

MINUTES

COMMISSION ON CONSTITUTIONAL MATTERS St. Louis Crowne Plaza Airport Hotel February 18-20, 2011

21. Call to Order, Opening Devotion and Prayers

Following an informal joint luncheon with the Board of Directors, acting Chairman Wilbert Sohns called the meeting to order with two new members of the commission present, Dr. George Gude and R. Neely Owen. Secretary Hartwig was absent at the start of the meeting due to his participation in the final session of the concurrent meeting of the Board of Directors. The opening devotion and prayers were led by Philip Esala based on Acts 1:15ff.

22. Triennial Organization

As required by Bylaw 1.5.3.1, since this was the initial meeting with the newly appointed members, the commission considered its organizational needs. Wilbert Sohns was elected chairman by acclamation. Daniel Lorenz was elected secretary *pro tem*, to serve at times of absence of the Secretary of the Synod. The commission also considered the need for a vice-chairman. George Gude nominated and Neely Owen seconded the nomination of Philip Esala, who was elected to that position.

The commission considered the need for a representative to serve on the Commission on Handbook, and it was agreed that Chairman Sohns will serve in that capacity.

The commission also considered the need for the appointment of a representative for the task force to be convened by the President as required pursuant to 2010 convention Res. 8-07, "To Study Future District Function and Configuration." Although the President has not yet called for the formation of this task force, the commission considered the need for making this appointment at this time. After discussion, the commission determined to select Chairman Wilbert Sohns as its representative.

23. Orientation and review of CCM Internal Governing Documents

The chairman conducted a general orientation for the benefit of the new members of the commission, which included a detailed review of the commission's internal governing documents. Suggestions for additions or changes to those documents will be considered in the future.

Daniel Lorenz, Secretary *pro tem*

Secretary Raymond Hartwig joined the meeting as the chairman continued the orientation session. The content of the appendices to the commission's internal governing documents was noted, giving particular attention to the principles of interpretation that the commission uses to arrive at its opinions.

24. 2010 Handbook and Constitutional Amendments Reports

Secretary Hartwig provided copies of the 2010 *Handbook* to the members of the commission and reported that Concordia Publishing House has begun mailing copies to all members of the Synod. He also reported that the process of receiving and tabulating constitutional amendment ballots is underway, to be completed on March 15.

25. Florida-Georgia District Bylaw Review (09-2562)

In a July 27, 2009 letter from the secretary of the Florida-Georgia District, the commission received notice of bylaw revisions made by the district during its 2009 convention. The commission requested that a clean copy of the district's Bylaws to facilitate its review of the changes, and the latest version of the district's Articles of Incorporation and Bylaws were provided.

Upon its review of the documents, the commission offers the following suggestions and recommendations for change in preparation for the 2012 Florida-Georgia District's convention:

- Prompted by Article I of the district's Articles of Incorporation, the commission is providing a copy of the commission's "Frequently Noted Aberrations," calling attention to a number of general grammatical matters that are not consistent with the usage of the Synod. The commission is working toward uniformity of grammatical usage in the official documents of all of the Synod's agencies. One frequently noted aberration is the varied spellings of "The Lutheran Church—Missouri Synod" ("The" is capitalized and the dash between "Church" and "Missouri" is to be an "em" dash).
- Article II 1 would better reflect the structure of the Synod if it read: "1. To unite in a corporate body the congregations holding membership in The Lutheran Church—Missouri Synod through the Florida-Georgia District."
- Under Article III, the paragraph regarding qualification of members and the manner of their admission would do well to reflect the content of Article III of the Synod's Articles of Incorporation (2010 *Handbook*, p. 207).
- The commission questions the need for Articles V and VII as continuing articles of the district's Articles of Incorporation, they long ago having served their purpose when the district first became incorporated.
- Under Article VIII, the final phrase of the paragraph should read: "...or with the Constitution, Bylaws, and resolutions of The Lutheran Church—Missouri Synod."
- Under Article XIII, the final sentence is incorrect and should be changed to reflect the requirements for special sessions of districts provided by paragraph 15 under Article XII of the Synod's Constitution (2010 *Handbook*, p. 22).
- Article XIV should include, after the mention of the laws of the state of Florida at the end of line 3, "Constitution, Bylaws, and resolutions of the Synod" before continuing on with line 4.
- Article XIV, beginning in the fifth-last line, should also include "the Commission on Constitutional Matters of The Lutheran Church—Missouri Synod" (see Synod Bylaw 3.9.2.2.3 [a]) when speaking of forwarding copies of proposed amendments in advance of the district convention.
- Under Bylaw D1.04, the reference to lay delegates serving as "synodical representatives" between conventions is incorrect as it stands and requires clarification.
- Bylaw D1.06 should better mirror the content of Synod Constitution Articles V and XII. The mention of "full-time" in paragraph e is not accurate, and paragraph g includes as advisory members persons not recognized as such in the Constitution of the Synod.
- Under Bylaw D1.53, paragraph b is inaccurate in that it does not agree with Bylaw 3.1.3.1 governing the election of advisory delegates to Synod conventions.
- Under Bylaw D2.08, the reference in the final phrase to "regulations" is understood to be a reference to the Constitution, Bylaws, and resolutions of the Synod. It would be more clear were this reflected in the bylaw wording.
- Under Bylaw D2.29, paragraph a, it would be helpful to include references to the locations in the Synod's Constitution (Art. XII) and Bylaws (section 4.4), where these duties are outlined

