *Responsibilities of the Publishing House of the Evangelical Lutheran Church in America*

The Publishing House of the Evangelical Lutheran Church in America—also known as 1517 Media—shall:

- a. *be responsible for the publishing, production, and distribution of publications to be sold to accomplish the mission of this church.*
- b. *work in close cooperation with congregations, synods, and the churchwide organization to provide a diversity of published resources.*

- c. *work with churchwide units to plan the publication of materials to assist congregations in fulfilling their life in mission.*
- d. *develop, produce, and distribute materials required to carry out its functions.*
- e. *be financed from the sale and distribution of materials, not from the budget of this church.*
- f. *create, develop, and publish a diversity of resources in various media; make available other publications, materials, and church supplies; produce official documents and publications of this church; and produce materials in a manner that assures their ready availability.*
- g. *provide for the wide distribution of resources within and beyond this church.*
- h. *manage its finances and other resources in a manner that assures the continuity and extension of its activities. This publishing house shall maintain its own accounting, information technology, human resources, employee benefits, and other functions essential to a cohesive, efficient, and effective operation.*
- i. *identify and nurture talented authors, composers, artists, and others involved in creating various media.*
- j. *distribute the church periodical in accord with provisions of this church's constitution, bylaws, and continuing resolutions.*
- k. *determine its necessary financial reserves, appropriations, and publishing subsidies.*
- l. *make available resources to meet unique language and cultural needs, as feasible.*

17.50. This church shall have a separately incorporated ministry, known as Women of the Evangelical Lutheran Church in America, to assist its women to commit themselves to full discipleship, affirm their gifts, and support each other in their particular callings.

17.50.01. Membership of this organization shall be women of this church who wish to participate through local and other groupings that affirm the purposes of this organization. This organization shall function in local, synod, and churchwide settings.

17.50.02. This organization shall be incorporated, self-supporting financially, and shall manage its own assets within the policies of this church. The personnel policies and salary structures of the churchwide organization shall be followed.

17.50.03. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., and 14.21.06. shall apply to this organization. Bylaw 16.11.01. shall apply to the women's organization with the exception of the balance provisions for women and men and for laypersons and rostered ministers.

17.50.04. This organization shall have a board of 15 members elected by the assembly of this organization for one three-year term with eligibility for one consecutive re-election. At least 10 percent of the members of this board shall be persons of color or persons whose primary language is other

than English. No more than one elected board member shall be from any one synod. Board members are to serve with the perspective of the interdependence of all units of this church. In the event of a vacancy, the board shall elect a member to serve the balance of the term. The Conference of Bishops shall select one bishop to serve as an advisory member of the board of this organization with voice but not vote.

17.50.05. The board of this organization shall meet at least two times per year and shall be responsible to the assembly that elected it. The assembly of this organization shall be representative of local and other groupings of women who are members of the women's organization. Upon two successive absences that have not been excused by the board, a board member's position shall be declared vacant and the board shall arrange for election to fill the vacancy under Article XIII, Section 5, Item 9, of the constitution and bylaws of the women's organization.

17.50.06. This organization's board shall elect its executive director to a four-year term in consultation with and with the approval of the presiding bishop of this church. This board, together with the presiding bishop, shall arrange for an annual review of the executive director. The executive director shall be eligible for re-election. Consistent with applicable personnel policies, the board shall establish the salary of the executive director with the concurrence of the presiding bishop. The board may terminate the employment of the executive director in consultation with and with the approval of the presiding bishop of this church.

17.50.07. The specific responsibilities of the women's organization shall be enumerated in continuing resolutions.

17.50.A11. *Responsibilities of the Women's Organization*

The Women of the Evangelical Lutheran Church in America shall:

- a. enable its members to grow through biblical study, theological reflection, and prayer.*
- b. cooperate with other units of this church in advocating for the oppressed and voiceless, urging change in systems and structures that exclude and alienate, and working for peace and justice as messengers of hope.*
- c. provide for development and distribution of resources for and to its members, including a magazine.*
- d. facilitate local initiative in creating programs and identifying alternative structural models that encourage and support flexibility.*
- e. design and implement a leadership development program for its members, assisting its members to identify, develop, and express their gifts for ministry.*
- f. develop networks for communication among women locally, ecumenically, and globally.*
- g. relate to other women's organizations ecumenically and globally.*

- h. *work interdependently with all units of this church in program development, research, and planning in order to enhance the ministries and participation of women in church and in society.*
- i. *develop working arrangements in areas of mutual responsibility with the Publishing House of the Evangelical Lutheran Church in America.*

17.60. **This church shall have a separately incorporated ministry, the Endowment Fund of the Evangelical Lutheran Church in America, to hold and manage endowment assets, to offer pooled investment services for endowment funds of this church and its related congregations, synods, agencies, and institutions, and to provide planned giving programs that support this church's mission and ministry. The president of the corporation shall serve as its chief executive officer.**

17.60.01. The Endowment Fund shall have a board of trustees composed of the presiding bishop of this church and 9–15 persons elected by the Churchwide Assembly for three-year terms with the possibility of two consecutive re-elections. Any vacancies occurring because of the death, resignation, or removal of a member of the board of trustees shall be filled by the Church Council for the unexpired term of such member of the board of trustees. The composition of the board of trustees shall comply with the representational principles described in constitutional provision 5.01.e. Up to two trustees may be members of congregations of church bodies with which this church is in a relationship of full communion, provided that both are not from the same church body.

17.60.02. The advisory members of the board of trustees of the Endowment Fund shall have voice but not vote and shall include: the treasurer of this church, a synod bishop elected by the Conference of Bishops of the Evangelical Lutheran Church in America, and such other persons as may be designated by the board of trustees.

17.60.03. The presiding bishop of this church shall be a member of the board of trustees, *ex officio*, with voice and vote.

17.60.04. The president of the Endowment Fund shall be elected to a four-year term by the board of trustees in consultation with and with the approval of the presiding bishop of this church. Nomination of a candidate for president shall be made jointly by the presiding bishop and the executive committee of the board. The board, together with the presiding bishop, shall arrange for an annual review of the president. The president shall be eligible for re-election. The employment of the president may be terminated jointly by the board of trustees and the presiding bishop of this church, following recommendation by the executive committee of the board of trustees. The executive committee of the board of trustees, with the concurrence of the presiding bishop, shall establish the compensation of the president.

17.60.05. Constitutional provision 16.12. and bylaws 11.34.01., 14.21.02., 14.21.06., and 16.11.01. shall apply to the operation of this organization.

17.60.06. The specific responsibilities of the Endowment Fund shall be enumerated in continuing resolutions.

17.60.A19. *Operation of the Endowment Fund of the Evangelical Lutheran Church in America*

The Endowment Fund of the ELCA—also known as the ELCA Foundation—shall:

- a. offer, promote, administer, and oversee endowment, deferred giving, life-income, and similar planned giving programs for individual donors, congregations, synods, the churchwide organization, and related institutions and agencies in support of ELCA ministries;*
- b. offer pooled investment services for endowment funds of this church and its congregations, synods, churchwide organization, and related institutions and agencies;*
- c. manage assets of endowment, deferred giving, life-income agreements, donor-advised funds, and funds held for external participants;*
- d. oversee the administration of earned-income payments to donors and to remainder beneficiaries as regulated by life-income, trust, and other fiduciary donor agreements;*
- e. determine annual endowment fund distribution rate;*
- f. set fees associated with endowment and deferred giving programs;*
- g. hire and oversee such managers, service providers, consultants, advisors, and sub-advisors as it deems appropriate;*
- h. develop and approve an annual budget that will be financed through revenue from its gift planning and investment activities and programs; and*
- i. coordinate programs and ministries with the priorities of this church and other stewardship and financial-resource development activities of this church.*

17.60.B19 *Initial Election of Board of Trustees of Endowment Fund Under Chapter 17*

For the first election of members of the board of trustees of the Endowment Fund under this Chapter 17, the Church Council shall divide the currently serving trustees, other than the presiding bishop, into three classes: one class which shall be deemed to have served one full term and be eligible for election to two more terms; one class which shall be deemed to have served two full terms and be eligible for election to one more term; and one class which shall be deemed to have served three full terms and not be eligible for further election.

17.70. This church may fulfill some of its purposes, as described in Chapter 4, through other separately incorporated ministries, which shall be described in continuing resolutions.

Chapter 18. REGIONS

- 18.01.** **This church shall have regions as an association among nine specific groups of synods and the churchwide organization for the purpose of exercising mutual responsibilities for mission and ministry throughout this church.**
- 18.01.01.** **Functions.** The regions shall be a means for coordinated responses by synods and the churchwide organization to mission and program opportunities within the region.
- 18.01.02.** The region shall be a forum where the synods and the churchwide organization may study, plan, and share together in developing common programs unique to the region. Responsibilities carried out together will vary from region to region depending on the decision of the synods and churchwide units.
- 18.01.03.** Additional programs or services may be offered by each region upon the request of two or more synods, or upon the request of the churchwide organization and one or more synods, providing that each requesting synod and the churchwide organization supply the necessary financial support for the services requested.
- 18.01.A21.** *The regions shall be numbered 1 through 9 and composed of the following synods (as designated in bylaw 10.01.01.):*
Region 1—Alaska Synod; Northwest Washington Synod; Southwestern Washington Synod; Northwest Intermountain Synod; Oregon Synod; and Montana Synod.
Region 2—Sierra Pacific Synod; Southwest California Synod; Pacifica Synod; Grand Canyon Synod; and Rocky Mountain Synod.
Region 3—Western North Dakota Synod; Eastern North Dakota Synod; South Dakota Synod; Northwestern Minnesota Synod; Northeastern Minnesota Synod; Southwestern Minnesota Synod; Minneapolis Area Synod; Saint Paul Area Synod; and Southeastern Minnesota Synod.
Region 4—Nebraska Synod; Central States Synod; Arkansas-Oklahoma Synod; Northern Texas-Northern Louisiana Synod; Southwestern Texas Synod; Texas-Louisiana Gulf Coast Synod.
Region 5—Metropolitan Chicago Synod; Northern Illinois Synod; Central/Southern Illinois Synod; Southeastern Iowa Synod; Western Iowa Synod; Northeastern Iowa Synod; Northern Great Lakes Synod; Northwest Synod of Wisconsin; East-Central Synod of Wisconsin; Greater Milwaukee Synod; South-Central Synod of Wisconsin; and La Crosse Area Synod.
Region 6—Southeast Michigan Synod; North/West Lower Michigan Synod; Indiana-Kentucky Synod; Northwestern Ohio Synod; Northeastern Ohio Synod; and Southern Ohio Synod.
Region 7—New Jersey Synod; New England Synod; Metropolitan New York Synod; Upstate New York Synod; Northeastern Pennsylvania Synod; Southeastern Pennsylvania Synod; and Slovak Zion Synod.

Region 8—Northwestern Pennsylvania Synod; Southwestern Pennsylvania Synod; Allegheny Synod; Lower Susquehanna Synod; Upper Susquehanna Synod; Delaware-Maryland Synod; Metropolitan Washington, D.C., Synod; and West Virginia-Western Maryland Synod.

Region 9—Virginia Synod; North Carolina Synod; South Carolina Synod; Southeastern Synod; Florida-Bahamas Synod; and Caribbean Synod.

18.01.B19. *In fulfilling the region's function and the purposes of this church, each region may assist in:*

- a. *planning for this church's participation in God's mission in the region, with special attention to the opportunities for outreach with the Gospel;*
- b. *providing for ongoing dialogue between the synods of the region and churchwide units for the purpose of identifying functions that may be done together;*
- c. *forming resource planning groups to recommend resources and services needed for congregations;*
- d. *facilitating, when requested, relationships with colleges, universities, and campus ministries and supportive funding responsibilities of the synods and churchwide organization on behalf of colleges, universities, and campus ministries;*
- e. *facilitating gatherings of synod bishops, synod staff, and regional staff; and*
- f. *coordinating the work of the churchwide staff within the territory of the region.*

18.01.C91. *Additional functions may include:*

- a. *relating to seminaries;*
- b. *relating to camps and other outdoor ministries;*
- c. *developing communication plans and projects;*
- d. *planning for and coordinating continuing education programs;*
- e. *providing for various services to congregations;*
- f. *facilitating global mission education and interpretation;*
- g. *providing for stewardship and evangelism events;*
- h. *providing for events for the growth and equipping of God's people for their ministries in the world;*
- i. *compiling lists of personnel that may be used by synods for interim ministries;*
- j. *providing a financial service bureau for the cooperating synods for banking, payroll, accounts payable, and accounts receivable;*
- k. *providing for regional archives, associated with institutions of this church wherever possible;*
- l. *coordinating resources for youth ministry;*
- m. *assisting synods in facilitating the mobility of rostered ministers;*
- n. *facilitating, when requested, relationships with social ministry organizations and assisting in advocacy work; and*
- o. *addressing other functions, as deemed appropriate by synods and the churchwide organization.*

Chapter 19.

NOMINATIONS AND ELECTION PROCESS

19.01. **The Churchwide Assembly shall elect the presiding bishop, vice president, and secretary of this church and such other persons as the constitution and bylaws may require, according to procedures set forth in the constitution, bylaws, and continuing resolutions.**

19.01.01. The treasurer shall be elected by a two-thirds vote of the Church Council.

19.01.02. The presiding bishop shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for presiding bishop does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot, and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of the votes cast shall elect.

19.01.03. The vice president shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for vice president does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the seven persons (plus ties) receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot, and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of the votes cast shall elect.

19.01.04. The secretary shall be elected by the Churchwide Assembly by ecclesiastical ballot. The election shall proceed without oral nominations. If the first ballot for secretary does not result in an election, it shall be considered a nominating ballot. On the first ballot, three-fourths of the votes cast shall be required for election. Thereafter only such votes as are cast for persons who received votes on the first or nominating ballot shall be valid. On the second ballot, three-fourths of the votes cast shall be required for election. On the third ballot, the voting shall be limited to the

seven persons (plus ties) receiving the greatest number of votes on the second ballot, and two-thirds of the votes cast shall be required for election. On the fourth ballot, voting shall be limited to the three persons (plus ties) receiving the greatest number of votes on the previous ballot, and 60 percent of the votes cast shall elect. On subsequent ballots, voting shall be limited to the two persons (plus ties) receiving the greatest number of votes on the previous ballot, and a majority of the votes cast shall elect.

19.01.A24. *In a year when the presiding bishop, vice president, or secretary shall be elected, those who will serve as voting members of the upcoming Churchwide Assembly shall be invited to identify the names of up to three persons who might be considered for election as presiding bishop, vice president, or secretary. Names shall be submitted to the Office of the Secretary at least four months prior to the assembly. The Office of the Secretary shall contact those persons identified and request biographical information. At least 30 days prior to the Churchwide Assembly, the biographical information received from those persons open to consideration shall be distributed to the voting members.*

19.01.B09. *Background checks and screening shall be required and completed for persons nominated as churchwide officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Church Council.*

19.01.C19. ***Ecclesiastical Ballot.*** *An “ecclesiastical ballot” for the election of officers (other than treasurer) of the churchwide organization of the Evangelical Lutheran Church in America is an election process:*

- a. in which on the first ballot the name of any eligible individual may be submitted for nomination by a voting member of the assembly;*
- b. through which the possibility of election to office exists on any ballot by achievement of the required number of votes cast by voting members of the assembly applicable to a particular ballot;*
- c. that precludes spoken floor nominations but allows nomination of persons not in attendance at the meeting;*
- d. in which those casting ballots have primary responsibility to nominate persons willing to serve if elected;*
- e. in which the first ballot is the nominating ballot if no election occurs on the first ballot;*
- f. in which the first ballot defines the total slate of nominees for possible election on a subsequent ballot, with no additional nominations;*
- g. in which each synod bishop will seek to inform nominees from that synod that they have been nominated and that they may withdraw if they do not seek election;*
- h. that allows, after the reporting of the first ballot, the persons nominated to withdraw their names prior to the casting of the second ballot;*

- i. *in which any name appearing on the second ballot may not be subsequently withdrawn;*
- j. *that does not preclude an assembly's adoption of rules that permit, at a defined point in the election process and for a defined period of time, speeches to the assembly by nominees or their representatives and/or a question-and-answer forum in which the nominees or their representatives participate; and*
- k. *in which the number of names that appear on any ballot subsequent to the second ballot shall be determined in accordance with provisions of the governing documents.*

19.01.D21. Election Procedures Utilizing the Ecclesiastical Ballot

- a. *For each election by ecclesiastical or nominating ballot, the exact number of appropriate ballot sets equal to the number of voting members from each synod will be given to the bishop of each synod. Unless an electronic or computerized voting system is being utilized, the bishops, or their designees, will be responsible for distributing the ballot sets to each of the voting members from their synods. The Elections Committee will be responsible for distributing the ballot sets to each officer and member of the Church Council serving as an ex officio voting member of the assembly.*
- b. *The chair will announce what type of voting system is to be used for the election. If ordered by the chair to use paper ballots, one of the numbered ballots from the appropriate ballot set is to be used on each ballot. The chair will announce the number of the ballot from the appropriate ballot set that is to be used for each ballot. Failure to use the correct numbered ballot will result in an illegal ballot.*
- c. *On the first two ballots for each office being selected by ecclesiastical or nominating ballot, both the first and last names of a nominee should be used. Members should endeavor to use correct spelling and should provide, on the first ballot, any additional accurate information identifying the nominee, such as title, position, synod, congregation, or residence.*
- d. *On the third and subsequent ballots conducted by written ballot, only the last name of the nominee need be used, provided there is no other nominee with the same or similar name.*
- e. *A member may vote for only one nominee on each ballot.*
- f. *Ballots should not be marked prior to the time the chair advises the voting members to do so.*
- g. *Written ballots should not be folded.*
- h. *Written ballots will be collected from the voting members in accordance with instructions from the Elections Committee or from the chair.*
- i. *When the results of the first ballot are presented, the chair of the assembly will announce when and how persons nominated may withdraw their names prior to the casting of the second ballot.*

- j. *When voting by electronic device, the first position on each ballot shall be given to the nominee who received the greatest number of votes on the immediately preceding ballot, with the remaining positions assigned to the other nominees in descending order of the number of votes received on the immediately preceding ballot. If two or more nominees were tied with the same vote on the immediately preceding ballot, their respective positions shall be determined by draw by the chair of the Elections Committee.*
- k. *On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit voting members to record their votes.*

19.02. The members of the Church Council, except the chair of the Conference of Bishops and the treasurer of this church, shall be elected by the Churchwide Assembly.

- a. **In preparation for the Churchwide Assembly, the Church Council shall determine how this church's commitment to inclusive representation will affect the next election to the Church Council. For 32 of the council members, the Nominating Committee shall invite each eligible synod to submit suggested nominees and shall then nominate persons who fulfill the categories assigned by the Church Council. With respect to the other nominees, the Church Council shall review its size and composition and take into consideration the experience and expertise of existing members and synod nominees as well as the needs of the council in seeking to fulfill its duties and responsibilities. Based upon this analysis, the Church Council shall instruct the Nominating Committee to provide nominations in specific categories for the remaining positions up to 13.**
- b. **Excluding the churchwide officers and the chair of the Conference of Bishops, there shall not be more than two members of the Church Council from a synod. The Church Council shall have at least two members from each region.**
- c. **No synod bishop, with the exception of the chair of the Conference of Bishops, shall serve as a voting member of the Church Council.**
- d. **The terms of office of persons elected to regular terms on the Church Council by the Churchwide Assembly shall begin at the conclusion of the Churchwide Assembly at which such persons were elected.**

19.02.A21. *On behalf of the Nominating Committee, the secretary of the Evangelical Lutheran Church in America—in the year preceding each regular meeting of the Churchwide Assembly—shall solicit from eligible synods on a rotating basis the names of two persons in specified categories, in keeping with the representation principles of this church, for possible election to the Church Council. Upon their selection as nominees by the assemblies of the respective synods, the names of the two persons shall be presented*

to the Nominating Committee for submission to the Churchwide Assembly. In the event that any nominee withdraws or is disqualified from possible service, the Nominating Committee shall request that the nominee's synod provide a replacement name. In the event that the vacancy occurs subsequent to the preparation of the report of the Nominating Committee to the Churchwide Assembly, a floor nomination shall be provided from the same synod as the original nominee. Except as provided herein, no floor nominations for positions on the Church Council shall be permitted at the Churchwide Assembly.

19.02.B19. *For purposes of nominations for the Church Council on a rotating basis, the following pairing of synods shall be observed insofar as possible: Alaska Synod and Northwest Washington Synod; Northwest Intermountain Synod and Montana Synod; Southwestern Washington Synod and Oregon Synod; Sierra Pacific Synod and Southwest California Synod; Pacifica Synod and Grand Canyon Synod; Rocky Mountain Synod and South Dakota Synod; Western North Dakota Synod and Eastern North Dakota Synod; Northwestern Minnesota Synod and Northeastern Minnesota Synod; Southwestern Minnesota Synod and Southeastern Minnesota Synod; Minneapolis Area Synod and Saint Paul Area Synod; Nebraska Synod and Central States Synod; Arkansas-Oklahoma and Northern Texas-Northern Louisiana Synod; Southwestern Texas Synod and Texas-Louisiana Gulf Coast Synod; Northwest Synod of Wisconsin and Northern Great Lakes Synod; East-Central Synod of Wisconsin and South-Central Synod of Wisconsin; La Crosse Area Synod and Northeastern Iowa Synod; Western Iowa Synod and Southeastern Iowa Synod; Northern Illinois Synod and Central/Southern Illinois Synod; Metropolitan Chicago Synod and Greater Milwaukee Synod; North/West Lower Michigan Synod and Southeast Michigan Synod; Indiana-Kentucky Synod and Northwestern Ohio Synod; Northeastern Ohio Synod and Southern Ohio Synod; New Jersey Synod and New England Synod and Slovak Zion Synod; Metropolitan New York Synod and Upstate New York Synod; Northeastern Pennsylvania Synod and Southeastern Pennsylvania Synod; Northwestern Pennsylvania Synod and Allegheny Synod; Southwestern Pennsylvania Synod and West Virginia-Western Maryland Synod; Upper Susquehanna Synod and Lower Susquehanna Synod; Delaware-Maryland Synod and Metropolitan Washington, D.C., Synod; Virginia Synod and North Carolina Synod; South Carolina Synod and Southeastern Synod; Florida-Bahamas Synod and Caribbean Synod.*

19.03. **Elections shall be for one six-year term, without consecutive re-election, with approximately one-half of the members of the Church Council and of each board or committee elected each triennium, unless otherwise specified in this church's constitution, bylaws, and continuing resolutions.**

19.03.01. The terms of office of persons elected to regular terms on the Nominating Committee of the Churchwide Assembly, the Committee on Discipline, and the Committee on Appeals shall begin at the

conclusion of the Churchwide Assembly at which such persons were elected, except as may be specified in continuing resolutions with respect to particular pending discipline matters.

19.03.A21. *With respect to committees that consider disciplinary cases or appeals:*

- a. *Any member of the churchwide Committee on Discipline who has been appointed to serve on a discipline hearing committee for a particular pending case shall continue to serve to discharge that appointment notwithstanding that a successor has been subsequently elected at a Churchwide Assembly.*
- b. *Any member of the synod Committee on Discipline who is serving at the time that the Executive Committee of the Church Council appoints members from the churchwide Committee on Discipline to a discipline hearing committee shall continue as a member of that discipline hearing committee for the particular pending case, notwithstanding that a successor has been subsequently elected at a Synod Assembly.*
- c. *Any member of the Committee on Appeals who is serving at the time that an appeal is made shall continue to serve to decide that appeal, notwithstanding that a successor has been subsequently elected at a Churchwide Assembly.*

19.04. **Each nominee for an elected position in the churchwide organization and each nominee for a position on the board of a separately incorporated ministry elected by the Churchwide Assembly shall be a voting member of a congregation of this church, unless otherwise specified in the constitution, bylaws, and continuing resolutions of this church.**

19.04.01. Each voting member of the Church Council, board, or committee of the churchwide organization shall cease to be a member of the Church Council, board, or committee if no longer a voting member of a congregation of this church.

19.04.02. For purposes of nomination to and service on the Church Council, a committee of the churchwide organization, or a board of a separately incorporated ministry, “synod membership” shall be defined as follows:

- a. A layperson shall be recorded in the synod that includes the congregation in which such a person holds voting membership, with the recognition that such a person shall reside within the territory of the synod or in an area immediately adjacent to the territory in the case of border areas.
- b. A rostered minister shall be recorded in the synod on whose roster such a minister’s name is maintained.

19.05. **Further procedures for elections and qualifications for office may be set forth in the bylaws and continuing resolutions.**

19.05.01. It shall be the responsibility of the Church Council to assure that this church maintains its commitment to inclusive representation.

- 19.05.02.** In all elections by the Churchwide Assembly, other than for the presiding bishop, vice president, and secretary, a majority of the votes cast on the first ballot shall be necessary for election. If an election does not occur on the first ballot, the names of the two persons receiving the highest number of votes cast shall be placed on the second ballot. On the second ballot, a majority of the legal votes cast shall be necessary for election.
- 19.05.03.** No member of the Church Council, a committee of the Church Council, a board of a separately incorporated ministry, or committee of the churchwide organization shall receive emolument for such service. Nothing in this section shall be construed to prohibit the payment of salaries and benefits of the officers of this church, nor to prohibit the payment of the costs of insurance on behalf of a person who is or was a member of the Church Council, a committee of the Church Council, or committee against any liability asserted against and incurred by such person in or arising from that capacity, whether or not the churchwide organization would have been required to indemnify such person against the liability under provisions of law or otherwise.
- 19.05.04.** No employee of the churchwide organization of this church or its regions, nor any individual under contract to any unit of the churchwide organization or a region shall be eligible for nomination to or membership on the Church Council, an advisory committee, a board of a separately incorporated ministry, the Committee on Appeals, the Committee on Discipline, or the churchwide Nominating Committee during the period of employment or service under contract, except the full-time salaried officers as specified in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. (The phrase “under contract” shall not mean short-term contracts for specific, limited purposes, usually not to exceed six months.)
- 19.05.05.** No person related to a staff member of the churchwide organization shall be eligible for nomination to or membership on the Church Council or a committee that advises the unit in which the person’s relative is employed. For this purpose, a related individual is one who, with respect to the churchwide employee, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).
- 19.06.A22.** *A former full-time or part-time employee shall not be eligible for three years subsequent to such employment for nomination or election to the board of a separately incorporated ministry or committee related to the churchwide unit or office in which the employee served.*
- 19.11.** Further procedures relating to nominations may be set forth in the bylaws and continuing resolutions.
- 19.11.01.** The Nominating Committee shall consist of 12–18 members elected by the Churchwide Assembly. Each member shall be elected to one six-year term and shall serve until a successor is elected. Members of

the Nominating Committee shall not be eligible for consecutive re-election. The Church Council shall place in nomination the names of two persons for each position. The committee shall consist of at least one member but no more than three members from any region. Nominations from the floor shall also be permitted, but each floor nomination shall be presented in the specific category named by the Church Council and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Church Council shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.

19.11.02. Except as otherwise provided, the Nominating Committee shall nominate two persons for each council or committee position, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. Nominations from the floor, where permitted in the nomination process, shall be presented in the specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating Committee shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.

19.11.03. The Nominating Committee shall nominate at least one person for each position on the board of trustees of each of the separately incorporated ministries identified in Chapter 17 of this constitution, according to the process described in continuing resolutions, for which an election will be held by the Churchwide Assembly. In the case of re-election, if authorized, or for nominees from church bodies with which this church is in a relationship of full communion, only one person need be nominated. Nominations from the floor, where permitted in the nomination process, shall be presented in the specific category named by the Nominating Committee and shall therefore meet the same criteria as the persons against whom the nominee is nominated. In the materials provided in advance to each member of the assembly, the Nominating Committee shall set forth the specific criteria applicable to each category that must be met by persons nominated from the floor.

19.11.04. In each case in which there are floor nominations, there shall be a preliminary ballot that shall include the names of the nominees presented by the Nominating Committee or the Church Council, and the person or persons nominated from the floor, where permitted. The names of the two persons receiving the highest number of votes cast shall be placed on the final ballot.

19.11.05. The Church Council shall endeavor to ensure that every synod has at least one person serving on the Church Council or churchwide boards, committees, task forces, or other groups. Among those persons elected by the assembly, excluding the officers, no more than two persons from

any one synod shall serve on the Church Council or any one board, committee, task force, or other group.

- 19.11.06.** The Nominating Committee shall strive to ensure that all persons nominated for any position, including the boards of separately incorporated ministries, possess the necessary competence and experience for the position. All persons elected to any position, whether nominated by the Nominating Committee or not, shall strive to represent this church and not just a particular geographic area.

19.11.A21. Churchwide Assembly Nominations Desk and Nominations Form

- a. *Nominations from the floor at the Churchwide Assembly shall be made at the Nominations Desk, which shall be maintained under the supervision of the secretary of this church.*
- b. *A nomination from the floor shall be made by using the form provided by the secretary of this church. Nomination forms may be obtained from the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure.*
- c. *The required form to be used in making nominations from the floor shall include the nominee's name, address, phone number, lay or rostered status, white or person of color or primary language other than English status, congregational membership, synod membership, and affirmation of willingness to serve, if elected; the name, address, and synod membership of the voting member who is making the nomination; and such other information as the secretary of this church shall require.*
- d. *For purposes of nomination procedures, "synod membership" means:*
 - 1) *In the case of a layperson who is not on the roster of this church, the synod that includes the congregation in which such person holds membership; and*
 - 2) *In the case of a rostered minister, the synod on whose roster such minister's name is maintained.*

19.11.B21. Churchwide Assembly Floor Nominations

- a. *Floor nominations for the Church Council, the Nominating Committee, or other committee or board to be elected by the Churchwide Assembly require, in addition to the nominator, the documented support of at least 20 other voting members.*
- b. *A nomination from the floor for any position (other than presiding bishop, vice president, and secretary) shall be made by filing the completed nomination form with the Nominations Desk at times prescribed in the assembly's Rules of Organization and Procedure.*
- c. *Nominations will be considered made in the order in which filed at the Nominations Desk.*

19.11.C21. Restrictions on Churchwide Assembly Floor Nominations for Boards and Committees

- a. *Nominations from the floor for positions on boards or committees shall comply with criteria and restrictions established by the*

Nominating Committee and set forth in materials provided to each voting member of the assembly.

- b. So long as the number of incumbent members from a given synod serving on a board or committee with terms not expiring plus the number of positions on the same board or committee to which individuals from the same synod already have been nominated (whether by the Nominating Committee or from the floor) total less than the maximum number of two individuals from the same synod who may serve on that board or committee, an individual from the same synod may be nominated for another position on that board or committee, provided other criteria and restrictions are met. Individuals from the same synod may be nominated for a position on a board or committee to which individuals from the same synod already have been nominated, provided other criteria and restrictions are met.*

19.11.D21. Restrictions on Churchwide Assembly Floor Nominations for Church Council

Nominations for positions on the Church Council shall comply with criteria and restrictions established by the Church Council and Nominating Committee and set forth in materials provided to each voting member of the assembly.

19.11.E21. Restrictions on Churchwide Assembly Floor Nominations for Nominating Committee

- a. Nominations from the floor for positions on the Nominating Committee shall comply with criteria and restrictions established by the Church Council and set forth in materials provided to each voting member of the assembly.*
- b. So long as the number of incumbent members from a given region serving on the Nominating Committee with terms not expiring plus the number of Nominating Committee positions to which individuals from the same region have already been nominated (whether by the Church Council or from the floor) total less than the maximum number of three individuals from the same region who may serve on the Nominating Committee, an individual from the same region may be nominated for another Nominating Committee position, provided other criteria and restrictions are met. Provided other criteria and restrictions are met, individuals may be nominated for a Nominating Committee position for which someone from the same region has already been nominated.*

19.11.F21. Election Procedures Utilizing the Common Ballot

- a. The common ballot is used in those elections when the ecclesiastical or nominating ballot is not used.*
- b. Unless an electronic or computerized voting system is being utilized, the exact number of ballot forms equal to the number of voting members from each synod will be given to the bishop of each synod.*

When instructed by the chair, the bishops, or their designees, will be responsible for distributing the ballot forms to each of the voting members from their synods. The vice president of this church will be responsible for distributing the ballot forms to each member of the Church Council serving as an ex officio voting member of the assembly. The Elections Committee will be responsible for distributing the ballot forms to each officer of this church.

- c. Upon recommendation of the chair and with the consent of the assembly, the second common ballot may be conducted by electronic device. If the second common ballot is not conducted by electronic means, the distribution of ballot forms for the second common ballot will be in the same manner as the first common ballot.*
- d. Any discrepancy between the number of ballots given to a synod bishop and the number of voting members (including the synod bishop) from such synod must be reported by the synod bishop to the Elections Committee.*
- e. Each ticket for which an election is held will be considered a separate ballot.*
- f. A voting member may vote for only one nominee on each ticket.*
- g. Failure to vote for a nominee for every ticket does not invalidate a ballot for the tickets for which a nominee is marked.*
- h. Ballots must be marked in accordance with the instructions presented in plenary session.*
- i. If a paper common ballot is utilized, ballot forms should not be folded.*
- j. Completed paper ballots must be deposited at the designated Ballot Stations at certain exits of the hall in which plenary sessions are held.*
- k. If a paper ballot is damaged so that it cannot be scanned, a replacement ballot may be obtained at the Ballot Station upon surrender of the damaged ballot.*
- l. Unless otherwise ordered by the assembly, polls for the first common ballot close at the time designated in the assembly's Rules of Organization and Procedure.*
- m. On each ticket for which balloting is conducted by electronic device, the polls will remain open for a reasonable time, as determined by the chair, to permit members to record their votes.*
- n. Unless the second ballot is conducted electronically, polls for the second common ballot close at the time designated in the assembly's Rules of Organization and Procedure or as otherwise ordered by the assembly.*
- o. On the second ballot, whether by paper ballot or electronically, the first position on each ticket shall be given to the nominee who received the greatest number of votes on the first ballot. If two nominees are tied for the highest vote, the first position on the ticket shall be determined by draw by the chair of the Elections Committee.*

19.11.G21. *Breaking Ties in Elections*

- a. *On the ballot for the election of the presiding bishop, vice president, and secretary, when only two names appear, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist.*
- b. *On the first common ballot, the blank ballots of the treasurer and vice president shall be held by the chair of the Elections Committee to be presented to the treasurer for vote only in those elections where a tie would otherwise exist, and to be presented to the vice president for vote only in those elections to break a tie remaining after the ballot of the treasurer has been counted.*
- c. *On the second common ballot, the marked ballot of the treasurer shall be held by the chair of the Elections Committee and shall be counted only where necessary to break a tie that would otherwise exist.*

Chapter 20.

CONSULTATION, DISCIPLINE, APPEALS, AND ADJUDICATION

20.10. CONSULTATION AND DISCIPLINE

20.11. There shall be set forth in the bylaws a process of discipline governing officers, ministers of Word and Sacrament, ministers of Word and Service, congregations, and members of congregations. Except as provided in 20.18. or 20.19., such process shall assure due process and due protection for the accused, other parties, and this church. Since synods have responsibility for admittance of persons into the rostered ministries of this church and have oversight of pastoral and congregational relationships, the disciplinary process shall be a responsibility of the synod on behalf of this church.

20.12. As used in this constitution and bylaws, due process means the right to be given specific written notice of the charges against any person or entity of this church, the right to testify in person or remain silent (at the election of the accused), the right to call witnesses and introduce documentary evidence concerning the pending charges, the right to confront and cross-examine all witnesses in support of such charges, the right to a hearing before a discipline hearing committee as provided in 20.13., the right to a written decision of the discipline hearing committee as provided in the bylaws, and the right to be treated with fundamental procedural fairness. Any violation of these rights shall be grounds for reversal of an unfavorable finding and the right to a new hearing.

20.12.01. “Fundamental procedural fairness” means and includes: avoidance by committee members of written communications to or from either the accused or accuser(s) without copy to the other; avoidance by committee members of oral communications with either the accused or accuser(s) outside the presence of the other; maintaining decorum during the hearing; allowing both the accuser(s) and the accused to present their cases without unnecessary interruptions; keeping a verbatim record of the hearing, made either by a stenographer or court reporter or by audio or video recording; allowing both the accuser(s) and the accused to be accompanied at the hearing by a representative (who may, but need not, be an attorney) who also may participate in the proceedings; impartiality of the committees that consider the charges; and the right to be treated in conformity with the governing documents of the Evangelical Lutheran Church in America.

20.13. The accused shall be entitled to a hearing before a discipline hearing committee as described in the bylaws. If the accused is a congregation, the hearing shall be open to the public unless both the accuser and the accused agree to a hearing not open to the public. If the accused is an individual, the hearing shall not be open to the public unless both the accusers and the accused agree to a public hearing. At a hearing not open to the public, a limited number of concerned persons may attend as provided in the bylaws.