extensively, taking care that what is included in this paragraph accurately tracks the content of those portions of the Synod's *Handbook* (pp. 20–21, 192–195).

- Under Bylaw D2.29, paragraph c, the words “and the Synod” should be added at the end of the final sentence.
- Under Bylaw D2.42, paragraph d is inaccurate in that it is the responsibility of the president of the district, not the secretary, to keep a roster of all member congregations of the district (Synod Bylaw 4.4.7).
- Under Bylaw D2.42, paragraph g, the reference to the *Handbook* of the Synod requires updating. Also, since the secretary is to be a neutral administrator of nomination procedures, it may be best to replace “recommendations” in the final phrase with the word “nominations.”
- Under Bylaw D2.42, paragraph i, lack of mention of presenting a copy to the Commission on Constitutional Matters assumes that the commission has already had opportunity to review the changes prior to the convention (Bylaw 3.9 .2.2.3 [a]). A copy of the updated Articles of Incorporation and Bylaws, when prepared, should be provided to the Office of the Secretary of the Synod (Bylaw 3.9.2.2.3 [b]).
- Under Bylaw D2.44, clarification that the assistant secretary is appointed by the board of directors could be helpful.
- Under Bylaw D2.71, paragraph c must now reflect the provisions of Synod Bylaws 1.5.7ff. governing the removal of board members.
- Under Bylaw D2.79, paragraph l is inaccurate compared to Synod Bylaw 2.4.1 (c) and should reflect that the district board of directors approves congregation constitutions “upon advice of the constitution committee and recommendation by the district president.”
- Under Bylaw D2.79, paragraph n is unclear as to the identity of this “chief executive.” If this is the president of the district, it should be noted that a district's board of directors evaluates a district president only regarding his administrative performance. The board does not have supervisory/evaluative authority over a district president's ecclesiastical duties.
- Under Bylaw D16.01, mention should be made of the Synod Bylaw requirement that amendments are to be reviewed by its Commission on Constitutional Matters (Bylaw 3.9.2.2.3 [a]).

The commission thanks the Florida-Georgia District for providing its Articles of Incorporation and Bylaws for review. It asks that it be given opportunity to review the amendments that will be proposed to the district convention as a result of this opinion prior to their submission to the convention.

26. Council of Presidents Manual Review (09-2563)

The commission conducted a page-by-page review of the Council of Presidents Manual, noting the extensive attention that will be required to bring the manual up-to-date with the changes made to the 2010 Synod *Handbook* by convention actions. The Secretary of the Synod will look for an opportunity to work with Council of Presidents representatives to make the numerous minor cosmetic and other changes in Bylaw references, grammatical usage, and terminology that will be required.

During its review, the commission also noted a number of more substantive issues that will require attention as well, as follows:

- Under 1.2 (p. 1-9), the definition of “Bylaws” includes mention of “district constitution.” A separate such document should not exist, as the Constitution of the Synod serves as the constitution of each district (Bylaw 4.1.1.2).