- 20.13.01.** In a hearing not open to the public,
- a. the accuser and the accused may each be represented by not more than two representatives who may present or assist in the presentation of the evidence; and
 - b. the discipline hearing committee may permit attendance by a limited number of persons, with the consent of both the accused and the accuser.
- 20.13.02.** Irrespective of whether a hearing is or is not open to the public, the discipline hearing committee may decide that witnesses (other than the accused and the accuser) shall be permitted in the hearing only when testifying. A witness may be accompanied by a friend or advocate.
- 20.14.** **Once a charge against a person or entity has been considered by a discipline hearing committee, that person or entity shall not be required to answer that charge again except under the circumstances set forth in the bylaws.**
- 20.14.01.** The circumstances in which a person or entity shall be required to answer again charges before a discipline hearing committee shall be limited to the following:
- a. The Committee on Appeals has ordered a rehearing as its disposition of a timely appeal to it.
 - b. The Committee on Appeals has ordered a further hearing after either an accuser or an accused has petitioned for a further hearing on the basis of newly discovered evidence or testimony that was not available at the time of the original hearing.
- 20.14.02.** After a charge against a person or entity has been considered by a discipline hearing committee, evidence related to that charge may be introduced at a subsequent hearing before another discipline hearing committee on a different but related charge. Charges are “related” if they involve similar alleged conduct on the part of the accused.
- 20.15.** **The procedures for consultation and discipline set forth in the bylaws shall be the exclusive means of resolving all matters pertaining to the discipline of congregations of this church. Neither the churchwide organization nor a synod of this church shall institute legal proceedings in which conduct described in provision 20.31.01. is the basis of a request for relief consisting of suspension of that congregation from this church or removal of that congregation from the roll of congregations of this church. A congregation of this church shall not institute legal proceedings against the churchwide organization or a synod of this church seeking injunctive or other relief against the imposition or enforcement of any disciplinary action against that congregation.**
- 20.16.** **It is the intent of this church that all matters of discipline should be resolved internally to the greatest extent possible. It is the policy of this church not to resort to the civil courts of this land until all internal procedures and appeals have been exhausted, except for**

- emergency situations involving a significant imminent risk of physical injury or severe loss or damage to property.
- 20.17.** None of the provisions of this chapter is intended nor shall be construed to limit the authority of a Synod Council to determine roster status, under the bylaws of this church, of a minister who is without regular call, for any reason, even though such reason might also be the basis for disciplinary proceedings under this chapter.
- 20.18.** The authority to administer private censure and admonition upon an individual or public censure and admonition upon a congregation is inherent in the office of bishop. Proceedings under this chapter or any other provision of the constitutions and bylaws of this church or of its synods are not required for the exercise of such authority.
- 20.19.** Where the written notice of charges specifically requests that the discipline to be imposed shall consist of suspension for not more than three months (during which time requirements for evaluation, therapy, continuing education, or similar experience may be imposed), the due process and due protection provisions of this constitution shall apply only as specified in the bylaws.
- 20.20.** There shall be a Committee on Appeals to which may be referred appeals from disciplinary proceedings and petitions for the recall of an officer as described in this chapter, as well as petitions for recall of synod officers as described in chapter 8 of the *Constitution for Synods*. The Committee on Appeals shall be composed of six rostered ministers, at least one of whom shall be a minister of Word and Service, and six laypersons, elected by the Churchwide Assembly for a term of six years, without consecutive re-election. The Committee on Appeals shall elect its own officers.
- 20.21.** The Committee on Appeals shall establish definitions and guidelines, subject to approval by the Church Council, to enable clear and uniform application of the grounds for discipline of officers, rostered ministers, congregations, and members of congregations. The Church Council shall appoint three members from the Committee on Appeals who shall recommend rules of procedure for the performance of its duties. The rules shall become effective when ratified by the Church Council.
- 20.21.01.** The churchwide Committee on Discipline shall consist of 24–36 members, half of whom shall be rostered ministers (including at least two ministers of Word and Service) and half of whom shall be laypersons, elected by the Churchwide Assembly for a term of six years. Each member will serve until a successor is elected, without consecutive re-election, and will serve as needed on a discipline hearing committee in any of the synods in this church.
- 20.21.02.** The churchwide Committee of Hearing Officers shall consist of six to nine persons elected by the Church Council for a term of six years, each without consecutive re-election, to serve as needed on a discipline hearing committee in any of the synods of this church.

20.22. The disciplinary process for ministers of Word and Sacrament shall be set forth in the bylaws.

20.22.01. Ministers of Word and Sacrament shall be subject to discipline for:

- a. preaching and teaching in conflict with the faith confessed by this church;
- b. conduct incompatible with the character of the ministerial office;
- c. willfully disregarding or violating the functions and standards established by this church for the office of ministry of Word and Sacrament;
- d. willfully disregarding the provisions of the constitutions, bylaws, and continuing resolutions of this church; or
- e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.24.08.

20.22.02. The disciplinary actions which may be imposed are:

- a. private censure and admonition by the bishop of the synod;
- b. suspension from the office and functions of the ministry of Word and Sacrament in this church for a designated period or until there is satisfactory evidence of repentance and amendment; or
- c. removal from the roster of Ministers of Word and Sacrament

20.22.03. Charges against a minister of Word and Sacrament which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:

- a. at least two-thirds of the members of the Congregation Council of a congregation served by the minister of Word and Sacrament, submitted to the synod bishop;
- b. at least one-third of the voting members of a congregation served by the minister of Word and Sacrament, submitted to the synod bishop;
- c. at least two-thirds of the members of the governing body to which the minister of Word and Sacrament, if not a congregational pastor, is accountable, submitted to the synod bishop;
- d. at least 10 rostered ministers of the synod on whose roster the accused minister of Word and Sacrament is listed, submitted to the synod bishop;
- e. the synod bishop; or
- f. the presiding bishop of this church, but only with respect to an accused who is a synod bishop (or who was a synod bishop at any time during the 12 months preceding the filing of written charges), submitted to the secretary of this church.

20.22.04. When there are indications that a cause for discipline may exist and before charges are made, efforts shall be made by the bishop of the synod to resolve the situation by consultation; for assistance in these efforts, the bishop may utilize either a consultation panel or an advisory panel as herein provided:

- a. When requested by the synod bishop, a consultation panel consisting of five persons (three rostered ministers and two laypersons)

appointed from the members of the Consultation Committee of the synod by the synod bishop, or, at the request of the synod bishop, by the Synod Council's Executive Committee or other committee authorized to do so by the Synod Council, shall assist the synod bishop in efforts to resolve a situation by consultation.

- b. When requested by the synod bishop, an advisory panel consisting of five persons (three rostered ministers and two laypersons) appointed by the synod bishop shall assist the synod bishop in efforts to resolve a situation by consultation.

20.22.05. If appointed, a consultation panel or advisory panel shall advise the synod bishop as to whether or not the bishop should bring charges or may make other recommendation for resolution of the controversy that would not involve proceedings before a discipline hearing committee. To these ends, the panel may meet with complaining witnesses as well as with the concerned minister of Word and Sacrament. If requested by the synod bishop, members of the panel also may assist, as representatives of the accuser, in the presentation of evidence and examination of witnesses before a discipline hearing committee.

20.22.06. When charges are brought other than by the synod bishop or the presiding bishop of this church, the synod bishop may refer such charges to a consultation panel as provided in 20.22.04.a.

- a. If as a result of meeting with a consultation panel the charges are withdrawn by the accuser(s), no further proceedings shall be required.
- b. Upon recommendation of the consultation panel that the charges be dismissed, the synod bishop may dismiss the charges, in which case no further proceedings shall be required.
- c. Upon recommendation of the consultation panel that some of the allegations supporting the charges be stricken, the synod bishop may strike some or all of such allegations, and further proceedings shall be required on the remaining allegations.
- d. In the case of charges that do not anticipate disciplinary action, the consultation panel shall submit a report in writing to the synod bishop that sets forth the action or actions recommended by the consultation panel, and the synod bishop shall convey the recommendations to the parties. If either party does not accept the recommendations, that party may appeal to the Synod Council, whose decision shall be final.
- e. In the case of charges that anticipate disciplinary action that have not been withdrawn or dismissed as a result of 20.22.06.a. or b. above, the charges shall be referred to a discipline hearing committee for a hearing.
- f. The work of a consultation panel under this section shall be completed within 30 days from the time the panel was constituted.

20.22.07. When charges are brought by a synod bishop or the presiding bishop of this church, or when charges are brought other than by a synod bishop and have not been withdrawn or dismissed or otherwise disposed of as provided in 20.22.06., the synod bishop or the presiding

bishop, as appropriate, shall deliver a copy of the charges to the accused and the secretary of this church.

- 20.22.08.** A discipline hearing committee shall be convened to conduct a hearing. The voting members of this committee shall be composed of 12 persons of whom six shall be selected by the Synod Council's Executive Committee from the Committee on Discipline of the synod and six shall be selected from the churchwide Committee on Discipline under the process described in 20.22.11. The rules authorized in 20.22.14. shall establish the method, based upon the remainder of the term, for determining which members of the synod committee shall serve as the voting members and which shall serve as alternates. A hearing officer selected from the churchwide Committee of Hearing Officers under the process described in 20.22.12. shall preside as the non-voting chair of the discipline hearing committee.
- 20.22.11.** The accused shall have the privilege of selecting two persons (one rostered minister and one layperson) and their alternates of the six persons from the churchwide Committee on Discipline to serve on a discipline hearing committee. The remaining four persons (two rostered ministers and two laypersons) and their alternates, or six, if the accused does not exercise the privilege, and their alternates shall be selected by the Executive Committee of the Church Council.
- 20.22.12.** The presiding bishop of this church shall select one member of the churchwide Committee of Hearing Officers to serve as the non-voting chair of a discipline hearing committee.
- 20.22.13.** The presiding bishop of this church may appoint one or more persons as facilitators to make arrangements for, and to provide technical assistance to, a discipline hearing committee.
- 20.22.14.** The Church Council shall appoint three members from the Committee on Appeals who shall recommend rules of procedure for the performance of the duties of hearing officers and discipline hearing committees. The rules shall become effective when ratified by the Church Council.
- 20.22.15.** The discipline hearing committee shall, within 60 days after the secretary of this church has given notice of the selection by the Executive Committee of the Church Council of the members of the churchwide Committee on Discipline to serve on a discipline hearing committee, meet with the accused and the accuser(s) to hold a hearing. The committee shall render its written decision within 15 days after the committee concludes the hearing. The 60-day period may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- 20.22.16.** Written notice of the date, time, and place of the hearing and a copy of the charges shall be delivered to the accused and to the accuser(s) at least 20 days prior to the date of the hearing.
- 20.22.17.** At the hearing, the accuser(s) may present evidence in support of the charges and thereafter the accused shall be entitled to present evidence.

The accused and the accuser(s), or other person acting on behalf of either of them, shall be entitled to question the other party or any of the witnesses appearing on behalf of the other party. A verbatim record shall be made by a stenographer or court reporter or by audio or video recording of the hearing.

20.22.21. The discipline hearing committee shall render its decision in writing. The written decision shall be in two parts:

- a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts, that is, what it believes to be the truth of the matter.
- b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and, if so, what discipline it has chosen to impose.

20.22.22. The decision of the discipline hearing committee shall be made by a majority vote of its members who were present at the hearing. The decision of the discipline hearing committee shall be final on the date it is issued by the committee. Within 30 days, one of the parties may appeal to the Committee on Appeals and may request the Committee on Appeals to stay the effective date of the decision. A stay may be granted in whole or in part and subject to such conditions, if any, as the Committee on Appeals may require. The decisions of the Committee on Appeals shall be final.

20.22.23. If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the bishop of the synod that the pastoral office cannot be conducted effectively in the congregation(s) being served by the minister of Word and Sacrament due to local conditions or that local conditions may be adversely affected by the continued service by the minister of Word and Sacrament, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synod and churchwide fund and with housing provided by the congregation(s).

20.22.24. If there are indications that a cause for discipline exists or if, in the course of proceedings, it becomes apparent to the bishop of the synod that the circumstances require, the bishop of the synod may temporarily suspend a minister of Word and Sacrament serving under letter of call issued other than by a congregation from the office and functions of the ministry of Word and Sacrament without prejudice and without affecting compensation and housing.

20.23. The disciplinary process for ministers of Word and Service shall be set forth in the bylaws.

20.23.01. Ministers of Word and Service shall be subject to discipline for:

- a. confessing and teaching in conflict with the faith confessed by this church;
- b. conduct incompatible with the character of the ministerial office;

- c. willfully disregarding or violating the functions and standards established by this church for ministers of Word and Service;
 - d. willfully disregarding the provisions of the constitutions, bylaws, and continuing resolutions of this church; or
 - e. willfully failing to comply with the requirements ordered by a discipline hearing committee under 20.24.08.
- 20.23.02.** The disciplinary actions that may be imposed are:
- a. private censure and admonition by the bishop of the synod;
 - b. suspension from the role and functions of a minister of Word and Service in this church for a designated period or until there is satisfactory evidence of repentance and amendment; or
 - c. removal from the roster of Ministers of Word and Service of this church.
- 20.23.03.** Charges against a minister of Word and Service of this church that could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
- a. at least two-thirds of the members of the Congregation Council of a congregation served by the minister of Word and Service, submitted to the synod bishop;
 - b. at least one-third of the voting members of a congregation served by the minister of Word and Service, submitted to the synod bishop;
 - c. at least two-thirds of the members of the governing body to which the minister of Word and Service is accountable, submitted to the synod bishop;
 - d. at least 10 rostered ministers on the rosters of the synod on whose roster the accused minister of Word and Service is listed, submitted to the synod bishop; or
 - e. the synod bishop.
- 20.23.04.** When there are indications that a cause for discipline exists, efforts shall be made by the bishop of the synod to resolve the situation by consultation in the same manner as set forth above for ministers of Word and Sacrament in 20.22.04. through 20.22.06.
- 20.23.05.** If those efforts fail, the procedures for discipline shall be the same as that set forth above for ministers of Word and Sacrament in 20.22.07. through 20.22.22.
- 20.23.06.** If there are indications that a cause for discipline exists or if in the course of the proceedings it should become apparent to the bishop of the synod that the role and function of a minister of Word and Service cannot be conducted effectively in the congregation(s) being served by the minister of Word and Service due to local conditions or that local conditions may be adversely affected by the continued service by the minister of Word and Service, the bishop of the synod may temporarily suspend the minister of Word and Service from service in the congregation(s) without prejudice and with pay provided through a joint churchwide-synod-congregation fund.

- 20.23.07.** If there are indications that a cause for discipline exists or if in the course of proceedings it becomes apparent to the bishop of the synod that the circumstances require, the bishop of the synod may temporarily suspend a minister of Word and Service serving under letter of call issued other than by a congregation from the office and functions of a minister of Word and Service without prejudice and without affecting compensation.
- 20.24.** **A process for limited discipline of rostered ministers shall be set forth in the bylaws.**
- 20.24.01.** Where the written charges specify that the accuser(s) will not seek the rostered minister's removal from the ministry of this church or suspension from the office/role and functions of the ministry of this church for a period not exceeding three months, 20.24.01. through 20.24.09. shall apply to the exclusion of 20.22.08. through 20.22.24. and 20.23.05. through 20.23.07.
- 20.24.02.** The voting members of a discipline hearing committee convened to conduct a hearing on charges described in 20.24.01. shall be six members of the synod's Committee on Discipline selected by the Executive Committee of the Synod Council. A hearing officer selected from the churchwide Committee of Hearing Officers by the secretary of this church shall preside as the nonvoting chair of the discipline hearing committee described in this 20.24.02.
- 20.24.03.** The secretary of this church may appoint one or more persons as facilitators to make arrangements for, and to provide technical assistance to, a discipline hearing committee considering charges described in 20.24.01.
- 20.24.04.** Three members of the Committee on Appeals, appointed by the Church Council, shall develop rules of procedure for the performance of the duties of hearing officers and discipline hearing committees considering charges described in 20.24.01. The rules become effective when adopted by the Church Council.
- 20.24.05.** In each case for which a discipline hearing committee has been constituted, the committee shall, within 60 days after the secretary of this church has given notice of the selection of the hearing officer to serve on a discipline hearing committee, commence a meeting or series of meetings with the accused and the accuser(s) to receive testimony or other evidence offered by the accused or the accuser(s). The 60-day period may be extended one or more times to a specified date by a written stipulation signed by the accuser(s), the accused, and the hearing officer prior to the expiration of the original 60-day period or prior to the extended specified date.
- 20.24.06.** Written notice of the date, time, and place of the first meeting of the discipline hearing committee at which testimony will be received, and a copy of the charges, shall be delivered to the accused and to the accuser(s) at least 20 days prior to the date of the meeting.
- 20.24.07.** The discipline hearing committee shall decide, consistent with rules adopted under 20.24.04., to what extent the accused shall be able to

confront or cross-examine witnesses testifying on behalf of the accuser and to what extent the accuser shall be able to confront or cross-examine witnesses testifying on behalf of the accused. A verbatim record shall be made by a stenographer or court reporter or by audio or video recording of all meetings of the committee at which testimony is presented. The accused and the accuser may be accompanied at the meeting(s) by a friend or advisor. Such friend or advisor shall not participate in the proceedings before the committee.

20.24.08. The discipline hearing committee shall conclude its meeting(s) and render its decision in writing within 45 days of the commencement of the meeting for which written notice was given under 20.24.06. The written decision shall be in two parts:

- a. Findings of Fact. In this part, the committee shall set forth what it has found to be the relevant facts, that is, what it believes to be the truth of the matter.
- b. Determination. In this part, the committee shall state whether, based upon the facts that it has found, it believes discipline should be imposed and if so, which one or more of the following should be imposed:
 - 1) private censure and admonition by the synod bishop.
 - 2) suspension for a period not exceeding three months from the office/role and functions of ministry in this church.
 - 3) participation in such programs of evaluation, therapy, continuing education, or similar experience as the committee may direct.
 - 4) referral of written charges (amended to reflect additional evidence presented to the committee) to a discipline hearing committee convened under 20.22.08. through 20.22.24. or 20.23.05. through 20.23.07.

20.24.09. The decision of the discipline hearing committee shall be made by a majority vote of its members who were present at the hearing. The decision of the discipline hearing committee shall be final on the date it is issued by the committee. Within 30 days of that date, one of the parties may appeal to the Committee on Appeals and may request the Committee on Appeals to stay the effective date of the decision. A stay may be granted in whole or in part and subject to such conditions, if any, as the Committee on Appeals may require. The decisions of the Committee on Appeals shall be final.

20.31. The disciplinary process for congregations shall be set forth in the bylaws.

20.31.01. Congregations shall be subject to discipline for:

- a. departing from the faith confessed by this church;
- b. willfully disregarding or violating the criteria for recognition as congregations of this church; or
- c. willfully disregarding or violating the provisions of the constitutions, bylaws, and continuing resolutions of this church.

- 20.31.02.** The disciplinary actions which may be imposed are:
- a. censure and admonition by the bishop of the synod;
 - b. suspension from this church for a designated period, the consequences of such suspension being the loss of voting rights of any member (including ministers of Word and Sacrament and ministers of Word and Service) of the congregation at synod or churchwide assemblies, the loss of the right to petition, and the forfeiture of eligibility by any member of the congregation to serve on any council, board (including the board of a separately incorporated ministry), committee, or other group of this church, any of its synods, or any other subdivision thereof;
 - c. suspension of the congregation from this church for a designated period (with the same consequences as in b.) during which the congregation shall be under the administration of the synod, provided that a congregation may refuse to accept such administration in which case it shall be removed from the roster of congregations of this church; or
 - d. removal from the roster of congregations of this church.
- 20.31.03.** Charges against a congregation which could lead to discipline must be specific and in writing, subscribed to by the accuser(s), and be made by one or more of the following:
- a. at least one-fifth of the voting members of the congregation, submitted to the synod bishop;
 - b. at least three other congregations of the synod, submitted to the synod bishop;
 - c. the Synod Council; or
 - d. the synod bishop.
- 20.31.04.** When there are indications that a cause for discipline exists, efforts shall be made by the bishop of the synod to resolve the situation by consultation in the same manner as set forth above for ministers of Word and Sacrament in 20.22.04. and 20.22.05.
- 20.31.05.** If those efforts fail, the procedures for discipline shall be the same as that set forth above for ministers of Word and Sacrament in 20.22.07. through 20.22.22.
- 20.41.** **The disciplinary process for members of congregations shall be set forth in the bylaws.**
- 20.41.01.** The offenses for which a member or members of a congregation may be disciplined are:
- a. persistent and public denial of the Christian faith;
 - b. willful or criminal conduct grossly unbecoming a member of the Church of Christ;
 - c. continual and intentional interference with the ministry of the congregation; or
 - d. willful and repeated harassment or defamation of member(s) of the congregation.

- 20.41.02.** Discipline for an offense shall be administered consistent with the procedure which Christ instructed his disciples to follow (Matthew 18:15–17), proceeding through these successive steps, as necessary:
- seeking repentance and reconciliation through private counsel and admonition by a pastor;
 - censure and admonition by a pastor in the presence of two or three members of the Congregation Council;
 - written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel, pursuant to bylaw 20.41.03.; and
 - written referral of the matter pursuant to bylaw 20.41.04. by the consultation panel to the Committee on Discipline of the synod, which shall hold a hearing and render a final decision.
- 20.41.03.** If for any reason a pastor of the congregation is unable to offer the counsel and administer the admonitions required by bylaw 20.41.02., those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council. No one shall serve as a member of the consultation panel or the discipline hearing panel if such individual (i) is the accused; (ii) is related to an accused; (iii) is a member, an employee, or a former member or employee of the congregation bringing the charges; or if the participation of an individual on either panel could give rise to the appearance of partiality even if the individual would in fact be impartial. For these purposes, a related individual is one who, with respect to the accused, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).
- 20.41.04.** If the counseling, censure and admonitions pursuant to bylaw 20.41.02.a. and b. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two rostered ministers). A copy of the written charges shall be provided to consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate.
- 20.41.05.** The goal of the consultation panel is to seek repentance, amendment of life, forgiveness, healing, and reconciliation. The consultation panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it. If the consultation panel fails to resolve the matter, the panel, upon the request of the Congregation Council, shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the consultation panel's written referral shall be

delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod.

20.41.06. The Executive Committee of the Synod Council shall select six members from the Committee on Discipline of the synod to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

20.41.07. The discipline hearing panel shall, within 30 days after its selection, commence a meeting or series of meetings to receive testimony or other evidence offered by the Congregation Council and the accused member(s). Written notice of the date, time, and place of the hearing shall be sent by the nonvoting chair to the Congregation Council and the accused member(s) 10 days in advance of the meeting. Until that first meeting is convened, the vice president of the synod shall, if necessary, appoint other members of the Committee on Discipline to fill vacancies so that the discipline hearing panel consists of six members plus the nonvoting chair.

20.41.08. The discipline hearing panel shall decide the time, manner, and procedures for its meetings consistent with the following:

- a. the hearing before the discipline hearing panel is intended to be informal;
- b. the hearing shall be closed to the public unless the Congregation Council and the accused member(s) agree to a public hearing;
- c. all Congregation Council members, including any elected after written charges were first submitted, may attend the hearing and be witnesses;
- d. only one Congregation Council member may participate in the proceedings as the council representative;
- e. the accused member(s) may choose to testify in person or remain silent;
- f. the council representative and the accused member(s) will be allowed to present their arguments and evidence without unnecessary interruption;
- g. the accused member(s) may be accompanied by a spouse and one friend or advisor, but the spouse and friend or advisor may not participate in the proceedings, except as witnesses;
- h. the panel may conduct some of its sessions outside the presence of the parties to the case;
- i. rules of evidence and similar rules used in secular judicial proceedings shall not apply in these hearings; and
- j. the parties to the case cannot be compelled to provide any information or documents to each other or to the panel.

20.41.09. Upon conclusion of the hearing, one of the following disciplinary sanctions can be imposed by the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting:

- a. suspension from the privileges of congregation membership for a designated period of time;
 - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - c. termination of membership in the congregation; or
 - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- 20.41.10.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council in writing within 45 days of the convening of the first hearing for which written notice was given pursuant to 20.41.06. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- 20.41.11.** No member of a congregation shall be subject to discipline a second time for an offense that a discipline hearing panel has heard previously and decided pursuant to these bylaws.
- 20.51.** **A process for the recall or dismissal of officers shall be set forth in the bylaws.**
- 20.51.01.** The recall or dismissal of the presiding bishop, vice president, or secretary of this church and the vacating of office may be effected:
- a. for willful disregard or violation of the constitutions, bylaws, and continuing resolutions;
 - b. for such physical or mental disability as renders the officer incapable of performing the duties of office; or
 - c. for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.
- 20.51.02.** Proceedings for the recall or dismissal of such an officer shall be instituted by petition by:
- a. the Church Council on a vote of at least two-thirds of its elected members; or
 - b. the Churchwide Assembly on a vote of at least two-thirds of its members.
- The petition shall be filed with the chair of the Committee on Appeals and shall set forth the specific charge or charges.
- 20.51.03.** Notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the accused person, the Church Council shall be notified of the entry of such judgment, and the office shall be vacated.
- 20.51.A19.** ***Recall or Dismissal of an Officer***
- a. *The petition for recall or dismissal described in 20.51.02. shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631, except if the subject of the petition is the secretary, the petition shall be in care of the presiding bishop of this church at the same address).*

- b. *In the case of alleged physical or mental incapacity of the officer,*
 - 1) *with respect to the officer the procedures outlined in 13.63. shall first be followed, and if such officer does not accept the decision of the Church Council, the Church Council may proceed to petition for proceedings for recall or dismissal.*
 - 2) *in the event of such petition, four members of the Committee on Appeals, designated by the committee chair and consisting of two ministers of Word and Sacrament and two laypersons, shall*
 - a) *investigate such conditions in person;*
 - b) *seek competent medical testimony;*
 - c) *seek the counsel and advice of the other officers of this church; and*
 - d) *submit a written report of their findings to the other members of the Committee on Appeals.*
 - 3) *the members of the Committee on Appeals, other than those who investigated the conditions and other than those who are disqualified, shall review the findings of the investigation committee and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.*
- c. *The grounds and process for recall or dismissal of an officer are as described in Chapter 20 of this constitution.*
- d. *In the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:*
 - 1) *The petition shall be referred to the Committee on Appeals which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in 20.22.14., except to the extent that those rules are in conflict with 20.51.01., 20.51.02., 20.51.03., or with the provisions of this continuing resolution; and*
 - 2) *the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.*
- e. *Upon the filing of a written petition, the Executive Committee of the Church Council may temporarily suspend the officer from service without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee.*

20.61. The decision of a discipline hearing committee may be appealed to the Committee on Appeals by:

- a. **the accuser(s) who brought charges upon which a discipline hearing committee has acted;**
- b. **a minister of Word and Sacrament upon whom discipline has been imposed by a discipline hearing committee;**
- c. **a minister of Word and Service upon whom discipline has been imposed by a discipline hearing committee; or**

- d. a congregation upon whom discipline has been imposed by a discipline hearing committee.**

20.61.A21. Rules of the Committee on Appeals

- a. Any appeal to the Committee on Appeals shall be made in writing by the accused or the accuser(s) or their respective designated representative. Notice of the appeal shall be given by certified or registered letter addressed to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), with a copy to the other party. The letter containing the notice of appeal must be postmarked within 30 days after the discipline hearing committee has delivered its decision to the accused and the accuser(s).
- b. The Committee on Appeals shall normally render its written decision within 60 days from the due date for the last written statement to be submitted under item h. below.
- c. The material that shall be reviewed by the Committee on Appeals (herein referred to as the record on appeal) shall consist of the following:
 - 1) a copy of the specific charges referred to the discipline hearing committee;
 - 2) copy of any rules governing the hearing before the discipline hearing committee;
 - 3) information concerning the composition of the discipline hearing committee that heard the case;
 - 4) the verbatim record made by the stenographer or court reporter or the audio or video recording of the hearing before the discipline hearing committee;
 - 5) all documents or physical evidence presented at the hearing before the discipline hearing committee;
 - 6) the written decision of the discipline hearing committee; and
 - 7) proof that the written decision was delivered to the accused and the accuser(s).
- d. It shall be the responsibility of the chair of the discipline hearing committee to furnish the record on appeal to the Committee on Appeals (in care of the secretary of this church, 8765 West Higgins Road, Chicago, Illinois 60631), certifying to the completeness and accuracy of the record on appeal, within 30 days of the receipt of the appeal, unless the chair of the Committee on Appeals grants additional time for compelling reasons.
- e. If the Committee on Appeals has reason to believe that a required action was taken by a discipline hearing committee, but such action is not revealed in the record on appeal, the Committee on Appeals may, by written request to the chair of the discipline hearing committee, with copies to the accused and the accuser(s), solicit written confirmation of such action. Copies of such confirmation shall be supplied to the accused and the accuser(s).

- f. *The persons or entities who may appeal to the Committee on Appeals are set forth in 20.61.*
- g. *The circumstances for which the Committee on Appeals may reverse or set aside the decision of a discipline hearing committee are set forth in 20.62.01., and consequences of such circumstances are set forth in 20.62.02.*
- h. *The party taking an appeal may present a written statement of reasons why the decision of a discipline hearing committee should be reversed or set aside. The other party shall have an opportunity to make a written response to the Committee on Appeals. The party taking an appeal then may present a written rebuttal. Appropriate limitations and due dates for these statements may be established by the committee chair. In the event of cross appeals, the committee chair may permit the filing of additional statements so that both parties have adequate opportunity to present their respective appeals and respond to the statement of each other. Parties shall promptly give to each other copies of any written statement filed with the Committee on Appeals.*
- i. *Final decisions of the Committee on Appeals require an affirmative vote by at least two-thirds of those present and voting.*
- j. *Notice of decisions of the Committee on Appeals shall be given in writing to the accused, the accuser(s), the chair of the discipline hearing committee, the synod bishop, and the secretary of this church.*
- k. *The Committee on Appeals also shall prepare a brief summary of each appeal, which shall be presented to the Churchwide Assembly. Such summary shall not disclose the names of the accused, the accuser(s), or any witness. If the decision of the discipline hearing committee was reversed or remanded, the summary shall indicate the reasons for such reversal or remand.*
- l. *The Committee on Appeals shall elect the following officers: chair, vice-chair, secretary, and assistant secretary. In addition to the duties prescribed in Chapter 20, the chair shall schedule and preside at committee meetings. In the absence of the chair, the vice-chair shall act as chair. The secretary, or assistant secretary, shall keep such record of proceedings of the committee as is necessary.*
- m. *Meetings of the Committee on Appeals may be held in person or by an aural method in which all parties can participate.*
- n. *A majority of the members of the Committee on Appeals who are not disqualified shall constitute a quorum for the conduct of its business at a scheduled meeting.*
- o. *Members of the Committee on Appeals shall refrain from discussing appeals made to the committee, except as required to discharge the duties of the committee membership.*
- p. *No member of the Committee on Appeals shall serve on any case if such a member is related (as defined in 19.06.07.) to the*

accused, the accuser(s), any witness who testified before the discipline hearing committee, or a member of the consultation or discipline hearing committee that considered the case, or where such member is a member or former member of a congregation that was an accuser or an accused. Members of the Committee on Appeals also may voluntarily disqualify themselves .

q. *See 20.51.A19. and †S8.57. for additional rules of procedure applicable in proceedings for recall or dismissal.*

r. *See 20.61.B95. for additional rules of procedure applicable to stays.*

20.61.B95. *Any party who has appealed to the Committee on Appeals for review of a decision of a discipline hearing committee may request a stay in the effective date or other provision contained in said decision pending the appeal. Such request shall be in writing and shall set forth the reasons why the requested stay is advisable. The request shall be forwarded to the Committee on Appeals, c/o ELCA Secretary, 8765 West Higgins Road, Chicago, Illinois 60631, with copy to the other party. The Committee on Appeals may grant the other party an opportunity to respond in writing. The Committee on Appeals may grant a stay for such period, and may renew the stay for such further periods, as it determines to be appropriate. The Committee on Appeals may make the grant of a stay subject to such conditions as it determines to be appropriate. Such determinations shall be final.*

20.62. **The circumstances for which the Committee on Appeals may reverse or set aside the decision of a discipline hearing committee and the consequences of such action shall be set forth in the bylaws.**

20.62.01. The judgment of a discipline hearing committee must be sustained unless the Committee on Appeals finds that one of the following conditions exists:

a. The discipline hearing committee abused its discretion. The discipline hearing committee may not be found to have abused its discretion unless at least one of the following is true:

1) The discipline hearing committee's Determination was not supported by any evidence in the record.

2) One or more of the discipline hearing committee's Findings of Fact is clearly erroneous. A Finding of Fact is clearly erroneous when, although there is evidence to support it, the Committee on Appeals on the entire evidence is left with the definite and firm conviction that a mistake has been committed. The Committee on Appeals may not reverse a finding of the discipline hearing committee simply because the Committee on Appeals concludes that it would have found differently had it been the discipline hearing committee. The Committee on Appeals must give due regard to the opportunity of the discipline hearing committee to judge the credibility of the witnesses.

3) Although the Findings of Fact are not clearly erroneous, the discipline hearing committee's Determination is nevertheless

one with which no reasonable person, acting objectively, could agree. The committee's Determination may not be reversed simply because the Committee on Appeals, had it been the discipline hearing committee, would have reached a different conclusion. The discipline hearing committee's Determination must be sustained if reasonable people can disagree as to its propriety.

- b. Due process has not been followed.
- c. New evidence has been submitted by one of the parties, which evidence, in the judgment of the Committee on Appeals, should be considered.
- d. The record of the proceedings before the discipline hearing committee is insufficient to permit the Committee on Appeals to determine whether the committee abused its discretion or followed due process.

20.62.02. When the Committee on Appeals has decided to reverse or set aside the decision of the discipline hearing committee, the Committee on Appeals shall proceed as follows:

- a. If the Committee on Appeals has determined that one of the conditions listed in 20.62.01.a.1) or 20.62.01.a.2) exists, the Committee on Appeals may return the matter to the discipline hearing committee for further proceedings or render its own decision, which shall be final and unappealable.
- b. If the Committee on Appeals has determined that the condition listed in 20.62.01.a.3) exists, it shall render its own decision, which shall be final and unappealable.
- c. If the Committee on Appeals has determined that one of the conditions listed in 20.62.01.b., 20.62.01.c., or 20.62.01.d. exists, it shall return the matter to the discipline hearing committee for further proceedings.

20.63. **Decisions of the Committee on Appeals shall be final; an affirmative vote by at least two-thirds of those present and voting shall be necessary to render a decision or opinion. Each decision or opinion shall be reported as soon as practical in writing to the parties concerned, and a summary of action taken shall be reported to the Churchwide Assembly.**

20.70. **CONSULTATION AND ADJUDICATION**

20.71. **The presiding bishop and the Executive Committee of the Church Council shall be available to give guidance and counsel when disputes arise among the three expressions of this church.**

20.72. **When there is disagreement on a substantive issue between or among churchwide units and offices of the churchwide organization that cannot be resolved by the parties, the aggrieved party or parties may appeal to the presiding bishop, or the presiding bishop's designee, for consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Church Council requesting a resolution of the matter.**

- 20.73.** When there is disagreement on a substantive issue between or among synods which cannot be resolved by the parties, the synod affected may address an appeal to the presiding bishop and the Executive Committee of the Church Council. In this case, the decision of the Executive Committee shall prevail, unless, upon the motion of a member of the Church Council, the decision is referred to the Church Council for final action.
- 20.74.** When there is disagreement on a substantive issue between a synod or synods and the churchwide organization that cannot be resolved by the parties, any party may appeal to the Committee on Appeals for consultation. If this consultation fails to resolve the issue, a petition may be addressed by the parties to the Churchwide Assembly for a final decision.
- 20.75.** When there is disagreement between or among congregations in the same synod on a substantive issue which cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for consultation after informing the other affected congregation(s) of its intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the bishop's consultation fails to resolve the issue(s), the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.
- 20.76.** When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

Chapter 21.

INDEMNIFICATION

- 21.01.** Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Church Council member, officer, employee, or committee member of the churchwide organization, or member of the Conference of Bishops, shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification by the churchwide organization of any person by reason of that person's capacity as a director, officer, employee, or committee member of a separately incorporated ministry or of any other organization is subject to the provisions of section 21.02.
- a.** The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by the churchwide organization or any unit thereof against the individual seeking indemnification, or (b) a disciplinary hearing or related process described in Chapter 20 of this constitution.
 - b.** The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.
- 21.02.** Where a person who, while a member of the Church Council, officer, employee, or committee member of the churchwide organization, or member of the Conference of Bishops, is or was serving at the request of the churchwide organization as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Church Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- 21.03.** The churchwide organization may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this church or by such other person in or arising from a capacity described in section 21.01. or section 21.02.