- Under 1.2 (p. 1-9), mention of 1983 convention Res. 5-10A and CCM Opinion 10-2581 would be helpful additions to the answer to the question posed (fourth paragraph on page).
- Under 1.2 (p. 1-9), the definition of “Convention Resolution” does not appear to recognize Article VII 1, which specifically states that no resolution of the Synod imposing anything upon an individual congregation has “binding force” under the circumstances described. Similarly, the language of Bylaw 1.7.2 more accurately describes the role and binding nature of convention resolutions. This glossary of terms ought also make reference to the rights of congregations under Bylaw section 1.8 (2010 *Handbook*, p. 40).
- Under 2.2.10 (p. 2-21), the second paragraph should include mention of district president responsibilities as clarified by CCM Opinion 10-2581.
- Under 2.2.12 (p. 2-23), the first full paragraph is mistaken in calling circuit counselors “Synod officials,” as Constitution Art. XII 3 c clearly states that they are “officers of the districts.”
- Under 3.3.1 (p. 3-6), mention should be made of the bylaw requirement that policy document changes are to be reviewed by the Commission on Constitutional Matters (Bylaw 3.9.2.2.3).
- Under 4.1.1 (p. 4-1), the section on expulsion from the Synod would be well served by the inclusion of reference to the *Standard Operating Procedures Manuals*.
- Under 6.1 (pp. 6-1f.), the statements in paragraphs 7 and 8 are not accurate as to the roles of the constitution committee and the district president.
- Under 7.3 (pp. 7-19ff), the definitions of “District Secretary” and “Synod Executive—Treasurer” are problematic.
- Under 7.4.1 (p. 7-27), the inclusion of “Removed” in the list of “non actives” is inappropriate, and the reasons given for removal are out-of-date.
- Under 9.2.2 (p. 9-26), consideration should be given to including information regarding offices in which women are allowed to serve.
- Under 10.1.1 (p. 10-1), this entire paragraph will need to be reworked to reflect the changes made by the 2010 convention to the structure of the Synod and higher education.
- Under 10.2.1 (p. 10-13), mention should also be made of non-rostered teachers who are contracted to teach in schools of member congregations of the Synod.
- Under 11.1 (p. 11-1), mention should also be made of alternate route vicars. Similarly, the paragraph on “Health Insurance” should include information regarding Concordia Health Plan’s offer of health insurance for vicars.
- Under 12.1 (p. 12-1), this section will require extensive reworking to bring it up-to-date with current Synod bylaws.
- Under 13.1.1 (p. 1ff.), this section will need to be replaced in its entirety by the new policies and forms being developed by the Pastoral Colloquy Committee.
- Under 17.1 (pp. 17-1ff.), the commission is aware that this section is being reworked by the Council of Presidents and reminds the council to incorporate 2010 Res. 8-03B, among others, into the new document. The council is also reminded of the need to submit the new manual to the Commission on Constitutional Matters for review before implementation.
- Under 18.2.4 (pp. 18-7ff.), the council is advised to have this section reviewed by Concordia Plans Services to assure its accuracy.
- Under 18.3.2 (p. 18-18), the bracketed statement at the end of the section appears to have no purpose and should be deleted.
- Under 21.5 (p. 21-16), this page will need to be entirely reworked to reflect new bylaws and structure.

27. English District Bylaws (10-2578)

Upon request of the commission, a copy of the entire Bylaws of the English District was provided to facilitate its review of recent changes. The commission reviewed the Bylaws document, Corporate Operations Manual, and its *Addenda* and offers the following suggestions and recommendations:

- In its efforts to facilitate uniformity of grammatical usage in all official documents of the Synod and its agencies, the commission will provide its document “Frequently Noted Aberrations” to the district with the request that it give consideration to the guidelines as the final version of its Bylaws is prepared.
- In the Preamble (p. 4-8), as the document speaks of the district’s unique contributions to the Synod, the inclusion of the content of Article III of the Synod’s Constitution (in addition to its mention) would reflect the important fact that the objectives of the Synod are also the primary objectives of its districts.
- Article I (p. 4-8) could better reflect the nature of the Synod and its districts with a change of title to some such as “Congregations of the District,” a reversal of the order of paragraphs A and B, and the mention in current paragraph B of congregations exercising their authority through delegate conventions.
- Under Article III (p. 4-9), the commission encourages the district to consider former CCM Opinions 00-2202 and 00-2215 regarding the parenthetical use of the title “Bishop” (copies will be provided to the district with this review by the commission).
- Under Article IV (p. 4-10), paragraph A 3, which has district vice-presidents elected by their region and then ratified by the district convention, is in conflict with Synod Bylaw 4.3.1, which requires that the mentioned district officers be elected “by each district.”
- Under Article IV (p. 4-11), paragraph B 6 conflicts with Synod Bylaw 5.2.2.1 which provides that it is solely the district president’s responsibility to fill circuit counselor vacancies.
- Under Article V (p. 4-11), paragraph A should be reworded to mirror the wording and content of Synod Bylaws 5.2.2 (a) and 5.4.2 (c).
- Under Article VII (p. 4-11), the commission expresses concern with paragraph B and its determination of “chief responsibility,” given the priorities placed upon district board of directors responsibilities by Synod Bylaw 4.5.1.
- Under Article VII (p. 4-12), paragraph K is of concern, as a district board of directors does not authorize the district but rather acts on behalf of the district.
- Under Article VII (p. 4-13), paragraph T will need to be replaced with reference to the content of Synod Bylaw 1.5.7ff. governing the removal of board members of agencies of the Synod.
- Under Article VIII (4-13), paragraph A requires clarification, both of its intended wording and its intended meaning.
- Under Article X (p. 4-14), a new paragraph C should be added with such wording as “C. Are presented for review to the Commission on Constitutional Matters of the Synod prior to consideration by a district convention.”

The commission, upon reviewing the district’s Corporate Operations Manual, offers the following comments and recommendations:

- Under “Elected Officers” (p. 4-19), the list of officers in section I does not include mention of the Treasurer of the district, an officer of the district required by the LCMS Constitution, Art. XII, paragraph 3.

- Under “Elected Officers” (p. 4-19), paragraph II A describing the use of the term “bishop” should at least insert the word “informally” after the word “used” in the first line; also, mention of “inter-church relations” as a function of the president of the district conflicts with Synod Bylaw 3.3.1.1.2 which gives responsibility for representing the Synod in official contacts with other church bodies to the president of the Synod or his representative.
- Under “Elected Officers” (p. 4-19), paragraph II E (*et al.*), the commission is unaware of the mentioned “Executive Handbook” and requests to receive a copy as part of its document review responsibilities.
- Under the “Executive Assistant to the President: Business and Finance and Treasurer” (p. 4-22), mention should be made that the Treasurer is an officer of the district (LCMS Constitution, Art. XIII 3).
- Under the “Executive Assistant to the President: Business and Finance and Treasurer” (p. 4-22), paragraph 2’s mention of the treasurer being “contracted” does not clearly reflect the use of the words “elected or appointed” in Synod Bylaw 4.3.2.
- Under the “Executive Assistant to the President: Vice-President—LCMS, English District” (p. 4-23), further clarification of/information regarding the document mentioned in parentheses (“LCEF, LCMS Position Document”) would be helpful.
- Under “Board of Directors” (p. 4-25), the commission has noted the mention of a “Board of Directors Manual” and requests a copy in order to carry out its responsibilities for reviewing all such documents of agencies of the Synod.
- Under “Committee for Stewardship” (p. 4-25), the word “Article” in the parenthetical *Handbook* reference should be replaced with “Bylaw section.”
- Under “District Archivist (p. 4-25), this section would be helped by calling attention to or incorporating content from Synod Bylaw 3.6.2.2.3 (2010 *Handbook*, p. 128) and related bylaws.
- On page 4-31, the manner of mentioning “Bishop” in the flow chart appears more pronounced than intended by past CCM opinions.
- On page 4-32 under “Membership,” paragraph a would be clarified by the insertion of “Canadian” before “congregations.”
- On page 4-34 under “Removal and Vacancy of a Director,” this section will need to be changed to reflect the new section in the Synod’s Bylaws governing the removal of board members (Bylaw 1.5.7ff., 2010 *Handbook*, pp. 36f.).

The commission thanks the English District for its cooperation and for providing its Bylaws and Corporate Operations Manual for review. A similar review of the district’s Articles of Incorporation will also be important. The commission asks that it be given opportunity to review any amendments proposed to the district convention as a result of this opinion, prior to their submission to the convention.

28. Minnesota North District Bylaw and Constitution Commission Minutes Review (10-2582)

Upon request of the commission, the secretary of the Minnesota North District provided a copy of the district’s Bylaws to facilitate its review of proposed bylaw amendments. Upon receipt and review of the entire handbook of the district, the commission offers the following comments and recommendations:

- Under Article II, Section 3, paragraph a of the Articles of Incorporation (p. 6), the word “qualified” is not defined and could be problematic. The commission recommends mirroring the language contained in Article III of the Synod’s Articles of Incorporation (2010 *Handbook*, p. 207).