Chapter 22.

AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

22.10. AMENDMENTS TO THIS CONSTITUTION

22.11. This constitution may be amended only through either of the following procedures:

- a. The Church Council may propose an amendment, with an official notice to be sent to the synods at least six months prior to the next regular meeting of the Churchwide Assembly. The adoption of such an amendment shall require a two-thirds vote of the members of the next regular meeting of the Churchwide Assembly present and voting.**
- b. An amendment may be proposed by 25 or more members of the Churchwide Assembly. The proposed amendment shall be referred to the Committee of Reference and Counsel for its recommendation, following which it shall come before the assembly. If such an amendment is approved by a two-thirds vote of members present and voting, such an amendment shall become effective only if adopted by a two-thirds vote of the members present and voting at the next regular Churchwide Assembly.**

22.20. BYLAWS

22.21. Bylaws not in conflict with this constitution may be adopted or amended at any regular meeting of the Churchwide Assembly when presented in writing by the Church Council or by at least 15 members of the assembly. An amendment proposed by at least 15 members of the assembly shall immediately be submitted to the Committee of Reference and Counsel for its recommendation. An amendment may not be placed before the assembly for action sooner than the day following its presentation to the assembly unless it has been presented in writing by the Church Council and sent with an official notice to the synods at least six months prior to the next regular meeting of the Churchwide Assembly. A two-thirds vote of the members present and voting shall be necessary for adoption.

22.30. CONTINUING RESOLUTIONS

22.31. Continuing resolutions not in conflict with the constitution or bylaws of the Evangelical Lutheran Church in America may be adopted or amended by a majority vote of the Churchwide Assembly or by a two-thirds vote of the Church Council. Such continuing resolutions become effective immediately upon adoption. Matters related to the administrative functions of the churchwide organization shall be set forth in the continuing resolutions.



Evangelical
Lutheran Church
in America

CONSTITUTION FOR SYNODS

Current as of April 2024

INTRODUCTION to the *Constitution for Synods*

The *Constitution for Synods*, like the other governing documents of this church, reflects the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news, and share the love of God in the world. Each expression of this church—churchwide, synod and congregation—is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church. As such, the *Constitution for Synods* is deeply rooted in Scripture, the Lutheran Confessions, and the history of this church and its predecessors.

The *Constitution for Synods* originally was adopted by the Constituting Convention of the Evangelical Lutheran Church in America and has been amended by subsequent churchwide assemblies. This edition includes amendments approved by the sixteenth Churchwide Assembly in 2022. It is consistent with the requirements of the governing documents of the ELCA's churchwide organization, and it provides organizational flexibility to recognize local context.

CODIFICATION EXPLANATION

The *Constitution for Synods*, like the *Constitution*, *Bylaws*, and *Continuing Resolutions of the Evangelical Lutheran Church in America* and the *Model Constitution for Congregations*, is organized into chapters by general subject matter and codified as follows:

- a. Constitutional provisions in the *Constitution for Synods* are codified with two sets of numbers, preceded by an “S”: the chapter number followed by a period, and a two-digit sequence number also followed by a period.
 1. **Required constitutional provisions** adopted by the Churchwide Assembly are preceded by [†]. These provisions are required of all synods and must be used without alteration or amendment of the text in any manner. No additions or deletions are permissible. In accordance with provision †S18.11, amendments to required provisions in the *Constitution for Synods* passed by the Churchwide Assembly are automatically incorporated into the constitutions of individual synods upon formal certification by the secretary of this church. For example, †S7.21. is a required constitutional provision in Chapter 7, the chapter on the Synod Assembly.
 2. **Recommended constitutional provisions** adopted by the Churchwide Assembly are not preceded by a [†]. As stated in †S18.12.,

Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

3. Other constitutional provisions, including modified versions of the recommended provisions, may be proposed and adopted by individual synods. Such provisions may not conflict with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and are adopted and become effective in accordance with †S18.13.
- b. The *Constitution for Synods* contains some **required bylaws and recommended bylaws**. They are codified with three sets of numbers, each followed by a period: the chapter number (preceded by an “S”), the related constitutional provision number, and a two-digit bylaw number. For example, a required bylaw related to Synod Assembly would be codified as †S7.21.01. A recommended bylaw related to Synod Assembly would be codified as S7.11.01. Beyond the few required and recommended bylaws, synods may adopt additional bylaws related to each synod’s organization, operation, and life.

Bylaws are adopted and amended in accordance with Chapter 18 of the *Constitution for Synods*. Bylaws should be incorporated following the constitutional provisions to which they apply. They should not be organized in a separate section or document.

- c. The *Constitution for Synods* does not contain any suggested **continuing resolutions**. When or if synods adopt continuing resolutions, they also are codified with three sets of numbers, except that the third set is preceded by a capital letter indicating sequence and a two-digit number indicating the year of its adoption. For example, the first continuing resolution adopted in 2022 related to the membership of the Synod Assembly would be numbered “S7.21.A22.”

Continuing resolutions are adopted and amended in accordance with Chapter 18 of the *Constitution for Synods*. They are intended to provide more detailed descriptions of operational patterns and practices within the synod. They should be incorporated following the constitutional provisions and/or bylaws to which they apply. They should not be organized in a separate section or document.

Each synod has discretion and may develop its own constitutional provisions, bylaws, and continuing resolutions (including bylaws and continuing resolutions related to required constitutional provisions) as long as they do not conflict with constitutional provisions in the *Constitution for Synods*, required synod bylaws, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. All amendments to synod constitutions shall be reported to the secretary of this church.

Note: In some chapters, you will see that certain numbers are missing from the numbering sequence. These omissions are intentional in order to provide options for future additions.

ADDITIONAL CONSIDERATIONS

- Alternatives are provided in some places within the *Constitution for Synods*. Alternatives are noted by brackets or blank lines. For example, constitutional provision †S8.51. allows synods to choose the length of terms for the vice president, secretary, and treasurer. The appropriate number of years should be filled in by each synod. In addition, †S8.51.c. provides that the treasurer may be elected by the Synod Assembly or appointed by the Synod Council. Each synod should select one of those options.
- “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed.

The Office of the Secretary is available for consultation about potential amendments to the *Constitution for Synods* and the review process for congregation constitutions. The important task of amending a constitution is challenging. It is, however, an essential endeavor that merits thoughtful work. In addressing the synod’s constitutional responsibilities, may God grant you and your colleagues wisdom, discernment, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

Secretary Sue E. Rothmeyer
Evangelical Lutheran Church in America
August 12, 2022

CONSTITUTION FOR SYNODS

Chapter 1.

NAME AND INCORPORATION

- †S1.01. The name of this synod, as determined by the Churchwide Assembly, shall be (*name of synod*) of the Evangelical Lutheran Church in America.
- †S1.02. For the purposes of this constitution and the accompanying bylaws, the (*name of synod*) of the Evangelical Lutheran Church in America is hereafter designated as “this synod” or “the synod.”
- †S1.11. This synod shall be incorporated. Amendments to the articles of incorporation of this synod shall be submitted to the Church Council for ratification before filing.
- †S1.21. The seal of this synod is (*describe*).

Chapter 2.

STATUS

- †S2.01. This synod possesses the powers conferred upon it, and accepts the duties and responsibilities assigned to it, in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which are recognized as having governing force in the life of this synod.
- †S2.02. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.
- †S2.03. No provision of this constitution shall be inconsistent with the constitution and bylaws of this church.

Chapter 3.

TERRITORY

- †S3.01. The territory of this synod, as determined by the Churchwide Assembly, shall be: _____.
- †S3.02. “Determined by the Churchwide Assembly,” as stipulated by †S3.01., is understood to include the reported changes in synod relationship made by any congregation in a border area agreed under ELCA bylaws 10.01.01. and 10.01.03.

Chapter 4.

CONFESSION OF FAITH

- †S4.01. This synod confesses the Triune God, Father, Son, and Holy Spirit.
- †S4.02. This synod confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- †S4.03. This synod accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- †S4.04. This synod accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this synod.
- †S4.05. This synod accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- †S4.06. This synod accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- †S4.07. This synod confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 5.

NATURE OF THE CHURCH

- †S5.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this synod are to be carried out under his rule and authority.
- †S5.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.

- †S5.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- †S5.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

Chapter 6.

STATEMENT OF PURPOSE

- †S6.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- †S6.02. To participate in God's mission, this synod as a part of the Church shall:
- a. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - b. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - c. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
 - d. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

- †S6.03. This synod, in cooperation with the churchwide organization, shall bear primary responsibility for the oversight of the life and mission of this church in its territory. In fulfillment of this role and consistent with policies and procedures of this church, the synod shall:
- a. Provide for pastoral care of congregations and rostered ministers in the synod;
 - b. Plan for, facilitate, and nurture the mission of this church through congregations;
 - c. Strengthen interdependent relationships among congregations, synods, and the churchwide organization, and foster relationships with agencies and institutions affiliated with or related to this church as well as ecumenical partners.
 - d. Interpret the work of this church to congregations and to the public on the territory of the synod.
- †S6.03.01. The responsibilities of the synod include the following:
- a. providing for pastoral care of congregations, ministers of Word and Sacrament, and ministers of Word and Service in the synod, including:
 - 1) approving candidates for rostered ministry in cooperation with the appropriate seminaries of this church, which may be done through multi-synod committees;
 - 2) authorizing ordinations and ordaining rostered ministers on behalf of this church;
 - 3) consulting in the call process for rostered ministers.
 - b. providing for leadership recruitment, preparation, and support in accordance with churchwide standards and policies, including:
 - 1) nurturing and supporting congregations and lay leaders;
 - 2) seeking and recruiting qualified candidates for the rostered ministries of this church;
 - 3) making provision for pastoral care, call review, and guidance;
 - 4) encouraging and supporting persons on the rosters of this church in stewardship of their abilities, care of self, and pursuit of continuing education to undergird their effectiveness of service; and
 - 5) supporting recruitment of leaders for this church's colleges, universities, seminaries, and social ministry organizations.
 - c. providing for discipline of congregations, ministers of Word and Sacrament, and ministers of Word and Service; as well as for termination of call, appointment, adjudication, and appeals consistent with Chapter 20 of this church's constitution.
 - d. providing for archives in conjunction with other synods.
- †S6.03.02. In planning for, facilitating, and nurturing the mission of this church through congregations, the responsibilities of the synod include the following:

- a. developing of new ministries, redevelopment of existing ministries, and support and assistance in the conclusion, if necessary, of a particular ministry;
- b. leading and encouraging of congregations in their evangelism efforts;
- c. assisting members of its congregations in carrying out their ministries in the world;
- d. encouraging congregations to respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society;
- e. providing resources for congregational life;
- f. grouping congregations in conferences, clusters, coalitions, or other area subdivisions for mission purposes.

†S6.03.03. In strengthening interdependent relationships among congregations, synods, and the churchwide organization, and in fostering relationships with agencies and institutions affiliated with or related to this church as well as with ecumenical partners, the responsibilities of the synod include the following:

- a. promoting interdependent relationships among congregations, synods, and the churchwide organization, and entering into relationships with other synods in the region;
- b. fostering organizations for youth, women, and men, and organizations for language or ethnic communities;
- c. developing relationships with social ministry organizations and ministries, participating in their mission planning, and providing supportive funding;
- d. supporting relationships with and providing supportive funding on behalf of colleges, universities, and campus ministries;
- e. maintaining relationships with and providing supportive funding on behalf of seminaries and continuing education centers;
- f. fostering supporting relationships with camps and other outdoor ministries;
- g. fostering supporting relationships with preschools, elementary schools, and secondary schools operated by congregations of the synod;
- h. fostering relationships with ecumenical and global companions;
- i. cooperating with other synods and the churchwide organization in creating, using, and supporting regions to carry out those functions of the synod which can best be done cooperatively with other synods and the churchwide organization.

†S6.03.04. In interpreting the work of this church on the territory of the synod, the responsibilities of the synod include the following:

- a. encouraging financial support for the work of this church by individuals and congregations;
- b. participating in churchwide programs;
- c. interpreting social statements in a manner consistent with the interpretation given by the churchwide unit or office which

assisted in the development of the statement, and suggestion of social study issues;

d. providing ecumenical guidance and encouragement.

†S6.04. Except as otherwise provided in this constitution and bylaws, the Synod Council shall establish processes that will ensure that at least 60 percent of the members of the synod assemblies, councils, committees, boards, and other organizational units shall be laypersons; and that, as nearly as possible, at least 45 percent of the lay members of assemblies, councils, committees, boards, or other organizational units shall be women and, as nearly as possible, at least 45 percent shall be men; and that, where possible, the representation of rostered ministers shall include both men and women. This synod shall establish processes that will enable it to reach a minimum goal that 10 percent of its assemblies, councils, committees, boards, or other organizational units be persons of color and/or persons whose primary language is other than English.

†S6.04.01. It is the goal of this synod that at least 10 percent of the voting members of the Synod Assembly, Synod Council, committees, and organizational units of this synod be youth and young adults. The Synod Council shall establish a plan for implementing this goal. For purposes of the constitution, bylaws, and continuing resolutions of this synod, the term “youth” means a voting member of a congregation who has not reached the age of 18 at the time of election or appointment for service. The term “young adult” means a voting member of a congregation between the ages of 18 and 30 at the time of election or appointment for service.

†S6.05. Each assembly, council, committee, board, commission, task force, or other body of this synod or any synod units shall be conclusively presumed to have been properly constituted, and neither the method of selection nor the composition of any such assembly, council, committee, board, commission, task force, or other body may be challenged in a court of law by any person or be used as the basis of a challenge in a court of law to the validity or effect of any action taken or authorized by any such assembly, council, committee, board, commission, task force, or other body.

†S6.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 7.

SYNOD ASSEMBLY

- †S7.01. This synod shall have a Synod Assembly, which shall be its highest legislative authority. The powers of the Synod Assembly are limited only by the provisions in the Articles of Incorporation, this constitution and bylaws, the assembly's own resolutions, and the constitutions and bylaws of the Evangelical Lutheran Church in America.
- †S7.11. A regular meeting of the Synod Assembly shall be held at least triennially.
- S7.11.01. The time and place of the _____ Synod Assembly shall be determined by the Synod Council. The time and place for the next regular assembly normally shall be announced ____ months prior to the assembly.
- S7.12. Special meetings of the Synod Assembly may be called by the bishop with the consent of the Synod Council, and shall be called by the bishop at the request of one-fifth of the voting members of the Synod Assembly.
- a. The notice of each special meeting shall define the purpose for which it is to be held. The scope of actions to be taken at such a special meeting shall be limited to the subject matter(s) described in the notice.
 - b. If the special meeting of the Synod Assembly is required for the purpose of electing a successor bishop because of death, resignation, or inability to serve, the special meeting shall be called by the Synod Council after consultation with the presiding bishop of the Evangelical Lutheran Church in America.
- S7.13. Notice of the time and place of all meetings of the Synod Assembly shall be given by the secretary of this synod.
- S7.14. One-third of the members of the Synod Assembly shall constitute a quorum.
- †S7.21. The membership of the Synod Assembly, of which at least 60 percent of the voting membership shall be composed of laypersons, shall be constituted as follows:
- a. All rostered ministers under call on the roster of this synod shall be voting members of the Synod Assembly.
 - b. A minimum of one lay member elected by each congregation with fewer than 175 baptized members and a minimum of two lay members elected by each congregation with 175 or more baptized members related to this synod, typically one of whom shall be a man and one of whom shall be a woman, shall be voting members. The Synod Council shall establish a formula to provide additional lay representation from congregations on the basis of the number of baptized members in the congregation. The Synod Council shall seek to ensure that, as nearly as possible, at least 45 percent of the lay members of the assembly shall be women and, as nearly as possible, at least 45 percent shall be men.
 - c. Voting membership shall include the officers of this synod.

- S7.21.01.** Voting members shall begin serving with the opening of a regular Synod Assembly and shall continue serving until the opening of the next regular Synod Assembly.
- †S7.21.02.** If a special Synod Assembly is called and voting members at the previous assembly are unable to serve as voting members, where permitted by state law, the congregation through the Congregation Council may elect new members who shall continue to serve until the next regular Synod Assembly.
- S7.22.** This synod may establish processes that permit retired rostered ministers, or those granted disability status, or on leave from call, on the roster of the synod to serve as voting members of the Synod Assembly, provided that such processes not result in fewer than 60% of the voting members of the Synod Assembly being laypersons in contravention of †S7.21. If the synod does not establish processes to permit the rostered ministers specified above to serve as voting members, they shall have voice but not vote in the meetings of the Synod Assembly.
- †S7.23.** The presiding bishop of the Evangelical Lutheran Church in America and such other official representatives of the churchwide organization as may be designated by the presiding bishop, shall have voice but not vote in the meetings of the Synod Assembly. Like privileges shall be accorded to those additional persons whom the Synod Assembly or the Synod Council shall from time to time designate.
- S7.24.** Ministers under call on the rosters of this synod shall remain as members of the Synod Assembly so long as they remain under call and so long as their names appear on the rosters of this synod. Lay members of the Synod Assembly representing congregations shall continue as such until the opening of the next regular synod assembly, or unless replaced by the election of new members for a special synod assembly, or until they have been disqualified by termination of congregation membership.
- †S7.25.** Except as otherwise provided in this constitution or in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, each voting member of the Synod Assembly shall be a voting member of a congregation of this synod.
- S7.26.** This synod may establish processes through the Synod Council that permit lay representatives of authorized worshipping communities of the synod, which have been authorized under ELCA bylaw 10.01.04., to serve as voting members of the Synod Assembly, consistent with †S7.21.
- S7.27.** This synod may establish processes through the Synod Council to grant a minister of Word and Sacrament from a church body with which a relationship of full communion has been declared and established by the Churchwide Assembly the privilege of both voice and vote in the Synod Assembly during the period of that minister's service in a congregation of this church.
- S7.28.** Duly elected voting members of the Synod Council who are not otherwise voting members of the Synod Assembly under †S7.21. shall

be granted the privilege of both voice and vote as members of the Synod Assembly.

†S7.31. Proxy and absentee voting shall not be permitted in the transaction of any business of the Synod Assembly.

S7.32. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of the Synod Assembly, unless otherwise ordered by the assembly.

S7.33. “*Ex officio*” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 8.

OFFICERS

†S8.01. The officers of this synod shall be a bishop, a vice president, a secretary, and a treasurer.

S8.10. Bishop

†S8.11. The bishop shall be elected by the Synod Assembly. The bishop shall be a minister of Word and Sacrament of the Evangelical Lutheran Church in America.

S8.11.01. When authorized by the Synod Council in order to address special circumstances, the synod bishop may be compensated as an employee or contractor for specified services to another expression of this church. Such an arrangement may be terminated by the Synod Assembly or Synod Council if determined to be detrimental to the function of the office or if the special circumstances no longer apply.

†S8.12. As this synod's pastor, the bishop shall:

- a. Preach, teach, and administer the sacraments in accord with the Confession of Faith of this church.
- b. Have primary responsibility for the ministry of Word and Sacrament in this synod and its congregations, providing pastoral care and leadership for this synod, its congregations, its ministers of Word and Sacrament, and its ministers of Word and Service.
- c. Exercise solely this church's power to ordain (or provide for the ordination by another synod bishop of) approved candidates who have received and accepted a properly issued, duly attested letter of call for the office of ministry of Word and Sacrament (and as provided in the bylaws of the Evangelical Lutheran Church in America).
- d. Ordain (or provide for the ordination of) approved candidates who have received and accepted a properly issued, duly attested letter of call for service as ministers of Word and Service of this church.
- e. Attest letters of call for persons called to serve congregations in the synod, letters of call for persons called by the Synod Council, and letters of call for persons on the rosters of this synod called by the Church Council.
- f. Install (or provide for the installation of) rostered ministers whose calls the bishop has attested.
- g. Exercise leadership in the mission of this church and in so doing:

- 1) interpret and advocate the mission and theology of the whole church;
 - 2) lead in fostering support for and commitment to the mission of this church within this synod;
 - 3) coordinate the use of the resources available to this synod as it seeks to promote the health of this church's life and witness in the areas served by this synod;
 - 4) submit a report to each regular meeting of the Synod Assembly concerning the synod's life and work; and
 - 5) advise and counsel this synod's related institutions and organizations.
- h. Practice leadership in strengthening the unity of the Church and in so doing:
- 1) exercise oversight of the preaching, teaching, and administration of the sacraments within this synod in accord with the Confession of Faith of this church;
 - 2) be responsible for administering the constitutionally established processes for the resolution of controversies and for the discipline of rostered ministers and congregations of this synod;
 - 3) be the chief ecumenical officer of this synod;
 - 4) be a member of the Conference of Bishops and consult regularly with other synod bishops;
 - 5) foster awareness of other churches throughout the Lutheran world communion and, where appropriate, engage in contact with leaders of those churches;
 - 6) cultivate communion in faith and mission with appropriate Christian judicatory leaders functioning within the territory of this synod; and
 - 7) be *ex officio* a member of the Churchwide Assembly.
- i. Oversee and administer the work of this synod and in so doing:
- 1) serve as the president of the synod corporation and be the chief executive and administrative officer of this synod, who is authorized and empowered, in the name of this synod, to sign deeds or other instruments and to affix the seal of this synod;
 - 2) preside at all meetings of the Synod Assembly and provide for the preparation of the agenda for the Synod Assembly, Synod Council, and the council's Executive Committee;
 - 3) ensure that the constitution and bylaws of the synod and of the churchwide organization are duly observed within this synod, and that the actions of the synod in conformity therewith are carried into effect;
 - 4) direct and guide the work of the other officers;
 - 5) exercise supervision over the work of all synod staff members;
 - 6) appoint all committees for which provision is not otherwise made;

- 7) be a member of all committees and any other organizational units of the synod, except as otherwise provided in this constitution;
- 8) provide for preparation and maintenance of synod rosters containing the names and addresses of all rostered ministers of this synod and a record of the calls under which they are serving or the date on which their retired or disability status took effect;
- 9) annually bring to the attention of the Synod Council the names of all rostered ministers on leave from call or engaged in approved graduate study in conformity with the constitution, bylaws, and continuing resolutions of this church and pursuant to prior action of this synod through the Synod Council;
- 10) provide for prompt reporting to the secretary of this church of:
 - a) additions to and subtractions from the rosters of this synod;
 - b) the issuance of certificates of transfer for rostered ministers in good standing who have received and accepted a properly issued, duly attested, regular letter of call under the jurisdiction of another synod; and
 - c) the entrance of the names of such persons for whom proper certificates of transfer have been received;
- 11) provide for preparation and maintenance of a roster of the congregations of this synod and the names of the laypersons who have been elected to represent them; and
- 12) appoint a statistician of the synod, who shall secure the reports of the congregations and make the reports available to the secretary of this church for collation, analysis, and distribution of the statistical summaries to this synod and the other synods of this church.

†S8.13. The synod bishop may appoint an attorney, admitted to the bar within the territory of the synod or the state where the synod is located, to be Synod Attorney. The appointment must be approved by the Synod Council and reported to the Synod Assembly and to the secretary of this church. The appointment continues until resignation or until a successor is appointed. The Synod Attorney provides legal advice and counsel to the synod officers and the Synod Council. The Synod Attorney is expected to be familiar with the governing documents and policies of the synod and, as necessary, to attend meetings of the Synod Council. The Synod Attorney serves without salary but may be retained and compensated for specific legal services requested by the synod.

S8.14. The synod bishop may have such assistants as this synod shall from time to time authorize.

†S8.15. The presiding bishop of this church, or the appointee of the presiding bishop, shall install into office, in accord with the policy and approved rite of this church, each newly elected synod bishop.

†S8.16. Conflicts of Interest

†S8.16.01. The following procedures shall govern matters of potential conflicts of interest for synod bishops:

- a. Whenever a synod bishop determines that a matter of the kind described in †S8.16.01.b. may require the bishop's determination or action with respect to a related individual as defined in †S8.16.01.c., the synod bishop shall withdraw from personal involvement in such matter and shall so notify the presiding bishop. The presiding bishop shall then appoint another synod bishop from the same region to handle the matter to conclusion. In dealing with such matter, the appointed bishop shall exercise all of the functions and authority to the same extent as if the appointed bishop were the elected bishop of the withdrawing bishop's synod.
- b. Matters include any proceedings under Chapter 20, proceedings under provisions 7.46. and 7.75. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* (†S14.18. and †S14.43.), candidacy, reinstatement, and similar matters where determinations or actions by the synod bishop could change, limit, restrict, approve, authorize, or deny the related individual's ministry on one of the official rosters of this church.
- c. A related individual is one who, with respect to the synod bishop, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

S8.20. Vice President

†S8.21. The vice president shall be elected by the Synod Assembly. The vice president shall be a layperson. The vice president shall be a voting member of a congregation of this synod. The vice president shall not receive a salary for the performance of the duties of the office.

S8.22. The vice president shall chair the Synod Council.

S8.30. Secretary

†S8.31. The secretary shall be elected by the Synod Assembly. The secretary shall be a voting member of a congregation of this synod. The secretary may be either a layperson or a rostered minister.

†S8.32. The secretary shall:

- a. Keep the minutes of all meetings of the Synod Assembly and Synod Council, be responsible for distribution of such minutes, and perform such other duties as this synod may from time to time direct.
- b. Be authorized and empowered, in the name of this synod, to attest all instruments which require the same, and which are signed and sealed by the bishop.

- c. In consultation with the bishop, classify and arrange all important papers and documents and deposit them in the archives of this synod.
- d. Submit to the secretary of this church at least nine months before each regular Churchwide Assembly a certified list of the voting members elected by the Synod Assembly.

S8.40. Treasurer

†S8.41. The treasurer may be elected by the Synod Assembly or may be appointed by the Synod Council. The treasurer shall be a voting member of a congregation of this synod. The treasurer may be either a layperson or a rostered minister.

S8.42. The treasurer shall provide and be accountable for:

- a. Management of the monies and accounts of this synod, its deeds, mortgages, contracts, evidences of claims and revenues, and trust funds, holding the same at all times subject to the order of this synod.
- b. Investment of funds upon the authorization of the Synod Council.
- c. Receipt and acknowledgment of offerings, contributions, and bequests made to this synod, collecting interest and income from its invested funds, and paying regular appropriations and orders on the several accounts as approved and directed by the Synod Council. The treasurer shall transmit each month to the treasurer of the Evangelical Lutheran Church in America the funds received by this synod for the general work of this church as well as any funds to support restricted programs of this church.
- d. Maintenance of a regular account with each congregation of this synod and informing the congregation, at least quarterly, of the status of this account.
- e. Rendering at each regular meeting of the Synod Assembly a full, detailed, and duly audited report of receipts and disbursements in the several accounts of this synod for the preceding fiscal year, together with the tabulation, for record and publication in the minutes, of the contributions from the congregations.

S8.50. General Provisions

†S8.51. The terms of office of the officers of this synod shall be as follows:

- a. The bishop of this synod shall be elected to a term of six years and may be re-elected.
- b. The vice president and secretary of this synod shall be elected to a term of _____ years and may be re-elected. The officer shall serve until a successor takes office.
- c. The treasurer of this synod shall be [elected] [appointed] to a term of _____ years and may be [re-elected] [reappointed]. The treasurer shall serve until a successor takes office.

†S8.52. The terms of the officers shall begin on the first day of the _____ month following election or, in special circumstances, at a time designated by the Synod Council.

- †S8.53. Each officer shall be a voting member in a congregation of this synod, except that the bishop need not be a member of a congregation of this synod at the time of election.
- †S8.54. Should the bishop die, resign, or be unable to serve, the vice president, after consultation with the presiding bishop of the Evangelical Lutheran Church in America, shall convene the Synod Council to arrange for the appropriate care of the responsibilities of the bishop until an election of a new bishop can be held or, in the case of temporary disability, until the bishop is able to serve again. Such arrangements may include the appointment by the Synod Council of an interim bishop, who during the vacancy or period of disability shall possess all of the powers and authority of a regularly elected bishop. The term of the successor bishop, elected by the next Synod Assembly or a special meeting of the Synod Assembly called for the purpose of election, shall be six years with the subsequent election to take place at the Synod Assembly closest to the expiration of such a term and with the starting date of a successor term to be governed by constitutional provision S8.52.
- S8.55. Should the vice president, secretary, or treasurer die, resign, or be unable to serve, the bishop, with the approval of the Executive Committee of the Synod Council, shall arrange for the appropriate care of the responsibilities of the officer until an election of a new officer can be held or, in the case of temporary disability, until the officer is able to serve again. The term of the successor officer, elected by the next Synod Assembly, shall be _____ years. If the treasurer is appointed by the Synod Council, the Synod Council shall appoint a new treasurer to a _____ year term.
- †S8.56. The Executive Committee of the Synod Council shall determine whether an officer is unable to serve; the officer may appeal the decision of the Executive Committee by requesting a hearing before the Synod Council. A meeting to determine the ability of an officer to serve shall be called upon the request of at least three members of the Executive Committee and prior written notice of the meeting shall be given to the officer in question at least 10 calendar days prior to the meeting.
- †S8.57. The recall or dismissal of an officer and the vacating of office may be effected for willful disregard or violation of the constitutions, bylaws, and continuing resolutions of this church; for such physical or mental disability as renders the officer incapable of performing the duties of office; or for such conduct as would subject the officer to disciplinary action as a rostered minister or as a member of a congregation of this church.
- a. Proceedings for the recall or dismissal of a synod bishop shall be instituted by written petition by:
- 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting;
 - 3) at least 10 synod bishops; or

- 4) the presiding bishop of this church.
- b. Proceedings for the recall or dismissal of an officer of a synod, other than the synod bishop, shall be instituted by written petition by:
 - 1) the Synod Council on an affirmative vote of at least two-thirds of its elected members present and voting;
 - 2) the Synod Assembly on an affirmative vote of at least two-thirds of its members present and voting; or
 - 3) the synod bishop.
- c. The petition shall be filed with the chair of the Committee on Appeals (in care of the secretary of the Evangelical Lutheran Church in America, 8765 West Higgins Road, Chicago, Illinois 60631) and shall set forth the specific charge or charges.
- d. Upon the filing of a written petition, the Executive Committee of the Synod Council may temporarily suspend the officer from service in the synod without prejudice, but with continuation of compensation, including benefits, if the officer is a salaried employee of the synod.
- e. In the case of alleged physical or mental incapacity of an officer of the synod, the procedures outlined in †S8.56. shall be followed, and such officer shall comply with the decision of the Synod Council. If such officer fails or refuses to comply, the Synod Council may proceed to petition for recall or dismissal as follows:
 - 1) the Synod Council will submit a written report of their findings and the basis of their decision to the Committee on Appeals.
 - 2) the Committee on Appeals, exclusive of any members who are disqualified, shall review the findings and decision of the Synod Council and by an affirmative vote of at least two-thirds of those present and voting may adopt the findings and grant the petition.
- f. If the synod officer is a minister of Word and Sacrament, grounds for recall or dismissal include those set forth in ELCA bylaw 20.22.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline. If the officer is a minister of Word and Service, grounds for recall or dismissal include those set forth in ELCA bylaw 20.23.01. and as defined under the process described in ELCA constitutional provisions 20.21. and 20.22. as grounds for discipline.
- g. If the officer is a layperson, grounds for recall or dismissal include those set forth in ELCA bylaw 20.41.01. as grounds for discipline.
- h. If the case of alleged willful disregard or violation of the constitutions, bylaws, and continuing resolutions or of alleged conduct as would subject the officer to disciplinary action, the following procedures shall apply:
 - 1) the petition shall be referred to the Committee on Appeals, which shall function as the discipline hearing committee that shall conduct a hearing in accordance with the rules provided for in ELCA bylaw 20.22.14. except to the extent that those rules are in conflict with the provisions of this bylaw; and

- 2) the members of the Committee on Appeals, other than those who are disqualified, may grant the petition by an affirmative vote of at least two-thirds of those present and voting.
- i. Written notice of a decision by the Committee on Appeals that the charges have been sustained shall be given to the affected officer and to the Synod Council, and the office shall be vacated.

†S8.58. If the bishop is to be temporarily absent from the synod for an extended period not to exceed 90 days, the bishop, after consultation with the presiding bishop and with the consent of the Synod Council, may appoint as acting bishop for such period a minister of Word and Sacrament of this church. Except as limited by action of the Synod Council, an acting bishop shall possess all of the powers and authority of a regularly elected bishop other than authority to ordain or to authorize the ordination of properly approved candidates for ordination.

Chapter 9.

NOMINATIONS AND ELECTIONS

†S9.01. The Synod Assembly shall elect such officers of this synod and such other persons as the constitution and bylaws may require, according to procedures set forth in the bylaws. The Synod Assembly shall elect members of the Churchwide Assembly in accordance with bylaw 12.41.11. of the constitution and bylaws of the Evangelical Lutheran Church in America.

†S9.02. In all elections by the Synod Assembly, other than for the bishop, a majority of the legal votes cast shall be necessary for election.

S9.03. There shall be a Nominating Committee consisting of _____ members who shall be appointed by the Synod Council to serve for each regular meeting of the Synod Assembly. Additional nominations may be made from the floor for all elections for which nominations are made by the Nominating Committee.

S9.04. The bishop shall be elected by the Synod Assembly by ecclesiastical ballot. Three-fourths of the legal votes cast shall be necessary for election on the first ballot. If no one is elected, the first ballot shall be considered the nominating ballot. Three-fourths of the legal votes cast on the second ballot shall be necessary for election. The third ballot shall be limited to the seven persons (plus ties) who received the greatest number of legal votes on the second ballot, and two-thirds of the legal votes cast shall be necessary for election. The fourth ballot shall be limited to the three persons (plus ties) who receive the greatest number of legal votes on the third ballot, and 60 percent of the legal votes cast shall be necessary for election. On subsequent ballots a majority of the legal votes cast shall be necessary for election. These ballots shall be limited to the two persons (plus ties) who receive the greatest number of legal votes on the previous ballot.

- S9.05.** The Nominating Committee shall nominate at least one person for vice president; additional nominations may be made from the floor.
- S9.06.** The Synod Council shall nominate at least one person for secretary; additional nominations may be made from the floor.
- S9.07.** If the treasurer is elected, the Synod Council shall nominate at least one person for treasurer; additional nominations may be made from the floor.
- S9.08.** In all elections, except for the bishop, the names of the persons receiving the highest number of legal votes, but not elected by a majority of the legal votes cast on a preceding ballot, shall be entered on the next ballot to the number of two for each vacancy unfilled. On any ballot when only two names appear, a majority of the legal votes cast shall be necessary for election.
- S9.09.** The result of each ballot in every election shall be announced in detail to the assembly.
- †S9.10.** When notified by the secretary of this church, on behalf of the Nominating Committee of the Churchwide Assembly, the Synod Assembly shall nominate two persons in the specified categories for possible election by the Churchwide Assembly to the Church Council.
- S9.11.** The Synod Council shall elect or appoint representatives to the steering committee of its region.
- †S9.12.** Background checks and screening shall be required and completed for persons nominated as synod officers prior to their election, if possible, or as soon as practical after their election. The specific procedures and timing of background checks and screening shall be determined by the Synod Council.

Chapter 10.

SYNOD COUNCIL

- †S10.01.** The Synod Council, consisting of the four officers of the synod, 10 to 24 other members, and at least one youth and at least one young adult, shall be elected by the Synod Assembly.
- a. Each person elected to the Synod Council shall be a voting member of a congregation of this synod, with the exception of ministers on a roster of this synod who reside outside the territory of this synod. The process for election and the term of office when not otherwise provided shall be specified in the bylaws. A member of the Church Council of the Evangelical Lutheran Church in America, unless otherwise elected as a voting member of the Synod Council, may serve as an advisory member of the Synod Council with voice but not vote.
 - b. The term of office of members of the Synod Council, with the exception of the officers and the youth member, shall be ____ years.
- †S10.02.** The Synod Council shall be the board of directors of this synod and shall serve as its interim legislative authority between meetings of the Synod Assembly. It may make decisions that are not in conflict with actions taken by the Synod Assembly or that are not precluded by

provisions of this constitution or the constitution and bylaws of the Evangelical Lutheran Church in America.

S10.03. The functions of the Synod Council shall be to:

- a. Exercise trusteeship responsibilities on behalf of this synod.
- b. Recommend program goals and budgets to the regular meetings of the Synod Assembly.
- c. Carry out the resolutions of the Synod Assembly.
- d. Provide for an annual review of the roster of Ministers of Word and Sacrament and the roster of Ministers of Word and Service, receive and act upon appropriate recommendations regarding those persons whose status is subject to reconsideration and action under the constitution and bylaws of the Evangelical Lutheran Church in America, and make a report to the Synod Assembly of the Synod Council's actions in this regard.
- e. Issue letters of call to rostered ministers as authorized by Chapter 7 of the constitution and bylaws of the Evangelical Lutheran Church in America.
- f. Fill vacancies until the next regular meeting of the Synod Assembly, except as may otherwise be provided in the constitution or bylaws of this synod, and determine the fact of the incapacity of an officer of this synod.
- g. Report its actions to the regular meeting of the Synod Assembly.
- h. Perform such other functions as are set forth in the bylaws of this synod, or as may be delegated to it by the Synod Assembly.