- Under Article III, Section 3, paragraph a (p. 7), mention should be made of the descriptions of the duties of the president of the district found also in the Constitution (Art. XII) and Bylaws (section 4.4) of the Synod (*Handbook*, pp. 20f. and 192ff.).
- Under “The Constitution of the Minnesota North District” (p. 9), the paragraph should also include mention of Article XII 2 of the Synod’s Constitution (*Handbook*, p. 20).
- Under Bylaw 2.26 (p. 14), paragraph c will be clarified by the addition of “congregations of the” before the word “district” to make clear that individual communicant members of congregations are not members of the district or Synod.
- Under Bylaw 2.32 (p. 15), the language of the phrase “each pastor, teacher, and lay delegate” should be replaced with Synod *Handbook* terminology, *i.e.*, “each minister of religion—ordained, minister of religion—commissioned, and lay delegate.”
- Under Bylaw 2.36 (p. 15), both lists of advisory members (paragraph a) should also include “directors of family life ministry” after the mention of directors of Christian outreach.
- Under Bylaw 2.58 (p. 18), the parenthetical comments in paragraphs a and b do not properly reflect Synod Bylaw 4.3.1 which requires that these “officers shall be elected from the clergy roster of the Synod by each district.”
- Under Bylaw 2.58 (p. 18), paragraph c does not reflect new Synod Bylaw 5.2.2, which does not restrict service as circuit counselor only to pastors of congregations of the local circuit, leaving open the possibility, for example, that a retired pastor from a neighboring circuit could be nominated and elected as circuit counselor.
- Under Bylaw 2.58 (p. 18), bylaw references in paragraphs d (3.50) and e (3.48 h) are incorrect.
- Under Bylaw 2.64 (p. 19), the inclusion of “circuit counselor” in line b is incorrect, as the nominations process for circuit counselors does not involve the district nominating committee.
- Under Bylaw 2.66 (p. 20), the references to Bylaws 3.12.1.1ff. in paragraphs a and b and the reference to Bylaw 5.2.2.1 in paragraph e are not applicable.
- Under Bylaw 2.68 (p. 21), the reference to Bylaw 3.12.3 is not applicable.
- Under Bylaw 2.70 (p. 22), the specific mention of “teacher” in addition to advisory delegates fails to recognize that teachers, as ministers of religion—commissioned, already are advisory delegates.
- Under Bylaw 2.74 (p. 22), it is the district president who is responsible for the implementation of resolutions, implementation of the national Synod’s resolutions (Constitution, Art. XII 9 a; Bylaw 4.4.2 [a]) as well as the resolutions of his district (Bylaw 4.4.1 [a]).
- Under Bylaw 3.02, paragraph b (p. 22), mention should also be made of the Synod Constitution Art. XII in this bylaw’s discussion of the authority of the district executive officers.
- Under Bylaw 3.02, paragraph c (p. 23), mention should also be made of Synod Bylaw section 4.5 when addressing the power and functions of the district board of directors.
- Under Bylaw 3.04, paragraph a (p. 23), the Synod bylaw references should read 4.8.2 (b) and 5.1.2.
- Under Bylaw 3.04, paragraph b (p. 23), it is mistaken to speak of district conferences as serving as “electoral circuits.”
- Under Bylaw 3.06, paragraph a (p. 23), the term “conferences” should to be clarified in light of Synod Bylaw 4.8.2. “Conference” is a bylaw term for a particular kind of meeting, the term’s mention in district Bylaw 3.32 appearing to have more of a “region” connotation.