S10.04. Any proposal to appropriate funds, whether by amendment to the budget or otherwise, which is presented to a meeting of the Synod Assembly without the approval of the Synod Council, shall require a two-thirds vote for adoption.

S10.05. No elected member of the Synod Council shall receive compensation for such service.

S10.06. If a member of the Synod Council ceases to meet the requirements of the position to which she or he was elected, the office filled by such member shall at once become vacant.

S10.07. The composition of the Synod Council, the number of its members, and the manner of their selection, as well as the organization of the Synod Council, its additional duties and responsibilities, and the number of meetings to be held each year shall be as set forth in the bylaws.

S10.08. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of the Synod Council.

S10.08.01. To the extent permitted by state law, meetings of the Synod Council and its committees may be held electronically or by telephone conference, and notice of all meetings may be provided electronically.

Chapter 11.

COMMITTEES

(names of other organizational units)

- †S11.01. There shall be an Executive Committee, a Consultation Committee, a Committee on Discipline, a Mutual Ministry Committee, an Audit Committee, and such other committees as this synod may from time to time determine. The duties and functions of such committees, or any other organizational units created by this synod, and the composition and organizational structure of such units, shall be as set forth in this constitution or in the bylaws or continuing resolutions, and shall be subject to any applicable provisions or requirements of the constitution and bylaws of the Evangelical Lutheran Church in America.
- †S11.02. The Consultation Committee of this synod shall consist of at least six persons and not more than 12 persons, of whom half shall be rostered ministers and half shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election. The functions of the Consultation Committee are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and in Chapter 17 of this constitution. The size of the Consultation Committee, in accord with this provision, shall be defined in this synod's bylaws.
- †S11.03. The Committee on Discipline of this synod shall consist of 12 persons, of whom six shall be rostered ministers and six shall be laypersons, who shall each be elected by the Synod Assembly for a term of six years without consecutive re-election.
- The functions of the Committee on Discipline of this synod are set forth in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
 - The Synod Council shall fill vacancies on the Committee on Discipline for any unexpired term.
- †S11.04. The Mutual Ministry Committee shall be appointed by the Executive Committee of the Synod Council to provide support and counsel to the bishop.
- †S11.05. The Audit Committee of this synod shall consist of three to six persons, none of whom is a member of the synod staff. Up to half of the committee members may be Synod Council members. The Audit Committee members shall be elected by the Synod Council for a term of three years and be eligible for re-election to a second consecutive three-year term. The terms of the Audit Committee members shall be staggered. The Audit Committee shall be responsible for assisting the Synod Council in fulfilling its general oversight of the synod's accounting, financial reporting, internal control systems, and external audit processes as provided in †S15.31.
- †S11.11. This synod shall in its bylaws or by continuing resolution establish a process to ensure that the members of its committees and other

organizational units will be persons possessing the necessary knowledge and competence to be effective members of such units, and to meet the requirements of †S6.04. With the exception of ministers on the rosters of this synod who reside outside the territory of this synod, each member of a committee of this synod, or any other organizational unit created by this synod, shall be a voting member of a congregation of this synod.

Chapter 12.

CONFERENCES, CLUSTERS, COALITIONS, AREA SUBDIVISIONS, AND NETWORKS

†S12.01. This synod may establish conferences, clusters, coalitions, area subdivisions, and networks as appropriate within its territory and in collaboration with other synods and entities, as specified in the bylaws and continuing resolutions. The purpose of such groupings shall be to foster interdependent relationships for missional purposes among congregations, synods, the churchwide organization, and other affiliates.

Chapter 13.

CONGREGATIONS

†S13.01. Each congregation, except those certified as congregations of the Evangelical Lutheran Church in America by the uniting churches, prior to being listed in the roster of congregations of this synod, shall adopt the *Model Constitution for Congregations* or one acceptable to this synod that is not in contradiction to the constitution and bylaws of the Evangelical Lutheran Church in America.

- a. **New congregations.** A congregation newly formed by this church and any congregation seeking recognition and reception by this church shall:
 - 1) Accept the criteria for recognition and reception as a congregation of this church, fulfill the functions of the congregation, and accept the governance provisions as provided in Chapter 9 of the constitution and bylaws of this church.
 - 2) Adopt governing documents that include fully and without alterations the Preamble, Chapter 1, where applicable, and all required provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 in the *Model Constitution for Congregations* consistent with requirements of the constitutions, bylaws, and continuing resolutions of this church. Bylaws and continuing resolutions, appropriate for inclusion in these chapters and not in conflict with these required provisions in the *Model Constitution for Congregations*, the constitution of this synod, or the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*,

may be adopted as described in Chapters 17 and 18 of the *Model Constitution for Congregations*.

3) Accept the commitments expected of all congregations of this church as stated in *C6.01., *C6.02., and *C6.03. of the *Model Constitution for Congregations*.

- b. **Congregations from another church body.** If a congregation is a member of another church body, the leadership of the congregation first should consult with the appropriate authorities of that church body before taking action to leave its current church body. After such consultation, leaders of the congregation should contact the ELCA synod bishop or staff where the congregation is located. The synod bishop or synod staff where the transferring or independent congregation is located shall confer with the congregation to assure its understanding and acceptance of commitment to and affiliation with this church.
- c. **Recognition and reception.** Recognition and reception into this church of transferring or independent congregations by the Evangelical Lutheran Church in America is based on the judgment of the synod and action by the synod through the Synod Council and Synod Assembly. The synod bishop shall provide for prompt reporting of such additions to the secretary of this church for addition to the roster of congregations.

†S13.02. It shall be the responsibility of each congregation of this synod to elect from among its voting members laypersons to serve as members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. Normatively, congregations should hold elections prior to each regular meeting of the Synod Assembly. The number of persons to be elected by each congregation and other qualifications shall be as prescribed in guidelines established by this synod.

S13.11. When a rostered minister resigns, the Congregation Council shall receive the letter of resignation, report it to the congregation, and at once notify the bishop of this synod.

S13.12. A congregation under financial obligation to its former rostered minister shall make satisfactory settlement of the obligation before calling a successor.

†S13.20. A congregation considering a relocation shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

†S13.21. A congregation considering development of an additional site to be used regularly for worship shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

- †S13.22. Each congregation of the Evangelical Lutheran Church in America within the territory of this synod, except those which are in partnership with the Slovak Zion Synod, shall establish and maintain a relationship with this synod.
- †S13.23. Provision 9.71. of the constitution of this church shall govern the relationship of this synod and a congregation of this synod regarding the property of the congregation. This synod may transfer or convey property to a congregation of the synod, subject to restrictions accepted by the congregation, including provision that if the Synod Council, in its sole and exclusive discretion, determines (1) that the property is not being used to serve the mission and ministry needs of this church, or (2) that the congregation has transferred, encumbered, mortgaged, or in any way burdened or impaired any right, title, or interest in the property without the prior approval of the Synod Council, then title to the property shall revert to the synod, and the congregation, upon written demand, shall reconvey the property to the synod.
- †S13.24. The Synod Council, itself or through trustees appointed by it, may take charge and control of the property of a congregation of this synod to hold, manage, and convey the same on behalf of this synod, if any of the following apply:
- a. The congregation has disbanded, ceased to worship, or otherwise ceased to exist as a congregation.
 - b. The congregation has abandoned its property.
 - c. The remaining members of the congregation decide that it is no longer possible to function as a congregation or that they are unable to provide required governance.
 - d. The Synod Council determines that the membership of a congregation has become so scattered or so diminished in numbers that it cannot provide required governance or that it has become impractical for the congregation to fulfill the purposes for which it was organized.
 - e. The Synod Council determines that it is necessary for this synod to protect and preserve the congregation's property from waste and deterioration.
- The congregation shall have the right to appeal any such decision to the next Synod Assembly.
- S13.25. This synod may temporarily assume administration of a congregation upon its request or with its concurrence. Such synod administration shall continue only so long as necessary to complete the purposes for which it was requested by the congregation or until the congregation withdraws consent to continued administration.
- S13.30. Discipline**
- †S13.31. Congregations and members of congregations are subject to discipline in accordance with the provisions of Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran*

Church in America. The synod's involvement in and responsibility for such disciplinary processes shall be as set forth in that chapter.

S13.40. Synod-authorized Worshiping Communities

S13.41. Authorized worshiping communities, acknowledged under criteria, policies, and procedures approved by the Church Council of the Evangelical Lutheran Church in America, shall accept and adhere to the Confession of Faith and Statement of Purpose of this church, shall be served by leadership under the criteria of this church, and shall be subject to the discipline of this church.

Chapter 14.

ROSTERED MINISTERS

S14.10. Ministers of Word and Sacrament

†**S14.11.** The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.

†**S14.12.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of this synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

- S14.13.** The pastor (a) shall keep accurate records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, (b) shall submit a summary of such statistics annually to this synod, and (c) shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- S14.14.** Whenever members of a congregation move to such a distance that regular attendance at its services becomes impractical, it shall be the duty of the pastor to commend them, upon their consent, to the pastoral care of a congregation nearer to their place of residence.
- S14.15.** Each minister of Word and Sacrament on the roster of this synod shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- †S14.16.** When a congregation of this church desires to call a pastor or a candidate for the ministry of Word and Sacrament of this church:
- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective pastor.
 - b. For issuance of a letter of call to a pastor or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.41., a two-thirds vote shall be required of voting members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
 - c. When the congregation has voted to issue a call to a prospective pastor, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- S14.17.** No minister of Word and Sacrament shall accept a call without first conferring with the bishop of this synod. A minister of Word and Sacrament shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- †S14.18.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;

- 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be

undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

†S14.19. Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

†S14.21. The records of all baptisms, confirmations, marriages, burials, communicants, members received, members transferred or dismissed, members who have become inactive, or members excluded from the congregation shall be kept accurately and permanently. They shall remain the property of each congregation. At the time of the closure of a congregation, such records shall be sent to the regional archives. The secretary of the congregation shall attest to the bishop of this synod that such records have been placed in the secretary's hands in good order by a departing pastor before:

- a. installation in another call, or
- b. approval of a request for change in roster status.

†S14.22. The pastor shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another call, or
- b. approval of a request for change in roster status.

†S14.23. During service to a congregation, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor may delegate the same in part to an interim supply pastor with the consent of the bishop of this synod. The interim pastor and any rostered minister who may assist shall refrain from exerting influence in the selection of a pastor. Upon completion of service, the interim pastor shall certify to the bishop of this synod that the congregation records, for the period for which the interim pastor was responsible, are in order.

†S14.24. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure

from the normal rule of permanency of the call as expressed in †S14.18., a congregation may call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.18.

S14.25. All ministers of Word and Sacrament under a call shall attend meetings of the Synod Assembly, and the pastors of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

S14.30. Ministers of Word and Service

†S14.31. The time and place of the ordination of those persons properly called to ministry in this synod shall be authorized by the bishop of this synod.

†S14.32. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:

- a. Be rooted in the Word of God, for proclamation and service;
- b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of this church and its wider ministry of the gospel, and advocate for the work of all expressions of this church; and
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

S14.33. The minister of Word and Service shall become a member of the congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the minister of Word and Service shall hold membership in one of the congregations.

S14.34. Each minister of Word and Service on the roster of this synod shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

- †S14.41. When a congregation of this church desires to call a minister of Word and Service or a candidate for the ministry of Word and Service of this church:
- a. Each congregation of this synod shall consult the bishop of this synod before taking any steps leading to the extending of a call to a prospective minister of Word and Service.
 - b. For issuance of a letter of call to a minister of Word and Service or candidate by a congregation of this synod in accord with ELCA constitutional provision 7.71., a two-thirds vote shall be required of members of the congregation present and voting at a meeting regularly called for the purpose of issuing such a call.
 - c. When the congregation has voted to issue a call to a prospective minister of Word and Service, the letter of call shall be submitted to the bishop of this synod for the bishop's signature.
- S14.42. No minister of Word and Service shall accept a call without first conferring with the bishop of this synod. A minister of Word and Service shall respond with an answer of acceptance or declination to a letter of call within 30 days of receipt of such call. In exceptional circumstances with the approval of the bishop of this synod and the president of the Congregation Council of the congregation issuing the call, an additional 15 days may be granted to respond to a letter of call.
- †S14.43. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a minister of Word and Service, shall constitute a continuing mutual relationship and commitment which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the minister of Word and Service, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the office effectively in that congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the minister of Word and Service;
 - 5) suspension of the minister of Word and Service through discipline for more than three months;
 - 6) resignation or removal of the minister of Word and Service from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.

- b. When allegations of disability or incapacity of the minister of Word and Service under paragraph a.4) above, or ineffective conduct of the ministry of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the minister of Word and Service's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the minister of Word and Service to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the minister of Word and Service and then to the congregation. The recommendations of the bishop's committee address whether the minister of Word and Service's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the minister of Word and Service, if appropriate. If the minister of Word and Service and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the minister of Word and Service's call, the congregation may dismiss the minister of Word and Service only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- †S14.44. Ministers of Word and Service shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the Congregation Council.
- †S14.45. The minister of Word and Service shall make satisfactory settlement of all financial obligations to a former congregation before:
 - a. installation in another call, or
 - b. approval of a request for change in roster status.
- †S14.46. With the approval of the synod bishop expressed in writing, which sets forth a clear statement of the purpose to be served by such a departure from the normal rule of permanency of the call as expressed in †S14.43., a congregation may call a minister of Word and Service for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop of this synod or a representative of the bishop shall meet with the minister of Word and Service and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of †S14.43.
- S14.47. All ministers of Word and Service under a call shall attend meetings of the Synod Assembly, and the ministers of Word and Service of congregations shall also attend the meetings of the conference, cluster, coalition, or other area subdivision to which the congregation belongs.

Chapter 15.

FINANCIAL MATTERS

- †S15.01. The fiscal year of this synod shall be February 1 through January 31.
- †S15.11. Since the congregations, synods, and churchwide organization are interdependent expressions that share in God's mission, all share in the responsibility to develop, implement, and strengthen the financial support of the whole church. The gifts and offerings of the members of the Evangelical Lutheran Church in America are given to support all parts of this church; thus the unity of this church should be evidenced in determining each part's share of the gifts and offerings. Therefore:
 - a. The mission of this church beyond the congregation is to be supported by such a proportionate share of each congregation's annual budget as each congregation determines. This synod shall develop guidelines for determining "proportionate share," and shall consult with congregational leaders to assist each congregation in making its determination.

- b. This synod shall receive the proportionate share of the mission support from its congregations, and shall transmit that percentage or amount of each congregation's mission support as determined in consultation with the churchwide organization and approved by the Synod Assembly as part of its budget consideration.
 - c. Should the Synod Assembly not approve the proportionate share of mission support determined in consultation with the churchwide organization, a new consultation with the churchwide organization shall take place. The Synod Council is authorized to amend the budget adopted by the Synod Assembly to reflect the results of this consultation.
- †S15.12. The annual budget of this synod shall reflect the entire range of its own activities and its commitment to supportive funding with other synods and the churchwide organization.
- S15.13. On the basis of estimated income, the Synod Council shall authorize expenditures within the budget for the fiscal year. Expenditure authorizations shall be subject to revision, in light of changing conditions, by the Synod Council.
- S15.14. Except when such procedure would jeopardize current operations, a reserve amounting to no more than 16 percent of the sum of the amounts scheduled in the next year's budget for regular distribution to synod causes shall be carried forward annually for disbursement in the following year in the interest of making possible a more even flow of income to such causes. The exact number of dollars to be held in reserve shall be determined by the Synod Council.
- S15.21. No appeal to congregations of this or any other synod of the Evangelical Lutheran Church in America for the raising of funds shall be conducted by congregations or organizations related to or affiliated with this synod without the consent of the Synod Assembly or the Synod Council.
- †S15.31. This synod shall arrange to have an annual audit of its financial records conducted by a certified public accountant firm recommended by the synod Audit Committee and approved by the Synod Council. The audited annual financial report shall be submitted by this synod to the churchwide Office of the Treasurer and to the congregations of this synod.
- †S15.32. This synod shall maintain adequate, continuous insurance coverage in accordance with standards recommended by the churchwide organization. Insurance programs offered or endorsed by the churchwide organization shall be deemed to fulfill this obligation.

Chapter 16.

INDEMNIFICATION

- †S16.01. Subject to the limitations and duties imposed by law, each person who is or was made or threatened to be made a party to any proceeding by reason of the present or former capacity of that person as a Synod Council member, officer, employee, or committee member of this synod shall be indemnified against all costs and expenses incurred by that person in connection with the proceeding. Indemnification of any person by reason of that person's capacity as a director, officer, employee, or committee member of any other organization, regardless of its form or relationship to this synod, is subject to the provisions of †S16.02.
- a. The term "proceeding" means a threatened, pending, or completed lawsuit, whether civil or criminal, an administrative or investigative matter, arbitration, mediation, alternative dispute resolution, or any other similar legal or governmental action. Except as otherwise required by law, the term "proceeding" does not include (a) any action by this synod against the individual seeking indemnification, or (b) subject to †S16.04., a disciplinary hearing or related process described in Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
 - b. The term "indemnification" includes reimbursement and advances of costs and expenses for judgments, penalties, fines, settlements, excise taxes, reasonable attorneys' fees, disbursements, and similar required expenditures.
- †S16.02. Whenever a person who, while a Synod Council member, officer, committee member, or employee of this synod, is or was serving at the request of this synod as (or whose duties in that position involve or involved service in the capacity of) a director, officer, partner, trustee, employee, or agent of another organization, is or was made or threatened to be made a party to a proceeding by reason of such capacity, then such person shall be entitled to indemnification only if (a) the Synod Council has established a process for determining whether a person serving in the capacity described in this section shall be entitled to indemnification in any specific case, and (b) that process has been applied in making a specific determination that such person is entitled to indemnification.
- †S16.03. This synod may purchase and maintain insurance on behalf of itself or any person entitled to indemnification pursuant to this chapter against any liability asserted against and incurred by this synod or by such other person in or arising from a capacity described in †S16.01. or †S16.02.
- †S16.04. When written charges against a rostered minister of this church are made in disciplinary proceedings under Chapter 20 of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* by the synod bishop or when written charges against a congregation are made in disciplinary proceedings by the Synod Council or the synod bishop, and the discipline hearing committee determines that

no discipline shall be imposed, then if such determination is not reversed or set aside on appeal, indemnification shall be made by the synod to the accused for reasonable attorney's fees and other reasonable expenses related to the defense of the charges. The determination of the reasonableness of such fees and expenses shall be made by the Synod Council.