- Under Bylaw 3.06, paragraph b (p. 24), the plenary and any sectional conference do not need the consent of the district president or board of directors to conduct the business authorized by Synod Bylaw 4.8.3, *i.e.*, adopt and submit overtures to conventions.
- Under Bylaw 3.14 (p. 26), mention should also be made of Synod Bylaw section 4.8 governing the activities of conferences.
- Under Bylaw 3.20 (p. 26), the same concerns exist as described above under Bylaw 2.58 (see above).
- Under Bylaw 3.26 (pp. 27f.), Synod bylaw references should be checked in light of changes made in the 2010 *Handbook*.
- Under Bylaw 3.48 (p. 33), Synod Bylaw 4.1.1.2 makes clear that the Constitution and Bylaws of the Synod are to be applied also on the district level. Paragraph a of this bylaw would do well to reflect to a greater extent Synod Bylaw 4.5.1.
- Under Bylaw 3.50 (p. 35) and Bylaw section 5.00 (pp. 41ff), the use of the term “divisions” is terminology that the Synod’s *Handbook* uses only for districts, regions, or departments of faculties. The terminology used by the Synod to describe its various ministries and services is the word “department.”
- Under Bylaw 3.66 (p. 38), this section will need to be replaced with the content of new Synod Bylaws 1.5.7ff., which provide the process for removal of board members that is to be followed by all agencies of the Synod.
- Under Bylaw 5.10 (p. 43), the Synod bylaw reference in paragraph a will need to be changed to reference to the work of the Board for National Mission and the Office of National Mission under Synod Bylaw section 3.8.
- Under Bylaw 5.12 (p. 44), paragraph a does not adequately fulfill the requirement of Synod Bylaw 4.6.1 for a district “committee or board for stewardship.”
- Under Bylaw 6.06 (p. 46), the description of the responsibility of the Committee on Congregational Constitutions and District Membership in paragraph b should use the same language as contained in Synod Bylaw 2.2.1 (b).
- Under Bylaw 6.06 (p. 46), paragraph e, the existence of the guidelines provided by the Commission on Constitutional Matters of the Synod can also be noted.
- Under Bylaw section 7.00 (p. 47), provision 1 should also include mention of the Bylaws of the Synod as in Synod Constitution Art. XII 2 and Bylaw 4.1.1.2 (a).
- Under Bylaw section 7.00 (p. 47), a new provision 2 should be inserted indicating that review by the Commission on Constitutional Matters of the Synod is required prior to submission of proposed amendments to the district convention (Synod Bylaws 3.9.2.2.3; 3.9.2.2.3 [a]; 4.1.1.2 [b]).

The commission thanks the Minnesota North District for its cooperation and for providing its Articles of Incorporation and Bylaws for review. The commission asks that it be given opportunity to review any proposed amendments as a result of this opinion prior to their submission to the district’s convention.

29. Bylaw Section 1.10 Standard Operating Procedures Manual Revision

The commission carefully reviewed the final draft of the revision of the Bylaw section 1.10 *Standard Operating Procedures Manual* incorporating changes by the 2010 LCMS convention and additional improvements, this following consultation with the Secretary of the Synod and the Council of Presidents as required by Bylaw 1.10.18.1 (j). A final copy of the manual is attached to the protocol copy of these minutes.

30. Bylaw Section 2.14 Standard Operating Procedures Manual Revision

The commission carefully reviewed the final draft of the revision of the Bylaw section 2.14 *Standard Operating Procedures Manual* incorporating changes by the 2010 LCMS convention and additional improvements, this following consultation with the Secretary of the Synod and the concurrence of the Council of Presidents as required by Bylaw 2.14.9.3. A final copy of the manual is attached to the protocol copy of these minutes.

31. CUS Course Syllabus Approval Process (10-2587)

In a December 16, 2010 e-mailed letter, a member of a faculty of one of the Synod's universities described a proposal before his faculty, as follows:

Currently there is a proposal in front of the plenary faculty which will change the oversight and process for the approval of individual course syllabi. [Currently, the process for review and approval includes the individual departments (from which the syllabus originated), the school dean, the Faculty Curriculum Committee, and the plenary faculty.] The proposal calls for the review and approval process to be limited to the departments, school deans, and academic office. Furthermore, the proposal allows for school deans to create curriculum review committees within the individual schools and the proposed syllabus be posted for review and comment by the entire faculty.

The proposal for change of the syllabus approval process arose from the concern of the Faculty Curriculum Committee that most members of the committee could no longer evaluate the individual course syllabi as most syllabi content fell out of the committee members' areas of expertise. Additionally, the schools which have external professional accrediting agencies, e.g. School of Pharmacy, School of Health Sciences, School of Education require additional elements not currently required by the faculty handbook. Thus, the Faculty Curriculum Committee recommended limiting the review and approval process to the schools.

During preliminary discussion, one issue of concern which was raised was whether the proposal to change the course syllabi approval process violated the Synod's *Handbook* which bestowed curricula development and implementation onto the faculty, e.g. the plenary faculty (see 3.8.3.8.10).