Chapter 17.

CONSULTATION AND ADJUDICATION

- †S17.01. The synod bishop and the Executive Committee of the Synod Council shall be available to give counsel when disputes arise within this synod.
- †S17.02. The synod bishop and the Executive Committee of the Synod Council shall receive expressions of concern from rostered ministers of this church, congregations, and organizations within this synod; provide a forum in which the parties concerned can seek to work out matters causing distress or conflict; and make appropriate recommendations for their resolution. When a concern relates directly to the synod bishop, the synod vice president will lead the Executive Committee's efforts at resolving the matter. When the matter at issue cannot be resolved in this manner, applicable procedures for investigation, decision, appeal, and adjudication shall be followed. Allegations or charges that could lead to the discipline of a rostered minister of this church shall not be addressed by the Executive Committee but shall be resolved through the disciplinary process set forth in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- †S17.03. When there is disagreement between or among congregations of this synod on a substantive issue that cannot be resolved by the parties, the council of an affected congregation may petition the synod bishop for a consultation after informing the other affected congregation(s) of its intent to do so. If this consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the issue(s), the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The decision of the Synod Council shall be final.
- †S17.04. When conferences, clusters, coalitions, or area subdivisions of this synod have a disagreement on a substantive issue that they cannot resolve, the aggrieved party or parties may petition the synod bishop and the Executive Committee of the Synod Council requesting a consultation after informing the other affected parties of their intent to do so. In this case the decision of the Executive Committee shall prevail, except that, upon the motion of a member of the Synod Council, the decision shall be referred to the Synod Council for final action.

†S17.10. Adjudication in a Congregation

†S17.11. When there is disagreement between or among factions within a congregation on a substantive issue which cannot be resolved by the parties, members of the congregation may petition the synod bishop for consultation after informing the president of the Congregation Council of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the council deems necessary. The Synod Council's decision shall be final.

Chapter 18.

AMENDMENTS, BYLAWS, AND CONTINUING RESOLUTIONS

†S18.10. Amendments to Constitution

†S18.11. Certain sections of this constitution incorporate and record therein required provisions of the constitution and bylaws of this church. If such provisions are amended by the Churchwide Assembly, corresponding amendments shall be introduced at once into this constitution by the secretary of this synod upon receipt of formal certification thereof from the secretary of the Evangelical Lutheran Church in America.

†S18.12. Whenever the secretary of the Evangelical Lutheran Church in America officially informs this synod that the Churchwide Assembly has amended the *Constitution for Synods*, this constitution may be amended to reflect any such amendment by a majority vote at any subsequent meeting of the Synod Assembly without presentation at a prior Synod Assembly. An amendment that is identical to a provision of the *Constitution for Synods* shall be deemed to have been ratified upon its adoption by this synod. The Church Council, through the secretary of this church, shall be given prompt notification of its adoption.

†S18.13. Other amendments to this constitution may be adopted by this synod through either of the following procedures:

- a. Introduced with the support of at least _____ voting members and having been approved by a two-thirds vote of the voting members present and voting at a regular meeting of the Synod Assembly, an amendment may be adopted unchanged by a two-thirds vote at the next regular meeting of the Synod Assembly.
- b. The Synod Council may propose an amendment, with notice to be sent to the congregations of this synod at least six months prior to the next regular meeting of the Synod Assembly. Such an amendment shall require for adoption a two-thirds vote of the voting members present and voting at such a regular meeting of the Synod Assembly.

All such amendments shall become effective upon ratification by the Churchwide Assembly or by the Church Council.

†S18.20. **Amendments to Bylaws**

†S18.21. This synod may adopt bylaws not in conflict with this constitution or with the constitution and bylaws of the churchwide organization. This synod may amend its bylaws at any meeting of the Synod Assembly by a two-thirds vote of voting members of the assembly present and voting. Newly adopted bylaws and amendments to existing bylaws shall be reported to the secretary of this church.

†S18.30. **Amendments to Continuing Resolutions**

†S18.31. This synod may adopt continuing resolutions not in conflict with this constitution or its bylaws or the constitution, bylaws, and continuing resolutions of the churchwide organization. Such continuing resolutions may be adopted or amended by a majority vote of the Synod Assembly or by a two-thirds vote of the Synod Council. Newly adopted continuing resolutions and amendments to existing continuing resolutions shall be reported to the secretary of this church.



Evangelical
Lutheran Church
in America

**MODEL CONSTITUTION
FOR
CONGREGATIONS
OF THE
EVANGELICAL LUTHERAN
CHURCH IN AMERICA®**

Current as of April 2024

INTRODUCTION to the *Model Constitution for Congregations*

The *Model Constitution for Congregations*, like the other governing documents of this church, reflects the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news, and share the love of God in the world. Each expression of this church—churchwide, synod and congregation—is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church. As such, the *Model Constitution for Congregations* is deeply rooted in Scripture, the Lutheran Confessions, and the history of this church and its predecessors.

The *Model Constitution for Congregations* originally was adopted by the Constituting Convention of the Evangelical Lutheran Church in America and has been amended by subsequent churchwide assemblies. This edition includes amendments approved by the sixteenth Churchwide Assembly in 2022. It is consistent with the requirements of the governing documents of the ELCA’s churchwide organization, and it provides organizational flexibility to recognize local context.

REQUIRED AND RECOMMENDED PROVISIONS

Sections of this constitution marked by [*] are **required provisions** when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, which requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the ELCA constitution. Provisions in the *Model Constitution for Congregations* identified by [*] are those required under ELCA constitutional provision 9.25.b.

The other provisions in the *Model Constitution for Congregations* (those that are not marked by [*]) are **recommended provisions**. These provisions provide suggested wording that congregations may find useful. They may be included, omitted, or altered at the discretion of the individual congregation.

REVIEW BY SYNOD

Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03. and Chapters 16, 17, and 18 of the *Model Constitution for Congregations*, certain amendments to a congregation constitution only become effective when approved by the synod, while others need only be reported to the synod. (For a full explanation of the amendment and review process, please see the chapters referenced above in this paragraph.)

For those changes that require synod review, the synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the

changes go into effect upon notification that the synod has approved them. No governing document amendment will be approved by a synod if it conflicts with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* or with any provisions of the *Model Constitution for Congregations*.

Amendments that bring the congregation's constitution into conformity with the *Model Constitution for Congregations*, whether to match required or recommended provisions, go into effect immediately upon approval by the congregation meeting, and are then reported to the synod.

In order to be sure that amendments meet constitutional requirements and avoid potential problems, congregations are strongly urged to submit all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions to the synod for review before voting on them.

CODIFICATION EXPLANATION

The *Model Constitution for Congregations*, like the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and the *Constitution for Synods*, is organized into chapters by general subject matter and codified as follows:

- a. Constitutional provisions in the *Model Constitution for Congregations* are codified with two sets of numbers, preceded by a "C": the chapter number followed by a period, and a two-digit sequence number also followed by a period.
 1. **Required constitutional provisions**, as explained above, are preceded by [*]. For example, *C5.02. is a required constitutional provision in Chapter 5, the chapter on Powers of the Congregation.
 2. **Recommended constitutional provisions**, as explained above, are not preceded by [*]. For example, C5.05. is a recommended provision in Chapter 5, the chapter on Powers of the Congregation.
 3. **Other constitutional provisions**, including modified versions of the recommended provisions, may be proposed and adopted by individual congregations. Such provisions may not conflict with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* and are adopted and become effective in accordance with Chapter 16 of the *Model Constitution for Congregations*.
- b. The *Model Constitution for Congregations* contains no required or recommended **bylaws**. If a congregation chooses to adopt bylaws, they should be codified with three sets of numbers, each followed by a period: the chapter number (preceded by a "C"), the related constitutional provision number, and a two-digit bylaw number. For example, a bylaw could be codified as C5.03.01.

Bylaws are adopted and amended in accordance with Chapter 17 of the *Model Constitution for Congregations*. Congregations may adopt bylaws related to each congregation's organization, operation, and life. Bylaws should be incorporated following the constitutional provisions to which they apply. They should not be organized in a separate section or document.

- c. The *Model Constitution for Congregations* does not contain any suggested **continuing resolutions**. If congregations adopt continuing resolutions, those also are codified with three sets of numbers, except that the third set is preceded by a capital letter indicating sequence and a two-digit number indicating the year of its adoption. For example, if a congregation adopted one or more continuing resolutions in 2022 related to the Powers of the Congregation, the first continuing resolution adopted could be numbered “C5.03.A22.”

Continuing resolutions are adopted and amended in accordance with Chapter 18 of the *Model Constitution for Congregations*. They are intended to provide more detailed descriptions of operational patterns and practices within the congregation. They should be incorporated following the constitutional provisions and/or bylaws to which they apply. They should not be organized in a separate section or document.

Each congregation has discretion and may develop its own constitutional provisions, bylaws, and continuing resolutions (including bylaws and continuing resolutions related to required constitutional provisions) as long as they do not conflict with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America* or required constitutional provisions in the *Model Constitution for Congregations*.

Note: In some chapters, you will see that certain numbers are missing from the numbering sequence. These omissions are intentional in order to provide options for future additions.

ADDITIONAL CONSIDERATIONS

- Alternatives are provided in some places within the *Model Constitution for Congregations*. Alternatives are noted by brackets or blank lines. For example, constitutional provision *C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. Only one alternative should be chosen in each instance where brackets appear in the text. In other provisions, entire alternative provisions are provided. For example, in C11.02., options are provided separated by the word “or.” Each congregation should select one of those options. Where a blank line appears, such as in C12.01., the appropriate word, phrase, or number determined by the individual congregation should be inserted.
- “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed.

The important task of amending a constitution is challenging. It is, however, an essential endeavor that merits thoughtful work. Accordingly, each congregation should review its governing documents regularly, at least following each triennial Churchwide Assembly. Documents summarizing amendments to the *Model Constitution for Congregations* are posted on the Office of the Secretary page on ELCA.org shortly after each Churchwide Assembly. In addressing your constitutional responsibilities, may God grant you and your

colleagues wisdom, discernment, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

Secretary Sue E. Rothmeyer
Evangelical Lutheran Church in America
August 12, 2022

**MODEL CONSTITUTION
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EVANGELICAL LUTHERAN
CHURCH IN AMERICA®**

***PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God’s mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1.

NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be _____.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of (insert full legal name) is hereinafter designated as “this congregation.”
- C1.11.** This congregation shall be incorporated under the laws of the State of _____.

Chapter 2.

CONFESSION OF FAITH

- *C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God’s Spirit speaking through their authors, they record and announce God’s revelation centering in Jesus Christ. Through them God’s Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

* Required provision

- *C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07.** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3.

NATURE OF THE CHURCH

- *C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- *C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- *C3.04.** This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- *C3.05.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03.** To fulfill these purposes, this congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.

- g. Motivate its members to provide financial support for this congregation's ministry and the ministry of the other expressions of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]
- *C4.05.** This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.
- *C4.06.** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 5.

POWERS OF THE CONGREGATION

- *C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- *C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- *C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by this congregation. This congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call a minister of Word and Service;
 - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
 - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;

- h. hold title to and use its property for any and all activities consistent with its purpose;
- i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- j. elect its [officers][,] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution[,], [and] bylaws[,], [and continuing resolutions]; and
- k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

***C5.04.** This congregation shall elect from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the (insert name of synod) of the Evangelical Lutheran Church in America.

C5.05. This congregation shall have a mission endowment fund that will operate as specified in this congregation's [bylaws] [continuing resolutions]. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 6.

CHURCH AFFILIATION

***C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the (insert name of synod) of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

***C6.02.** This congregation accepts the Confession of Faith and agrees to the purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

***C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for

pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

***C6.04.** Affiliation with the Evangelical Lutheran Church in America is terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- d. The (insert name of synod) takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
- e. This congregation follows the procedures outlined in *C6.05.

***C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless the bishop and/or the bishop's designees are voting members of this congregation, they shall have voice but not vote at the first meeting.
- b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.

- c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
- d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless the bishop and/or the bishop's designees are voting members of this congregation, they shall have voice but not vote at the second meeting.
- e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
- f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case *C7.04. shall apply.
- g. This congregation shall abide by these covenants by and among the three expressions of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synod approval before terminating their membership in this church.
 - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to

consider termination of relationship with this church must follow all requirements of *C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.

- *C6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- *C6.07. If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

Chapter 7.

PROPERTY OWNERSHIP

- *C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the (insert name of synod) of the Evangelical Lutheran Church in America.
- *C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- *C7.03. If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in *C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the (insert name of synod).
- *C7.04. If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the process established by the synod, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America. In neither case does title to this congregation's property transfer to the synod.
- *C7.05. Notwithstanding the provisions of *C7.02. and *C7.03. above, where this congregation has received property from the synod pursuant to a deed or

other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:

- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the (insert name of synod)—reconvey and transfer all right, title, and interest in the property to the synod.

Chapter 8. MEMBERSHIP

***C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

***C8.02.** Members shall be classified as follows:

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
- b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.
- d. **Associate** members are persons holding membership in other [ELCA] [Lutheran] [Christian] congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.

e. **Seasonal** members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:

- 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
- 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
- 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

***C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

***C8.04.** It shall be the privilege and duty of members of this congregation to:

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

***C8.05.** Membership in this congregation shall be terminated by any of the following:

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 9.

ROSTERED MINISTER

- *C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02.** Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop may be called as a pastor of this congregation.
- *C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
 - a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
 - b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the (insert name of synod); and

- 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

***C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

***C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in this congregation in view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

- c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

***C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.

***C9.07.** During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11.** With the approval of the bishop of the synod, this congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12.** The pastor of this congregation:
- a. shall keep accurate records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13.** The pastor(s) shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14.** The records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in the secretary's hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.
- C9.15.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- *C9.21.** Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee

elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.

***C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.

***C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:

- a. Be rooted in the Word of God, for proclamation and service;
- b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

***C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.

***C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;

- 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this

congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

***C9.26.** This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.

***C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

***C9.28.** With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a.

***C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.

***C9.31.** The deacon(s) shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10.

CONGREGATION MEETING

C10.01. This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s)

specified in the bylaws. Consistent with the laws of the State of _____, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

- C10.02.** A special Congregation Meeting may be called by the [senior] pastor, the Congregation Council, or the president¹ of this congregation, and shall be called by the president of this congregation upon the written request of [number][percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all [voting] members at least 10 days in advance of the date of the meeting.
- C10.04.** ____ percent of the voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08.** This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.
- C10.09.** “*Ex officio*” as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 11.

OFFICERS

- C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.
- Duties of the officers shall be specified in the bylaws.
 - The officers shall be voting members of this congregation.
 - Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
 - If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. [If the treasurer is not selected from the elected membership of the Congregation

¹ If the pastor is the president of the congregation, the congregation may consider giving the vice president the authority to call a special meeting.

Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.]

- C11.02.** The [congregation][Congregation Council] shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The officers shall be elected by the [congregation] [Congregation Council] by written ballot and shall serve for one year. The term shall begin on ____ (month and day) and end on ____ (month and day).

or

The pastor shall be *ex officio* president of this congregation and the Congregation Council. The [congregation][Congregation Council] shall elect by written ballot the other officers of this congregation who shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The pastor shall be *ex officio* president of this congregation and the Congregation Council. The [congregation][Congregation Council] shall elect by written ballot the other officers of this congregation who shall serve for one year or until their successors are elected. Their terms shall begin on ____ (month and day) and end on ____ (month and day).

- C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the deacon(s), the officers of this congregation, and [____ members] [not more than ____ nor fewer than ____ members] of this congregation, at least one of whom shall be a youth and at least one of whom shall be a young adult. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council except the pastor(s) [and deacon(s)] shall be elected by written ballot to serve for ____ years or until their successors are elected. Such members shall be eligible to

serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The members of the Congregation Council except the pastor(s) [and deacon(s)] shall be elected at a legally called meeting of this congregation during the month of _____. Their term of office shall be for years, with the term of office beginning on _____(month and day) and ending on _____(month and day). Newly elected Congregation Council members shall be installed at worship at a time appointed by the Congregation Council.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of [trustees] [directors] of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of _____, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.
 - c. The Congregation Council may enter into contracts of up to \$ _____ for items not included in the budget.
 - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$ _____ in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.
 - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support monies to the synod.
 - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution[,] [and] its bylaws[,] [and the continuing resolutions] are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president², and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the [senior] pastor or

² If the pastor is the president of the congregation, the congregation may consider giving the vice president the authority to call a special meeting.

interim pastor, except when the [senior] pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the [senior] pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.

- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.04.** *Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president [vice president³] and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of six voting members shall be elected by [this congregation] [the Congregation Council]. Term of office will terminate upon installation of the newly called rostered minister.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the [bylaws][continuing resolutions].
- C13.08.** The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. [The [president]⁴

³ For use if the pastor is president of the congregation under two of the options in C11.02.

⁴ If the pastor is the president of the congregation, the congregation may consider selecting the vice president.

[vice president] of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.]

Chapter 14.

ORGANIZATIONS WITHIN THIS CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council [and specified in a continuing resolution].

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of member(s) of this congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- *C15.02.** The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to *C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's

Consultation Committee a panel of five members (three laypersons and two rostered ministers). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

***C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

***C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

***C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:

- a. suspension from the privileges of congregation membership for a designated period of time;
- b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
- c. termination of membership in this congregation; or
- d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.

***C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.

***C15.07.** No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.

***C15.10. Adjudication**

***C15.11.** When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president [vice president] of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

Chapter 16.
AMENDMENTS

***C16.01.** Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least _____ voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

***C16.02.** An amendment to this constitution, proposed under *C16.01., shall:

- a. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting; and
- b. be ratified without change at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting.

***C16.03.** Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly.

Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's vote of approval.

Chapter 17.

BYLAWS

- *C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03.** Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04.** Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18.

CONTINUING RESOLUTIONS

- *C18.01.** This congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of this congregation or a two-thirds vote of all voting members of the Congregation Council.
- *C18.03.** Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

Chapter 19.

INDEMNIFICATION

- *C19.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Chapter 20.

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

- *C20.01.** This congregation may unite with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- *C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.

- *C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