Having provided that background, the writer inquired as follows;

Question 1: Would the proposal to change the course syllabus approval process, limiting it to the individual schools while allowing for plenary faculty review and comment but no plenary faculty approval, violate the Synod's *Handbook*?

Opinion: No. Synod Bylaw 3.10.5.6.10 (d) [formerly 2007 Bylaw 3.8.3.8.10 (d)] does require that each faculty develop and construct curricula implementing the recognized and established purposes of the institution and designed to obtain the objectives of preparation for professional church workers and other Christian leaders approved by the Synod. This requirement places responsibility on the entire faculty for the development and construction of curricula to meet the goals and objectives established by the Synod in founding these educational institutions.

With respect to approval of an individual course syllabus, however, the Bylaws do not require the entire faculty's involvement. A syllabus provides an outline and timeline for a particular course. It may give a brief overview of the course objectives, expectations, reading assignments, and exam dates. Curriculum, on the other hand, describes a general focus of study, consisting of multiple individual courses all designed to reach particular competency or qualification. The Bylaws prescribed that in Synod schools, the faculty is responsible to develop and construct this focus of study consistent with the goals and objectives established by the Synod. Nothing in the Bylaws of the Synod requires that entire faculties review and approve each individual course syllabus.

Question 2: More generally, in matters of curriculum, how much flexibility does the Synod's *Handbook* provide the faculty in constructing review and approval processes in matters pertaining to curriculum? In short, do all curriculum matters require the review and approval of the plenary faculty or can the plenary faculty delegate review and approval oversight to duly constituted faculty sub-groups, e.g. the faculty of a particular school?

Opinion: As described above, the faculty of each Synod school is responsible to assure that its curriculum is designed to "obtain the objectives of preparation for professional church workers and other Christian leaders as approved by the Synod" (Bylaw 3.10.5.6.10 [d]). While the plenary faculty may delegate review, approval, and oversight of portions of the overall curriculum of an institution to a duly constituted faculty subgroup, such as faculty of a particular school, the plenary faculty must retain such review and control as is necessary to be able to fulfill its responsibility to see to it that the institution as a whole develops and constructs a curriculum consistent with the bylaw.

(Adopted February 20, 2011)

32. Pending Business

The commission continued to retain the following items of business for inclusion on future agendas of its meetings:

- Concordia Historical Institute Policy Manual (08-2523) – Secretary Hartwig will remind the Board of Governors of Concordia Historical Institute of this pending matter.
- Oklahoma District Bylaws (08-2536) – Secretary Hartwig will remind the district president of the Oklahoma District of this pending matter.
- Article VI and Heterodox Congregations (09-2544) – The commission continues to await further response from the Commission on Theology and Church Relations.
- North Dakota District Bylaws (09-2549) – Secretary Hartwig will remind the district president of the North Dakota District of this pending matter.
- Concordia University Ann Arbor Bylaws (09-2552) – Secretary Hartwig will provide a copy of new Bylaw 1.5.7 governing removal of board members to Concordia Ann Arbor's Board of Regents.

33. Other Business

The commission addressed the following matters of concern or interest:

- Commission on Handbook: Secretary Hartwig reported that the final steps of the appointment process are underway, this matter to go to the Council of Presidents during its meeting the week following.

- Bylaw 3.9.2.2.3: With the approach of district conventions in 2012 and the likelihood of districts requiring changes to their Bylaws due to the extensive changes in the 2010 *Handbook*, the commission discussed the need to alert districts via letter of the bylaw requirement that all proposed changes to district bylaws are required to be submitted to the Commission on Constitutional Matters for review and approval prior to convention action.
- Opinion 10-2581: The commission heard a brief report from Wilbert Sohns and Secretary Hartwig regarding responses to this opinion and civil court depositions they provided in its regard.
- Historic Records: It was noted that the electronic collection of historic records used by the commission for research in doing its business has been requested to be updated.
- Conflict of Interest Matter: George Gude shared with the commission that he also serves as a hearing facilitator for the dispute resolution and expulsion processes of the Synod.
- Signatures: The commission noted the need to sign annual conflict of interest and other statements of the Synod.

34. Future Meeting Date and Adjournment

The commission discussed available dates for its next meeting, to be held May 7–8, 2011, in St. Louis. With no further time remaining, the meeting was adjourned with words of benediction by Philip Esala.

Raymond L. Hartwig, *Secretary*